

Legislative History for Connecticut Act

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HOUSE

PROCEEDINGS  
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pt

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House of Representatives

Wednesday, May 6, 1987

CLERK:

Continuing with the Call of the Calendar, Page 11, Calendar 539, Substitute for Senate Bill 441, AN ACT CONCERNING THE ZONING OF CHILD DAY CARE FACILITIES. Favorable Report of the Committee on Planning and Development.

SPEAKER STOLBERG:

Rep. Gelsi.

REP. GELSI: (58th)

Mr. Speaker.

SPEAKER STOLBERG:

Rep. Gelsi.

REP. GELSI: (58th)

Mr. Speaker, I move acceptance of the Joint Committee's Favorable Report and passage of the bill in concurrence with the Senate.

SPEAKER STOLBERG:

Will you remark?

REP. GELSI: (58th)

Yes, Mr. Speaker. What this bill would do is that it would not allow municipalities through their planning and zoning regulations to prohibit operations of any family day care home or group day care home.

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The problems that we found in the state is that the majority of these classes of day care centers presently are underground, where we have no control of what's happening and no inspections to protect the young children in these homes.

We have some companion bills that are going to raise the amount of money that the state is allowing people to pay for their services while they're in licensed homes. We're finding that there's an extreme need for day care for single family parents and/or for two parents that are working.

I would hope that the members of this Chamber would support the bill.

SPEAKER STOLBERG:

Will you remark further?

REP. FARR: (19th)

Mr. Speaker.

SPEAKER STOLBERG:

Rep. Farr.

REP. FARR: (19th)

Mr. Speaker, the Clerk has an amendment. Will the Clerk please call and read LCO 6358.

SPEAKER STOLBERG:

The Clerk has an amendment, LCO 6358 designated

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House "A". Will the Clerk please call and read.

CLERK:

LCO 6358 designated House Schedule "A" offered  
by Reps. Meyer and Farr.

In line 79, after the first word home, delete  
the words or group care homes.

REP. FARR: (19th)

Mr. Speaker.

SPEAKER STOLBERG:

Rep. Farr.

REP. FARR: (19th)

I move adoption of the amendment.

SPEAKER STOLBERG:

Will you remark?

REP. FARR: (19th)

Yes. Mr. Speaker, I strongly support the  
underlying bill here, but I do think, and I raised this  
issue in committee that the bill should not include  
group day care homes.

I think you should be aware of what the distinction  
is. Family day care homes are facilities that have up to  
six children and when a family day care basically is

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normally an individual who brings children into her home. Oftentimes, she has children of her own, and it does not mean much of a change in terms of the use of the home.

A group day care home, however, goes up to 12, and a group day care home includes the hiring of an additional person. So what you're talking about now, you're changing the complexion of the use. You're talking about bringing in an employee, getting 12 children instead of six children.

And the bill as proposed would say that if you had a residential zone, you couldn't prohibit somebody from putting in a group day care.

The difference in terms of the impact of passing this bill, I don't believe would be significant. I think the House should be aware of the fact that at the present time in the state, there are 3,399 family day care homes and only 79 group day care facilities. So the group day care facility is not used very often right now. There are very few of them, and I don't think it's because of zoning, I think because of some of the economics that they're not particularly used.

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But I do urge you to support passage of this particular amendment. I point out to the Body. West Hartford recently went through the process of examining their zoning regulations concerning day care, and in fact came down to the same conclusion. They now allow the family day care home in any residential zone. All they require is a permit, a health inspection. They don't allow the group day care home unless you actually go through and get the permit, get permission by going through a ZBA process.

I think this is consistent with what we're trying to do in this law, it does protect the zoning in local communities and I would urge passage of the amendment.

REP. GELSI: (58th)

Mr. Speaker.

SPEAKER STOLBERG:

Rep. Gelsi.

REP. GELSI: (58th)

Mr. Speaker, I urge rejection of the amendment. And if my memory serves me well, what Mr. Farr objected to, Rep. Farr objected to in committee was day care centers, which could have up to 35, 40 or 60 children and we readily removed that from the bill.

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The bill before you is the bill that came out of the committee, Select Committee on Family and the work place. It went through Planning and Development and here to the floor.

I've gone through all the research. In fact, was asked for by Rep. Van Norstrand as far back as 1983 on building codes, what kind of requirements for day care home and day care group homes, and there are absolutely no building codes that are exact on how they should be, how these homes should be built. They are exactly how any home in a residential area is built.

Most communities, especially the larger communities presently allow these homes to go into those areas. If there's anyone in this Chamber that normally stayed up and fought for home rule, especially in the are and zoning I think it has been I.

I don't think this kind of an exclusion is going to hurt any municipality. Those children don't stay there overnight. They don't stay there over weekends. And unless you take a day off from work, you wouldn't even know it was being done in your area.

There's a need to put this children. We're °

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either going to put them in places where people are going to have the courage to get licensed so that we know where they're at, or we're going to keep them underground and I think to keep the underground is going to be a shame and the first time that something goes wrong in one of those unlicensed homes, I can tell you what the screaming in this Chamber is going to be. We got to get them licensed and we got to regulate them.

Well, this is the first step that you better take if that's what you want to do. We've got to get them from being underground. We've got to get them out in the open and we've got to provide the services to the citizens of this state. Thank you, Mr. Speaker.

SPEAKER STOLBERG:

Will you remark further? Rep. Meyer.

REP. MEYER: (135th)

Thank you, Mr. Speaker. I support this amendment. I know that in many of our communities and residential areas, people have small home businesses. I think this is good. One of those home businesses have been the family day care.

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This is a group of six children or less. If you remember last week, we expanded this to include three extra children who were of school age who would not be there all day so that in essence, there is someone who is responsible before and after school for three additional children. This is up to nine children.

You have to remember that this is legislation that deals with residential areas. One of the reasons that they have severely limited home businesses so that you cannot bring in a lot of people from outside to work in your home, has been to keep the residential character of your neighborhoods.

Now, if you keep expanding the number of children that you can have in day care, I feel that you are going to really put a strain on the people living in that particular area. I have always been, I am now, a strong supporter of day care. I have stood up here and asked for help to create centers for children by giving tax incentives to businesses and so forth.

But I am telling you, this is not going to solve the problem you really wish to solve. It is going to raise a great many more. So let us be content with having our family day care centers and not trying to get

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a large group in those residential areas. I urge you to support the amendment.

SPEAKER STOLBERG:

Will you remark further on the amendment? Rep. Jaekle.

REP. JAEKLE: (122nd)

Mr. Speaker, I'll yield to Rep. Nystrom, please.

SPEAKER STOLBERG:

Rep. Nystrom, do you accept the yield?

REP. NYSTROM: (46th)

Yes, I do, Mr. Speaker. Thank you. Through you, Mr. Speaker, a question to Rep. Gelsi.

SPEAKER STOLBERG:

Please frame your question.

REP. NYSTROM: (46th)

Thank you, Mr. Speaker. Rep. Gelsi, could you tell us what the position was from the Department of Health Services in regards to including group day care homes in this legislation. Through you, Mr. Speaker.

SPEAKER STOLBERG:

Rep. Gelsi.

REP. GELSI: (58th)

Mr. Speaker, through you, sir.

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SPEAKER STOLBERG:

Proceed.

REP. GELSI: (58th)

Absolutely no objection to this legislation by anyone, including the agencies.

REP. NYSTROM: (46th)

Thank you, Mr. Speaker. Through you, again, and I did attend part of that hearing by the way, but I'm sorry I can't recall everything that was stated.

Was there any statement from any municipality in regards to this legislation, through you, Mr. Speaker.

SPEAKER STOLBERG:

Rep. Gelsi.

REP. GELSI: (58th)

Through you, sir, there was, CCM did not testify against the bill if that's your primary concern. No chief executive officer of any municipality in the State of Connecticut, no member of their councils, first selectmen or anyone spoke against that bill. And by the way, that bill at the public hearing included day care centers which would have allowed 35, 40 or 50 children.

REP. NYSTROM: (46th)

Thank you, Mr. Speaker.

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SPEAKER STOLBERG:

Rep. Jaekle, you have the floor.

REP. JAEKLE: (122nd)

Thank you, Mr. Speaker. I rise in support of the amendment and I know that a lot of the effort of this General Assembly this year is going to promote day care in this state. I think that's a laudible goal, a worthwhile purpose.

I guess I don't even understand why some of this debate is turning a little into Republican and Democrat. It really shouldn't. I'm really rising in support of this and want everyone to really be aware how this could impact your neighborhood, your homes, maybe more importantly, your constituents homes.

Now the bill, if this amendment were to pass, would say that your local zoning authorities couldn't prohibit family day care centers. That is still a step toward promoting day care in this state. And small day care operations, up to six children.

But if this amendment doesn't pass, your town would not be able to prohibit in purely residential zones, the operation of group day care homes. Now that could mean

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that your next door neighbor or any one of your constituents' next door neighbors, whether they live on acre lots, quarter acre lots, 50 x 100 lots, or 25 x 100 lots, maybe even whether they live in an apartment house if the apartment is in a residential zone, multi-family residence. So whether somebody who lives next door to somebody in a duplex, whether 12 children daily could be brought into that home, the next door neighbor's house, whether you're near or far or overhead, conceivably in an apartment complex, whether generated in that neighborhood on that row, right next door to somebody's house, 12 cars rolling up in the morning to let off children and then 12 cars at the end of the day, and if you don't vote for this amendment, you're saying that your town's zoning authority could not really regulate that kind of use in a purely residential zone, where any of your constituents may have purchased houses relying on their belief that there would not be business activity, because now we're getting into business activity.

Twelve cars a day and it could happen in a lot of houses on your street. That could be a lot of business activity. And when they bought their homes, they may have had no idea that anything like that could happen, or at

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least that they'd have a say on whether that would be allowed to happen in their neighborhood because they could go to a hearing of the local zoning board and explain that the road's too narrow, there's no sidewalks, how dense the homes are, what the traffic load is.

You're saying they're going to have no say at the local government level, whether that use would be permitted or not because the State of Connecticut is going to say, it must be permitted.

Well, I'm supporting the amendment which says, we'll allow the zoning authorities to decide whether twelve children or more, even the group day care centers, would be allowed in residential zones or not. But I don't want to take away their power when that use exceeds six children.

At some point you draw the line of what is minimal. Business activity in a residential neighborhood, and what is more than that? I'm pretty comfortable at drawing the line at six. Six cars in the morning. Six cars at the end of the day. It's pretty minimal. You start getting up to a dozen. I think you've crossed that line. That's why I'm supporting the amendment, and if you want your town to have the authority to make that same decision,

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and to hear your constituents either complaints, or support for such activity in their residential neighborhoods, please vote yes.

In fact, Mr. Speaker, I'd like to ask when the vote is taken on this amendment it be taken by roll call please.

SPEAKER STOLBERG:

The request is for a roll call vote on House Amendment Schedule "A". All those in favor of a roll call please indicate by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER STOLBERG:

An adequate number is arrived at. The vote will be taken by roll. Will you remark further?

REP. TABORSAK: (109th)

Mr. Speaker.

SPEAKER STOLBERG:

Rep. Taborsak.

REP. TABORSAK: (109th)

Mr. Speaker, I rise to oppose the amendment and I want to make very sure that members understand that this bill would tell communities they can't zone out family day care homes and group day care homes. We're not talking

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about facilities. This is child care, licensed child care offered by individuals in their own homes, houses, dwellings, residences, in residential neighborhoods. Twelve children, yes, that's the top capacity of a family, a group day care home, and no more than twelve.

And yes, the state requires that two individuals be on that permits to care for those twelve children. Almost like the natural arrangement that occurs in real life, a mother and a father, except in this case, it's two licensed providers.

We need this protection so we can offer day care that is desperately needed in this state and to answer the need for licensed day care.

And I'm sort of discouraged in hearing this talk about attitude where this General Assembly may be remembered as the General Assembly to hate kids. Last week we sent them off to work in grocery stores at age 15, and now we're saying not in my residential neighborhood, in my home, should you have children.

Where are we sending the children of the State of Connecticut?

REP. VAN NORSTRAND: (141st)

Mr. Speaker.

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SPEAKER STOLBERG:

Will you remark further? Rep. Van Norstrand.

REP. VAN NORSTRAND: (141st)

Thank you, Mr. Speaker, a question through you to the proponent. As I read this language it says you cannot have zoning regulations, this is in the file but it's affected by this amendment, to prohibit the operation of the two classes of day care facilities.

Through you, Rep. Gelsi, is that your understanding or is it not, could a planning and zoning, or a zoning commission promulgate regulations that did not prohibit such facilities, but did in fact pose certain conditions for the approval of them in the nature of a special permit or otherwise.

SPEAKER STOLBERG:

Rep. Gelsi.

REP. GELSI: (58th)

Through you, Mr. Speaker, the language of this states that no such regulation shall prohibit the operation of any family day care or group home in a residential zone. Shall not prohibit.

REP. VAN NORSTRAND: (141st)

Thank you, sir. Well I hope Rep. Gelsi's answer

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is correct because I hope it means that yes, we cannot prohibit them, but we can impose certain conditions or require a special permit or a special exception as they're called in various communities. The reason I say that is, if you don't pass this amendment, you're talking about the regular inhabitants of a dwelling, you're talking about up to twelve kids, and it could be as was mentioned earlier, not likely, a 50 x 100, but it certainly could be a quarter or half acre lot that has a septic system.

You could make a joke out of that public health code if you permit this thing, if they're not at least able to do what the other part of this statute says, which is protect the public health.

SPEAKER STOLBERG:

Will you remark further on House "A". If not, will members please be seated. Staff and guests to the well of the House. The machine will be opened.

clerk:

The House of Representatives is voting by roll call. Members to the Chamber. The House of Representatives is presently voting by roll. Members to the Chamber.

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SPEAKER STOLBERG:

Have all the members voted? Have all the members voted and is your vote properly recorded? If all the members have voted, the machine will be locked and the Clerk will take a tally.

Rep. Norton.

REP. NORTON: (48th)

I would like to be recorded in the negative.

SPEAKER STOLBERG:

Rep. Norton of the 48th in the negative.

The Clerk please announce the tally.

CLERK:

House Amendment "A" to Senate Bill 441.

Total number voting 133

Necessary for adoption 67

Those voting yea 64

Those voting nay 69

Those absent and not voting 18

SPEAKER STOLBERG:

The amendment is defeated.

Will you remark further on the bill? Will you remark further? Rep. Nystrom.

REP. NYSTROM: (46th)

Thank you, Mr. Speaker. I could pose, through

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you, further questions to the proponent of the bill,  
please.

SPEAKER STOLBERG:

Please frame your first question, sir.

REP. NYSTROM: (46th)

Thank you, Mr. Speaker, I'd like to expand through you, something that Rep. Van Norstrand pointed out. The language says that you shall not prohibit the existence of a facility and I believe your response was that did not mean that they couldn't regulate on the local level. Is that correct, through you, Mr. Speaker.

SPEAKER STOLBERG:

Rep. Gelsi.

REP. GELSI: (58th)

Through you, Mr. Speaker, the part of the bill that's being changed where it prohibits does not say anything about regulations. They just cannot prohibit the operation.

REP. NYSTROM: (46th)

Thank you. Through you, Mr. Speaker, in the City of Norwich they passed an ordinance several months ago and it provided that in the City Charter they could have family day care homes in residential areas. They

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excluded in that ordinance, group day care homes in residential areas. We are now placing in statute, that they cannot do that. Is it your opinion then, through you, Mr. Speaker, that that part of the city charter is now invalid?

SPEAKER STOLBERG:

Rep. Gelsi.

REP. GELSI: (58th)

Is that the charter I believe the state statutes supercede.

REP. NYSTROM: (46th)

Thank you, Mr. Speaker. In that process in the local ordinance passed in Norwich again, they are treated like any other cause that goes before the local zoning board seeking a variance. There's a \$50 fee charge. This bill does not prohibit the town from charging that \$50 fee, through you, Mr. Speaker, if that is the way they regulate the existence which they allow.

REP. GELSI: (58th)

No, it does not .

SPEAKER STOLBERG:

Rep. Gelsi.

REP. GELSI: (58th)

Through you, Mr. Speaker, no it does not.

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REP. NYSTROM: (46th)

Thank you, through you, Mr. Speaker, in the City of New London they have similar ordinances on a local level and they've charged the individual \$150 and by your answer to the previous question, I would assume, through you, Mr. Speaker, that that is not being prohibited either by this action. Is that correct, through you, Mr. Speaker.

SPEAKER STOLBERG:

Rep. Gelsi.

REP. GELSI: (58th)

Through you, Mr. Speaker, that's correct.

REP. NYSTROM: (46th)

Thank you, Mr. Speaker. The reason I raise that point about the financial end of it is, I did testify in favor of this bill when the Committee on the Workplace held its public hearing here in this Hall. And I raise that point because I think it affects towns who do not wish to have to comply with this new law, I think there is a means that they're going to be able to get out of it and it's the one I've just pointed out. If they raise the cost so much for starting up through the local regulations which this law is not prohibiting, I think in effect they're going to price these people

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right out of the desire to begin the family day care,  
or group day care home.

And I think that is a problem. We are trying to encourage more day care and we are trying to get the underground day care to the proper system, either registered or licensed and I am going to vote for this bill, but I think we're not looking at the whole program that's out there. Towns will still have the loophole if they so wish to take it, to see that they're not affected by this. Thank you, Mr. Speaker.

SPEAKER STOLBERG:

Will you remark further? Rep. Farr.

REP. FARR: (19th)

Mr. Speaker, I'm going to vote in favor of this bill. I could have been voting very enthusiastically in favor of it had the previous amendment passed.

But I just wanted to point out to the Chamber that although I don't like the fact that we overrule the local zoning concerning group day care homes, that as a practical matter, the economics will probably to a large extent mitigate against any group day care homes anyway.

For the benefit of the Chamber, a group day care

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home allows up to twelve people, allows, requires another individual to be employed in your home.

For most individuals who want to run day care, when you try to get license for group day care homes, you find that it becomes cumbersome to do that. You have to meet certain square foot requirements concerning the size of the facilities in your home. You have to find somebody else that's going to actually be licensed that you can depend upon to show up every day at your home. So as a practical matter, most people don't even apply for group day care homes. And while we have some 3,400 licensed family day care homes in the state, we only have 80 group day care homes and that's because of the economics of it.

So while I don't like the fact that we've overridden local zoning concerning that particular type of day care facility, I think the bottom line on this particular bill is that primarily what it will do is it will say that we will in fact allow family day care homes in any residential zone without allowing a particular municipality from prohibiting that by zoning. And I think that impact will be significant. I think therefore, the benefits to this bill far outweigh

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any concerns I have about the negative part of it, and I would hope maybe the other Chamber in this process would also look at the issue of group day care homes and I would urge passage of the bill.

SPEAKER STOLBERG:

Will you remark further on the bill? Rep. Gyle.

REP. GYLE: (108th)

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

SPEAKER STOLBERG:

Please frame your question, madam.

REP. GYLE: (108th)

Rep. Gelsi, I am concerned about my district which has a lot of septic systems. I should say first off that I am in favor of this bill and I think it's very necessary. But my problem is now that we have included the group day care homes, what happens when we have specific regulations which require so many bathrooms or so much leeching field for septic systems, depending upon how many people are involved in the house during the day because you know how little kids go to the bathroom forever, and I'm really concerned that this might have an impact as was said before on the public health issue.

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SPEAKER STOLBERG:

Rep. Gelsi.

REP. GELSI: (58th)

Mr. Speaker, through you, sir. Number one, you'd have to get a license through the Human Service Department and I don't think they would allow you to set up a condition that would be against the health of children.

Number two, nothing in the bill precludes your public health officer from shutting down any operation in your town and I would hope, including the day care center.

REP. GYLE: (108th)

Thank you, Mr. Speaker. I would just say that I am in favor of this bill. It really is necessary. There are people who use the excuse that they moved into a residential neighborhood and therefore they didn't expect to have business activity going on. I think one of our primary businesses in this country is the business of raising children, and the better we do it, the better they will turn out. And I think it's important that we address the needs that have been shown, and hopefully this will help a little bit.

I still have reservations about the numbers of

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children that are allowed but I will vote for the bill.

REP. ADAMO: (116th)

Mr. Speaker. Mr. Speaker.

SPEAKER STOLBERG:

Rep. Adamo.

REP. ADAMO: (116th)

Thank you very much, Mr. Speaker. Mr. Speaker, I had the distinct honor of presenting to a group of business people just two weekends ago, the entire family workplace package of bills that's coming forward through our Legislature. This happens to be one of those bills.

And one of the major factors that motivated the workshops and the hearings that we've attended was the fact that one of the largest groups coming into the work force over the next five years will be women. And they will be women who are of child bearing age or in fact have children.

And this bill simply removes an obstacle, to finally help us provide those potential employees with child care facilities.

I, too, have difficulty as you do in meddling in town and city zoning problems, or zoning questions, but I think the far-reaching needs of this legislation

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clearly outweigh that and I urge your support for the bill.

SPEAKER STOLBERG:

Will you remark further on the bill? Rep. Meyer.

REP. MEYER: (135th)

Thank you, Mr. Speaker. It makes me very sad to have to get up and say this. As you know, I have through the years been one who has defended local control and less state interference in what the local communities do.

Because I have also been one who has been concerned with jobs, with getting a good work force. As a woman who knows the problems women have, I think I was willing to go along with family day care centers because these are the kinds of small businesses that many of us have seen in our neighborhoods, in our homes.

However, when you go beyond family day care homes, and start going into what I consider a business operation, I think we have gone a step too far. What is to prevent us next year for saying, well if you can bring in 12 children, plus staff to take care of them, next year how are you going to deny the person who has a small business in their home and wishes to bring in six or eight or ten people to say, man telephones in their home,

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so that eventually you will be whittling away at what all of us consider residential neighborhoods. And I would like to remind all of you that probably the biggest purchase that every one of our constituents makes is when they buy their own home, and most of your people are buying these homes in residential areas where they feel that they will be protected from any true business development.

We all realize that there are lots of small home industries and this is what the family homes are. I hate to say this, but I think that this is an overkill bill. I think we have lots of other ways to go to accomplish the same purposes. And I think if our basic philosophy is to serve our constituents, protect their investments and their homes, and to protect our local control, that we should vote this bill down and try to find another place to accomplish what I had hoped could be accomplished in this bill.

SPEAKER STOLBERG:

Will you remark further on the bill? Will you remark further? Rep. Nania.

REP. NANIA: (63rd)

Thank you, Mr. Speaker. Very briefly, although

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I agree with just about everything that the former speaker said, there isn't however, another vehicle before us. I think we have a need now. I think this answers the need now. I don't think there is a higher, better use for real estate than the training and educating and the car of the young, and I strongly urge my colleagues to support this bill.

SPEAKER STOLBERG:

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

CLERK:

The House of Representatives is presently voting by roll call. Members kindly report to the Chamber.

The House of Representatives is voting by roll. Members to the Chamber.

SPEAKER STOLBERG:

Have all the members voted? 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.

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CLERK:

Senate Bill 441 in concurrence.

Total number voting 133

Necessary for passage 67

Those voting yea 109

Those voting nay 24

Those absent and not voting 18

SPEAKER STOLBERG:

The bill is passed.

Are there announcements or points of personal privilege at this time? Rep. Zajac.

REP. ZAJAC: (83rd)

Mr. Speaker, for a Journal notation, that Rep. T. J. Casey left later this afternoon to join his colleagues in Washington, is out of state on NCSL business.

SPEAKER STOLBERG:

The Journal will note that Rep. Casey is out of state on legislative business.

Further announcements or points of personal privilege? Rep. Mordasky.

REP. MORDASKY: (52nd)

Thank you, sir. Will the Journal please note that

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Technical Session  
March 19, 1987

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Establishing On-Site Day Care Facilities.

Referred to Human Services

Family & the Workplace - Substitute Senate Bill 441. An Act  
Concerning the Zoning of Child Care Facilities.

Referred to Planning & Development

Family & the Workplace - Senate Bill 443. An Act Concerning  
Assessment and Reporting of Child Day Care Needs and Services by  
Regulated Business and Industries.

Referred to Human Services

Family & the Workplace - Substitute Senate Bill 444. An Act  
Increasing the Total of all Tax Credits Allowable for  
Expenditures to Establish Day Care Facilities and Creating a  
Technical Assistance Project.

Referred to Human Services

Labor & Public Employees - Senate Bill 565. An Act Concerning a  
Study of Hazardous Industrial Paints.

Referred to Appropriations

Labor & Public Employees - Senate Bill 981. An Act Creating the  
Position of Executive Assistant to the Chairman of the Commission  
on Hospitals and Health Care.

Referred to Appropriations

BUSINESS FROM THE HOUSE:

HOUSE BILLS FAVORABLY REPORTED

S-266

CONNECTICUT  
GEN. ASSEMBLY  
SENATE

PROCEEDINGS  
1987

VOL. 30  
PART 5  
1524-1920

WEDNESDAY  
APRIL 29, 1987

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next item.

THE CLERK:

Calendar 388, File 547, Substitute for Senate Bill  
441, AN ACT CONCERNING THE ZONING OF CHILD DAY CARE  
FACILITIES, Favorable Report of the Committee on Planning  
and Development.

THE CHAIR:

Senator Barrows.

SENATOR BARROWS:

Mr. President, I move for acceptance of the Joint  
Committee's Favorable Report and move for its adoption.

THE CHAIR:

You may proceed.

SENATOR BARROWS:

This Bill would prohibit municipal zoning commis-  
sions from issuing regulations prohibition of group day  
care homes or family day care homes in residential areas.  
It came out of the family and workplace unanimously with  
8 to 0 and also came through Planning and Development  
Joint Favorable Report.

THE CHAIR:

Will you remark further Senator? Care to place  
it on the--

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SENATOR BARROWS:

Mr. President, could I have it placed on the Consent  
Calendar?

THE CHAIR:

Without objection so ordered.

SENATOR BARROWS:

Thank you.

THE CHAIR:

Clerk please call the next item.

THE CLERK:

Calendar page 14, Calendar 391, File 365 and 579,  
Substitute for House Bill 7277, AN ACT AUTHORIZING THE  
HAZARDOUS WASTE MANAGEMENT SERVICE TO ACCEPT FEDERAL  
FUNDS AND OTHER FINANCIAL ASSISTANCE AND TO PROVIDE  
FINANCIAL ASSISTANCE FOR HAZARDOUS WASTE MANAGEMENT As  
amended by House Amendments, Schedules A and B, Favorable  
Report of the Committee on Environment.

THE CHAIR:

Senator Meotti.

SENATOR MEOTTI:

Mr. President, I move the acceptance of the Joint  
Committee's Favorable Report and passage of the Bill in  
accordance with the House.

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Bills we've accumulated. If the Senators would remain in the chamber while the Clerk calls the Consent Calendar and make the call for those. I believe everyone is in but if you'd make the call for an immediate Roll Call on the Consent Calendar.

THE CLERK:

Immediate Roll Call has been ordered in the Senate on the Consent Calendar. Will all Senators please return to the chamber. An immediate Roll Call has been ordered on the Consent Calendar. Will all Senators please return to the chamber.

THE CHAIR:

Clerk will please read the items on the Consent Calendar.

THE CLERK:

Calendar page 11, Calendar 371, House Bill 5949; Calendar 373, Substitute for House Bill 7463; Calendar 375, Substitute for House Bill 7483; Calendar page 12, Calendar 379, Senate Bill 805; Calendar 380, Substitute for Senate Bill 928. Calendar page 13, Calendar 385, Senate Bill 1193; Calendar 388, Substitute for Senate Bill 441. Calendar page 13, correction, Calendar page 14, Calendar 391, Substitute for House Bill 7277;

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Calendar page 15, Calendar 395, Substitute for House Bill 6570; Calendar 398, Substitute for House Bill 7387.

Calendar page 16, Calendar 405, House Bill 7348 and that's it.

THE CHAIR:

Any omissions or corrections? The machine is open. Please cast your vote on the Consent Calendar. The machine is closed. Clerk please tally the vote.

The result of the vote:

34 YEA

0 NAY

The Consent Calendar is adopted. Senator Avallone.

SENATOR AVALLONE:

Yes Mr. President. I was out of the chamber when Calendar 384 was voted upon. May I be recorded in the affirmative?

THE CHAIR:

Clerk will please note.

THE CLERK:

Calendar page 17, Calendar 407, File 53 and 288, Substitute for House Bill 5288, AN ACT CONCERNING LABOR DISPUTES IN HEALTH CARE INSTITUTIONS, Favorable Report of the Committee on Public Health.

JOINT  
STANDING  
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FAMILY  
& THE  
WORKPLACE  
1-97

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INDEX

MS. SIMON: (continued)

Family Agenda that you have before you today being to do just that.

Very importantly, this package includes initiatives which place the state in the role of model employer by promoting flextime, parental and medical leave and establishing on-site day care for its employees. We must take these steps first if we expect the business world to follow.

Other initiatives that are particularly complimentary to the Commission on Children's priority focus on early childhood issues and quality child care that is by definition inclusive of parenting include House Bill 6088, an act concerning day care and drop-in centers for teenage mothers and their children, House Bill 6356, an act establishing a pilot program for before and after school programs, House Bill 6357, an act concerning reimbursement for transportation to and from child day care programs and Senate Bill 441, an act concerning the zoning of child day care facilities.

In regard to proposed legislation aimed at improving the adequacy of prenatal and primary health care for children, Senate Bills 422, 430, 433 and 440 are of great importance. In a recent survey prepared by the Children's Defense Fund, Connecticut ranked fourth worst among 28 states surveyed for their neonatal mortality among blacks. We, clearly, have a long way to go in this regard.

Finally, I would also like to note that the economic self-sufficiency portion of the Work and Family Agenda of which Senate Bills 414, 416 and 417 are a part, is an important adjunct to strategies for overall welfare reform that are currently being proposed at the Federal level by many bipartisan groups, including the National Council of State Human Services Administrators, chaired by our own Commissioner Stephen Heintz.

In concluding, I would like to reemphasize the importance of this entire package of bills to the growth and development of our children.

REP. OSLER: (continued)

I know it's very expensive to establish a new proper day care center, so I want to be sure we look at all the options.

MS. HAMM: Thank you.

SEN. ATKIN: Further questions? Thank you. The last speaker for now for legislative and agency heads is Representative Nystrom and then we'll immediately go into the public portion of the hearing. Representative Nystrom.

REP. NYSTROM: Thank you Senator Atkin, members of the Committee. I'm here to speak this afternoon on Senate Bill 441 which is regarding the zoning of child day care facilities. Briefly, new regulations were adopted and implemented last year which now require day care providers to comply with local zoning requirements, and as such the day care providers were notified of that change. The municipalities were notified of that change, and lo and behold municipalities now determine that they are going to set requirements for the providers.

First of all I want to say that I am here to speak in support of this measure, however I would like to recommend a few changes. There's an area that would not be in a sense protected by this new law and that is fees that municipalities charge for people to apply for local zoning approval. As an example in the city of New London, a new day care provider has to pay \$200 fee to apply to be approved for a local zoning variance or exemption however they do it in New London. In the city of Norwich in which the fee was \$25 it is now gone up to \$50. In a sense, municipality could price a person right out of the intent of opening up a day care facility. Uh, I think that might be addressed more properly here.

Another concern I have is that the language in Line 73½ calls for provisions for residential zone. We have day care facilities that are not located in residential

REP. NYSTROM: (continued)

areas, residential zones in municipalities through cities and towns, and as such it can be created, the circumstances that we have in Norwich. Norwich recently passed a local ordinance which would follow the language of this bill. They're allowed under residential zones. Nothing precludes them from being in commercially or industrially zoned area, however, if the person were to move from their home and buy a new home and if they were not in a residential area, they would find them right back again applying for a new local approval.

Again if the fee structure is high, it becomes costly and prohibitive. So I would recommend that a change would be made that it would not be restricted to residential zone area. Another concern I have along that line is our large municipalities clearly have a greater need for day care facilities. As I read this bill and the language, they still could prohibit day care facilities in commercially zoned areas, as such in the city of Hartford. I don't think that would happen, but it would be an allowable event that could take place, and I would have to be concerned about that.

SEN. ATKIN: Thank you Representative Nystrom. Representative Samowitz has a question.

REP. SAMOWITZ: Thank you for your testimony. In prior public hearings, the zoning problem is probably one of the most acute problems mentioned. But one thing that concerns me, should a municipality or a governmental body get involved in zoning to a variance or licensing should have some sort of control in the way in which is would provide for a day care center. Sometimes it may be like having an apartment house where there's a lot of little children that may be as destructive to the environment as everybody else over ther. They should have some sort of standards or else it will be just an open free for all.

REP. NYSTROM: Well, I think that that's a good question, but I think that that in itself has to be left up to the local municipality. I think that we can't regulate, number one, if someone owns an apartment complex and they choose to not want to have a day care facility in one of the apartments where someone is renting from them. I think you can't take away that's owner's concern and deny them at least the hearing process. As I read the bill again, it says they shall not be subject to local zoning provisions, so in a sense we're negating that regulation that was implemented a year ago. Um, at the same time there are fee structures put in place at the present time. I can see the issue of local control coming up out of this right away, and as such you may have a lot of strong opposition from municipalities.

However I still have to stress the point that if you restrict it to residential areas, you subject someone to losing if they move to a commercially zoned area where they have a new home located they cannot operate that business. The municipality could in effect pass a local ordinance saying that you cannot operate that then the people who send their children there, the working parents have to find a new provider.

REP. SAMOWITZ: Your point is well taken if you take away the commercial you are taking away at least half the on site day care you want to have. Thank you very much.

SEN. ATKIN: Further question? Thank you very much.

REP. SAMOWITZ: Thank you.

SEN. ATKIN: I'd now like to move into the public portion, Margaret Valentino, followed by Shelly Gaballe if I'm reading the name properly. I guess Margaret is on the left here so if Shelley could line up on the right. Although we do not have a time limit indicated, I certainly would urge summarizing any testimony written you will be submitting, and as we get toward the end of the hearing, summarizing

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MR. ZITSER: (continued)

This will obviously enhance the options available to meeting child care needs in the State of Connecticut.

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Finally, with respect to Committee Bill 441, an act concerning zoning of child day care facilities. The State of Connecticut has done a lot with respect to prohibiting restrictive zoning in a number of areas. The one that immediately comes to mind for example, is with the Siting Council. The Siting Council can overrule local zoning decisions in order to meet the energy needs in the State of Connecticut. I think that certainly our child care needs are at least as important to the State of Connecticut as some of the other items in which the General Assembly has enacted legislative authority to prohibit restrictive zoning.

Obviously, the Economic Equity Task Force endorses this bill and believes that greater child care facilities will be available if this bill is adopted. Thank you.

REP. GELSI: Barry, thank you. Are there any questions for the Members of the Committee? You're in trouble Barry, cause even Lynn doesn't have a question. Thank you very much. Barbara Lettes followed by Linda Thompson.

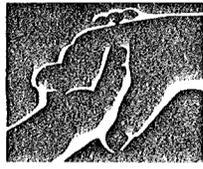
MS. LETTES: I'm Barbara Lettes. I am the Connecticut State Public Affairs Chairwoman for the National Council of Jewish Women. I appreciate the opportunity to appear before this committee on behalf of the 2,000 Connecticut volunteers of the National Council of Jewish Women in order to express our strong support for Senate Bill 413, an act concerning parental and medical leave for State employees.

It is very difficult to zero in on just one of these bills, because we of the National Council of Jewish Women support this whole package and we commend you for taking this into consideration. The National Council of Jewish Women as stated in their National

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**SERVICE  
EMPLOYEES**  
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1100 NEW BRITAIN AVE • WEST HARTFORD, CONNECTICUT • 06110 • (203) 236-8067

MARCH 10, 1987

TESTIMONY OF ROBERTA HOLLAND, MEMBER OF DISTRICT 925, SEIU

HELLO, MY NAME IS ROBERTA HOLLAND AND I LIVE IN SEYMOUR. I AM A MEMBER OF DISTRICT 925 OF THE SERVICE EMPLOYEES INTERNATIONAL UNION AND I WORK AT THE UNIVERSITY OF NEW HAVEN. I AM HERE REPRESENTING MEMBERS OF SEIU'S CONNECTICUT SERVICE COUNCIL WHICH INCLUDES LOCAL 1-J--WALLINGFORD, LOCAL 62--CHESHIRE, LOCAL 741--RIDGEFIELD, LOCAL 742--GROTON AND DISTRICT 925, NEW HAVEN.

THE CONNECTICUT SERVICE COUNCIL GIVES SOLID SUPPORT TO THE FOLLOWING CHILDCARE BILLS BEFORE THIS COMMITTEE:

SENATE BILLS 409, 410, 411 AND HOUSE BILLS 5903, 6125 AND 6358. WE ALSO SUPPORT COMPANION BILLS WHICH WILL NOT BE HEARD UNTIL THURSDAY WHICH ARE HOUSE BILL 6357 AND SENATE BILLS 441 AND 443.

SINCE THE MAJORITY OF OUR MEMBERS ARE WORKING WOMEN, IT IS NO WONDER WE URGE PASSAGE OF THESE NEEDED CHILDCARE REFORMS. WE EXPERIENCE FIRSTHAND THE FRUSTRATION AND EXPENSE OF FINDING SUITABLE CHILDCARE. WE SEE THE INADEQUACIES OF THE PRESENT SYSTEM--LACK OF FACILITIES, LACK OF SUPPORT FOR EXISTING HOME AND STATE FUNDED FACILITIES, LACK OF FLEXIBILITY IN DEALING WITH BEFORE AND AFTER SCHOOL HOURS. THESE ARE A FEW OF THE PROBLEMS THAT WORKING WOMEN, WORKING MEN AND WORKING FAMILIES FACE. CONNECTICUT MUST BEGIN WITH THESE PROGRAMS, STUDY OUR NEEDS AND INTRODUCE PROPOSALS THAT OFFER OUR WORKING FAMILIES SAFE AND ADEQUATE CHILDCARE OPPORTUNITIES.

THE CONNECTICUT SERVICE COUNCIL SUPPORTS THESE PROPOSALS AND URGES CONNECTICUT TO ADDRESS CHILDCARE NEEDS AS A TOP PRIORITY THIS YEAR AND IN YEARS TO COME.

THANK YOU.

Secondly, I would like to say that I am very much in favor of HB 5607 "An Act Concerning Insurance for Day Care Providers". The cost of insurance for Family Day Care providers (if you can find it) is probably the single biggest reason you have "under-ground" providers and also veteran registered providers quit day care to avoid the insurance costs and hassles.

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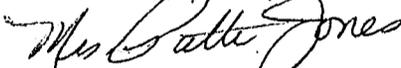
I am in favor of HB 5789 "An Act Concerning State Licensed and Registered Day Care Programs". As the newly elected first president of a just formed Day Care Association called Northwest C.A.R.E. I can attest to the fact that our part of the State has directly benefitted from the overwhelming support and guidance of our CREC resource person, Penny Putnam. But we feel that both newly formed and established Family Day Care associations need funds for training, mailings, seminars, materials, etc.. The monies spent for training Family Day Care providers through their local associations will have a direct and positive effect on the pre-school age day care children in our State.

I would like to say that I am not in favor of HB 5701 "An Act Prohibiting Smoking At Day Care Facilities". Personally this proposal would not directly affect me because I don't smoke, but I can't see putting something on the books that can not really be enforced. While the idea is good, why waste time and money on something that cannot be truly enforced?

Lastly, I would like to say that I am in favor of HB 5903 and HB 6124, SB 441, SB443, and HB 6985 and HB 6358 "An Act Concerning Family Day Care Providers". HB 6358 would provide technical assistance to Day Care providers and establish much needed professional development programs for such providers. This bill also provides for the establishment of a statewide Family Day Care Network which would mean that Family Day Care needs and concerns could be evaluated by those with on-hands, first-hand information. Right from the horse's mouth --- so to speak. Given the opportunity (at a time convenient for Day Care providers) you would probably get a lot of practical, tried and true recommendations for improving Day Care in the State of Connecticut. Give Family Day Care Providers the chance to share their ideas, feelings, and concerns and you will witness their enthusiasm about the field of Day Care as their chosen profession.

Thank you for giving me the opportunity to share my personal views on the proposals for this years Day Care legislation.

Sincerely,

  
Mrs. Patti Jones

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STANDING  
COMMITTEE  
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687-933

1987

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jnw HUM. SERVICES, EDUCATION, FAM. WORK March 10, 1987

MS. HAMM: (continued)

housing costs; the age of the child since we know that infant care is more expensive than others; and the type of setting of care that is provided - whether or not in fact it is a family day care home or a center.

And then we encourage the committee to make sure that the purchase of service rates are reviewed annually and are adjusted annually to take into count inflation and cost of living.

One final note - Bill 441, An Act Concerning The Zoning Of Child Day Care Facilities - this is on Thursday's agenda - I wanted to bring it to your attention now because we're in Norwalk.

PCSW supports a state effort, rather than the individual efforts of 169 towns to set public policy which would prohibit the use of local zoning regulations to prevent the operation of family day care homes, group homes, and day care centers in residential areas. It is clear that children should be cared for in areas of town where there are trees - not asphalt. Where there is grass, rather than traffic.

Child care facilities belong in residential areas. There is a clear state purpose and necessity to provide greater quality and quantity of day care and we encourage you to do your best.

Thank you.

SEN. ATKIN: Thank you, Gail. Any questions?  
For the record, Senate Bill 409 does indicate that the Department of Health Services have the pilot program on sick baby care.

MS. HAMM: There was some discussion this morning by (inaudible)

SEN. ATKIN: The next speaker is Patsy Kohort - Kohaut. Followed by Reverend Henry Yorden.

Last Saturday I attended a workshop dealing with several different town's planning and zoning regulations pertaining to family day care. This leads me to the next bill I am in favor of, which is S.B. #441. I would like to see the state assure the provision of family day care in residential zones in all Connecticut communities.

family day care providers have Rules, Regulations, and a Code of Ethics given to us by the state through the Department of Human Resources. Each town also has a set of rules, and regulations. At times it is impossible to comply with both.

I know <sup>at least</sup> one town in Connecticut where you can be licensed by the state to do day care, but that town's planning and zoning does not allow it! I know of another town in Connecticut where although the state will license you to care for six children, the town only permits four children!?

I could go on with many other examples but my point is that if the state would assure ones right to have a family day care business in all of our towns then hopefully the planning and zoning commission in each town could spend time to update their regulations to make compliance possible!

This should encourage the opening of more family day care homes. All the providers that I know have waiting lists and judging by the calls I've been receiving I'd say that Connecticut has a desperate need for more child care providers. I think this bill could be effective in attaining

that goal. I know of people who gave up trying to open family day care homes because the difficulties in trying to comply with planning and zoning regulations became too frustrating!

In closing I would like to go on record that I am also pro H.B. # 6124 and S.B. # 410. With me I have a petition of support on all the bills I've mentioned signed by many providers who could not be here tonight.

Thank you

We the undersigned strongly support the following child day care legislation currently under consideration:

H.B. 6985 - Increasing training opportunities for providers of child day care.

S.B. 441 - Encouraging the provision of family day care in residential zones in all Connecticut communities.

H.B. 6124 - Increasing the Purchase of Service subsidies, based upon the cost of care in each region of the state.

S.B. 410 - Raising the eligibility level of families receiving purchase of service monies to 80% of the state gross median income.

Donna J. Floody  
 Anne D. Minkert  
 Jean M. Smith  
 Debby Sigovich  
 Jerry Solway  
 Chris Cayan  
 Brenda S. DeLoCava  
 Sandra Williams  
 Rose Marie Sellers  
 Cynthia A. Denny  
 Marilyn Dawson

Barbara Ravecci  
 Juli Mammol  
 Colby Maselle  
 Michael J. Klimak  
 Kimberly Dorsey  
 Mla A. Petersen  
 Sandy Beardsley  
 [unclear]  
 Deb Robinson  
 Cathy D'Amore