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CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS
1989

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11867-12283

abs 139
House of Representatives Saturday, June 3, 1989

SPEAKER BALDUCCI:

The Journal will so note.

Are there any other announcements or points at this time? If not, we will return to the Call.

CLERK:

Calendar 629, page 8, Substitute SB753. AN ACT CONCERNING PERSONS WITH MENTAL RETARDATION WHO LIVE INDEPENDENTLY AND THE LICENSING AND REGULATION OF RESIDENTIAL FACILITIES. (As amended by Senate Amendment Schedule "B").

Favorable Report of the Committee on JUDICIARY.

REP. DEL BIANCO: (71st)

Mr. Speaker?

SPEAKER BALDUCCI:

Representative Del Bianco of the 71st.

REP. DEL BIANCO: (71st)

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

SPEAKER BALDUCCI:

The question is on passage. Will you remark, Madam?

REP. DEL BIANCO: (71st)

Yes, Mr. Speaker. The Clerk has an amendment, LCO7691, previously designated Senate Amendment "B".

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Will the Clerk please call, and may I be allowed to summarize?

SPEAKER BALDUCCI:

Clerk, please call LCO7691, designated Senate "B".

CLERK:

LCO7691, Senate "B", offered by Senator Larson et al.

SPEAKER BALDUCCI:

The question is on summarization. Is there objection? Representative Del Bianco.

REP. DEL BIANCO: (71st)

Thank you, Mr. Speaker. This just changes the current fine in the file copy and makes it a monetary fine only and not one that is monetary and/or imprisonment. It just makes it a monetary fine. I move its adoption.

SPEAKER BALDUCCI:

The question is on adoption. Will you remark? Will you remark on the adoption of Senate "B"? If not, we will try your minds. All those in favor, please signify by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER BALDUCCI:

Opposed, nay. The ayes have it. The amendment is

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

REP. DEL BIANCO: (71st)

Mr. Speaker?

SPEAKER BALDUCCI:

Representative Del Bianco.

REP. DEL BIANCO: (71st)

Thank you, Mr. Speaker. The Clerk has another amendment, LC08713. Will the Clerk please call, and may I be allowed to summarize?

SPEAKER BALDUCCI:

Clerk, please call LC08713, designated House "A".

CLERK:

LC08713, House "A", offered by Representative Gilligan et al.

SPEAKER BALDUCCI:

The question is on summarization. Is there objection? Representative Del Bianco.

REP. DEL BIANCO: (71st)

Thank you, Mr. Speaker. This amendment says that once the Department of Mental Retardation has a residential facility up and going and it becomes an intermediate care facility and is certified as such, that the funding responsibility for that facility will become a funding responsibility of the Department of

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Income Maintenance.

What this does is allow the Department of Income Maintenance to apply for federal funding and get some of the costs of the residential service reimbursed by the federal government. I move its adoption.

SPEAKER BALDUCCI:

The question is on adoption. Will you remark? Will you remark? Representative Metsopoulos of the 132nd.

REP. METSOPOULOS: (132nd)

Thank you. A question, through you, to Representative Doreen Del Bianco, please.

SPEAKER BALDUCCI:

Please proceed, sir.

REP. METSOPOULOS: (132nd)

Representative Del Bianco, this amendment here, was it done with the knowledge of the Department of Mental Retardation, and are they in favor of it? Through you, Mr. Speaker?

SPEAKER BALDUCCI:

Representative Del Bianco.

REP. DEL BIANCO: (71st)

Through you, Mr. Speaker, I believe the Department is in favor of the amendment.

REP. METSOPOULOS: (132nd)

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And they are aware of the amendment?

SPEAKER BALDUCCI:

Representative Del Bianco.

REP. METSOPOULOS: (132nd)

Did they express any concern to you, not to bring forward the amendment? Through you, Mr. Speaker?

SPEAKER BALDUCCI:

Representative Del Bianco.

REP. DEL BIANCO: (71st)

Through you, Mr. Speaker, they did not.

REP. METSOPOULOS: (132nd)

Mr. Speaker, based on what Representative Del Bianco has said to me, I kind of resent what the Department did to me yesterday. And I would just like for the record to note.

I had an amendment that I was going to come forward with, me and Representative Dandrow were both going to come forward with an amendment.

SPEAKER BALDUCCI:

(Gavel) Excuse me, Representative Metsopoulos. Please direct your attention to Representative Metsopoulos. Conversations would be appreciated, if held outside the Chamber or in the rear. I am beginning to sound like a recording.

REP. METSOPOULOS: (132nd)

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Through you, Mr. Speaker, I will withhold my remarks until the amendment is passed, because it is not on the amendment, but rather on something else. So, I will wait until the amendment is adopted.

SPEAKER BALDUCCI:

Thank you, Representative Metsopoulos. Will you remark further on the amendment? If not, all those in favor-- I am sorry. Representative Nystrom of the 46th.

REP. NYSTROM: (46th)

Thank you, Mr. Speaker. A question, through you,

SPEAKER BALDUCCI:

Please proceed.

REP. NYSTROM: (46th)

Thank you, Mr. Speaker. Representative Del Bianco, through you, Mr. Speaker, can you tell us how many facilities could be affected by this? Does the Department have some number out there, that they have plans or people or facilities on line at this time to take advantage of this change? Through you, Madam Speaker?

DEPUTY SPEAKER POLINSKY:

Representative Del Bianco.

REP. DEL BIANCO: (71st)

Through you, Mr. Speaker, Madam Speaker, I cannot.

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DEPUTY SPEAKER POLINSKY:

Representative Nystrom.

REP. NYSTROM: (46th)

Through you, Madam Speaker, if the Department has not provided you that information, have you had discussions with the Department as to-- Let me change that. Through you, Madam Speaker, this change is purely across the voidance. And it is not reflective of a way of creating new intermediate care facilities? Through you, Madam Speaker?

DEPUTY SPEAKER POLINSKY:

Representative Del Bianco.

REP. DEL BIANCO: (71st)

Through you, Madam Speaker, that is correct.

REP. NYSTROM: (46th)

Thank you.

DEPUTY SPEAKER POLINSKY:

Will you remark further on the amendment? Will you remark further? If not, let us try our minds. All those in favor of House "A", please indicate by saying aye.

REPRESENTATIVES:

Aye.

abs

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DEPUTY SPEAKER POLINSKY:

Those opposed, nay. The ayes clearly have it. The amendment is adopted.

House Amendment Schedule "A":

After line 95, insert the following and renumber the remaining section accordingly:

"Sec. 3. Section 19a-483 of the general statutes is amended by adding a new subsection (f) as follows:
(f) Whenever the department of income maintenance is notified that a facility receiving payments from the department of mental retardation under the provisions of this section has been certified as an intermediate care facility for persons with mental retardation, as defined in 42 CFR 440.50, the commissioner of income maintenance shall notify the governor, and the governor, with the approval of the finance advisory committee, may transfer from the appropriation for the department of mental retardation to the department of income maintenance, sufficient funds to cover the cost of all services previously paid by the department of mental retardation that are reimbursable, at the rate established for services provided by such certified facilities. Subsequent budget requests from both departments shall reflect such transfer of responsibility.

DEPUTY SPEAKER POLINSKY:

Will you remark further on the bill as amended?

Representative Belden.

REP. BELDEN: (113th)

Madam Speaker, the Clerk has an amendment, LCO8414. Could the Clerk please call and I be given permission to summarize?

DEPUTY SPEAKER POLINSKY:

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Clerk, please call LC08414, which shall be designated House Amendment "B".

CLERK:

LC08414, House "B", offered by Representative Belden.

DEPUTY SPEAKER POLINSKY:

Representative Belden has asked leave of the Chamber to summarize. Is there objection? Without objection, please proceed, sir.

REP. BELDEN: (113th)

Thank you, Madam Speaker. The current statute for allowing group homes for mentally retarded indicates that in addition to up to six or fewer mentally retarded persons, two staff persons would be allowed under the local zoning. The amendment strikes the "two" and replaces the word with "necessary staff."

I move adoption, Madam Speaker.

DEPUTY SPEAKER POLINSKY:

Motion is on adoption of House "B". Will you remark further? Representative Belden.

REP. BELDEN: (113th)

Yes, Madam Speaker. I would think normally in a group home for the retarded, two staff persons per shift would probably be adequate. But I ran across a situation in my particular district where the group

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home is for mentally retarded disabled. So, there is a double problem with these people, and so to limit the number of staff that could be allowed in a group home to 2 per shift, would do a serious disservice to those clients.

And so, the amendment would allow the necessary staff to be in place and still be exempt from the local zoning requirements.

DEPUTY SPEAKER POLINSKY:

Will you remark further on this amendment?

Representative Emmons.

REP. EMMONS: (101st)

Thank you, Madam Speaker. Madam Speaker, I think when we did these bills like this, there was a lot of arguments going back and forth. It was done both to be a protection to the community, as we were overriding their zoning regs. I can appreciate Representative Belden's problem, but I think in a situation like that, as it is a unique group home, that probably the Zoning Board would give a special exception to have three staff people on board.

But to not have any cap at all does bother me and give some concern. Because I think, if you have to have a lot of staff, 5 or 6 or 7, then your group home should really, should be placed in an area where that

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many cars can be accommodated in a driveway and not parked on the street, and where there is the ability to contain, have that group home still look as though it is in a residential neighborhood. And that was really the reason why they had the two staff persons in the statutes to begin with for six and fewer mentally retarded persons, so that you would retain the same flavor of the neighborhood and no one would really even know or care whether it was or wasn't a group home.

I think that really taking out the 2 is going to do a disservice, where you can probably get the special exception in his case.

DEPUTY SPEAKER POLINSKY:

Thank you, Madam. Will you remark further on this amendment?

REP. DEL BIANCO: (71st)

Madam Speaker?

DEPUTY SPEAKER POLINSKY:

Representative Del Bianco.

REP. DEL BIANCO: (71st)

Madam Speaker, I think this is a wonderful amendment, and I commend Representative Belden for his foresight. I urge its adoption.

DEPUTY SPEAKER POLINSKY:

Thank you, Madam. Will you remark further?

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Representative Ward.

REP. WARD: (86th)

Madam Speaker, I also rise to support the amendment. My brief experience in seeing group homes in my, in my area leads me to believe that it is a perfectly sensible amendment. We should make clear that the group homes of that sort can be placed wherever they reasonably can acquire the property. They don't interfere with the residential neighborhoods. In fact, often one doesn't even realize that they are there, except for the immediate neighbors that find the group homes to be very good neighbors.

I urge adoption of the amendment.

DEPUTY SPEAKER POLINSKY:

Will you remark further on House "B"? Will you remark further? If not, let us try our minds. All those in favor of House "B", please indicate by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER POLINSKY:

Those opposed, nay.

REPRESENTATIVES:

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No.

DEPUTY SPEAKER POLINSKY:

The ayes have it. The amendment is adopted.

House Amendment Schedule "B":

After line 95, insert Section 3 as follows and renumber the remaining section accordingly:

"Sec. 3. Subsection (a) of section 8-3e of the general statutes is repealed and the following is substituted in lieu thereof:

(a) No zoning regulation shall treat any community residence which houses six or fewer mentally retarded persons and [two] NECESSARY staff persons and which is licensed under the provisions of section 19a-467 in a manner different from any single family residence."

DEPUTY SPEAKER POLINSKY:

Will you remark further on the bill as amended?

Representative Metsopoulos.

REP. METSOPOULOS: (132nd)

Yes, Madam Speaker. Yesterday, I was going to have an amendment drafted to this bill, but the Department came forward and told me that they felt that this bill was so important and we were so close to the end of the session, that they did not want the bill to have the possibility of going back to the Senate.

I respected the Department for that, for their wish. Today, I am told by Representative Del Bianco that the Department was aware of the House Amendment,

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that they were in favor of the House Amendment, and we adopted the House Amendment. And now it has got to go back up to the Senate anyway.

If the Department was saying they wanted no Republican amendments, well, that stinks. And if the Department was saying they wanted to pick and choose which amendments they wanted, that also stinks. I took the Department in earnest, and I really feel they shafted me and the people of my district and the mentally retarded of this state, because we were going to do an amendment for a point of discussion that had support on both sides of the aisle.

Madam Speaker, I think the Department should be ashamed of itself, of its behavior, and I begin to question and really take seriously the concerns that the people back home have of the Department. When they tell me the Department doesn't listen to them, and the Department doesn't care about them, I think it is very obvious from their behavior that a lot of what is said is true.

Thank you, Madam Speaker.

DEPUTY SPEAKER POLINSKY:

Thank you, sir. Will you remark further on the bill as amended? Will you remark further?

Representative Jaekle.

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REP. JAEKLE: (122nd)

Madam Speaker, in light of the comments from Representative Metsopoulos, the fact that the bill has already been amended, will have to go back to the Senate-- I appreciate the hour is late, but it seems like a member is-- For whatever reasons. I usually say "Shame on you," when you take such advice. But it does seem like a member may have been misled and denied an opportunity to offer an amendment to this Chamber.

Without pre-judging the amendment on merit, whether it would pass or fail, I believe this member should have an opportunity to get the amendment drafted and offered, and I would like to request that this item be passed temporarily, to allow Representative Metsopoulos the opportunity to get the amendment before us.

REP. FRANKEL: (121st)

Madam Speaker?

DEPUTY SPEAKER POLINSKY:

Representative Frankel.

REP. FRANKEL: (121st)

I haven't had a chance to confer with the proponent as to the degree of difficulty of producing the amendment or its contents, but in recognition of what was said, I think there should be an opportunity to find out if this matter could be expedited today. And

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therefore, I would suggest that we move this item off our list for the moment, and I move that it be passed temporarily.

DEPUTY SPEAKER POLINSKY:

Motion is on passing temporarily. Is there objection? Without objection, so ordered.

CLERK:

RE Calendar 62--

DEPUTY SPEAKER POLINSKY:

RE Prior to the Clerk going to the Call of the Calendar, we will ask, I will ask for announcements or points of personal privilege. Are there any announcements or points of personal privilege? Representative Santiago of the 130th.

REP. SANTIAGO: (130th)

Madam Speaker, in the Hall of the House, we have with us a very special person to the island of Puerto Rico and to the Puerto Rican community in the United States. Her name is Dona Felicia Ricon Bierra de Galtierre. She was the Mayor of the City of San Juan for 22 years. She is 93 years old now, a beautiful lady. We have dedicated in Puerto Rico a museum in her name, and she-- One of the programs that we all know in the United States, the Head Start Program came from a model of the program that she started in Puerto Rico.

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HB7539 as amended by House Amendments "A",
 "B", "D", "E", and "M".

Total number voting	143
Necessary for passage	72
Those voting yea	136
Those voting nay	7
Those absent and not voting	8

SPEAKER BALDUCCI:

The bill as amended is passed.

CLERK:

Page 8, please, Calendar 629, Substitute for SB753,
 AN ACT CONCERNING PERSONS WITH MENTAL RETARDATION WHO
 LIVE INDEPENDENTLY AND THE LICENSING AND REGULATION OF
 RESIDENTIAL FACILITIES, as amended by Senate "B",
 Favorable Report of the Committee on Judiciary.

REP. DEL BIANCO: (71st)

Mr. Speaker.

SPEAKER BALDUCCI:

Representative Del Bianco.

REP. DEL BIANCO: (71st)

Thank you, Mr. Speaker, I once again move
 acceptance of the Joint Committee's Favorable Report
 and passage of the bill as amended.

SPEAKER BALDUCCI:

The question is on passage. Will you remark? Yes,

abs

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Mr. Speaker. This bill is before us this afternoon. We PTd the legislation after adopting a series of amendments because the Minority side of the aisle had an amendment. I believe that that amendment will not be called, so I'll move adoption of the bill.

SPEAKER BALDUCCI:

The question is on passage. Will you remark? Will you remark further on the bill as amended? If not, staff and guests to the well. Members please be seated. The machine will be opened.

CLERK:

The House of Representatives is voting by roll.

Members to the Chamber. Members to the Chamber please. The House is voting by roll.

SPEAKER BALDUCCI:

Have all the members voted? If all the members have voted, the machine will be locked. The Clerk take a tally.

The Clerk please announce the tally.

CLERK:

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SB753 as amended by Senate "B" and House "A" and
"B".

Total number voting	137
Necessary for passage	69
Those voting yea	137
Those voting nay	0
Those absent and not voting	14

SPEAKER BALDUCCI:

The bill as amended is passed.

CLERK:

Calendar 483, Page 3, Substitute for HB6166, AN ACT
CONCERNING PRETRIAL RELEASE. Favorable Report of the
Committee on Judiciary.

REP. FRANKEL: (121st)

Mr. Speaker.

SPEAKER BALDUCCI:

Representative Frankel.

REP. FRANKEL: (121st)

I move this bill be recommitted.

SPEAKER BALDUCCI:

The question is on recommittal. Is there objection?

Seeing none, so ordered.

CLERK:

Continuing on Page 3, Calendar 490, Substitute for
SB16, AN ACT CONCERNING ELIGIBILITY FOR THE SUPERVISED

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SENATOR O'LEARY:

Page 12, Calendar 404 is marked Passed Retaining.
405 is marked Go. 406 is Go. 407 is Go. 408, HB7385,
I move to the Consent Calendar.

THE CHAIR:

Without objection, so ordered.

SENATOR O'LEARY:

Page 13, Calendar 409 is marked Go. 410,
Substitute HB7509, I move to the Consent Calendar.

THE CHAIR:

Without objection, so ordered.

SENATOR O'LEARY:

411 is PR. 412, HB7576, I move to the Consent
Calendar.

THE CHAIR:

Without objection, so ordered.

SENATOR O'LEARY:

On Page 14, Matters Returned from Committee,
Calendar 69 is marked Go. Calendar 89, Substitute
SB753, I refer to the Committee on Judiciary.

THE CHAIR:

Without objection, so ordered.

SENATOR O'LEARY:

Calendar 144, Substitute SB11 is marked Go. Page
15, Calendar 162 is marked Passed Temporarily. 180 is

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The balance of the bill, which deals with the administration of medications in juvenile detention centers has primarily come through the Judiciary Committee. I believe it is a simple clarification of their ability to dispense medicines under those circumstances.

THE CHAIR:

Further remarks? Senator Kevin Sullivan.

SENATOR SULLIVAN:

I guess, are we doing Consent Calendar? I would move this be sent to the Consent Calendar.

THE CHAIR:

Without objection, so ordered. Call the next item please.

THE CLERK:

Calendar page 17, matters returned from Committee. Calendar number 89, file 112, substitute for SB753, AN ACT CONCERNING PERSONS WITH MENTAL RETARDATION WHO LIVE INDEPENDENTLY AND THE LICENSING AND REGULATION OF RESIDENTIAL FACILITIES.

Favorably Report of the Committee on Judiciary.

The Clerk is in possession of two amendments.

THE CHAIR:

Senator Matthews.

SENATOR MATTHEWS:

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Thank you, Mr. President. I move the Joint Committees Favorable Reports, and passage of the bill.

THE CHAIR:

Will the Clerk please call the first amendment.

THE CLERK:

LC07927, designated Senate Amendment Schedule "A",
offered by Senator Matthews of the 9th District.

THE CHAIR:

Senator Matthews.

SENATOR MATTHEWS:

I withdraw that amendment, Mr. President.

THE CHAIR:

Senate "A" is withdrawn. Call the next amendment.

THE CLERK:

LC07691, designated Senate Amendment Schedule "B",
offered by Senator Matthews of the 9th District.

THE CHAIR:

Senator Matthews.

SENATOR MATTHEWS:

Thank you, Mr. President. I move the amendment and ask permission to summarize.

THE CHAIR:

Without objection, you may proceed.

SENATOR MATTHEWS:

Thank you, Mr. President. This amendment removes

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from line 95, the penalty of a prison term and leaves in place a 1000 dollar fine. I move its adoption.

THE CHAIR:

Further remarks on the amendment? All those in favor of the amendment signify by saying aye.

SENATORS:

Aye.

THE CHAIR:

Opposed? The amendment is adopted.

Further amendments? No further amendments. Now on the bill as amended. Senator Matthews.

SENATOR MATTHEWS:

Thank you, Mr. President. This bill allows the Department of Mental Retardation to provide support services to persons in settings that are not licensed by the Department.

Now only licensed can have these services. It will permit the Department then, to be able to provide services and provide resident facilities and placements in areas where they have not been able to before. It will reduce the amount of people that are continually in institutions and increase those who are out in the community.

It will give us greater flexibility. Provide more places, and I urgently request that we adopt this bill.

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THE CHAIR:

Further remarks on the bill as amended? Senator Matthews.

SENATOR MATTHEWS:

I then, hearing no comments, would request that we place this on the Consent Calendar.

THE CHAIR:

Without objection, so ordered.

SENATOR MATTHEWS:

Thank you.

THE CHAIR:

Call the next item please.

THE CLERK:

Calendar page 18, Calendar number 180, file number 268, substitute for SB728, AN ACT CONCERNING THE TRANSFER OF ASSETS.

Favorable Report of the Committee on Appropriations. The Clerk is in possession of three amendments.

THE CHAIR:

The Senate will stand at ease.

Senator Przybysz, the first item on page 18, Calendar number 180.

SENATOR PRZYBYSZ:

Thank you, Mr. President. I move acceptance of the

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THE CHAIR:

Sub I think I would want to consult the Rule. I think you have a perfect right to remove it, but I think I read somewhere in the rules that it requires immediate roll call.

Ca The two items are removed from the Consent Calendar. Are there any changes or omissions? The machine is open. Please record your vote. Excuse me, had you finished ready? I'm sorry.

THE CLERK:

Mr. President, I had not yet read the Consent Calendar.

THE CHAIR:

I think you had up to a certain point.

THE CLERK:

Mr. President, the first Consent Calendar begins on Page 2, Calendar 176, Substitute SB870, Calendar 331, Substitute SB249. Calendar Page 4, Calendar 413, SB677.

Calendar Page 6, Calendar 482, HB7382. Calendar Page 12, Calendar 532, Substitute HB7119. Calendar Page 17, Calendar 89, Substitute SB753. Calendar Page 19, Calendar 491, Substitute SB925. Calendar Page 20, Calendar 246, Substitute SB1008.

Calendar Page 21, Calendar 268, SB760. Calendar

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300, Substitute HB7355. Calendar Page 22, Calendar 318
Substitute HB6882. Calendar 372, SB985. Calendar Page
23, Calendar 376, Substitute SB999. Calendar Page 24,
Calendar 178, Substitute SB147.

Calendar Page 26, Calendar 439, Substitute HB5319.
Calendar Page 27, Calendar 503, HB6241. Mr. President,
I believe that completes the first Consent Calendar.

THE CHAIR:

Are there any changes or omissions? The machine is
open. Please record your vote. Has everyone voted?
The machine is closed. Clerk please tally the vote.

The result of the vote:

35 Yea

0 Nay

The first Consent Calendar is adopted.

There are two items that were removed. The Chair
rules that once they are removed they are subject to a
motion and I understand in one instance the mover asked
that it be Passed Retained. Now, Senator Avallone,
what do you want to do with your particular item? Pass
Retain, also. One said Passed SB 994 Temporarily. Your's is
SB 1051 Pass Retained and Senator Przybysz...he's left.

Senator O'Leary.

SENATOR O'LEARY:

Mr. President we will mark that Pass Temporarily.

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well as Senator Scott. The family is closely related to the District that I represent in the State Senate. And it is with our most heartfelt sympathy that we in the Senate respond today to one of our colleagues, one of our supporters, and note, Jeanette, that all of us share the hurt that you share. You have our prayers.

THE CHAIR:

Further remarks? All those in favor of the resolution, signify by saying aye.

SENATORS:

Aye.

THE CHAIR:

Unanimous. Thank you.

THE CLERK:

Calendar page 4, Calendar No. 89, File No. 112, Substitute SB753. AN ACT CONCERNING PERSONS WITH MENTAL RETARDATION WHO LIVE INDEPENDENTLY AND LICENSING AND REGULATION OF RESIDENTIAL FACILITIES. (As amended by Senate Amendment Schedule "B" and House Amendment Schedules "A" and "B").

Favorable Report of the Committee on JUDICIARY.

THE CHAIR:

Senator Matthews.

SENATOR MATTHEWS:

Thank you, Mr. President. I move acceptance of the

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Joint Committee's Favorable Report and passage of the bill, in concurrence with House Amendments "A" and "B".

THE CHAIR:

There is also Senate Amendment "B" on this. You are moving for adoption as amended by Senate Amendment Schedule "B"? And also House Amendment Schedules "A" and "B". Is that correct?

SENATOR MATTHEWS:

That is correct, Mr. President.

THE CHAIR:

Do you wish to remark?

SENATOR MATTHEWS:

Thank you, Mr. President. This bill allows the Department of Mental Retardation to provide residential subsidies to people not placed by the Department. Under current law, a local zoning regulation may not treat a licensed community residence with six or fewer mentally retarded people and two staff people any differently than a single family residence.

This bill and the amendment from the House eliminates the specific reference to two staff and instead substitutes "necessary staff." Finally, the bill allows the Governor to transfer funds from the Department of Mental Retardation to the Department of Income Maintenance, in the case of a facility

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certified as an intermediate care facility for the
mentally retarded.

I move its adoption.

THE CHAIR:

Further remarks? Clerk, please make an
announcement for immediate roll call.

THE CLERK:

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

THE CHAIR:

The question before the Chamber is a motion to
adopt Calendar No. 89, Substitute SB753, File No. 112,
as amended by Senate Amendment Schedule "B" and House
Amendment Schedules "A" and "B". The machine is open.
Please record your votes.

Senator Meotti, Senator O'Leary, Senator Spellman,
Senator Casey, Senator Hampton. The machine is closed.
Clerk, please tally the vote.

The result of the vote:

35 Yea

0 Nay

The bill is adopted.

THE CLERK:

JOINT
STANDING
COMMITTEE
HEARINGS

PUBLIC HEALTH
PART 1
1-356

1989
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February 14, 1989
10:00 a.m.

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PRESIDING CHAIRMEN: Senator Matthews
Representative DeZinno

COMMITTEE MEMBERS PRESENT:

SENATORS: Matthews, Gunther

REPRESENTATIVES: Schiessl, Del Bianco,
Betkoski, Pudlin,
Grabarz, DeZinno, Gyle,
Prague, Dandrow, Flaherty,
Cocco, Fahrback, Turek,
Winkler, Stratton

SENATOR MATTHEWS: Good morning. We'd like to begin the public hearing of the Public Health Committee. We have invited the agencies to speak first, agency or legislators. So if you will come forward and sit in the chair opposite me, press the button so that the light is on and we know we'll be hearing from you. So we ask that you come forward and start your testimony. The agency heads can come first. Commissioner Lensink, you're right there.

I'm Senator Cynthia Matthews. Representative DeZinno. Members of the Public Health Committee: Ranking Chair is Norma Gyle. Representative Gyle, who else do we have here? Representative Cocco. I think we all have our names in front of us, Betkoski, Pudlin, Grabarz and very soon more will be coming in. Thank you. Good morning, Commissioner.

COMMISSIONER BRIAN LENSINK: Good morning.

SENATOR MATTHEWS: Happy Valentine's Day.

COMMISSIONER BRIAN LENSINK: Senator Matthews, Representative DeZinno, Members of the Public Health Committee, I'm Brian Lensink, Director of the Department of Mental Retardation. I'm here to thank you for raising SB749 and SB763 on behalf of the Department.

SB753
SB753 would allow the Department to contract the private sector agencies which provide residential support services to people who live in centers that do not need licensing by the Department

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(inaudible).... At the present time the private agencies that only provide residential services is done in a licensed facility that the private agency owns, leases or rents, such as what is commonly known as a group home.

In looking at Section B of SB753, as it was originally drafted, we found that it was a little too broad and could be interpreted to mean that anyone who provided services to the Department of Mental Retardation would need to be under contract with the Department.

Since this was not our intention we have prepared substitute language which we feel will clarify our intent, which is on the third page of the handout you have.

I would like to point out to the committee that these residential support services would be provided within the Department's available appropriations. It is our feeling that we will be able to provide more service within our existing resources by establishing services to provide the least possible (inaudible, not using mike), but still give people the support they need to be successful.

SB749 is a companion bill which would remove the restriction that persons who live in their own residences could only receive the subsidy if they are receiving residential support services from the Department.

SB749 allows the Department flexibility to subsidize those individuals who receive residential support provided by the five agencies (inaudible, not using mike) provided in SB753.

We need to describe the development for these alternatives as soon as possible. Also, we are currently writing new regulations for group homes and could include regulations for residential support programs (inaudible, not using mike and papers being shuffled). We would, therefore, like these bills to be effective on passage if at all possible.

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Again, thank you for raising SB753 and SB749 and we urge your support and I would be happy to answer any questions that you might have.

SEN. MATTHEWS: Commissioner, what reassurance do family members have that your standards would still continue to be the same?

COMM. BRIAN LENSINK: We would -- one of the parts of this bill requires that we have regulations and we would still license an agency to provide residential support services in the same fashion as we now license a facilities -- an agency's facility. So the majority, or many of the licensing standards that currently exist as they relate to the agency would continue under the residential support service.

They also would be assured because these programs would also be under the Department's Quality Assurance Division and have several different quality assurance checks also.

SEN. MATTHEWS: All right, thank you. Are there any questions of Commissioner Lensink. Representative Gyle.

REP. GYLE: Commissioner, am I correct in saying that this bill is not going to address family members who are now giving care to their families in their own homes?

COMM. BRIAN LENSINK: It doesn't address them directly in that they would be entitled to anything, but it does allow residential services to be provided in a less supervised setting than a fully staffed group home.

Many of the people coming from their own homes may be able to benefit from that kind of a supervised setting because they've had most of the time pretty good training at home before coming into the residential system and we're hoping that it will allow us to expand or extend our existing residential base to allow some of those people in under existing resources.

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SEN. MATTHEWS: Any other questions? In other words, Commissioner, the answer to the question would be yes that --.

COMM. BRIAN LENSINK: It indirectly benefits the person from their own home in that it expands the options and, you know, gives us the possibility of providing more within the same dollars.

SEN. MATTHEWS: All right. Can you do the respite care with that for family members who are providing --?

COMM. BRIAN LENSINK: I'm sorry. Respite services are provided out of a different account than this one.

SEN. MATTHEWS: All right, thank you very much, Commissioner. We've been joined by Representative Del Bianco. Is there any other member -- any commissioner wish to speak? Any member of the public? Linda Dow is here.

LINDA DOW: Good morning, Senator Matthews, Representative DeZinno and Members of the Committee. Thank you for giving us the opportunity to speak to you. I will keep my comments brief, but I have prepared detailed written testimony on Raised SB759, AN ACT CONCERNING THE CIVIL COMMITMENT PROCESS AND MENTALLY ILL PERSONS.

The copy of SB759 which was originally provided to you and the printed bill was provided to you in error. That was merely a rough draft which was given to this committee as a courtesy for your comments. This is not the bill that was finally agreed upon by the mental health statutes study committee.

You should have received this morning a final version of the actual proposed bill or the bill that we would like to be proposed. This proposal was many years in the making. It went through numerous revisions, reviews, etc. Members of that committee included representatives of the Department of Mental Health, the Probate Judges, the Office of the Probate Court Administrator, the Psychiatric Society, Yale Law School, the Connecticut Bar Association, the Attorney General's

It appears even more inconsistent that an interdisciplinary team, rather than the courts, should be empowered to make the very final decision in this important matter. The most detrimental aspect of this bill is that it revokes an individual's right to petition the Superior Court under 17-206k of the Patients' Bill of Rights. This fundamental right is the patient's greatest protection against psychiatric abuse.

The proposed procedure is cumbersome. It has a physician's decision reviewed by his or her colleagues and even with this appeals process which is yet more cumbersome, we feel that this is a flimsy substitute for an individual's right to bring one's grievance to court.

We urge this committee to oppose the bill and we thank you for your consideration.

SEN. MATTHEWS: Thank you, Ms. Marshall. Will you leave your testimony with the Clerk.

MELISSA MARSHALL: Certainly.

SEN. MATTHEWS: Are there any questions of Ms. Marshall? Thank you very much. Our next speaker is Ron Cretaro, speaking to SB759 and SB753 and he's followed by -- I can't read the name, I'll have to work with it. Mara Middle?

RON CRETARO: I'm Ron Cretaro from the Association of Residential Facilities.

MARI MIDLIN: Hello, I'm Mari Midlin. Members of the Public Health Committee. I'm the Executive Director of the Windsor Independent Living Association of Windsor. We serve adult persons with mental retardation in a variety of community settings. I'm here today on behalf of the Connecticut Association of Residential Facilities.

Of the Associations 180 member organizations, over 60 serve individuals who are developmentally disabled. CARF wishes to add its support to the Raised SB749, AN ACT CONCERNING PERSONS WITH MENTAL RETARDATION WHO LIVE INDEPENDENTLY and SB753, AN

ACT CONCERNING THE LICENSING AND REGULATION OF
RESIDENTIAL FACILITIES FOR MENTALLY REGARDED AND
AUTISTIC PERSONS.

These two pieces of legislation will assist private non-profit providers in serving persons who are mentally retarded in less restrictive and more independent living situations.

More importantly, these acts will offer more choice and options to consumers who live in community residential settings. The proposed bills ultimately provide more flexibility to the system of services to citizens who are developmentally disabled in our state.

Specifically, SB749 permits persons receiving a housing subsidy from the Department of Mental Retardation to be assisted and receive support services from staff of non-profit agencies. Heretofore, these services could only be provided by the Department. Private provider agencies currently serve persons in supervised apartment settings, none of whom, however, hold housing support payments or subsidies from the Department.

SB753 will allow the Department of Mental Retardation to develop regulations which need not require each and every apartment unit serving a person who is mentally retarded to be licensed individually. The agency providing support services to persons living in the apartment unit will be licensed appropriately.

Neither of these bills will necessarily result in additional cost to the State of Connecticut for new services. It will permit persons to live in less costly residential settings and thus allow for expansion of services to other persons in need. Thank you for your attention.

SEN. MATTHEWS: Thank you very much. Ron Cretaro, you're not speaking. Your name please.

DENNIS GEARY: Good morning. My name is Dennis Geary. I'm the Director of Residential Services for the Greater Hartford Association of Retarded Citizens and I'm here today to lend my support to the SB749 and SB753.

During this critical budget setting season, the time has come for all of us, particularly those of us who provide direct services to persons with mental retardation, to embark on an even more creative and humane approach to providing care and assistance to those who are so badly in need.

While both of these bills address slightly different issues, they have something in common in that they would both lend themselves towards the idea of loosening up the funding and regulatory process in order that community-based care can be provided in settings other than just group homes.

Group homes have become the most frequently used model for returning people back to the community after long years of isolation and segregation. They are still the foundation of our community-based service delivery system. However, this great state possesses the expertise and technology to creatively and cost efficiently support people in settings other than just group homes. I ask you to give these concepts your close attention. It is possible with the help of these bills that we, as concerned citizens of Connecticut, can still meet our obligation to people with mental retardation and their families.

SEN. MATTHEWS: Fine, thank you, Mr. Geary. Any questions? All right, thank you for coming. The next speaker is Martin Burke, followed by Peg Dignoti. Please leave your statements with the Clerk, Mr. Geary.

MARTIN BURKE: Senator Matthews, Members of the Public Health Committee, I am Martin Burke and I represent the Connecticut Waterworks Association. The Association is a trade association of some 50 water companies and combined they serve 2.5 million people in the State of Connecticut.

We support Raised SB755 which concerns water company moratoriums on service connections. Dr. Galbraith indicated that this was introduced at the behest of the Department. The bill would require the approval of the Commissioner of Health Services on water company moratoriums on service

connections. The Department feels in the event that there were an arbitrary denial that was unrelated to public health that this is necessary.

The Connecticut Waterworks Association, in its desire for responsible water utility regulations supports the Department with the understanding that if a moratorium were declared that a sufficient reason existed for denying a service connecticut, that then the Department would support the moratorium, but we find ourselves in agreement and want to, just for the record, acquaint this committee that the water industry supports the Department's request.

SEN. MATTHEWS: All right, thank you, Mr. Burke. We appreciate your coming. Our next speaker is Peg Dignoti followed by Dick Paddon.

PEG DIGNOTI: Good morning, Senator Matthews and Members of the Committee. I'm Peg Dignoti, the Executive Director of the Connecticut Association for Retarded Citizens. We're a statewide non-profit advocacy organization and we have 20 chapters throughout the state that provide direct services and advocacy to people with mental retardation.

I'm also here today in support of SB749 and SB753 and in the interest of time, I'm going to skip the bulk of my testimony because you've heard from Commissioner Lensink and you've just heard outstanding testimony from the Association of Residential Facilities, so I'll simply say that I lend the support of CARC to those two bills. They will provide a much more flexible system of community living for people with mental retardation and in these days of growing deficits they also, I think, will be far more cost effective.

I'd also like to mention that CARC also supports HB7171 related to the immunization of students entering college, immunization against measles and rubella. Both of these illnesses have a direct effect -- or immunization of these illnesses have a direct impact on the prevention of mental retardation and years ago in this General Assembly we sponsored legislation requiring immunization of