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Madam Speaker, I would move that the last item of business be transmitted immediately to the Senate, pursuant to Joint Rule 17.

DEPUTY SPEAKER POLINSKY:

Motion is to move the last item of business up to the Senate. Is there objection? Without objection, so ordered.

CLERK:

Page 8, Calendar 670, SB1069. AN ACT CONCERNING PREVENTION AND TREATMENT OF SUBSTANCE ABUSE AND ENFORCEMENT OF DRUG LAWS. (As amended by Senate "A").

REP. SAMOWITZ: (129th)

Madam Speaker?

DEPUTY SPEAKER POLINSKY:

Representative Samowitz.

REP. SAMOWITZ: (129th)

Madam Speaker, I move for acceptance of the Emergency Certified bill, in concurrence with the Senate.

DEPUTY SPEAKER POLINSKY:

Motion is on acceptance and passage, in concurrence with the Senate. Will you remark, sir?

REP. SAMOWITZ: (129th)

Thank you, Madam Speaker. Let me briefly tell you the parameters of the problem. Approximately 80% of

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all crimes can be traced to drugs or alcohol.

DEPUTY SPEAKER POLINSKY:

Excuse me, Representative Samowitz. I think the Chamber should pay attention. I will try and get that for you. (Gavel) This is a major, major bill. I think it would behoove us all to pay attention to Representative Samowitz.

REP. SAMOWITZ: (129th)

Thank you, Madam Speaker.

DEPUTY SPEAKER POLINSKY:

Please proceed, Representative Samowitz.

REP. SAMOWITZ: (129th)

Thank you, Madam Speaker. Briefly, 80% of all crimes can be traced to drugs or alcohol. 50% of all, there has been an increase in our incarceration over the last two years of 50%. Yes, there is a big problem in the state. Let me tell you about the big lies.

The first is the lie that drugs will make you feel good. The second is that prison penalties are going to stop the problem. In order to address this problem that we are all facing, we have to have a comprehensive policy. A war on drugs means a comprehensive policy. A comprehensive policy cannot be addressed with just one idea, but it has to take us through the whole process. What is necessary, and what I believe this

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bill as it will emerge will do, will do a couple of things.

One, it will identify the problem, and it will bring people into a drug, into the process. If it is into the criminal system, it will bring them into the process, and then it will move them from the criminal process into the most important component, which is treatment.

At this point, I will yield to Representative Tulisano to describe how the process and how this bill will work.

DEPUTY SPEAKER POLINSKY:

Representative Tulisano, do you accept the yield?

REP. TULISANO: (29th)

Yes, Mr. Speaker. I accept the yield.

DEPUTY SPEAKER POLINSKY:

Please proceed, sir.

REP. TULISANO: (29th)

Madam Speaker, the bill before us, I think we should take in a couple of different sections. The first sections deal with, basically sections 1 through 11 or 12 deal with the new procedure and definitions in which we establish a drug rehabilitation system for people who come into the criminal justice system. What it basically does, Madam Speaker, is that it allows for

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a pre-trial diversion as well as a post-trial treatment plan.

Excuse me. I have to have the right copy. And what it does is, as I said, it sets up a system where a person who is convicted of certain crimes or is arrested for certain crimes may be diverted pre-trial to a drug treatment program for up to two years, at which time they are then something akin to, I guess, for those who know our current Accelerated Rehabilitation Program, except that it requires a certain amount of contract with probation officers, certain involvement in drug treatment programs, a certain amount of evaluation, periodic evaluation and certain requirements of, that they must be engaged in in order to qualify.

At the end of that period of time, two years or earlier, terminated according to the terms of the statute, then the case against them might be dismissed, may be dismissed. There is basically a way to deal with alcohol and drug problems which permeate our society and which, in effect, are the basis of much of the crime that goes on in our society. This, however this bill does not apply however to A, B, and C felonies. It does include D felonies and certain drug crimes.

Madam Speaker, second parcel of this bill--- By

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the way, that first part also involves for a way for their to be diversion outside of the criminal system, after conviction and prior to sentencing.

The bill also provides for a funding mechanism which, in a little while, I will yield to Representative Cibes to go into detail with. It also provides for a methodology of certain appropriations of money in the file copy, indicating where some 14 million dollars or so will go to the State Department of Public Safety, etc.

Madam Speaker, we did give the other side a copy of the amendment about a half hour ago, LCO8246, which makes some modifications of the file copy. We think it will be appropriate to call it at this time.

DEPUTY SPEAKER POLINSKY:

Will the Clerk please call LCO8246, which shall be designated House Amendment "A".

REP. TULISANO: (29th)

Permission to summarize, Madam Speaker?

DEPUTY SPEAKER POLINSKY:

LCO8246. If I may interject while they are looking for the amendment. I have been told that the buffet line will close in about ten minutes. Clerk, please--

CLERK:

LCO8246, House "A", offered by Representative

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Balducci et al.

DEPUTY SPEAKER POLINSKY:

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

REP. TULISANO: (29th)

Madam Speaker, the amendment makes a number of technical changes and clarifications in the bill, plus some substantive changes, in terms of real modifications. And if I might be able to address some of them right now.

First of all, the bill deals with technically, in line 116, as an example, the file copy says State's Attorney will determine the pre-trial thing was not required. Now, this would make it the court making that determination, which we believe is the appropriate body to make that. It also indicates that once a person is out on his promise to appear, after they have been put into this pre-trial diversion program, that any current bond then in existence would then terminate, as is the current system that we have with all other pre-trial diversion systems.

There also is a part of the file copy which allows for certain conditions to be placed on an individual pre-trial release, while they are let out on bond. And

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this would omit a portion of them, but it also makes clear that when drug testing is allowed for a person, may be allowed under certain conditions for people who are let on for pre-trial release under bond.

It expands the Grant-in-Aid Wilderness School to include language that would be much more comprehensive for the Department of DCYS, so that in the future funding programs will allow them to make alterations, repair and improvements to residential facilities, make grants-in-aid for them, for children at risk, as well as the actual direct funding for the Wilderness School, as it presently is in the file copy.

The Task Force to study the role of the juvenile justice system, as it relates to drugs has been narrowed down in the amendment, and it sets up a 12 member Task Force, including the Chairs of the Judiciary Committee, the Ranking Members, as well as the usual appointing authorities of both sides of the aisle. The Judiciary Committee's Chairs will serve as Chairmen of the Task Force, and staff of the Judicial Department is to assist it. I understand that the file copy that was going to be used, Program Review staff to assist a five man judge establishment.

Madam Speaker, at this point, I think I should yield to Representative Cibes, who will, might want to

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go into some of the funding mechanisms.

DEPUTY SPEAKER POLINSKY:

Representative Tulisano, would you move adoption?

REP. TULISANO: (29th)

I move adoption, Madam Speaker.

DEPUTY SPEAKER POLINSKY:

Motion is on adoption of House "A". For the final round of the Tinkers to Evers to Chance, Representative Cibes. Do you accept the yield?

REP. CIBES: (39th)

Yes, Madam Speaker. Thank you very much. To continue just briefly with some of the changes that are made in the file copy. The bonding which, for 10 million dollars which is provided for the Alternative Incarceration Unit is now shared in this draft with a facility provided in Section 33 of the new, the new Section 33 of this act, to provide for a 15 bed segregated community-based alcohol and drug treatment facility targetted solely for female offenders, as well.

There is, most important changes, I think, have to do with a revision of the funding mechanism for this particular bill. The soda tax is deleted and in place thereof is substituted a provision for long term financing of, by way of increasing the simulcasting facilities in the State of Connecticut, which

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unfortunately will not provide much money in the first year, but will presumably, as those facilities come on line in the future.

The, with the soda tax deleted, we provide accordingly for revenue estimates of 16.5 million dollars, in addition to those revenue estimates which are already provided for in the already-adopted budget and tax package. And accordingly, reduction from the file copy is reallocated by providing for 10 million dollars appropriated to the Office of Policy and Management for purposes of making grants to municipalities and the State-Wide Narcotics Task Force for drug enforcement, for drug enforcement training and for education programs, separate from, for drug education programs, to make clear that that is not necessarily connected with drug enforcement training solely, but permitting drug education programs to go forward in the schools.

We also reduce the various other appropriations by approximately half, providing for a reduction to \$500,000 to CADAC for the purpose of carrying out a site study; to 3 million dollars for CADAC for operating service delivery, providing service delivery to, in accordance with Section 44 of the, to get together with the-- including in there some monies

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directed particularly to DCYS for the purpose of old Section 44 of the act; reducing the appropriation to the Department of Correction to \$500,000; reducing DCYS's directed appropriations for the Wilderness Program, the \$100,000; eliminating specific reference to the programs in the Judicial Department, and providing \$1,100,000 to the Judicial Department; reducing the appropriation for the Boneski Treatment Center to \$800,000; providing an additional \$500,000 for the Department of Labor, for use by the Connecticut Employment and Training Commission, for job training programs for prevention and interdiction; and providing for the creation of a, as I indicated previously, a 15 bed segregated unit targetted solely for female offenders.

The revenue estimates provide for a transfer from Special Revenue of 16.5 million dollars, and there is a change in the effective date of various provisions of the act. I believe that this amendment is a comprehensive rewrite of the bill, as passed from the Senate. And I would urge that at some point, we adopt this amendment.

I think however, that it may be necessary for us to take action on another amendment before we do this. At this point, Representative, Madam Speaker, I would

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yield to Representative Frankel.

DEPUTY SPEAKER POLINSKY:

Representative Frankel.

REP. FRANKEL: (121st)

Yes, Madam Speaker. I accept the yield. Perhaps I can suggest a procedure that can get us out of what appears to be a minor technical problem. There is a Senate Amendment "A", which should have been called first, and the House should have taken action on it. Instead, we overlooked Senate "A", and we are now, I guess, on House Amendment Schedule "A".

A number of us have conferred and looked at the various schedules and while it would have been proper for us to deal with Senate "A" first, it would appear that the House-- Since both are drawn to the file, it would appear that it would be all right and it would not foul up the process if we were to continue to resolve the adoption of House "A" and then move on to Senate "A", which I would expect that the motion would be to reject.

So, therefore, I am merely suggesting that we continue with action on House Amendment Schedule "A", rather than withdraw action, take up Senate "A", and then go back to House "A". I don't see any harm in continuing, and I would suggest that we continue with

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action on House "A" and then move to the rejection of Senate "A".

And with that, Madam Speaker, I will yield back to Representative Cibes, unless there are members with objections. We can go through the mechanics of withdrawing this motion, taking action on Senate "A" and going back to House "A".

DEPUTY SPEAKER POLINSKY:

Representative Cibes, do you accept the yield?

REP. CIBES: (39th)

Yes, Madam Speaker, but I believe at this point, I have finished my remarks on the amendment.

DEPUTY SPEAKER POLINSKY:

Will you remark further? Representative Emmons.

REP. EMMONS: (101st)

Madam Speaker, just so we all know what we are doing, because I think it is a little confusing having had so many E-Certed bills going around, what is supposed to be House "A", I presume is LCO8215?

DEPUTY SPEAKER POLINSKY:

House is 8246, LCO8246.

REP. EMMONS: (101st)

Thank you, Madam Speaker. Madam Speaker, is there LCO8246--

DEPUTY SPEAKER POLINSKY:

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Pardon? I could not hear you.

REP. EMMONS: (101st)

Is there a fiscal note for LC08246?

DEPUTY SPEAKER POLINSKY:

Representative Emmons has asked if there is a fiscal note. Representative Cibes, would you like to respond to that?

REP. CIBES: (39th)

Yes, Madam Speaker. A fiscal note has in fact been delivered to this side of this aisle. I understand, I was informed by OFA, and we need to find out exactly where that is. If members back at the amendment table can find the fiscal note, it would be helpful.

REP. EMMONS: (101st)

And Madam Speaker, I have not gotten a fiscal note for 8246. I find this very confusing, because I have another Emergency Cert bill, that is 8215. But I don't have a fiscal note for 8215.

REP. CIBES: (39th)

Madam Speaker?

REP. EMMONS: (101st)

But we still need it on the amendment.

DEPUTY SPEAKER POLINSKY:

Representative Emmons. Thank you. Representative Emmons has received the fiscal note. Will you remark

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further on House Amendment "A"?

REP. EMMONS: (101st)

Madam Speaker? Madam Speaker, I do not have a fiscal note for--

DEPUTY SPEAKER POLINSKY:

I am sorry. I misunderstood.

REP. EMMONS: (101st)

For the amendment of 8246.

DEPUTY SPEAKER POLINSKY:

The House will stand at ease, while the fiscal notes are distributed appropriately.

(Gavel) I believe the fiscal notes have been delivered. Will you remark further on House "A"? Representative Jaekle.

REP. JAEKLE: (122nd)

Thank you, Madam Speaker. I know there are only hours left in the session. I still have to try to trace the money before others, I am sure, want to get a lot more into the substance. The bill in front of us was a combination of bonding and appropriations. It had a real obnoxious funding source, the soda tax. I am pleased to see this amendment strikes that out, and I suppose for that reason alone, the amendment might be worth supporting.

But I am trying to understand whether the

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amendment, if it passed, will match revenues and expenditures, and would like to ask, through you, Madam Speaker, to the proponent. If this amendment passes, what is the total amount of money that will be appropriated, and what is the total amount of money that will be raised?

DEPUTY SPEAKER POLINSKY:

Representative Cibes.

REP. CIBES: (39th)

Through you, Madam Speaker, the total amount of money to be appropriated is \$16,500,000 for fiscal year '89-'90. And the revenue estimates are that \$16,500,000 would be transferred from the Department of Special Revenue to the General Fund.

DEPUTY SPEAKER POLINSKY:

Representative Jaekle.

REP. JAEKLE: (122nd)

Through you, Madam Speaker, to the proponent, does that \$16,500,000 transferred from the Division of Special Revenue reduce revenue estimates from that source for the next fiscal year by a like amount, or some amount?

DEPUTY SPEAKER POLINSKY:

Representative Cibes.

REP. CIBES: (39th)

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Through you, Madam Speaker, the revenue estimates that we passed in the House estimate that 280 million dollars would be available from the Division of Special Revenue for purposes of the General Fund. We now estimate that \$296,500,000 would be available for that purpose, and would be mainly generated by actions which have been taken subsequent to the passage of revenue estimates by the House, that of a Sunday drawing for the lottery, a movement of the lotto to 44 numbers, and slightly more than \$2,300,000 from simulcast revenue in the next fiscal year.

In addition, some of, because some of the revenue from the 44 number lottery was included in the revenue estimates that we passed, I think on the order of 15 million dollars, or so. My understanding is, there is, we would anticipate some revision in other sources within the, within the Division of Special Revenue, some slight addition from the Instant Game; some slight addition from daily, the Daily Number; some-- about 5 million dollars, 4.5 million dollars more from jai alai; and some slight addition from OTB, to generate a sum total of 16.5 million dollars more than the 280 million dollars provided for in the original revenue estimates.

DEPUTY SPEAKER POLINSKY:

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Representative Jaekle, does that help you?

REP. JAEKLE: (122nd)

Yes, it does actually. And I appreciated that explanation. I gather then, it is very clear now, moving off of the monies raised, but into monies expended. This amendment will actually reduce appropriations from the bill passed by the Senate, by an amount in excess of 11 million dollars? So that, we would be expending 11 million dollars less next year on the prevention and treatment of substance abuse? Is that correct?

REP. CIBES: (39th)

Through you, Madam Speaker?

DEPUTY SPEAKER POLINSKY:

Representative Cibes.

REP. CIBES: (39th)

Through you, Madam Speaker, that would be the case over the course of the entire year. What we, what the amendment does is provide for the expenditure essentially on a half year basis, because many of the sections which require expenditures would become effective as of January 1, 1990, and thus the, on an annualized basis, ultimately the cost would be about, the amount indicated by the original file copy. But that is reduced simply by making a, not simply, but by

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making the effective dates later than the Senate file copy.

DEPUTY SPEAKER POLINSKY:

Representative Jaekle.

REP. JAEKLE: (122nd)

Thank you, Madam Speaker. Actually when the Senate had passed their bill, I understand the war on drugs and our need to increase our state commitment in that area. I am fully supportive of that. I had wondered whether the state would be able to spend all the money that the Senate had appropriated for that purpose. And it was a reservation that I had.

I see this amendment.. Half-year funding, so that we can really start doing this by January. It makes me believe that we can expend these funds a little bit better. I am just curious though. It seems like this House action, in eliminating some of the funding, 11 million dollars worth, it would seem like the House is less committed to the war on drugs than the Senate. Or, does this action, with this House amendment kind of confirm my earlier suspicions about the Senate action, that most of the money or at least 11 million dollars of the money that they had appropriated really couldn't have been expended wisely in the next fiscal year?

REP. CIBES: (39th)

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Through you, Mr. Speaker, I would be happy to reassure the distinguished Minority Leader that we believe that the earliest we can effectively use some of this money is at the dates specified in House Amendment "A", that is October 1st for the ten million dollars' appropriation to the Office of Policy and Management for grants to municipalities under the State-Wide Narcotics Task Force, largely because it will take that long, we believe, to get the regulations in place, and that in order to bring these programs fully on line, it would be appropriate to begin them on January 1, 1990.

The, in anticipation, however, of some of the provisions-- For example, moving to provide some beds for CADAC, we believe that that provision, Section 14 and the appropriations which will finance that, should go into effect July 1, 1989, so as to move that process forward as soon as can reasonably be expected. And therefore, that particular provision is effective July 1st.

Moreover, the bonding sections would be effective July 1st as well, so that we can begin to use that effectively by, during the course of the fiscal year.

DEPUTY SPEAKER POLINSKY:

Representative Jaekle--

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REP. CIBES: (39th)

I would hasten to add that I certainly do not believe the case that the Senate is less committed to the war on drugs than is the House.

DEPUTY SPEAKER POLINSKY:

Representative Jaekle.

REP. JAEKLE: (122nd)

I thank you. I did want to at least get some of the financial differences between the two packages out on the floor. I'll continue to study the substantive changes between the E-Cert that we have had for about a day now and the amendment that arrived, I think, a couple of hours ago, and will yield the floor to others who may have points they would like to make or for others on the amendment that we are still on before we vote on it.

Thank you.

DEPUTY SPEAKER POLINSKY:

Will you remark further on House "A"? Will you remark further? Representative Winkler.

REP. WINKLER: (41st)

Thank you, Madam Speaker. A question, through you, to Representative Cibes?

DEPUTY SPEAKER POLINSKY:

Representative Cibes, this is going to be your

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night. Please proceed, Representative Winkler.

REP. WINKLER: (41st)

Thank you, Madam Speaker. Representative Cibes, I am a very strong proponent of drug prevention and treatment of substance abuse. However, I must admit I am surprised to see this piece of legislation before us. Earlier this week, there were, I know one amendment that was submitted to the floor, and I believe there might have been several that did address the drug problem. And, at the time the legislation was submitted, I believe it was Representative Mintz who said that it was not needed, because we had passed legislation just the day prior to this, that would have taken care of any drug abuse programs that were needed.

Could you elaborate on why we would have been told that several days ago and now we have this large proposal before us?

REP. CIBES: (39th)

Through you, Madam Speaker?

DEPUTY SPEAKER POLINSKY:

Representative Cibes.

REP. CIBES: (39th)

Yes, Representative Winkler. I think that the most important thing that this bill does is increase

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our efforts in the area of drug interdiction, prosecution and education. But I mainly view this as a supplement to many important programs that have already been passed during the course of this session. Many recommended by the Governor and certainly many that we have already adopted. And I would yield to Representative Mintz, who has a number of, has a summary, I believe of a number of the programs which we have adopted which are in fact on line as a consequence of our passage, or at least they are now in statute, and I think do in fact address the drug problem in very effective ways, programs that we have already adopted.

So, at this time, Representative Winkler, I would yield to Representative Mintz, for a further response.

DEPUTY SPEAKER POLINSKY:

Representative Mintz, do you accept the yield?

REP. MINTZ: (140th)

Yes, thank you, Madam Speaker. Several pieces of legislation that we have done prior to this was the drug forfeiture bill, which is the piece of legislation which I think Representative Winkler was talking about prior to this, which I think will be a major source of funding for funding a lot of drug programs. Another piece of legislation that we did in the war against drugs was the school yard drug bill, which made mere

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possession of drugs within 1,000 feet of a school yard have a mandatory minimum add-on sentence of three years, two years, I apologize.

Also, in that bill, we increased the penalties for the use of a minor by drug dealers. And many other pieces of legislation. Thank you.

DEPUTY SPEAKER POLINSKY:

Representative Winkler.

REP. WINKLER: (41st)

Thank you, Madam Speaker. Through you, to Representative Mintz. Representative Mintz, I just feel that it was a shame that we looked down on other ideas of raising revenue to address the drug problems, because of already legislation that was in place, and then come forward with this large package. The other could have gone a long, you know, some way to alleviating some of the financial burden of this package. And I wish it had been considered.

DEPUTY SPEAKER POLINSKY:

Thank you, Madam. Will you remark further on House "A"? Will you remark further? Representative Farr.

REP. FARR: (19th)

Yes, Madam Speaker. Through you, a few questions. Representative Cibes, on the House "A", paragraph, Section 34, which is line 171, has in it that the,

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language that says the appropriations in this act are supported by revenue estimates as follows. I am a little confused as to why that is in this amendment or in this bill. The original bill did not have revenue estimates. I have never seen anything other than the budget that had revenue estimate statements in it.

Through you, Madam Speaker, to Representative Cibes, why do we have a revenue estimate statement in the amendment? Through you, Madam Speaker?

DEPUTY SPEAKER POLINSKY:

Representative Cibes.

REP. CIBES: (39th)

Through you, Madam Speaker, LCO believed that this was the best way to handle this particular matter. In the past, we have in fact, in terms of increasing revenue, often been required to either pass additional fees or pass additional taxes. In this particular case, there have been events that occurred administratively since we adopted revenue estimates and in fact, we do not believe that it is appropriate, that it is necessary to further make any statutory changes beyond what the Division of Special Revenue has already undertaken.

Moreover, since the funding, the revenue from the Division of Special Revenue automatically is shifted

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over to the General Fund, there is no statutory mechanism that is required in order to make that shift here. So that, LCO believed that the appropriate mechanism was simply to provide here for revenue estimates.

REP. FARR: (19th)

Through you, Madam Speaker, to Representative Cibes, am I correct then to assume that perhaps a more accurate statement of what Section 34 does is it amends the revenue estimate that we had attached to our budget that we could in fact have said that the revenue estimates attached included in the Public Act, that it was our budget, is hereby amended as follows, and that we are in fact simply increasing that revenue estimate? Through you, Madam Speaker, to Representative Cibes?

DEPUTY SPEAKER POLINSKY:

Representative Cibes.

REP. CIBES: (39th)

Through you, Madam Speaker, technically, Representative Farr, I am not certain that that is accurate either. Because as I believe, pursuant to Section 2-35 of the General Statutes, we are only required to provide an attached revenue estimate for the appropriations act passed by the Legislature funding the expenses of operations of the state

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government in the ensuing fiscal year. In short, once.

However, Section 2-35 of the General Statutes provides in pertinent part, in the last sentence, that on or before July 1st of each fiscal year, said committee, the Finance Committee, through its co-chairpersons shall report to the Comptroller any revisions in such estimates required by virtue of legislative amendments to the revenue estimate, to the revenue measures proposed by said Committee.

I, that-- I guess if you read that sentence, in the way you are referring to, I suppose that this could be regarded as a legislative amendment to the revenue measures proposed by said Committee. I would simply see this as-- Frankly, the last sentence of Section 2-35, I think, could have been carried out without any specific provision in this act. But, LCO believed that this was the appropriate way to include this change.

REP. FARR: (19th)

Thank you. I have a few questions for either Representative Tulisano or Representative Mintz. I don't know if either of them is in the Chamber.

DEPUTY SPEAKER POLINSKY:

I do not see Representative-- Ah, Representative Mintz is moving into sight. Please frame your question, Representative Farr.

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REP. FARR: (19th)

Yes, just a few questions, again on the amendment. The amendment on line 111, I am sorry, on line 26 of the amendment deletes line 111 of the bill. And what we do in that is we delete, we change the language so now a person is-- Whereas before he was not eligible for the program if he were guilty, had previously been-- I am sorry. If he had been charged with a Class D felony requiring a mandatory minimum sentence. That language is deleted.

Through you, Madam Speaker-- Mr. Speaker, to Representative Mintz, could you explain why that is deleted?

DEPUTY SPEAKER SMOKO:

Would you care to respond?

REP. MINTZ: (140th)

Thank you. Through you, it was felt-- We also changed in line 116, from the State's Attorney to the court, so it now is in the court's discretion as to whether or not somebody should be admitted into the program, and we felt it appropriate that those persons charged with that class of crime should be eligible for the program.

DEPUTY SPEAKER SMOKO:

You still have the floor.

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REP. FARR: (19th)

Through you, Mr. Speaker, to Representative Mintz, do you know, do you know what crimes would be Class D felonies that have, if any, that have a mandatory minimum sentence?

DEPUTY SPEAKER SMOKO:

Would you care to respond?

REP. MINTZ: (140th)

Through you, Mr. Speaker, I am not aware of any off the top of my head myself, but I have been told that carrying a pistol without a permit might be such a crime.

REP. FARR: (19th)

Thank you. Just another question concerning the language on the bond, on line 160. We now put in language saying that any other bond posted in any other criminal proceeding concerning such person shall be terminated. And I am just a little bit confused by that new language. Any other bond posted. Will--? If--? Are we now saying that they are going to be released on a written promise to appear? Or that in a case where they were previously released on a bond, is that what this language means? In other words, if somebody had a \$5,000 bond, they would now go back to court and they sign a written promise to appear.

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Through you, Mr. Speaker, is that what we have now said?

DEPUTY SPEAKER SMOKO:

Do you care to respond?

REP. MINTZ: (140th)

Through you, Mr. Speaker, what the language says is if the person is admitted to this program, he can be released on a written promise to appear or on a new bond that can be-- No, that's not right. And-- If I might have a moment.

DEPUTY SPEAKER SMOKO:

Representative Farr.

REP. MINTZ: (140th)

Excuse me, Mr. Speaker. I will continue my question. I was right. Answer. The person can be put on a new bond, whatever bond was placed on that person prior to being admitted to that program will be terminated. It basically provides that there won't be two bonds at the same time.

REP. FARR: (19th)

And through you, the person is also, as I understand it, placed in the custody of the Adult Probation Department when they are in the program, as well as being released on a promise to appear? Is that correct? Through you?

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REP. MINTZ: (140th)

If he-- I missed it. If you could just repeat the question, please?

REP. FARR: (19th)

Madam, Mr. Speaker, through you, my understanding then is that the person is both placed on a, in the custody of the Adult Probation Department and a bond is, and released on a promise to appear. Through you? Is that correct?

DEPUTY SPEAKER SMOKO:

Would you care to respond?

REP. MINTZ: (140th)

Through you, yes.

REP. FARR: (19th)

Thank you very much.

DEPUTY SPEAKER SMOKO:

Thank you, sir. Will you remark further on the adoption of House Amendment "A"? Will you remark? Representative Fleming.

REP. FLEMING: (16th)

Yes, thank you, Mr. Speaker. If I might, a couple of questions to Representative Cibes?

DEPUTY SPEAKER SMOKO:

Please proceed.

REP. FLEMING: (16th)

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Through you, Mr. Speaker, in lines, or Section 20 of the amendment, in Section 24, lines 97 and 98, where we are increasing from one facility to three facilities for simulcasting of off-track racing programs, can you tell me how much revenue that is expected to generate?

DEPUTY SPEAKER SMOKO:

Would you care to respond, sir?

REP. CIBES: (39th)

Through you, Mr. Speaker, the fiscal note indicates that in the year when this facility becomes, these facilities become operational, it would be expected to generate about 6.5 million dollars, 6.5 million dollars in transfer to the General Fund.

The fiscal note does not indicate that we believe that it would generate about 2.3 million dollars in this fiscal year, as those facilities are phased in.

REP. FLEMING: (16th)

And, Mr. Speaker, it is difficult to hear.

DEPUTY SPEAKER SMOKO:

The gavel apparently will not be necessary.

Representative Fleming. Oh, excuse me.

REP. FLEMING: (16th)

Mr. Speaker, also through you, the monies which will be, which are being expended in the bill, as set forth in Section 34, are those, those funds from the

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Division of Special Revenue specifically dedicated to support prevention and treatment of substance abuse and law enforcement, the programs in the bill and in this amendment? Is that a permanent dedication of those funds, Mr. Speaker, through you?

DEPUTY SPEAKER SMOKO:

Do you care to respond?

REP. CIBES: (39th)

Through you, Mr. Speaker, could Representative Fleming point out to me where he believes that dedication occurs?

REP. FLEMING: (16th)

Well, Mr. Speaker, through you, I don't see it. My question is, again, in Section 34 it says the appropriations in this act are supported by revenue estimates as follows. And then, you show the revenue estimates of 16.5 million. And Mr. Speaker, through you, my question would be: is that meant to be a specific dedication of 16.5 million dollars to support these types of programs?

REP. CIBES: (39th)

Through you, Mr. Speaker.

DEPUTY SPEAKER SMOKO:

Proceed, sir.

REP. CIBES: (39th)

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The answer is no, sir, that is not intended to be a specific dedication. These programs, as they continue, will be supported by resources from the General Fund, as these appropriations are in this particular bill.

REP. FLEMING: (16th)

Thank you, Mr. Speaker. Mr. Speaker, commenting on the amendment, and I guess, to some extent, on the bill. The bill and the amendment purport to and do in fact provide for some very important drug programs in the state, something which I support. However, Mr. Speaker, I do not support what I would perceive to be an increase in gambling in the State of Connecticut, as set forth in Section 24.

Now, when you first take a look at this amendment, you might have the impression that by increasing gambling that we are in some how going to be supporting drug programs in this state. And, Representative Cibes has, I think, correctly answered the question that that is not the intent of the amendment. I would just like to make it clear to the body that by increasing gambling in this state, you are in fact not dedicating these funds. And although I was not a member of this body when the State of Connecticut adopted or began to adopt gambling, it is my understanding at that time that there was some

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misunderstanding that that money was in fact going to be used for education, and that was not the case.

But there was the understanding, most certainly in the public, because I constantly get questions from people saying, "I thought we were dedicating money to education." So, don't anybody be misled either in this body or in the public that by passing this amendment, or probably eventually passing this bill that in expanding gambling you are in any way going to be supporting these very important drug programs.

This is an expansion of gambling. It has nothing to do with whether or not you support drug programs, and I think it is unfortunate that we are tying the two together, and I don't want the public to misunderstand what's happening here. Thank you, Mr. Speaker.

DEPUTY SPEAKER SMOKO:

Thank you, sir. Will you remark further? Will you remark? Representative Les Young.

REP. YOUNG: (143rd)

Mr. Speaker, through you, a question to Representative Cibes.

DEPUTY SPEAKER SMOKO:

Please frame your question.

REP. YOUNG: (143rd)

Representative Cibes, following along with the

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questioning of Representative Fleming, in Section 24, we are now increasing the number of facilities having screens or simulcasting from one to three. And in liens 105 to 114, we put in some rather restrictive caveats about where such facilities may be located and how they will be approved and so on and so forth.

Now, since we have estimates of the revenue that they will produce in the following year, we must have some assumption of where these things will be, who will approve them, and how fast they will be built. Because, if they don't exist, we can't get revenue.

So, through you, Mr. Speaker, could I ask you where these new facilities will be built, and if we have such approvals for them? Through you, sir?

DEPUTY SPEAKER SMOKO:

Would you care to respond?

REP. CIBES: (39th)

Through you, Mr. Speaker, I do not know where those facilities will be located, where they will be built and when they will be built. The, in fact, the language of this amendment specifies that the location of that facility will be determined by the Executive Director of the Division of Special Revenue with the consent of the Gaming Policy Board, and I would further point out to the distinguished member of the Finance

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Committee, that that decision would be subject to prior approval by the legislative body of the town in which such facility is proposed to be located, so that we do not foist on an unsuspecting and an unwilling community facilities so provided for.

REP. YOUNG: (143rd)

Through you, Mr. Speaker, that is exactly my point. We are now basing this drug program on revenue of 6.5 million dollars that is going to be produced by something which does not yet exist, actually two things which do not yet exist. We do not know where they are going to be. We do not yet have from the Director of Special Revenue a plan of where to put them, nor do we have an acceptance of the places that are going to get them that they will take them. Yet, we've got 6.5 million dollars in revenue estimates from them, and I find that difficult.

Through you, Mr. Speaker.

DEPUTY SPEAKER SMOKO:

If you would care to respond.

REP. CIBES: (39th)

Through you, Mr. Speaker, to again reassure Representative Young. The 6.5 million revenue estimate that I mentioned is not anticipated for 1989-1990, but is anticipated in the long run. And thus some of his

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fears may be allayed, because admittedly, I believe he is right that it will take some time to locate these facilities and bring them on line.

REP. YOUNG: (143rd)

Well, through you, Mr. Speaker, then the \$16,500,000 of revenue assumed in 1989-1990 is going to come from other than these three facilities, or two new facilities. So that, we must be taking revenue from some other program to put it here. Through you?

DEPUTY SPEAKER SMOKO:

Would you care to respond?

REP. CIBES: (39th)

Through you, Mr. Speaker, I believe I have already responded to a similar question from Representative Farr and would point out that in that response, I had indicated that we would expect simulcasting revenue of about 2.3 million dollars this year and other revisions from other programs operated by the Division.

REP. YOUNG: (143rd)

Through you, Mr. Speaker, is that additional simulcasting revenue?

DEPUTY SPEAKER SMOKO:

Representative Cibes.

REP. CIBES: (39th)

Through you, Mr. Speaker, that is correct.

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Simulcasting revenue that was not included in our original revenue estimates.

REP. YOUNG: (143rd)

Through you, Mr. Speaker, whether it is 6.5 million or 2.3 million, my remarks, I think, are still valid, that it is a little difficult to anticipate revenue from something that is not-- We don't know where it may be. We don't have plans for it, and we don't have acceptance for it. Further, I would find it-- As a remark, I find it hard to reconcile this activity with our activity yesterday, in which we passed a bill continuing our moratorium on no new gambling facilities.

Three new screens or two new screens seems to me like a new gambling facility. And while I concur with the motives of this amendment and concur with the motives that we must spend more money on drug treatment, it doesn't seem to me that we should be getting it through additional gambling, which has its problems. As you know, we've got Gambling Anonymous, we have got all kinds of problems with gambling. Assuming revenue from some non-existence Valahalla gambling facility, which may never get built because we may never find a facility or a town that is willing to accept it. I think it's all hocus.

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The oldest gambling game in the world is the shell game or three card moddy, and I think that's what we're playing here, if we want to take money out of this general fund and spend it on drug abuse, let's do it, but let's not couch it with this stuff. Thank you.

DEPUTY SPEAKER SMOKO:

Will you remark further? Will you remark?

Representative Edward Krawiecki of the 78th.

REP. KRAWIECKI: (78th)

Thank you, Mr. Speaker. Several questions to Representative Mintz, please.

DEPUTY SPEAKER SMOKO:

Please proceed.

REP. KRAWIECKI: (78th)

Representative Mintz, it wouldn't be normal if I didn't ask you a couple of questions. I'm floating through line now 112 and that area about the individuals who can or cannot participate in the new program that we have here, and I'm wondering if anywhere in the file there is a prohibition either with the amendment that...well, let me ask the right way.

With the amendment you've offered is there a prohibition from somebody participating in this new drug pretrial diversion program more than one time?

DEPUTY SPEAKER SMOKO:

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Would you care to respond?

REP. MINTZ: (140th)

I think I got it. Through you, Mr. Speaker, I do not believe there's a prohibition from them participating more than once, but it's in the discretion of the court whether or not they participate and I believe that that would be one of the criteria that they would look at as to whether or not a person is appropriate.

REP. KRAWIECKI: (78th)

That's how I read as well, Representative Mintz, so unlike accelerated rehabilitation or the alcohol education program which have one time freebies, this program does not have the same time kind of prohibition in the statute, and it's left totally to the court's discretion. Is that correct? Through you, Mr. Speaker.

DEPUTY SPEAKER SMOKO:

Do you care to respond?

REP. MINTZ: (140th)

Through you, I actually stand corrected. I believe in the bill as amended by this amendment, it would state that you can only use it once but the court can waive that, and through you, Mr. Speaker, can you tell me where that is in the new amendment?

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REP. KRAWIECKI: (78th)

On lines 112 through 117, it states during the period preceding the crime charged was ordered treated under the section, etc., but the court can waive the ineligibility provisions, and that's in the original file? Through you.

REP. MINTZ: (140th)

Through you, yes, Mr. Speaker.

REP. KRAWIECKI: (78th)

Okay, and with the amendment, we've changed the state's attorney no longer has the authority to waive the ineligibility or eligibility. It's not the court. Is that correct?

REP. MINTZ: (140th)

I think, through you, that's correct. I'm glad you picked that up off my amendment.

REP. KRAWIECKI: (78th)

Through you, Mr. Speaker, in line 162 the language indicates that if a person is denied the program, it indicates that the prosecutor may proceed with the prosecution. Is there any reason why we chose may proceed rather than he shall proceed.

I understand that there may be problems with this underlying case being able to prove it and the like. Is that the only reason why the word may was used?

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REP. MINTZ: (140th)

Through you, Mr. Speaker, yes.

REP. KRAWIECKI: (78th)

Thank you, and through you, Mr. Speaker, around line 538 of the original file, I don't think you've made a change in this area. If a person is put into the program, they've attempted or perhaps they've been through a pretrial part of this diversion program, or they've collected some type of good time, are they now eligible to tack any pretrial good time against anything that - jail time is what I'm after in any of the other presentence bracelet programs that we now have and the like - can they apply any of that kind of time against any sentence that might be the result of a conviction under this trial? Through you, Mr. Speaker.

DEPUTY SPEAKER SMOKO:

Do you care to respond?

REP. MINTZ: (140th)

I ask the Chamber's indulgence if you could just repeat that one because it went a little.

REP. KRAWIECKI: (78th)

Through you, Mr. Speaker, I'm rambling a bit in trying to get the exact question out. I'm assuming these people might, since we don't have a prohibition against multiple offender people, violating this

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section of this statute, that they might in fact be out on some early release program, perhaps on a bracelet program, on a pretrial program or something like that.

They get arrested for one of the drug violations that are cited. Is there any prohibition against applying those early release mechanism times or mechanisms that we have against this program? Through you, Mr. Speaker.

REP. MINTZ: (140th)

Through you, Mr. Speaker, if a person is arrested while on some other program, that other program would deal with that arrest, and I doubt that...well, I don't know if in the course of discretion, they can put them into this program.

REP. KRAWIECKI: (78th)

And through you. Thank you. Hi, Madam Speaker. We move them fast up on the dais here. I apologize for asking so many different questions. I just think it's a dangerous process that we're going through at this stage, because in much the same as some of the programs that have come up in the last few years on the last day, sometimes we adopt these complex programs, and we leave loopholes.

Let me just as you this. In the implementation of the program in court, I assume that the court can order

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someone into the program. The prosecutory can suggest that somebody apply for the program, the individual that's been arrested can apply for the program. I assume that's correct just as all our other pretrial programs exist.

Is it the intention of the proponent that the application process will be identical or as close to identical as the programs given the fact that they're different kinds of things, as the process for accelerating rehabilitation or the alcohol education program. I notice that a lot of the language is very similar to what an individual swears out on their affidavit under those existing programs. Is that the intention that similar forms would be established, and the individual would go through the same process?

DEPUTY SPEAKER POLINSKY:

Representative Mintz.

REP. MINTZ: (140th)

Through you, Mr. Speaker, yes, I would hope that the Judicial Department would draw up forms that were similar to AR or youthful offender, that are fairly simple to use.

DEPUTY SPEAKER POLINSKY:

Representative Krawiecki.

REP. KRAWIECKI: (78th)

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Okay. Thank you, Madam Speaker. I appreciate the answers.

DEPUTY SPEAKER POLINSKY:

Will you remark further on House "A"? Will you remark further on House "A"? Representative Nystrom.

REP. NYSTROM: (46th)

Thank you, Madam Speaker. Question, through you, to Representative Mintz.

DEPUTY SPEAKER POLINSKY:

Representative Mintz, more questions. Please proceed, sir.

REP. NYSTROM: (46th)

Thank you, Madam Speaker. I notice that the amendment amends lines 154 of the file that deals with some, whether or not the victim is identifiable, I guess, and also something else in that section, which is section (e), and this partly what is being amended, line 150, "the accused person has given notice by registered or certified mail on a form prescribed by the chief court administrator to the victim, if any."

I'm puzzled by that language. We're requiring the accused to notify their victim that they're seeking access to this alternative to prosecution. Can you cite for me if in any other sections of our statutes, we require persons accused of crimes to notify victim

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that they're seeking some type of early release or other alternative to prosecution?

I'm puzzled by that because the victim, and I'll sum up, at some point in time may be called to testify against the accused, and here we are taking the plaintiff and the defendant and we're bringing them together by statute. I'm not so sure that that's such a good thing to do. Through you, Madam Speaker.

DEPUTY SPEAKER POLINSKY:

Representative Mintz.

REP. MINTZ: (140th)

Through you, Madam Speaker, to cite another statute, it's 54-56e the accelerated rehabilitation statute, in which the accused or the accused attorney is usually the person that does it, sends a notice on a form drawn up by the Judicial Department notifying the victim that there is a hearing on accelerated rehabilitation, in this case this program, and the reason that's done is so that the accused has to bear the cost of that, and even in the AR program, the accelerated rehabilitation application's denied, then you're in the same exact situation as here, and that's worked very effectively for years.

DEPUTY SPEAKER POLINSKY:

Representative Nystrom.

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REP. NYSTROM: (46th)

Thank you, Madam Speaker. I'll accept that answer and then one last question. Section 31 of the amendment I note that \$800,000 is being appropriated to the Connecticut Alcohol and Drug Abuse Commission for the addition of 30 additional beds at the Boneski Treatment Center.

Was this a request that the Boneski Treatment Center put forth? Is this in light of extensive waiting, lines for people seeking drug rehabilitation, the fact that we do not have enough beds? Through you, Madam Speaker.

DEPUTY SPEAKER POLINSKY:

Representative Mintz.

REP. MINTZ: (140th)

At this time I yield to Representative Samowitz to answer that question.

DEPUTY SPEAKER POLINSKY:

Representative Samowitz, do you accept the yield?

REP. SAMOWITZ: (129th)

Yes, Madam Speaker. Through you, Madam Speaker, I know this was a request from CADAC in order to expand from 30 alcoholic beds. They have beds there for treatment of alcoholics. They want to expand to drug treatment.

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DEPUTY SPEAKER POLINSKY:

Representative Nystrom.

REP. NYSTROM: (46th)

Thank you. Through you, Madam Speaker, and Representative Samowitz, through you, Madam Speaker, are there any similar additions that have been put forth in the budget that was passed by this Chamber? Is this duplication or is this in lieu of something that was not put forth in the state budget this year? Through you, Madam Speaker.

DEPUTY SPEAKER POLINSKY:

Representative Samowitz?

REP. SAMOWITZ: (129th)

Through you, Madam Speaker, it is my understanding that these are all additional non budget requests.

DEPUTY SPEAKER POLINSKY:

Representative Nystrom.

REP. NYSTROM: (46th)

Thank you. A final question, through you, Madam Speaker. Were there any budgeted new beds provided for in the state budget for the Boneski Treatment Center? Through you, Madam Speaker.

DEPUTY SPEAKER POLINSKY:

Representative Samowitz.

REP. SAMOWITZ: (129th)

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Through you, Madam Speaker, none that we know of.

REP. NYSTROM: (46th)

Thank you.

DEPUTY SPEAKER POLINSKY:

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

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER POLINSKY:

Opposed, nay.

REPRESENTATIVES:

No.

DEPUTY SPEAKER POLINSKY:

The ayes clearly have it. House "A" is adopted.

House Amendment Schedule "A"

In line 17, delete "12" and substitute in lieu thereof "11"

Delete line 109 in its entirety and substitute in lieu thereof: "or"

In line 110, after "statutes" insert "or"

Delete line 111 in its entirety and substitute in lieu thereof "felony"

In line 112, delete "sentence"

In line 116, delete "state's attorney" and substitute in lieu thereof "court"

In line 154, after "victim" insert ", if he exists,"

In line 160, after "bond" insert "and any other bond posted in any criminal proceeding concerning such person shall be terminated"

In line 527, delete "INCLUDING, BUT ANY LIMITED TO,"

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(A) PLACEMENT IN THE"

Delete lines 528 and 528 in their entirety

In line 530, delete "PLACE OF ABODE DURING THE PERIOD OF RELEASE,"

In line 535, after "MAY," insert "WHEN IT HAS REASON TO BELIEVE THAT THE PERSON IS DRUG-DEPENDENT AND"

In line 538, after the period insert "THE RESULTS OF ANY SUCH DRUG TEST SHALL NOT BE ADMISSIBLE IN ANY CRIMINAL PROCEEDING CONCERNING SUCH PERSON."

Delete section 16 in its entirety and renumber the remaining sections and internal references accordingly

In line 614, delete "Grant-in-aid" and substitute in lieu thereof "Alterations, repairs and improvements to residential facilities, group homes and shelters for programs to assist children at risk, or grant-in-aid" and delete "Wilderness School" and substitute in lieu thereof "Connecticut Wilderness Training Program, Incorporated"

In line 618, after "act" insert "and construction of a facility in accordance with section 33 of this act"

In line 656, delete "During" and substitute in lieu thereof "As part"

In line 657, delete "the last month"

Delete lines 794 to 803, inclusive, in their entirety and substitute the following in lieu thereof:

"Sec. 21. (a) There is established a task force to study the role of the juvenile justice system in addressing and combating the drug problem among the children and youth of this state.

(b) The task force shall consist of twelve members as follows: The chairmen and ranking members of the judiciary committee; six persons appointed one each of the president pro tempore of the senate, the speaker of the house of representatives, the majority leader of the senate, the majority leader of the house of representatives, the minority leader of the house of representatives, and two judges of the superior court appointed by the chief court administrator. The chairmen of the judiciary committee shall serve as chairmen of the task force in the performance of its duties.

(c) The task force shall report its findings and recommendations to the general assembly not later than February 15, 1990."

Delete lines 804 to 1366, inclusive, in their entirety and renumber the remaining sections accordingly

Delete lines 1385 to 1391, inclusive, in their

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entirety and substitute the following in lieu thereof:

"Sec. 24. Section 12-571a of the general statutes is repealed and the following is substituted in lieu thereof:

(a) From April 22, 1981, to June 30, [1989] 1991, the division of special revenue and the gaming policy board shall not operate or authorize the operation of more than eighteen off-track betting branch facilities, except that the division and the board may operate or authorize the operation of any off-track betting facility approved prior to December 31, 1986, by the legislative body of a municipality in accordance with subsection (a) of section 12-572. Any facility approved prior to December 31, 1986, shall be included within the eighteen branch facilities authorized by this subsection. For the purposes of this section, the tele-track facility shall not be considered an off-track betting branch facility.

(b) The eighteen off-track betting branch facilities authorized by subsection (a) of this section may include [one facility] THREE FACILITIES which [has] HAVE screens of the simulcasting of off-track betting race programs, seating to accommodate not more than fifty per cent of the capacity of the tele-track facility authorized pursuant to section 12-571b, and other amenities including, but not limited to, restaurants and concessions, PROVIDED, FOR ANY SUCH FACILITY AUTHORIZED ON OR AFTER THE EFFECTIVE DATE OF THIS ACT NO SUCH FACILITY SHALL BE LOCATED IN ANY TOWN WHICH IS (1) WITHIN FIFTEEN MILES OF THE LOCATION OF THE TELE-TRACK FACILITY IN THE CITY OF NEW HAVEN OR, (2) WITHIN THIRTY-FIVE MILES OF THE LOCATION OF THE PROPOSED TELETHEATER IN THE TOWN OF WINDSOR LOCKS, AND NO SUCH FACILITY SHALL BE LOCATED WITHIN ANY JAI ALAI FRONTON WHICH HAS BEEN AUTHORIZED FOR OPERATION ON OR BEFORE THE EFFECTIVE DATE OF THIS ACT. THE LOCATION OF EACH SUCH FACILITY SHALL BE DETERMINED BY THE EXECUTIVE DIRECTOR WITH THE CONSENT OF THE GAMING POLICY BOARD AND SHALL BE SUBJECT TO THE PRIOR APPROVAL OF THE LEGISLATIVE BODY OF THE TOWN IN WHICH SUCH FACILITY IS PROPOSED TO BE LOCATED. The division shall report annually to the joint standing committee of the general Assembly having cognizance of matters relating to legalized gambling on the status of the establishment or improvement of the off-track betting branch office facility pursuant to this subsection.

(c) The division and board may operate nay off-track betting branch office facilities not operated in the manner of the facility operated under subsection (b) of this section as facilities which have monitors

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for off-track betting information, bench seating and adequate public rest room facilities for patrons."

Delete lines 1392 t 1409, inclusive, in their entirety and substitute the following in lieu thereof and renumber the remaining sections and internal references accordingly

"Sec. 25. The sum of ten million dollars is appropriated to the office of policy and management, for the fiscal year ending June 30, 1990, for grants to municipalities and the state-wide narcotics task force, for drug enforcement, and for drug enforcement training and education programs. The secretary of the office of policy and management shall adopt regulations in accordance with the provisions of chapter 54 of the general statutes for the administration of this section, including the establishment of program priorities, the process for grant applications and the determination of eligibility requirements."

In line 1410, strike out "one million two hundred seventy-five" and insert in lieu thereof "five hundred"

In line 1416, strike out "six million nine hundred twenty thousand" and insert in lieu thereof "three million"

In line 1426, strike out "six hundred sixty-four thousand dollars" and insert in lieu thereof "ten per cent of such amount"

In line 1429, strike out "one million" and insert in lieu thereof "five hundred thousand"

In line 1433, strike out "two hundred thousand" and insert in lieu thereof "one hundred thousand"

Delete lines 1438 to 1470, inclusive, in their entirety and substitute the following in lieu thereof:

"Sec. 30. The sum of one million one hundred thousand dollars is appropriated to the judicial department, for the fiscal year ending June 30, 1990, for the purposes of this act.

"Sec. 31. The sum of eight hundred thousand dollars is appropriated to the Connecticut alcohol and drug abuse commission, for the fiscal year ending June 30, 1990, for a grant to the Boneski Treatment Center in Norwich for thirty additional beds.

Sec. 32. The sum of five hundred thousand dollars is appropriated to the department of labor, for the fiscal year ending June 30, 1990, for use by the Connecticut employment and training commission, for job training programs for prevention and interdiction."

After line 1470, insert the following and renumber the remaining sections accordingly:

"Sec. 33. (NEW) The department of correction and the Connecticut alcohol and drug abuse commission

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shall, within the available appropriations of the department, establish a fifteen-bed segregated, community-based alcohol and drug treatment facility targeted solely for female offenders.

Sec. 34. The appropriations in this act are supported by revenue estimates as follows:

Estimated Revenue - General Fund
1989-90

OTHER REVENUE

Transfer - Special Revenue	16,500,000
TOTAL - OTHER REVENUE	16,500,000"

Delete lines 1471 to 1475, inclusive, in their entirety and substitute the following in lieu thereof

"Sec. 35. Sections 19a-386 to 19a-390, inclusive, and sections 21a-284, 21a-285 and 53a-184 of the general statutes are repealed.

Sec. 36. This act shall take effect from its passage, except sections 14, 15, 16, 21, 26 and 34 shall take effect July 1, 1989, section 25 shall take effect October 1, 1989, and sections 1 to 13, inclusive, and sections 17, 18, 19, 20, 22, 23, 27, 28, 29, 30, 31, 32, 33 and 35 shall take effect January 1, 1990."

DEPUTY SPEAKER POLINSKY:

Will you remark further on the bill as adopted?

Will you remark further on the bill as adopted?

Representative Cibes.

REP. CIBES: (39th)

Madam Speaker.

DEPUTY SPEAKER POLINSKY:

Representative Cibes of the 39th.

REP. CIBES: (39th)

Pursuant to our earlier interchange, the Clerk has an amendment, Senate "A". I would ask that the Clerk please call, and I have permission to summarize.

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DEPUTY SPEAKER POLINSKY:

I believe it is LCO8710. Is that correct, Representative Cibes?

REP. CIBES: (39th)

The correct number is LCO8710. Yes, Madam Speaker.

DEPUTY SPEAKER POLINSKY:

Will the Clerk please call LCO8710, which is designated Senate "A"?

CLERK:

LCO8710, Senate "A", offered by Senator DiBella.

DEPUTY SPEAKER POLINSKY:

The gentleman seeks leave of the Chamber to summarize. Is there objection? With no objection, please proceed, Representative Cibes.

REP. CIBES: (39th)

Yes, Madam Speaker. Sections 46 and 48 of the original bill as it came down from the Senate were stricken by this amendment and other substituted, and I would call the Chamber's attention to that these are sections 46 and 48 of the original bill.

I would move rejection of Senate "A".

DEPUTY SPEAKER POLINSKY:

Motion is on objection of Senate "A". Will you remark further on the motion to reject Senate "A"? If not, let us try your minds. All in favor of rejection

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of Senate "A", please indicate by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER POLINSKY:

Opposed, nay. Senate "A" is rejected.

Will you remark further on the bill as amended?

Will you remark further? Representative Stolberg.

REP. STOLBERG: (93rd)

Madam Speaker, the Clerk has an amendment, LCO9204.

Will the Clerk please call and I'd be pleased to summarize.

DEPUTY SPEAKER POLINSKY:

Will the Clerk please call LCO9204, which shall be designated House Amendment "B"?

CLERK:

LCO9204, designated House "B", offered by Representative Stolberg, et al.

REP. STOLBERG: (93rd)

Leave to summarize, Madam Speaker.

DEPUTY SPEAKER POLINSKY:

The gentleman has asked leave of the Chamber to summarize. Is there objection? Hearing no objection, please proceed, sir.

REP. STOLBERG: (93rd)

Madam Speaker, this amendment does not touch the

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substantive action part of the legislation before us. it does provide, however, a legitimate funding mechanism for the program, which is largely laudatory. This would strike all funding and replace it with a tax on surplus over income payments to individuals in excess of \$100,000.

It does not affect the capital gains dividends or interest taxes and the taxes would be at a rate of 1.5% on earned income over \$100,000. This is in some ways and income tax, but less so, much less so I would point out than the capital gains dividends or interest taxes we already have on the books.

I have the fiscal note on this. For 1989/90 It has a net gain of \$13.8 million; 1990/91 a net gain of \$4 million that is after subtracting the original funding mechanisms out of the bill. The total is \$39 million realized the first fiscal year; 30 million in the second year, but less the original funding mechanisms, and the legislation. I move adoption.

DEPUTY SPEAKER POLINSKY:

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

REP. STOLBERG: (93rd)

Madam Speaker, I'm not going to debate this at length. I think our positions are all well known. We

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have much legislation. I would urge, if there are one or two people who want to speak for or against this, they do so briefly, and we vote and move on to the bill.

DEPUTY SPEAKER POLINSKY:

Will you remark further on House "B"? Will you remark further? Representative Cibes.

REP. CIBES: (39th)

Madam Speaker, I reluctantly oppose this amendment, but I think at this point in the session, we ought to move forward.

DEPUTY SPEAKER POLINSKY:

Will you remark further on House "B"? Representative Belden.

REP. BELDEN: (113th)

Thank you, Madam Speaker. I rise for the same reason as Representative Cibes. I reluctantly oppose it. I oppose an income tax, and that's what this is. Whatever anybody wants to call it, and I just wonder, I won't ask for, I just wonder if a roll call might be appropriate.

I believe I will ask for a roll call.

DEPUTY SPEAKER POLINSKY:

Question is on a roll call. All in favor of a roll call, please indicate by saying aye.

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REPRESENTATIVES:

Aye.

DEPUTY SPEAKER POLINSKY:

Requisite 20% having been met, when the vote is taken, it shall be taken by roll.

Will you remark further on House "B"?

Representative Burnham.

REP. BURNHAM: (147th)

Thank you, Madam Speaker. I rise in opposition to the amendment. Let me say that 06903 which is the zip code which my district is predominantly made up of in 1986 had a mean average income, a mean income of \$100,000, so this is not a income tax on Connecticut. It's an income tax on my district. I guess that's one reason why I would object to it.

The second reason is this. If you really want to put an income tax measure before us, let's sit down. Let's work out the details. If you really want to do it, get a Constitutional amendment out there to the Representative from New Haven. That's says that this Chamber can raise no other taxes, and we can raise no other, we can have no bracket creep in that income tax unless the voters approve it, because this Chamber obviously can't control its spending.

I move for rejection.

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DEPUTY SPEAKER POLINSKY:

Will you remark further on House "B"? Will you remark further on House "B"? If not,...

REP. STOLBERG: (93rd)

Madam Speaker.

DEPUTY SPEAKER POLINSKY:

Representative Stolberg.

REP. STOLBERG: (93rd)

Madam Speaker, we have three alternatives for funding this before at this time. One was the soda tax, a tax on children. The second is by extending gambling, and the third is a tax essentially on millionaires to pay for a very important drug program.

I think that this amendment is called for. If you're not for this tax on millionaires, then I suppose you're going to vote for either extension of gambling or for tax on kids' soda pop.

DEPUTY SPEAKER POLINSKY:

Will you remark further on House "B"? Will you remark further? If not, will all members please take their seats. Staff and guests, to the Well of the House. The machine will be opened.

CLERK:

The House of Representatives is voting by roll.

Members, to the Chamber. Members, to the Chamber

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please. The House is voting by roll.

DEPUTY SPEAKER POLINSKY:

Have all members voted, and is your vote properly recorded? Have all members voted? Have all members voted, and is your vote properly recorded?

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

The Clerk will announce the tally.

CLERK:

Emergency Certified SB1069, as amended by

House "A"

Total Number Voting	151
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Necessary for Adoption	76
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Those Voting Yea	17
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Those Voting Nay	134
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Those absent and not Voting	0
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DEPUTY SPEAKER POLINSKY:

House "B" fails.

House Amendment Schedule "B":

Delete sections 24 to 43, inclusive, in their entirety, insert the following in lieu thereof and renumber the remaining sections and internal section references accordingly:

"Sec. 24. (NEW) A tax is hereby imposed on the taxable income of each resident of this state and on the taxable income derived from sources within this state, of each nonresident, at the rate of one and one-half per cent with respect to all taxable income of any such resident or nonresident in excess of one

hundred thousand dollars, for taxable years commencing on or after January 1, 1989.

Sec. 25. (NEW) For purposes of sections 24 to 36, inclusive, of this act:

(a) "Resident of this state" means any person (1) who is domiciled in this state, provided if a person maintains no permanent place of abode in this state, maintains a permanent place of abode elsewhere and spends in the aggregate not more than thirty days of the taxable year in this state, such person shall be deemed not a resident or (2) who is not domiciled in this state but maintains a permanent place of abode in this state and is in this state for an aggregate or more than one hundred eighty-three days of the taxable year, unless such person, not being domiciled in this state, is in the armed forces of the United States. "Nonresident of this state" means any person other than a resident of this state.

(b) "Taxable year" means the calendar year upon the basis of which the taxpayer's taxable income is computed under sections 24 to 36, inclusive, of this act unless a fiscal year other than the calendar year has been established for purposes of the federal income tax, in which case it means the fiscal year so established.

(c) "Taxable income of a resident of this state" means such resident's adjusted gross income with respect to any taxable year as determined for purposes of the federal income tax, reduced by (1) the amount of any interest income from securities issued by the federal government or any agency thereof, (2) the amount of the exemption provided in section 26 of this act and (3) any gains from the sale or exchange of capital assets, interest income and dividends subject to the tax imposed under chapter 224 of the general statutes.

(d) "Taxable income of a nonresident" means that portion of such nonresident's adjusted gross income with respect to any taxable year as determined for purposes of the federal income tax, derived from sources within this state, reduced by (1) the amount of any interest income from securities issued by the federal government or any agency thereof, (2) the amount of the exemption provided in section 26 of this act and (3) any gains from the sale or exchange of capital assets, interest income and dividends subject to the tax imposed under chapter 224 of the general statutes.

(e) "Adjusted gross income of a nonresident derived from sources within this state" means the net amount of

items of income, gain or loss entering into such nonresident's federal adjusted gross income which are derived from or connected with sources within this state, including any distributive share of partnership income and any share of trust income. Items of income, gain or loss derived from or connected with sources within this state are those items attributable to (1) the ownership or disposition of any interest in real or tangible personal property in this state or (2) a business, trade, profession or occupation carried on in this state. Income from intangible personal property, including annuities, dividends, interest or gains from the disposition of intangible personal property, shall constitute income derived from sources within this state only to the extent that such income is from property employed in a business, trade, profession or occupation carried on in this state. If a business, trade, profession or occupation is carried on partly within and partly without the state, the items of income and deduction derived from or connected with sources within this state shall be determined by apportionment under regulations prescribed by the commissioner of revenue services under section 36 of this act.

(f) "Taxpayer" means any person or trust subject to the tax imposed under sections 24 to 26, inclusive, of this act.

(g) "Person" for purposes of sections 24 to 36, inclusive, of this act means any natural person, trust, partnership, association or society and shall not include a corporation.

Sec. 26. (NEW) Any person subject to the tax under sections 24 to 36, inclusive, of this act for any taxable year who files a return under the federal income tax for such taxable year shall be entitled to a single exemption of one hundred thousand dollars with respect to such return in determining taxable income for purposes of the tax under sections 24 to 36, inclusive, of this act. Any husband and wife who file a joint return under the federal income tax for any taxable year shall be required to file jointly with respect to such taxable year for purposes of the tax imposed under sections 24 to 36, inclusive of this act, and any husband and wife who elect to file separately under the federal income tax for any taxable year shall be required to file separately with respect to such taxable year for purposes of the tax imposed under sections 24 to 36, inclusive, of this act. The exemption provided in this section shall be allowed as a deduction from adjusted gross income in determining

taxable income of a resident of this state or taxable income of a resident of this state or taxable income of a nonresident as defined respectively in section 25 of this act.

Sec. 27. (NEW) (a) Any resident of this state, exclusive of any resident with respect to whom subsection (b) of this section is applicable, shall be allowed a credit against the tax otherwise due under sections 24 to 36, inclusive, of this act in the amount of any income tax imposed on such resident for the taxable year by another state of the United States or a political subdivision thereof or the District of Columbia on income derived from sources therein and which is also subject to tax under sections 24 to 36, inclusive, of this act. The credit provided under this section shall not exceed the proportion of the tax otherwise due under sections 24 to 36, inclusive, of this act that the amount of the taxpayer's adjusted gross income derived from sources in the other taxing jurisdiction bears to such taxpayer's entire adjusted gross income as modified by sections 24 to 36, inclusive, of this act.

(b) If the taxpayer is regarded as a resident both of this state and another jurisdiction for purposes of personal income taxation, the commissioner shall reduce the tax on that portion of the taxpayer's income which is subjected to tax in both jurisdictions solely by virtue of dual residence, provided the other taxing jurisdiction allows a similar reduction. The reduction shall be in an amount equal to that portion of the lower of the two taxes applicable to the income taxed in both jurisdictions which tax is imposed by this state bears to the combined taxes of the two jurisdictions on the income taxed in both jurisdictions.

Sec. 28. (NEW) Each employer maintaining an office or transacting business within this state and making payment of any wages taxable under section 24 to 36, inclusive, of this act to a resident or nonresident individual shall deduct and withhold from such wages for each payroll period a tax computed in such manner as to result, so far as practicable, in withholding from the employee's wages during each calendar year an amount substantially equivalent to the tax reasonably estimated to be due from the employee under section 24 to 36, inclusive, of this act with respect to the amount of such wages included in the employee's adjusted gross income during the calendar year. The method of determining the amount to be withheld shall be prescribed by regulations of the commissioner of

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revenue services under section 36 of this act. This section shall not apply to payments by the United States for service in the armed forces of the United States.

Sec. 29. (NEW) (a) The commissioner of revenue services may enter into agreements with the tax departments of other states, which require income tax to be withheld from the payment of wages and salaries, so as to govern the amounts to be withheld from the wages and salaries of residents of such states under sections 24 to 36, inclusive, of this act.

(b) Every employer required to deduct and withhold tax under section 24 to 36, inclusive, of this act from the wages of an employee, or who would have been required to so deduct and withhold tax if the employee had claimed no more than one withholding exemption, shall furnish to each such employee in respect to the wages paid by such employer to such employee during the calendar year on or before January thirty-first of the next succeeding year, or, if such employee's employment is terminated before the close of such calendar year, within thirty days from the date on which the 1st payment of wages is made, a written statement as prescribed by the commissioner of revenue services showing the amount of wages paid by the employer to the employee, the amount deducted and withheld as tax, and such other information as said commissioner shall prescribe.

(c) Wages upon which tax is required to be withheld shall be taxable under sections 24 to 36, inclusive, of this act as if no withholding were required, but any amount of tax actually deducted and withheld under sections 24 to 36, inclusive, of this act in any calendar year shall be deemed to have been paid to said commissioner on behalf of the person from whom withheld, and such person shall be credited with having paid that amount of tax for the taxable year beginning in such calendar year. For a taxable year of less than twelve months, the credit shall be made under regulations prescribed by said commissioner under section 36 of this act.

Sec. 30. (a) Each employer required to deduct and withhold tax under sections 24 to 36, inclusive, of this act is hereby made liable for such tax. For purposes of assessment and collection, any amount required to be withheld and paid over to the commissioner and any additions to tax, penalties and interest with respect thereof, shall be considered the tax of the employer. Any amount of tax actually deducted and withheld under sections 24 to 36, inclusive, of this act shall be held

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to be a special fund in trust for the commissioner. No employee shall have any right of action against an employer in respect to any money deducted and withheld from wages and paid over to the commissioner in compliance with or in intended compliance with sections 24 to 36, inclusive, of this act.

(b) If an employer fails to deduct and withhold tax as required, and thereafter the tax against which such tax may be credited is paid, the tax so required to be deducted and withheld shall not be collected from the employer, but the employer shall not be relieved from liability for any additions to tax, penalties or interest otherwise applicable in respect to such failure to deduct and withhold.

(c) Provisions pertaining to withholding in sections 24 to 36 inclusive, of this act shall not apply to any employer or employee exempt from withholding for state income tax purposes under the laws of the United States.

Sec. 31. (NEW) For purposes of the tax imposed under sections 24 to 36, inclusive, of this act, a taxpayer's taxable year and method of accounting shall be the same as such taxpayer's taxable year for federal income tax purposes.

Sec. 32. (NEW) Any person or trust taxable as a corporation for federal income tax purposes shall not be subject to tax under sections 24 to 36, inclusive, of this act. Any person or trust which by reason of its purposes or activities is exempt from federal income tax shall be exempt from its tax imposed by sections 24 to 36, inclusive, of this act except with respect to its unrelated business taxable income.

Sec. 33. (NEW) If any amount of tax imposed sections 24 to 36, inclusive, of this act, including tax withheld by an employer, is not paid on or before the last date prescribed for payment, interest on such amount at the rate of fifteen per cent per annum shall be paid for the period from such last date to date paid. No interest shall be imposed if the amount due is less than one dollar. Interest prescribed under this section on any tax including tax withheld by an employer shall be paid on notice and demand and shall be assessed, collected and paid in the same manner as taxes.

Sec. 34. (NEW) (a) In case of failure to file any return required under sections 24 to 36, inclusive, of this act on the date prescribed therefor, determined with regard to any extension of time for filing, unless it is shown that such failure is due to reasonable cause and not due to wilful neglect, there shall be

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added to the amount required to be shown as tax on such return five per cent of the amount of such tax if the failure is not for more than one month, with an additional five per cent for each additional month or fraction thereof during which such failure continues, not exceeding twenty-five per cent in the aggregate.

Sec. 35. (NEW) (a) If any part of a deficiency is due to negligence or intentional disregard of rules and regulations, but without intent to defraud, there shall be added to the tax an amount equal to five per cent of the deficiency.

(b) If any part of a deficiency is due to fraud, there shall be added to the tax an amount equal to fifty per cent of the deficiency. This amount shall be in lieu of any amount determined under subsection (a) of this section.

(c) If any employer, without intent to evade or defeat any tax imposed by sections 24 to 36, inclusive, of this act or the payment thereof, shall fail to make a return and pay a tax withheld at the time required by or under the provisions of sections 24 to 36, inclusive, of this act, such employer shall be liable for such taxes and shall pay the same together with interest thereon and the addition to tax provided in subsection (a) of this section, and such interest and addition to tax shall not be charged to or collected from the employee by the employer. The commissioner shall have the same rights and powers for the collection of such tax, interest, and addition to tax against such employer as are prescribed by sections 24 to 36, inclusive, of this act for the collection of tax against an individual taxpayer.

(d) Any person who with fraudulent intent shall fail to pay, or to deduct or withhold and pay, any tax, or to make, render, sign, or certify any return or declaration of estimated tax, or to supply any information within the time required by or under sections 24 to 36, inclusive, of this act, shall be subject to a penalty of not more than one thousand dollars, in addition to any other amounts required under sections 24 to 36, inclusive, of this act, to be imposed, assessed and collected by the commissioner.

Sec. 36 (NEW) The commissioner of revenue services shall adopt regulations, in accordance with the provisions of chapter 54 of the general statutes, to provide for the administration, enforcement, payment and collection of the tax imposed under sections 24 to 36, inclusive, of this act. Such regulations shall include, but shall not be limited to, requirements for employer withholdings, estimated tax payments, the form

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and content of returns and supporting documents, filing and payment headlines and extensions, the assessment of deficiencies, providing credits for overpayments, accounting methods, recordkeeping and reporting procedures, the assessment, payment and collection of interest and penalties, and notice and hearing procedures in contested cases."

DEPUTY SPEAKER POLINSKY:

Will you remark further on the bill as amended?
Representative Kusnitz of the 112th.

REP. KUSNITZ: (112th)

Thank you, Madam Speaker. Could the Clerk please call LCO9116, and may I have leave to summarize.

DEPUTY SPEAKER POLINSKY:

Will the Clerk please call LCO9116, which shall be designated House Amendment "C"?

CLERK:

LCO9116, offered by Representative Kusnitz,
designated House Amendment Schedule "C".

DEPUTY SPEAKER POLINSKY:

The lady has asked leave of the Chamber to summarize. Is there objection? Hearing no objection, please proceed, Representative Kusnitz.

REP. KUSNITZ: (112th)

Thank you, Madam Speaker. Madam Speaker, this amendment seeks to amend Section 14 of the bill of Amendment "A", which starts on line 542. This would add

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to the duties of the CADAC in relationship to the systems gap that we find in the services that we have at our different services that we apply for drug programs, both in house and community based. It would put in place a process very similar to what we do with the block grants that we receive funds for the federal government.

It would say that CADAC would have to tell us what they were going to do with the \$3 million allocation before they go out and spend it, and that it would have to bring it before the Committee of Cognizance Substance Abuse and Appropriations.

I urge adoption, Madam Speaker.

DEPUTY SPEAKER POLINSKY:

Motion is on adoption. Will you remark further?
Will you remark further?

REP. KUSNITZ: (112th)

Thank you, Madam Speaker.

DEPUTY SPEAKER POLINSKY:

Representative Kusnitz.

REP. KUSNITZ: (112th)

Madam Speaker, since we are appointing \$3 million for programs in the later part of the bill, and we are appointing half a million dollars for the central staff of CADAC.

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DEPUTY SPEAKER POLINSKY:

Excuse me, Representative Kusnitz. I doubt if the Chamber can hear you. (gavel) It may be the last night, but we're still in business, so let's pay attention, or let's get out of the Chamber. Let's keep it down, folks.

My apologies, Representative Kusnitz. Please proceed.

REP. KUSNITZ: (112th)

Thank you, Madam Speaker. My apologies for shouting. The \$3 1/2 million we are appropriating in Section 49 and 50 if this bill are completely without Legislative oversight. We will not know, first of all, which facilities are going to be used by CADAC out of the survey that will be due to the Legislature in July 1. We will not know what cities or where they were going, and by adding this process to the amendment, we will have a better idea of where we are going with the \$3 1/2 million. Thank you.

I urge adoption.

DEPUTY SPEAKER POLINSKY:

Thank you, Representative Kusnitz. Motion is on adoption of House "C". Representative Cibes.

REP. CIBES: (39th)

Madam Speaker, I urge adoption.

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DEPUTY SPEAKER POLINSKY:

Will you remark further on House "C"? If not, I will try your minds. All in favor please indicate by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER POLINSKY:

Opposed, nay. House "C" is adopted.

House Amendment Schedule "C":

After line 554, insert a new subsection (b) as follows and reletter the remaining subsections accordingly:

"(b) The connecticut alcohol and drug abuse commission shall identify service delivery system gaps in such alcohol and drug abuse treatment programs and facilities, and determine whether such facilities are owned or leased by the state, and report its findings to the select committee on substance abuse prevention not later than January 15, 1990. If the commission identifies surplus institutions and facilities which would permit the commission to implement the program prior to July 1, 1990, the commission shall implement the program prior to said date."

After section 50, add the following and renumber the remaining sections and internal references accordingly:

"Sec. 51. Prior to any expenditure of funds appropriated pursuant to section 49 or 50 of this act, the Connecticut alcohol and drug abuse commission shall submit its recommended allocation of such funds to the speaker of the house of representatives and the president pro tempore of the senate. Within five days of receipt of the recommendations, the speaker and the president pro tempore shall submit the recommended allocations to the joint standing committee on appropriations and the select committee on substance abuse prevention. Within thirty days of receipt, the committees shall advise the commission of their approval or modifications, if any, of its recommended

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allocations. If the committees do not concur, the committee chairmen shall appoint a committee on conference which shall be comprised of three members from each committee. At least one member appointed from each committee shall be a members of the minority party. The report of the committee on conference shall be made to each committee which shall vote to accept or reject the report. The report of the committee on conference may not be amended. If a committee rejects the report of the committee on conference, the commission's recommended allocations shall be deemed approved. If the committees accept the report, the appropriations committee shall advise the commission of their approval or modifications, if any, of its recommended allocations, provided if the committees do not act within thirty days, the recommended allocations shall be deemed approved. Disbursement of such funds shall be in accordance with the commission's recommended allocations as approved or modified by the committees. After such recommended allocations have been so approved or modified, any proposed transfer to or from any specific allocation of a sum or sums of over fifty thousand dollars or ten per cent of any such specific allocation, whichever is less, shall be submitted by the commission to the speaker and the president pro tempore and approved, modified or rejected by the committees in accordance with the procedures set forth in this section. Notification of all transfers made shall be sent to the joint standing committee on appropriations and th select committee on substance abuse prevention through the office of fiscal analysis."

DEPUTY SPEAKER POLINSKY:

Will you remark further on the bill as amended?

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Madam Speaker. The Clerk has LCO8248. I ask that he call and I be permitted to summarize.

DEPUTY SPEAKER POLINSKY:

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Will the Clerk please call LC08248, which shall be designated House Amendment "D".

CLERK:

LC08248, House "D", offered by Representative Tulisano, et al.

DEPUTY SPEAKER POLINSKY:

The gentleman has asked leave of the Chamber to summarize. Is there objection? Seeing no objection, please proceed, Representative Lawlor.

REP. LAWLOR: (99th)

Thank you, Madam Speaker. All this amendment will do is to expand the definition of treatment program to include programs operated by or approved by the Department of Corrections in addition to CADAC.

I urge adoption, Madam Speaker.

DEPUTY SPEAKER POLINSKY:

Motion is on adoption. Will you remark? Will you remark further? If not, let us try your minds one more time. All those in favor of House "D", please indicate by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER POLINSKY:

Opposed, nay. The ayes have it.

House "D" is adopted.

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House Amendment Schedule "D":

In line 27, after "commission" insert "or the department of correction"

DEPUTY SPEAKER POLINSKY:

Will you remark further on the bill as amended?

Will you remark further? Representative Farr.

Representative Farr, are you...

REP. FARR: (19th)

Yes. Madam Speaker, I yield to Representative Nystrom.

DEPUTY SPEAKER POLINSKY:

Representative Nystrom, do you accept the yield?

REP. NYSTROM: (46th)

Yes, thank you, Madam Speaker. Very quickly, I have a question to the proponent of the amendment, through you, on section 9, page 7.

DEPUTY SPEAKER POLINSKY:

Please frame your question, sir.

REP. NYSTROM: (46th)

Thank you, Madam Speaker. Representative Mintz, Section 9 starts off with the phrase "new" and it encompasses the entire section. I'm going to assume, therefore, I would like to start in line 241 the fourth

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sentence if a convicted person, it sets in place a number of items to be considered prior to conviction.

These items as they are listed are, is this an expansion of what the court can consider when determining the sentence for an individual who has been convicted, and if that is the case, why are we doing that? Through you, Madam Speaker.

DEPUTY SPEAKER POLINSKY:

Representative Mintz. Representative Mintz, do you care to respond?

REP. MINTZ: (140th)

Through you, I yield to Representative Tulisano.

DEPUTY SPEAKER POLINSKY:

Representative Tulisano, do you care to respond.

REP. TULISANO: (29th)]

Through you, Madam Speaker, I'm not sure I understand, but as you are aware this is a pretrial diversion program, whether or not you go into treatment, and we are basically limiting who may get into that, limiting that to most of the serious offense could not get into it, but there may be first degree felony involving serious physical injury.

It expands it to include people who may have been treated under an older section of the statutes prior to adopting this which was a rehabilitation section. I

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mean drug...and it admits those. That's an expansion on the last batch we did.

DEPUTY SPEAKER POLINSKY:

Representative Nystrom, does that satisfy your inquiry?

REP. NYSTROM: (46th)

Almost, Madam Speaker. Through you, very quickly, what struck me about this section was that it reminded me of the mitigating circumstances that we find in other sections of our statutes. It reminded me of that so I was asking that question to clarify whether or not we were now creating a mitigating circumstance for someone faced with the conviction under the terms of this statute. Through you, Madam Speaker.

REP. TULISANO: (29th)

Through you, Madam Speaker, I gather Representative is looking at section (b) and I was looking at section (a) and section (b) establishes really a number of criteria for the person before they get into the program. This is the kind of thing that is being done already, but in sort of informal standards and we're really institutionalizing at this point in time.

It is not to be used as a defense kind of thing I think that Representative Nystrom's talking about.

REP. NYSTROM: (46th)

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Thank you.

DEPUTY SPEAKER POLINSKY:

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

Representative Emmons.

REP. EMMONS: (101st)

Madam Speaker, through you, a question to the, I guess it really would be to Representative Mintz or Tulisano.

DEPUTY SPEAKER POLINSKY:

Please frame your question.

REP. EMMONS: (101st)

Going back to the Senate Amendment which we have rejected, but the question I have looking between where the \$16 million that's in this bill is going to come from gambling is going to out to the Office of Policy and Management for the most part in CADAC.

But there isn't any money in the bill as amended for public safety, and it appears to me that the Senate Amendment weighted more towards law enforcement and public safety in giving them \$14 million as grants to municipalities for programs in drug and law enforcement, and my question to you is do you think that in the \$10 million that's going to the Office of Policy and Management that they are going to use any

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money to beef up the catching, I mean, what I'm looking at right now is a \$16 million program of treatment and rehabilitation and no going out to catch them.

So, through you, Madam Speaker, do they intend that we're going to get quote "tough on crime".

REP. TULISANO: (29th)

Through you, Madam Speaker, I don't want to deal with the intent of this bill because I think part of it is tough on crime, part is rehabilitation. There's a lot of different aspects to it, but the word "tough" I suppose means from the enforcement point of view.

The amendment, House "A", really appropriated 10 million, not 14, reflecting the amount of money that is actually available in this fiscal year. Actually \$14 million was not the figure that you saw in Senate "A", so \$10 million goes to OPM and which the Department of Public Safety as well as municipalities may then apply to OPM under standards they establish and criteria they establish, so every community in the State of Connecticut will at least be eligible to receive money for drug enforcement, drug enforcement training, as well as education, through it's police departments, and that is the scope of where that goes.

REP. EMMONS: (101st)

Through you, Madam Speaker.

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DEPUTY SPEAKER POLINSKY:

Representative Emmons.

REP. EMMONS: (101st)

Pardon me. Oh, thank you. The reason I ask is that it says that the Secretary of OPM shall adopt regulations for the administration of these funds, and that costs are expected to be minimal and they would be absorbed within existing resources, and what I was hearing is that if the costs are so minimal, then we're only going to get more money put in to what we're already doing, and have no creative thought to start something maybe a little more dynamic.

REP. TULISANO: (29th)

Through you, Madam Speaker, I think that is why, you see House "A" is much broader than Senate "A" was. That was the reason for it. I think the fear is if we had adopted Senate "A" would have been followed through on because I've seen some of the proposals, but they all are designed for law enforcement, such as the deer program. You might be interested in that and other type things rather than just guns and butter, just guns.

DEPUTY SPEAKER POLINSKY:

Representative Emmons.

REP. EMMONS: (101st)

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Thank you, Madam Speaker.

DEPUTY SPEAKER POLINSKY:

Will you remark further? Representative Dillon of the 92nd.

REP. DILLON: (92nd)

Madam Speaker, the Clerk has LCO8249. May he call it and may I request permission to summarize?

DEPUTY SPEAKER POLINSKY:

Will the Clerk please call LCO8249, which shall be designated House Amendment Schedule "E"?

CLERK:

LCO8249, House "E", offered by Representative Dillon.

DEPUTY SPEAKER POLINSKY:

The lady has asked leave of the Chamber to summarize. Without objection, please proceed, madam.

REP. DILLON: (92nd)

Yes, Madam Speaker. This is a technical amendment which corrects what was originally very narrow language concerning the construction of the alternate incarceration unit and what was originally the construction also of a facility for female offenders.

The original language referred to construction only. What this amendment does is allows the expenditure of funds, not only for construction, but

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for alteration, repair, renovation or implementation in the case that there is an existing facility that we can use.

I move adoption of the amendment.

DEPUTY SPEAKER POLINSKY:

Motion is on adoption. The party is not going on in here. Please take it outside. Everybody wants to get out of here as rapidly as possible. The noisier the place, the more difficult it is to do business. Please take conversations outside.

Representative Cibes.

REP. CIBES: (39th)

Madam Speaker, I urge adoption.

DEPUTY SPEAKER POLINSKY:

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

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER POLINSKY:

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

House Amendment Schedule "E":

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Delete subdivision (3) of subsection (b) of section 16 in its entirety and substitute the following in lieu thereof: "(3) for the department of correction: Construction of a special alternative incarceration unit in accordance with section 17 of this act and construction, alteration, repair, renovation or implementation of a facility in accordance with section 33 of this act, not exceeding ten million dollars."

DEPUTY SPEAKER POLINSKY:

Will you remark further on the bill as amended?

Will you remark further? Representative Lavine.

REP. LAVINE: (100th)

Madam Speaker, ladies and gentlemen of the Chamber, you know the Senate's to be lauded for working on this bill and for rolling up their sleeves and for getting into an issue.

The unfortunate part is that it comes so late, it comes so confused, it comes so badly funded, and it really, you know we use the term smoken mirrors here. Really we should be talking about question marks, but there's an issue here that really disturbs me, and I'd like to ask the sponsors to tell me about it. We have three gambling establishments, which are going to be set up, and I guess I should pose this to my good friend, Representative Cibes, through you, Madam Speaker.

The three gambling establishments which are going

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to be set up, and I gather that there are certain geographic references about where they're going to be established. I'd like to ask whether the localities when picked, can reject the siting of these facilities in their community.

REP. CIBES: (39th)

Through you, Madam Speaker.

DEPUTY SPEAKER POLINSKY:

Representative Cibes.

REP. CIBES: (39th)

Yes. Lines 113 and 114 of House Amendment Schedule "A" indicate that that is the case.

REP. LAVINE: (100th)

Alright, thank you. I would like to point out to you, ladies and gentlemen, that we have had a measured policy on gambling up until this year.

There are those of use who really feel that the state's encouragement of gambling in Connecticut is encouraging one disease at the expense of a number of its citizens that cannot resist, control or handle money in this system, and we all know people gamble, but what is wrong about it is that the state becoming a shill in this gambling extravaganza is giving us a signal to people in our state that it is a proper process to follow.

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Now, ladies and gentlemen, about two weeks ago, there was a long article in the New York Times on gambling as a tax on the poor, and that's what we're doing here today. We are imposing a tax, and we are imposing a tax on those least able to pay it. We are expanding gambling to pay for a program which I at least would pay for through taxes and vote for those taxes as I voted for the tax package on this Floor earlier.

It is the wrong way to handle the needs of our citizenry, and I understand my good friends from Hartford, New Haven and Bridgeport and indeed my town of Middletown, where the drug dealers have taken over the urban areas, where housing projects are not safe to live in, where schools are menaced by drug dealers. I understand that, but I also understand that it is not right to solve that problem with a tax on the poor through a gambling system which is impoverishing our state.

It is not right. It is morally wrong and bankrupt, and we have had an opportunity to put within our legislation a way to pay for it, and we have not done it, so I congratulate my brethren in the Senate for having grappled with the issue, but I would say, shame for bringing us a bill which puts the burden of this

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issue on those least able to pay for it.

DEPUTY SPEAKER POLINSKY:

Will you remark further? Will you remark further on the bill as amended? Representative Jones.

REP. JONES: (141st)

Thank you, Madam Speaker. Since the distinguished Majority Leader suggested that we should read the papers, so we know what's going on, I read the Hartford Courant after the Senate passed their version of this bill, and I quote, it says "This bill will send the message that Connecticut has launched a major offensive against drugs." And I think that's commendable. I would like to observe that with respect to the CADAC budget here of 4.3 million, perhaps through you, Madam Speaker, I could ask Representative Tulisano how that compares with the already approved budget for CADAC for prevention and treatment of drug and alcohol abuse.

DEPUTY SPEAKER POLINSKY:

Representative Tulisano.

REP. TULISANO: (29th)

Through you, Madam Speaker, I really do not have those figures. I can just say that in my opinion, the \$4 million is not sufficient, in addition to anything we gave them. I do know it will cost us about 15

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million if we're going to get this program on the road.

DEPUTY SPEAKER POLINSKY:

Representative Jones.

REP. JONES: (141st)

Thank you. It so happens in my understanding of the budget there was \$44 million budgeted, so we're adding 4 million more and we're getting close to that 50 million, so indeed with this modest addition for drug and alcohol treatment to the budget we already passed, we will have a significant program, but perhaps if that's not the most major part of this, I would suggest that the move to a boot camp correctional facility is perhaps the major initiative here, and frankly, I'm wondering, Representative Tulisano, through you, Madam Speaker, when this initiative was developed by the leadership of the Senate, if you know.

DEPUTY SPEAKER POLINSKY:

Representative Tulisano, please proceed sir.

REP. TULISANO: (29th)

Last year Senator Barrows had us do a task force on this, or two years ago. He's been pushing for the last year, and of course at the same time they were pushing in the Senate, you may recall there were some Legislators down here in the House who tried to push for it, and we said it was coming down.

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DEPUTY SPEAKER POLINSKY:

Representative Jones.

REP. JONES: (141st)

Through you, Madam Speaker, thank you, Representative Tulisano. The only reason I mention there was that HB6167 of January 19th this year was boxed by your committee so that you didn't need to look into it with a public hearing, I assume, and in fact, it was several years ago according to OLR that the question was raised, but I must say in all seriousness I'm delighted that the Democrats have joined in in this, and I note that Senator Dodd and Senator Lieberman have also now spoken out in favor of this initiative, and I think we should go forward with it, because we know that the largest group of people being brought into court today on drug offenses unfortunately are young first time offenders. Thank you.

DEPUTY SPEAKER POLINSKY:

Will you remark further? Representative Fritz of the 90th.

REP. FRITZ: (90th)

Thank you, Madam Speaker. I would like to comment before the Chamber on this bill. I realize there's been a terrific amount of work that has gone into it. I plan to support it, but I would like to point out to

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the Chamber that there is a very serious flaw in this bill.

There's a whole segment of the population that have drug problems, and this area or this segment of the population is not addressed. This is the element or segment of our population who are under 16, who are not criminals, who do not go to correctional facilities, who are not clients of DCYS.

These are the kids in our neighborhoods, who when their parents call you up and say, my child needs treatment, but there's a waiting list. There are no beds. Can you help me? This bill does not address that segment of our population. There is no increase of residential facilities for the children who are not clients of the correctional institution or DCYS, and at this point, I would like to ask Representative Tulisano if he would make a commitment on the Floor for next year, that this area will be addressed since it was originally in the original forfeiture bill and then the funding was removed and was sent for drug enforcement and the same thing has happened in this bill, too. Representative Tulisano.

REP. TULISANO: (29th)

Through you, Madam Speaker.

DEPUTY SPEAKER POLINSKY:

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Representative Tulisano, would you care to respond?

REP. TULISANO: (29th)

I continue to be committed to increasing those kinds of areas of drug treatment and beds available to the state as I have in the past. Unfortunately, I cannot give a commitment since the 36 sometimes have other ideas. I have received assurances, however, that we will be able to review as a General Assembly through our appropriations process, you note House "A" did modify the file copy, so that our own people have some review of this and as they feel more beds can be implemented, etc., that opportunity will be available to us next year. I think we have the mechanism in place.

DEPUTY SPEAKER POLINSKY:

Will you remark further? Representative Fritz.

REP. FRITZ: (90th)

Thank you, Madam Speaker. Thank you, Representative Tulisano. I hope that you will honor this commitment for next year so that the children will not have to go to Texas and Chicago who are Connecticut residents, so that they can be treated.

DEPUTY SPEAKER POLINSKY:

Will you remark further on this bill as amended?

Will you remark further on the bill as amended? If

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not, will all...Representative Jaekle.

REP. JAEKLE: (122nd)

Thank you, Madam Speaker.

DEPUTY SPEAKER POLINSKY:

That does get their attention, though, doesn't it?

REP. JAEKLE: (122nd)

Sure gets me to spring to action. The Clerk has an amendment. It's LCO8870. Would the Clerk please call, and may I be permitted to summarize in lieu of Clerk's reading?

DEPUTY SPEAKER POLINSKY:

Will the Clerk please call LCO8870, which shall be designated House Amendment "F"?

CLERK:

LCO8870, designated House Amendment "F", offered by Representative Jaekle, et al.

DEPUTY SPEAKER POLINSKY:

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

REP. JAEKLE: (122nd)

Thank you, Madam Speaker. This amendment would establish what I'll call a pilot program drug court within the judicial district of Hartford-New Britain. It would establish that all the drug matters as defined

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in this amendment would be heard in the, all the matters within that judicial district would actually be heard at the judicial district of Hartford-New Haven.

Then you would be that judicial district. The court would maintain a separate docket for the drug matters heard there. There would be a clerk specifically for handling the drug matters as well as to the extent practical, a judge assigned to hear the drug matters staying them for 18 months rather than being rotated out and again to handle drug matters.

The same thing with designating one of the assistant state's attorneys or deputy state's attorneys in all likelihood a public defender to do the same thing, to concentrate on handling drug matters. Madam Speaker, I move adoption of the amendment.

DEPUTY SPEAKER POLINSKY:

Motion is on the adoption of the amendment. Will you remark further? Representative Jaekle.

REP. JAEKLE: (122nd)

Thank you, Madam Speaker. If I could ask initially that before I get into much debate, when the vote is taken on this amendment, would it be taken by roll please.

DEPUTY SPEAKER POLINSKY:

Question is on a roll. All those in favor of a

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roll call, please indicate by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER POLINSKY:

Twenty percent requisite having been met, when the vote is taken, it shall be taken by roll. Please proceed, Representative Jaekle.

REP. JAEKLE: (122nd)

Yes. Thank you, Madam Speaker. I think in summarizing the amendment I pretty much described it fairly well. The purpose, I hope, would be obvious. A lot is being done in the bill as amended to combat the use of drugs and the crime surrounding the use of drugs.

I'm proposing that at least on a pilot basis. I'd tell you I prefer a separate drug court. I'm not as skilled at that I suppose as the distinguished Chairman of the Judiciary Committee that got a separate housing court created some time ago, but at least to see whether there would be positive benefits achieved, a pilot program within the Hartford Judicial District.

Basically all the geographical area matters, drug matters, would be transferred to the Judicial District. We are talking about thousands of cases by the way. Have a judge, an assistant state's attorney, public

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defender, clerk, separate docket, concentrate on drug matters within the Hartford-New Britain Judicial District.

It would be for only an 18 month period of time. My hope, should this pass, would be that after that 18 month experience period, we would find out whether this is a worthwhile pilot program. The idea of a drug court to handle these matters. Whether the expertise by handling these matters over and over would provide for a more consistent handling of drug matters with the expansion of some of the alternative programs provided for in the bill.

Again I would hope a more consistent policy would develop that could serve as a model not only for expanding it for other drug courts around the state, but if it's determined that it is not a good idea for separate drug courts, I would hope that the individuals concentrating the efforts, the judges, the prosecutor, the public defender, a clerk, could be able to share their experience and hopefully educate others involved in the judicial process around the state about some positive approaches to handling those individuals involved with drug related crimes, so that we can, through our court system, also effect improvements for the future on the war on crime and drug crimes in the

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State of Connecticut. I would urge passage of the amendment.

DEPUTY SPEAKER POLINSKY:

Motion is on adoption of House "F". Will you remark? Representative Tulisano of the 29th.

REP. TULISANO: (29th)

Madam Speaker, I rise to oppose the amendment. Madam Speaker, the establishment of a drug court was the focus of a public hearing held in the City of New Haven by the Judiciary Committee during this past year, and at that point in time, a number of individuals testified and most convincing was Judge John Rohnan, who testified on Saturday, March 18th, 1989, and at that time pointed out that some 60 to 90% of all crimes, violent crimes have been involved with substance abuse, and so that it would be very difficult to distinguish since many people are multiply charged between abuse crimes of substance abuse as well as which may be of another nature, and to separate what they're held on would be time consuming and expensive and would it would not be cost efficient.

Further, Madam Speaker, I was going to review the amendment a little more. I note that this will deal with the drug matters we heard on a docket except for other matters in the judicial district of Hartford-New

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State of Connecticut. I would urge passage of the amendment.

DEPUTY SPEAKER POLINSKY:

Motion is on adoption of House "F". Will you remark? Representative Tulisano of the 29th.

REP. TULISANO: (29th)

Madam Speaker, I rise to oppose the amendment. Madam Speaker, the establishment of a drug court was the focus of a public hearing held in the City of New Haven by the Judiciary Committee during this past year, and at that point in time, a number of individuals testified and most convincing was Judge John Rohnan, who testified on Saturday, March 18th, 1989, and at that time pointed out that some 60 to 90% of all crimes, violent crimes have been involved with substance abuse, and so that it would be very difficult to distinguish since many people are multiply charged between abuse crimes of substance abuse as well as which may be of another nature, and to separate what they're held on would be time consuming and expensive and would it would not be cost efficient.

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Britain, so I'm not quite sure what court that will be held in, but it would require that everybody who even for minor drug offenses would normally go to New Britain, as I read this correctly, Enfield, Hartford GAS, East Hartford and Manchester, and I'm not sure where else, would all be in one court, and that would be, it seems to me since such a great majority are related to drugs, could create excessive traffic problems and caseload management problems.

Those are very practical reasons which were pointed out to us again when we were looking at this possibility. I hope this General Assembly will reject this proposal. Thank you, Madam Speaker.

DEPUTY SPEAKER POLINSKY:

Will you remark further on House Amendment "F"? Will you remark further? If not, will all members please take their seats? Staff and guests, to the Well of the House. 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.

The House of Representatives is voting by roll.
Members, report to the Chamber. The House of Representatives is taking a roll call vote. Members,

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report to the Chamber please.

DEPUTY SPEAKER POLINSKY:

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

Representative O'Neill, for what purpose do you rise.

REP. O'NEILL: (98th)

I can vote, ma'am. In the affirmative.

DEPUTY SPEAKER POLINSKY:

Representative O'Neill of the 98th, in the affirmative.

Clerk will announce the tally.

CLERK:

House Amendment "F"	
Total Number Voting	151
Necessary for Adoption	76
Those Voting Yea	63
Those Voting Nay	88
Those absent and not Voting	0

DEPUTY SPEAKER POLINSKY:

House "F" fails.

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House Amendment Schedule "F":

After section 33, add the following and renumber the remaining sections and internal references accordingly:

"Sec. 34. (NEW) For the purposes of sections 34 to 38, inclusive, of this act, "drug matters" means the criminal prosecution of persons for a violation of section 21a-267, 21a-277, 21a-278, 21a-278a or 21a-279 of the general statutes, or for conspiracy or attempt to violate any of said sections, and proceedings under section 54-33g or 54-36h of the general statutes for the forfeiture of property or moneys related to the violation of any of said sections.

Sec. 35. Section 53-348 of the general statutes is repealed and the following is substituted in lieu thereof:

(a) The geographical areas of the court of common pleas established pursuant to section 51-156a, revised to 1975, shall be the geographical areas of the superior court on July 1, 1978. The chief court administrator, after consultation with the judges of the superior court, may alter the boundary of any geographical area to provide for a new geographical area provided that each geographical area so altered or so authorized shall remain solely within the boundary of a single judicial district.

(b) Such geographical areas shall serve for purposes of establishing venue for the following matters: (1) The presentment of defendants in motor vehicle matters; (2) the arraignment of defendants in criminal matters, EXCEPT THAT FOR THE ARRAIGNMENT OF DEFENDANTS IN DRUG MATTERS IN THE JUDICIAL DISTRICT OF HARTFORD-NEW BRITAIN, VENUE SHALL BE IN THE JUDICIAL DISTRICT; (3) small claims matters; (4) housing matters as defined in section 47a-68, except that in the judicial districts of Hartford-New Britain, New Haven, Fairfield, Waterbury and Stamford-Norwalk, venue shall be in the judicial district, and in the judicial district of Ansonia-Mildord, venue shall be in the geographical area unless the plaintiff requests a change in venue to either the judicial district of New Haven or the judicial district of Waterbury; (5) such matters as the judges of the superior court may determine by rule.

(c) For the prompt and proper administration of judicial business, any matter and any trial can be heard in any courthouse within a judicial district, at the discretion of the chief court administrator, if the use of such courthouse for such matter or trial is

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convenience to litigants and their counsel and is a practical use of judicial personnel and facilities, except juvenile matters may be heard as provided in section 46b-122. MATTERS DO NOT HAVE TO BE HEARD IN THE FACILITIES TO WHICH THE PROCESS IS RETURNED AND THE PLEADINGS FILED. Whenever practicable family relations matters shall be heard in facilities most convenient to the litigants.

(d) Housing matters, as defined in section 471-68, shall be heard on a docket separate from the other matters within the judicial districts of Hartford-New Britain, New Haven, Fairfield, Waterbury and Stamford-Norwalk, provided in the judicial district of Waterbury such matters shall be heard by the judge assigned to hear housing matters in the judicial district of New Haven, and in the judicial district of Stamford-Norwalk such matters shall be heard by the judge assigned to hear housing matters in the judicial district of Fairfield. The records, files and other documents pertaining to housing matters shall be maintained separate from the records, files and other documents of the court. [Matters do not have to be heard in the facilities to which the process is returned and the pleadings filed.]

(e) DRUG MATTERS SHALL BE HEARD ON A DOCKET SEPARATE FROM OTHER MATTERS IN THE JUDICIAL DISTRICT OF HARTFORD-NEW BRITAIN FOR A PERIOD OF EIGHTEEN MONTHS COMMENCING ON THE EFFECTIVE DATE OF THIS ACT. THE RECORDS, FILES AND OTHER DOCUMENTS PERTAINING TO DRUG MATTERS SHALL BE MAINTAINED SEPARATE FROM THE RECORDS, FILES AND OTHER DOCUMENTS OF THE COURT.

Sec. 36. Subsection (a) of section 51-51v of the general statutes is repealed and the following is substituted in lieu thereof:

(a) The judges of the superior court, at their annual meeting in June, shall appoint: (1) Chief clerks for the judicial districts; (2) deputy chief clerks for those judicial districts designated by an authorized committee of the judges; (3) first assistant clerks for those judicial districts designated by an authorized committee of the judges; (4) clerks of the geographical areas; (5) a clerk for the centralized infractions bureau; [and] (6) clerks for housing matters, including a chief clerk of housing matters; AND (7) A CLERK FOR DRUG MATTERS IN THE JUDICIAL DISTRICT OF HARTFORD-NEW BRITAIN WHO SHALL BE APPOINTED FOR A TERM OF EIGHTEEN MONTHS.

Sec. 37. Section 51-165 of the general statutes is repealed and the following is substituted in lieu thereof:

(a) The superior court shall consist of one hundred fifty-five judges, including the judges of the supreme court and the appellate court, who shall be appointed by the general assembly upon nomination of the governor.

(b) In addition thereof, each judge of the supreme court, appellate court, or judge of the superior court who elects to retain his office but retire from full-time active service shall continue to be a member of the superior court during the remainder of his term of office and during the term of any reappointment under section 55-50i, until he attains the age of seventy years. He shall be entitled to participate in the meets of the judges of the superior court and to vote as a member thereof.

(c) Any judge assigned to hear housing matters should have a commitment to the maintenance of decent, safe and sanitary housing and, if practicable, shall devote full time to housing matters. If practicable, he should be assigned to hear matters for not less than eighteen months. Any judge assigned to housing matters in a judicial district should reside in one of the judicial districts served by the housing session after he is assigned thereto.

(d) Any judge assigned to hear juvenile matters should have a commitment to the prompt resolution of disputes affecting the care and custody of children with full understanding of all factors affecting the best interests of children and, if practicable, shall devote full time to juvenile matters. If practicable, any such judge should be assigned to hear juvenile matters for not less than eighteen months.

(e) ANY JUDGE ASSIGNED TO HEAR DRUG MATTERS IN THE JUDICIAL DISTRICT OF HARTFORD-NEW BRITAIN SHALL, IF PRACTICABLE, DEVOTE FULL TIME TO THE HEARING OF DRUG MATTERS. IF PRACTICABLE, ANY SUCH JUDGE SHOULD BE ASSIGNED TO HEAR DRUG MATTERS FOR NOT LESS THAN EIGHTEEN MONTHS.

Sec. 38. Subdivision (a) of subsection (b) of section 51-278 of the general statutes is repealed and the following is substituted in lieu thereof:

(b) (1) (A) The criminal justice commission shall appoint two deputy chief state's attorneys as assistant administrative heads of the division of criminal justice, one of whom shall be deputy chief state's attorney for operations and one of whom shall be deputy chief state's attorney for personnel, finance and administration, who shall assist the chief state's attorney in his duties. The term of office of a deputy chief state's attorney shall be four years from July

first in the year of appointment and until the appointment and qualification of a successor unless sooner removed by the criminal justice commission. The criminal justice commission shall designate one deputy chief state's attorney who shall, in the absence or disqualification of the chief state's attorney, exercise the powers and duties of the chief state's attorney until such chief state's attorney resumes his duties. For the purposes of this subparagraph (A), the criminal justice commission means members of the commissioner other than the chief state's attorney. (B) The criminal justice commission shall appoint a state's attorney for each judicial district, who shall act therein as attorney in behalf of the state, and as many assistant state's attorneys and deputy assistant state's attorney on a full-time or part-time basis for the judicial districts of the criminal business of the court, in the opinion of the chief state's attorney, may require, and as many assistant state's attorneys and deputy assistant state's attorneys as are necessary, in the opinion of the chief state's attorney, to assist the chief state's attorney. Assistant state's attorneys and deputy assistant state's attorneys, respectively, shall assist the state's attorneys for the judicial districts and the chief state's attorney in all criminal matters and, in the absence from the district or disability of the state's attorney or at his request, shall have an exercise all the powers and perform all the duties of state's attorney. At least three such assistant state's attorneys or deputy assistant state's attorneys shall be designated by the chief state's attorney to handle all prosecutions in th state of housing matters deemed to be criminal. Any assistant or deputy assistant state's attorney so designated should have a commitment to the extent practicable, shall handle housing matters on a full-time basis. AT LEAST ONE SUCH ASSISTANT STATE'S ATTORNEY OR DEPUTY ASSISTANT STATE'S ATTORNEY SHALL BE DESIGNATED BY THE CHIEF STATE'S ATTORNEY TO HANDLE ALL DRUG MATTERS IN THE JUDICIAL DISTRICT OF HARTFORD-NEW BRITAIN, AND SHALL, TO THE EXTENT PRACTICABLE, HANDLE DRUG MATTERS ON A FULL-TIME BASIS."

Delete section 41 in its entirety and substitute the following in lieu thereof:

"Sec. 41. This act shall take effect from its passage, except sections, 14, 15, 16, 21, 26 and 39 shall take effect July 1, 1989, sections 25, 34, 35, 36, 37 an 38 shall take effect October 1, 1989, and

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sections 1 to 13, inclusive, and sections 17, 18, 19, 20, 22, 23, 27, 28, 29, 30, 31, 32, 33 and 40 shall take effect January 1, 1990."

DEPUTY SPEAKER POLINSKY:

Will you remark further on the bill as amended?

Representative Fleming.

REP. FLEMING: (16th)

Thank you, Madam Speaker. Madam Speaker, Representative Lavine in his comments, I think, was absolutely right, and it's not often that I agree with some of the things that Representative Lavine says, but in this case, I do believe he's right.

He says, Madam Speaker, that we're using gambling money from those who can least afford to pay.

DEPUTY SPEAKER POLINSKY:

(gavel) If you have business to conduct, please conduct it outside. If you wish to celebrate the ending of the session in another three hours, please do so outside of the Chamber. We are doing business here.

I repeat. We have to hear the debate. We cannot hear it if everybody is talking to each other, particularly about things that have nothing to do with the debate. Representative Fleming, I apologize. Please proceed.

REP. FLEMING: (16th)

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Thank you, Madam Speaker. Madam Speaker, I realize there are a lot of bills that are still to go. This is very important to me. I don't approve of gambling, and in this case, I think it's, it's probably the worse source of funding for this type of a bill.

I think it is ironic that this bill will deepen our dependence on gambling money. I think it will deepen our dependence on gambling money as a state just as those who are trying to help with the bill are dependent on drugs, and I think it is the wrong way to go, and so Madam Speaker, I would ask that the Clerk please call LC08871, and that I be permitted to summarize.

DEPUTY SPEAKER POLINSKY:

Will the Clerk please call LC08871, and it will be designated House Amendment "G".

CLERK:

LC08871, House "G", offered by Representative Jaekle, et al.

DEPUTY SPEAKER POLINSKY:

The gentleman has asked leave of the Chamber to summarize. Is there objection? Hearing no objection, please proceed, Representative Fleming.

REP. FLEMING: (16th)

Yes, thank you, Madam Speaker. In summary, especially Representative Cibes, because you may be the

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only one left listening at this point, the amendment, we had discussed the expansion of the off track betting facilities, the three facilities which would have simulcasting of off track betting racing programs, and in addition what section 24 of the bill does is it extends the moratorium.

What LCO8871 is designed to do is to simply allow for the extension for the moratorium on gambling to 1991, and prevent the expansion of gambling by deleting the new language in subsections b and c of the amendment, and Madam Speaker, I would move adoption.

DEPUTY SPEAKER POLINSKY:

Motion is on adoption. Will you remark further?
Representative Fleming.

REP. FLEMING: (16th)

Yes, very briefly, Madam Speaker, again it's my belief that this bill as amended will deepen the state's dependence on gambling by expanding it. I think it's the wrong direction. I know that we have a moratorium, and it can be argued that perhaps these off track betting facilities still fall legally within the definition of the moratorium.

My point is it is an additional \$6 1/2 million coming into the state because we are expanding gambling. We wouldn't be getting \$6 1/2 million more

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if we weren't expanding gambling. It's very simple, and Madam Speaker, I would ask that when the vote is taken on this amendment, Madam Speaker, that it be taken by roll.

DEPUTY SPEAKER POLINSKY:

Question is on a roll call. All in favor please indicate by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER POLINSKY:

When the vote is taken, it will be taken by roll. Will you remark further on House Amendment "G"? Representative Cibes.

REP. CIBES: (39th)

Madam Speaker, first of all, I oppose this amendment. Second, and for the following reasons. Although the amount of money expected to be generated in this fiscal year from simulcasting is small, I think it's important, \$2.3 million, and we ought to proceed with it.

Secondly, I think it can certainly be seen as not a violation of the moratorium on expansion of gambling by providing for these facilities, since they are within the limitation of 18 off track betting branch facilities which are currently permitted, so I oppose

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the amendment.

DEPUTY SPEAKER POLINSKY:

Will you remark further on House "G"?
Representative Ward.

REP. WARD: (86th)

Thank you, Madam Speaker. Frankly, I think when we talk about an anti-drug policy, to say we're going to fund it by encouraging further vice, that's what the bill is saying. Advertise, encourage one vice to try and fight the ills of another. I don't think that makes sense. This amendment says take that funding out. Take that out. It's permanent funding. It's really kind of a fraud. It's not going to say to support drug wars in the future. It just says take out that expansion. I think it does violate the moratorium. I hope we'll adopt it.

DEPUTY SPEAKER POLINSKY:

Will you remark further? Representative Lavine.
REP. LAVINE: (100th)

Madam Speaker, I too would like to support this amendment. This is clearly expanding gambling in the state, and I think there is a line to be drawn and this is the line, and I would urge my colleagues on this side to support it.

DEPUTY SPEAKER POLINSKY:

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Will you remark further on House Amendment "G"?
 Will you remark further? If not, will all members,
 please take their seats? Staff and guests, to the Well
 of the House. The machine will be opened.

CLERK:

The House of Representatives is voting by roll.
 Members, report to the Chamber. The House of
 Representatives is taking a roll call vote. Members,
 report to the Chamber immediately.

DEPUTY SPEAKER POLINSKY:

Have all members voted, and is your vote properly
 recorded? Have all members voted? Representative
 Mushinsky, please don't run.

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

Clerk will announce the tally.

CLERK:

House "G" to SB1069	
Total Number Voting	149
Necessary for Adoption	75
Those Voting Yea	71
Those Voting Nay	78
Those absent and not Voting	2

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DEPUTY SPEAKER POLINSKY:

House "G" is rejected.

House Amendment Schedule "G":

Delete section 24 in its entirety and substitute the following in lieu thereof:

"Sec. 24. Subsection (a) of section 12-571a of the general statutes is repealed and the following is substituted in lieu thereof:

(a) From April 22, 1981, to June 30, [1989] 1991, the division of special revenue and the gaming policy board shall not operate or authorize the operation of more than eighteen off-track betting branch facilities, except that the division and the board may operate or authorize the operation of any off-track betting facility approved prior to December 31, 1986, by the legislative body of a municipality in accordance with subsection (a) of section 12-572. Any facility approved prior to December 31, 1986, shall be included within the eighteen branch facilities authorized by this subsection. For the purposes of this section, the tele-track facility shall not be considered an off-track betting branch facility."

DEPUTY SPEAKER POLINSKY:

Will you remark further on the bill as amended?

Representative Krawiecki of the 78th.

REP. KRAWIECKI: (78th)

Thank you, Madam Speaker. The Clerk has LC08726. Would he please call and I be allowed to summarize?

DEPUTY SPEAKER POLINSKY:

Will the Clerk please call LC08726, which shall be designated House Amendment "H"?

CLERK:

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LC08726, House "H", offered by Representative Jaekle, et al.

DEPUTY SPEAKER POLINSKY:

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

REP. KRAWIECKI: (78th)

Thank you. Members of the House, I direct you to lines 112 and 113 of the original file before you. In that area, we have a new pretrial diversion drug program. The language seems a little loose as to whether or not someone can go back into the program on multiple occasions. This amendment would say that someone gets that pretrial program one time and only one time. I move adoption.

DEPUTY SPEAKER POLINSKY:

Motion is on adoption. Will you remark further? Representative Krawiecki.

REP. KRAWIECKI: (78th)

I think it's a great amendment, I would hope that the Chamber would adopt it.

DEPUTY SPEAKER POLINSKY:

Will you remark further? Representative Tulisano.

REP. TULISANO: (29th)

Madam Speaker, this is the intent of the original

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file copy. I agree certainly isn't a stupid amendment. I would vote for it, yes.

DEPUTY SPEAKER POLINSKY:

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

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER POLINSKY:

Opposed nay. The ayes have it.

House Amendment Schedule "H":

In line 112, delete ", during the two-year period"
In line 113, delete "preceding the crime charged,"
and after "was" insert "previously"

DEPUTY SPEAKER POLINSKY:

Will you remark further on the bill as amended?
Will you remark further on the bill? If not, will all members please come....Representative Farr.

REP. FARR: (19th)

Madam Speaker, I just want to make a comment. This bill...

DEPUTY SPEAKER POLINSKY:

(gavel) The gentleman has asked to comment. I think it is beholding on us to listen.

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REP. FARR: (19th)

Madam Speaker and members of the Chamber, this bill is a mess. You've got combined it in here a bill expanding gambling with a bill that rightly provides a lot more money for drug rehabilitation, and then a bill that undercuts the criminal justice system.

What you've got in here are provisions that say, if your constituents are burglarize, the burglar can go to court and get stay of prosecution if he can show that he's a drug dependent person. Now if he's not drug dependent we're going to prosecute him, but if he's drug dependent he now has the out of going through a drug program.

It doesn't matter if he's been convicted twelve times before for burglary. It doesn't matter whether he's been in 12 other drug programs before. All he has to do is show that now he's drug dependent and we know that virtually the majority of burglars - in fact the statistics are 70% of the criminals are going to be eligible for this program.

And what are you going to do? You're going to suspend prosecution on 70% of the criminals if they go through a drug program, or an alcohol program. That's fine, except many of them have been through it before, and in the vast majority of cases, it isn't going to be

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effective, so you've combined two or three things together. It's a mess. I realize there are good parts, and many of you feel that the good outweighs the bad, but I've got to tell you, there's a lot of bad here. Thank you.

DEPUTY SPEAKER POLINSKY:

Will you remark further on the bill as amended? Will you remark further? If not, will all members please take their seats? Staff and guests, to the Well of the House. The machine will be opened.

CLERK:

The House of Representatives if voting by roll.

Members, report to the Chamber. The House is taking a roll call vote. Members, report to the Chamber.

(APPLAUSE)

DEPUTY SPEAKER POLINSKY:

Have all the members voted? Have all the members voted, and is your vote properly recorded?

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

Clerk will...

REP. COHEN: (15th)

Madam Speaker. Madam Speaker.

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DEPUTY SPEAKER POLINSKY:

Representative Cohen, for what purpose do you rise?

REP. COHEN: (15th)

Because I thought I was voting in the affirmative, and apparently didn't, Madam Speaker.

DEPUTY SPEAKER POLINSKY:

Representative Cohen of the 15th will recorded in the negative or in the affirmative. Try one more time.

REP. COHEN: (15th)

In the affirmative.

DEPUTY SPEAKER POLINSKY:

Representative Cohen of the 15th, in the affirmative.

Clerk will announce the tally.

CLERK:

Emergency Certified SB1069, as amended by	
House Amendment "A", "C", "D", "E" and "H"	
Total Number Voting	149
Necessary for Adoption	75
Those Voting Yea	120
Those Voting Nay	29
Those absent and not Voting	2

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DEPUTY SPEAKER POLINSKY:

The bill as amended is passed. Congratulations.

(APPLAUSE)

REP. FRANKEL: (121st)

Madam Speaker. Madam Speaker.

DEPUTY SPEAKER POLINSKY:

Representative Frankel.

REP. FRANKEL: (121st)

Pursuant to Joint Rule 17 I move that this item be transmitted immediately to the Senate.

DEPUTY SPEAKER POLINSKY:

Is there objection? Hearing no objection, so ordered.

SPEAKER BALDUCCI:

Members of the House, I would appreciate if those people in the Well would kindly be seated. Conversations could be limited. We still have business before the Chamber. I would like to move along with that business. Thank you.

CLERK:

Emergency Certification SB1075, AN ACT INCREASING CERTAIN BOND AUTHORIZATIONS FOR CAPITAL IMPROVEMENTS, LCO8739. The Clerk has in his possession Emergency Certified Bill signed by John Larson, President Pro Tem of the Senate, Richard Balducci, Speaker of the House

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SENATOR O'LEARY:

Mr. President, I move suspension of the rules for immediate transmittal of all Consent Items that are going to the House.

THE CHAIR:

Without objection, so ordered.

THE CLERK:

Mr. President, Clerk is in possession of Emergency Certified Bill, SB1069, AN ACT CONCERNING PREVENTION AND TREATMENT OF SUBSTANCE ABUSE AND ENFORCEMENT OF DRUG LAWS. LC08215. Correction, the bill is accompanied by Emergency Certification to address in a comprehensive way, the problem of drug abuse in Connecticut. Signed, John B. Larson, President Pro Tempore of the Senate, Richard J. Balducci, Speaker of the House of Representatives.

THE CHAIR:

Senator McLaughlin.

SENATOR MCLAUGHLIN:

Thank you, Mr. President. I would appreciate it, and perhaps I just missed it because it was so brief, if the Clerk would again if he has, if he hasn't, would he please read the nature of the emergency that would accompany the bill.

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You may proceed.

THE CLERK:

The nature for Emergency Certification is to address in a comprehensive way the problem of drug abuse in Connecticut.

THE CHAIR:

Senator McLaughlin.

SENATOR MCLAUGHLIN:

Thank you, Mr. President. I was afraid that was what the emergency was. I would, at this time, just like to suggest to the Chamber, that there is no emergency. We're going to act on this anyway, and I'm not going to proceed to say much more than the fact that this clearly could have come through any other normal channel, without any Emergency Certification.

THE CHAIR:

Senator Daniels.

SENATOR DANIELS:

Mr. President, I move the adoption of the Favorable Report, I move adoption of the Emergency Certification.

THE CHAIR:

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President. I rise on a Point of Order. Not knowing for sure whether this is the time

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to do so, but I'm going to leave that to the ruling of the Chair. I'd like to request, sir, as to whether you would rule whether sections 24 to 43, lines 837 through and including lines 1366, represent an independent proposition that may be divided pursuant to Senate Rule 23.

THE CHAIR:

Rule 23 reads if the question under debate consists of two or more independent propositions, any member may move to have the question divided. The President shall rule on the order of voting on the divisions of a question. It is your prerogative to ask for a division, and if you're successful in the division, the Chair can then order the, can rule on the order of the division, so that you may move for a division, which is your prerogative under that rule.

SENATOR SMITH:

Thank you, Mr. President. I was concerned about two things. One is whether this is the appropriate time, and I suspect it is.

THE CHAIR:

The Clerk has called the measure, and I think Senator Daniels has moved for adoption, and I think, yes, it is the time.

SENATOR SMITH:

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Thank you, sir. That was my primary concern. At this time I would move that we divide the question, along the lines I suggested, that sections 24-43, lines 837 through and including line 1366, do in fact represent an independent portion of the proposition before us in accordance with Rule 23, that that would be appropriate, and I would so move.

THE CHAIR:

To restate the motion, Senator Smith, under Rule 23, has moved for a division to call for the division of Section 24-43, beginning with lines 837 through 1366.

SENATOR SMITH:

That's correct, sir.

THE CHAIR:

Wish to remark.

SENATOR SMITH:

Yes, Mr. President, it's my understanding that limited debate would be allowed under the provisions of the rules, and if I might, sir.

THE CHAIR:

You may proceed.

SENATOR SMITH:

Without getting into the merits of the proposal before us, with regard to the programs, which I'm sure

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that the proponent and the introducer of the legislation will do most adequately, I would like to point out that when we passed the budget, under House Amendment "B" of that provision, there's every indication in the budgetary figures that were adopted, that we, in fact, have created a circumstance with the adoption of the budget, and the adoption of the tax package that accompanied it, that we have excess revenues of \$89,402,000. When we added up the fiscal note on the provision before us, that excess revenue that was previously adopted as part of fiscal 1989-90 budget, would have more than adequate revenues to carry out the program that the Senator from New Haven has introduced.

It's my contention, sir, that with that in mind, that we should have an opportunity to separate the two issues before us, that's one of taxation and one of programming. And I think that we should be given that opportunity, inasmuch as when the budget was passed, there appears to be, on the basis of the figures that we adopted, \$89,402,000 excess revenues, more than enough to cover the appropriations as outlined in this particular proposal, if in fact it's adopted, and that is the basis for my request for division.

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Further remarks on the motion. Senator O'Leary.

SENATOR O'LEARY:

Thank you, Mr. President. We're not quite as optimistic about the revenue projections as the Minority Leader, Mr. President, and I would oppose the motion to divide.

THE CHAIR:

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President. I believe it is appropriate at this time, unless there's other arguments, that I request a roll call vote when this is decided.

THE CHAIR:

Roll call is noted. Further remarks. Clerk, please make an announcement for an 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:

Question before the Chamber is a motion to have the question divided, separate Sections 24-43, lines 837 through 1366. If you wish to move for the division,

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you vote yea, contrary-minded, nay.

The machine is open, please record your vote.

Senator Maloney. Has everyone voted?

The machine is closed.

Clerk, please tally the vote.

The result of the vote:

13 Yea

23 Nay

The motion is defeated.

Senator Daniels.

SENATOR DANIELS:

Thank you, Mr. President.

THE CHAIR:

There is an amendment, Senator.

THE CLERK:

LC08807.

THE CHAIR:

Excuse me. I think you want to hold that. Is that correct, Senator Smith?

SENATOR SMITH:

Yes, if I might respond. I have discussed it with the introducer of the bill, and I think in order to have the continuity of the presentation hold, by agreement, he will proceed, and then I'll discuss the amendment and introduce it after that.

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THE CHAIR:

Senator Daniels.

SENATOR DANIELS:

Thank you, Mr. President. Mr. President and Members of the Circle, what we have here is a 43 page document which represents a major, a major assault on drugs in the state of Connecticut. And this bill, when passed, will send a message throughout these United States, that Connecticut has launched a major offensive against drugs.

This represents new programs, new initiatives, new ideas, consolidation of some programs in the effort to combat drugs in the state of Connecticut. Mr. President and Members of the Circle, if you allow me just a couple of minutes to give a historical prospective of how we got to where we are today. I think it's very important and I'd like to share it with you.

Back in the middle of April of 1988, in our session, Senators Morton, Avallone, DiBella, Barrows and Daniels, we were sitting in the caucus room just simply chatting, and one of the Senators whose name I will not give, but he's from Hartford and has gray hair, said to us all and just out of the blue, he said, you know guys, we got to do something about these

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"blank" drugs. And we all agreed, we all agreed. And we all left out of there, we agreed to go back to our communities, to talk to our police chiefs about the problems of drugs.

Then in May, when we were getting ready to adjourn, we had a press conference in the same caucus room, same individuals, where we had met with our police chiefs, police chiefs of all three cities, had met with officials at the state police, and we had a 14, we were going to recommend this year, a \$14 million program, to provide more policemen to the cities, more equipment to the cities, etc. And we did announce that at that press conference.

The Senate adjourned, and we went back to our various communities. But over the summer, many of us, many of us, as you'll probably hear later, got involved, were witnesses to sting operations that took place in our cities. I, for one, visited a number of treatment centers within the New Haven area, talked to high school kids about the whole idea of drugs, and then the campaign season came along. And I think that I, just like everyone else here, talked about, all we were hearing was about drugs. What are you going to do about drugs? The number one problem in this state, drugs, drugs, drugs. And we all campaigned on various

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issues about what we were going to do about drugs.

Then we got elected. Right after election, I called up Senator Larson, and I said, Senator, I would like to Chair the Substance Abuse Committee the next session. And his remark was, he said, well, Senator, I'm not sure that we're going to have a Substance Abuse Committee, or any of the special committees. Then January came, and we met with Senator Larson again, and some other Senators, and to a person we all agree, hey we got to do something about this problem of drugs in a comprehensive manner. Not piecemeal; a comprehensive manner.

And John stated that we are going to have the Substance Abuse Committee. And I Chaired that Committee, and we must have had, the Committee had over 300 bills, from you, from members of the House. Everyone's bill was important to them. Everyone had an idea of how to solve this problem of crime. And the Committee, with the help of members across the aisle, felt that we had to do something about the problem, and not just window dressing, but to do something constructively about the problem.

And as the result of a lot of hard work, Members around this Circle, staff, our police chiefs, state police, private organizations, this is what we have.

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And Mr. President, in a way of now presenting the bill, the bill has a number of components, and just about every Senator in this caucus had a piece of this bill, and I'm going to call upon six Senators to give explanations of certain parts of the bill.

The first part is Law Revision. There have been many changes in Law Revisions. The Criminal Justice System. Prevention and Education. Treatment. Alternatives to Corrections. And Law Enforcement, and how we're going to finance this package. I'm going to call upon Senator Avallone, whose going to go through all the changes in the Law Revision. Senator Avallone.

THE CHAIR:

Senator Avallone.

SENATOR AVALLONE:

Thank you, Mr. President. I want to thank my colleague from New Haven for his fine comments, and his history of this program. I'm going to try and give you the technical stuff first, and let you have an overview of it before I make some general comments on the process and the bill. I just want to thank him and everybody else in this Circle. We're dealing with a difficult problem, one of a magnitude that hopefully we'll never see in society again in such a comprehensive manner.

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When I say comprehensive, people begin to believe that you have to have something new, and that's the only way to solve something. Well, a lot of work has gone into this to coordinate, make more efficient existing systems, and existing programs, as well as add some new things. So let me go through the bill quickly, and again, I will comment later on.

The Law Revision Commission, the Judiciary Committee, private members of the bar, had a great deal to do with reviewing the Criminal Justice System. The first 13 sections of this bill, go over that system, and try to refine it. Where there were dual authorities, we tried to put it under one roof, so that we could trace the treatment that's provided in this bill, make the most efficient use of the funds that this state is providing.

It is a comprehensive look at the Criminal Justice System. It makes provisions for dealing with drug treatment, which to a large degree, are in two separate parts of our statutes, unnecessarily and combines them. Provisions for suspension of prosecution in certain cases is now more efficient, as it relates to not only drug cases, but alcohol cases. We found in reviewing our statutes, that there were different criteria for the suspension of prosecution

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for drug cases and alcohol cases, which is unnecessarily sapping our resources.

We sat down, we refined them, and we put them under one roof where they belong. The provisions are amended to give the court discretion, in less serious cases, misdemeanors and class D felonies, to suspend prosecution in drug and alcohol treatment, to give people an opportunity, those who have not yet been tried, and those who have been tried and found guilty, but have not yet been sentenced, an alternative to jail, for treatment programs. In the very first part of the bill, defines treatment programs, and anything, for example, that is classified as a detoxification center alone, is not a treatment center. We are no longer going to shuffle off people, dry them out, so to speak, and then bring them back to the Criminal Justice System.

You're only eligible for these programs under certain circumstances, so that you're not going to get a lot of bites at this apple. If there are people in the state of Connecticut who desire treatment as an alternative to going to jail, they will have a meaningful treatment program to go to. And if they do not wish to participate, they will go to jail. I've been in the courts too long, as a practicing attorney,

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as a member of this legislature and the Judiciary Committee. And seeing people try to take advantage of programs, not for treatment, but as an excuse not to go to jail. And in 15 years, I'm sorry to say, that under certain circumstances, that's changed now. Because of our overcrowding problem, people are willing to go to jail instead of treatment programs, because it's easier. You can get a five year sentence in this state, and wind up only doing 10% of the time you were sentenced to.

We can sit back and point the finger at everyone, which won't do us any good, or we can sit back and try to solve it, and that's what this program does. No longer will people walk into that court room, I hope, and say, yes, counselor, you can get me into a program, but that's a year, and I don't really want to solve my problem. I'll go to jail and get out in six months. When it's easier to go to jail, then to go to a treatment facility, we have a real problem. This bill defines what a treatment program is, and it's a no-nonsense program, and I'm proud to see it in the bill.

The custody of the person who is going to be in this treatment facility, used to be under two authorities, CADAC and Adult Probation. We now

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clarified that program. There's no overlapping. It's going to be under Adult Probation, because we realize that sometimes the treatment program has to change. Some people progress faster than others. Some programs will work better than others for individuals. We shouldn't have a problem with two agencies, or two authorities, trying to decide what's in the best interest of this person in society. So that's no longer going to be a problem. We've put it under Adult Probation.

The court will always now have a report from CADAC, done by a panel or a committee of examiners. Under the current law, it is not required, if you're going to do an alternative program. Not after this bill's passed. The report will be done by qualified examiners, and must be in the file, before the judge can use the effects of this bill. Currently in our system, we have something similar to this, but it's not being used, because prosecutors have a veto power over it. And drug treatment programs have not been in favor of the prosecutors in this state, and as a general consensus, they have stymied their use. For legitimate reasons, this is not a criticism of them.

But with a new definition of a treatment program, with the monies that we are putting in there, the fact

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that the report that comes back, not only must specify specific things about the individual to qualify for the program, but it also must set forth, within 45 days, that there's a space for that person. We're not going to get into a cycle where we pass these people along for six months, and nothing happens. That space has got to be available within 45 days. So, we've given the judges some discretion. The prosecutors can recommend this, but also, now, the judges can. You have to understand, this is not for class C, B or A felons. This is for misdemeanors, and class D felons. Those are currently in place for a program some of you may have heard before, Accelerated Rehabilitation, so we have a handle on the people that are going to go into this program.

Upon completion of the program, there is the potential for the suspension of prosecution or the reduction in the sentence, or even the dismissal of the charges, so long as one completes satisfactorily the program. You're not going to get this program three or four times. You're not going to go back to the court, if you fail. This program is designed for people who have a desire to be treated for their addiction or for their alcohol abuse. Key element in the program. Suspension can be terminated, and the proceedings can

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be initiated immediately, if the individual enters the program, and desires not to fulfill its requirements. Probation with an order of treatment is also available, but the system is designed not to let people fail, but it's designed to succeed. It's designed to give them the assistance they need, once they've decided that they want help.

In my own law practice, unfortunately it's becoming more prevalent, where people are wanting to get arrested, because that's the only way they can get into a drug program. And when I go into court, or I go into these treatment centers, and I see people who are there to abuse the system, it turns my stomach, because for every one of those, unfortunately there are hundreds who can use this system. For every bed that's filled, there are hundreds of people out there looking for help. And when they get into the Criminal Justice System, instead of it being the funnel to which they catch people, unfortunately it's a hole into which they drop. And that must cease. And this bill, and these sections in the bill, are designed to make a system in which you and I have lost faith, fundamentally sound and one which we can be proud of.

This overcrowding problem has destroyed, or potentially can destroy the morale of everyone.

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Citizens, drug dependent people, prosecutorial staff, judges, clerks, law enforcement people. The statistics are frightening. When you talk about arrests going up, doubling, tripling, you talk about 7400 beds or cells. It's not cells any more. It's dormitory space. Take over recreation halls. 70% of the people in our jails is the result of drug-related crime. The system is designed, our society is designed to help people, but only if we understand that the Criminal Justice System is a part of the solution, that education and treatment are of equal concern to us. I want to thank Senator Daniels for allowing me to speak on this portion, and now my other colleagues will speak to others. Thank you.

THE CHAIR:

Senator Daniels.

SENATOR DANIELS:

Thank you, Senator Avallone. Senator Blumenthal will do the Criminal Justice Section of this bill.

THE CHAIR:

Senator Blumenthal.

SENATOR BLUMENTHAL:

Thank you, Mr. President. I will be brief because I believe that all of us by now have had a chance to review the pertinent parts of this measure that deals

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with our Criminal Justice System, but in general, I think that this measure shows that this General Assembly, and in particular, the Senators who will be voting for this measure, who have worked on this measure, who have worked on this measure, who have devoted substantial time and energy to it, are interested not only in the rhetoric of crime in criminal justice, but in the reality of it, and the reality, and the stark reality that resources are necessary to make this Criminal Justice System work effectively.

Anyone who's been involved with law enforcement, knows that it's easy to talk tough on crime, but it's much harder to put in the hours and the resources and the money that is necessary to make the system work effectively and make laws truly enforceable and enforced at the state level as well as the federal level. The Criminal Justice Section of this measure, seeks to deal with the currently vastly overburdened Justice System, our Court System and our Prison System, by providing additional resources, additional bailiffs, monitors, judges, clerks; in essence, the infrastructure of our Justice System, without which it simply cannot function effectively. And it deals with our currently overburdened prisons. The overcrowding

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problem that is not just a state problem, but a national problem at the state level and at the federal level.

Other states have sought to deal with it in ways that this program does by increasing the strength of probation officers and the probation system, adding, for example, as this measure does, 45 new probation officers and increasing their ability to really provide effective supervision over those assigned to them. Our ratio of probation officers to probationers is currently the highest in the country, some 400 to 500 cases per officer. There is just no way that a probation officer can perform effectively, with that kind of workload. No way that he can spend more than minutes per month, with any of those under his supervision. And my hope is, that a combination of measures contained in this package, pre-trial diversion, post-trial alternatives to physical incarceration, will help the system put behind bars, and in cells, those who belong there, those who are dangerous to society, but at the same time, use measures that provide for punishment, and in many cases, confinement, for example to their homes or to other places, halfway houses that don't have the costs associated with prisons, and will serve as just as

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effective a deterrent, just as effective form of punishment and are a better use of resources.

This program, insofar as it attempts to deal with our Criminal Justice System and improve it, provide relief or it through resources, real resources, is innovative and creative, and offers real promise to those involved in our Criminal Justice System.

THE CHAIR:

Further remarks. Senator Daniels.

SENATOR DANIELS:

Thank you, Senator Blumenthal. Mr. President, the next speaker will be Senator Kevin Sullivan.

THE CHAIR:

Senator Kevin Sullivan.

SENATOR DANIELS:

Prevention and Education.

SENATOR SULLIVAN:

Thank you, Mr. President. Thank you, Senator Daniels. Let me begin in particular, by commending John Daniels, John Larson and all of my other colleagues who I believe have brought before us what is in every respect, the single most important initiative before this General Assembly this year.

The crisis in drug abuse affects everyone of us in this society, not least of all the lives of our young

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adults and our children. That's true whether it's the life of a college student, a bright college student, lost to cocaine; the life of a teenage alcoholic, or unfortunately the increasingly young lives of 10 and 9 and 11 and 12 year olds, gunned down, in the savage drug trade on our streets. If this today is a declaration of war on drugs, and on crime, it is also a declaration of war on ignorance, and an opportunity to insist that our schools and our colleges, step up to the challenge, of providing the kind of help, kind of information, that our children, and therefore our future, need, if we are ever to beat this threat to all of us, and to that future.

It's time for us, this bill says, and the work we are going to do from this day forward, to stop winking and shrugging and treating drugs among the young as something to be accepted, or something that we can just no longer dream of doing anything about. It's time to make the best use, the \$2 million that we put out in this state of Connecticut, to assist our public schools in the area of drug education and intervention. It's also time to offer the kind of alternatives, which are needed, to rescue young lives, instead of just locking them away, instead of just sentencing them to time in prisons which, for the young, anyway, are all too often

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simply schools for scandal.

It is also time to insist, as we must, that the laws of this state, which already mandate that every year, in every grade, in our schools, drug and alcohol education be provided in a meaningful and effective way, be taken seriously by our educators, and I'm sorry to tell you today, that that is not the case, that we know that far too many, indeed, a majority of school districts recently surveyed, are not doing the job, not even doing the job meaningfully, just not doing the job. We will provide the help, the leadership, the support, the guidance. They must take this as seriously as we do.

I will share very briefly, a story that I think points out the dilemma and the challenge ahead of us, and why this is so important from an educational prospective. One superintendent of schools, and I'm sure he's not reflective of the opinions of most superintendents of schools, was recently heard to express concerns, about how could he possibly accommodate more drug and alcohol education in the already crowded curriculum of his school system. He was concerned that it would force out and squeeze out time for the arts, for music appreciation. Well, those are important subjects, but as the drug consultant at

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the Department of Education, I think so wisely observed of that superintendent, that as important as music and art and math and science and all the other subjects are, we don't know of too many kids who have died from not learning how to play the violin. It is that serious, and it is that seriously that this bill takes us forward for the future of our children. Thank you, Senator Daniels.

THE CHAIR:

Senator Daniels.

SENATOR DANIELS:

Thank you, Mr. President. Thank you, Senator Sullivan. Mr. President, next presentation is from Senator Morton who will focus on Treatment. Senator Morton.

THE CHAIR:

Senator Morton.

SENATOR MORTON:

Thank you, Senator Daniels. Thank you, Mr. President. To the Members of the Circle, I would begin my statement by saying, first of all, that I don't think there's anyone seated here, anyone under the sound of my voice, who has not either known someone intimately, or a family member, who has been a victim or a user of drugs. We all know someone, we've all

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spoken with someone, or we've all had someone in our neighborhood to succumb to this great disease that is out there. That's what it is, it's a disease. And I'm proud to be a part of the Senate. This is probably the proudest moment of my time here, to take part in something that I feel is so far reaching. We're all going to be proud of this day.

I'm going to talk first of all about the problems. Everyone knows that the demand for treatment facilities far exceeds the availability, according to the statistics given us by CADAC. We all know substance abusers commit crimes, are in need of professional treatment. And each of us knows that a prison bed is estimated to cost three times as much as a treatment bed. Those are the problems.

The proposed solutions are the legislation that we're about to act on, is proposed to allow CADAC to use state surplus buildings, for treatment centers, for persons accused of a crime, as well as offenders. The projected goal is to bring on line, 1,000 beds state-wide. \$15 million is proposed in bonding, to renovate state surplus buildings for treatment centers. An appropriation of \$6.9 million to CADAC is proposed for community drug treatment programs, in accordance with their state-wide delivery of service plans.

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Programs could include detoxification, methadone maintenance, counseling, short and long-term care, juvenile programs and many other needs. \$1,275,000 should be appropriated for CADAC to gear up ultimately to bring 1,000 beds on line.

20% of all money that we raise, expect to raise, will be allocated to juvenile treatment programs. \$1,380,000 through DCYS. Another \$664,000 will be allocated for substance abuse treatments for women with children, and expectant mothers with drug abuse problems. In addition, \$1,718,000 should be appropriated to CADAC for an immediate addition of 30 drug treatment beds at the Benesky Treatment Center of the Norwich State Hospital. Finally, \$2 million is proposed for the Southcentral Rehabilitation Center. Funds will be expended for in-patient detoxification and after care referral services, for alcohol and/or drug substance abuse. This is a comprehensive plan, and I hope you feel as good as I do, about joining with us today.

THE CHAIR:

Senator Daniels.

SENATOR DANIELS:

Thank you, Senator Morton. Mr. President, I'll call upon Senator Barrows who's going to give some

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Alternatives to Correction. Senator Barrows.

THE CHAIR:

Senator Barrows.

SENATOR BARROWS:

Mr. President, I'd like to first of all thank my colleagues in the caucus, for bringing the comprehensive drug package together which I believe that it will have a big impact not only on the state of Connecticut, but also in the nation. I believe this is the first and only comprehensive drug package that has been brought forth, and when I was down in Washington, D.C. I had an opportunity to talk to other legislators, and I believe we are the first to do something like this.

I would like to talk briefly about the Boot Camp, which we call the alternative to incarceration. Boot Camp is basically its nickname, and you'll find across the country, there are nine alternative boot camps, and Oklahoma, I believe, was the first one to start, followed by the state of Georgia. At the present time, the state of Georgia is expanding their program. I feel that a program such as this which I have tried to bring to my colleagues for the last three years, has finally arrived, because of the comprehensive program in which the boot camp does fit in with all the other

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pieces. This boot camp program will consist of young men from the ages of 16 to 20. They will be placed in a vigorous program in which they will receive physical exercise, along with educational program. What we plan to do with these young men will be able to, we hope, to be able to change their thought patterns around, so they'll be viable people in our communities, once they're returned.

Also, what this will do is give them an opportunity to receive education, also job training and skills that they would need in order to receive good, decent jobs. This boot camp environment would be similar to the military boot camp environment, but it will not be as strenuous as the military boot camp environment. They will not learn how to handle weapons. They will learn how to handle books and pencils and will also learn how to utilize their minds. I think this concept will be a great asset to the state of Connecticut. I think a lot of people in this state that I have talked to around the state, have brought into a concept in which a lot of our young men today, have no guidance. Our Correctional System at the present time, 60% of our criminals that are incarcerated in our prisons, have not finished high school. We have at least 66% that are incarcerated, who never had any type of military

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experience.

I'm not saying this is the reason why a lot of them are incarcerated, but I believe that a lot of them would not be incarcerated if they had some type of discipline. And I hope this boot camp will help them to get some discipline. Also, we have a wilderness school program in which we have now in the state of Connecticut, and we will be expanding that program in which we will be taking in youngsters between the ages of 13 to 18 years old, so that we can get a lot of our young men that are playing hooky or truant from school into an environment in which we could help them out as well.

I feel strongly about this program, not because I've been pushing it alone for at least one year, and my colleagues brought into it, but I feel strongly that a lot of youngsters that I have met with, and that I have talked with, have no guidance whatsoever. And I feel that a lot of them do need some type of guidance. They need some kind of a place where they feel that they are a part of a unit, and that they need some place in which they feel that they can become citizens in this state, as well as their cities, once they return back to civilian type of situation.

And I would just again like to thank my colleagues

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and also Senator Daniels, and also the staff for doing such a fine job in bringing this package forward.

Thank you.

THE CHAIR:

Senator Daniels.

SENATOR DANIELS:

Mr. President, the last presentation will be done by Senator DiBella, who will cover the Law Enforcement and the Financing of this proposal.

THE CHAIR:

Senator DiBella.

SENATOR DIBELLA:

Thank you, Mr. President. Thank you, Senator Daniels. It is indeed a pleasure to stand here today, and talk about a program that has required the expertise and the energy and resources of our staff and our individual Senators to bring together what is termed a comprehensive program. And I said this before, that a trip of 1,000 miles requires one first step, and I truly believe that this is the first step in a very strategic, long-term plan to deal very comprehensively and sweepingly, with a very difficult problem confronting our community.

We've heard a lot of discussion today about comprehensive, initiatives and strategies. The program

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before you today that deals with the question of Law Enforcement, is one that comprises half of the total program. It would deal with \$14 million that will be allocated to the state police, for the purpose of state and local enforcement. The state police package will comprise \$4 million of the \$14, broken down into personnel expenses of about \$2 million in state troopers, reimbursements to local police of a million dollars, primarily through the statewide narcotics drug enforcement program that would provide some 40 officers in local police forces, a subsidy to their local communities, for the time they spend in this program. It would be a sense to tie together the suburban and urban police departments and law enforcement programs.

And equipment package of almost a million dollars, physical plan expansion of about \$300,000. The local program would be broken down into allocations to urban police forces, Hartford, Bridgeport, New Haven, Waterbury, Stamford, of about \$10 million for the purpose of law enforcement officers, street police, administrative people, fringe benefits, equipment, portable radios, specific kinds of devices to collect information, desks, furniture, automobiles, telephones, things necessary to compete on the streets, with a very hardened element of criminal who sells drugs in our

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streets.

I think most of us have seen first hand, and experienced the enforcement program, by either going on sting operations or basic raids. I've participated in these during the summer of 1988, in the fall of 1988, in the spring of 1989. And believe me, our local police forces are undermanned, under-equipped, and this allocation will go a long way in closing that gap, in providing them with the capacity to deal with the type of element that we find infesting our urban areas, infecting our young people, and creating a major problem to the ability to provide tranquility in our communities.

The financing component would generate revenues from a soda tax which was under consideration by the Finance Committee in the main package, and was removed and placed in this bill, to be identified and paired with this drug program. It would raise some \$25.2 million in fiscal year 1989-90 by placing a 20 cent tax per gallon on soda, non-alcoholic beverages. We would also generate some \$6 million from the lottery and gaming policy board on the 7 day lottery that would provide us in the area of \$31 million of operating revenues to be allocated from the general fund for the purpose of the programs that have been articulated

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around this Circle with respect to law enforcement, with respect to education, treatment, with respect to all of the other necessary costs that will go into this program, and make it a functional and operational program.

There is also a capital budget that will be funded out of long-term capital funds in the area of bonding which will generate some \$27,300,000. \$15 million of that will be for the construction of new facilities and the renovation of surplus state institutions and facilities, for the purpose of treatment of drug abusers. \$10 million will be allocated for a special program that Frank Barrows pointed out which is a boot camp. \$2 million for the purchase and rehabilitation of buildings for medical detoxification program of the Southcentral Rehabilitation Center, and \$300,000 for a wilderness program for youths between the ages of 13 to 18. That would provide us with some \$27,300,000.

It should be impressed that, as I said before, it's the beginning, the first step, in a program that I truly believe will grow. It's a program that will be refined. It will be changed and it will be improved. But I think it represents one of the finest efforts that I've seen in terms of this Senate, taking an initiative, strategically putting component parts

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together into what I think, will be the first program of its kind in the nation. We're often critical of the federal government for their inability to deal with the drug problem. I think we in the state of Connecticut, are taking a step in the positive direction, by developing a program that we can point to, as a self-initiated program, that we in Connecticut have taken that first critical step and that we're leaders in this nation, and that this initiative, in my opinion, will be used in other states, and I think will attract federal monies into this state.

I'm optimistic. I'm happy. I think we have before us an outstanding program, and I would urge its support.

THE CHAIR:

Senator Daniels.

SENATOR DANIELS:

Mr. President, those are the components of this bill. I'd just simply like to add one point which was not mentioned, and that the Program and Review Committee will do an analysis at the end of one year of this program, will do an investigation and analysis of the program, and will report its findings back to the Senate.

Mr. President, I have some closing remarks and then

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I think, at this time, I'd like to refer back to Senator DiBella, and then I think we can just open it up for general remarks from the Body, Mr. President. Thank you.

THE CHAIR:

Senator DiBella.

SENATOR DIBELLA:

Mr. President, I believe there's an amendment.

THE CHAIR:

Clerk has an amendment in his possession. Senator Robertson, this is part of the - well, call the amendment first.

THE CLERK:

LC08717, designated Senate Amendment Schedule "A"
offered by Senator DiBella of the 1st district.

THE CHAIR:

Senator DiBella.

SENATOR DIBELLA:

Thank you, Mr. President. I move adoption of the amendment and ask leave to explain it.

THE CHAIR:

You may proceed.

SENATOR DIBELLA:

Yes, Mr. President, what it does is in lines 1402 on Page 41 of 43, it deletes the word "training" with

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respect to the \$14 million component piece that talks about the appropriation by the Department of Public Safety to the local municipalities of dollars. I believe the word "training" would create an incomplete definition of the purpose of this section. It is not just to allocate, as I have just stated. I think for the record, I pointed out that it was for the total law enforcement purpose, not just the training. So, by deleting that, it would read, "participation in programs relating to the drug and law enforcement administration by the statewide narcotics task force." I believe, without the deletion of the word "training" that it is too restrictive, and would restrict the state police from the participation, development of the types of programs and funding of the types of programs that I've articulated on this Floor with respect to enforcement.

I think it clarifies that and broadens the ability of the state police to deal with the urban police force.

THE CHAIR:

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

SENATORS:

Aye.

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THE CHAIR:

Opposed. The amendment's adopted.

At this point, the people who wish to advance and propound questions, I think this would be the appropriate time. Senator Robertson.

SENATOR ROBERTSON:

Thank you very much, Mr. President. Mr. President, everyone that's spoken to this point, on this specific emergency certification bill, has emphasized the comprehensiveness and each had parts, and I guess as I'm sitting here, it's a shame that such a comprehensive bill which as Senator Sullivan indicated, is a declaration of war on drugs, must come before this Chamber at almost 7 o'clock at night on a Friday after we had at least been called into session at 11 o'clock in the morning, and it has to come via a vehicle of Emergency Certification. Such a comprehensive program which evidently people who reside in one caucus room seem to have the knowledge of this comprehensive program, but 35% of the representatives of the state in this Chamber, have gotten to look at it for the first time, within a short period of time.

If I might, Mr. President, because I'm, what I've heard is I've heard some very, very marvelous statements, and I guess my concern is that this

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declaration of war on drugs, this very comprehensive program, is not a declaration of mediocracy of solving a major problem and nothing more than a superb example of political rhetoric. And I therefore would like to ask numerous questions, and I think the first participant on Senator Daniels' organized chart of explanation was Senator Avallone, and one comment Senator Avallone indicated, was that this program was designed to succeed rather than fail, and listening to him intently, I was trying to understand how, from what he was saying, that this program was designed to succeed rather than fail, other than we had consolidated a couple of elements of the program. And I would be very much appreciative of Senator Avallone, if he would be a little bit more specific as to what, in his presentation, indicated that this program would succeed, rather than fail.

THE CHAIR:

Senator Avallone.

SENATOR AVALLONE:

Yes. I'm sorry I didn't make myself clear, and I will try to elicit. The first definition in the bill, I indicated, defined the word "treatment program." And that treatment program must be a program that addresses the addiction. It cannot be merely a drying

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out period or a detoxification for one to be eligible for the benefits of this program. Now that is very specific because if you go into a court, with someone who has committed a crime, because they are drug-dependent, or dependent on alcohol. That's the first thing you have to determine, not that they're a user, or that they were under the influence of alcohol at the time. You must establish, and the bill sets forth how one establishes drug dependency, before one can become eligible. So it is not designed to pass on a problem. It is not designed to postpone the treatment of a problem. It is designed to identify that the individual who wishes to use this program, has been examined by professionals, and that's set forth in the bill, has been determined to be drug-dependent, that is going to go to a treatment program designed to deal with the addiction before the benefits of a discharge can be made available to the defendant. That is specific. That is designed to be serious. That is not designed, as I have seen in our system, to let people go, continue cases, move them along.

When you go into a courtroom and you see a docket of 300 cases, think about when you take the recesses out, and the lunch breaks out. How many minutes are left in a day? Let's assume you have six good working

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hours in a day. And you have 300 cases to deal with. A little bit more than a minute, as I calculate, to deal with each case. You're not going to get a lot done, unless you put a stop to that one minute nonsense and you deal seriously with people's problems of addiction. To put them in jail, either pre-sentence, people who can't make bail are going to jail. 35% of our jail space is taken up by people who can't make bail. People who are drug-dependent. Let's get them into a treatment program. Let's make it work. Let's design it so that they don't deal with the fluff. We don't postpone this nonsense, that we make sure that the program deals with the addiction.

Senator, I can't get more specific than that. And I can go through with each section with you, if I didn't make it clearer before.

SENATOR ROBERTSON:

Mr. President. If you would not mind, if possibly Senator Avallone and I could have, through the Chair, a conversation of questions and answers, maybe it would become more clear.

THE CHAIR:

You may proceed.

SENATOR ROBERTSON:

Thank you very much.

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THE CHAIR:

I will rule on the questions as you propound them. I don't think we should have a running conversation, though.

SENATOR ROBERTSON:

No, but it will be through the Chair, sir.

THE CHAIR:

Certainly.

SENATOR ROBERTSON:

Senator Avallone, as you indicated, in other words, when an individual has been convicted of a crime, you're suggesting that the very, very first thing that would happen to that person, is a determination as to whether they are drug-dependent, upon walking into, I assume, being incarcerated or being put in a local jail or the day he shows up for the first hearing in court? Through you, Mr. President.

THE CHAIR:

Senator Avallone.

SENATOR AVALLONE:

The program is designed to deal, not only with people who have been convicted, but prior to a trial, so that when you walk in, as you say, to a court, on motion of the prosecutor, on motion of the defense counsel, on motion of the individual himself, you could

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begin this process.

SENATOR ROBERTSON:

Mr. President, through you, begin what process?

SENATOR AVALLONE:

What you can do is apply, if you are in the categories that are set forth in the bill, to say that you are drug-dependent, or if in the process of an examination by the parole officer, excuse me, the probation officer, that he or she believes that the defendant is a drug-dependent person, can order testing to determine that. CADAC can come in, and is authorized and empowered to examine that person, including tests, to determine drug dependency.

Once that examination report is provided to the court and the time is set forth, so it's a timely thing, and that person is determined to be drug-dependent, they come back to court with that report, and this program is available to them so long as in that report, CADAC says that there's a place to put that person, within 45 days. And that's the kind of monitoring, that's the kind of guidelines that are in this bill that are specific. I didn't perhaps, in my initial talk go into the periods of time, but that's the kind of precision that I'm talking about. When I say to you, that under certain sections of the bill, as

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under current law, CADAC is responsible for certain things over that particular arrestee or incarcerated person, and the Department of Adult Probation is responsible for that person.

I think it's clear how one can be lost in two different departments. I think it's precise, and I hope it is to you and I'm making myself clear, that once you make that clear, that Adult Probation is the one responsible for the custody. It's a very important concept. Who is that person, who is empowered to have custody of that person? And it shouldn't be more than one person, or more than one agency. It should only be one agency, and the bill does that.

SENATOR ROBERTSON:

Through you, Mr. President. You said it was very clear, and my smile was only because either I'm awfully dense or very unknowledgeable, because it's not clear. At what point are we talking about this individual. Is this at the point, through you, Mr. President, that the individual has just been arrested by a police officer, and someone from CADAC is there at the police station waiting for them? Is it when they can't reach bail? Is it when they are already in prison awaiting trial? You mentioned the 30 cases in front of a judge. At what point does the judge now have less cases? You

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mentioned a lot of things, but I'm having a difficult time, not being familiar with the system, in understanding how it's falling in place in some organized fashion.

THE CHAIR:

Make a serious attempt to try to answer the question. I don't think you can go over this now over and over again. I think you have to give him an opportunity, and you've had the opportunity. Do it once more, then let's go on to a new question.

SENATOR ROBERTSON:

If I might, Mr. President, because I resent that comment, sir.

THE CHAIR:

What comment are you resenting, Senator Robertson? I'm presiding over this and I expect to maintain order, and I expect you to observe the rules. You propound your question, he will answer it, and then you go on to another question. You may proceed.

SENATOR ROBERTSON:

If I might, Mr. President

THE CHAIR:

Proceed, Senator Avallone.

SENATOR AVALLONE:

Through you, Mr. President. At the time the

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individual comes before the judge. And the reason, perhaps I can't be absolutely specific with you, Senator, is because there are more than one time when this program will come into play. But let me give you one example.

One is when the individual is arrested, and presented to the court for the first time, and we know that the crime is a misdemeanor or a class D felony. Now we know, that's one element that would make this person eligible. Second, if the person is drug-dependent, he or his attorney, or the prosecutor, can make a motion that this program come into play. The program is important because you can postpone jail or you can postpone the trial and in that period of postponement, one goes before CADAC or its examining committee, so now you're out of court. A motion has been made that I'm a drug-dependent person, and I want to take advantage of this program which says I may not be charged with this crime. They then are examined by, it's called a committee of examiners. CADAC then sends a report to the court saying that this person has been tested and in their belief, the person is drug-dependent, or is not drug-dependent. If they're not drug-dependent, they're ineligible for what this bill would do.

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If they are drug-dependent and CADAC concludes in that report, that there is a treatment bed - so now somebody has evaluated this person as a drug-dependent individual, and has begun to think about what program is available to that person, and that there in fact is a bed that will be available in a real program, within 45 days. The report comes to the judge. The judge, under current law, does not have to have that report in front of him, and the judge, under current law, does not have the power to implement these programs. Only the prosecutor does. And the prosecutor, under current law, can veto it.

So this law has two changes. The judge will now be empowered to do alternatives, and the judge must have that report in front of him, which is now a professional evaluation by CADAC, not by a probation officer, or somebody who's got a caseload that they can't handle already, and is not as professional as to the selection of a treatment program.

So now with this information in front of the judge, the person has an alternative to incarceration. Either at a pre-trial level, which means bail or not being able to make bail, to go into this program. His case, or the movement of his case through the Criminal Justice System, can be postponed for up to two years.

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So now we have a treatment program which is defined. We have more professional review at an earlier stage, and we have a treatment and a bed for that person to go to. The reason I perhaps was unclear, is that this program can also kick in after conviction, but before sentencing. So that after the person is found guilty or admits his or her guilt, and, for example, a pre-sentence investigation is authorized, that is, a probation officer goes out to assist the judge in determining what an appropriate sentence might be.

And during that investigation, determines that the person may well be drug-dependent, can order the same program now to kick in. So it can work prior to conviction, starting at the time of arraignment, which I call it, which is the first day you're presented to the court, or it can also be implemented, post-conviction.

SENATOR ROBERTSON:

Through you, Mr. President. Senator Avallone, what happens, and I'm presuming that the individual, at the arraignment process, has the choice of CADAC has found me drug-dependent, and therefore if a bed is available within a treatment center within 45 days, I volunteer to go to that program, rather than facing the judge tomorrow or two weeks from now.

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THE CHAIR:

THE Senator Avallone.

SENATOR AVALLONE:

SEN: I'm not sure. I don't want to over-detail this. I think it's an over-simplification for the couple of weeks. But they have an alternative, the alternative is what this bill does. Instead of going through the Criminal Justice System, either waiting in jail for my trial which may be a year or two, not two weeks, a year or two down the road, or I can make bail and go home or I can make my own arrangements for treatment and hope that you'll take that into consideration. This is designed to make sure that the treatment program is implemented, and I tell you, a key to this to me, and what excites me, is the definition of that treatment program, so it's not just a drying out period. It must deal with the addiction itself. And I can't over-emphasize how important I think that is.

SENATOR ROBERTSON:

Mr. President.

THE CHAIR:

Senator Robertson.

SENATOR ROBERTSON:

Again, through you to Senator Avallone. You said that if a bed was available within 45 days. What

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happens to the individual within that 45 day period?

THE CHAIR:

Sen. Senator Avallone.

SENATOR AVALONE:

It's my understanding that the person will either be incarcerated. The possibility exists. Or that a probation officer will be assigned and a lower bail. Now you have to understand, with class D felonies and misdemeanors, the likelihood of that person having to post bail, is very slim, especially under our current system.

THE CHAIR:

Senator Robertson.

SENATOR ROBERTSON:

Mr. President. Through you, again to Senator Avallone. Could you explain, give me a few examples of what a class D felony is?

SENATOR AVALONE:

Sure. Hold on one second. Anticipating your question, I had a list here, but with so many papers in front of me

THE CHAIR:

The Senate will stand at ease.

SENATOR AVALONE:

Through you, Mr. President.

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THE CHAIR:

Senator Avallone.

SENATOR AVALLONE:

Misconduct with a motor vehicle, assault in the second degree is a class D felony. Assault in the second degree with a firearm. Assault of a victim over 60. Assault in the second degree with a motor vehicle while intoxicated. Sexual assault in the third degree which is not rape or anything of that nature.

Promoting prostitution in the third degree. Unlawful restraint. Burglary in the third degree.

SENATOR ROBERTSON:

Mr. President, I would thank Senator Avallone.

THE CHAIR:

Senator Robertson.

SENATOR ROBERTSON:

And Mr. President, if I might, I'd like to ask Senator Blumenthal a couple of questions.

THE CHAIR:

You may proceed.

SENATOR ROBERTSON:

Through you, Mr. President. Senator Blumenthal, discussing the criminal justice element, you discussed additional resources, but the only ones that you cited were 45 new probation officers. The comment I have

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here is, is that all or what else was there?

THE CHAIR:

Senator Blumenthal.

SENATOR BLUMENTHAL:

Through you, Mr. President. In addition, I cited increases in the numbers of bailiffs, court monitors, sheriffs, which I believe will be made as a consequence of this legislation, and as part of this program, making our justice system, our court system stronger and more effective.

THE CHAIR:

Senator Robertson.

SENATOR AVALLONE:

Among others, through you, Mr. President, that this program would envision.

SENATOR ROBERTSON:

Mr. President, if I might, specifically you indicated that there would be 45 more probation officers, and that's the, as now I read on page 42 of the bill, is the largest expenditure. Could you tell me approximately how many probation officers we have in the system right now?

THE CHAIR:

Senator Blumenthal.

SENATOR BLUMENTHAL:

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Through you, Mr. President. I believe there are in the range of 300 probations officers now.

THE CHAIR:

Senator Robertson.

SENATOR ROBERTSON:

Thank you, Mr. President. If I might, sir, through you to Senator, I guess he's not here, Kevin Sullivan. I can skip that and go to Senator Morton, if you'd allow, sir.

THE CHAIR:

You may proceed.

SENATOR ROBERTSON:

Senator Morton, you indicated that in a treatment aspect of this very comprehensive program, there was an effort, and I believe it was 1.275 or 6.9 million of using state surplus buildings. Again, the program is that comprehensive, I'm just curious as to whether any state surplus buildings have been sited as for potential renovation for service in this program?

THE CHAIR:

Senator Morton.

SENATOR MORTON:

I don't know of any buildings that have been sited, but I'm sure there are vacant buildings.

THE CHAIR:

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Senator Robertson.

SENATOR ROBERTSON:

Thank you, Mr. President. Senator Barrows, if I might, through you, Mr. President. Senator Barrows was talking about the boot camp concept. He talked about it not being quite as strenuous as boot camp and I'm not going to ask some of the trivial questions I could. I'm curious as to which individual in this process, now Senator Avallone has indicated someone is taking a treatment, evidently, and if they're found to be drug-dependent or alcohol dependent, they go into a treatment program. In this comprehensive program, which individuals now would have the right to choose the option of going to boot camp?

THE CHAIR:

Senator Barrows.

SENATOR BARROWS:

Through you, Mr. President. The discretion will be left up to the judge. He will decide if the youngster should participate in the boot camp program.

SENATOR ROBERTSON:

Mr. President, again, through you, and maybe I can ask it of Senator Daniels, if Senator Daniels would be so kind, there is basically a two-element part of this program, one would be towards those individuals who are

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drug dependent or alcohol dependent, and they would be hopefully directed in a program which would treat that dependency. I'm presuming that the boot camp element is not aimed at the people who are found to be drug or alcohol dependent or am I incorrect?

THE CHAIR:

Senator Daniels.

SENATOR DANIELS:

Boot camp concept, Senator, is basically to those youngsters who are at the beginning of a criminal career. The boot camp concept is to get them to straighten them out, to prevent them from becoming hardened criminals. One of the aspects of this program, Senator, is the human element of it, in terms of trying to save lives and also to save young people. And this is the concept of the boot camp and also the wilderness camp in terms of trying to straighten young people out who are just beginning to get into the whole area of crime. We want to prevent them from going to some of the larger institutions here in the state of Connecticut.

SENATOR ROBERTSON:

Mr. President. If I can, through you to Senator Barrows, again. There's an indication there that would be \$10 million and I believe, as I recall, very

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quickly, going through the bill, there was, I think, a number that the facility would have to be at least a certain number, and maybe are aware of that number or maybe someone else could tell me that?

THE CHAIR:

Senator Barrows.

SENATOR BARROWS:

Mr. President, I would like to refer to the financial part of this, and that would be Senator DiBella.

THE CHAIR:

Senator DiBella.

SENATOR DIBELLA:

Thank you, Mr. President. The question is?

THE CHAIR:

Please repeat the question.

SENATOR ROBERTSON:

Yes, Mr. President. We found on page 19 of the bill, where it says that the Commission on Corrections shall provide housing at such unit for not less than 100 inmates. That was part of my question. Senator DiBella, the indication, I believe was, that there would be a \$10 million bond made available for this. Is there any indication in this comprehensive program, that one, there is any idea as to a location; two, as

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to any idea as to the amount of time before such a facility could be constructed?

THE CHAIR:

Senator DiBella.

SENATOR DIBELLA:

Thank you, Mr. President. The capacity that we're talking about is 100 beds. 70,000 square foot facility, 30,000 of which would be specifically for housing and the other 40,000 square feet would be for supportive. There is no specific or definitive location at this point in time. There are several locations that would be applicable to this type of a facility. The \$10 million represents a rather expensive building, considering that it will be a butler type building. After extensive discussions with the Department of Public Works, as well as the Corrections people, there are some very good reasons for the expense, primarily because of some of the very sophisticated surveillance equipment and security systems that would be put into this building.

The price tag on the electronic surveillance system or system of security is in excess of \$1 million, a rather expensive item in this project. Also, because there is not a specific site that's been identified, and many of the state-owned facilities that we have in

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the state of Connecticut, because of the concentration and the size of the communities in which they're located, the existing infrastructures, sewer, water and things of that nature, are over-taxed, which requires, in many cases, extraordinary cost per site improvements. And in this project, I believe, there's about \$8.7 million allocated. I'm sorry, there's less than that. Probably about \$5.6 million allocated for hard construction costs. The additional \$4. some odd million is for site development, soft costs, things of that nature, which push the price up to somewhere in the area of \$100,000 per bed. But again, they're taking the outside cost in the sense that assuming that the supportive or the supportive infrastructure is overloaded, the site development will require extraordinary costs, as well as the fact that this may have to be a self-contained facility, thereby depending strictly on kitchen facilities, medical facilities and things like that to be self-contained within the facility.

So that consequently reflects a rather expensive cost per unit, as well as a very expensive per square foot cost of a building, that if it was taken out of that more specific utilization, and more into a conventional application for a commercial site, would

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be much less per square foot.

SENATOR ROBERTSON:

Senator DiBella, if you would rather not sit down, because I would like to skip over and go right to some of the questions I had of you, if you don't mind, Mr. President. Through you. Senator DiBella, you indicated that there was going to be \$14 million to the Commissioner of Public Safety and of that \$4 million of that \$14 million would stay within the state for a number of things which you elaborated. Then you said there was an additional \$10 million which would go to urban law enforcement agencies. You specifically indicated that of Hartford, New Haven, Bridgeport, Waterbury, Stamford. Is that an all-inclusive list, or were you just using that as an example?

THE CHAIR:

Senator DiBella.

SENATOR DIBELLA:

That's an inclusive list, through you, Mr. President of those cities that have urban populations and urban problems that would fit into a category to deal with the major problems we have in the area of drug enforcement. \$10 million would be allocated.

SENATOR ROBERTSON:

Mr. President, through you to Senator DiBella.

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THE CHAIR:

Senator Robertson.

SENATOR ROBERTSON:

So therefore, there is no money that would go to any other law enforcement agency, other than that list, indicating that the comprehensive program would feel as though there's the need only to deal with the problem, or at least initially deal with the problem in the inner cities, before it breaks out to the suburbs.

THE CHAIR:

Senator DiBella.

SENATOR DIBELLA:

Through you, Mr. President. I think I articulated. I apologize if I wasn't clear, but I pointed out that there would be some \$2 million expended in state troopers that would be utilized in communities other than the urban areas. There would also be \$1 million for 40 personnel that are attached to the statewide narcotics task force that would work within suburban communities, to deal with the whole issue of drugs and that problem, creating a situation where a network was created with specific and definitive allocation being made to those urban areas and an overall network being controlled by the state police to coordinate urban, suburban, rural apprehension and enforcement of the

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laws of this state with respect to the drug area.

SENATOR ROBERTSON:

But, Senator DiBella, but there's \$2 million of that \$4 million of the state police allocation that could be distributed amongst towns other than the five that you mentioned earlier?

THE CHAIR:

Senator DiBella.

SENATOR DIBELLA:

Excuse me, Mr. President, there is also \$2 million that can be disseminated. I'm sorry. Of the 10, there is also \$2 million that can be disseminated to applications of towns that can specifically show that there is a problem that could be resolved with a program that would be submitted to the state police for their review in terms of the overall drug problem confronting the state of Connecticut.

SENATOR ROBERTSON:

So, potentially there's \$4 million available for local, \$5 million for other communities.

If I can go back to Senator Barrows. Just let me ask Senator Barrows, so I can finish. Mr. President, might I yield to Senator Smith?

THE CHAIR:

Senator Smith.

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SENATOR SMITH:

Thank you, Senator Robertson.

Only because it applies directly to the question that you are pursuing at this moment. If I might through you, Mr. President. There appears to be a lot more information that we've been given, in terms of the bill and a program and so forth. And a lot of the questions that we have apparently are generated as a result of lack of dissemination of that information to the Minority Party.

There seems to be a great deal more detail, in particular, with the line of questions that Senator Robertson has just gone through with regards to Section 48 of the bill. This section specifically refers to some 14 millions of dollars. It talks about grants to municipalities. It does not go into any detail whatsoever. Nor does it appear to me that we have any input into that detail, when we are dealing with this program. And I think, relying on the questions that Senator Robertson has directed, and I, frankly, I think he has pointed some of the weaknesses in what many of us on the Minority side feel is present in this presentation. And that is the complete lack of detail with regard to some of the major provisions here.

I am wondering if, through you, if there is any

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possibility, if Senator DiBella and his able staff who are busy buzzing in his ears. These questions are being generated. If there is a document somewhere that may, in fact be available to the 35% of the people in the State of Connecticut that are represented by the Republican Party in this Chamber. If we might have some of the further background information, and perhaps a recess might even be in order at this time.

THE CHAIR:

Is that a request of one of the Senators?

SENATOR SMITH:

I directed it specifically sir, I will be more specific. Through you to Senator DiBella, does he have information available to support Section 48, which is some 15 lines or so in length. And yet there seems to be a great deal of documentation that is not included in the bill. And before we vote on it, at least, I would like to have some idea, and some documentation that goes beyond this exchange, so we will know precisely what is going to happen.

THE CHAIR:

Senator DiBella.

SENATOR DIBELLA:

Thank you, Mr. President. The information that I have tried to provide in the question, in the line of

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questions that have been asked of me come as a series of 50, 60, maybe 70 separate meetings with law enforcement personnel. With different police people. With the State Police. With different units of the State Police. And there is information that I have in my files that staff has in their files, it has been submitted to us by different police departments.

But, if you are asking, do we have a volume of information that we can provide to you, again, I will reiterate that the way that this bill was put together was put together in different component parts. Different Senators and different staff people have those different component parts. And it has taken the better part of the last six or seven months, not only to put the information together, but to build it, refine it, to call it, and what you have before you is a product, a piece of legislation. I have an awful lot of supportive documentation in my own personal files.

Whether you can spend a half hour or twenty minutes or forty minutes or an hour to go over that, I doubt very much. But, there is information available in my own personal files. I am sure Senator Barrows, I am sure Senator Daniels, and I am sure all of the other Senators that participated in this process, have that kind of material. That we have volumes of it ready for

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you to read, no.

SENATOR SMITH:

Mr. President, if I could still enjoy the yield a few moments longer, Senator Robertson.

But that is precisely the point. Normally when we have a bill before us, and they talk about grants to municipalities, we talk about formulas. We talk about direct dollar amounts that are applied. For the first time today, if it was not for the questions that Senator Robertson asked, there would have been no indication that the major portion of the grant to municipalities in accordance with this bill, is being designated and being allocating for only five municipalities. There is nothing in this bill that would indicate such a thing. As a matter of fact, a reading of this bill would not give you even the foggiest clue that that were the case.

I think it is noble that you have spent several months in reviewing this, but very candidly, we all are being asked to vote on it. And if all of this documentation is in the background, and we are going to go through this whole series of questions, I intend to be here all night before we vote, so we know what is in this bill.

Now, you may have spent six or seven months on it.

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You are asking us to spend six or seven minutes.

That's outrageous.

Now, I yield back to Senator Robertson.

THE CHAIR:

Senator Robertson.

SENATOR ROBERTSON:

Thank you very much, Mr. President. If I can through you, sir, ask Senator Barrows a couple of other questions?

THE CHAIR:

You may proceed.

SENATOR ROBERTSON:

Thank you very much, sir. Senator Barrows, talking about the boot camp, I am presuming that it will. No, I shouldn't presume, will it be year round, or will it be seasonal?

SENATOR BARROWS:

Well, they stop picking cotton and tobacco up here, so it will probably be year round.

SENATOR ROBERTSON:

Excuse me, Mr. President, through you, I am sorry I didn't hear or understand the response.

SENATOR BARROWS:

Mr. President.

THE CHAIR:

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Senator Barrows.

SENATOR BARROWS:

Mr. President, through you. It will be year round.

SENATOR ROBERTSON:

Thank you. Senator Barrows, you indicated that there are a few other boot camp situations like this established in the country. Could you again, tell me who, which states presently are using that boot camp approach?

SENATOR BARROWS:

I just mentioned too, there are nine states that are involved. Florida, Georgia, Kansas, Louisiana, Michigan, New Hampshire, New York, Oklahoma and South Carolina.

SENATOR ROBERTSON:

I'm sorry Mr. President, I wasn't able to write it down quickly enough.

SENATOR BARROWS:

I will read it again. Florida, Georgia, Kansas, Louisiana, Michigan, New Hampshire, New York, Oklahoma and South Carolina.

SENATOR ROBERTSON:

Mr. President, I don't know if this is appropriate. I seem to be sensing a level of resentment for the fact that I would stand and rise and ask questions. I don't

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know if the further asking of questions is going to only aggravate the situation, but I will tell you that I intend to ask them, because I do represent a district and before I am entitled to--

THE CHAIR:

You may proceed, Senator Robertson.

SENATOR ROBERTSON:

Thank you very much. Senator Barrows, can you possibly tell me how long the program in Florida has been in existence and how many people they have put through that program?

SENATOR BARROWS:

I believe that--

THE CHAIR:

Senator Barrows.

SENATOR BARROWS:

I believe the Florida program has been existing a few years now. And they roughly have, I have that information down here just for you.

They roughly have 100 people in their facilities now. Actually 190 people as of March 1988 has participated in their program.

SENATOR ROBERTSON:

Mr. President, through you. A few years. I will assume that it has been in existence for three or four.

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And your 190 people are the number of people that they can handle in any given time, or is that the total number of people that have gone through the program?

SENATOR BARROWS:

That is the total of the number of people they usually handle at any given time.

SENATOR ROBERTSON:

Senator Barrows, do you have any idea as to how long, through you Mr. President, the program in Georgia has existed?

SENATOR BARROWS:

In Georgia, Georgia was the second one to implement the program. They have been in existence for roughly four or five years.

SENATOR ROBERTSON:

And again, through you, Mr. President. Any idea the number of people they have put through the system?

SENATOR BARROWS:

Right now, I cannot tell you. Yes I can. They had 2400. At the present time they are also building more facilities,.

SENATOR ROBERTSON:

Any idea as to whether there would be any reason to believe that Kansas, Louisiana, Michigan, New York, New Hampshire, Oklahoma and South Carolina are any

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different than Florida and Georgia?

SENATOR BARROWS:

I believe not. I believe they are all running basically the same, off of the Georgia program.

SENATOR ROBERTSON:

Can I presume Senator Barrows, that you have information on these different boot camps, and if you could possibly make them available, at least to me, I would appreciate it.

SENATOR BARROWS:

I can. You can come over to my house tonight if you would like, I could show you a video.

SENATOR ROBERTSON:

Mr. President, through you to Senator Barrows. Have there been any studies on the programs that have existed for the three or four years to prove their success in dealing with these individuals?

SENATOR BARROWS:

Yes, there has. This program has been so good, that it has been on 60 minutes. And even some of your own colleagues have mentioned this program to me. And Senator Lovegrove was a very good advocate of this program. He is not here yet, but he reminded me about this about three years ago. And he got me, I would say, basically, started on this pursuit.

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SENATOR ROBERTSON:

Again, through you Mr. President to Senator Barrows. Senator Barrows I appreciate the reference to 60 minutes. Have there been any other enlightening, intellectual studies as to the success of these programs, besides this?

SENATOR BARROWS:

Yes there is. There has been numerous articles in the newspapers about the boot camp program. Also, we have been in constant contact with the Georgia and how they have succeeded in their programs.

Also, Senator, I would like to also say that Mr. Bennett, which has been appointed by the President of the United States as the drug Zar, came out in strong support of the boot camp program.

SENATOR ROBERTSON:

Mr. President, through you to Senator Barrows. You indicated in your initial remarks that the intent of the 90 day program, boot camp program, was to change thought patterns. And I am curious as to, I guess I understand, through you Mr. President, what you mean by changing of thought patterns. I am just curious as to how a boot camp situation presumably someone is, someone who is of young age, who is on the border of becoming a criminal, how one. I know how boot camp

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changed thought patterns in my mind, and I am sure you do. And those of us that were fortunate enough to serve while there was still something as a boot camp, and we understand that.

But, possibly, could you explain to me how other states have found it successful in changing thought patterns?

SENATOR BARROWS:

They had, in my video, why don't you come over to my house, you will have an opportunity to listen to some of the former inmates. And they will tell you that they would not go through boot camp again. Not because of the punishment, as far as physical punishment, but just what they had to go through. The regimentation, the marching, left, right. Going through the basic skills that you probably went through when you went through boot camp. It also gave them an opportunity to more or less have pride in their group.

Just like you receive streamers when you went through boot camp. I received streamers when I went through boot camp. It gave us a sense of pride.

THE CHAIR:

Further questions, Senator?

SENATOR ROBERTSON:

Mr. President, I don't recall getting any

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streamers. I remember losing about 35/40 pounds. But that was streamer enough.

Thank you Senator Barrows. Senator Sullivan is about to sit down. And he initially, through you Mr. President, if I might. Senator Sullivan you initially indicated that a very important component of the program was that of education. And certainly, I don't think anyone here disagrees with the need. And I can't find the page. Thank you.

You talked about promotion of education. But you, again, were not specific. You indicated the superintendent attitude about he didn't have time because of such and such. Other arts and things like that to teach. What specifically is in the bill, and can you site me section and lines as to where we are going to in this comprehensive program, deal with education?

SENATOR SULLIVAN:

Senator, I'm not sure I can site you section and line. There are at least two aspects directly in the bill. Or three I should say that are related to education. And a fourth which is not in the bill. And I think that was the tenure of a bunch of my remarks.

As to the three that are, it is clear that much of the funding that we will find its way, both in this

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legislation and parenthetically, I might add, through the forfeiture legislation which we dealt with earlier today.

Back to CADAC and back to local police departments, will support the expansion of the programs like DARE which has been a very successful educational program at younger children. And teaching them about the risks and hazardous to drug abuse.

In addition to which the Regional Action Councils which are specifically referenced and organized in the bill. Include educators and are going to be, I think, intended to provide a level of support and coordination, which just has not developed. If you remember we did go through a process with the federal government of setting up at the local level, Regional Councils that involved police, educators, municipal officials, community organizations. The step beyond this to the regional level.

As to the items that, or the wilderness tool as well, as I mentioned and Senator Barrows mentioned as well.

The principal concern for the education area is not one that comes out of this legislation, but one that comes with this legislation. And is the result of the investigation, the consideration that is going today,

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and that is to discovery and coordination, and cooperation of the Department of Education in their compliance monitoring the school districts. A significant, over 60% degree of noncompliance that the present requirements that the state laws in Connecticut, dealing with tobacco, alcohol and drug abuse education. And a commitment, which is not a funded commitment, but one which we utilize the resources of the General Assembly over the course of the interim to go forward, carry out that review of that problem in far greater detail with the school districts in the State of Connecticut. Find out why, find out what resources are needed. Though I suspect the resources are there. They are just not being deployed. Which is the nature of my remark about competing needs in the school system.

And be able, I think, to bring back the message that we expect the laws of the State of Connecticut to be honored and implemented. And if we would only get on to the business of doing that, not a new law in this case. But the implementation and the enforcement of a law that is on the books. Then, I think, we can make a major step forward in the schools.

SENATOR ROBERTSON:

Mr. President, through you to Senator Sullivan. Is

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there any monies specifically in this 31. something million dollars, that will specifically create a curriculum, or curriculum, guide in drugs, the use of drugs, the enforcement of laws? Is there anything that will go directly to each, either teacher, or to each board of education as a guide or suggested curriculum? Is there anything in this bill that will submit to the universities and colleges in the State of Connecticut, requiring certain curriculum in educating educators as to drug, drug enforcement and the comprehensiveness of this bill and its ramifications?

THE CHAIR:

Senator Sullivan.

SENATOR SULLIVAN:

In response to the question, Mr. President. Let me try to rephrase my earlier remark. Because I think that is the answer.

In the State of Connecticut, in the coming fiscal year, will expand some two million dollars as it is in providing direct assistance to school districts. That assistance supports and can support drug education.

In addition to which, the State Department of Education has been since we began this process of reviewing this area, through the Senate initiative. Decided to go forward with an intervention program with

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school districts, offering a revised model curriculum. Drug and alcohol abuse education. Staged by grade levels. Or sensitive to certain issues in the earlier grades, a little more hard hitting focus in the middle school years.

Also there is going to be some effort to mobilize the resources that are there in the school system. In the counselling operation, health and welfare operation. Resources presently in place to try to put some more emphasis in the senior high school years, on intervention and counselling with students.

I think this is a case where we are talking about mustering resources that we have in place. Honoring laws that we have in place. And that is really what flows from the focus of this package and the focus of this activity, which are part and parcel.

THE CHAIR:

Senator Robertson.

SENATOR ROBERTSON:

Thank you, Mr. President. Again to Senator DiBella, if you might.

THE CHAIR:

You may proceed.

SENATOR ROBERTSON:

Thank you very much, Mr. President. Senator

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DiBella, again, only because this program has been an illusionary thing, at least to myself as a Republican until today.

I was under the understanding, or at least the illusion that it was a dedicated fund as a commitment. And I have searched briefly through the bill to find the language which indicates the dedicated fund. And I can't find it. I am wondering if you could please site to me the section that indicates that this a dedicated fund?

SENATOR DIBELLA:

Through you, Mr. President, to, you can stop your searching. It is not a dedicated fund. The basic issue is that it is a general fund of appropriation, and it will be general fund revenue.

If you read the fiscal note, it states that that money will be paid to the general fund, 25.2 million dollars and 6 million dollars on the lottery fund. It is an allocation from the general fund to the specific agencies. The revenue will be allocated to the general fund to cover those.

Presented in this bill is a match up, but not a dedicated fund.

SENATOR ROBERTSON:

Thank you, Senator DiBella.

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THE CHAIR:

Senator Robertson.

SENATOR ROBERTSON:

It would have saved me a lot more time if I had asked that a couple of hours ago.

Senator Daniels, if I might, sir, through you, Mr. President. There is a line, or there is a section in the bill that indicates the number of additional judges, and it is the information that Senator Blumenthal had discussed earlier.

I am wondering if you can give me an approximation as to the, the percentages of caseloads in our courts right now. Percentages of prisoners going into our criminal system right now? Thus indicating to me whether the number of new individuals will be adequate to make this system, and this comprehensive program work?

THE CHAIR:

Senator Daniels.

SENATOR DANIELS:

Thank you, Mr. President. Let me just say that over the last two years court cases have increased from 114,000 to 188,000 in two years. Drug arrests alone have increased from 14,000 to 28,000.

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Senator Robertson.

SENATOR ROBERTSON:

Mr. President, just so I am certain that I have the numbers correctly. You are suggesting that the court cases themselves have been 188,000 and the drug arrests are, which I presume somehow fit into that 188,000, represented 28,000?

SENATOR DANIELS:

That's correct.

SENATOR ROBERTSON:

Mr. President, I am going to have to sit down and look through the bill again. I don't know if anyone else has any questions. I would hope that there are some so I can do a little bit of homework and ask more later. Thank you.

THE CHAIR:

Further questions? Senator Scarpetti.

SENATOR SCARPETTI:

Yes, Mr. President. Mr. President, I would like to direct this question to Senator Barrows if I may.

THE CHAIR:

You may proceed.

SENATOR SCARPETTI:

Senator Barrows, I notice you talk about boot camp. And I am assuming boot camp is for fellows, right?

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SENATOR BARROWS:

That is correct.

SENATOR SCARPETTI:

Okay, what about the girls? There are two sexes you know. And we both have problems.

SENATOR BARROWS:

That's true. But if you would look at our criminal system, you will find that it is not basically females that are committing the major crimes.

It is these young men. And if our boot camp can work, then maybe we can implement something similar to female population.

THE CHAIR:

Senator Scarpetti.

SENATOR SCARPETTI:

Yes, Thank you, Mr. President. Through you, I did notice something going through this bill which is, for my simple mind, a little complex. I really have to read it. But in Section 44 on page 40. It says that the Commissioner of Children and Youth Services shall establish programs to provide substance abuse treatments for low income pregnant women, and women with children.

The Commissioner shall contact with other existing treatment facilities for the development of special

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housing component in addition to treatment services for the purposes of the program which shall include substance abuse treatments, child care services for preschool age children, supportive and therapeutic services for children, family therapy and continued care, following discharge from the facility.

Now, this is from what facility? Maybe I'm reading this wrong. If we have a boot camp for the fellows, for the men, what facilities do these young pregnant women go to? Because CCYS can't handle them, we know that now. I mean, we know that.

THE CHAIR:

Senator Barrows.

SENATOR BARROWS:

Through you, Mr. President. Do you have any idea where the young women go now for, for this?

SENATOR SCARPETTI:

Through you, Mr. President. Do I have any idea?

SENATOR BARROWS:

Yes.

SENATOR SCARPETTI:

No, I'm just reading this from the bill. And I, you know, from the bill. And I am assuming that if it is in this bill, it would have to be drugs, alcohol.

SENATOR BARROWS:

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Well, I would like to refer that to someone that has been working on that part. I haven't worked on that. I worked on the alternative prison section. And I didn't work on the DCYS section.

THE CHAIR:

Perhaps Senator Avallone who has such a comprehensive knowledge of the judicial system might assist you.

SENATOR SCARPETTI:

I would appreciate that. Thank you, Mr. President.

THE CHAIR:

I think the intent of the questions, excuse me, Senator Avallone. The questions that have been compounded by Senator Scarpetti really deals with the female part of our society and deals with the addiction. And what provisions do you have? What facilities and with what kind of treatment? Are you prepared to answer on that. Senator Matthews.

SENATOR MATTHEWS:

Thank you, Mr. President. I simply wanted to explain my association with the bill, and how it is that I became involved with that particular section of it.

The program that we are speaking of is that Rushford Center, I mean the prototype of it. Is that

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the Rushford Center at Middletown. And what will be involved is women who are mothers who need to be treated, will be permitted to bring their children along with them. And that we will then be able to treat the woman while she has her child with her. That is an extremely important fact, because otherwise, women who are addicted alcoholics, whatever the abuse is, will not be able to be able to be separated from their children long enough to be in treatment. With this program, and this is a very exciting program, because it does enable the women with their children to spend a period of time in treatment.

Rushford Center is, has applied for this. And this particular bill will enable women to be able to take part in that program.

In addition, we are going to be able to set up programs such as this in New Haven and in Bridgeport. And our feeling is that we are only helping these, we can only be effective and of help to a mother who happens to be alcoholic or addicted, by having here child with her at her side as she is being treated. This we feel will enable us to reach a segment of the population that never could be reached before. And with this bill and with the money that we hope to raise, we will be able to reach many, many more women,

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certainly with a program that has every chance of being successful. And giving them a different chance in life than they have had before.

SENATOR SCARPETTI:

Thank you. Through you, again, Mr. President. I don't know who to direct this question to.

THE CHAIR:

Why don't you ask the question?

SENATOR SCARPETTI:

I will direct it to you, and you can give it to somebody to answer.

THE CHAIR:

We will try to help. Alright.

SENATOR SCARPETTI:

Thank you. I have no problem with this concept. But what was, through you Mr. President, what was the name of that program? Or where is that program being Rush, somebody or other?

THE CHAIR:

Senator Matthews.

SENATOR MATTHEWS:

Thank you, Mr. President. It is called the Rushford Center in Middletown.

SENATOR SCARPETTI:

Through you, Mr. President. What is that?

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SENATOR MATTHEWS:

SEN. That is a center that does--

SENATOR SCARPETTI:

SEN. No, no, where.

SENATOR MATTHEWS:

SEN. The initial site is in Middletown. And we hope to duplicate that in New Haven and in Bridgeport as well.

SENATOR SCARPETTI:

SEN. Thank you. Through you, Mr. President. I appreciate that Senator Matthews. But I think we have a larger problem in Bridgeport, New Haven, Hartford, Stamford, you name the cities.

SEN. My question, and I have no problem with the program, and God bless it, it should work. Because we do have a very serious problem. I still want to know how DCYS is going to handle this added burden, and if it is only in one area right now, and they tell me, Mr. President, that it is going to go Bridgeport, New Haven and Stamford, and it sounds real good. But DCYS cannot handle the problems that they have in Bridgeport alone.

SEN. And I would like to know how they are going to take this burden on, and through you, Mr. President, maybe Senator DiBella can tell me where the money is going to come from?

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SEN. Senator Larson.

SENATOR LARSON:

SEN. Yes, Mr. President. Senator DiBella is approaching up to his desk. Let me indicate that DCYS participated throughout the discussion. As related to these specific centers. And that is why, aside from the Rushford Center, additional 500,000 dollars was requested by DCYS with the idea in mind of targetting both Bridgeport and New Haven. I think that might clear up the concern that you have.

THE CHAIR:

Senator Scarpetti.

SENATOR SCARPETTI:

Mr. President, thank you, Senator Larson. I still have a few questions. I will not bring out in public right now. But I would like to talk to Senator Larson about that later.

I guess my question, through you, Mr. President, to Senator DiBella. The money is allocated as Senator Larson just eluded to, is that correct? The DCYS on this section 44 on page 40?

THE CHAIR:

Senator DiBella.

SENATOR DIBELLA:

Page 40?

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SENATOR SCARPETTI:

On page 40, Senator DiBella, section 44.

SENATOR DIBELLA:

Okay, what is the question Mr. President?

SENATOR SCARPETTI:

Through you, Mr. President. The question is that according to this, DCYS is going to establish a program to take care of low income pregnant women, children, day care, substance abuse, therapy, the whole nine yards.

Where, has this money been allocated, through you Mr. President?

SENATOR DIBELLA:

Yes, it has, Mr. President.

THE CHAIR:

Yes, he said yes.

SENATOR SCARPETTI:

That answer came so quickly, I thank you. I have no further questions on this. I will yield to Senator Smith, if I may, Mr. President.

THE CHAIR:

Senator Smith.

SENATOR SMITH:

Yes, Mr. President. I just want to make sure that we all understand what is going on here. And I was

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getting a little confused, because I happen to feel that it appears that there is sections in the bill. And I think that is what Senator Scarpetti is trying to get to, this section 44 in particular. That when we add up the component cost as presented to us, that there is costs within the bill that are covered somewhere else in the budget. And we now find out for the first time that DCYS has 500,000 dollars of surplus in their budget, because the program that was adopted, according to the question as it was answered. The program that was adopted in the budget itself, apparently had a half a million dollars in it for a program that did not exist.

Now, if that is not the case, and I guess I would like to try and clarify the question that was brought into my mind as a result of the previous line. If I could direct that question to whoever it is that proposed to Senator Scarpetti, that there was 500,000 dollars somewhere, to cover the cost related to section 44. And I am not sure at this point who answered that question.

THE CHAIR:

Why don't you answer the question Senator Smith, and let's see who will respond?

SENATOR SMITH:

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Okay, then my question, more specifically sir, section 44, page 40, is there a component within this bill that covers the cost related to it?

THE CHAIR:

Senator DiBella.

SENATOR DIBELLA:

Yes, Mr. President, there is 200,000 dollars allocated to the Department of Child And Youth Services of the 27,672,003.00 dollars that is allocated to the general fund for the purpose of what section 44 requires.

THE CHAIR:

Further questions, Senator.

SENATOR SMITH:

Yes, thank you for the clarification, Senator DiBella, because that is a 300,000 dollar difference than the answer that was given the first time the question was asked.

I will yield back to Senator Scarpetti.

THE CHAIR:

Senator Scarpetti.

SENATOR SCARPETTI:

Yes, thank you, Mr. President. I think I am through now. Maybe Senator, I will yield to Senator Upson, if I may Mr. President.

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THE CHAIR:

Senator Upson.

SENATOR UPSON:

Thank you very much, Mr. President. Hopefully, I am not derailing the train of thought. I was going to ask just on specific sections, and specifically with Senator Avallone. The first 16 sections. I have some general comments, first though on my part.

Mr. President, I don't know, there are lawyers in the Circle, I think about eight. I happen to attend geographical area court section "B", probably 30 times a year. Maybe a little bit more. Do not do major crimes. Meaning, I don't do felonies. Maybe defelonies, maybe.

But anyway, I get to the geographical courts on several occasions. I want to make a few observations. First of all, the Bail Commissioners now weed out most people so that they do not spend time in incarceration, before, let's call pretrial incarceration. Because they have. There isn't any rooms in the prisons. So that is being done already. That is the first statement that I would like to make.

The second statement is, this is not going to, and I am not saying that I am going to vote against it, I just want to point out some differences. It is not

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going to stop the lines. There is still going to be 300 people there, because they still have to go through the system.

What it is going to do and it is going to mean once that person goes to the system, there will be an alternative, alternative way of dealing with that person. So, please don't think that you are going to stop the lines in court. You are not. What you are going to do is once they go through the court system, what happens with them. So, I think that is a major consideration. Don't expect your courtrooms in Manchester and other places to have less people in them, because they are going to have the same amount for the same amount of time. It is what happens in the alternative. The alternative sentencing.

Now, on two occasions in my practice, and remember I am limiting it to a minor, misdemeanors and defelonies. I have been able to get clients of mine, and I am not sure this section, I know there is a y after it. I don't know if it is 1, whatever section of the statutes. It is an alternative sentencing process. And I have gotten people in Eagle, I think it is called Eagle Hills. I am not sure it is a, one is a drug detox center and one is a alcoholic center.

Now admittedly, and also Fairfield Hills. So, it

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is already an existing program for alternative sentencing. And in both cases, one client served 60 days and one 90 days in these detox centers. Then, and I had to put a motion, Mr. President, a written motion to the court. It was argued, the judge made a decision on whether or not that person was going to go to one of those facilities. And in those cases, when those persons came back, the case was then nollied.

So, there is already a system in place for people going to drug related facilities. Now, that doesn't say, I am not suggesting that there is not enough, there did have to be a room in those facilities. I am not suggesting that that, there isn't enough room, that there is need for new space.

I just want to make that second comment. There already is existing and alternate sentencing situation, where people do go for this treatment. And I think everybody, I think the other lawyers would agree with me on that. And the bail system.

I want to make another statement. Mr. President, when you into court now, there is a judge, and a sheriff and a public defender. And a prosecutor, and a bail commissioner, and a spanish interpreter, and a probation officer, and a, now we have a family violence program. There is all this array of people. I am

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afraid we are going to build a new layer. Which is going to be expensive. Maybe good, but expensive. When the family violence program, and I believe I voted for it. I believe it went into affect in 85 and 86 passed. There was no room at all in any of the court facilities in Waterbury for the family violence program. There was no increase of staff. The probation office handled it. It still has had a problem shaking down. My honest opinion is, it still, while it may do some of the things that it set out to do, it has been chaotic and is overloaded the family relations division. Probation Department does not handle that. The Family Relations Division.

So, now we are talking about probation. Adding new offices. Now I know for a fact that we are, the probation officers are overworked. However, I also know that most probation, the way it is set out in the State of Connecticut. It is not a constant probation. Most people, let's say you get on a accelerated rehabilitation. You sign up for probation and that is it. 90 days later, good-bye.

So, most probation is unintensive, for lack of a better word. It is not intensive, the probation. You sign up, sayonara.

And I would say that is true with half the

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probations.

Now, one of the questions I was going to ask of Senator DiBella, was the type of contact that you are asking a probation officer here to engage in. And it says, the court may require that a probation officer. I am not reading on line 261 and 262 and 263, page 8 of 43. The court may require that a probation officer have at least one contact per week with a treatment program in which the person is participating. And at least one contact per week with a person when such person is not participating in the inpatient program.

Well, what kind of contact is that, if I may through you, Mr. President? Is that a phone call? Is that something where there has to be a visit? What kind of contact are we talking about, through you, Mr. President?

THE CHAIR:

You are directing your question to whom?

SENATOR UPSON:

Oh, didn't I say, to Senator Avallone, excuse me.

THE CHAIR:

No, you said to Senator DiBella.

Senator Avallone has been handling the judicial part. Senator DiBella the so called financial.

SENATOR UPSON:

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He still owes me a hundred dollars. I have him on my mind all the time.

THE CHAIR:

Senator Avallone.

SENATOR AVALLONE:

I want to thank Senator Upson for what I think was a compliment.

SENATOR UPSON:

Yes, it was, your good friends of mine too.

SENATOR AVALLONE:

Not being a probation officer I am only, I am going to give you my best guess. Is that as I read that, it says that the one contact has to be made with the treatment program. Whether that is by telephone or carrier pigeon, I honestly don't know. But it is the important thing to me, is that, to the treatment program. And then one contact, as I see, to be made when the person is not participating in an inpatient program.

SENATOR UPSON:

Alright, well I guess my question then would be the type of contact. It is not an intensive contact that they are asking for. And I think that is important. You are asking for 45 new probation officers. And the contact that you are asking them to participate in is

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minimal.

Remember they have great loads, but this, if this is suppose to be an intensive program, and remember the probation officer has to carry out the judges wishes. And this, I think the type of contact here is not of sufficiency to merit in this program.

The next question I have of Senator Avallone would be the input that your legislation, this legislation, and I am just talking about the first sixteen sections. Have from the Chief State's Attorney's Office and from the Judicial Department. What input if any, through you, Mr. President?

THE CHAIR:

Senator Avallone.

SENATOR AVALLONE:

Well, I did not sit in on the meetings with the Chief State's Attorney. But I know he was contacted. As to Judge Ment, I think his program had his conversations and input were substantial, especially as they relate to the probation officers and the needs of a personality. And what else did you ask Senator?

SENATOR UPSON:

Well, just basically, if I may through you, Mr. President. Basically, the, you are adding, if I may elaborate a little. You are adding new judges on this,

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right? Was the Judicial Department either asked or requested, or did they have any input in this program? Through you, Mr. President.

SENATOR AVALLONE:

Yes, through you, Mr. President to Senator Upson. As I think Senator Daniels had indicated earlier, many, many people and agencies, department heads, staff have been involved in this particular, particular your question relates to Judge Ment. And yes, the Judicial Department was asked to come in. His staff was asked to come in. Made recommendations not only through the drug abuse program, but through the Judiciary Committee. Through me. And through staff.

So, he was asked to participate and has had extensive participation in this.

THE CHAIR:

Senator Upson.

SENATOR UPSON:

Alright. And then back if we may, on the Chief State's Attorney, as well as the twelve state's attorneys. What input did they have on this, if you know, through you, Mr. President?

THE CHAIR:

Senator Avallone.

SENATOR AVALLONE:

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Through you, Mr. President, other than what I have already said, I don't have anything else to say.

THE CHAIR:

Senator Upson.

SENATOR UPSON:

Another observation on my part, Mr. President, is these are the people that are going to carry out the program. The prosecutors. And unfortunately, I have heard so many times where prosecutors say, another program has been dumped upon us without any input from our group. And we are the ones that have to carry it out. Right now a prosecutor makes a decision whether or not a warrant is going to be prepared for a judge to sign, and they sign off on it. Whether or not someone is going to be prosecuted.

And this program, I think, is of such merit, that the prosecutors in the State of Connecticut should be included in it with their opinions.

I remember when the family violence went through, all the disruption, etc. I also remember that we don't have enough space in Waterbury alone, I hate to be parochial, but we all are. We don't have enough space for any of the programs. And here is another program coming along the line, with no space. No space for judges. Right now we are using, we are using, judges

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are using the examination room for jurors. That is how little space we have.

The next question would be, and this is on, to also, Senator Avallone. Page 2, starting with 62, actually it goes on to 54. The executive director of Connecticut CADAC shall appoint at each facility operated by the Commissioner.

If I may ask Senator Avallone to that. Does that mean existing facilities right now, or is there going to be a facility, let's say, I know, I have heard that Waterbury is going to be participating in that. And I don't think it is specified, but does that mean if there is a facility, there is a CADAC facility that will be in the courthouse in Waterbury, through you Mr. President?

THE CHAIR:

Senator Avallone.

SENATOR AVALLONE

It is my understanding that CADAC does now control the facilities for treatment. Those, I am not aware that those are in the courthouse. But I am aware that they do control facilities and beds. And so, from those facilities there will be someone designated.

THE CHAIR:

Senator Upson.

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SENATOR UPSON:

Through you, Mr. President. Thank you. So that, just, again, I want the physical thing, because that is our problem. It is one thing to talk in generalities, but getting them specifics.

So, let's say I am in the courthouse in Waterbury, and there is someone who is eligible under this program. That means the person did not commit a murder, or a assault with intent to commit murder, kidnapping, etc. In other words, those are serious crimes, they are not part of this. And I take it this person has to be between 16 and 18. Excuse me, 16 and 21 and a male, is that correct? For the boot camp operation?

SENATOR UPSON:

I think, through you, Mr. President. I believe it is 16 and 20. I think that is what I read in the book.

THE CHAIR:

Senator Upson.

SENATOR UPSON:

20. Alright, 20, excuse me. And make, correct?

SENATOR AVALLONE

Correct.

SENATOR UPSON:

Okay. Then the probation officer would be then the

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primary person, or point of contact in, or look, if I may back up, Mr. President, excuse me. The person is arrested, alright. And then the Bail Commissioner will decide at that time whether or not, what type of bail, own recognizance or what kind of bail. And then the person will then be presented to court.

Alright, at that time will the person, the person will still have to see the prosecutor as the person normally does, is that correct?

And then, by the way Mr. President, if I may digress, on page 20 line 662, does say 21 years. If I may just correct the records. Page 20, line 662. For the purpose of this section, eligible defendant means a male person between the ages of 16 and 21 years.

SENATOR AVALONE:

I stand corrected, Mr. President.

SENATOR UPSON:

Just for the record, I'm not. Alright, and then the person then goes in and has to talk to the prosecutor. He or she or his attorney, correct? And then what I want to know is when does the, and who is the point of contact to determine whether or not, and there is a motion that has to be made in court. When we say the court, we mean the judge. There is a motion that has to be made at that time by an attorney or by a

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prosecutor, and then who makes the decision, and does that mean that someone has to travel to a CADAC facility. Again I am being very, I don't mean, I'm trying to be technical, but I would like to know exactly what we are talking about. Through you, Mr. President?

THE CHAIR:

Senator Avallone.

SENATOR AVALLONE:

Yes. Let me get some background. Because I can't--

THE CHAIR:

Let me ask you a question, Senator Avallone.

SENATOR AVALLONE:

Yes.

THE CHAIR:

Have you articulated this before? Have you gone through this, have you gone through this before?

SENATOR AVALLONE:

I have, but I--

THE CHAIR:

Alright, go through it again, because apparently there is still some ambiguity.

SENATOR AVALLONE:

I will try.

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SENATOR UPSON:

Mr. President, I am not trying to be repetitive.

THE CHAIR:

We are trying to avoid that.

SENATOR UPSON:

That's correct.

THE CHAIR:

There is something, if there is something that he should add, I think he should, then this is the time that he should do it. Except that we are trying to avoid redundancy and repetition.

SENATOR UPSON:

Mr. President, I agree with you 100%.

THE CHAIR:

Proceed.

SENATOR AVALLONE:

It is my understanding, and although I do not attend 20 some odd meetings. There were at least number with the Judicial Department, the State's Attorney's Office, and the Chief State's Attorney's Office, and the Probation people, and CADAC people, to try to streamline this process so that the step by step that the Senator is anxious to place on the record, were discussed and accomplished.

I cannot suggest to you, Senator, that I know what

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is going to happen from the time that you show up at Union Station in New Haven. To the time that you get to court. Who is going to pick you up. Who is going to see you. How you travel to these various CADAC facilities where the examinations are done. I do not have that knowledge.

However, I can represent to you that as a result of these meetings, there are personnel in place to qualify people. There are standards set forth in the bill. That there are opportunities where the court can order a urinalysis for a drug test to determine whether or not the arrestee is at that time, has drugs in their system. A screening process. There is a time when an individual will be either presented to CADAC, the way I understand the system works. Is that if you are one of the 31% of the people who are incarcerated because they haven't been able to make bail. And you are eligible for this program. That a mitamis is issued and that individual is either brought to the court, or brought to the facility, or that the examiners will go to the people.

Now, whether they go to the jail, or they are picked up and transported--

SENATOR UPSON:

Alright, Mr. President, I think I understand. I

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think what the program does is the normal program, but it is just when it comes to sentencing, except there is in the process, there is the examination if the person is drug dependant. But, when it comes to the sentencing this would be the alternate sentence, right? Through you, Mr. President.

THE CHAIR:

Senator Avallone.

SENATOR AVALLONE:

If I can clarify one point. Maybe, I hope I am answering your question. Senator indicated that there is currently an alternative program, alternative sentencing program in existence. And it is 17-155(y)i.

SENATOR UPSON:

I remembered the y.

SENATOR AVALLONE:

However, there are some differences in that program. First of all they are under different statute. We deal with drugs. Under another statute we deal with alcohol treatment and abuse. Under one of the statutes the prosecutor has the authority to veto and the judge has no authority under current law to impose an alternative sentence.

So our law, what I am suggesting to you is different than what is currently on the books.

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SENATOR UPSON:

May I ask you a question on that, Mr. President.

THE CHAIR:

Proceed.

SENATOR UPSON:

Are you suggesting, now I am just going to use the Y. Under this existing program, the judge makes the decision. If I put a motion in under that program, and the prosecutor objects, are you telling me that the judge does not have any power to overrule the prosecutor existing right now?

SENATOR AVALONE:

I'm saying to you, that no, that provisions of suspension of the prosecution in certain cases to permit drug treatment are because of statutorily permitted, prosecutorial veto almost never used, section 19(a)386 and 21(a)-284.

SENATOR UPSON:

Alright, in fairness, you just said never used, but okay. Alright. The next question Senator Avallone. There is some House Substitute Bill HB7539, AN ACT CONCERNING SENTENCING. And how, this proposed, I don't know if it has passed the House. I guess it has. What this does, it allows someone who has been convicted of a misdemeanor or a felony, unless it is a capital or

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class A felony, to participate in a program of alternative incarceration. Which includes probation, community service, supervised residential programs, and supervised nonresidential programs.

And my question is, how does this dovetail in, or change, or be part of this piece of legislation? Through you, Mr. President.

THE CHAIR:

Senator Avallone.

SENATOR AVALLONE:

Yes, Mr. President. Part of that program indicates that there will be supervision of those people. And that once this supervision is ended on the treatment programs, you will terminate the need for the probation officer, thereby, increasing this capacity to do his function and cut down that ratio that Senator Blumenthal had talked about.

I don't have that bill in front of me, and I confess I don't remember all of the details. But if I am not mistaken, that is the program that deals with more serious offenders. And that is not a program that deals with misdemeanors.

THE CHAIR:

Senator Upson.

SENATOR UPSON:

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I believe it does also include misdemeanors. Mr. President, another question. And that is on page 9, this is something I don't have to look up because it is easy. The Office of Adult Probation shall notify the Clerk when a person has completed a treatment program. And upon receipt of such notification, the Clerk shall set down a hearing. That is on 297.

Now, there is no date, Senator Avallone. For example, within five days, or seven days, or three days, where there is throughout the other part a definite time that a clerk shall set down a hearing date. And I question, I realize that, you know, we want to get this through, but a lot of people do, but whether or not there should be a specific date. Unfortunately, if you don't have a date, the Clerk may have set down, it may be lost in the shuffle.

Now, maybe that is not important, but it is important to, if someone wants to get out of the program and has completed his sentencing.

I am just suggesting a certain date. A date certain, five days, seven days, three days.

THE CHAIR:

Senator Avallone, if you know.

SENATOR AVALLONE:

I don't, it clearly doesn't state a date. That is

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one of the gaps that the Senator has found. In fact if it is a gap, we will have to change it.

THE CHAIR:

Senator Upson.

SENATOR UPSON:

Yes. Another question I had was on page 10, 318. And maybe it is my backwardness. Someone getting out of the program, in other words, if a person has done something wrong, then they go onto this program and then go back to regular jail. But, it says that if that person is unable to participate in the treatment program because of medical or psychosocial condition.

Now, I don't know, if that, we are back to that. If that psychosocial, to me that, its not psychological, what is, does it have any definite meaning. To me that means nothing. But again, I don't pretend to be an expert in that area. Through you, Mr. President.

THE CHAIR:

Senator Avallone.

SENATOR AVALLONE:

I have been called a lot of things in my time but never that. I can't help you Senator.

SENATOR UPSON:

Alright, in other words, maybe it was supposed to be

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psychological, I don't know what a psychosocial condition is. We probably have it all here, but--

THE CHAIR:

(laughter) I hope it isn't contagious.

SENATOR UPSON:

I'm sorry, I wasn't suppose to laugh here. I'm going to wind up. I mean wind down.

THE CHAIR:

No, no. Just put the next question that's all.

SENATOR UPSON:

Page 11, 363. The point I was making now. It says here, upon filing a petition. This is a petition to get somebody in the program, I believe, it says, anyway, it says the court shall fix a date for hearing no later than five days after the date the petition was filed. That is the kind of thing I think you should have when someone gets out of the program. A definite filing date.

THE CHAIR:

That's not a question.

SENATOR UPSON:

No, that's a statement.

I guess, I guess those are the different.

In other words to sum it up, the lines aren't going to stop. The lines are still going to be there. The Bail

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Commissioners are still going to make decisions on bail. And these people that are defined here will not serve, that is will not serve jail term, let's call them pre-trial jail terms. Because they are not going to be eligible. Because they are not going to be eligible for this program either.

So, don't think that the lines are going to be down and the jail is going to be less crowded. That is pretrial.

However, the part that may unclutter the jails, is the part where the actual alternate sentencing, I don't mean to call it alternate sentencing. But this probation where you are going into facilities such as this. And some of things I point out, I'm not saying are the greatest in the world, but there are certain things that would help this program. And I would yield to the classical lady from Kent, Senator Eads.

THE CHAIR:

Senator Eads.

SENATOR EADS:

Thank you, Mr. President. And thank you the gentleman from Waterbury.

I'm afraid mine are going to sound very mundane after this. I think the lawyers mix me up so mine. But first, through you, like to ask a question of

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Senator Matthews.

THE CHAIR:

Please proceed.

SENATOR EADS:

I would like to know if DCYS is going to do this program which it says here establish programs? Are there qualified people in DCYS to do this? Number one. And all I read about is low income pregnant women and women with children. What happened to women who don't have children and who are not pregnant? Where do they go? I mean there have to be some that are dependent on lots of things.

THE CHAIR:

Senator Matthews.

SENATOR MATTHEWS:

Thank you, Mr. President. I think what the bill tries to do, through you, Mr. President. Is to deal with a segment of the population. It is almost like we are doing a pilot program for what we see as a tremendous need.

DCYS is involved because they came to us and said, we are just not dealing with problems that we see out there. We can't do it, and we would like some help. And it was felt that the greatest number of children in trouble were those who were in families that were

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addicted. And if we wanted to make a significant difference, that we would try to deal with those particular children through their mothers.

Now, I know we haven't in the bill, dealt with all the women and all the men and so on, in the state that would need us. But we have certainly identified a segment that has been the greatest susceptibility. And we feel that that is the group that we can deal with at this time.

I feel if the program continues and grows, and we develop the resources, we can go further than that. But as the program now stands, we will be putting, working with young men, and we will be working with the mothers with children so very difficult to treat, so very difficult to reach, because they are not available for treatment.

So, it is not all the solution, nor are we reaching all of the people that we need to. But I think we are going to make some tremendous strides and I am encouraged by that.

THE CHAIR:

Senator Eads.

SENATOR EADS:

You know, I buy everything you say. I think it is a commendable program. I think it is great and

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particularly with the pregnant women and women with children. But the latter part of my question, which I said, what happens to a female who is not pregnant and who has no children, but is drug dependent or alcohol dependent? Is there something, do they go to Niantic, or is this, are they included in this program?

THE CHAIR:

Who wishes to answer that?

SENATOR EADS:

I must say. I am glad I am not dependent. I wouldn't know where to go.

THE CHAIR:

Senator Daniels.

SENATOR DANIELS:

Senator, they go to Niantic and they get regular treatment at Niantic.

THE CHAIR:

Senator Eads.

SENATOR EADS:

So, they go to a jail rather than to a treatment center. Although they are going to get a treatment series in Niantic? Are they being treated now for dependency at Niantic?

SENATOR DANIELS:

Yes.

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SENATOR EADS:

of They are. Thank you.

THE CHAIR:

TH: Senator DiBella, do you wish to participate?

SENATOR DIBELLA:

BY I think if we look at the program there is some 900, 9,913,000 dollars in there for these treatments. Either through DCYS or through CADAC. We are talking about 1000 beds that will not just deal with pregnant or minority. It will treat all people in the State of Connecticut. There will be facilities to deal with those people.

We may not be able to deal with the total problem with the resources we are allocated. But there is the availability for the people that you have just responded to. Women who are not pregnant or who are not minorities or don't fit into a category that is articulated in this bill. There are a thousand beds that this program talks about the physical construction of as well as the adoption of a treatment program to deal with these people in these physical places.

THE CHAIR:

Senator Eads.

SENATOR EADS:

Thank you, Mr. President. And I thank you,

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Senator. I am just glad that we are taking care of all of the people.

I guess, through you, Mr. President.

THE CHAIR:

You may proceed.

SENATOR EADS:

Senator Barrows, and I will be brief Senator Barrows. I have horrendous visions of what boot camp is. And maybe it is from the movies and television and from reports I have heard.

Are they going to be going under barbed wire fences or are they going to be doing something constructive like building something for a community? And is there any education involved in this boot camp training?

THE CHAIR:

Senator Barrows.

SENATOR BARROWS:

Through you, Mr. President. Senator Eads it was earlier stated that it would not be similar to the boot camps that you have seen on TV, or the boot camps that I have went through. They will not have weapons or anything like that. They will not crawl through barbed wire. What they will be doing is a lot of physical exercises, plus they will also get a lot of educational training and be prepared.

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Once they are released and go into some type of job training or educational components once they leave the facilities.

THE CHAIR:

Senator Eads.

SENATOR EADS:

Thank you. Just one other little thing, if I may, Mr. President?

THE CHAIR:

Please proceed.

SENATOR EADS:

While they are at this boot camp, I am assuming that they are going to some sort of treatment. So when and if they are released and they have passed the program, would there be a monitoring or a conditioning, such as whether they are going to AA or they have joined a church group or something?

SENATOR BARROWS:

Yes, there will be. Once they are released they will still will have to go to probation officers. And the components will still be there. So it is not one of these things that once they are released we are just going to through them back into that community. They will have to report.

SENATOR EADS:

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I want to thank both, the three of you. Because you have planted a lot of things in my mind. And I would yield to Senator Smith.

THE CHAIR:

Senator Smith.

SENATOR SMITH:

Thank you. And just so I can communicate directly through you to Senator Freedman. I just want to elaborate on some of the questions here. And then I would be glad to yield back to you.

Senator Barrows. I think you have outlined a rather admirable program, as much as I understand with regard to the alternative incarceration unit for, as defined on lines 660 and forward. Eligible defendant means a male person between the ages of 16 and 21 years of age who is convicted of a felony other than a class A felony and so on.

My question to you, through you, Mr. President, to Senator Barrows.

Are you knowledgeable to the point where you could inform me as to whether women inmates at Niantic who may be in similar age groups, would in fact, be entitled to some of the constructive activities outlined in the section 18, starting with line 645 and continuing forward including 659. And in particular

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concerns about, not only physical rehabilitation, but mental, preparation for daily community work. And the final portion here, which talks specifically about receiving job skill training and the construction of job, and the interviewing job application and communication skills during the last month of the program.

Are you familiar with any program at Niantic that would be available for women. That is question one. That would parallel this. And question two, someone arrived at the same question. Did you receive direct input from the Permanent Commission on the Status of Women with regard to what provisions in this particular bill may create equity. I am concerned about equity. It would appear that we have created a very good program for males. Perhaps not so good for females, if in fact, there is such a program is not available in the incarceration units that are basically used to house them?

THE CHAIR:

Senator Barrows.

SENATOR BARROWS:

Mr. President, through you. I understand your concerns about having some programs set up like this for women. Basically, my concern was to get this

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program off the ground. See if it could work. See what kind of impact it will have on our young men. If it is a successful program, as it has been in other states, I think it would be worthwhile that we should implement it for the women as well.

SENATOR SMITH:

Thank you, and if I might have one related question, and then I will yield back to Senator Freedman.

Through you, Mr. President.

THE CHAIR:

Senator Sullivan, do you wish to be recognized for some purpose?

SENATOR SULLIVAN:

Oh Mr. President, I could perhaps talk about some of the programs that Niantic has if Senator Smith wanted me to.

THE CHAIR:

Right now, I think that the dialogue is between Senator Smith and Senator Barrows.

SENATOR SMITH:

Thank you, Mr. President. More specifically, getting back so we can zero in on the final question that I had. Through you, Mr. President, to Senator Barrows. You mentioned earlier a number of states in which a program similar to those outlined in section 18

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of the bill are currently in operation.

To your knowledge Senator, do they have comparable programs for women inmates. Women who may have similar problems. Maybe not as frequent occurrences as you noted in your original testimony. But do they, do any of the states that you had previously mentioned, do they have parallel programs for female inmates.

THE CHAIR:

Senator Barrows.

SENATOR BARROWS:

At the present time, Florida is beginning to open up a program for women.

THE CHAIR:

Senator Smith.

SENATOR SMITH:

If I might, through you, Mr. President. Opening up the program is somewhat in, at least leaves some doubt in terms of what is going on. Do you have any further information other than that?

SENATOR BARROWS:

What I would like to say, the information that I have basically Florida is starting up a program to bring in women to the same type of women.

Currently, we don't have a track record of women being in the program. So Florida is basically the first

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state to start that program.

THE CHAIR:

Senator Smith.

SENATOR SMITH:

Thank you, Thank you. It would appear that the answer to my question is that there is no other state that currently has a program in which this may be modeled. It has an up and operating system for women that we could look at. And at this point sir, if I might yield to Senator Freedman.

THE CHAIR:

Senator Freedman.

SENATOR FREEDMAN:

Thank you, Mr. President. Senator Daniels made a comment earlier on about the number of arrests during the past two years. And I do have a few questions about that.

THE CHAIR:

You may proceed.

SENATOR FREEDMAN:

He mentioned that the amount of drug arrests had been 28,000. And I am curious to know if he would have any figures as to how many of those were between the ages of 16 and 21. And how many of those are male, and how many of those are female?

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THE CHAIR:

Senator.

SENATOR DANIELS:

Senator, is your question do I have that information, a break down. No, I don't.

THE CHAIR:

Senator.

SENATOR DANIELS:

The information is available, but I don't have it at my disposal at this very moment.

SENATOR FREEDMAN:

Okay, I think it is important, and I wish that we could get it. I mean, I would like to see it. Because I think it does shed some light on this male, female experiment we are talking about.

Through you, Mr. President, to Senator Daniels. Would you happen to know during the past two years of those 28,000 arrests, how many of them went through the court system and how the cases were disposed of, how many of them ended up being incarcerated, how many of them ended up in treatment programs?

THE CHAIR:

Senator Daniels, if you know.

SENATOR DANIELS:

No.

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THE CHAIR:

Senator Freedman.

SENATOR FREEDMAN:

I guess I can't go any further on that line of thinking.

I think these are figures we should have when we are developing this kind of legislation, which I am beginning to think, not so much now as the big wonderful savior. But maybe a noble idea that has gotten lost and a little too big for us to handle.

I think Senator Barrows referred to a pilot. Maybe we should be looking at a pilot program. I am concerned about the female population. Because I do believe, contrary to what we are saying, there are probably as many young females out there who have the same problems as the males with drugs. Go out and commit a crime to raise the money to buy drugs. And we are seeming to skip over that.

Maybe we would be wise to look at the female population first. Look at the statistics and do something in that line.

I have a couple of other questions. I am not sure to whom I should ask them. One of them is something mentioned earlier about the increases in the judges and the court space. And could somebody answer me. Is

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there space right now to add the new eight judges that we approved in the budget a week ago, plus the three new judges and all the ancillary staff that is going along with those people?

THE CHAIR:

Senator Blumenthal. Senator DiBella.

SENATOR DIBELLA:

Thank you, Mr. President. In several meetings with Judge Ment. Judge Ment participated in this program. Judge Ment pointed out to us that he had adequate facilities for the additional three judges that we were putting into the program as you see in the statutory language. And apparently had adequate facilities, because he did not request additional facilities. And those will be coming on line with respect to our capital expansion programs that we have in Public Works and through the bonding process.

SENATOR FREEDMAN:

Are we anticipating opening up some new courthouses in the near future?

THE CHAIR:

Senator DiBella.

SENATOR DIBELLA:

Yes, we are. I would like to yield, Mr. President, to Senator Blumenthal.

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THE CHAIR:

Senator Blumenthal.

SENATOR BLUMENTHAL:

Yes, thank you for the yield. As the Senator may know, a new courthouse is now planned for the Stamford area which will substantially expand the space that we will have. The bonding has been passed for architectural and design work. And the money has been committed also for bonding to engage in actual construction of that personnel who will be going into that courthouse, including the public defenders that will have to be hired, the additional prosecutors, the probation officers, plus the staff.

THE CHAIR:

Senator DiBella.

SENATOR DIBELLA:

Would you allow me to respond to your question. If I don't clarify your question you can ask another question.

I think you will see the number of staff people you will have. Other expenses deals with physical changes, I would assume, that have to be made to accommodate these people. Equipment deals with the type of equipment that will be necessary to accommodate. So the \$2,309,003.00, it was the opinion of the

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discussions that I had with Judge Ment that physically, the physical space was adequate to accommodate two million, three hundred and some odd dollars in expenses in personnel that he was going to put into the system.

SENATOR FREEDMAN:

Thank you, Senator DiBella.

THE CHAIR:

Further questions?

SENATOR FREEDMAN:

Yes. And I don't know if Senator Avallone has left, but maybe somebody else can answer this one. We have heard what will happen now when someone is arrested and what will proceed from there. I don't have the background, I do not know what happens right now if somebody were arrested committing a crime and that person was on drugs. And I would appreciate it if somebody could explain to me how the system operates currently.

THE CHAIR:

Senator, I think...

SENATOR DIBELLA:

Mr. President, point of order.

THE CHAIR:

Just a moment, I think we have been very patient and we have gone through this drill so often, so many

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times now...

SENATOR FREEDMAN:

Mr. President.

THE CHAIR:

Just a moment...And I think now we must go on to something else. This has been presented and it has been told several times. I don't want to interrupt you, but I think it's been told. If you want another characterization, another presentation, another repeat, it isn't fair. So if you have another question...

SENATOR FREEDMAN:

I am not asking for something that was asked already. I am asking for what happens right now in the system and I don't know, I don't know if any of my colleagues around the Circle know how the system operates right now and whether we are truly indeed making a change and whether that change is worth the amount of money we will be appropriating.

THE CHAIR:

If there is something that we haven't touched, you have a perfect right to either get a clarification and also an explanation. But it would seem to me we have gone through this several times and you are asking, several times, the same question. If I am wrong I stand corrected, but I think I have heard it several

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times.

SENATOR FREEDMAN:

Well maybe you and I have heard different things, because I think I have heard what will happen, supposedly, with this bill.

THE CHAIR:

And you are asking now what happens now?

SENATOR FREEDMAN:

Now in the system as it currently operates before we change over to this system.

THE CHAIR:

Well, aren't we trying to correct the present system?

SENATOR FREEDMAN:

I don't know. I don't know if the present system needs the correcting because I don't know whether this is...I guess maybe we started at the wrong starting point. Maybe the first thing that should have been explained to all of us was how the current system operates.

THE CHAIR:

Senator Blumenthal can probably assist you.

SENATOR BLUMENTHAL:

I will do my best, Mr. President, and be as brief as possible. But I think the question has two parts.

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First, what happens under the current system, a variety of things can happen under the current system. There can be accelerated rehabilitation in which prosecution is postponed in one condition of the granting of accelerated rehabilitation. One condition may be that person enters into some kind of drug program. That alternative is very difficult to achieve because the ability, the capacity of our treatment programs is so limited, there are so few beds, so few opportunities. So judges are put in the position, very often, of not being able to make that a condition of accelerated rehabilitation. One of the important things that this program will do is to expand the opportunities for treatment.

There is also the possibility at the conclusion of a prosecution, if there is a conviction, or a condition of probation to be, again, the entry into some kind of treatment program, once again, the limitation on the capacity of our treatment program cuts off the opportunity for that possibility in many instances. The alternative for many convicted felons and misdemeanors is to go to jail because that is the only alternative without any treatment or simply to be let go, to go into a probation program without that being a condition of probation.

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In between there are a variety of possibilities, but I think the critical thing about this program is it sets up a structure with criteria for an examining committee to administer. It sets forth a procedure to be administered by our court system and the probation department and expands the opportunities and capacities of the system for treatment.

SENATOR FREEDMAN:

Thank you Senator Blumenthal, because I think the stress is on what happens afterwards and I believe that was the stress we were hearing from Senator Avallone. I think these other options, and I did not know what they were, that already exists are not new things in here, that they are things that are happening right now and that we pick up on the expansion later on after they are into the system.

One very important question. Senator DiBella mentioned 1,000 new beds which would be under this part of the criminal justice system. How long will it take to get those beds into operation?

THE CHAIR:

Senator DiBella.

SENATOR DIBELLA:

Thank you, Mr. President. I can't give you a definitive time schedule. I would say, hopefully, a

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vast majority of those could be planned, either planned, sited and under construction in this fiscal year. We will move as fast as possible. It will require a very difficult process of evaluation of existing facilities, which the Department of Corrections is already done an awful lot of.

It will also require, in some case, the possibility of some infrastructure work, as I stated before. There is a lot of questions out there in terms of the court cases in mental retardation and some of the utilization and some of the utilization of existing facilities that we are addressing at this point in time. A critical path, I do not have. I don't believe there exist a critical path for the completion of 1,000 beds within this, or within the 89-90 fiscal year.

SENATOR FREEDMAN:

Through you, Mr. President, how many beds do we currently have for people who would be in this situation?

THE CHAIR:

Senator DiBella, if you know.

SENATOR DIBELLA:

I don't know the total number of beds that exist in the system, because there is non-profits and there are state beds. I'm sure we could get the figure for you.

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It's available. Off the top of my head I don't have that number.

SENATOR FREEDMAN:

I would appreciate that figure. I think it would be also helpful. Finally, through you, Mr. President, I would like some detail on the Wilderness School. I really do not know nothing...anything about it and I would appreciate, because what I was reading in here, evidently it has been in existence for a while and this would be an expansion of Wilderness School and that for these children that are sent there, is it a year round program and do their local boards of education pay to send them there or does the state pay to keep them there?

THE CHAIR:

Senator DiBella, do you wish to respond?

SENATOR DIBELLA:

Again, this is an existing program under the auspices of the Department of Child and Youth Services. A good question for someone who sits on the Appropriations Committee to answer or to understand how it operates. I know it's a funded program under the Department of Children and Youth Services. Because of beefing up this issue dealing with children, I believe it's 13 to 16 years old, they are asking...the

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Department of Child and Youth Services, as part of this comprehensive program, additional resources, so that they can add on additional beds or additional space to deal with this.

Again, I believe it is a year round program and it's within the Department of Child and Youth Services, under operation. That's all I can tell you about the program. If someone else can add more to that, I will be glad to yield the floor.

THE CHAIR:

Senator Freedman.

SENATOR FREEDMAN:

Through you, Mr. President, maybe Senator Sullivan would know if a local board would pay for the education of these children attending the Wilderness School.

THE CHAIR:

Senator Kevin Sullivan.

SENATOR SULLIVAN:

I'm not sure that I can give you a definitive answer. I believe that the responsibility would ultimately be attributed back to the school if this was in lieu of education in the public school system from which the children came, then the cost would not be covered by this program. The cost could be attributed back to the school district for school children of

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school age.

SENATOR FREEDMAN:

Thank you. I will yield back to Senator Smith, right now, and I do appreciate having some answers to those questions. I think there is a lot more generating from us. Thank you.

THE CHAIR:

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President. Just...I'm not going to get involved in the criminal justice system, because I hope I don't have to participate in any more that we have tonight so far. But it has been very illuminating for me and I appreciate the line of questions.

But I do have some very serious questions about Section 14. Section 14 deals with a study to be done by the Secretary of the Office of Policy and Management dealing specifically with the Department of Mental Retardation and long range planning study for certain facilities....mental health and so forth.

And the reason I ask the question is that it appears that the Commission that would be primarily responsible for much of the administrative detail of this program has until July 1 of 1990 to start implementing a program and I think that specifically

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deals with some of the modifications to so called surplus institutions or facilities. And my question is several fold, but I would like to start in order.

Starting on Line 542, and I suspect it is probably through you, Mr. President, to Senator DiBella, who has assumed the roll of the Financial Long Range Planning Guru for the purposes of this particular discussion (Laughter).

THE CHAIR:

I think it's short and long.

SENATOR SMITH:

Senator DiBella, we are talking about the Department of Policy and Management completing a study on....it looks to me that they are being required to do some kind of an inventory.

Do you have any idea as to what the deadline for that first phase study is?

THE CHAIR:

Senator DiBella, if you know.

SENATOR DIBELLA:

No.

SENATOR SMITH:

Well, that's very interesting, Senator DiBella, through you, Mr. President, because we are being asked to appropriate through the Bond Act, \$27.3 million this

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evening. \$27.3 million, and we haven't got the foggiest notion as to whether in fact any of that program will be ready for action in the next fiscal year.

THE CHAIR:

Senator DiBella.

SENATOR DIBELLA:

Through you, Mr. President. It's been brought to my attention by one of my very able assistants, staff people, that October 1 is the deadline date that the Department of Office of Policy and Management has used to complete this study.

SENATOR SMITH:

Through you, Mr. President, is that demonstrated somewhere, some line, some section of the bill?

SENATOR DIBELLA:

No, it isn't, Mr. President.

SENATOR SMITH:

Okay. Mr. President, then perhaps for at least the satisfaction for those of us who have a concern about the timing of the issuance of \$27.3 million, I'm not certain whether for the public record we note that when we vote on this we expect a study to be completed by October 1st, as indicated by Senator from Hartford and Wethersfield and other points, that it would be my

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intention that if in fact there isn't any verification that we suggest that perhaps that \$27,300,000.00 in this budget year is probably inappropriate. But I'll continue on with my next question.

THE CHAIR:

Senator, excuse me, is that in the form of a question? I think Senator DiBella would like to..

SENATOR SMITH:

I would just like to verify to my satisfaction, Mr. President, whether in fact we have a guaranteed somewhere in writing, some commitment that is a tag to this particular piece of legislation that says on or before October 1st, 1989 the Department of Office of Policy and Management Secretary will in fact provide the necessary information for the Commission. I will assume the Commission is the Alcohol and Drug Abuse Commission. That that Commission would then be able to go forward and have a report and start the implementation phase of the bonding program on or before July 1, of 1990.

SENATOR DIBELLA:

Through you, Mr. President, I believe the issue of October 1, is an internal goal set by the Office of Policy and Management. Much of the information is already been accumulated and with respect to the

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question of whether that time frame will meet with physical construction or expenditure of bonds, it is our feeling that within the fiscal year 1989-90 which expires on June 30, 1990, that we will have begun physical construction of these facilities based on information provided by the Office of Policy and Management to the Commissioners of Administrative Services Mental Health, Mental Retardation, the Task Force.

If in fact the time tables are met, it is an authorization that the Legislature is making it would then go that the Office of Policy and Management will make the recommendation for the physical improvements which I am sure the Minority Leader is aware of, to the Bond Commission for the release and allocation of the dollars and the bidding process for the improvements.

So we feel very comfortably that given the time frame internally that has been produced by the Office of Policy and Management that there is adequate time within this fiscal year to talk about physical construction and release of those bonds by the Bond Commission and to begin to move forward on the physical construction of those facilities.

THE CHAIR:

Senator Smith.

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SENATOR SMITH:

Thank you, Mr. President. Moving on to Section 17, Line 610, I'm sorry. Through you, to Senator DiBella. It talks about a grant made to the South Central Rehabilitation Center for purchase and rehab of a building for a medical detox program.

Senator, to your knowledge has that building been identified or is there going to be part of this search inventory program that the Office of Policy and Management will engage in. Will that be identified so they can identify either a surplus building, or a state building or some private building available?

THE CHAIR:

Senator DiBella.

SENATOR DIBELLA:

Thank you, Mr. President. The building has been identified. It is the Hill Health Center in New Haven. It exists. It will be able to more immediately accommodate the need set under the Bonding provisions that we have and also the operating expenses. That will be a facility that has siting and has a lot of the other necessary factors in terms of developing a functional program on that site.

THE CHAIR:

Senator Smith.

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SENATOR SMITH:

Thank you, Mr. DiBella, or Senator DiBella, rather. That, I think probably clarifies one concern that I had. So basically, through you, Mr. President, just for further clarification, is that this South Central Rehab Center is going to be outside the context of the others that were going to be evaluated by the Secretary of the Office of Policy and Management with a report due not later than October 1st. Is that correct?

THE CHAIR:

Senator DiBella.

SENATOR DIBELLA:

That is my understanding, Mr. President.

SENATOR SMITH:

Thank you Senator DiBella. I have a number of other questions that I would like to ask, I'm not sure, Mr. President, exactly who they should be directed to, but I do know that Senator McLaughlin is champing at the bit, and I'll try to give some of the things that I still have some concerns on asked and perhaps you might assist me in directing it to the appropriate individual.

I think the previous, some of the previous questions dealt with how many new employees, and I don't think we got an adequate answer. Perhaps someone could tell me precisely how many new employees will

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come on board in the initial phase that is in 1989-90 year and normally when we go through a very significant program like this, Mr. President, we would also have a fiscal note that included the impact for the following fiscal year, that would be the 1990-1991 time period.

It appears that we do not have that information so if we could just break this down, what are the 1989-90 additions in total that this program...and number of new state employees and total that this program would bring on board. Through you, to...

THE CHAIR:

Senator DiBella.

SENATOR DIBELLA:

Thank you, Mr. President. Again, I think that the phasing, the availability of personnel, the availability of physical structures, all will be a factor in determining the number of people that will come on board. And the number of people that will be hired. For me to stand here today, on June 1, and give you a number, I'd need a crystal ball, in terms of a whole host of timing factors that have to come together to meet the goals and objectives of this program.

So that if the question is being asked and I'm sure it's the same question that OFA, Office of Fiscal Analysis has grappled with and before you is a program

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that lays out a potential and the achievement of that potential will determine the ability to meet the goals within the different component parts and time...in terms of time frame, in terms of availability of people, in terms of availability of facility.

THE CHAIR:

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President. I believe the one thing that the Senator from Hartford has failed to convince me of is normally when we talk about a \$25, \$30 or in this case \$54 million program, when you take in round numbers, \$27 million of ongoing expense and \$27 million of bond funds. Normally we would have before us a more complete time line in terms of hiring, of flow of dollars, normally we see some hiring dates, some anticipated hiring schedules and goals and objectives and that does not seem to be here.

Perhaps he also has buried away in a file that they have looked at for the last 6 or 7 months, it's not part of the public record, some indication of whether in fact that level of detail went into the architecture of this particular proposal, but we certainly, have not, on the Minority side been given the opportunity to look at it. But I do have a

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document that we were able to get our hands on today, through the great work of one of our Senators in the Connecticut Valley area, and basically for the record what I have is an indication that the 1989-90 budget would include approximately 80 new positions but alarmingly the 1990-1991 has 1539 positions and it would appear that the 9 months, roughly 9 months of cost incurred in 89-90 for this particular phase of program, this is CADAC, I believe, yes. CADAC program would amount to about \$1,800,000.00 and a comparable number for the full fiscal year 90-91 is a very alarming \$46,170,000.00.

And when you put the operating expense into that, the first year administrative cost, etc. we are basically talking about a growth, at least in the documentation that we have been able to acquire, growing from 89-90 of \$2,275,000.00 and a 1990-91 figure of \$57,887,500.00.

Now, if that's not accurate then perhaps someone else has something we can look at. But frankly, Mr. President, it's the only thing available to us as a forecast of where this program is headed.

THE CHAIR: (President Pro Tempore in the Chair)

Is that in the form of a question, Senator?

SENATOR SMITH:

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No, in the form of a statement, Mr. President, because I believe this is the kind of information, through you, sir, and to the members of the Circle, that should have been discussed, should have had adequate public disclosure and hearing, should have had more than a late Friday...I'm certainly in no mood to apologize for the questions nor the time that we have taken on this because, Mr. President, this is really the first time, that I, as the Leader of the Minority Party in the Senate have had a chance to participate in a very comprehensive program, one which I think has a lot of laudable goals and objectives. One that still raises questions in my mind. So I just hope and the members of the Democratic Party who have participated will have enough patience to allow us to have some opportunity to discuss the merits and satisfy in our own minds the questions that we have and developed in the brief time that we have had to observe this particular information.

At this time, Mr. President, having set that statement in order and hopefully we might get further elaboration and less confusion if I were to yield to the plain speaking Senator from Woodbury, Senator McLaughlin.

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Senator McLaughlin, you're on.

SENATOR MCLAUGHLIN:

Mr. President, could we hold for just a second?

THE CHAIR:

The Senate will stand at ease.

SENATOR SMITH:

Thank you for your patience, Mr. President. There does seem to be passed ball even in our side on occasion. I'd like to, at this point like to yield to Senator Lovegrove, if I might be allowed that.

THE CHAIR:

Senator Lovegrove.

SENATOR LOVEGROVE:

Thank you, Mr. President. I'm not sure which one of the team of presenters this questions should go to, but in Section 22 calls for the establishment of a task force, 15 member task force, to be appointed by the Chief Court Administrator of five judges of the Superior Court assigned to hear juvenile matters, 5 members of the Juvenile Justice Advisory Committee and 5 public members, all whom are to be appointed by the Chief Court Administrator.

They are to work with the Program Review and Investigations Committee and report by February 15, 1990 to do a study of the purpose of the role of the

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Juvenile Court. Yesterday we passed on the Consent Calendar, recommendations of the Program Review and Investigations Committee, here is the booklet, it is a 160 some odd pages of report. It made significant recommendations which apparently everybody in the Circle likes and no one voted against them, and I just wondered if the team of people who put this piece of legislation together if they all sat down with the Programs Review and Investigations Committee and discussed the legislation with them. I'm not sure who to ask this question, Mr. President.

THE CHAIR:

Senator DiBella, would you care to respond?
Senator Daniels, would you care to respond? The question was made to anyone.

SENATOR DANIELS:

Yes, Program Review was involved and this was one of their 10 recommendations, Senator.

THE CHAIR:

Senator Lovegrove.

SENATOR LOVEGROVE:

Do I understand, through you, to Senator Daniels that the Program Review and Investigations Committee staff recommended that upon the appointment of this 15 member committee which probably at the soonest that

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this bill becomes law would be in a couple of months, that they begin another study doing pretty much the same thing they have already done?

THE CHAIR:

Senator Daniels, do you care to respond?

SENATOR DANIELS:

Through you, Mr. President. Senator, their report made the recommendation that we do this.

THE CHAIR:

Senator Lovegrove.

SENATOR LOVEGROVE:

Okay. I'll have to go through the book and see what the report is. Thank you.

THE CHAIR:

Remark further? Senator Scarpetti.

SENATOR SCARPETTI:

Thank you, Mr. President. I have a question, through you, Mr. President, it might be...I guess it would be Senator DiBella. Senator DiBella will there be future funding necessary to fulfill this project, because there is 1,000 beds we are talking about.

THE CHAIR:

Senator DiBella.

SENATOR DIBELLA:

Through you, Mr. President, I think I pointed out

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that the old Chinese proverb that the trip of 1,000 requires one step, which would give you the impression that I was talking about a multi-year program. I think as we articulated earlier this would be a three year program. We would hope that the commitment would run a three year period and expand. I think you will see this program expand. I think it will expand to meet the needs that we have on our streets, to try to resolve the problems of drug inundation in our communities. And I think we have been very candid and up front to explain to you that this is a first year of a program that we hope will be three years, that will be expanded, that will be refined and grow.

SENATOR SCARPETTI:

Thank you, Senator DiBella. Through you, Mr. President, I can appreciate what Senator DiBella says, but I can hope he can appreciate the fact that I had just see this and not being as knowledgeable as some of my colleagues I do have to ask some questions that may sound a little foolish. I just want to add one thing to add to what you are saying, through you, Mr. President, to Senator DiBella, then there will be continual...you will have to get more staff people.

THE CHAIR:

Senator DiBella, do you care to respond?

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SENATOR DIBELLA:

Through you, Mr. President. I will assume there will be additional staff people. I can't tell you which program will have more staff or which will have less. I assume the commitment made to local law enforcement would stay relatively consistent unless there is a demonstration by the law enforcement people that there are additional people needed.

Obviously, in the treatment areas, in the areas of incarceration and things of that nature, I think you will see expansion and proliferation. So again, we will proceed in an orderly fashion to try and provide adequate in the best type of programs available to the people in the state based on need. And I have to point out to you this program was developed in component pieces. It was put together over a period of 7 to 8 months with an awful lot of involvement with different staff people. I believe the program and the resources that were put into this were outstanding. Next to the other programs that exist in any place in this Legislature, any place in this State, there is no comparison. It's a program, it's an initiative that has been brought forward by the Democratic Senate. It's a program that we feel will work, it will grow, it will be refined and it will become better.

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SENATOR SCARPETTI:

Thank you. Just one more question, Mr. President, through you and I guess this is to you, Senator DiBella, it seems as if we have a one on one going here. DCYS is in the contact that I have had with DCYS with some of my constituents, they seem to be having a problem just keeping up with what they already have. You know what I mean? The people they have to take care of, the students....do you think, have you done any research or do you have any knowledge, will they be able to take on another project because it seems to me that DCYS is now taking care of the drug and the other problems that some of our young children have. Can they handle this?

THE CHAIR:

Senator DiBella, do you care to respond?

SENATOR DIBELLA:

Through you, Mr. President, I believe given the resources that we are giving to them they will be able to respond to the program and obviously it is a question of resources. And if you look at the problems that DCYS has, they are basically interrelated to the problems that we are trying to address. The whole drug problem and the whole problem of behavioral problems that evolve. Some of the solutions that we are

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proposing. The boot camp. The question of the Wilderness School. All things to be deterrents from the inevitable path that some of these people will face and that is prison. And it's a question of keeping the kids in the little league and resolving the problem there before they get to the big leagues.

SENATOR SCARPETTI:

Thank you Senator. Thank you, Mr. President. I think I'll yield to Senator Freedman.

THE CHAIR:

Senator Freedman.

SENATOR FREEDMAN:

Thank you, Mr. President.

THE CHAIR:

Senator Freedman, is this the third time or is this...

SENATOR FREEDMAN:

No, it's my second time and where yielding it, I don't know how that works, and I don't know who would be able to answer this, but we are talking about the State Police, the local police, we are talking about the educational system, we are talking about the justice system, we are talking about a lot of different things here. DCYS, CADAC, who overall will be responsible to see that all these things are carried

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out and carried out with the intent that we are talking about?

THE CHAIR:

Senator DiBella, do you care to respond?

SENATOR DIBELLA:

The oversight, the Legislative oversight, will be provided by the Program Review of the State Legislature. That will be the oversight to ensure that the Legislative and statutory language that we have in the statute will be implemented. I think it is quite obvious we are directing through the appropriations process like we do anything else, departments that provide certain services.

The Legislative overview is the Appropriations Committee and/or in this case also Program Review.

SENATOR SCARPETTI:

Again, through you, Mr. President, maybe I didn't word it properly. I am concerned about all the programs happening at the same time and who is going to coordinate between one agency and another agency. DCYS is going to be responsible for something. CADAC is going to be responsible for a piece of this. State police are going to be responsible. I would think that somebody or some agency is going to overall be in charge of all of this to make sure that everything is

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coordinated.

THE CHAIR:

Senator DiBella, do you care to respond?

SENATOR DIBELLA:

Yes, I will, Mr. President. I hate to say, or appear that I am losing my patience, but for someone who sits on the Appropriations Committee, to raise the issue when a dollar amount of money is allocated to an agency, that agency of the State Police has a responsibility for the dissemination of that money by virtue of the statutory language and also if you read the statute, by regulations to be developed for a criterion standard dissemination of that money.

The oversight of that issue, the State Police will. Our Legislative oversight of the issue will be done by the Program Review Committee.

SENATOR SCARPETTI:

I don't think I'm being understood. I'm talking about the coordination of the direct services. We had a bill this afternoon that we voted upon moving an agency from one place to another for reasons that were not explained today. I don't want to be setting up the situation where we are going to be creating a turf war between DCYS, between CADAC, between the State Police and between everybody else in the court system who

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somewhere down the road after this thing gets off the ground, may find themselves fighting for the dollars to keep the programs going and I was wondering if one agency or one person, or one somebody would be in charge to coordinate those services, other than our end of it where we are appropriations and we have finance, where we do that part of it, but who is in charge?

THE CHAIR:

Senator DiBella, do you care to respond?

SENATOR DIBELLA:

There are specific allocations made to specific departments, Department of Public Safety, CADAC, the Department of Child and Youth Services, the Department of Corrections. We are allocating dollars to them. They will spend them in compliance with state regulation and law. The question of turf wars is not a question developed in this scenario. The State Police will make the determination after there are adequate regulations developed for the criteria and standards for programs of dissemination of local units of government.

It is the expertise that they would, I hope, possess internally to make those types of decisions with respect to local units of government submitting applications, just like they do now under this task

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force, the Narcotics Drug Task Force. It is an allocation of personnel and money.

SENATOR FREEDMAN:

So if I understand you correctly, the State Police will be responsible for everything that we are discussing here tonight? Oh, I'm sorry, that's the way I understood it.

SENATOR DIBELLA:

You asked me and I told you the specific agencies that are designated in the statutory language that will have the responsibility to develop, run and operate the programs. That's the way the operation runs. That's the way the State operates now. When money is allocated to the State Department of Public Safety or the State Police it is allocated, it is controlled and monitored internally.

THE CHAIR:

Senator Freedman.

SENATOR FREEDMAN:

My faith in our system, I guess, after this particular Session, isn't as promising as I thought it might be because we do watch money allocated for a specific thing, within a specific budget and a specific appropriation and maybe six or seven months later that money gets diverted somewhere else. I fear that that

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may happen. That all of this money will accumulate with good intentions but will those intentions be fulfilled and who, other than Program Review will be on the back of these people during that period of time?

THE CHAIR:

Senator DiBella, do you care to respond?

SENATOR DIBELLA:

What question is that?

SENATOR FREEDMAN:

Skipping on to something else. I would like to get into the area of who will be evaluating the program through the court system of what actually happens to these youngsters if they are eligible to go into the program that would avoid going into jail for the crime that they committed? The court system, the probation people, I'm not sure. And I'm sure Senator Avallone might be able to answer that. Because I do think we need to know and have them come back and let us know how successful that program is. Since Senator Avallone isn't here I guess I won't get an answer that one either.

Senator Barrows, through you, Mr. President...

THE CHAIR:

Would you state your question, Senator.

SENATOR FREEDMAN:

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The boot camps are recent. I was just wondering if he would make us available or make his tape available that he mentioned that he had at home. I think that would be appropriate for us to see. My question, and I gather, and this is something I have done reading about...I think you can do a boot camp concept without making it negative. That you can involve education and as Senator Eads mentioned earlier, constructive. Not marching around, but maybe having kids getting together to do carpentry and starting to build a house or something constructive.

I share that with you because that is something we have done in Westport. It's not boot camp, but it's taking a child's mind and taking it off of drugs and diverting it into a positive activity that will give them a skill they can use once they are finished with that program. Also maintaining what they have to maintain in order to break their habits.

THE CHAIR:

Is that a question?

SENATOR FREEDMAN:

Yes, I am leading into a question. Were other ideas besides the boot camp you described, thought about before this was put together?

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Q The question, I believe, are what other ideas have you thought about, Senator Barrows? Do you care to respond?

SENATOR BARROWS:

A The other ideas that I have thought about I cannot mention because they would probably throw me in jail. I live in a community that is very rough. I deal with criminals on a daily basis. I see drugs that is rampant in my community. I see young people, old people and people in between that is mugged, robbed, raped. I see these people and I talk with them. What made me think about a boot camp? Because I also talk with these young men that commit these types of crimes.

A lot of these young men they will look at you, shoot you, kick you at the same time, while you are falling on the ground. A lot of these young men have the potential of being good men, fine gentlemen in our community, but they have no alternative. There is no alternative but to keep doing what they are doing until someone puts a bullet in their head or they are arrested and locked up in prison. This is what gave me the concept of the boot camp idea. And plus once I saw it on T.V. it gave me this idea.

I think that this program is a fine program. I believe we should give it an opportunity to make it

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work. You youngsters in Westport, I don't know what kind of environment you come out of, but I don't think they are coming out of the same environment that the youngsters that I deal with on a daily basis come from. And this is the reason why I support it.

THE CHAIR:

Thank you.

SENATOR FREEDMAN:

I'll ask my question again. In the development of the concept of a boot camp, you described a military type situation, but are there other types of boot camps that would not be military type?

THE CHAIR:

Senator Barrows, I know you have explained boot camp several times this evening, but would you care to respond?

SENATOR BARROWS:

Sure, I have all night. I live in Hartford. Mr. President, through you to the good Senator, like I mentioned earlier, the alternatives...what are the alternatives? What kind of alternatives do we have for our youngsters these days, besides trying to straighten them out, giving them an opportunity to work in our society and also be able to contribute something to our society and community?

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Other alternatives...there are probably hundreds of alternatives, but I believe that this is an alternative that will basically straighten up the youngsters that we have to deal with today.

One Senator had mentioned earlier about the CC Camps that they had in the 30's. Sure, they were fine in the 30's or 40's, but we are dealing with youngsters that are running around our community shooting people with Uzi's, automatic weapons, AK47's. We are dealing with youngsters now that probably in the 30's and 40's they did not run around with cocaine selling it to pregnant women. The ones we are dealing with now, they will look at you and as I said earlier, they will shoot you and kick you at the same time while you are dropping on the ground. We are looking at a totally different population of youngsters. We are looking at youngsters now that I have seen that is worse than a lot of servicemen that I served with in Viet Nam and I thought they were hard, cold killers in Viet Nam and some of these youngsters that we have on our street now, I would like to send them an environment like Viet Nam and see if they can do what we had to do over there.

It's a totally different environment and this is why I support the boot camp.

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SENATOR FREEDMAN:

But you are discussing strictly a military type of boot camp as opposed to the Conservation Corps where you try to teach youngsters and I'm talking about youngsters, maybe that's where I have a problem.

THE CHAIR:

Senator, could we please have the questions directed through the Chair.

SENATOR FREEDMAN:

Yes. Through you, Mr. President, now I have lost my train of thought.

THE CHAIR:

I believe the question was to Senator Barrows, whether or not the boot camps proposed are of the military type or military nature. Do you care to respond?

SENATOR BARROWS:

I don't mind, I have all night. I would like to also reiterate, as I said earlier, this program that we are going to bring to the State of Connecticut, we are modeling our program after a program that they have in Georgia. The program in Georgia has been so successful that they are opening up more facilities and I have personally talked to the Commissioner in Georgia and he said if he had his way he would open up a boot camp in

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every county.

Also, a couple of weeks ago, or maybe a month I had an opportunity to read the paper and listen to the news in which our great drug tsar, Mr. Bennett, also endorsed the same type of concept, because he realized that the situation has gotten out of hand. Maybe because of the leadership that we have for the last 8 years or 10 years that the problem is so great now. Because I would not go into my community and tell youngsters to say no to drugs. They would probably chase me out of town.

But the problem is, it's a critical problem, it's been endorsed by I guess the Republican administration since Mr. Bennett is coming out and supporting it. The difference in this program than I believe in what the Reagan Administration and also the administration that we serve under now, the old administration said no to drugs and I believe we are going to say not just no, but we are going to implement a program. We are going to put up or shut up. We are going to put up. We are going to put up the dollars that are necessary to deal with this problem. In the past the Reagan Administration, when I was down in Washington, listening to what was going on as far as imports, exports and in America one of the biggest items that we

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discussed was the drugs.

The Reagan Administration has cut our Coast Guard, has more or less told the military don't get involved in it as far as the drug situation is a local problem. We know that it's not a local problem, it's a national problem. But somehow the administration still want to see this as a local problem. Since they want this to be a local problem I am honored that we have such leaders as John Larson and others in this Circle that have taken this initiative in which the Reagan administration and even the administration we serve under now will not take.

SENATOR FREEDMAN:

Thank you, Mr. President.

THE CHAIR:

Will you remark further?

SENATOR FREEDMAN:

No. If I may I would like to yield to Senator McLaughlin. Senator.

THE CHAIR:

Senator McLaughlin.

SENATOR MCLAUGHLIN:

Thank you Senator Larson. It has been said that I really know how to empty the House and I guess I have done it again. Let me turn and face the wall, maybe

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that would be more appropriate, Mr. President. The recent publication by Barry Goldwater in contributing with Jack Casherly about his career in the Senate always said...he said at the beginning of that book in reference to Hubert Humphrey that Humphrey was always great for about 10 to 15 minutes, but he was lousy at the barn burner. And I intend to clearly not be the long winded Hubert Humphrey, but I hope keep it to 10 or 15 minutes.

You know, one of the reasons why we are here and one of the reasons that this exercise is going on right now is because, and I would like to ask the question of Senator Daniels, that because of the nature of the lack of a public hearing, Mr. President, through you to Senator Daniels, on the portion of this legislation that had to do with the array of elements for the Substance Abuse and Treatment programs and so on, was there a public hearing on that package?

THE CHAIR:

Senator Daniels, do you care to respond?

SENATOR DANIELS:

Yes, the answer to the question is yes.

SENATOR MCLAUGHLIN:

Thank you, Mr. President. My interpretation of that would be I would suggest that a yes is okay. I

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would make it qualified, an affirmative response so that in part these have been discussed, never in its entirety. I have a question to Senator DiBella's chair. Through you, Mr. President, to Senator DiBella's chair. Senator DiBella was there a public hearing on the portions of this bill, Sections 23 to Section 44, the tax portion?

I don't normally ask questions to inanimate objects, Mr. President.

THE CHAIR:

Senator DiBella's chair, do you care to respond?
There is no response.

SENATOR MCLAUGHLIN:

Well, I think I can answer the question because I think I speak for Senator DiBella. Again, I am about to face the wall and perhaps have more attention from the wall. But I will suggest to you that there was no public hearing. The reason that we are here is because this is the public hearing. We are through exploration and discovery having the evidentiary, assortment of questions held here in this Chamber to figure out what it is we are voting on in this vain, glorious attempt to put forward legislation called the "preeminence piece of legislation" of the Session.

Good questions have been asked. You would have to

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acknowledge that. I am not going to really speak to the nature of the bill dealing with the substance of what we are trying to tackle. I am going to try to tackle the portions of this bill dealing with taxes. But I will say again almost in a fit of insouciance, a fit of nonchalance, smugly, you brought forward this bill and with Senator Daniels advocating as all of us can embrace, that we do something about drugs, we are doing this on the backs of the taxpayers. And yes, that's important too.

I am going to ask some questions and I am going to walk through because I want to do this exercise, it's important to me. I think it's important to my constituents and I believe to all the taxpayers in this State, regarding the sections relevant to taxes.

Let's begin in Section 23. Section 23, I think I can concede, seems to be fairly straight forward, deals with the Lottery drawing going to 7 times a week rather than the 6. Senator DiBella, question through you, suggestion of the fiscal note is \$6 million that will be derived. What is the source of that information? How is that substantiated?

THE CHAIR:

Senator DiBella, do you care to respond?

SENATOR DIBELLA:

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THE As the fiscal expert of the Republican Senate, if you look on the fiscal note that accompanied the legislation I believe it points out that...do you have the fiscal note, Senator?

SENATOR MCLAUGHLIN:

Yes Thank you, Mr. President, I am looking at it.

SENATOR DIBELLA:

Based on the Gaming Policy Board action of May 25, 1989 authorizing 7 drawings a week for the daily Lottery game, an estimated additional \$5 million in revenue will be transferred to the General Fund in 1990.

SENATOR MCLAUGHLIN:

Thank you, Mr. President, and thank you...

SENATOR DIBELLA:

Excuse me, Senator, I haven't finished. I believe the source is the Office of Fiscal Analysis.

THE CHAIR:

Senator McLaughlin.

SENATOR MCLAUGHLIN:

Thank you, Mr. President and thank you, Senator DiBella for restating the self-evident. I would like to know is that a fraction of the current yield multiplied by $6/5$, $7/6$? Is there some formula that I should be applying to come up with that?

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THE CHAIR:

Senator DiBella, do you care to respond?

SENATOR DIBELLA:

Through you, Mr. President, I think it is self-explanatory that the amount of money that will be yield, the net or excuse me, the amount of money to be yield by the 7 day lottery would be in the area of \$5 million, \$5 to \$6 million, my understanding. That question could probably be best answered by Senator Herbst whose committee has the oversight of the Policy Gaming Commission.

THE CHAIR:

Are you yielding to Senator Herbst, Senator DiBella? Senator Herbst, will you care to respond?

SENATOR HERBST:

Well, I think my response will be similar to what Senator DiBella did. When we brought the bill out of Public Safety that was the figure that was given to us. And the bill was...let me backtrack. The first thing we looked at was that unclaimed lottery monies. We were then told that the unclaimed lottery monies are used to plow back into the games in order to keep 65% of the winnings to those who play the game.

Subsequent to that Special Revenues approach Public Safety chairs and told us that there was a 7th lottery

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being planned and that that money could be utilized for education or the drug program and the figure that you see is the amount that they gave.

THE CHAIR:

Senator McLaughlin.

SENATOR MCLAUGHLIN:

Thank you, Mr. President. I don't really think I am going to get an answer to that. My suggestion to the Circle is that this is a questioned application, by the way, of the current lottery revenue. The question of whether or not the yield will be at the same rate as we have had in the past experience and there is some question about the 7th day or Sunday lottery drawing yield and those are what my questions are directed at. I haven't had a response yet, and I see Senator DiBella talking to himself. Perhaps he has an answer for the Circle, Mr. President.

THE CHAIR:

Senator DiBella, would you care to respond?

SENATOR DIBELLA:

Thank you, Mr. President. I think if the Senator would read the fiscal note, it's quite clear that that is the yield for 1990 fiscal year, which encompasses 1989-90. Now that was the question asked and that will be the yield according to the Office of Fiscal

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Analysis.

If the Senator has additional information he should relate that to the Office of Fiscal Analysis or to this Body. I don't believe he does. I think one of the problems is just the basic issue of reading material that comes to the floor.

THE CHAIR:

Senator McLaughlin.

SENATOR MCLAUGHLIN:

Thank you, Mr. President. I was very poor in reading. I was a good speller. I am going to go on and just walk through the sections dealing with the rest of the tax portion. Again, there was no public hearing on this. The sections, starting with Section 24 deal with the tax on non-alcoholic beverages or soda tax as it has been called. Section 24, deals with a rate of \$.20 for each gallon. Section 25, filing a return.

Section 26 is a floor tax in effect a tax on inventory and in that particular case if we are able to pass this we won't have the problem we did with the mini-tax package at really a late date having to spend a weekend doing the inventory, so I think that's satisfactory and understandable.

Section 27 is the permit itself for sales tax. Section 28 licensing a company, who they are. Section

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29: a cancellation of a license. Section 30 Department of Revenue Services who is not satisfied with the return and the penalty provisions and the interest provisions.

Section 30 itself on the penalty and interest. Section 31 failure to return and the Department makes an estimate. Section 32 and I am going to go through these quickly because I think they are fairly easily understood, the penalty provisions in Section 34 of 10%.

Section 36, an administrative appeal and following a civil appeal. Section 38, an abatement of the tax. Section 39, a refund. Section 40, thank God, by the way the Department of Revenue Services has the right to promulgate regulations. In one case in Line 1275, importantly, it is noteworthy to say for the record it is going to be done without retroactive effect, so if the regulations do come about where there is a problem of application they are not retroactive and they may differ from what may have been intended here, but I guess that will be a judgment made by Regulations Review.

In lines 1277, 1276 and on, there is a question that I would have that relates to some of the, really some of the unfortunate matters that deal, not with

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senator DiBella, but with someone else, that is the Department of Revenue Services staff component. Senator DiBella, when it does mention Line 1276 and forward about accountants and auditors and investigators, assistants and clerks, and so on, the necessary staff for administration, what is that component? What is the cost estimated by the Department?

SENATOR DIBELLA:

If you would look at the fiscal note, Senator, again, bring to your attention that I believe there is...or finish reading the legislation there is a \$250,000 appropriation within the confines of the bill that would be used for administrative purposes in the Department of Revenue Services. In consultation with the Office of Fiscal Analysis, the Department of Revenue Services felt that \$250,000 was adequate to implement the tax on soda and what you have before you is the summation of such discussions between the Department of Revenue Services and OFA.

SENATOR MCLAUGHLIN:

Thank you, Mr. President. Another question, through you to Senator DiBella, what did they have to say...it is not mentioned in the fiscal note, did pick up the \$250,000 cost...what was that with regard to the

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number of staff? Were there discussions about that? By the way, forgive me, Mr. President, these are questions that I might have appropriately asked the Department of Revenue Services. I haven't had the opportunity to have the discussions until now, so I am asking these very faithful with my charge, seeking information...what were the number of staff that the \$250,000 was going to pay for?

THE CHAIR: (The President is in the Chair)

Senator DiBella, do you know?

SENATOR DIBELLA:

Through you, Mr. President, those specific discussions were held between Office of Fiscal Analysis and the Department of Revenue Services and OFA was comfortable with the estimate and I cannot give you the specific number of people that would be committed nor the types of individuals that would be committed to the administration of this tax.

It is very consistent, however, with the administration of the alcoholic beverage taxes so if as you read the statutory language you will see it is also consistent with the fines and everything else and the penalties and the method of public hearing, excuse me, having a public hearing, the right to go to Superior Court, the right of appeal and they are all

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consistent with the statutory language. It is applicable to the alcohol beverage taxation that we have in the statutes.

So I would assume that the numbers that they would use are consistent with the same type of evaluation as Department of Revenue Services.

THE CHAIR:

Senator McLaughlin.

SENATOR MCLAUGHLIN:

Thank you, Mr. President. I did assume that and I had the opportunity to lay the sections side by side with the statute for the alcoholic beverage and my next question would be, they seem to be the same, but anytime you rush through anything as dense as this material, sometimes it is difficult to pick up some of the discrete differences. And I would just ask another question, through you, Mr. President, to Senator DiBella, do Sections 24 to 43 accurately mirror, are they a complete reflection of the Sections related to the alcoholic beverage tax? And if they are not is there any difference and can you point those out to us?

THE CHAIR:

Senator DiBella.

SENATOR DIBELLA:

Through you, Mr. President. I don't know if it is

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a mirror reflection word for word. I believe the process and procedure is consistent with that that we use in not only the alcoholic beverage issue but in other auditing processes used by the Department of Revenue Services to implement sales taxes and different types of taxes with respect to different industry.

I think obviously you know the public hearing process, the right to go to Superior Court, the right of appeal, the whole question of how we implement, the issue of the floor tax is only different with respect to the periods of time as well as different to the payment schedule. In the mini-package I am sure you are aware that there is a 3 month period given for the payment.

This would make the payment a one payment basis, not a three payment schedule that was used by the Department of Revenue Services when they dealt with the issue of alcoholic beverages in the mini tax for the floor plan.

THE CHAIR:

Senator McLaughlin.

SENATOR MCLAUGHLIN:

Thank you, Mr. President. And I will continue with the exercise that I was completing I was aware that they fairly well mirror the alcoholic beverage tax

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sections in terms of the administration. Section 41 has to do with the recording by DRS, the collection by the Comptroller in the depositing with the Treasurer, fines in Section 42 and Section 43, the hearings and investigatory powers for the Department.

Now, the last question I have relates to what it would be appropriately or would have been appropriately asked at a hearing. I have become somewhat familiar with the wholesaling, distribution and retailing of alcoholic beverages as I have been a member of Finance for a long time and there is an array of different individuals involved at different levels. Is there anything unique to the bottling, wholesaling, distribution and retailing network of non-alcoholic beverages that make that industry different than the alcoholic industry?

THE CHAIR:

Senator DiBella.

SENATOR DIBELLA:

Thank you. Again, this is an issue that we have been dealing with for the last 4 months in the Finance Committee because the issue of a soda tax is not a new idea. It has been sitting in the Finance Committee for two or three months.

One of the problems that they had was the whole

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question of how you collect that tax? Different from the alcoholic beverage taxes you have more wholesalers and if you read the statute you will see that the Department of Revenue Services establishes a process to register or license these wholesalers and if you look at the statute it is rather extensive and encompasses all of those corporations, whereas you have major wholesalers you also have major retailers in the industry, such as the Stop and Shops, Finast, Edwards, they would also have to be licensed under this process to sell the soda beverage.

So the Department of Revenue Services after an extensive evaluation of this industry feels that the process that we are using is adequate to collect the revenue that exists in that field.

THE CHAIR:

Senator McLaughlin.

SENATOR MCLAUGHLIN:

Thank you, Mr. President. I'm about to wrap up this portion of my remarks. I just would like to make it aware to the group here that this body of statutes relative to the non-alcoholic beverage tax, the soda tax, is a fairly good reflection of the alcoholic beverage tax. And one of the assumptions made was we will just re-double the ground of the alcoholic

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beverage tax. I have had the opportunity to talk to people in the bottling industry, in the distribution network, including the food stores.

Some of the differences in retailing at the level that soda is retailed as opposed to a much smaller universe of wholesalers, distributors, and retailers that exist in the alcoholic beverage universe. And I will just suggest to you that something, as far as the Department of Revenue Services is concerned is grossly different and that is the \$250,000 assigned to collect this, my opinion, the Department of Revenue Services will disagree, I'm sure, is probably not taking into account some of the difficulties that they are going to encounter with just the total number.

And they are going to have some glitches as well dealing with some individual retailers who had no experience dealing because many of them don't have licenses to retail alcoholic beverages. So it's not as simple a formula as it would appear.

At this time I am going to yield to Senator Smith. I believe we have an amendment to call.

THE CHAIR:

Excuse me, Senator Lovegrove, do you wish...

SENATOR SMITH:

Yes, Mr. President, there has been another pass

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fault here, but if I could yield to Senator Lovegrove for a quick question the I will ask for the Amendment.

THE CHAIR:

Senator Lovegrove.

SENATOR LOVEGROVE:

Thank you, Mr. President. Through you to Senator Daniels. What is your plan for the role of the Program Review and Investigations Committees' staff in assisting this task force? This 15 member task force?

THE CHAIR:

Senator Daniels.

SENATOR DANIELS:

If I understand the question, Mr. President, through you, the question is what role is the....what Program Review is going to have in the 15 member task force?

THE CHAIR:

Is that the question, Senator Lovegrove.

SENATOR LOVEGROVE:

Yes, Mr. President. The legislation says that they will assist. What is the....the assistance actually performing study work or is the assistance to be merely turning over information that the staff has compiled in putting together the study just completed?

SENATOR DANIELS:

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Senator, it's going to be a little bit of both of those things which you simply identified, providing research, staff assistance and conducting studies themselves, yes.

THE CHAIR:

Senator Lovegrove.

SENATOR LOVEGROVE:

Okay. Mr. President, through you once again, is there provisions in this legislation for additional staff for the Program Review Committee?

SENATOR DANIELS:

I don't believe there is. The legislation does not call for additional staff. No.

THE CHAIR:

Senator Lovegrove.

SENATOR LOVEGROVE:

Through you again, Mr. President, to Senator Daniels, I believe the Executive Director did express those sentiments, that if the Committee was to be involved in doing additional research that he would need some additional staff and in view of that I wondered why the decision was made not to provide additional staff to the Committee?

THE CHAIR:

Senator Daniels, if you know.

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SENATOR DANIELS:

The answer, through you, Mr. President, is simple, we did not feel that additional staff was required.

SENATOR LOVEGROVE:

Thank you, Mr. President.

THE CHAIR:

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President. I believe that completes the questions at this time. I know that we have one amendment, I believe it is LC08807. If that could be called at this time.

THE CLERK:

LC08807 designated Senate Amendment Schedule "B"
offered by Senator Smith of the 8th District.

THE CHAIR:

Senator DiBella, you wish to be recognized?

SENATOR DIBELLA:

Can I call for, when we vote, can we vote by roll please?

THE CHAIR:

You can.

SENATOR SMITH:

Thank you, Mr. President. I was going to make that same recommendation. I am glad I am getting this help

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from the good Senator from Hartford.

THE CHAIR:

He gave you an assist, Senator.

SENATOR SMITH

Mr. President, I would like to move the amendment,
waive the reading.

THE CHAIR:

You may proceed.

SENATOR SMITH:

Thank you, Mr. President. At this time I would
like to yield for explanation to the Ranking Member of
the Finance, Revenue and Bonding Committee, Senator
McLaughlin.

THE CHAIR:

Senator McLaughlin.

SENATOR MCLAUGHLIN:

Thank you, Mr. President. The amendment deletes
Section 24 to 44...

THE CHAIR:

43 I believe.

SENATOR MCLAUGHLIN:

23 to 44...

THE CHAIR:

24 to 43.

SENATOR MCLAUGHLIN:

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I'm sorry, you are right. Dealing with the tax portions of the legislation. And I would like to make a general comment. I think it is appropriate here. The nature of doing this is really the nature of asking ourselves what is the connection between taxing soda and dealing with the obvious acknowledged problems of substance abuse? What's the tax connection? Moreover, what's the connection for taxing soda ever? Why would one want to tax something like soda?

Well, let's see, it's a sin, I guess, because it has high sugar content. Maybe that's possible. It doesn't really meet my test. But it certainly has no connection even if you wanted to with taxing, or funding substance abuse. It's absolutely beyond me why anyone would want to tax soda in light of the long standing exemption that we have for food and the long standing idea that we don't want to tax something that is clearly a basic consumer item.

Now, whether you drink soda in volumes or not is something that people happen to buy in great quantities. I'll go further and say that the demographic reports that I received from Coca Cola in Georgia, indicate that demographically and importantly, Senator DiBella, for your constituents, hit those least able to pay most. The consumption of soda through

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industry information hits those at the lowest social economic level because they buy the most soda.

Why anyone would want to tax soda is beyond me. We, in the amendment, seek to have that portion deleted. I would urge its adoption. At the time we have had a roll call vote asked for.

THE CHAIR:

Further remarks? Senator Smith. Senator Benvenuto.

SENATOR BENVENUTO:

Thank you, Mr. President. For the last three and a half hours I thought I was in the House. I just would like to ask a question and I don't know who would answer it. In regards to collecting this tax on soda. As far as I know and I used to be in that business and thank God have not been since December, how are you going to control the distribution of this product?

There are chain stores that do business in Connecticut, Massachusetts, Rhode Island, New York. They ship their products between their stores when they are short in one area they will send a truckload to a store. They will send something from Rhode Island into Connecticut. How is the Department of Revenue Services going to control not only the collection of taxes, but the control of the invoicing of these products without

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a great burden on the retailer?

Q This is something I do not understand. If you can answer that, I would appreciate it.

THE CHAIR:

And Senator DiBella.

SENATOR DIBELLA:

A Thank you, Mr. President. I can see the Senator hasn't read the statute. I think the statute is quite explicit. It would require the licensing by the Department of Revenue Services. It would require that those companies licensed would have to submit to the Department of Revenue Services invoices, duplicate invoices, for the purpose of auditing.

They would be sent to the Department of Revenue Services. They would be licensed and I think if you look at the issue of fines and fraud and misrepresentation that the penalties are rather stiff. The Department of Revenue Services has spent a lot of time dealing with this issue because one of the major issues that we encountered is how to collect the tax because of some of the things you pointed out, Senator.

I think when you read the statute you will see that they have done a rather extensive job in anticipating how this tax will be collected. I think if you look at the invoice process, if you look at the fact that they

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must be licensed and the issue of who would be obligated for the license is rather extensive too. In other words it's not just major corporations it would be sole source individuals who are selling in volume. And I believe in my humble estimation that with the time put into it by the Department of Revenue Services that they are going to be able to adequately be able to collect the amount of money that they represent.

At least the representation to the Office of Fiscal Analysis who we depend upon for fiscal notes seems to feel that the process of the Department of Revenue Services is using or will apply will develop or will generate some \$25.2 million in revenue last year.

Now, I don't profess to have the expertise in this area that you do, I never owned or was in that business. All I am saying is the representations that were made to us by the Department of Revenue Services as Chairman of the Finance Committee convinced me that they had developed a process whereby the State of Connecticut will be able to collect \$25.2 million. And apparently they have convinced the Office of Policy and Management because the fiscal note carries the representation.

THE CHAIR:

Further remarks? Senator Benvenuto.

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SENATOR BENVENUTO:

Thank you. I have been told informally that the Department of Revenue Services planned to put on approximately 300 more employees in the next year and I can understand why at this time with your answer. I am afraid this is going to take more than 300 employees to control the problem of interstate traffic. It used to be on drugs. Now it's going to be on the importation of probably, black market or underground business of soda pop. I think we have gone a long way in the wrong direction.

It's...I think it's very important that we delete this portion of the revenue portion of this amendment. I don't think you are going to have an enforceable situation as far as collecting this tax and I just can't believe that we are going to tax every single concessionaire you see along the park, selling their hot dogs and soda and every little stand on the beach and every little grocery store. As a matter of fact...pardon...unfortunately at the late hour that I received this, I have to admit I did not read the 43 pages and the 30 page amendment. I have been listening very carefully to many of the comments being made here tonight and I don't think I missed a single one. I sat through this whole procedure this evening for 3 1/2 or

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4 hours and I have been trying to learn and when I get time over the weekend, if we get home for the weekend, I will spend time reading this.

In the meantime I just can't believe that we are going to put this burden on the small, little businesses throughout the State of Connecticut and also some of the large businesses. I can just tell you that last week I met a small business person who runs a small deli and he told me he was giving up his beer license and of course he would not even get a soda license under these conditions. We are driving people out of business. We are driving people out of business with the tax package that we passed, and now we are giving them added burden on top of it.

I think it is very important that we go back to the drawing board and think of a new source of revenue. I think the bill is excellent. I think we have something great before us, but certainly not the source of collecting revenue. I think that this portion should be deleted and I think that whoever presented this amendment certainly came up with a great idea, thank you.

THE CHAIR:

Further remarks? Senator Robertson.

SENATOR ROBERTSON:

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Thank you, Mr. President. Mr. President, as I am reading the bill, I am specifically reading Section 27. There seems to be a requirement for the company, which referred to in Section 24, to receive a permit, but then on Line 915, any company engaging in sales of non-alcoholic, carbonated beverages in this state shall file with the Commissioner for an application for such permit.

It indicates company engaged in sales. Further down it goes and says that there will be a permit fee of \$20. The fact that 915, the sentence which begins in the middle of 915 follows the opening sentence which says, any company subject to a tax in Section 24 of this act shall be required to obtain from the Commissioner for purposes of such tax a permit to engage in sales of non-alcoholic carbonated beverages.

The fact that the next sentence is a distinct sentence, is my understanding correct, Senator DiBella, that the way the Section 27 is written, not only will wholesalers be required to get a permit, and there will be the wholesalers who will be filing the return at the end of every month with a check, but is this also indicating that every company, store selling the non-alcoholic carbonated beverage will also have to file for a permit and will also be charged \$20?

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Through you, Mr. President.

THE CHAIR:

Senator DiBella.

SENATOR DIBELLA:

Mr. President, my understanding is that they will have to, if they do not purchase from someone that has purchased a license. In other words a major wholesaler in this state that sells to 99% of the people or 80% of the people would have a permit.

A First National or someone else who purchased from an out of state source and sold in the State of Connecticut would be responsible to purchase a permit to sell it. Very simple. If you bought it from someone that has a Connecticut permit you would meet the requirement under statutory language.

THE CHAIR:

Senator Robertson.

SENATOR ROBERTSON:

Mr. President, that is Senator DiBella's understanding and I appreciate his understanding, but that certainly is not the way that Section 27 is written. The way Section 27 is written is not only the wholesaler supplying the non-alcoholic carbonated beverage would have to seek the permit, but the next, and a distinct sentence says any company engaging in

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sales of non-alcoholic beverage in the state to file and so on and so forth and get the application in for the permit.

The way it reads certainly one would be lead to believe that each store, each vendor around the Bushnell Park selling non-alcoholic carbonated soda would have to seek that \$20 permit. And that's a technical problem I have. A number of technical problems, but I don't wish to delay this any longer than we have delayed it. But for an example, there is a suggestion as to how you will tax syrup. And again, syrup in most cases comes from a distributor and the indication is how you would tax syrup is based on the volume which would be created once the individual mixes the syrup with the carbonated soda.

And again, that's almost unenforceable in many respects and I certainly won't mention company's names, but there are major chains that though a product says mix 4 to 1, unfortunately they mix 6 to 1 and 7 to 1 so they would be taxed based on the formula that the wholesaler and the manufacturer of the syrup suggests and that would be 4 to 1, but when it gets to the local establishment or the chain of local establishments and they mix the 7 to 1 then by rights they would not be paying the proper amount of tax.

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any So there are a number of technical problems. Then we come to the major problem, why select such a regressive tax. I just can't understand it. I have heard from, at least I have read articles, I don't think we have ever had any public statement whatsoever, but I thought we had a whole bunch of tax reformers in this Chamber, people who damn the regressiveness of our tax system and people who have been suggesting that it's time to have tax reform and because the Governor, at some point, said he would veto any moderate effort towards reform...and when these tax reformers have an opportunity to come out of the closet, what do they do?

A program to deal with such an urgent problem in society, they come up with probably, well probably the most second regressive tax they could think of. The first most regressive has already been offered by the Governor and that was to be the tax on utility bills.

THE CHAIR:

Further remarks? Senator Smith.

SENATOR SMITH:

Thank you, Mr. President. In order to perhaps clarify the question which Senator Robertson directed I don't think was adequately answered from the standpoint of the very definitions that are in this bill and I would refer specifically to his question in regard to

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any company engaging in any sales suggested in Line 915 on Page 27 of non-alcoholic carbonated beverages in the State shall file with the Commissioner an application for such permit.

If you look at 857, it says, whenever used in Sections 24 to 43 inclusive of this act, company means and includes an corporation, partnership, limited partnership, association, joint stock association or individual. So I think very specifically it would say that all companies, individuals and so forth as noted in that section will have to do something about an application in the procurement of a permit.

I don't think there is any doubt in my mind, at least, that that is what the specifics of this particular bill indicate. If it's a flaw then I think they should correct the flaw, but it is very specific, Mr. President, with regard to the bill. I think the most uninformed person and certainly we were uninformed when we started the discussion of this bill today, if you look at those sections and look at the definitions that become part of the file, a company includes a great deal than what was previously indicated in the previous line of question.

THE CHAIR:

Is that a question, Senator Smith or a...

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SENATOR SMITH:

Mr. President, it was more a matter of trying to clarify and bring into the public record the facts as I see them within this bill and I certainly believe that I am entitled to an opinion in regard to what the bill says to me. Now if the bill says to me and I have reiterated the reasons in terms of the definitions that are offered and the question that the good Senator from Cheshire directed to the good Senator from Hartford and I think there is conflict between the answer that was provided for the public record and the facts before us.

THE CHAIR:

That's your comment. There is no question pending?

SENATOR SMITH:

There is no question. I want it on the public record that the previous question and the answer were inconsistent with the language.

SENATOR DIBELLA:

I wanted to respond when the Senator took the floor. I think I can enlighten my colleagues as to the language in the statute and the intent.

THE CHAIR:

Do you object to your comment being converted into a question?

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SENATOR SMITH:

Mr. President, I have often been enlightened by the good Senator from Hartford and I certainly don't want to change that. I would be glad to yield and let him proceed to do so.

SENATOR DIBELLA:

If my good friend from New Hartford would look in Line 842 it reads, (b) of this Section provides the sale of such beverage subject to this tax shall be the first sale of each gallon of such beverage within this state. It makes it very clear that it would be the first sale. A person who would buy individually from a company that purchases and sells in the State would pay the tax. If it was sold by a distributor to an individual within the State, a mom and pop store, that mom and pop store would not be subject to it. It would be the wholesaler, the company, the individual, the joint partnership, the joint stock partnership, whichever it may be as classified in the statute that would have the obligation to pay the tax.

SENATOR SMITH:

Mr. President.

THE CHAIR:

Senator Smith.

SENATOR SMITH:

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The good Senator from Hartford has failed to recognize the significance of the questions that have been put to him because there isn't any argument about that portion, it says the company involved in the first sale shall pay the tax. The argument is with the permit. The definition of company is very specific and in the section dealing with the requirement that if you are going to sell the non-alcoholic carbonated beverage you must in fact have an application and pay a \$20 fee as defined in this particular legislation before us.

That is the issue that Senator Robertson brought. That is the issue that is clearly stated in the bill before us that a company as defined by the language of this bill and then you go to the sections that we are referring on, pardon me, either my eyes are failing or the light.

THE CHAIR:

I think it's the time.

SENATOR DIBELLA:

Get him a magnifying glass will ya?

SENATOR SMITH:

I'm sorry, wrong page. On 915, any company, any company engaging in sales of non-alcoholic carbonated beverage in the state shall file with the Commissioner an application for such permit.

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THE CHAIR:

Can we end this at this moment. Look, there are no questions pending. I think Senator Smith is entitled to his opinion and Senator DiBella is entitled to his opinion. Now, do you want to continue with your comment?

SENATOR SMITH:

Yes, Mr. President. The reason I dwelled on this is because I think that was an important distinction that Senator Robertson was trying to raise. A specific question was asked to the person who has represented himself as the financial person with regard to this is the Chairman of the tax writing, tax regulating committee, at least from our standpoint in the Senate and a question was Any company engaging in sales of non-alcoholic carbonated beverages in the state shall file with the Commission an application for such permit.

THE CHAIR:

Can we at this moment, there are no questions pending. I think Senator Smith is entitled to his opinion and Senator DiBella is entitled to his opinion. Now, do you want to continue with your comment?

SENATOR SMITH:

Yes, thank you, Mr. President. The reason I

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dwell on this is because that, I think, was an important distinction that Senator Robertson was trying to raise. A specific question was asked to the person who has represented himself as the financial person with regard to this, is the Chairman of the tax writing, tax regulating committee, at least from our standpoint in the Senate, and a question was directed to him, and I think the answer to that question was inconsistent with the language of the bill.

And I think there is a general confusion in that area, and I just wanted to say, for the public record, that in fact the language of the bill, in my opinion, and I suspect the language as, just bear with me just a second, sir. The language of the bill is inconsistent with the response that was given. And I'll let it drop at that.

THE CHAIR:

I think you have the right to interpret as you have. We can end this, but I think you're entitled to your opinion, and we can go on from there. Senator McLaughlin.

SENATOR MCLAUGHLIN:

Thank you, Mr. President. I can perhaps, read something from section 27 which will help clarify this everybody. I'm certain that the good Senator from

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Hartford could also have read it. He didn't refer to it. And that's line 963, that the provisions of this section shall not apply to non-alcoholic carbonated beverages which are actually brought into the state by any individual in quantities of 10, 20 gallons or less. Now perhaps that's a little bit helpful, excepting the individual per se who would buy this, but, at this point, I'd like to move on. We're just indicating here that we really haven't had a chance to discuss this.

I want to go back to the very central question. I have to direct this, through you, Mr. President, to Senator DiBella. I really want an answer. I think it's important to the people of the state of Connecticut. You are the Chairman of the Finance Committee. You've been called a tax guru, subject to many judgments, but what is the tax connection? What's the tax nexus?

SENATOR DIBELLA:

Thank you, Mr. President. Senator "big words", the nexus does not have to be established here. As I stated before, it's an allocation to the general fund, of \$25.2 million. It goes into the general fund. It's an allocation out of the general fund for \$27.3 million, and it's an appropriation out of the general fund. There is no need to establish a nexus. The

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nexus or connection that you're trying to tie, would be based on a dedicated fund. And I stated earlier, to Senator Robertson

THE CHAIR:

I think he has a right to respond. Complete your response.

SENATOR DIBELLA:

I stated to Senator Robertson, that this was in a dedicated fund. The issue of a tax that's being levied here, is to generate \$27.3 million in income, or to cover an appropriation in the general fund. The basic issue is that this is a tax to be levied to the general fund. There's no need to establish a nexus in terms of what the connection is. We don't make that connection in any tax we levy in the general fund in the state of Connecticut. For someone that sat on the Finance Committee, I think you should be aware and cognizant of that.

Senator, I didn't interrupt you while you had the floor.

THE CHAIR:

He didn't interrupt you. He was ready, to anticipate that you were through.

SENATOR DIBELLA:

And then he looked at you, Mr. President.

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THE CHAIR:

You may proceed.

SENATOR DIBELLA:

I hope I answered the questions. Thank you, Mr. President.

THE CHAIR:

Senator McLaughlin.

SENATOR MCLAUGHLIN:

Thank you, Mr. President. Senator DiBella was anticipating my next question, and we're not talking about the dedication. One would call it the dedication of this fund. We recognize this is not a dedicated fund. My question is more simple. What is the public rationale for use, nuisance, burden, one's suffering because of that, what makes soda pop, why is soda pop singled out as opposed to bread or toothbrushes? What is the broadest view, Senator DiBella, through you, Mr. President, in tax doctrines, what is the nexus for the burden that the public suffers.

THE CHAIR:

I think we got over the nexus. I think you're talking about the rationale for the tax.

SENATOR DIBELLA:

Mr. President, I think I adequately covered that issue, that it was a tax to generate X number of

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dollars for the general fund, and I will stand on that position.

THE CHAIR:

That's his answer. You have another question, now Senator.

SENATOR MCLAUGHLIN:

Thank you, Mr. President. I'll make a statement. There is no rational basis for taxing soda whatsoever. This is a completely irrational basis that we've been given. We've identified a regressive source of income for this state. We are putting a burden upon those least able to pay by the demographic information provided by the industry. This is really in gross violation to any tax basis for taxing anything. And I'll leave it at that.

Now let's move into the idea of why this is here, and the reason why we need to raise this money. We acknowledge this is not a dedication. But it's been brought here as if it was, so let's talk about it. It's been brought here as if this is separate and distinct from the mini-tax package, or the maxi-tax package. Hodge-podge three. Either one. And my question is, why wasn't it in the original tax package, because not putting it in the tax package, leaves me to infer that there is a connection between these two.

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Through you, Mr. President, why wasn't this in the tax package?

THE CHAIR:

Do you care to respond, Senator DiBella?

SENATOR DIBELLA:

Yes, Mr. President. Are we back to the nexus issue?

THE CHAIR:

No, we got beyond that.

SENATOR DIBELLA:

The basic issue of strategy, I would assume the question is, at one time this piece of legislation, or this tax, was in the maxi-package. At one time, the recommendation was that the general appropriation of the dollars before you for this innovative drug program was also part of the general appropriations package, because of the feeling of several legislators, that they want to have the right to vote on this issue separately. They were taken out. The basic issue is that there exists a tax for the general fund that's represented to you in this legislation, along with a piece of legislation that deals with a drug problem.

THE CHAIR:

You want to continue with your comments?

SENATOR MCLAUGHLIN:

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Thank you, Mr. President. This is phony. This is cheap. One of the premiere, in Senator Daniels words, pieces of legislation, one of the perhaps best worked over, months we were told pieces of legislation, could have come here as a stand-alone appropriation. It could have come here as many other appropriation bills do, independently. Without any revenue source attached to it. This is phony, because it's the only one that we'll see like this, that draws upon the substance abuse question, something we all embrace, as a crisis in this state, that we want to deal with, and that is the titillator, that's the inducement for us to supposedly embrace this awful regressive tax, and it's cheap, it's phony, and it's really the worse thing we've seen up here this year, and then, if it's not dedicated, Senator DiBella tells us, that this has been not dedicated to quote him twice, this is the match-up, or earlier, this has been identified and paired. So those are just sort of more romantic terms for dedication. This is cheap and it's phony.

THE CHAIR:

Further remarks.

SENATOR DIBELLA:

Mr. President, could I respond to the issue?

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Gen. You'll have a chance, yes. Right there is no question pending. You have a perfect right to make your comments, Senator DiBella. Further remarks. Senator DiBella.

SENATOR DIBELLA:

The issue that's been raised is one of questioning what's cheap and what isn't cheap. The standard procedure in this General Assembly, is when the Republicans were in control of the Democrats, there's always a question when you are to delete an appropriation, or you are to add an appropriation, the response is what is the revenue source or what revenue will supplant?

I think very simply put, there is a revenue that matches an appropriation. It applies to the general fund. If it's your assessment that that's cheap, that's your opinion. The basic issue, we are dealing with a drug program, we are dealing with one of the most critical issues of this generation or any generation that this country and this state has ever faced. And if you think it's cheap, that we have identified a source of income, or a source of revenue, to be applied to the general fund to pay for that program, that's your business. I've got an obligation and a responsibility, and everybody else in this

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General Assembly does, to make that decision.

I feel the critical nature of the issue we deal with, is the issue that is most paramount and most important here. I see no program submitted by the Republican minority that mirrors or even substitutes. You don't deal with the problem. You can't even be good critics. I don't see a program laid on the table, similar.

SENATOR MCLAUGHLIN:

This amendment deals with the tax portion of this bill, Mr. President.

SENATOR DIBELLA:

I'm dealing with that.

THE CHAIR:

Just a moment. Just a moment. I think I've given broad latitude on your side, and I think you have a right to rebut. You may continue.

SENATOR DIBELLA:

Thank you, Mr. President. And the only cheapness in this Chamber, is the fact that one is trying to hide behind a tax, not to vote for a very critical program. It is a critical program. It's a program that is splitting our communities apart. It is stealing the value of our society, our young people. It is destroying our work place. And if you think that's

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cheap, Senator, God save you. The basic issue is, there's a need, we are matching it with a revenue.

THE CHAIR:

Further remarks. Senator Smith.

SENATOR SMITH:

Thank you, Mr. President. I'm not going to even bother responding to the last remarks, because I think there are some statements made there, perhaps because of the lateness of the hour, and also conclusion was reached that when we get through here, that all of us are necessarily going to lock step in opposition to the proposal that's before us, even as ill-defined as some of it is, I think many people on both sides of the aisle recognize the severity of the problem. And in the final analysis, will probably put aside some of the partisan bitterness, for the better good.

But in response to Senator DiBella's statement, with regard to our participation, I don't recall anyone ever calling the Senate Minority Leader's Office and saying, you know, we're working on a specialized drug program, and we know that there are people in your caucus who would be very, very interested. It's one that we know that the 35% of the population that your people and your caucus represent in the state of Connecticut, are interested in it. We have

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representatives from Bridgeport and Waterbury, both wealthy areas, industrial areas, rural areas, close in suburban areas to the city of Hartford and New Haven. We're not all neophytes when it comes to the problems of society, and we would have been most happy to have been meaningful partners in the development of a piece of legislation that's as important to all the citizens of this state.

So, Mr. President, I somewhat take it as a personal insult that there would be some casting about, that we are not interested in dealing in a very significant issue. The one thing we are interested, though, is the fact that when we passed Amendment "B" in concurrence with the House, Amendment "B" had all the resources necessary to deal with this program. You want a source of revenue? Take one-quarter of the increase in the sales tax that we put through, that's \$141 million, that would be roughly \$35 million. We've got the revenue necessary to cover this program, and we'd still have, Mr. President, \$55 million of excess revenue.

So when the Senator from the 32nd, my eyes are getting bad, the 32nd district, stands up and says that the soda tax, a very regressive addition to our tax policy, is in fact unnecessary, and I think that's what we should have dwelled on and emphasized, it's

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unnecessary. Not only is it regressive, it's unnecessary. This program that you brought forward, one in which I believe many laudable claims have been made, even though there are probably a number of improvements that could have been made had we been full partners in the process, but regardless of that, this program could be funded from existing revenue sources, and I believe that is the very essence of the amendment before us. You don't need sections 24 through 43, or is it 23 through 44, whatever in the final analysis it is. You don't need it. You've already taxed the people a sufficient amount to cover this program. Why are we digging even deeper into the community? Why are we doing it?

Rhetorical as that may be, the reason it's tied to this, Senator DiBella and others, is that you know darn well, that you couldn't get a soda tax out of the Finance Committee. You're not going to get a soda tax out of the House of Representatives, by the time this is through. I hope they see the merits in the bill. I hope if, as a last resort, they strip out the tax that obviously you're all going to support tonight, strip it out and send it back to us. And then, as a last resort, we're going to live within the tax policy that was adopted as part of the budget process. That tax

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policy did, in fact, create a \$90 million surplus as stated in the revenue estimates approved by this body, and the body downstairs.

So, Mr. President, Members of the Circle, we don't need this tax. We certainly need a good drug treatment and drug abuse program. I applaud the majority party for bringing forth this effort tonight. My only regret is you didn't have enough respect for your Republican colleagues to include us in the process.

THE CHAIR:

Clerk, please make an announcement for an 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:

Question before the Chamber is a motion to adopt Senate Amendment Schedule "B", LCO8807.

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.

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13 Yea

22 Nay

The amendment is defeated.

There are no further amendments?

THE CLERK:

No further amendments, Mr. President.

THE CHAIR:

We're now on the bill as amended by Senate Amendment "A". Wish to remark further. Senator McLaughlin.

SENATOR MCLAUGHLIN:

Thank you, Mr. President. My comments on the taxes, tax itself were very short term, and I have a couple of questions in the long term side of the bill before us. The projections by CADAC at one time early this year, had the cost for fiscal 1990, as rather limited, but the fiscal 1991 cost doubling. My question to anyone that will answer, Senator Daniels, through you, Mr. President, to Senator Daniels or anyone that can answer, are you aware of the implications for the budget in the following year, fiscal 1991?

THE CHAIR:

Senator Daniels.

SENATOR DANIELS:

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~~Don~~ Through you, Mr. President, no.

THE CHAIR:

~~THE~~ Further comments.

SENATOR MCLAUGHLIN:

~~SEN~~ Thank you, Mr. President. As I suspected, going back to the data provided by CADAC early in the year, when recognizing that much of the implementation of this program and cost for operation, would only be six months for fiscal 1990, the costs were rather low, and recognizing that when a thousand bed facility, for instance, came on line with the personnel cost associated with it, they estimated early this year, that the cost for fiscal 1991, would be some \$58 million.

~~SI~~ My suggestion is, not only are we making a commitment here that is burdensome by way of this tax, meritorious but burdensome by way of this tax, we've got a hole fill next year, of certainly some \$30 million, even more. And it's just for the Circle's attention.

Some other questions, though, with regard to bonding. And I will just be as brief as I can. This portion of the particular proposal, again, would merit, as we all acknowledge, some \$27.3 million. Through you, Mr. President, were these matters heard before the

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Bonding Sub-Committee? Through you, Mr. President to
Senator DiBella.

THE CHAIR:

Senator DiBella.

SENATOR DIBELLA:

No.

THE CHAIR:

Senator McLaughlin.

SENATOR MCLAUGHLIN:

Through you, Mr. President. Should I assume that
CADAC itself is going to be the lead agency for the
capital expenditures?

THE CHAIR:

Senator DiBella.

SENATOR DIBELLA:

Mr. President, Mr. President, to bring to the
attention of my esteemed colleague, the lead agency
will be the Department of Public Works, on the capital
project, in concurrence with the Department of
Corrections, where the issue of incarceration and
treatment exists. This is standard procedure in state
proceeding with the construction of any capital
project, in conjunction with the Office of Policy and
Management, for the need capacity.

THE CHAIR:

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Senator McLaughlin. You may continue. Further comment.

SENATOR MCLAUGHLIN:

Yes, thank you, Mr. President. As I believe CADAC is going to be the administering body, and as I recognize that where any Public Works effort is coordinated by the Department of Public Works, I'm really quite anxious to know, and I frankly, am willing to stand for just a second. I read this bill, and I am not aware that the Department of Public Works is going to be the lead agency itself. I was under the impression that it was going to be CADAC.

THE CHAIR:

There was no question pending. Proceed, Senator McLaughlin.

SENATOR MCLAUGHLIN:

Thank you, Mr. President. I would like to, if I could, through you, Mr. President, have it pointed out to me, as I know that under our capital program, that CADAC does have lead agency responsibility for capital expenditures, and as I had assumed that through the Department of Public Works coordination, they would be the lead agency with accounts for these authorizations. I'm just anxious to know where the Department of Public Works is going to be the lead agency and is going to

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have an account.

THE CHAIR:

Senator, we're not going to go over this ground again. He has responded. I assume his answer's not going to be different. Do you want to frame your question so that it may incorporate something new? If it doesn't, I think we can go on endlessly, and the answer's going to be the same. Well, the question pending now, that there wasn't before. Is that in the form of a question?

SENATOR MCLAUGHLIN:

Thank you, Mr. President. For the record, and I guess we'll have a chance in the period over the week-end and next week, just who the agency responsible for the expenditure will be, and I certainly have no reason to ever question Senator DiBella's good word, and I'm sure that it is the Department of Public Works.

THE CHAIR:

If there's no question pending, Senator, I think we can go on. I think you've stated your position.

Senator Powers.

SENATOR POWERS:

Thank you, Mr. President. I have a question of the good Senator from Hartford, Senator DiBella, more on the lines of clarification. Senator DiBella, through

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you, Mr. President, I believe it would be section 48, which is on Page 41, concerns the subject of \$14 million being appropriated to the Department of Public Safety. And I know quite some time ago, you gave a rather thorough description, and I just wanted to make sure for myself, and possibly for legislative intent, to Senator DiBella, one of the towns, municipalities I represent, is the city of New London, which, unfortunately, has had a bit of a drug problem. It's one of the highest incidence of drug crimes in the state. And I wanted to make sure that a portion of this money might be available to a city like New London.

I understand through the legislation and through some of the information that you shared with us, that regulations will be promulgated by the Department, and it will be on a needs basis. Is it your understanding that based upon the needs of a particular city, and I would use the example of New London, if they are able to prove that there is need there, when compared with other applications, would such a city or a town be eligible to obtain some of this funding? Through you, Mr. President.

THE CHAIR:

Senator DiBella.

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SENATOR DIBELLA:

Thank you, Mr. President. Senator, again, I stated several communities. I should have said that the grant applies, as the language in 1401 states, for grants to municipalities for participation in programs related to drug, law enforcement administration by the statewide narcotics task force. So what it's saying is, those proposals will be submitted to the state police. \$4 million of those dollars will be within the auspices of the state police. The rest of that will be open to grants to all communities in the state of Connecticut, and the decision will be made after promulgation of regulations by the Department of State Police.

THE CHAIR:

Senator Powers.

SENATOR POWERS:

Thank you, Senator DiBella. Thank you, Mr. President.

THE CHAIR:

Further comments. Clerk, please make an announcement - wishes to be recognized, Senator Robertson? You may proceed.

SENATOR ROBERTSON:

Yes, Mr. President. Mr. President, in just closing, if I might, because it's late, I would

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personally like to apologize to you for the redundancy of some of my questions. It's been a long day for all of us, and for taking of that time, I do apologize.

When I began earlier, it was quite a bit earlier, I quoted something that Senator Sullivan had said, and in his remarks, he suggested that this was a declaration of war on drugs. And as I began my comments, I hope that during the debate, and during the question and answer period, we would find out whether this truly was a declaration of war on drugs, or it's a declaration of a creation of a mediocracy of solving a problem, and something which was a superb example of political rhetoric. I don't believe that it truly is a declaration on the war of drugs, but I have much too much respect for the people who created the concept to suggest that it's political rhetoric.

When you come with a comprehensive program, in my mind, it begins with an idea. And I think in the historical remarks of Senator Daniels, he indicated that the idea was something that he and Senator Barrows and Senator DiBella and I think Senator Morton and I don't remember who else was involved at that initial meeting, and that was the creation of the idea. That was the germ of the idea. And beyond that, then you go to the concept where there's an expansion of the idea

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through other minds, and then you lead to a concept where there's, you begin an outline, and from the creation of that outline, the outline broadens as research is being done. Problems are eliminated. Further research is done.

And once you feel that you have a comprehensive program, then you submit to public display. Not private meetings with the state police, not private meetings with the Executive Director of CADAC, not private meetings with the Department of Public Works, so that you know where the surplus buildings are, but no one else knows. And through that public comment, and when I say public, I don't mean just public, I mean elected officials and others, private institutions that have been dealing with this problem throughout the country and throughout the state. You get public comment about the boot camps, you research it, and I feel that after that is done, then you go back, you do some more research, you detail it, and you come out with a comprehensive program.

I believe that that was the thought in April of 1988. From what I've heard, the fact that there are so many questions that cannot be answered, even at this late hour, I'm not certain that the comprehensive program has gone to its finality, where we can truly

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call it a comprehensive program. I do not question the desire of the creators of the idea, and the people who have followed the progress of that idea. Their intentions are as noble as one can be. But my concern is, all too many times, by suggesting that we have passed legislation, that we walk away because we assume the problem's been solved. I don't think this program will solve the problem. In yesterday's debate about the death penalty, there were a number of comments, and I don't know who they were aimed at, but they were aimed at someone, and that is tomorrow you'll have the opportunity to put your money where your mouth is.

Well, we're not talking about a get tough on drugs program. We're really talking about a treatment program. Equally as necessary. There's nothing really talking about getting tough, but we certainly do need to treat. There are a number of things that concern me, as to why I don't believe the comprehensive program has to that end result where it is a comprehensive program. There is no way in the world that this state, that this bureaucracy, can have a thousand beds on line, within two years. Can we build a boot camp, can we find a site, can we find an architect, can we design, can we build in a year? I don't think so.

I think we have the germ of that idea, we have an

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expansion of that idea, but there's no way that this idea, at this point, is going to solve any problems. Can CADAC deal with those problems at this point? No, they need additional money. They need additional staff. Can they possibly hire enough people so that they can qualify people to actually serve those 1,000 beds? I only wish that this had not been done behind closed doors. I guess maybe the attitude is that, 7, 8, 10, 12, 15 minds are adequate to come up with a comprehensive program. No Republican has any good ideas, so we can cancel them out. I resent that, in a certain respect, because I think I could have added to that program. The fact that it really hasn't had any real public input, as a comprehensive program, bothers me.

I'd like to see us solve the problem. This bill tonight will not solve the problem. I'd much rather see us work on this bill, and work on this bill, so that we could come with a truly comprehensive program. It falls short. Again, I'm saying that from the honesty of my heart, because I believe the initiators, and those people who have been working on it, have the best of intentions. I'm fearful that because tonight the bill will pass, those intentions will not expand, and I believe that the intentions and the minds of the

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creators of this need to further expand, so we truly have a program that will work. Thank you.

THE CHAIR:

Further remarks. Senator Larson.

SENATOR LARSON:

Mr. President, I rise first to compliment the extraordinary effort and work that went in to bringing this package forward. Certainly we heard tonight from the respective Chairmen, that the genesis of this program that was inaugurated last April. There's an awful lot of work. There's an awful lot of consideration. There's an awful lot of thought, and numerous public hearings that went into the various components that ultimately make up the package that we now have before us.

I'd like to congratulate the staff who have worked tirelessly, between making sure, as I think all the Senators have said before, that what we sought to do is not reinvent the wheel. What we sought to do was to create a comprehensive program, to look at the issue of drug and substance abuse, and get beyond the rhetoric of just saying no. The total contribution for public policy of the Republican Party, just say no. Mr. President, Members of the Circle, stand up and say this is a program that was developed in mediocrity, in

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mediocrity. This was a program that was put together through various committees of cognizance, with an awful lot of effort, with an awful lot of thought.

And when it's time to vote, I would guess that there will be several members of the opposition, voting for this package, because again, they've indicated what their contribution is going to be this evening. We read in the papers just last week, what Republican staff is instructed to do. Republican staff is instructed to stir up the taxpayers. Stir up the taxpayers. We are not responsible for public policy; we're responsible to stir up the taxpayers. And where tonight, where throughout this whole session, were there any bills that were dedicated to the program that we're talking about today.

Mr. President, I believe I have the floor.

SENATOR SMITH:

Point of Order.

THE CHAIR:

State your Point of Order.

SENATOR SMITH:

Mr. President, I believe the level of debate is getting beyond the degree of respectability, and it does not deal with the issue before us.

SENATOR LARSON:

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Mr. President, I believe the debate is on order.

THE CHAIR:

You may continue.

SENATOR LARSON:

Thank you, Mr. President. We have put together a program that is comprehensive in nature, comprehensive because it not only deals with the law enforcement aspect, the aspect of which most people can identify with, the one that's easily translated into being tough on crime. We've also taken a look at the Criminal Justice System, the area of treatment, education and have provided a thoughtful manner in which to evaluate, so we don't institutionalize programs that we are putting forward.

Our Criminal Justice System is currently being made a mockery of. I don't believe anyone can sit by in this Circle and indicate that just say no is the answer, or perhaps freezing is the answer. Roosevelt said it best, when speaking of Hoover. My colleagues on the other side of the aisle, don't be as Hoover was, frozen in the ice of his own indifference. These are programs that must be enacted, and it takes tax dollars to enact these programs. I'm proud to be part of the Circle. I'm proud to be part of the legislative body, that is willing to deal with the responsibility

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assigned to its time. That when faced with a drug problem, a drug problem that goes beyond the borders of our cities, a drug problem where in New Haven 51% of the arrests that occur are from the suburbs and rural areas, a drug problem that is engulfing the youth of this nation, that has our neighborhoods under siege, our school yards under siege, and our children. We cannot go forward with a policy of freeze. We cannot ascend an ice age of neglect on our children.

We're go to put forward responsible programs. This is a responsible forward that we put forward this evening. I apologize, Senator Smith, you're right, my tone was perhaps angered because of the strong feeling and conviction that I have for this program, and for the tremendous effort that was put forward by Senators. Yes, it is late in the session. As it gets late in every session, when you're dealing with an issue that's as critical as this issue is, to the future of this state, and this nation, then I think it's important that we bring it to the forefront. I'm proud to be part of a Body that not only leads the state, but leads the nation, in terms of setting example what must be done, and looks for solutions that get beyond political rhetoric, to get to the tough decision making, taxes to pay for programs that we know must be implemented.

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Thank you.

THE CHAIR:

Further remarks. Senator Daniels.

SENATOR DANIELS:

Thank you, Mr. President. First of all, let me thank the staff for the excellent job that they did in helping craft this excellent piece of legislation; for the many hours, the Saturdays and the Sundays and the holidays that they put into this bill. I'd also like to thank the ranking member of the Substance Abuse Committee for his assistance in this piece of legislation. I'd like to thank the President of the Senate, and the Majority Leader of the Senate for their cooperation and their leadership, for without it, you would not have this excellent piece of legislation that's before us tonight.

And Mr. President, I'd also like to thank you for your patience over these last five hours, because what we have put you through tonight, is unexcusable. Seriously, unexcusable. We got kids dying in the streets, night after night. We're losing a whole generation of kids to drugs, killings. We have families who are prisoners in their own neighborhoods. The thugs, the pushers have taken control over our streets, and we, for the last five hours, have been

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playing games. Here we are with perhaps, perhaps, the most important piece of legislation that we have dealt with in this decade. And we're playing games.

One example, the first 12 sections of this document, that dealt with the Criminal Justice and the Law Revision, had public hearings with the Judiciary Committee and there are members of the minority party who sit on the Judiciary Committee. This is not new; this is not foreign. But the way the questions that we have been put through tonight, you act like this just happened today. No. They had public hearings on this. The Judiciary Committee, Substance Abuse Committee, this bill has been through the Appropriations Committee, the Judiciary Committee and the Substance Abuse Committee. So it has had public hearings, and it has had minority party input. I resent that fact that you said that this has been done behind closed doors, without the participation of the minority party. That's a lot of bunk and you know it.

Question about the boot camp put Senator Barrows through a maze of ridiculous questions. Questions about, are there women involved, how come not women involved. My friends, the problem of crime and violence and crime in the state of Connecticut, it's not with women, it's with men. We have 7,886 men

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incarcerated in our prisons. 7,886. 500, 583 women. Now you tell me, where's the problem. Is it with the males or females? I said 7,886 males that are incarcerated throughout Connecticut, and only 500 women. Women are not involved in violent crimes. It's the males. And this idea of a boot camp is designed to prevent youngsters in our society from becoming or being added to that 7,000.

So the problem is with men, not women, and that's why women are not involved in the boot camp at this time. Then there was a question about, and the question was directed at me about Program Review, that a member who sits on the Program Review asked me the question, what role did Program Review have in this document. And I told him that Program Review did have a role in it. And he said they didn't. And I told him that Program Review made some recommendations. He said he didn't find it in this document. Well, let me point it out to him.

This document right here, the second page in the document, recommendations by the Program Review Committee, which is in the document. Let me read it. Program Review concludes that a clearer definition of the purpose and the role of the Juvenile Court needs to be identified. Therefore, the Program Review Committee

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recommends that a task force be established by the Chief Court Administrator, made up of five judges, serving on juvenile matters, five members of the Juvenile Justice Advisory Committee, and five at large members to develop a clear mission statement for the Superior Court juvenile matters. Right there. Right there. It didn't come out of the air. Right there. And he said it wasn't in the document. It's here. Who's kidding who.

Mr. President, I resent also the fact this document represents political rhetoric. Hogwash. Hogwash. I come from a city and you're going to have to forgive the emotionalism, and maybe I've been too close to this problem. But my friends, it's tough. Night after night, getting phone calls from constituents, looking for help. My son or my daughter is on drugs, where do I send them? Can you help me? It gets very depressing, standing over a body at a wake, of a 17 year old or a 19 year old, week after week. It gets very discouraging getting phone calls from people who live in public housing, that they can't go out, and the gun fire every night. It gets very depressing, you get a call from your Chief of Police, that we need money, additional policemen, to help fight this problem with drugs.

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The dealers, pushers are outmanning us. They have better equipment than us. We can't compete. That's what's happening in New Haven. The same thing happens in Hartford, Bridgeport, New London, Waterbury, night after night after night. We all know that the drug industry is a big, big industry. Senator, yes, the problem can be solved. Stop the stuff from coming into the United States. Simple! Is that going to happen? No. Say no to the problem. Is that going to stop it? But the problem here, Mr. President, and Members of the Circle, I'll tell you what the problem here is tonight. That the member of one caucus of this body, members of a caucus of this body, have come up. This is not the solution. No, this is not going to solve the problems of drugs.

But if it saves one life, if it keeps one kid out of jail, it keeps one kid from addiction, it's worth it, it's worth it. But the problem is, Mr. President, as usual with this caucus, we recognize the problem and we deal with it. Is it perfect? No, no. Are there any other programs or any other ideas out there? No, no, of course not. Of course not. We have an obligation, my friends. We need to provide leadership. We need to send a message throughout this state, that Connecticut has taken the bull by the horn. We're

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going to fight back. I'm sick and tired, to a group of teenagers, thugs, who think they control our cities. We've got to fight back. The people in the state of Connecticut are asking us to fight back. They're looking for us to fight back. They're looking to us for help.

And we're up here playing games. Five hours today. Mr. President, I ask for a unanimous vote on this very important piece of legislation. Thank you.

THE CHAIR:

Further remarks. Senator Scarpetti.

SENATOR SCARPETTI:

Yes, Mr. President, at risk of being called down by you, again, if I could refer, through you to the Senator that just spoke. May I, sir?

THE CHAIR:

Just say the Senator from his district.

SENATOR SCARPETTI:

I can't see his district, I'm sorry. 11, 10? I'm sorry sir.

THE CHAIR:

10. Although tonight, I think there's been transgressions galore, there are a couple of times I wanted to get up, but I thought that maybe I'm being too technical or I'm not being uniform, and maybe I

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want to apologize to those who feel that I have perhaps accused them, probably of a transgression. But sometime we're going to learn that the rules must be obeyed, and as we read the rules, and we look at Mason's and try to observe them, then we could have more decorum and a better institution.

SENATOR SCARPETTI:

Thank you for that, Mr. President, but if I may continue, please.

THE CHAIR:

Sure. Please proceed.

SENATOR SCARPETTI:

Senator Daniels, I sat here and listened to you talk about resenting, resenting the fact that we wondered about women, that there were only 500 women, and the men, there are more criminals. That may be true, and you did talk about New Haven, and the drug problem and the calls that you got.

Let me relate to you, Senator Daniels, through you, Mr. President, in Bridgeport, the city that I represent, I was called, I was called by the people in a public housing project, I was called about their drugs, I was called about women having babies, cocaine-addicted, and if I understand this program right, this program is to help women and men, men may

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be the criminal aspect of it, but women do get involved because of some of you men, okay? Through you, Mr. President, I don't want to get dramatic, I really don't. I just get upset because my concern is very sincere. My concern is, this program is a good program. There are many - a few loopholes, I shouldn't say many, there are some. The problem that bothers me that goes along with this package, is the tax. I think we do have the money, and we don't have to impose another tax on our people. But to have to sit here, Mr. President, and be insulted, and I feel my intelligence was insulted and I only speak for myself, sir.

I resent that. I will support this program, only because it will help. How much it will help, I don't know. But I resent the fact that the taxpayers have to pay taxes, more taxes and more taxes, and you can say what you want. Through you, Mr. President to the Senator in the 3rd district, if I count them right. Freeze or no freeze. There are some remarks that have been passed tonight that I don't think were called for, Mr. President, and I just had to say that. Thank you.

THE CHAIR:

Further remarks. Senator Robertson followed by Senator Sullivan.

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SENATOR ROBERTSON:

Mr. Robertson, Senator Robertson, right. It's late. Mr. President, when I started this conversation after 5, I tried to keep it as high leveled as possible. And, even in my closing remarks, I think I praised the creators of the idea. I even suggested that it was not political rhetoric. But then we have been put through a tirade of statements, like who's kidding who, talk about we're tough on crime, suggestions about playing games, expressions of hogwash and about concerns of the minority party because they had the nerve, the nerve for the minority party to stand up and ask a question.

We've had references to statements made by staff, Republican staff members in the House, and that comment is a generalization that that's how we all foresee the role of being a member of the minority party. So, we've all been cast-typed, because of a staff member downstairs. And so we've gotten, as you say, sir, a little bit off the track of the program. I don't see where in this program, we're getting tough on crime. And I'm sorry if I offend the majority party, and I'm saying it quietly, I'm not yelling, but I don't see where in this program we're getting tough on crime. Are we going to take those people off the streets of

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New Haven, those people who have people living in communities, and in public housing, feared to walk out of their house, by putting them into a boot camp for 90 days?

We heard talk about the weapons that they're using. Are we going to get tough on crime by putting them into a boot camp that won't be built for two or three years? The document that was finally given to us, as an outline of the program, indicates as Senator Daniels did earlier, that there's 188 cases in front of our court system right now. 188,000 cases. There's also another indication on this same piece of paper, that 80% of those cases are somehow traced and related to drugs. Now, I should, being a mathematical type, multiply my 80% times 188,000, but we're evidently going to solve that problem, by two or three years from now, "rehabbing" some state surplus buildings, to have 1,000 beds for drug or alcohol dependent individuals, and we're going to solve those problems of New Haven, and the gangs that are terrorizing, not only New Haven, but all urban areas, and either problems in New London and in other cities and towns, including the town of Cheshire, we're going to solve those problems by hiring three more judges, three court monitors, three temporary assistant clerks, eight office clerks, one

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interpreter, 6 bail commissioners, 45 probation officers, 10 office clerks. Plus the treatment program.

We're not going to solve those problems, so when the phrases are used, who's kidding who? Let's get tough on crime. But who's kidding who? We're playing games. Hogwash to the comments. I apologize for standing up, for expressing my views.

THE CHAIR:

Further remarks. Senator Sullivan.

SENATOR SULLIVAN:

Yes, Mr. President, I'm sorry to prolong the debate, but I wanted to rise in support of the bill, but before I do, I just wanted to comment, that it was a pleasure working with Senator Daniels and the Substance Abuse Committee. As Chairman, he's an absolute gentleman, and very cooperative, and willing to listen to the minority side.

I'm somewhat reluctant about supporting the bill. It does have a two cent tax on soda, but I believe this is a case of where, in order to really accomplish a good, you may have to do something that some people may actually deem bad. I think we have a serious problem with drugs. It's a menace to our society. We'll take funds, this will raise some unnecessary funds. Again,

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I don't think this is an end-all. It's been mentioned this evening it's not going to solve all of our problems, but I think it's a step in the right direction. It's a comprehensive plan, and it at least tries to attack the problem on all angles. And I support it, and I urge my colleagues to support it. Thank you.

THE CHAIR:

Further remarks. Senator Herbst.

SENATOR HERBST:

Thank you, Mr. President. I have sat and listened, as many of my colleagues have in the beginning of this debate. I think there are some things that we ought to really put into perspective this evening.

When you talk about a war on drugs, you just don't talk about going after the drug pushers. The war on drugs also must include those components that deal with the saving of the lives of those that are taking the drugs. As a teacher, let me tell you that it doesn't make any difference where you live in the state of Connecticut. You can ask any high school student, and they will probably tell you if you ask enough of them. Give us the money and the right amount of time, and we can pretty much bring back whatever you want in drugs.

That's serious, people. That's serious. And so, a

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group of us got together, and utilizing the committee process and the public hearing process, we said let's put something together that was visible, that we can see, not hidden in one bill, brought out by the Substance Abuse Committee, not in one bill brought out by Public Safety, not in one bill brought out by another committee, but let's take those strong components that deal with the war on drugs that's killing our kids, and put it together for everybody to see, so they understand the components.

As Public Safety Chairman, I brought out the bill on dare. \$75,000 was the request that was made of Public Safety. But we were in a position of not having the money. And so the idea was presented to the committee. The lottery was discussed in Public Safety Committee at a public hearing. And we utilized the monies first for education, and then decided to move that work drug in front of it.

We talked about vacant buildings, and the question was asked at a bonding sub-committee, what kind of vacant buildings do we have available? The Department of Mental Health talked about the deinstitutionalization and the freeing of hospital beds for the mentally ill. And then we talked at the same time, about the Department of Public Works, and the

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listing that they were doing on vacant buildings. So I can account for that component of the package as being listened to and heard at a public hearing.

But I'm not standing here to say just that to you tonight. What I am saying to you tonight is, that this is a chance for us to stand together. It is a chance for us to announce publicly, that there is a component of this war on drugs, that we are going to be working on as a cohesive package. I hear the comments about the revenue. I'm a firm believer in no new programs without a source of revenue. We've run into enough trouble with our educational funding, by taking monies out of surplus, and not funding the program in the fourth year. So sometimes we have to bite hard, in order to make sure that the dollars are available for what has to be done.

I urge you to consider what has been discussed. I think the questions were very good. I think your answers were complete in many instances. This is not the beginning and the end; this is merely the beginning. Tonight we haven't even begun to discuss the regional concept, a concept that will come out of this package, and more strongly within the next year. And it doesn't even need legislation. So I ask you to consider that. I ask you to think of what has been

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said this evening, and to move in the direction of visibility, because if the people can understand and see what we're doing, then they will begin to back us in the protection of our young.

And let me just say that in the last four weeks alone, I have received four phone calls from mothers who did not know what to do with their sons who were drug addicts, because there was no place to put them. Their insurance had run out, and one mother said to me, you must do something about drug treatment centers, because if my son isn't taken care of, the next step is to go out and rob. He needs to feed that habit, and he will do that. I need a place to put him. And so, tonight, hopefully, we've got a package that answers some of those concerns that all of us have been receiving. I really urge all of you to seriously consider what we're doing tonight, and to do it as a unified group. Thank you.

THE CHAIR:

Further remarks. Senator Avallone.

SENATOR AVALLONE:

Yes, Mr. President, I'm sitting here with Senator Sullivan, and I'm thinking of Charles Dickens when he said, "It was the best of times; it was the worst of times." He reminded me of the rest of the quote, which

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I'm sure you all know.

And that's the way I feel this evening, and I have in felt, in particular, for the last week. I remember sitting down with some of the Senators, and talking about a comprehensive drug program, and the frustration that we all feel about how to deal is what we feel is an insolvable problem. I said often that the problems of the world could be solved by one or two strong parents, who give a damn about their children, enough to sacrifice some time and some effort to watch what they do. It doesn't seem to happen in our society.

So we as legislators are asked to form the miracle of taking care of the family. The society continues to do its damndest to break down that family unit and destroy it. And I remember sitting around that room and saying, my, God, how do we do what we came here to do and help people? I don't know anything about CADAC, and I don't know anything about half of the things that are in this bill, at the very least. So, somebody came up with the bright idea, why don't you do a little bit about what you know. And let each of us try to do the same thing.

The frustrations of trying to be a State Senator, a parent, your profession, whatever it is, in trying to do this kind of a job, on this kind of a bill, tears at

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all of us. The frustrations of a Session make us act in a way that sometimes we are not proud.

I think we are all guilty of a little bit of that tonight. But I tell you the frustration that I have more than anything, is that when someone comes up to me and says, you know Senator, in the State Senate, SB1017 is known as the drug bill, comprehensive drug bill...and in the House of Representatives it is known as the Soda Pop bill. If that doesn't frustrate everyone of us, I don't know what should. Because it disgusts me.

We talk about problems. We talk about taxes that anybody in this General Assembly should talk about this bill as the Soda Pop bill doesn't deserve a response. The hours, the weeks, the months, the frustration to try and put something together and we are not together. I can't believe it. I really can't believe it. It should be unanimous.

In the General Assembly, not the Senate...in the General Assembly I understand the Minorities frustration, I was in the Minority. I understand it well. Sometimes this process does not work as well as each and everyone of us would like to. It is not a proud day when there is an attempt, an honest forthright attempt to deal with the most serious

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problem in this Century to have a bill in that response called the Soda Pop bill.

I remember the day that Senator Daniels talked about when we had a press conference, and yes, there was some politics in it, no question about it, it was before an election, a press conference was held here in Hartford and I remember one of the reporters coming over to me and asking me, Senator, all these fine words, are you willing to increase taxes to deal with your program, which was not as extensive as the one before us? And my first reaction was to sluff it off, parry the election, it's an election year and then my heart, perhaps, took over for my mind, and I said, you bet your life.

Because, you know something? I am betting other peoples' lives if I don't do it. If I am not willing to pay the price, somebody is going to go home, instead of to a child, to a casket. If I don't do it, if we don't do it, we are not living up to the responsibilities of elected citizens, elected Senators. We may disagree and we do. We, as the Majority Party, may not have lived up to the fullest extent of our obligations by not coming forward with a better program. I find it hard to know in the amount of time that we had that we could have done it, but obviously

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you always can.

Senator Daniels talks about our City. Each and every one of you know the horrors of drugs. New Haven and Bridgeport and the large cities feel it worse perhaps because your citizens seem to come to us to buy most of your drugs. I sit and I hear the frustrations of all of us that this isn't going to solve the problem. Ladies and gentlemen we can only deal with the problem. We cannot solve the problem until our families are willing to deal with it.

Every time there is a crisis in this Country we don't get it solved until it comes home to middle America. When middle America loses its children people begin to wake up. Ladies and gentlemen they are awake. Children die, not just in New Haven, they die all over this country, all over this State. And we sit back, we criticize each other because we don't come up with a perfect solution. Yes, lines in courts are going to continue. Yes, there is going to be drug problems if this bill passes. That long journey that Senator DiBella talked about has to start with the first step. And we must get together, we must go forward together.

I understand that there are parts of this program that you don't like. But let me tell you, if we leave this General Assembly on June 8th and we let the House

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of Representatives beat this because they frame it as the Soda Pop bill, we as Senators have a problem. If you don't like that part then let's find another part that pays for this program and no, it is not bringing in gambling as some people would like, slot machines to pay for drug programs. I can't believe it is even considered in the House of Representatives.

Create or live off the addiction of gambling so we can solve the addiction of drugs. What a wonderful solution. We all ought to get excited. We all ought to raise our voices. Not against one another, but against ignorance and stupidity. This is not a Democratic or Republican issue. This is not a Senate versus House issue. This is a human issue. And I tired of frustration, looking at problems and I am proud to say I am a part of this package. I am proud to say that I am a member of the Senate. And I am proud to deal with this comprehensive attempt to deal with the drug program. Thank you very much.

THE CHAIR:

Further remarks? Senator Thomas Sullivan.

SENATOR SULLIVAN:

If I might take just 30 seconds. Obviously I would support this effort. Am I completely enthusiastic and convinced that this will be the solution to the drug

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problem? The answer is no. But I think in summary, getting back to Dickens, that we have an opportunity to turn a winter of despair into a spring of hope.

I think basically sending out the message that we will put our hearts and souls into a drug program. We will put it up for scrutiny. We will commit ourselves to a long range intentional effort on the part of a solution to this tragic, tragic problem that just kills the heart and soul of our fibre of our society is what I think we should do.

I think there is room for improvement here. I think there is room for input from many of us here who feel that we may have not had enough input. That's understandable. It's always understandable. But somebody has to take the bull by the horns and initiate an effort and this is an initial effort that sends the word out that Connecticut will put its heart and soul into a program to help mitigate the ravages of drug problems. And I think that's what we are about tonight. It's not, it should not be a tax issue, as Senator Avallone says. It should not be Democrats versus Republicans. It should be salvaging our society, sending a message out that we absolutely, unequivocally must stand up and be counted in regard to this ravaging problem.

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THE CHAIR:

Further remarks? Senator Upson.

SENATOR UPSON:

Thank you, Mr. President. A few comments. The part that went from substance abuse to Judiciary was about 18 pages of a 43 page bill. I don't know about the rest of it, so we did have some fingerprints on that. I just want to say the debate tonight, I thought was interesting. I thought both sides did a very good job. I think it's the really debate since I have been here in the 5 years. So I think everybody is to be congratulated on that. Not mad, but to be congratulated. This is the way maybe we should have this kind of scrutiny on bills. This is really the first bill we have had except for the tax and budget package that has had close scrutiny.

And yes, there are a lot of mistakes in it, but there is still a lot of good effort in it too. It is not going to solve the lines of people going to court. It's really a treatment program for those people in it. Obviously 16 to 21 year olds and males are only a small part of it. I happen to have clients who are addicted to drugs who are females who could use this type of treatment as well as males.

I also feel it codifies a lot of things we already

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do. We already have in the process a way to have people get into a facility. But this may create more facilities and more beds. I know, for example, in Waterbury, no matter what happens it will take two or three years to get this in line. We have no space in any courthouse for this at all. And that's too bad. And if you want to get that one line we have to have a new courthouse. So you are going to have many problems in that respect.

However, just as the death penalty may solve one murder...one less murder, this may solve one less murder, so I am going to vote for it. I find maybe I'm simplistic. The helmet bill saves a life, I'll vote for it. The death penalty, if it deters one person from crime, I'll vote for it. And this is another one. So thank you.

THE CHAIR:

Further remarks? Senator Freedman.

SENATOR FREEDMAN:

Thank you, Mr. President. We have heard a lot tonight about the Cities and their problems with drugs, but only one person alluded to the problems of drugs in the suburbs. Your problems are our problems and vice versa. Whatever is a major drug problem in the City is a major drug problem in Westport, New Canaan, Darien.

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A couple of weeks the newspaper ran a big headline about a drug bust in New Canaan. This is a statewide issue, but unfortunately the war on drugs is not a war on drugs. This is the one step, maybe the first step that has to be embellished and redeveloped and recreated to attack the drugs in the suburbs and in the cities.

We all know where they go to get their drugs. We all know that they bring them back to our homes and into our towns and we all know we lose another one every now and then all over the State.

I think when you think about the life of young people you have to go back to families, you have to go back to what families are teaching their children early on. The schools are trying to do the job, but the schools have had so much dumped on them that they can't handle all of this. We have provided the money, but it's not dollars and cents. Mothers, fathers, single mothers, single fathers have to work with their kids before they get to school. We have to develop into them a sense of self worth so that by the time their peers start running around looking for drugs, they have the courage to say I have another avenue and I am not going to join you.

Just say no does mean something and I'm sorry, the

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past 8 years has gotten that message out. Maybe it hasn't gotten far enough for all of us, but that too was a step in the right direction, because I think it awakened this Country to the problem. We are not going to solve everything. I'm glad that we are all cognizant that we have this problem. Maybe we need more people waking up and saying what can I as an individual do to make this problem go away? Each one of us has a responsibility within our families, within our communities, within our State.

I don't know what I am going to do in a few minutes from now. I really don't. I am appalled that we are attaching this to a tax package when I know and 35 other members of this Circle know that there is a surplus built into our budget and into our finance package. I would have much preferred if on Tuesday, Wednesday or whatever day we did those packages, we had outright with the package and said we are using that money for this. We are going to use that \$90 million to prevent this problem from getting even more widespread. Thank you, Mr. President.

THE CHAIR:

Further remarks? Senator Spellman.

SENATOR SPELLMAN:

Thank you, Mr. President. Just very briefly. I

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find it comical sometimes when I read opinion polls in the Hartford Courant that say people want more services, they don't want to pay any more money for it. I think you expect that in public opinion polls in terms of asking people do you want more services? Of course we do. Do you want to pay more taxes? Of course we don't.

However, we here in this Circle I expect more from and I am surprised to hear some members of the Circle even questioning whether or not to vote for this bill. It astounds me that we could argue about it for 5 hours and not come out of here with a unanimous vote. Earlier this week we lost a very great public servant in Claude Pepper and I was struck as I watched the evening news by a film clip that had him talking to his colleagues in Congress and talking about his feelings about being a public servant and voting in Congress and indicating that he didn't feel he could solve the problems of the world, but sometimes when he voted on an individual bill that he felt made the world a little better place and began to address the problems, he went home at night and said yes, by voting on this bill and moving in that direction I did something.

I thought of his remarks in terms of the budget and the tax package that we struggled over and I think of

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his remarks tonight and I hope that 36 people go home tonight and say, yes, I did something.

THE CHAIR:

Further remarks? Senator Smith.

SENATOR SMITH:

Thank you, Mr. President. It's been about 6 hours of discussion on this bill. Some of the comments made with regard to the Republican participation in the discussion and I just want to correct a few words that were used here tonight. I didn't hear 6 hours of arguing. I didn't hear 6 hours of game playing as was alluded to by some of the respected members of this Circle.

What I heard were some inquiring minds trying to figure it out at the last minute what it was that you were asking us to support and Mr. President, that's a problem to the Majority problem, to bring forth a comprehensive piece of legislation, drop it on our desks at 5:00 and expect us to have complete and instant comprehension on what's in it, then there is indeed a problem with the process that has been employed throughout the entire Session.

We have done the budget that way. We have done the tax package that way. We have done a very good service I think for the people of the State of Connecticut with

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this program and I will tell you right now I am going to vote for it. But you have done a disservice to us. We have also a responsibility along with you Representatives and Senators. Go down and talk to the House members. You haven't heard one reference this evening that mocks this program because of its so called soda tax.

What you heard were some inquiring minds asking very specific questions about some of the details. And lo and behold what happened? We found out that this bill doesn't describe some of the critical components. We found out that the methodology by which the grant money in one particular provision, the way that grant money is distributed is not defined in the bill. It is defined somewhere else, in someone's file.

I think it would have been important if that bill was as comprehensive as we claim that somewhere in the bill it told us what we were going to do with the money and gave us some idea that some suburban communities may in fact also receive some assistance. That's why the questions were asked.

And we might as well sound a clear signal to all of you in the Majority Party, continue to bring documents to us at the last minute, drop them in front of my desk, drop them in front of members of my Caucus'

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desks, don't expect us to buy carte blanche without a questioning and inquiring mind being applied to it. That's what this evening was all about and I say that specifically to the Senator from New Haven. That's what this was about. We were here to find out whether in fact this package was suitable to us. That is our responsibility.

There isn't a member in this Circle that doesn't recognize the severity of the problem and the needs to deal in a comprehensive way. There should not also be any doubt that there are people in this Circle who just happen to have an "R" next to their name in the Blue Book who may have been willing and able to make a significant contribution to the document that was developed. And when we talk about committees, put it before us. It's great that it went to the Public Safety Committee and they dealt with one little part of it and it went to the Substance Abuse Committee and they dealt with another little part and then it went to Judiciary and did something else and then you dropped something that you have been working on for several months, on a Friday in the last week of the Session and expect us to just roll over and take it without an inquiring mind being applied.

I think that's enough of the commentary, Mr.

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president, with regard to some of the comments that were made that really had nothing to do with the merits of the bill before us, but I felt that some venting on the part of the Republican side of the Aisle was necessary before we finish this.

I would also like to make a comment with regard to the tax. And I will reiterate what I said earlier. The tax was not necessary and if you wanted to get this bill passed out of this General Assembly, if you truly wanted to see this program go forward and you wanted to limit the risk of rejection, you could have accepted our amendment that stripped the tax out, take the risk that the \$90 million of excess revenues built into the budget would be there and if that risk is too great then call upon the good Governor of the State of Connecticut to put out an edict to his Commissioners that they roll back some of the spending in some of the other programs by perhaps as much as one half of one percent. You got the edge you need.

If you really want this program out of here we should have pulled the tax off, tell the House to accept the good program, throw the soda tax concept in their face and let's all of us go home with a program, yet not quite complete in my mind, but one, I would hope, that all of us in the Circle could support as the

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first step as was described by the Senator from Hartford.

Mr. President, in closing I would like to applaud the Majority Party for their participation in bringing forth a piece of legislation I think is critical first step for the people of the State of Connecticut and I would also like to offer up to you something that I offered some month and a half to eight weeks ago to someone who came to my office, asked for help for the City of Hartford, in particular the Mayors program for attack on drugs and I, at that time, indicated the willingness of the Republican Party to participate.

We will still continue to work with you. We hope that if there are flaws in this program you can count on and will count on the creativity of the members of my Caucus to help resolve them. You have my personal pledge to do so. Thank you, Mr. President.

THE CHAIR:

Senator DiBella.

SENATOR DIBELLA:

Thank you, Mr. President. I will be brief. This evening I have spent enough time...I have spent enough time at this microphone. I tell you, I have been troubled by some of the comments I have heard this evening. Troubled by the Minority Leader's

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representations. And just want to point out that Senator Avallone and Senator Daniels pointed out that the first press conference we had was on October the 14th, 1988 when a small group of urban legislators began to talk about formulating a program to deal with what I think and I think everybody in this Circle thinks is one of the most paramount problems facing us in this decade or any decade in the history of this Country.

And we sat together and discussed alternatives. It was publicly known. There are those that were critical that it was political rhetoric, that it was before an election year and we pledged that we would come forward with a program. And today, on June 1st, 1989 there exists one program, one program before this General Assembly that deals with a comprehensive drug problem and that program is the product of the Democratic Majority of this State Senate.

And it's a two way street. The Minority Leader pointed out that the Minority was not consulted. It was common public knowledge that the Democratic Majority in the State Senate was working on a product which was called and referred to as a comprehensive drug program. If it was the concern of the Republican Minority that they wanted to participate in that process and if the

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Majority overlooked the Minority, they had two alternatives, to produce their own program or to come across the Aisle and join the Majority in developing the program, not to show up on June 2nd, the sceptics, the critics without a program in hand, with little understanding of how, "the state bureaucracy operates", with even less knowledge of how the bonding process in the State of Connecticut works and who the lead agency is.

I sat through 5 1/2 hours of debate and I tried to legitimately answer the questions that were put to us. The questions you asked could have been asked any time during the last five months that we have worked on this intensely. But again, June the 2nd, I see no alternate program. Before you is one program and it's one damn good program. It's the product of a lot of work, a lot of knowledge and a lot of knowledge of the process as we move through it.

Not being tough on crime, on drugs, unfortunately my esteemed colleague doesn't understand the issue. That in two years we won't have 1,000 on line. Maybe we will have 600, maybe we will have 300. But it will be 300 more than are being proposed here today by any other source other than the program before you.

There is no other program. Why do we want 1,000.

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beds, 1,100 beds to incarcerate and treat? The fear that it is expressed by the people on the streets, the elderly in their home, the people in the suburbs that are subjected to house breaks, robberies, car thefts. What do you think is supporting or that is supporting? It is supporting a drug habit of habitual criminals, burglars, supporting a drug habit that are put back onto the street and you can build all the prisons you want at the cost of \$200,000 to \$220,000 per bed.

Unless you can take these people off the street and treat them the process continues. It's the revolving door. That's what the 1,100 beds are for. That's what that process is all about. That's the strategic plan that we are putting forward in this document. And to sit here and have someone be critical of a program that has goals, direction and objectives, and because we cannot produce to the accommodation of some of the people in this Circle, a strategic, specific timeframe, they become critical. This is not the perfect program. It's the first year of a three year process to be refined, to be improved, to be expanded.

To talk about a boot camp, to talk about the fact that women are not being treated the same way in this program, who do you think the 111 beds will be occupied by? Just males? Of course not. Do you put them into

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a boot camp? Of course not. The process is not structured for females and I think the Senator from New Haven made a very strong point. They are not the problem. They are not the people we are trying to shock.

The issue of taxes. We can argue, we can disagree that \$89 million or \$83 million or \$82 million of over taxation is represented in terms of almost \$7 billion in appropriation the margin is here thin. An economy represented or plagued with many uncertainties. We are doing the responsible thing. We are proposing the expenditure of \$27 and some odd million dollars, we are proposing additional taxes.

We are addressing the greatest fear that a parent has today, the issue of drugs. And whether you realize it or not or want to face up to it, walk out among your constituents, whether you live in the suburbs, I represent a suburb and I represent a city...and in my district the biggest fear in that district from old and young alike is the question of what will you do about the problem of drugs? Almost 80% of the crime in the City of Hartford is directly or indirectly a result of drugs.

This is a good program. It's the only program that exists on the 2nd of June, 1989. Five days before the

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close of this Session. It has been the main topic of two crime commissions, one in New Haven and one in Hartford. The support of documentation prepared by both in New Haven and Hartford study were excellent. The material exists and I take my hat off to the job that both New Haven and Hartford have done in that area.

To the police chiefs, to the State Police, to the court system, to the rehabilitation people and to our staff and to the leadership of the State Senate they continue to hang in and push this program. I salute them. It's been a difficult process. And oh yes, you can point to flaws, not many, and I believe the flaws that have been articulated tonight were overarticulation and misunderstanding of the legislation. And I stand on that position.

But I would hope that we come out of this issue unanimous because the package is the only one that exists and we won't be back here until February and if we lose this we lose another year in a real uphill battle.

THE CHAIR:

Ready to vote? Clerk please make an announcement for immediate roll call.

THE CLERK:

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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:

Question before the Chamber is a motion to adopt SB1069, titled Emergency Certification, LC08215 as amended by Senate Amendment Schedule "A". The machine is open. Please record your vote. Senator Casey. Has everyone voted? The machine is closed. Clerk please tally the vote.

The result of the vote:

32 Yea

3 Nay

The bill is adopted.

We have Senate Agenda #3, Senator O'Leary.

SENATOR O'LEARY:

Mr. President, I move that all items on Senate Agenda #3 dated June the 2nd, 1989 be acted upon as indicated and that the Agenda be incorporated by reference into the Senate Journal and Senate Transcript.

THE CHAIR:

Without objection, so ordered.

SENATE AGENDA #3

S-300

CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS

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Has everyone voted? The machine is closed. The Clerk please tally the vote.

The result of the vote.

35 Yea

1 Nay

The bill is adopted.

THE CLERK:

Turning to Senate Agenda #9, Disagreeing Action, Emergency Certified Bill, SB1069, AN ACT CONCERNING PREVENTION AND TREATMENT OF SUBSTANCE ABUSE AND ENFORCEMENT OF DRUG LAWS, as amended by House Amendment Schedules "A", "C", "D", "E" and "H".

THE CHAIR:

Senator Daniels.

SENATOR DANIELS:

Thank you, Mr. President. Mr. President, I move adoption of the bill in accordance with the House.

THE CHAIR:

Will you remark?

SENATOR DANIELS:

Yes, Mr. President. There are several amendments, I think Amendment "A" is the more substantive amendment in terms of the bill. The first page of Amendment "A" just simply makes some language changes in the bill. On page 2 of the amendment, makes a change in terms of a

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name, the Connecticut Willingness Training Program, Incorporated should be the name and we have the Willingness School that makes that change.

It also deletes the section of the original bill that called for a task force to study the role of the juvenile justice system in addressing and combating the drug program. That has been eliminated.

On page 3, Section 24, is the revenue side of the bill and that's to deal with the simulcasting which expects to raise anywhere from \$18 to \$20 million of the bill.

And on page 3 there has been a change. We had originally appropriated \$14 million to the Public Safety Committee to be distributed to the municipalities. This bill has reduced that sum to \$10 million. It also states that OPM will be the agency which will distribute that money, not the Public Safety Committee.

Also, we're looking at a startup of 6 months of funding. Also new in this amendment, Mr. President, there would be established a 15 bed community based alcohol and drug treatment facility targeted for female offenders. And on the very last page it just simply changes some of the effective dates. That's Amendment "A".

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Amendment "C" puts some control over how the money is being spent. The CADAC showed reports to recommend allocation of funds to the Speaker of the House and also to the President Pro-Tem and they have 5 days to review that receipt and they must take their recommendations on to the appropriate committee, the Appropriation Committee and the Substance Abuse Committee.

So all House "C" does is just simply puts some controls on how the money is being spent.

Amendment "D" just simply makes the language change or just simply adds not only to CADAC but also the Department of Corrections. That's the change in Amendment "D".

Amendment "E", the boot camp cannot exceed \$10 million.

And Amendment "H" just simply deletes some language changes.

Mr. President, that was the amendments of the bill, and I move adoption of the bill.

THE CHAIR:

Further remarks? Senator Smith.

SENATOR SMITH:

Thank you, Mr. President. I would just like to request a ruling of the Chair with regard to division

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on the amendment itself. Inquiring, Sir, whether it would be appropriate to divide sections 24, if you bear with me, Sir, I just received this amendment on my desk. Section 24, I believe, starting on line 82 of House "A", through and including with a period, through and including lines 128, inclusive.

THE CHAIR:

The Senate will stand at ease.

The answer is yes, it can be separated.

SENATOR SMITH:

Mr. President, I would then move that we divide the question separating Sections 24 as I noted, lines 82 through and including lines 128.

THE CHAIR:

The motion is to separate in House Amendment "A", beginning with Section 24, line 82 through line 128. Will you remark further?

SENATOR SMITH:

Would you allow limited debate on that?

THE CHAIR:

You may proceed.

SENATOR SMITH:

Thank you, Sir. As was mentioned when this bill was previously before the Senate, many of us in the Republican side of the aisle, although we had some

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questions with regard to some of the details. I don't think there was any real objection to the goals and objectives set forth by the Majority Party when they brought forth this program, with the exception that in the first instance, there was a tax being levied that would generate revenues above and beyond what we felt were necessary to meet the budgetary requirements for the State of Connecticut, including the drug prevention bill that's before us because the revenues passed by this Chamber and the lower House, included approximately \$90 million of excess monies.

And we argued, although unsuccessfully, to have that particular tax stripped from the bill. It appears that the House has successfully done that but unfortunately, it appears that they have made even a more grievous error inasmuch as it appears that we're going to provide dollars for substance abuse fighting, drug or if you will, by encouraging the participation in another vice.

I don't know what kind of signal we're going to send out of this General Assembly, but if we're going to declare a war on what we might consider the illicit activities, encourage young men and women of our State to get off of drugs, to provide law enforcement protection and expansion, to encourage wholesome

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rehabilitation through the boot camp concept,
participation in wilderness camp, better education.

And ladies and gentlemen of the Circle, why are we taking this piece of legislation that we all agreed was laudible, or at least many of us agreed was laudible, and tack on a gambling source as the resource for funding it.

Ladies and gentlemen, the majority as well as members of my own caucus, I think we should think very, very carefully in this late hour, knowing full well that we may make a decision that delays the implementation of this laudible program, but at least we will have sent a clear signal out of this Chamber that we know the difference. That we have some ideas of what ethical behavior is all about. That we send a clear message to criminals, to those who are being destroyed by drugs, that at least your State legislators have the common sense to understand what it is that we're trying to do.

We're trying to promote a more wholesome society, provide for the rehabilitation of individuals who have been denied that opportunity, provide for things for the young people of our State that all of us were concerned about.

Mr. President, members of the Circle, let's not

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make that grievous error. There is an opportunity here. We still have time. I can recall a few years ago when we were backed up against the clock on another piece of legislation, Education Enhancement Act, we have an hour, we have the resources, without expanding gambling operations in our State. We have the ability, we have the good common sense to send a clear signal out from all of us.

I urge your support for division. I urge your support for defeat of this section of the bill, Section 24, and I ask you to look deep within your own souls and heart as to whether in fact you can explain to the young people of our State while we start the war on drugs and encourage the expansion of gambling. Thank you.

THE CHAIR:

Roll call is noted. Senator Daniels.

SENATOR DANIELS:

Thank you, Mr. President.

THE CHAIR:

Motion is to separate, so that we...

SENATOR DANIELS:

You are allowing debate on separation, Mr. President. I suppose the separation, pretty much the same arguments that we used a couple of days ago in

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terms of the soda tax to not separate this question. This is a funding mechanism of the program and I ask the members of the Circle to oppose the division of this question.

THE CHAIR:

The Clerk please make an announcement for an immediate roll call vote.

THE CLERK:

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

THE CHAIR:

The motion before the Chamber is a motion to separate in Amendment Schedule "A", lines 82 through 128. If you wish to separate, you move yea, you vote yea, contrary minded, nay.

The machine is open. Please record your vote. Senator Scarpetti. Has everyone voted? The machine is closed. The Clerk please tally the vote.

The result of the vote.

14 Yea

22 Nay

Motion to separate is defeated. Now on the bill.

Senator Daniels.

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SENATOR DANIELS:

Thank you, Mr. President. Mr. President, I believe that this bill has been debated in the Senate and certainly the House has taken action. The House has put its fingerprints on the bill. I think we've heard it said around this Circle, that this is an excellent bill, if the State of Connecticut is serious about the problems, the problems of drugs in our society.

This bill was voted overwhelmingly in the House, 120 to 29 and we voted it last week, a couple of days ago, 33 to 3.

Mr. President, again, I want to thank all those members of the Circle who had a part in this very, very important bill. And certainly all the members of the House. We are sending out a message from this Chamber and the Chamber downstairs, that we are serious in Connecticut about drugs.

Mr. President, I hope that we can get a unanimous vote here in the Chamber.

THE CHAIR:

Further remarks?

SENATOR HARPER:

Mr. President.

THE CHAIR:

Senator Harper.

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SENATOR HARPER:

Thank you, Mr. President. I rise in support of the legislation, but I think in the interest of responsible legislation, it should be pointed out that House Amendment "C", LCO9116 in my opinion, runs the risk of violating a constitutional issue of the separation powers between the executive and the legislative branch of government.

This particular amendment would require the Speaker of the House and the President Pro Temp of the Senate and Committees of the Legislature to approve on a ongoing basis, various release of funds and expenditures of CADAC. This is a totally unprecedented process that would be established in terms of implementing a piece of legislation by this Legislature.

This act that's before us in essence, a mini budget focused on a particular problem. Drug abuse. And while I will vote for this bill, not to see it defeated here today, because I think the general intent is good, I would like to go on record indicating that in a veto session or in any other session that would follow, this matter must be cleared up because I think it totally hampers the implementation of this bill.

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Further remarks? Senator Freedman.

SENATOR FREEDMAN:

Thank you, Mr. President. I believe this Body acted recently on a moratorium on gambling and we have, we've tied gambling to drugs and I have to agree with the remarks made by Senator Smith earlier, I think we're setting a very poor precedent for the young people, as well as older citizens of this State.

Now we're going to go out and encourage something that many people don't agree is good, and we know we have a problem with drugs and I think the war on drugs is very important and I think there are things we should be addressing, but we also know that we have more money built into our budget than we need and that that money certainly could have covered this program.

We also know that we bonded money for this program and we know that the money from this is all going to end up in the general fund and once again, may not ever end up supporting this program.

I feel very disheartened by the fact that we're now moving toward the gambling side and I want each of us to remember that we did vote to put a moratorium on gambling in the State of Connecticut.

THE CHAIR:

Further remarks? Senator McLaughlin.

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SENATOR MCLAUGHLIN:

Thank you, Mr. President. I rise to not redouble the ground that we all spent money hours on there tonight, but to perhaps set the record straight in addressing my remarks specifically to any number of people that were spending the hours and months on this that they did. My remarks about, and the term used that this was cheap last week, stand to be corrected, when in this particular case my remarks last week were only addressed to what I regarded to be a somewhat disingenuous revenue source that wasn't ever going to be dedicated to the drug program and in effect was a very obnoxious tax, and for that discreet, rather, should say it was really half of the bill, for that important text portion of the bill, I suggested that that was cheap.

I thought some remarks were necessary, though, on the simulcasting provision there may be some of you who have some reluctance. We had the bill at least as an idea before the Finance Committee. We never took it up. Had we taken it up under the limited simulcasting provision that we were given, I would have supported it. I see simulcasting rather than a break with the moratorium, I see it as an enhancement. It puts us on equal footing with some of our competitor states that

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also have those video provisions.

I don't like a new tax, though. I don't like a new revenue source when we don't need it, as Senator Smith has said, but this bill is all about drugs, and I think all of us here know the dangers of drugs and know the importance of this bill and I'd like to applaud those of you that have worked so long and hard on it.

THE CHAIR:

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President. On the bill itself, ladies and gentlemen of the Circle, let there be no mistake. This is not the quality that left the Senate. This is the cheapened version of what the Senate voted on. It's a distorted statement to the people of the State of Connecticut and I want to be in strong disagreement with the good Senator from New Haven.

But this is not a document for us all to be as proud of as the one that left here. I'm still going to vote for it because I think it does address some of the critical needs, but if we're going to address the questions that the Senator from New Britain brought up with regard to Amendment "C" in some upcoming session, perhaps the veto session, maybe some cooler heads can prevail with regard to just how we go about funding a

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program that goes after one abuse by encouraging people to participate in another. Thank you, Mr. President.

THE CHAIR:

The Clerk please make an announcement for an immediate roll call.

THE CLERK:

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

THE CHAIR:

The question before the Chamber is a motion to adopt SB1069 as amended by House Amendment "A", "C", "D", "E" and "H". The machine is open. Please record your vote. Senator Blumenthal. The machine is closed. The Clerk please tally the vote.

The result of the vote.

35 Yea

1 Nay

The bill is adopted. Senator O'Leary.

THE CLERK:

Senate Agenda #3, HJ102, RESOLUTION EXPRESSING SUPPORT FOR THOSE PEOPLE OF CHINA SEEKING DEMOCRATIC REFORMS, LCO8844.

Correction, LCO8736.