

Legislative History for Connecticut Act

2001	PA 01-04 (June Sp Sess.)	HB 7505
Senate:	4040-4045	6
House:	8046-8105	66
		72 p

Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate and House of Representatives Proceedings

Connecticut State Library

Compiled 2014

S-463

CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS
2001

VOL. 44
PART 13
VETO SESSION
JUNE SPECIAL
SESSION
3799-4122

004040

kmg

35

Senate

Friday, June 29, 2001

THE CLERK:

Motion is on passage of Emergency Certified Bill
SB2006.

Total Number Voting	22
Those voting Yea	22
Those voting Nay	0
Those absent and not voting	14

THE CHAIR:

The bill is passed. I would like to compliment the
row that Senator Guglielmo, you had perfect attendance
and we're very proud of you. Senator Jepsen.

SEN. JEPSEN:

Thank you, Madam President. Everybody in
attendance get a gold star for their attendance. At
this time I move for immediate transmittal of SB2005 to
the House of Representatives.

THE CHAIR:

Without objection, so ordered. Senator Jepsen.

SEN. JEPSEN:

Madam President, if the Clerk could call from
Senate Agenda No. 2, HB7505.

THE CLERK:

Calling from Senate Agenda No. 2, Emergency
Certified Bill HB7505. An Act Concerning the
Implementation of Expenditures for Various State Health

kmg

36

004041

Senate

Friday, June 29, 2001

Programs and Services and Making Technical and Other Changes to Certain Public Health and Related Statutes.

The bill is accompanied by Emergency Certification, signed Kevin B. Sullivan, President Pro Tempore of the Senate, Moira Lyons, Speaker of the House of Representatives.

THE CHAIR:

Senator Harp.

SEN. HARP:

Thank you, Madam President. I move HB7505 in concurrence with the House.

THE CHAIR:

Question is on passage in concurrence. Will you remark?

SEN. HARP:

Thank you, Madam President. This bill implements expenditures for various state health programs and makes technical and other changes to certain public health laws and related studies. We've had a lot of time this afternoon to read the bill and I urge passage.

THE CHAIR:

Question is on passage. Will you remark further?
Senator Cook.

SEN. COOK:

Thank you very much, Madam President. I will be

kmg

37

004042

Senate

Friday, June 29, 2001

opposing this bill. And in particular, my opposition is in reference to Section 52. And it is my sincere hope that since we just did this single most historic, historic thing for folks with mental illness, perhaps they'll be a future session when we will be able to do historic help for people on the mental retardation waiting list.

And so, I will signify my concern about that need by voting, no, on this implementer bill. Thank you.

THE CHAIR:

Thank you, Senator. Senator McKinney.

SEN. MCKINNEY:

Thank you, Madam President. Madam President, I also will be opposing this bill. Unlike Senator Cook, my opposition is based on too many sections to mention.

And the hour is late. I will not go into my lengthy remarks.

However, I think it's unfortunate that we are doing an end-around against the Connecticut Environmental Policy Act, which as we all know is beneficial to the protection of our environment. I think it's unfortunate that we're doing an end-run against public health regulations to protect drinking water.

I think it's unfortunate that we're charging salons \$100 to be inspected. And the list goes on. I realize

kmg

38

004043

Senate

Friday, June 29, 2001

that many of these implementers are the art of compromise. Not everything in all of the implementers is good for all of us.

But this is one implementer which I believe has very few good parts, and very many bad parts. Therefore, I oppose it and would urge many of my colleagues also to oppose it.

THE CHAIR:

Thank you, sir. Will you remark further? Senator Guglielmo.

SEN. GUGLIELMO:

Thank you, Madam President. Just a question to the proponent for legislative intent.

THE CHAIR:

Please proceed.

SEN. GUGLIELMO:

Thank you. In Section 49, there's a term, out of state, which means an individual who holds licensure in another state, who is applying for a license in Connecticut. And I assume that does not mean that the person needs to be physically out of state?

THE CHAIR:

Senator Harp, I believe that question was directed to you.

SEN. HARP:

kmg

39

004044

Senate

Friday, June 29, 2001

Madam President, I apologize. But I, would the questioner please, through you, ask the question again.

THE CHAIR:

Senator Guglielmo.

SEN. GUGLIELMO:

Thank you, Madam President, yes. Just for legislative intent. In Section 49, there's a term, out of state, which refers to an individual who holds licensure in another state who is applying for a license in the State of Connecticut. And I'm assuming it does not mean that that person needs to be physically out of state when applying. Am I correct in that?

THE CHAIR:

Senator Harp.

SEN. HARP:

Through you, Madam President. You are correct.

SEN. GUGLIELMO:

Okay, thank you very much.

THE CHAIR:

Thank you. Will you remark further? If not, would the Clerk please announce a roll call vote. The machine will be open.

THE CLERK:

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

004045

kmg

40

Senate

Friday, June 29, 2001

An immediate roll call has been ordered in the Senate.

Will all Senators please return to the Chamber.

THE CHAIR:

If all members have voted, the machine will be locked. Clerk please announce the tally.

THE CLERK:

Motion is on passage of Emergency Certified Bill HB7505.

Total Number Voting	22
Those voting Yea	17
Those voting Nay	5
Those absent and not voting	14

THE CHAIR:

The bill is passed. Senator Jepsen.

SEN. JEPSEN:

Thank you, Madam President. I move for immediate transmittal of HB7505 to the Governor.

THE CHAIR:

Without objection, so ordered.

SEN. JEPSEN:

At this time if the Clerk would please call HB7506, Emergency Certified Bill from Senate Agenda No. 2.

THE CLERK:

Calling from Senate Agenda No. 2, Emergency Certified Bill HB7506, An Act Implementing the

H-862

CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS
2001

JUNE
SPECIAL
SESSION
JULY 23
VETO
SESSION
JULY 23
SPECIAL
SESSION

VOL. 44
PART 24
8038-823

gmh

3

008040

House of Representatives

Friday, June 29, 2001

DEPUTY SPEAKER HYSLOP:

The Chamber will come to order. And as we're coming to order, there's one thing I would ask that you note, that the voice is kind of deep. Thank you.

Clerk, please call Emergency Certified H.B. 7505.

CLERK:

H.B. 7505, AN ACT CONCERNING THE IMPLEMENTATION OF EXPENDITURES FOR VARIOUS STATE HEALTH PROGRAMS AND SERVICES AND MAKING TECHNICAL AND OTHER CHANGES TO CERTAIN PUBLIC HEALTH AND RELATED STATUTES, LCO number 9182, offered by Representative Lyons and Senator Sullivan.

DEPUTY SPEAKER HYSLOP:

Representative Dillon.

REP. DILLON: (92ND)

Mr. Speaker, the Clerk has, in his possession, H.B. 7505, LCO number 9182, I move adoption.

DEPUTY SPEAKER HYSLOP:

The question's on adoption. Will you remark?

REP. DILLON: (92ND)

Request permission to summarize.

DEPUTY SPEAKER HYSLOP:

Proceed.

REP. DILLON: (92ND)

Mr. Speaker, the bill before us incorporates two

gmh

4

008041

House of Representatives

Friday, June 29, 2001

major principles and that is a number of sections of the statute that are necessary to implement portions of the budget.

There are also components that change this bill which came to the General Assembly and went through committee from the Department of Public Health which has a number of technical and non-technical changes, but that bill was not done in the final rush of business and a number of components of that are included in this particular bill.

The highlights of this bill include a distribution of monies for community health centers;

Establishment of small program and a distribution of booklets for prevention of gynecological cancers;

Purchase of equipment, although no operating money for testing of chlamydia;

Beginning a statewide assessment of asthma, for which there will be in the budget;

A number of changes, which are minor, including grandfathering and day changes concerning some licensure requirements for professional counsels;

Two sections on youth camps;

Repeal of this statute on creating nail technicians which was adopted in the last session;

A transfer of responsibilities on reporting for

gmh

5

008042

House of Representatives

Friday, June 29, 2001

preferred provider networks from the Office of Health Care Access to the Department of Insurance.

Thank you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

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

Representative Murphy.

REP. MURPHY: (81ST)

Thank you, Mr. Speaker. There's been a lot of talk around this building about process in the last few weeks and I guess I just want to add my two cents on this bill.

If you take a look at this bill, there's an awful lot that's not related to the implementation of the budget and I appreciate that the name of the bill has been changed to reflect that.

And although there's certainly a lot in here that's very important to members of this Chamber, I guess I just have some pretty serious concerns about how this comes to us today.

I understand that when we vote on a state budget, there are things in there that we like and we don't like and you have to decide whether you're going to swallow the whole thing because that's how it comes to you.

But this doesn't have to come to us like this

gmh

6

008043

House of Representatives

Friday, June 29, 2001

today. There are pieces in this bill that could have come through committees and didn't, that came through committees and didn't make it on this floor and I guess for someone that was not in this room when this bill was put together, for someone that's on the Public Health Committee, it's a little discouraging and a little disturbing that our input, as rank and file legislators, is not necessarily seen in this package.

We have the ability to debate it now. We've had the ability to see certain versions of it that have come before us, but it's a disturbing trend to me that more and more substantive non-budget related things are put into this implementer, as are put in the many implementers that come before us.

Now, somebody suggested to me that well, this is just how it's always been, that it's not going to change.

Well, I guess if that was my approach, if that was all of approach to how this building is run, then I don't why I came here in the first place. Maybe this is as how it has always been. Maybe there's always been substantive things in here. I've certainly seen it in the in three years I've been here.

But I'm just up here to suggest today that maybe that's not how it should be, that we certainly have to

gmh

7

008044

House of Representatives

Friday, June 29, 2001

implement the budget, but that there are very important policy questions that are being addressed in this implementer, as are in other implementers.

And that maybe this isn't the best way, in the 11th hour, in the last day of session, to talk about all these things because I have to make a decision whether I want to vote on this piece, if I want to vote on the pieces I agree with and then have to swallow the pieces I don't. And it doesn't have to be that way and I guess that's my frustration and that's why I suggest that we maybe can do this differently.

Thank you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Powers.

REP. POWERS: (151ST)

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

DEPUTY SPEAKER HYSLOP:

Please phrase your question.

REP. POWERS: (151ST)

Thank you, Mr. Speaker. Mr. Speaker. You heard me. I said it right.

In Section 29, on needle sticks, we are exempting UConn School of Dental Medicine and its clinic.

Through you, Mr. Speaker. Why?

gmh

8 008045

House of Representatives

Friday, June 29, 2001

DEPUTY SPEAKER HYSLOP:

Representative Dillon.

REP. DILLON: (92ND)

Thank you, Mr. Speaker. A very good question.

There is currently no generally accepted technology that would fit that, that would be useful for a dental procedure.

We are all committed, if that happens, to removing the exemption, but at this point, the available technology, it does not help at a dental school and that's why the dental school is being allowed to opt out of it.

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Powers.

REP. POWERS: (151ST)

Thank you, Mr. Speaker. Through you, so, in other words, the devices that they use to give me and my children shots, cannot be used when the dentist is inside your mouth for novocaine of those kinds of things?

Through you, Madam Speaker. Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Dillon.

REP. DILLON: (92ND)

gmh

9

008046

House of Representatives

Friday, June 29, 2001

Through you, Mr. Speaker. Some of the needles that are used in dental procedures do not have an equivalent with the protective shaft and to put this burden on them when there's no remedy available is unfair.

So yes, I would generally characterize your remarks as accurate.

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Powers.

REP. POWERS: (151ST)

Thank you, Mr. Speaker. So, some of the procedures, there is a replacement, but for others there doesn't exist anywhere in the world a replacement?

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Dillon.

REP. DILLON: (92ND)

Through you, Mr. Speaker. That is my understanding, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Powers.

REP. POWERS: (151ST)

Thank you, Mr. Speaker. And I thank the lady for her responses.

That seems kind of amazing, frankly. With all the

gmh

10

008047

House of Representatives

Friday, June 29, 2001

stuff we can do these days, taking pictures of people fully clothed and seeing their blood moving and all of that kind of stuff, we can't do this? It just seems very odd.

I would hope, for legislative intent, that if, at some point, in the next six months or a year, before we're back in session again, that these devices become available, that we would remove this language.

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Dillon.

REP. DILLON: (92ND)

Thank you, Mr. Speaker. I think, given all of our sensitivities on both sides of the aisle to the dangers of blood borne infections, I trust that all of us will be vigilant in this regard. You are quite right.

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Davis. Representative Davis.

REP. DAVIS: (50TH)

Thank you, Mr. Speaker. Mr. Speaker, during the regular session, there was an amendment proposed that pertained to the Connecticut Environmental Protection Act. And it was agreed upon at the time that it wasn't appropriately drawn to the bill that it was on, and so

008048

gmh

11

House of Representatives

Friday, June 29, 2001

now that the issue that brought about that proposed amendment that evening, has been re-crafted and is now Section 53 of the bill that's before us right now and I think that there have many improvements made in the narrowing of what the proponent of the amendment is looking to do.

However, Mr. Speaker, what it does fundamentally is it sets up an exclusion to the Connecticut Environmental Protection Act which was very thoughtfully adopted by this legislature to give private citizens a legal right of action and said that buildings would be treated in the same way as the environment.

I know that this amendment deals with a sensitive issue to the Town of Bloomfield. As a former First Selectman, I respect the fact that when someone is looking to spend private money to enhance your grand list in the way that you think is positive for your community, you'll darn near do anything to help make that happen and it's admirable and understandable.

However, I think that maintaining that private right of action in this case and quite honestly, in every case, should be paramount.

We've been taking too many shortcuts in terms of trying to provide exemptions from that fact. And so, Mr. Speaker, the Clerk has an amendment, and that amendment

gmh

12

008049

House of Representatives

Friday, June 29, 2001

is LCO 9183. Would the Clerk please call and I be allowed to summarize?

DEPUTY SPEAKER HYSLOP:

Will the Clerk please call LCO 9183, to be designated House "A" and the Representative has asked leave to summarize.

CLERK:

LCO number 9183, House "A" offered by Representative Davis.

DEPUTY SPEAKER HYSLOP:

Representative Davis.

REP. DAVIS: (50TH)

Thank you, Mr. Speaker. All this amendment does is strike Section 53 and I move its adoption.

DEPUTY SPEAKER HYSLOP:

The question is on adoption of House "A". Will you remark further?

REP. DAVIS: (50TH)

Thank you, Mr. Speaker. The Wilde Building, which is the building that is of concern, as well as the entire Cigna campus in Bloomfield right now, has been recognized by many people, despite its young age, as being representative of the international style and suburban campus that developed in post-World War II America. And that this was both an early, as well as a

008050

gmh

13

House of Representatives

Friday, June 29, 2001

leading example of that trend. It was constructed by Gordon Bunshaft and Skidmore, Owens and Merrill and this building has just made and this campus, Cigna campus, has just made the National Trust for Historic Preservation's list of eleven most endangered historic places for the year 2001.

The Wall Street Journal editorial page, well known for its liberal leanings, -- not -- came out in support of not destroying the Wilde Building. They said they used this -- another example, I believe, it was a campus in Illinois where the corporation came and helped finance the saving of an important building on that campus and felt that it was corporate good citizenship to do the same thing in this case.

You know, this probably isn't the most egregious example of how the Connecticut Environmental Protection Act has been and will be violated, but it is the sense of the violation that's most important and that's what we need to keep in mind.

In fact, I think it's so important, Mr. Speaker, that I would ask that when the vote be taken, it be taken by roll.

DEPUTY SPEAKER HYSLOP:

The question is, when the vote is taken, it be taken by roll.

gmh

14

008051

House of Representatives

Friday, June 29, 2001

All those in favor of a roll call vote, signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER HYSLOP:

When the vote is taken, it will not be taken by roll.

Representative Davis.

Will you remark further on House "A"?

Representative Horton.

REP. DAVIS: (50TH)

That was a no, right?

DEPUTY SPEAKER HYSLOP:

When the vote is taken, it will not be taken by roll.

REP. HORTON: (2ND)

Thank you, Mr. Speaker. Mr. Speaker, I rise with not a long of room here. Thank you, Representative Martinez.

I rise in support of this amendment, Mr. Speaker and I have the distinction, in my district, of being home to a number of the architectural preservationists who are advocating on behalf of the saving of this building and I can't tell you, Mr. Speaker, how I feel about the Wilde Building. I don't know much. I've only

gmh

15

008052

House of Representatives

Friday, June 29, 2001

been on the campus of Cigna in Bloomfield a couple of times, but I feel fairly strongly about the section that we're discussing here in this amendment or, excuse me, in the underlying bill that we're talking about in this amendment being eliminated and that's Section 29a-19a, the historic structures and landmarks when the court costs were assessed against the plaintiff.

And I'm concerned in a number of ways. Well, needless to say, the amendment, if passed, will remove all of the objectionable language that I find in Section 53 and believe that we ought to move for the adoption of the amendment, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Eberle.

REP. EBERLE: (15TH)

Thank you, Mr. Speaker. As the major proponent of this section in the bill, I would ask my colleagues to please vote against it.

This is not an issue of violating the Environmental Protection Act, in my mind. This is an issue of fundamental fairness to an owner of \$100 billion property.

A fundamental fairness to a town for which this property is the number one tax payer on its grand list.

Cigna has been one of the best corporate citizens

gmh

16

008053

House of Representatives

Friday, June 29, 2001

I've ever encountered. They have been wonderful to the Town of Bloomfield. They have been a very good employer. They have been conscientious beyond belief with this property.

Our historic preservation laws are meant to preserve our history and our culture. They are not meant to trample on the rights of private property owners. They are not meant to take the value of people's property, certainly not of this magnitude with no compensation and with no recourse.

And yet, that is exactly what's being done in this case.

When I brought an amendment earlier in the session to try to remedy that, I was challenged on the basis, and rightly so, that that was not the way to change state law and so I withdrew it and I went back and I crafted it more narrowly to simply apply to this decision and this circumstance.

I don't feel that this is a violation of the Environmental Protection Act. If it is, then we badly need to go back and revisit how that act works and exactly what was intended.

Let me explain to the Chamber what I've been able to determine in my research on all of this.

We have a Connecticut Historic Commission and a

gmh

17

008054

House of Representatives

Friday, June 29, 2001

registry of Connecticut historic buildings under the education statutes that allows a property to be nominated, without notice to the owner, over the objection of the owner, over the objection of the municipality in which the property is located.

And I was told, when I went to the hearing on this building that that's okay because naming it to the Connecticut registry doesn't really mean anything. It doesn't stop anything.

And I went and I found what it could, under the regs dealing with the Connecticut Historic Commission and I found in those regs, a statement that they are not intended to prevent an owner from doing what it plans to with its property, including demolition.

A property that's put on the Connecticut Historic Registry, if the owner wants to demolish it, there is simply a ninety day stay of any permit while the Historic Commission negotiates with them, either buys it, asks them to give it to them so they can move it, asks time for someone else to come in and agree to dismantle and move it.

But, if at the end of those ninety days, no agreement can be reached, the demolition permit goes into effect and the building can be demolished. That's the Connecticut Historic Commission's rules.

gmh

18

008055

House of Representatives

Friday, June 29, 2001

Naming to the federal register, on the other hand, federal law says that you can't even be put on the federal register if you, as the owner, file a written and notarized objection to being placed on the Federal Register.

And the regs make it very clear that the federal law is not intended to be a taking away from you of your property or your right to deal with your property. It's intended to be an offer of grants and tax credits and help in preserving that and if you want that, then you get named to it and you accept certain responsibilities for that property, but it's in exchange for having voluntarily accepted the benefits.

It cannot be imposed on you over your objection because that would be a taking of your property and the federal law recognizes that, as does our Connecticut law.

But tucked away in our environmental statutes is one section that seeks to take all of that away from an owner of a property, even though our historic preservation statutes do not.

Section 22a-19a says that there is a private cause of action in any citizen to prevent the unreasonable destruction of property that is number one, either placed on the federal register or number two, is under

gmh

19

008056

House of Representatives

Friday, June 29, 2001

consideration for placement on the federal register.

But the federal register law says that you can't be placed there over your objection.

And so to avoid any ambiguity about what under consideration for placement on the federal register means, I drafted this language to say that for this property, which was on placed on the Connecticut Register in March of 2001, if they have on file an objection that meets the federal criteria so that they can never be placed on the federal register, which is all that this statute applies to, that this statute is not applicable to this property.

Whether it's fair or not to allow under consideration to mean as the State Historic Preservation Officer has said to Cigna in writing, that that period starts from the time they first start to study the issue of whether you should be put on the federal register, and that process, by the way, make take several years because of staffing issues at the Historic Commission, seems to me to be moot when the owner has already in place with the Historic Preservation Officer and the Connecticut Historic Commission, its written and notarized objection that it does not want to be put on the federal register, it does not seem to me that it is fair to tie up an owner for periods of years based on

008057

20

gmh

House of Representatives

Friday, June 29, 2001

the premise that they might some day be eligible for something that they's said they won't be and federal law prohibits them then from becoming.

To me it's an issue of fundamental fairness. I find it somewhat inconceivable that our law puts property owners in this position. On the one hand, in historic commission laws saying that you still have control of your property and in the federal historic preservation laws, recognizing that owners still have control of their property, and yet, our environmental law lets anyone, totally unconnected with the property, totally unreasonable for any part of the property, take it away.

I would hope that next year we will take up and have a full discussion of what that has done and what it has accomplished in our State and if that is, in fact, what we intend that we will recognize that and put some money with it because it is nothing less than a taking of the value of property, if we did it by eminent domain, it would be assessed, it would be fairly valued and we would pay for it. Under our open space laws we are bonding and we are taxing ourselves and we are paying for open space when we want to preserve it, but for these properties, we are simply taking because we give anyone the ability to tie them up for years and years and years.

008058

21

gmh

House of Representatives

Friday, June 29, 2001

And that, I submit, is a fundamental unfairness. As much as I disagree with the underlying law, I have tailored this section to apply only to this case because it means an enormous amount from my town. And I can't stand by and allow both the development that is proposed to be stopped and the value of this property, even if nothing is done, diminished when this is the largest source of revenue for my town.

I would ask for people's support and I would ask them to please vote no on this amendment. It does not change the law for other properties. It does not change the law for any properties in your towns. It simply deals with what I feel is a fundamental unfairness to a major property owner in my town and avoids what I deem to be a taking of a major part of the value of this property in my town.

I don't want to get into the merits of the Wilde Building. I think that's a discussion that reasonable people can differ on. To me this is one of the fairness of the process and if you want to talk about violation, talk about violation of a process that totally runs rough shod over a property owner. A property owner who pays taxes, who has maintained and kept up that property for 45 years and for whom we have the utmost respect in Bloomfield.

008059

22

gmh

House of Representatives

Friday, June 29, 2001

And I ask you to please vote to defeat this amendment.

Thank you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Will you remark further on House "A"?

Representative Cleary.

REP. CLEARY: (80TH)

Thank you, Mr. Speaker. A question, through you, to Representative Eberle.

DEPUTY SPEAKER HYSLOP:

Your question is to whom, sir?

REP. CLEARY: (80TH)

Representative Eberle.

DEPUTY SPEAKER HYSLOP:

Proceed.

REP. CLEARY: (80TH)

Through you, Mr. Speaker to Representative Eberle. It's my understanding that by putting this building on a historic list, it also has tied up the development and the development rights on 500 acres of property. Is that correct?

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Eberle.

REP. EBERLE: (15TH)

008060

23

gmh

House of Representatives

Friday, June 29, 2001

Through you, Mr. Speaker. The Connecticut Historic Commission, over the owner's objection, and with minimal opportunity for the owner to be heard, put not only the Wilde Building, but the entire 500 acres of the Cigna campus on the Connecticut Historic Register.

I have not seen their letter about beginning to study whether they should nominate the whole property, but I can only assume that since they put the whole property on the list, they intend to nominate the whole property and in any event, certainly the entire property is tied up for this period of years while they study the issue, if we allow existing to law to remain untouched.

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Cleary.

REP. CLEARY: (80TH)

Through you, Mr. Speaker. In the State of Connecticut we have a program, I think, where the State purchases development rights to property and I think we pay very dearly for it.

Is there anything in the Historic Commission where they're actually going to pay for these development rights to the property?

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

008061

24

gmh

House of Representatives

Friday, June 29, 2001

Representative Eberle.

REP. EBERLE: (15TH)

Through you, Mr. Speaker. I'm not aware that any offer has been made. This is a property that is assessed, just the real property at \$92 million on the Bloomfield grand list. Its fair market value would be considerably more than that.

And my understanding is that Cigna has met and is continuing to meet with National Preservation groups in an effort to see what possibly could be done with the Wilde Building. It's a glass and concrete building. So I don't know who you would move it. I don't know how you would preserve a facade of glass walls while you destroy the concrete floors inside, but if there's a group out there that can figure out how to do that, that's fine.

We're talking about an extremely valuable piece of property for which nothing has been offered in return for tying it up the way this intends to tie it up.

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Cleary.

REP. CLEARY: (80TH)

Through you, Mr. Speaker. If this amendment should go forward, this October 1st, Bloomfield would be doing a new grand list. I would imagine the value of that

008062

25

gmh

House of Representatives

Friday, June 29, 2001

property might be substantially either reduced or challenged between now and us even coming back into next session?

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Eberle.

REP. EBERLE: (15TH)

Through you, Mr. Speaker. If I would Cigna, I would certainly would be doing that and I would be looking for other places to invest my \$300 million. And that's something Bloomfield can't afford.

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Cleary.

REP. CLEARY: (80TH)

Thank you, Representative Eberle. Thank you, Mr. Speaker.

I've looked into this issue for the last month or so and I like the language we had a month ago on the floor. I think it was fair to everyone in the State of Connecticut.

But at the same time, I think the language in the bill gives some protection to what as I see as a major injustice, a major taking of development rights. It isn't about the architecture of a building. It's about

008063

26

gmh

House of Representatives

Friday, June 29, 2001

500 acres of developable property and the value of that in Bloomfield.

I think it should be decided by Bloomfield, not a state agency for no compensation. I fear that if we don't take the appropriate action, which is in the E-Cert before us that would have a major impact on Bloomfield's grand list, on their ability to control their current budget for the current year. But I would like to see us look at the program next year and look closer to language that we had on the floor a month ago and that would have made it applicable to all sites in the State of Connecticut.

So I think this is a good fix, the underlying file.

Therefore, Mr. Speaker, I would vehemently oppose the amendment before us. And as I understand it, Mr. Speaker, this is going to be on a voice vote. So hopefully we have enough folks in the room. An awful lot of people spend an awful lot of time negotiating everything in a simple manner. And I think that this should stay in. The amendment should be defeated and we should move on.

DEPUTY SPEAKER HYSLOP:

Representative Nystrom.

REP. NYSTROM: (46TH)

Thank you, Mr. Speaker. This issue reminds me of

008064

27

gmh

House of Representatives

Friday, June 29, 2001

an issue ongoing in the City of Norwich and I'll get to that in a moment, but I'd like to first say that I rise to oppose the amendment offered.

And I do so on a very basic principle. We're elected by people from our districts to come here and represent the needs of our districts. And I find it somewhat outrageous that someone who is not from a particular district that's affected by this amendment, doesn't live in that district, doesn't pay taxes in that district, is now decided to dictate the future of those residents of that district.

DEPUTY SPEAKER HYSLOP:

Excuse me. Representative Nystrom, you have the floor.

REP. NYSTROM: (46TH)

Thank you, Mr. Speaker. We're all tired. I know I am.

In the City of Norwich, there's a building that's been up for well over 100 years. President Lincoln slept there. President Taft slept there. It tells you, just from those two points alone, that it has historic significance.

Unfortunately, its structure is in a horrible state. Previous owners gutted the building, sold off parts of it and so forth. There's a proposal to develop

008065

28

gmh

House of Representatives

Friday, June 29, 2001

it, something that would be a very strong boost economically for the City of Norwich.

Unfortunately, it's run into some roadblocks. It may not happen, but in the meantime, the City of Norwich is being held up in a similar fashion.

Now, I think that building belongs on the Historic Registry, the one in Norwich. Clearly, that's not in doubt. But when your city and community is delayed, that does raise other issues.

But I think it's very important that all of us who are elected here have the opportunity to address the needs of our community the best way that we can.

I say that very sincerely. I'm not rising to offend anyone and if I did a moment or two ago, it wasn't intended and I apologize to you. That just needs to be said.

But I think we should be able to control the destiny of our own communities. So I'll just speak to the fairness of that issue. And I would ask you to reject the amendment loudly.

Thank you.

DEPUTY SPEAKER HYSLOP:

Representative Dickman.

REP. DICKMAN: (132ND)

Thank you, Mr. Speaker. Mr. Speaker, I rise in

008066

29

gmh

House of Representatives

Friday, June 29, 2001

opposition to the amendment and there's a very basic reason for it.

One of the great freedoms that we enjoy in this country is the right to enjoy our property, provided we do not interfere with our neighbors in doing so.

It seems to me, to own 500 acres and to have a small piece of it occupied by a dwelling that may or may not be of significance, and to tie up the whole 500 acres for that, really is taking away the proper control that these people should have over their property.

I think it's a question of equity and fairness and on that basis alone, Mr. Speaker, I think we should defeat this amendment. So I ask you all to do that.

Thank you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

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

REP. DAVIS: (50TH)

Thank you, Mr. Speaker. Just with a couple of comments in response to the comments that have been made by people on this amendment.

First, as a former First Selectman who always looked closely at the grand list of my community, the current assessment on the Cigna campus is based on its current use, not on its use for whatever proposal might

008067

gmh

30

House of Representatives

Friday, June 29, 2001

be made for that property.

So when the October grand list is put out, there's not going to be any impact on the Town of Bloomfield because they continue to use it on an ongoing basis for their purposes.

Second. This is not a taking of anybody's property.

What it is, is a simple question, Cigna says they want to do something with their property, we collectively in a previous General Assembly before I got here, said that we think that it's an important policy for the State of Connecticut to give people the right of action to be able to go in and have some standing in trying to make sure that there's a dialogue over what should happen in this case with the Cigna campus.

We all do things like that all the time and that's one of the reasons why we're here, to make sure that people have that dialogue and that dialogue is going on right now. There is no way that this is a taking of anybody's property. All it does is it means they've got to wait a little longer, possibly, before they do what they hope that they are going to do.

Now, one of the reasons that we came about with - came up with Connecticut Environment Protection Act and the Connecticut Environmental Policy Act is because, quite honestly, corporations don't always do what's in

008068

gmh

31

House of Representatives

Friday, June 29, 2001

the best interest of all the residents of the State of Connecticut. And so we decided it's appropriate to have some checks and that we have, we have some checks.

And I think it's appropriate that we have it.

And some comments were made about the fairness of the process. I don't think it's a very fair process to have something like this in what should be a budget implementing bill for the Department of Public Health. That's not a very fair process.

So, if this is so egregious, if one of the largest corporations in the State of Connecticut is being so aggrieved by this, well, I'm sorry. I'm respectful of what they want to do, but even though I am elected to represent my district, I am also elected to stand up for what I think are the best interests of the State as a whole and I think the best interests of the State of Connecticut are to make sure that we minimize any kind of abrogation of the Connecticut Environmental Protection Act.

Thank you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Will you remark further on House "A"? Will you remark further on House "A"? If not -- Representative Mordasky.

REP. MORDASKY: (52ND)

008069

32

gmh

House of Representatives

Friday, June 29, 2001

Thank you, Mr. Speaker. Mr. Speaker, in my estimation, historic is something older than me and from what I can get, this building is 45 years old, so I've got 30 years on it. So I don't think it should be considered historic.

From what I understand, it's an inefficient monstrosity that doesn't seem to be used for anything except to knock it down. I just think that as a landowner, land grabbers are always around and I think as a landowner, I should have some control over what I can do and to have it as a historic deal, I just don't think it's old enough and I ask my colleagues to vote against this amendment.

Thank you.

DEPUTY SPEAKER HYSLOP:

Representative San Angelo.

REP. SAN ANGELO: (131ST)

Thank you, Mr. Speaker. I also want to rise in opposition to this particular amendment.

I have to admit, I believe very strongly that when I'm elected to come up here, I'm elected to represent what is in the best interest of my community.

And I guess it would be hard for me to see Representatives of other parts of the State come up and speak against something that really just directly has an

008070

33

gmh

House of Representatives

Friday, June 29, 2001

impact on the municipality I represent. I believe very, very strongly in local control and believe very strongly that we should do the best we can to represent the interest of all the people in our communities.

I think that Representative Eberle being opposed to this amendment and being for the project, is looking out for the best interest of her community and I think it really makes a lot of sense. The building is only 38 years old. It doesn't seem to make any sense to force a community to do something that the community doesn't want to do.

So, I think that we should all look out for our own rights as legislators in presenting things that are in the best interest of our district and we should oppose this amendment.

Thank you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Bernhard.

REP. BERNHARD: (136TH)

Thank you, Mr. Speaker. I rise to associate my feelings in how I intend to vote on this bill with Representative Davis' observations on what we do in this Chamber.

I don't know why, at this late hour, we are beginning a debate on what should or shouldn't be called

008071

34

gmh

House of Representatives

Friday, June 29, 2001

"historic", what should or shouldn't be environmentally protected. These are important issues that ought to be debated in a proper form at a proper time.

We shouldn't be debating it as a small portion of a much larger and a much more important bill, such important terms as what we're going to declare in the State of Connecticut has a historic building, what we're going to declare as environmentally sensitive, and how we're going to abrogate our responsibilities on previous legislation that we've passed. I think it's counter-productive for us to even be engaging in this debate and why this section of this bill is here mystifies me. I understand that we all have our little agendas to come in here to protect our particular communities and that's important, and by all means, we ought to be doing it.

But on issues like this that have overwhelming consequences, ultimately for the State of Connecticut, we ought to take our time. This is going to be a precedent. If we do this, it's a precedent for the next issue, the next community that wants to come in and say you know, for our community, what has applied generally to the State of Connecticut has "historic" ought to be revisited so that we can circumvent the law that we passed in previous occasions.

This isn't the way to conduct business. This is

008072

gmh

35

House of Representatives

Friday, June 29, 2001

inappropriate, it shouldn't be here, and I hope the amendment will pass.

Thank you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative McCluskey.

REP. MCCLUSKEY: (20TH)

Thank you, Mr. Speaker. Very briefly, I rise to support the amendment. I think I wasn't planning on talking on this amendment, but I did want to say, for the record, that I think there's certain buildings in the State of Connecticut that transcend community interests. I would not want the City of Hartford to make a decision on whether or not the Colt Building, a truly historic building in the State of Connecticut, whether they could decide whether or not that building stays up. I wouldn't even want my town of West Hartford to make the decision whether or not the birth place of Noah Webster should be in whether or not they decide.

I think there are important state buildings -- this may or may not be one of them. I'm certainly not qualified to make that decision. I would certainly agree with some of the comments made by Representative Eberle that maybe we need to look at the process in making it expeditious, balanced, and fair, but this is not the way to do it and this is not the bill to do it on.

008073

36

gmh

House of Representatives

Friday, June 29, 2001

I urge support of the amendment.

Thank you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Fahrbach.

REP. FAHRBACH: (61ST)

Thank you, Mr. Speaker. I'm rising in opposition to the amendment. As a resident of Windsor, I often pass by the Cigna campus in Bloomfield and I have to tell everybody that it's a beautiful campus. When you drive by there at certain times of the year, there are flowers blooming all over the campus. They do a wonderful job of maintaining the property. There have been concerts on the property.

When we come here, we often talk about local control and many times we have legislation that many people oppose because it takes away local control. This is an issue of local control. This is the issue of the Town of Bloomfield making decisions on what's best for the Town of Bloomfield. This is not a decision about what the State Legislature thinks is best for the Town of Bloomfield.

And I think we ought to leave that decision up to the local officials and the local residents. They're capable of making that decision and with the language in the bill, they will be able to do that.

008074

37

gmh

House of Representatives

Friday, June 29, 2001

Thank you.

DEPUTY SPEAKER HYSLOP:

Representative Powers.

REP. POWERS: (151ST)

Thank you, Mr. Speaker. I rise in opposition to the amendment and I join Representative Mordasky in being older than the building in question.

We had a situation similar to the situation Mary has in Bloomfield. We had a really gross old power station that had been built for the train. And it spewed all kinds of garbage out. The EPA came down. We had to put stuff all over the building. It was full of asbestos and PCB's and that kind of stuff. And as we tried, as a town, to clean this mess up that everyone agreed was a hazard to everyone's health, someone called the Connecticut Historic Society and they called it a historical building. And they got that designation by voting themselves. It was horrible.

It took us another ten years to take down that building. Meanwhile, we had to have monitors all over the place, which we had to pay for, to be sure there wasn't too much stuff coming out all at the same time. Every time it rained, we had to go put containment things around it. It was an absolute nightmare for the town.

gmh

House of Representatives

Friday, June 29, 2001

I really urge rejection of this amendment. This is a local decision. Having dealt with a similar situation in our town where someone meddled and made a complete mess and left us to pay for it, I think we ought to let Bloomfield make this decision.

Thank you.

DEPUTY SPEAKER HYSLOP:

Representative Sawyer.

REP. SAWYER: (55TH)

Mr. Speaker, I would like to say that I rise in opposition to the amendment also.

Representative Eberle has laid out a very compelling case. She has done the research, as well as knowing of the local support that it has.

Historic designation was never meant to be carved into the Constitution, ladies and gentlemen. Certainly, we have the ability to make exceptions and in this case, there are reasons why and maybe 200 or 300 years this might be considered a historic building, but it is not the only example of the architect's work, there are others. And this is not, perhaps, the final example of that particular gentleman's work.

So, as we look at the overall balance here, every day we make exceptions and I would like to say that as we look at the very end of a special session, there are

gmh

39 008076

House of Representatives

Friday, June 29, 2001

not a whole lot of other bills to put this in. And looking at the town trying to move itself ahead, I believe we owe the courtesy of that particular municipality to move forward with this legislation.

Thank you, sir.

DEPUTY SPEAKER HYSLOP:

Representative Newton.

REP. NEWTON: (124TH)

Thank you, Mr. Speaker. You know, I have to laugh sometimes when I hear people talk about home rule and what's in the best interest of a municipality. I mean, sometimes I think I'm in the wrong place.

You know, I've seen this Chamber - I won't mention the municipality that did a referendum, 80% of the people, 90% of the people of that town voted one way and this General Assembly said, no, we don't think it's in the best interest.

You know, I have to laugh at some of the things I hear in this Chamber. Depending on whose driving the bus, then we want to agree with what's in the best interest of a person's municipality and I just have to say this. You know, I live in Fairfield County and right now, a certain city, I won't mention the city, says that Bridgeport ought not have something because of the traffic. Forget about what the hundred -- how many

gmh

008077

40

House of Representatives

Friday, June 29, 2001

people live in Bridgeport -- 142,000 people that want something.

But I've seen this General Assembly pick and choose what's in the best interest of a municipality.

And so I've got to ask Representative Mordasky a question. Does that mean that anybody that's 45 years old, because I'm getting kind of nervous, I'm 45, does that mean I could be on the historical list? I'm getting kind of nervous.

But let me say in all seriousness. If we can do it for Bloomfield, just remember, when the next municipality comes and talks about home rule and what's in the best interest of that city, that we stand up and do the same thing that we're doing here today and show some consistency because I don't want to talk about the "filthy five".

So I just ask that this Chamber be a little more consistent and I will support that we vote down this amendment, not because of home rule, but because I think it's the right thing to do.

Thank you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Dillon.

REP. DILLON: (92ND)

Thank you, Mr. Speaker. I'm rising, reluctantly,

gmh

008078

House of Representatives

Friday, June 29, 2001

in opposition to the amendment because I'm very sympathetic to the motion and to the impulse behind it. And I've been involved in very similar crusades in the past.

But it seems to me, listening to some of the debate, like my friend, Representative Newton, I'm not sure for me, home rule is not really the decision here. For me, the problem is partly that the law is harder to enforce when the law gets ahead of the people and ahead of consensus.

And I think it's sort of what Representative Mordasky was hinting at, by most stretches of the imagination, this would not constitute what many people would consider historic and many people would not ordinarily, who are very reasonable, think that nobody famous lived there and there's no -- it's not a particular age. So that I don't know if the process is flawed, but it seems to me that in order to have a credible process that we can all support, that the definition of what is historic should be commonly accepted. And that's the only way that people are going to respect the law, they're going to try to bypass it.

Representative Eberle's first amendment that she brought during regular session was one that I felt very uncomfortable about, but I believe this is a much more

008079

42

gmh

House of Representatives

Friday, June 29, 2001

nuanced amendment and something that's fitted particularly for this circumstance and tailored in order to avoid the larger dispute, but I agree that it seems to me that not only the process, but also the definitions of historic are going to be visited at some point in the future, as well, I think, a powerful analysis of the conflicts among all these differences of the statute really should give us pause.

And even though I like the impulse behind this amendment, I reluctantly have to oppose it and ask people to vote it down.

DEPUTY SPEAKER HYSLOP:

Representative Green of the 1st:

REP. GREEN: (1ST)

Thank you, Mr. Speaker. Mr. Speaker, I too rise and ask my colleagues to oppose this amendment.

As you know, in Hartford we have had a number of what I would have considered historical buildings. I'm thinking of the Little Aetna that was on the corner of Main and Asylum Streets and I remember seeing that implosion and that's the first time I actually had seen an implosion. And that building, I thought being the first skyscraper in Hartford, should have been on the historical site.

As we look at the Cigna building and some of the

008080

gmh

43

House of Representatives

Friday, June 29, 2001

things that it would do for the town, we're talking about one small building on a 500-acre lot. I think that the citizens of Bloomfield have decided that they want this to happen as we should support what those citizens want, along with trying to provide for those municipalities the kind of income that they need to continue to contain the services that are needed by the citizens of that town.

So, I urge my colleagues to reject this amendment.

DEPUTY SPEAKER HYSLOP:

Representative Backer.

REP. BACKER: (121ST)

Thank you, Mr. Speaker. I rise in support of the amendment. We're kind of getting into a process here where every time a legislator or an individual in our society who is close to a legislator, decides that something's a problem and that a certain law is a problem, that they can't comply with, they find a way to right around it here in a special move inside this legislature.

Are we going to debate the historic value of every piece of property in the State of Connecticut here? The Meade property in Greenwich now, a historic building on the chopping block, are we going to come here and dispute and debate every environmental issue because we

gmh

44 008081

House of Representatives

Friday, June 29, 2001

constantly right our way around those things here?

I don't know the building in Bloomfield from that trash bucket over there and it may or may not be historical. The point is we have a process and we continually go outside the process, we'll do it several times today in this bill alone, to right our way around the law, and maybe they should have taken it to court. Maybe this isn't the place to do it. Maybe Mary's absolutely correct and this building is a hinderance to everything. And I'm not going to pretend to know, but I do know one thing, we are getting in the habit of righting around the law for many, may projects and we've got to stop it. So I'm going to support the amendment.

Thank you.

DEPUTY SPEAKER HYSLOP:

Will you remark further on House "A"? Will you remark further on House "A"?

If not, we'll try your minds.

All those in favor, signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER HYSLOP:

Those opposed.

REPRESENTATIVES:

No.

gmh

45 008082

House of Representatives

Friday, June 29, 2001

DEPUTY SPEAKER HYSLOP:

House "A" fails.

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

Representative Donovan.

REP. DONOVAN: (84TH)

Thank you, Mr. Speaker. Mr. Speaker, I'd like to point to my colleagues another section of the bill before us which makes a special exception.

And that deals with Section 13, which deals with the use of watershed property, municipal owned watershed property and exempts that property and the use of that property from the statutes dealing with the Department of Public Health and its jurisdiction over watersheds.

Again, we have statutes on the books and this body has voted to support the protection of watershed land recently with the Kelda property we're buying land for the use to protect the water, the drinking water.

And what this section here does, is basically takes the Department of Public Health, which has jurisdiction over such uses and, in fact, in the statutes there are sections that deal, that point to the fact that golf courses, particularly, are to be looked at with review by the Department of Public Health.

And I just find it, again, with my colleagues who

008083

46

gmh

House of Representatives

Friday, June 29, 2001

expressed concern that in dealing with a budget implementer, we have special sections with special provisions that exempt groups or properties or buildings, etcetera, from the General Statutes. I find this is wrong, it's not the way to conduct law in our State. It is providing a - is removing, from the protection of water, drinking water, protection that this body and the people before us, legislators before us have put in the books. And I've very concerned with this and I will be opposing the bill because of this section.

Thank you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Fritz.

REP. FRITZ: (90TH)

Thank you, Mr. Speaker. In response to Representative Donovan, and I think it's very important for the Chamber to understand that the language that is before us in Section 13, is language that was worked out by the Department of Public Health, as well as the Department of Environmental Protection.

It addresses a very small regulation that deals with watershed lands under the Department of Public Health.

But what should be revealed or should be brought to

gmh

House of Representatives

Friday, June 29, 2001

the edification of the Chamber is the fact that this is municipally owned land, number one. Number two, if the land was bought by a private developer, there would be no regulations that apply to this land, whether it was in watershed, next to watershed, over watershed, under watershed.

It only applies to municipalities. This is clearly very defined in terms of who it applies to. It is municipally owned land that was purchased in January of 1999, that was formerly used for agricultural purposes. It specifically is for the Town of Wallingford.

Additionally, all of the restrictions that are in this section were all very carefully arrived at through many, many months of negotiations.

Also, you should be aware that this bill did pass the Public Health Committee and was on our calendar and when there was a mistake, several mistakes in the conveyance bill that came from the Senate and there were pieces that needed to be conveyed within this Chamber, on both sides of the aisle, I gave up this bill because it had the word "land" in it to fix the mistakes in the Senate conveyance bill and to address the concerns of some of our members on both sides of the aisle.

Representative Donovan is - his concerns, in some respects, maybe legitimate, but this is very narrow. It

008085

48

gmh

House of Representatives

Friday, June 29, 2001

only applies to this town and there has never, ever been a problem with regard to any golf courses, most of which, are built next to reservoirs built on watershed land. In the State of Connecticut there has never been a problem. They have all very carefully policed what they are doing and they follow EPA guidelines in every respect.

They are the greater preservers of open space next to the farmers in the State of Connecticut.

Thank you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Fleischmann.

REP. FLEISCHMANN: (18TH)

Thank you, Mr. Speaker. Mr. Speaker, as a number of our colleagues have observed today, this is a bill with many different sections relating to many different areas of law, which should raise some red flags with those who believe we have processes that have been set up in statute in order to be followed.

And I associate myself with the remarks of Representative Backer and Representative Donovan and Representative Davis in that regard.

There is a section that no one has spoken to as yet that raises such serious concerns that I believe if it were not changed, members of this Chamber would probably

gmh

House of Representatives

Friday, June 29, 2001

not be able to countenance this bill moving forward, but it has been brought to my attention that this section will be changed in a bill that we are to deal with later in the Special Session.

So, the section I'm talking about is Section 41 on page 29 of the bill, beginning at line 870. And the impact of subsection (a) of Section 41 would be to have naturopaths and chiropractors treated in precisely the same manner as pediatricians and family physicians when it comes time for parents to get a health assessment for their children as they're bringing them off to school.

Now, I have the greatest respect for chiropractors and naturopaths, but I don't believe that their profession is identical to that of an M.D. who practices family medicine or pediatric medicine and I don't believe that this would an appropriate step for us to take nor do I believe that it was necessarily what was intended in the drafting. Subsection (b) of this same section has to do with specific chronic disease assessments and asthma assessments and it may have been that those who were drafting this were thinking that section (a) referred to section (b), but it doesn't.

Subsection (a) that's here before us, would fundamentally alter our current model of what is an appropriate health assessment for a child whose going to

gmh

House of Representatives

Friday, June 29, 2001

school.

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

DEPUTY SPEAKER HYSLOP:

Please phrase your question.

REP. FLEISCHMANN: (18TH)

Thank you, Mr. Speaker. Through you, Mr. Speaker. Am I correct in understanding that subsection (a) of Section 41 of this bill, which, as drafted, would make naturopaths and chiropractors equivalent to medical doctors in doing health assessments for children? That that subsection will be modified in another bill to come before this Chamber before the end of Special Session?

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Dillon.

REP. DILLON: (92ND)

Thank you, Mr. Speaker. Through you. Yes, the language in there is an accurate transcription of a request made by one of the parties in the work group, but it is in there by mistake. And I applaud all of the individuals who caught that.

In order to preserve our ability to work quickly or as quickly as we can, this section is being modified in the OPM implementer, I have been promised, and for that

gmh

51 008088

House of Representatives

Friday, June 29, 2001

reason, we did not go back to LCO and ask them to do another amendment for us to do on this floor. It will be done in that.

Thank you. Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Fleischmann.

REP. FLEISCHMANN: (18TH)

Thank you, Mr. Speaker. And through you, Mr. Speaker, just for purposes of further clarification.

When Representative Dillon indicates that this section will be modified, am I correct in understanding that modification will involve eliminating the new language that we see in subsection (a) of Section 41?

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Dillon.

REP. DILLON: (92ND)

Through you, Mr. Speaker. I haven't -- I'm not looking at a manuscript here, but naturopath and chiropractor are going to be removed, is my understanding. If that satisfies your question, I hope I did.

Thank you, Mr. Speaker. Through you.

DEPUTY SPEAKER HYSLOP:

Representative Fleischmann.

008089

52

gmh

House of Representatives

Friday, June 29, 2001

REP. FLEISCHMANN: (18TH)

Thank you, Mr. Speaker. And thank you, Representative Dillon, through you, Mr. Speaker, for that response which did clarify my concerns and let me say, I'm pleased to know that this section is, indeed, going to be modified because it would be extremely troubling.

Unfortunately, there are still a number of other sections of the bill that are deeply troubling, that represent and runs around statutes we have on the books for historic preservation, for environmental protection, for the Department of Public Health and for the laws and regulations that govern the Department of Public Health.

So, I think for those reasons, it's going to be difficult for me to support this bill and I probably won't be able to do so, but I am appreciative to Representative Dillon and others in the work group for fixing this most egregious problem with the bill.

Thank you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative O'Rourke.

REP. O'ROURKE: (32ND)

Thank you, Mr. Speaker. And I will try to keep my remarks concise. Like many members, I was supposed to be on vacation this morning with my family.

008090

53

gmh

House of Representatives

Friday, June 29, 2001

But the issues before us are important. They demand our attention. They demand public scrutiny and discussion that are here in this bill today. So, we're here and I rise to take exception to Section 54 of the bill before us, Mr. Speaker and I do so with some regret, some sadness, regret because this section is before us, I guess, inside of this bill and some sadness because my opposition to it does place me in an opposition to my colleagues in the Middletown administration, Representative Serra, my good friend, who has worked very hard on this.

And like Representative Nystrom, I do believe that it is very important that we respect the wishes of the people who live in a city or town as we consider legislation that affects that city or town. Their concerns and their desires should be foremost in our minds, if we can make sense of that.

But I guess I have to oppose this on statewide policy grounds, first and foremost, Mr. Speaker, because Section 54 waives the Connecticut Environmental Protection Act, which is the cornerstone of our environmental protection laws.

The Connecticut Environmental Protection Act, CEPA, as it's known for short, is not a nuisance Mr. Speaker. It's not something we should be trying to get around.

gmh

008091

54

House of Representatives

Friday, June 29, 2001

It's an absolute necessity. It's every citizen's guarantee that they can participate in decisions effecting how our state tax dollars are used and how those tax dollars are spent in terms of their impact on our environment, the air that we all breathe, the water that we all drink.

The CEPA process guarantees that we will have a thorough study and a public comment and a thorough examination to make sure that our tax dollars do not harm our environment, endanger public health, and destroy our quality of life here.

And we should never, I believe, never waive this important statute for projects. We have done it many times. I believe that this section here in this particular project really lowers the bar a notch, Mr. Speaker, and that's what troubles me, perhaps, the most.

In the past, for huge projects and it was argued that there was a real need for some fast tracking, that there was an emergency and we couldn't go through an extended study, then people have felt that they needed to waive this law, but I don't think a case can be made for this sewer project that there is an emergency, that this important public process should be waived.

And secondly, Mr. Speaker, on a local level, and I don't believe that the adoption of this provision in

008092

55

gmh

House of Representatives

Friday, June 29, 2001

this bill is likely to result in greater environmental protection and I fear that it may result in less environmental protection in regards to an area called, "The Moromous" in southern Middletown, which is a very special place, environmentally. An environmental review was conducted, but it was widely and roundly criticized by environmental professionals.

Passage of this amendment could mean that we never get a thorough review. We will never get, perhaps, an inventory of the wildlife that maybe threatened or endangered by development in this area. We may never get a full inventory of the natural resources that maybe special in this part of the State, which lies close to the Connecticut River and has stayed undeveloped for so long, Mr. Speaker.

I think the passage of this is unlikely to result in a greater protection for that area.

Having said that, Mr. Speaker, I want to say that I spent a lot of time looking into this issue. I've spent a lot of time speaking to the proponents of it. I believe that their intentions are good. They have told me that they do not desire to harm the environment and I believe that they will take steps to try to put together a good conservation package, a good plan of conservation for this area if this section of this bill is adopted

008093

56

gmh

House of Representatives

Friday, June 29, 2001

here today, Mr. Speaker.

So, just to conclude my remarks, I challenge them and ask them to remember that if this does become law today, to remain true to our commitment to protect the Moromous, to put together a solid plan of conservation for this area, to see that a full inventory of the natural resources in this area is conducted, even as this section of the bill goes forward, Mr. Speaker.

And I thank the Chamber for their indulgence and their time today.

DEPUTY SPEAKER HYSLOP:

Representative Ken Green of the 1st.

REP. GREEN: (1ST)

Thank you, Mr. Speaker. Mr. Speaker, a couple of quick questions to the proponent of the bill.

DEPUTY SPEAKER HYSLOP:

Please phrase your question.

REP. GREEN: (1ST)

Thank you. On line 271, on page 10, it talks about a waiver for persons who are receiving a license in counselling, professional counselors.

REP. DILLON: (92ND)

Yes.

REP. GREEN: (1ST)

And it states here that certain applications,

008094

57

gmh

House of Representatives

Friday, June 29, 2001

requirements could be waived and one of those requirements is that if a person receives a six-year degree or doctoral degree from a regional accredited institution. Why do we have "regional accredited institution" versus any accredited institution?

DEPUTY SPEAKER HYSLOP:

Representative Dillon.

REP. DILLON: (92ND)

Through you, Mr. Speaker. I'll have to check the cite on that. I don't think that that's a change. I don't think that "regional" is a change, but I'll be happy to get back to you on that.

Through you, Mr. Speaker.

REP. GREEN: (1ST)

Thank you. I think that if a person has a degree from an accredited institution, it really doesn't matter whether that's a regional accredited institution or maybe one nationwide.

Also, one other question. On lines 1122 to 1129, the new section that talks about residential treatment facilities doing discharge planning. If a person is in a residential treatment center, another question, through you, Mr. Speaker. If a person is a - through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

008095

58

gmh

House of Representatives

Friday, June 29, 2001

Proceed.

REP. GREEN: (1ST)

If a person is in a residential facility, say for less than ten days, is there a requirement that that person also has to have a charge plan? I guess I would be concerned about we don't say a length of stay for those individuals. So if an individual is in a residential facility for 20 months versus two weeks, you still have to do this plan and you really may not have had an opportunity to assess an individual.

So I'm just a little concerned about whether or not all individuals that may have any service from a residential facility, why they must have a discharge plan.

DEPUTY SPEAKER HYSLOP:

Representative Dillon.

REP. DILLON: (92ND)

Through you, Mr. Speaker. You said a lot of things and I want to figure out what the most important question is, but I want -- the intent of this section is to make sure that people are not just dumped back on the street.

Is that responsive to your concerns?

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

gmh

House of Representatives

Friday, June 29, 2001

Representative Green.

REP. GREEN: (1ST)

Somewhat. So we don't have any particular length of time. So if someone were to stay there for seven days, they would still have to have this discharge plan done?

DEPUTY SPEAKER HYSLOP:

Representative Dillon.

REP. DILLON: (92ND)

Through you, Mr. Speaker. This section is silent on the length of stay. But there was a concern that there are a number of people who are being turned from one institution to another and there isn't adequate coordination and some folks simply get dumped.

But your particular concern, there is silence.

DEPUTY SPEAKER HYSLOP:

Representative Green.

REP. GREEN: (1ST)

Thank you for that answer and I agree with Representative Dillon that our main concern is that we have plans for individuals and they're just not dumped on the streets.

However, I think that we have to be realistic and the resources of those facilities as to whether or not they can do discharge plans for every individual and we may want to look at whether or not we want to put some

gmh

008097
60

House of Representatives

Friday, June 29, 2001

time constraints in there.

Thank you.

DEPUTY SPEAKER HYSLOP:

Representative Cleary.

REP. CLEARY: (80TH)

Thank you, Mr. Speaker. I rise in support of this bill. This bill has had input by dozens of legislators, certainly leaders from all four caucuses, leadership of Public Health and Appropriations and Mr. Speaker, there are some 60 sections here and a lot of them I don't like.

But I think all of those people met and negotiated in good faith and came out with a product that is a consensus product.

We can go section-by-section and certainly answering questions and clarifying things is a very good thing. But no one person or one committee was responsible for this entire product.

A lot of it I think I would have written differently if I wrote it myself. But I think a lot of hard working people and good faith negotiations have come up with a product that takes care of a lot of issues in a lot of our districts and a lot of the departments and a lot of the budgetary issues within the Department of Health, DHMAS, and others and I ask for

008098

61

gmh

House of Representatives

Friday, June 29, 2001

the Chamber's support.

DEPUTY SPEAKER HYSLOP:

Representative Knopp.

REP. KNOPP: (137TH)

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

DEPUTY SPEAKER HYSLOP:

Please phrase your question.

REP. KNOPP: (137TH)

Yes. On lines 233 and 234, it references the notwithstanding provision of Chapter 474 of the General Statutes regarding the golf course issue. That's the chapter dealing with pollution.

I assume it to be the case that on line 234 when the bill also exempts the project from the regulations of Connecticut state agencies, that the only regulations we're talking about are those that implement Chapter 474 of the General Statutes.

Is that the case?

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Dillon.

REP. DILLON: (92ND)

Through you, Mr. Speaker. You are correct.

008099
62

gmh

House of Representatives

Friday, June 29, 2001

DEPUTY SPEAKER HYSLOP:

Representative Knopp.

REP. KNOPP: (137TH)

Thank you. I just raise that issue because it could be read that we're talking about Chapter 474 of the statutes and any regulation of any state agency and I didn't think that was the intention.

So I thank the proponent very much.

Mr. Speaker, just very quickly on the issues that other people have brought up. It seems to me that we've now been without reference to the merits of any particular project and with a great deal of respect for all of the individual legislators who are representing their districts so well here, that over the past five or six years we've exempted so many projects from the Connecticut Environmental Policy Act that one has to question whether or not we are doing environmental issues under any general rule of law anymore or whether we're simply doing it on a project-by-project basis without any general provisions.

And as Representative Backer said and as others have said, the purposes of these environmental statutes, their purpose is to protect the public interest. Private interests get protected all the time in courts, in the Legislature, and everywhere else, but these

008100

63

gmh

House of Representatives

Friday, June 29, 2001

statutes protect the public interest and the right of people to raise certain issues because there is a public interest in the environment. And that's all that those statutes stand for.

Again, I don't know the ins and outs of all of these issues, but given how many times we've now have exempted projects from certain types of review, I think it is becoming a general problem and one that the General Assembly, I think, needs to address sometime in the future.

And for that reason, Mr. Speaker, I will be voting in opposition to this legislation.

Thank you.

DEPUTY SPEAKER HYSLOP:

Representative Stratton.

REP. STRATTON: (17TH)

Thank you, Mr. Speaker. I too rise to briefly echo the concerns that have been made very eloquently by many of my colleagues.

I think that we have before us in this bill many issues that really are negating policies that have served the State very well for many years. They were enacted by our predecessors who sought to say that the State should hold itself to the best standards and that it should act to assure, as Representative Knopp just

gmh

008101

64

House of Representatives

Friday, June 29, 2001

said, that it acts in the public interest and that is who, indeed, we represent.

I think in specific and certainly it is true, that private individuals and private landowners in this State are not held to that same standard, but we, as a state, have earlier, anyway, said that we would operate differently and actually in action we took earlier this week, we spent some \$90 million because the State felt it was critically important that we preserve land that was protective of the water supply.

The vast majority of open space in this state that waters or even developed land in the State that actually is our watershed, is not protected. To erode that which is already subject to protection just because others, does not really seem in keeping with what the standards of our very well thought out laws are in this matter.

And similarly, I will join those colleagues who have expressed similar concerns in opposing this bill.

Thank you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Dillon.

REP. DILLON: (92ND)

Thank you, Mr. Speaker. Ordinarily, we do one public health implementer and this year we're really doing three. That is, the hospital bill yesterday, the

gmh

008102
65

House of Representatives

Friday, June 29, 2001

mental health section to come later, and this bill before us, which is an amalgam of some other bills that were in the changes bill.

I want to take the time to thank the LCO, Art Donovan, Spencer Cain and Joan Soulsby and the other people in OFA and all of the other people who worked on all of the different components that are scattered throughout different implementers because really, this is what was one of the most discussed and most visibly exposed implementation process I've been involved in.

I really respect some of the people that I heard in caucus, but I would disagree with Representative Fox, that this has always been -- he said, I think this has always been the way things have been done. Frankly, I don't think I've ever been in a caucus where an implementer was discussed. It was usually eyes only kind of thing and I think this is much healthier and frankly, some of the exclusions that are here that kind of began with UConn and Adriaen's and Patriots and all of those things, have exposed a number of problems with a lot of our statutes and I think that should be really be cause for reflection.

I don't want to be in a situation of saying I'm going to life the environmental requirements when I ask Middletown to absorb more folks because we've closed

gmh

008103
66

House of Representatives

Friday, June 29, 2001

state hospitals, to absorb a relocation and more people for Long Lane and then say we're not going to do it here.

I've got a lot of problems with that. We seem to be invoking environment and we're waiving it when it's in the interest of a powerful state and I'm not quite sure that that's always the right thing to do.

And for that reason, I certainly concur with many of the questions that have been raised, but we've had a floating standard and we've had a very, very healthy process in this particular implementer.

All of the people who were involved in all of the groups more than ever have been involved looking at it, discussing throughout the difference processes, has been very, very positive and even though I regretted opposing the amendment that was proposed, the discussion on that amendment was very positive.

It's a much more democratic process than it was seven, eight years ago. I think that sometimes is a little messier, but I think at the end of the day, it either makes better law or at least exposes that we're doing it with our eyes open.

I think that it's very, very good. It has very positive things in here. I'm happy that we're doing something through the community health centers who had

008104

67

gmh

House of Representatives

Friday, June 29, 2001

lost money in the original budgets that came to us. Happy that we're able to provide some help to deal with the serious issue of asthma screening. There's a broad consensus that we should be doing those things. We should be doing more.. I'm sorry we're not.

But there are things here that a lot of people in both of our caucuses and both of our Chambers asked for. I urge all of you of good will to support this and to move onto the next issue.

Thank you.

DEPUTY SPEAKER HYSLOP:

Will you remark further? Will you remark further?

If not, staff and guests to the Well of the House. The machine will be opened.

CLERK:

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

DEPUTY SPEAKER HYSLOP:

Have all members voted? If all members have voted, please check the machine to make sure your vote is properly recorded.

The machine will be locked and the Clerk will take a tally.

The Clerk will announce the tally.

008105

68

gmh

House of Representatives

Friday, June 29, 2001

CLERK:

Emergency Certified H.B. 7505

Total Number Voting	120
Necessary for Passage	61
Those voting Yea	95
Those voting Nay	25
Those absent and not Voting	31

DEPUTY SPEAKER HYSLOP:

The bill passes.

Representative Godfrey.

REP. GODFREY: (110TH)

Thank you, Mr. Speaker. I would move for the immediate transmittal to the Senate of the last item voted upon.

DEPUTY SPEAKER HYSLOP:

Seeing no objection, so ordered.

Are there any announcements or points of personal privilege?

Representative Beals.

REP. BEALS: (88TH)

Thank you, Mr. Speaker. With us today in the Hall of the House is my daughter, Katie Beals from Philadelphia and her son, Kyle, whose been with us for several hours. Kyle Musto, also from Philadelphia here to see how government works and I would ask everyone to