Legislative History for Connecticut Act

Act Number:	006 (June 30 Sp. Sess.)	2003
Bill Number:	6806	
Senate Pages:	4806-4830	25
House Pages:	7640-7734	95
Committee:	No Hearings	0
	Page Total:	120

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

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S-490 CONNECTICUT GEN. ASSEMBLY JUNE 30, SEPT. 2, SEPT. 8, SPECIAL SESSIONS
SENATE PROCEEDINGS 2003 VOL. 46 PART 16 4763-4909

absent and not voting, 7.

THE CHAIR:

The bill is adopted. Mr. Majority Leader.

SEN. LOONEY:

Thank you, Mr. President. Mr. President, I would move for immediate transmittal of S.B. 2002 to the House of Representatives.

THE CHAIR:

Without objection, so ordered. Mr. Majority Leader.

SEN. LOONEY:

Yes, thank you, Mr. President. On Senate Agenda No. 2, would ask the Clerk to please call the second item on that Agenda, and that is Emergency Certified H.B. 6806.

THE CLERK:

Emergency Certification, H.B. 6806 An Act Concerning General Budget And Revenue Implementation Provisions, introduced by Senator Sullivan of the 5th District, Representative Lyons of the 146th.

THE CHAIR:

Senator Gaffey.

SEN. GAFFEY:

Thank you, Mr. President. Mr. President, I move adoption of the emergency certified bill and passage.

THE CHAIR:

Motion for adoption and passage. Will you remark? Senator Gaffey.

SEN. GAFFEY:

Yes, Mr. President. Mr. President, remarking on the first dozen sections in the bill which concern education.

Mr. President, in this bill, we are adopting some changes to our special education statutes to be in conformance with federal law, the so-called IDEA law so that the State of Connecticut does not lose any federal funding. In fact, OFA projects, if you read the fiscal analysis note that in all likelihood the state could realize a couple of hundred thousand dollars in federal funding by making this change.

This bill also increases the amount of money for students that attend charter schools from $7,000 per student to $7,250 per student.

The bill before us also distributes the more than $1.5 billion in funds from the education cost sharing formula.

Mr. President, I want to take this opportunity to thank the leadership, in particular yourself and the Majority Leader, Senator Harp and Senator Daily, Senator Aniskovich, Senator DeLuca, my House counterpart

Representative Giannaros and at this point in time, Mr. President, I'd like to yield to Senator Harp.

THE CHAIR:

Senator Harp, do you accept the yield?

SEN. HARP:

Yes, I do, Sir.

THE CHAIR:

Thank you.

SEN. HARP:

Mr. President, there is an amendment. It is LCO8086.

THE CHAIR:

The Chamber is going to stand at ease for just a moment.

Madam Clerk.

THE CLERK:

LCO8086 which will be designated Senate Amendment "A". It's offered by Senator Harp and Senator Daily.

THE CHAIR:

Senator Daily. Senator Harp. After you move it, then he'll absent himself.

SEN. HARP:

I move the amendment.

THE CHAIR:

The motion is on adoption. Senator Gaffey.

SEN. GAFFEY:

Thank you, Mr. President. Mr. President, I will be recusing on this item pursuant to Rule 15.

THE CHAIR:

The record will so indicate.

Senator McDonald.

SEN. MCDONALD:

Thank you, Mr. President. I, too, will be recusing myself on the amendment.

THE CHAIR:

The record will so indicate. Senator Daily.

SEN. DAILY:

Thank you very much, Mr. President. The amendment has been moved. And I would just like to comment that it strikes from our bill before us the sections concerning CRRA which we just enacted on our last vote.

THE CHAIR:

On the amendment, will you remark further? Will you remark further on the amendment? If not, all those --

SEN. DAILY:

I would like to ask for a roll call vote on the amendment.

THE CHAIR:

Will you remark further? If not, a roll call will

be announced. The machine will be opened.

THE CLERK:

A roll call vote has been ordered in the Senate. Will all Senators please report back to the Chamber.

A roll call vote has been ordered in the Senate. Will all Senators please report back to the Senate.

THE CHAIR:

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

THE CLERK:

Total number voting, 29. Necessary for passage, 15. Those voting yea, 29; those voting nay, 0. Those absent and not voting, 7.

THE CHAIR:

The amendment is adopted. Will you remark further? Senator Harp.

SEN. HARP:

Thank you, Mr. President. There is another amendment. It is LCO8090.

Okay, I'm going to withdraw the amendment and I'm going to yield to Senator Gaffey to finish explaining the educational portion of the bill. At that time, I believe that he's going to yield to Senator Daily to talk about the tax implications of the bill.

THE CHAIR:

Senator Gaffey, do you accept the yield?

SEN. GAFFEY:

Yes, I do, Mr. President, thank you. And thank you to Senator Harp.

When we last left off, I was describing for the Chamber how we have come up with the distribution of the more than $1.5 billion of education cost sharing funds that are so important to our local school districts. I'm not going to repeat what I said, but there was an awful lot of work that went into this both on the staff level, certainly with the leadership and the members of the committees in both the House and Senate and I think that everyone deserves to be complimented for not only the long hours that were put in but the level of tolerance that people exhibited from time to time in going through this exercise.

We took particular attention to assist towns under the formula that are the so-called capped towns and distribute approximately $53 million to help those towns that are capped.

We also brought the three biggest cities in Connecticut up to current law levels and additionally we provided an extra million dollars through the distribution of this formula to assist the three largest cities.

Mr. President, I think that this is a very, very fair distribution acknowledging that the ECS formula is premised on the wealth of the municipality. It recognizes that the capped towns deserve to get a bit more in funding and it accomplishes that distribution. And while we wanted to have the cap eliminated by next fiscal year, this bill will put that off for one year recognizing that these are difficult economic times and we're doing the best we can with the tax dollars that we have to distribute back to our local school districts.

With that, Mr. President, there are some other technical changes under the bill that I think the members can readily refer to either in the OFA analysis or the OLR analysis so I will be now yielding over to Senator Daily for her to explain the balance of the bill.

THE CHAIR:

Senator Daily, do you accept the yield?

SEN. DAILY:

Thank you very much, Mr. President. Yes, I do accept the yield. I will take a minute to explain Sections 78 to 81.

We recently enacted a new corporate tax structure. This was in the bill that we voted on most recently for taxes when we voted for the budget. The bill was yet

unsigned, and this changes the corporate tax as it was placed there. It allows corporations now to choose a unitary filing or a preference fee that they would pay. That preference fee increases from $25,000 to $250,000 and yields the same, the bill yields the same revenue as our former bill.

It also places and puts in place a safe harbor so that if corporations paying their first quarterly estimate under our new tax plan, if their payments are underestimated, they will no longer, on this payment wouldn't be subject to the interest penalty.

It establishes the minimum additional tax that we did not do in the last bill.

THE CHAIR:

Will you remark further?

SEN. DAILY:

I'll explain briefly, or I won't explain, I'll say it's self-explanatory, the section on DEP increase in fees and that brings in, of course, more money to DEP.

There's a study of billboard licenses that's to be completed in the first year of the biennium and the restructuring of tourism, arts, culture into one group and a restructuring of our tourism districts.

THE CHAIR: (SENATOR WILLIAMS IN THE CHAIR)

Thank you. Will you remark further? Will you

remark further on the bill? Senator Harp.

SEN. HARP:

Thank you, Mr. President. This bill also implements the new tourism arts and cultural department, commission, and changes the boundaries for the tourism districts and as well, this bill extends until September 30, 2005, the Children's Hospice and it as well makes a number of DSS and DCF fund transfers.

It as well sets aside funding, the first year's funding mechanism for the new Arts and Cultural Commission. In the future, the Commission will make a recommendation to the General Assembly for approval of the allocation.

And again, I urge your support of this bill.

THE CHAIR: (PRESIDENT RELL IN THE CHAIR)

Will you remark further? Will you remark further? If not, would the Clerk -- Senator Gunther.

SEN. GUNTHER:

Madam President, I rise for a clarification if I may, through you.

THE CHAIR:

Senator Gunther, you have the floor, Sir.

SEN. GUNTHER:

Madam President, I suppose I should direct this through Senator Harp. Senator Harp, Senator Harp, for

clarification on Section 207, the plan to license state owned outdoor advertising locations. As I read this, it requires the OPM Secretary to develop a plan to increase revenues by licensing existing state owned outdoor advertising in conjunction with the Department of Transportation and any other state agency that owns the rights to these areas.

It then, actually, it calls about developing a plan and we usually use shall and may in our structuring of legislation. This says he must. But I take it that this, if it's the way I understand it, the OPM Secretary must submit the plan to the General Assembly by January 1st, so in essence it's like a study committee that must take and submit to the, I imagine, the committee of concern on or by January 1st on this plan.

THE CHAIR:

Senator Harp.

SEN. HARP:

Thank you, Madam President, through you. Senator Gunther, you are absolutely correct, that this is a plan and they have to report back to the General Assembly by January 1, 2004.

SEN. GUNTHER:

Thank you, Madam President.

THE CHAIR:

Thank you. Will you remark further? Senator Murphy.

SEN. MURPHY:

Thank you, Madam President. I'd just like to remark briefly on one portion of this bill that proposes to transfer a number of prisoners out of state and I do so for this reason, is that I think we have all acknowledged that this process has gone forward, that that is simply part of the solution and that it's not, and that the transfer of prisoners out of state isn't even necessarily a band aid on it. It's almost at some level a blatant avoidance of the actual problem that we have in this state.

And I hope that we take seriously, as we go forward from today, our obligation to address this problem in an absolutely comprehensive manner which is not to build more prisons, necessarily. Which is not to initially find more place for them out of state, but it's to actually take a look at a real hard look at the way we sentence prisoners, offenders in this state, the way we deal with people of pretrial status and then the way that we treat them in the system, trying to find more appropriate placements, whether it be for substance abuse or mental health treatment.

I think that this is one of the biggest mistakes

we've made in this budget. We owe an obligation to those people and we owe an obligation to our taxpayers as we go forward to try to find much better ways to spend our money than by padding the pockets of out of state prisons.

THE CHAIR:

Thank you, Senator. Will you remark further? Senator Fasano.

SEN. FASANO:

Thank you, Madam President. I have a question with respect to who will OPM report to when they do the billboard study.

THE CHAIR:

Senator Daily.

SEN. DAILY:

Thank you very much, Madam President. And through you, OPM must report their plans back to the General Assembly but the legislation does say that if there are proceeds and income to be realized from billboard licensing, 75% of that would support the Transportation Strategy Board and that study will be funded from funds from the Transportation Strategy Board if that measure is successful.

THE CHAIR:

Will you remark further? Senator Handley.

SEN. HANDLEY:

Thank you, Madam President. I have a couple of questions for Senator Harp. One, once again deals, as I agree with Senator Murphy on the issue of the sending of our prisoners out of state. I am troubled about that.

And I do notice in the bill Senator Harp, through you, Madam President, that the state is required to do business out of state and that is send persons to make contracts, only with facilities that meet the interstate compact for prisons.

Could you, do you have any sense of whether there are private as well as public facilities which would meet the qualifications of that compact?

THE CHAIR:

Senator Harp.

SEN. HARP:

Thank you, Madam President. In discussing this matter around the negotiation table, it was not clear whether or not private prisons would meet the standards of the interstate corrections compact because those standards are very high and there was some thought that since that is a requirement and if those prisons don't meet those standards then they would not be able to participate in this program.

THE CHAIR:

Senator Handley.

SEN. HANDLEY:

Thank you, Madam President. The other question I have deals with the tourism bureau and the commission that's being created. I'm a little concerned as I read this, the description of the historical council, preservation council that will work with, which will be an adjunct to the Commission. There are assigned to the State Historical Commission today, certain federal requirements for the State Historic Preservation Officer and certain other requirements dealing with the Department of Interior Landmark and National Register Programs.

I don't see any mention in there of how these commissions, how this Council or the Commission is going to address these statutory requirements that now rest with the Commission.

Thank you, Madam President.

THE CHAIR:

Thank you, Senator. Will you remark further? Senator Harp.

SEN. HARP:

Thank you. I don't know if that was her second question or not, but all of the provisions having to do with that Council remain in the law and that that

Council will actually continue to operate and advise the overall Commission.

THE CHAIR:

Thank you, Senator. Will you remark further? Senator DeFronzo.

SEN. DEFRONZO:

Thank you, Madam President. Through you, Madam President, I have a question for Senator Harp regarding the proposed prisoner transfer.

THE CHAIR:

Please proceed.

SEN. DEFRONZO:

Through you, Madam President, Senator Harp, what is the expected impact, if any, on the jobs of prison system personnel resulting from this proposal? Through you, Madam President.

THE CHAIR:

Senator Harp.

SEN. HARP:

Through you, Madam President. We don't expect there to be an impact on the prison jobs. What we're hoping is that we won't have to build another prison.

THE CHAIR:

Senator DeFronzo.

SEN. DEFRONZO:

Through you, Madam President. That's helpful. But the last part, you're expecting that we will not have to build an additional prison? That's your understanding as a result of the negotiations?

Through you, Madam President.

THE CHAIR:

Senator Harp.

SEN. HARP:

It's my understanding that we will hopefully not have to build another prison and that ultimately when we pass the entire bridges program that we will have mechanisms inside of our state to deal with the less violent prisoners.

THE CHAIR:

Senator DeFronzo.

SEN. DEFRONZO:

Thank you, Madam President. Thank you, Senator Harp. Thank you, Madam President.

THE CHAIR:

Senator Crisco.

SEN. CRISCO:

Thank you, Madam President. Madam President, I believe there isn't a member of this circle who cannot find some disappointment in this very difficult piece of legislation that was negotiated through the fine efforts

of leadership and the various committee chairmen.

However, I must state that I am very concerned about the provision that impacts the State Police personnel. For the past four years, many legislators have fought, have really worked hard to make sure that our State Police workforce became a number of 1,248 sworn police officers. This bill suspends that requirement that was set back several years ago to 2,006. I am hoping that in the months to come as we work at our revenue projections, perhaps those people who are empowered to make decisions will find some way to put us back to the 1,248 requirement at the present time.

If one looks at our state highways, at other needs throughout the whole state, one has to agree that this is a top priority and perhaps with additional federal funding, we can make a readjustment and go back to our strong commitment of attaining a trooper force of 1,248.

Thank you, Madam President.

THE CHAIR:

Thank you, Senator. Will you remark further? Senator Finch.

SEN. FINCH:

Thank you, Madam President. I'd like to ask some questions please of Senator Gaffey on Section 26 of the

bill to make sure that we have our legislative intent straight here.

We had a tremendously impassioned debate not long ago. Many of you remember it, about magnet schools, how great they are in terms of the quality of educating our children as well as the ability for them to integrate racially our schools, a challenge that's been presented through numerous lawsuits.

Both of my children were privileged to go through magnet schools and I'm sad to report that one of the magnet schools in Bridgeport which we have held up as a national success, the program was designed by Comer and Ziegler from Yale, the founders of Head Start. The parent participation level is incredible. And because of budget constraints on one of the member towns, they have not paid their tuition payments which was pretty agreed to when the school was founded in at least two years now.

And we realized through a series of, a long debate, that this really challenged the underpinnings of a marvelous program that we've all at a bipartisan level invested a lot of our political capital in. And I notice in Section 26 that the RESCs, which is an operator of the Six to Six Magnet School will have the ability to go after this $1 million fund being created

at the Department of Education.

I want to make absolutely clear that we have on the record that cases like the Six to Six Magnet School in Bridgeport which we hold in such high esteem will be given priority, and that is our intent to our soon to be named new Commissioner. Is that the intent of the legislation, Senator Gaffey?

THE CHAIR:

Senator Gaffey.

SEN. GAFFEY:

Thank you, Madam President. And through you to Senator Finch. Yes it is, Senator Finch. The leadership and the chairs of the Committee as you know, have been cognizant of the problem with magnet school, RESC magnet schools throughout the State of Connecticut and the dilemma that occurs when one municipality decides they're going to pull out of that magnet school and how that very significantly affects the budget of that magnet school.

Therefore, in fact, down in your way, one of the best magnet schools in the state, the Six to Six Magnet School was impacted this way. So we have put a million dollars in the budget, through Section 26, to distribute to those regional education service center run magnet schools to supplement funding that may have been lost

due to a participating municipality pulling out of their agreement with a magnet school.

Through you, Madam President.

THE CHAIR:

Senator Finch.

SEN. FINCH:

Madam President, I'd like to thank Senator Gaffey and the Education Committee, the members of the circle who are so committed to our magnet schools.

The irony of the situation really hits you when you drop your kids off at one of the schools and you go by a brand new, $30 million state of the art school, the expansion of the Six to Six Magnet Program, and you realize that that brand new school may not be able to operate despite the fact that we hold it in such high national regard.

I want to thank all the members of the circle for their help in this matter. This is a very constructive step. I sincerely appreciate it on behalf of the children of that school and the parents, especially from the Town of Stratford who has backed out of their commitment. Those children will not be left high and dry and I thank the members of the circle very much for their intervention. It will help a lot of families and I believe it will have ramifications far beyond that one

school because it will keep our magnet schools healthy and it will give us more time to plan for the future in this troubling issue. Thank you.

THE CHAIR:

Thank you, Sir. Will you remark further? Will you remark further? Senator Looney.

SEN. LOONEY:

Yes, thank you, Madam President. If we might stand at ease for a few moments. We're waiting for an amendment.

THE CHAIR:

The Chamber will stand at ease.

The Senate will please come to order. Senator Looney.

SEN. LOONEY:

Thank you, Madam President. Madam President, upon our recess we were in the pendency of a discussion on H.B. 6806, emergency certified bill and would ask the Clerk to please call that item.

THE CLERK:

Emergency Certified H.B. 6806 An Act Concerning General Budget And Revenue Implementation Provisions introduced by Senator Sullivan of the 5th District and Representative Lyons of the 146th.

THE CHAIR:

Senator Harp.

THE CLERK:

And Senate "A" was adopted.

THE CHAIR:

Senator Harp.

SEN. HARP:

Thank you, Madam President. There is another amendment. It is LCO8113.

THE CLERK:

LCO8113 which will be designated Senate Amendment "B". It's offered by Senator Harp of the 10th District et al.

THE CHAIR:

Senator Harp.

SEN. HARP:

Thank you, Madam President. I move adoption of the amendment.

THE CHAIR:

The question is on adoption. Will you remark?

SEN. HARP:

Thank you, Madam President. This amendment clarifies the funding distribution for various educational grants including educational cost sharing and special education grants.

It also makes technical changes to legislation in

this bill and I urge your adoption.

THE CHAIR:

The question is on adoption. Will you remark further? If not, I will try your minds. All those in favor indicate by saying "aye".

ASSEMBLY:

Aye.

THE CHAIR:

Opposed, "nay"? The ayes have it. The amendment is adopted. Will you remark further on the bill as amended? Will you remark further? Senator Harp.

SEN. HARP:

Thank you, Madam President. There is another amendment. It is LCO8114.

THE CLERK:

LCO8114 which will be designated Senate Amendment "C". It is offered by Senator Harp of the 10th District et al.

THE CHAIR:

Senator Harp.

SEN. HARP:

Thank you, Madam President. I move adoption of the amendment.

THE CHAIR:

The question is on adoption. Will you remark?

SEN. HARP:

Thank you, Madam President. This amendment eliminates the transfer of $200,000 previously carried forward in H.B. 6802 from the Spanish-American Merchants Association to a Latino community based organization, so the dollars will stay with the Spanish-American Merchants Association. I urge your adoption.

THE CHAIR:

The question is on adoption. Will you remark further? Will you remark? If not, I will try your minds. All those in favor indicate by saying "aye".

ASSEMBLY:

Aye.

THE CHAIR:

Opposed, "nay"? The ayes have it. The amendment is adopted. Will you remark further on the bill? If not, would the Clerk please announce a roll call vote. The machine will be opened.

THE CLERK:

A roll call vote has been ordered in the Senate. Will all Senators please report back to the Chamber.

A roll call vote has been ordered in the Senate. Will all Senators please report back to the Chamber.

THE CHAIR:

Have all members voted? Please check the machine

to make sure your vote is properly recorded. If all members have voted, the machine will be locked. The Clerk please announce the tally.

THE CLERK:

Total number voting, 30. Necessary for passage, 16. Those voting yea, 24; those voting nay, 6. Those absent and not voting, 6.

THE CHAIR:

The bill is passed.

Senator Looney.

SEN. LOONEY:

Yes, thank you, Madam President. Madam President, I would move for immediate transmittal of Emergency Certified H.B. 6806 to the House of Representatives.

THE CHAIR:

Without objection, so ordered.

Senator Looney.

SEN. LOONEY:

Yes, thank you, Madam President. Madam President, on Senate Agenda No. 2 the last item on that Agenda is Emergency Certified H.B. 6805 An Act Concerning Recommendations Of The Transportation Strategy Board. Would ask that the Clerk please call that item.

THE CLERK:

Emergency Certification H.B. 6805 An Act Concerning

H-908

CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS
2003

JUNE 30
AUG. 17
SEPT. 2
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SPECIAL SESSION

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Those voting Nay 23

Those absent and not voting 32

DEP. SPEAKER HYSLOP:

Emergency Certified S.B. 2002 passes.

Representative Amann.

REP. AMANN: (118th)

Thank you Mr. Speaker. Mr. Speaker I move for the immediate transmittal to the Governor.

DEP. SPEAKER HYSLOP:

The question before the Chamber is for immediate transmittal to the Governor. Seeing no objection so ordered. Clerk please call Emergency Certified H.B. 6806.

CLERK:

Emergency Certified H.B. 6806, AN ACT CONCERNING GENERAL BUDGET AND REVENUE IMPLEMENTATION PROVISIONS. Introduced by Senator Sullivan and Representative Lyons.

DEP. SPEAKER HYSLOP:

Representative Dyson.

REP. DYSON: (94th)

Mr. Speaker I move acceptance of the Joint Committees favorable report and passage of the Emergency Certified bill, please.

DEP. SPEAKER HYSLOP:

The question is on acceptance and passage, will you

remark?

REP. DYSON: (94th)

Yes Mr. Speaker. Mr. Speaker the bill that we have before us is a bill that has a number of items in it. There are items that relate to education, health, let me give you an example. Section number one, private school health reimbursement, sections 2 through 8 idea as it relates to education. Section 9, public school transportation capping. Section 10, adult ed capping. Section 11, recs lease capping, section 12, rec service capping. Section 13, private school health capping. And on and on through section 29 relates to school items, ECS included, special ed, higher ed, school readiness, priority school, school readiness competitive grant, early reading, priority school phase out, teacher certification, section 33

Section 34 to 36 the Housing Authority in New Britain. Section 37 housing, Hartford, East Hartford, New London. I'm just going through and picking some rather than go through all of them Mr. Speaker. Section 43 to 50 deal with securitization, section 43 tobacco. Section 44 to 50 Connecticut load management funds securitization. 51 distressed housing authority, 52 affordable housing, 55 Sharon Hospital, 56 Connecticut Advisory Intergovernmental Relations, 57 Bristol

Historical Society, 59 bed property tax, 60 convention bill, 61 Adriaen's Landing, 63 to 68 healthcare tax credit, Adriaen's Landing again but budget to controller. 70 auto dealers, 72 minimum income tax, 73 sales and use tax, 78 and 79 and 80 corporation tax fix. 82 Rhode Island Commission Water Commission, 83 to 91 I think deals with the HAVA which is voting for the federal program that we have to have in place all the way to 103.

The water company 104, let me go to the bill itself and conclude with those. In essence Mr. Speaker what I'm trying to point out is this bill has been put forward as kind of a catch all for a lot of things included here. Mr. Speaker I would urge members to just kind of look at the document that they have in their possession and if they have any questions about any particular piece of it I would be more than happy to try and answer the question. And if not try to direct them that does have the answer if I don't have it.

Mr. Speaker I move adoption and passage of the bill. Thank you.

DEP. SPEAKER HYSLOP:

Will you remark on the bill? Will you remark on the bill? Representative Thompson.

REP. THOMPSON: (13th)

Thank you Mr. Speaker. A question through you to the Chairman.

DEP. SPEAKER HYSLOP:

Proceed sir.

REP. THOMPSON: (13th)

Chairman Dyson would you please go to section 209? My question through you Mr. Speaker section 209 transfers $200 million appropriated within the budget act from the Behavioral Health partnership account and also another $92 million from the DCF. And as I understand this money is going to the MEDICAID account.

In another section of the budget we're transferring $400,000 from the MEDICAID account to the Office of Policy and Management for the Secretary to use that money as he sees fit. My question is, what happens to the behavioral trust, the Behavioral Health partnership?

Is that a dead issue now? Does that mean we're setting back the program that was worked out by three different departments? Through you Mr. Speaker.

DEP. SPEAKER HYSLOP:

Representative Dyson.

REP. DYSON: (94th)

Through you Mr. Speaker. There were extensive discussions about this particular piece of the Behavioral Health partnership piece. We were unable to

come to resolution on the issue. But it does not mean that we will not try to conclude discussions on it so we have every intent to going back to that issue. Through you Mr. Speaker.

DEP. SPEAKER HYSLOP:

Representative Thompson.

REP. THOMPSON: (13th)

Through you Mr. Speaker. A more specific question. Recently the court monitor was critical of the Department of Children and Families for failing to meet its obligations under the consent decree. My question is this, as I understand it part of the behavioral partnership agreement was to address issues of how we provide mental health services to children. With the idea that these services would be improved. My question is through you to the Chairman, is whether or not this does further harm the Department's ability to provide those services and to meet the consent decree's requirement or is this taking a step backward? Through you Mr. Speaker.

DEP. SPEAKER HYSLOP:

Representative Dyson.

REP. DYSON: (94th)

Through you Mr. Speaker. The discussions that we had were discussions in which there were strong feelings

on both sides of the issue. In my judgment is this to be reviewed as stepping back from trying to design the best system that we can to provide the best system that we can to provide the kind of care that we think needs to be provided. I don't think so.

It does point out, however, that there are some issues that need to be resolved that were not resolved to the satisfaction of many people participating in the discussion. So as a result it's intended to go back and look at this issue again to see whether or not we can resolve the differences. Through you Mr. Speaker.

DEP. SPEAKER HYSLOP:

Representative Thompson.

REP. THOMPSON: (13th)

I just want to point out the House we're talking about almost $300 million here that apparently had been worked out through the departments. They were going forward with this partnership. It had been something that they had worked on for many months I guess. And suddenly there's this major change.

Now it could be that some of the money is going back into different accounts, which will address some of the same issues. I'm not sure of that. And again it's something that we apparently approved in the budget. I know it came out of the Appropriations Committee with

the funds to be used that way. And now here we are you know a couple of weeks later changing it. Without, I'm not sure the Department has participated, I do know the Appropriations Committee had limited if not no participation in making this change. That's an unfortunate thing. I'll accept Chairman's Dyson's explanation but I'm really disappointed.

It seems to me that on a major, major issue like this a lot more people should have been involved in it and some explanation given. For all I know it might be appropriate but from what I can gather that's suspect. So thank you Mr. Speaker.

DEP. SPEAKER HYSLOP:

Representative Dyson.

REP. DYSON: (94th)

Through you Mr. Speaker. Might I call an LCO?

DEP. SPEAKER HYSLOP:

Proceed sir. Yes sir.

REP. DYSON: (94th)

Mr. Speaker would the Clerk please call LCO 8086.

DEP. SPEAKER HYSLOP:

Clerk please call LCO 8086 previously designated Senate "A." The Representative has asked leave to summarize.

CLERK:

LCO 8086 Senate "A" offered by Senator Harp and Senator Daily.

DEP. SPEAKER HYSLOP:

Representative Dyson.

REP. DYSON: (94th)

Thank you Mr. Speaker. Mr. Speaker LCO 8086 strikes section 154 and 155 from the bill that we previously had before us. It's a technical revision and has no fiscal impact, I move the adoption Mr. Speaker.

DEP. SPEAKER HYSLOP:

The question is on the adoption of Senate "A." Will you remark further? Will you remark on Senate "A?" If not we'll try your minds. All those in favor signify by saying aye.

REPRESENTATIVES:

Aye.

DEP. SPEAKER HYSLOP:

Those opposed? The ayes have it Senate "A" is adopted. Will you remark further on the bill as amended? Representative Dyson.

REP. DYSON: (94th)

Mr. Speaker the Clerk has LCO 8113, would he please call and I be allowed to summarize?

DEP. SPEAKER HYSLOP:

Clerk please call LCO 8113 previously designated

Senate "B." The Representative has asked leave to summarize.

CLERK:

LCO 8113, Senate "B" offered by Senator Harp and Senator Daily.

DEP. SPEAKER HYSLOP:

Representative Dyson.

REP. DYSON: (94th)

Thank you Mr. Speaker. Mr. Speaker, this amendment clarifies the funding distribution for various education grants including ECS' special ed. The amendment also makes various technical changes to clarify legislative intent.

DEP. SPEAKER HYSLOP:

Excuse me Representative Dyson, could you hold up a minute some of the members are indicating that they do not have a copy of the amendment. The Chamber will stand at ease for a moment. The Chamber will come back to order. Representative Dyson you may proceed sir.

REP. DYSON: (94th)

Thank you Mr. Speaker. I will repeat. This amendment clarifies the funding distribution for various education grants including ECS and special education. The amendment also makes various technical changes to clarify legislative intent on various items. And finally

the amendment requires Hartford to pay $1 million in funding received for education equalization to their teachers' retirement system. Mr. Speaker I move adoption of the Amendment.

DEP. SPEAKER HYSLOP:

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

REPRESENTATIVES:

Aye.

DEP. SPEAKER HYSLOP:

Those opposed? The ayes have it, Senate "B" is adopted. Will you remark further on the bill as amended? Representative Dyson.

REP. DYSON: (94th)

Thank you Mr. Speaker. Mr. Speaker the Clerk has LCO 8114 would he please call and I be allowed to summarize?

DEP. SPEAKER HYSLOP:

Clerk please call LCO 8114, previously designated Senate Amendment "C" the Representative has asked leave to summarize.

CLERK:

LCO 8114 Senate "C" offered by Senators Harp and

Daily.

DEP. SPEAKER HYSLOP:

Representative Dyson.

REP. DYSON: (94th)

Thank you Mr. Speaker. Mr. Speaker this is another technical amendment, it eliminates the transfer of $200,000 previously carried forward in H.B. 6802 from the Spanish American Veteran Association to the Latino community based organization founded in 1975. Mr. Speaker I move adoption of the amendment.

DEP. SPEAKER HYSLOP:

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

REPRESENTATIVES:

Aye.

DEP. SPEAKER HYSLOP:

Those opposed? The ayes have it. Will you remark further on the bill as amended? Will you remark further on the bill as amended? Representative Dyson.

REP. DYSON: (94th)

Mr. Speaker I've briefly described the bill that is before us and as amended. Mr. Speaker I move adoption, I ask the members of the Chamber to support the bill.

Thank you.

DEP. SPEAKER HYSLOP:

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

REP. GODFREY: (110th)

Thank you Mr. Speaker. On a very minor point a question to the distinguished Chairman of the Appropriations Committee?

DEP. SPEAKER HYSLOP:

Proceed.

REP. GODFREY: (110th)

Representative Dyson I would like to refer to section 207 of the bill on page 225. It would be line 7270 through 7283. This requires that the Secretary of OPM develop a plan to increase revenue by licensing existing state-owned outdoor ed by advertising locations and submitting that plan to the General Assembly next January 1st.

And then it describes some of the pieces of the plan and then provides funding for it. And just for legislative intent I wanted to make it perfectly clear. Sir do you agree that this merely empowers the Secretary of Office of Policy and Management to develop a plan and not implement one. And indeed that this plan has to come back to the General Assembly for the General Assembly to

make a decision on whether to go forward with it or not?

DEP. SPEAKER HYSLOP:

Representative Dyson.

REP. DYSON: (94th)

Through you Mr. Speaker. That would be my reading on it that there was not, that there was to be the development of a plan and not to move forward though.

REP. GODFREY: (110th)

Thank you very much Madam Speaker.

DEP. SPEAKER FRITZ:

Representative Godfrey.

DEP. SPEAKER FRITZ:

Representative Dyson?

REP. DYSON: (94th)

Madam Speaker I'm finished.

DEP. SPEAKER FRITZ:

Representative David McCluskey.

REP. MCCLUSKEY: (20th)

Thank you Madam Speaker. Madam Speaker several questions through you to, I'm going to start with the Chair of the Finance Committee through you Madam Speaker. In section 196 of the bill we apparently pay the, I think it's the for the State Banking Department we're moving it to 960 Main Street in Hartford.

Through you Madam Speaker has the State bought this

building yet?

DEP. SPEAKER FRITZ:

Representative Stillman.

REP. STILLMAN: (38th)

Madam Speaker may I have a moment to find the section in the bill?

DEP. SPEAKER FRITZ:

Certainly.

REP. STILLMAN: (38th)

Madam Speaker.

DEP. SPEAKER FRITZ:

Please proceed madam.

REP. STILLMAN: (38th)

Thank you Madam Speaker. I appreciate the patience of the Chamber. It's my understanding that, this is the same building where the Capitol Community Technical College is. We do own a third of the building that, it's my understanding that the area that the Banking Commission will be moving into will be rented. We do not own it at this point. And so the answer is we own a third of the building.

DEP. SPEAKER FRITZ:

Representative McCluskey.

REP. MCCLUSKEY: (20th)

Thank you Madam Speaker. So, I apologize. I thought

it was different building that's right across the street form Capitol Community Technical College. I didn't think we owned the building at all because I believe we are paying rent to the owner of the building for the Capitol Community Technical College. I guess I feel a little better that we're not buying a building and taking it off of the City of Hartford's tax rolls.

And at the same time the developer of Constitutional Plaza whose been sinking a lot of money into revitalizing that important piece of property is going to be loosing a revenue stream. But I guess I feel a little bit better about that.

Another question through you to the Chair of the Finance Committee through you Madam Speaker. In section 33 of the bill we securitize the tobacco settlement monies. My question is, how much left of the tobacco settlement revenue stream will be left after we securitize it? Through you Madam Speaker.

DEP. SPEAKER FRITZ:

Representative Stillman.

REP. STILLMAN: (38th)

Thank you Madam Speaker. It is my understanding that there will be $50 million available to be utilized each year for each of the two years for the Conservation loan management fund.

DEP. SPEAKER FRITZ:

Representative McCluskey.

REP. MCCLUSKEY: (20th)

Maybe I was in the wrong section I thought I was talking about the tobacco securitization. And I guess my question is we're securitizing X percentage of the revenue stream from the tobacco settlement. And I'm wondering how much left of that revenue stream because I think it's a 20 year revenue stream or something like that, which is declining based on the sales in the State. How much left of that revenue stream do we have?

DEP. SPEAKER FRITZ:

Representative Stillman.

REP. STILLMAN: (38th)

Thank you. Through you Madam Speaker. I apologize we have to securitization items in this budget. On the tobacco side it's my understanding though if the monies do come in from the tobacco companies over the next 20 years there'll be probably about $1 billion left after the securitization, because we are only securitizing only $300 million.

DEP. SPEAKER FRITZ:

Representative McCluskey.

REP. MCCLUSKEY: (20th)

Was it a billion that you said that would be left?

Through you Madam Speaker.

DEP. SPEAKER FRITZ:

Representative Stillman.

REP. STILLMAN: (38th)

Thank you Madam Speaker. It's my understanding, yes. A billion over 20 years.

REP. MCCLUSKEY: (20th)

Thank you Madam Speaker. Through you another question regarding tobacco securitization. I was looking through the fiscal note and I really didn't see what we anticipated the securitizing would yield as a percentage. My understanding is we were talking about anywhere from between getting 30% on the dollar to about 40%? Have we got any better estimates from OFA regarding how much we're going to get for securitizing? Through you Madam Speaker.

DEP. SPEAKER FRITZ:

Representative Stillman.

REP. STILLMAN: (38th)

Thank you Madam Speaker. Through you to the Representative. It could be anywhere between 30 and 50 cents. It's hard to know at this point since it's a transaction that will take place next year if at all. Then it will be determined at that time.

DEP. SPEAKER FRITZ:

Representative McCluskey.

REP. MCCLUSKEY: (20th)

Thank you Madam Speaker. I'm very concerned about this through you Madam Speaker. We essentially fretted away most of the money that we've gotten from the tobacco settlement money and dumped it into the general fund. I have a real problem raising cigarette taxes and at the same time stealing money from the tobacco settlement that was monies that the State won based on our MEDICAID population and not using hardly any of that money on smoking cessation or other public health programs.

A question through you to the Chairman of the Appropriations Committee.

DEP. SPEAKER FRITZ:

Representative Dyson. Representative Dyson. Please proceed Representative McCluskey.

REP. MCCLUSKEY: (20th)

Thank you Madam Speaker through you to the distinguished Chairman of the Appropriations Committee. On line 8544 on page 265 a sum of $400,000 appropriated to DSS for MEDICAID is now going to be transferred to the Office of Policy and Management for other expenses for use at the discretion of the Secretary. Through you Madam Speaker. What is the purpose of using this money?

Or to the best of the knowledge of the Chair of the Appropriations Committee, do we have any idea what the Secretary of OPM plans to do with this MEDICAID money?

DEP. SPEAKER FRITZ:

Representative Dyson.

REP. DYSON: (94th)

Through you Madam Speaker. I remember the discussion, I just don't remember the details of what the $400,000 will be used for. Through you Madam Speaker.

DEP. SPEAKER FRITZ:

Representative McCluskey.

REP. MCCLUSKEY: (20th)

Through you Madam Speaker. Through you that appears to be the common answer today not and with all due respect not just by the distinguished Chairman of the Appropriations Committee but by other people bringing out bills tonight. I have another question through you to the Chairman of the Appropriations Committee. It's section 174 on page 194 regarding the State trooper, the sworn strength of the State Police. Through you Madam Speaker. My understanding is that we're going to, this General Assembly in 1998 decided it was important to set the sworn level of the State Police. This was in response to an incident in eastern Connecticut where the

response time of the State Police was unfortunately not as good as we would like it. But given the strength of the State Police at that time it was the best we could do. My understanding the way that, and I apologize I'm trying to find, here 174. Is we're saying right now the current law is that the Commissioner of Public Safety shall have the minimum of 1248 and we're going to eliminate that requirement and delay it until January 1, 2006.

And through you Madam Speaker, my understanding is that there are several State Police classes that are ready to get their 20 years out, they're very big State trooper classes. Not the normal of 40 to 60 we're talking about classes of 80 or 100. And the fiscal note talks about what the State Police strength will be at the end of the biennium. But what it doesn't say is what the sworn trooper strength will be by January 1, 2006. And it's not just the technical point through you Madam Speaker, it takes six months to train a State Police class.

So I'd really like to know what we anticipate the size of the State Police will be on January 1, 2006 if we don't run several classes of State troopers. Because my understanding, as I said earlier, we're going to be loosing a lot of State troopers due to retirement. And

so I just want to know does OFA know what, have they anticipated how many State troopers are going to be leaving during that time frame?

DEP. SPEAKER FRITZ:

Representative Dyson.

REP. DYSON: (94th)

Through you Madam Speaker we had some extensive discussions regarding the State Police, the numbers. Given what we were attempting to do and that is to find every way we could to be as cost efficient as possible. We initially had set out that a class would be started in December of '03 and it got pushed off for a six months I think so we're talking mid-year '04. And part of that rationale being that we're expecting to get monies from the feds to be able to do this with the class.

So thereby, not having to use monies that we have and the other part of your question pertains to reducing the statutory number for, the number of police. I think through you Madam Speaker a number of things are dealt with here. Everything has been tightened and yet we're going to do a class, the class is going to be delayed about 4 or 5 months. If we are successful with the class we will turn out the bulk of that class and maybe our retirements will not be as extensive as could be under

other circumstances. Madam Speaker, given the circumstances I think we're doing quite well with what we have here. Through you Madam Speaker.

DEP. SPEAKER FRITZ:

Representative McCluskey.

REP. MCCLUSKEY: (20th)

Thank you Madam Speaker. Through you and I appreciate the comments of the distinguished Chair of the Appropriations Committee. I'd feel a little better if we lowered the number in the interim rather than postpone it. Because as I said earlier there are several large State trooper classes that will get their 20 years.

And Madam Speaker through you, in the last several years once State troopers get their 20 years they're out. We're not doing a good job of keeping State troopers beyond their 20th year of service. They're burnt out, they're worn out and they're not staying. So given the fact that it takes six months to train a State trooper and actually another six weeks after that before they're on the road alone, I have some real concerns regarding that section. Through you Madam Speaker.

Another question through you to the proponent of the bill.

DEP. SPEAKER FRITZ:

Please proceed.

REP. MCCLUSKEY: (20th)

Through you. Representative Dyson on page 181 of the bill it's concerning sending the 2,000 prisoners out of state. And my, one of the questions I have, through you, for purposes of legislative intent. It's my understanding that it's been suggested that this transfer of 2,000 inmates out of the State of Connecticut will not result in any layoffs of corrections officers and not result in the closure of any existing State correctional facilities.

Through you Madam Speaker, is that your understanding?

DEP. SPEAKER FRITZ:

Representative Dyson.

REP. DYSON: (94th)

Through you Madam Speaker. The question essentially was whether or not the inmates out of state would result in the closing of a prison facility?

REP. MCCLUSKEY: (20th)

Through you Madam Speaker. Either a closure of a facility or layoffs of any corrections officers, lieutenants or other DOC personnel.

REP. DYSON: (94th)

Through you Madam Speaker, we did not have the

discussion specifically. I don't think there was any concern that there would be a requirement or a need to lay any personnel off or to close another prison. However, I'm glad you brought the question up. Because the issue related to overcrowding.

Which is an issue that I had an amendment to be brought here on the floor tonight to deal with that very issue. And I had every intention of doing that. I have been given a commitment by the leadership in this General Assembly that we will be able to bring this issue during the Call, in the Call of the next session. It affords me an opportunity to make that known to this body that a commitment has been made by the leadership that we are going to have as a part of the next call the issue related to prison over crowding.

In response to your question to make it clearer. We had no discussions about layoffs, no prison closing. But we will be talking about prison over crowding in the next session. Thank you. Through you Madam Speaker.

DEP. SPEAKER FRITZ:

Representative McCluskey.

REP. MCCLUSKEY: (20th)

Thank you Madam Speaker. Through you and to the Chairman of the Appropriations Committee that perhaps there are other things that we could do to deal with

issue of prison overcrowding rather than transfer 2,000 of our prisoners out of State. I guess I just have a couple more questions. And I'm actually looking forward to seeing your proposal on it and I would like to support it because I think our prison facilities have people in them with substance abuse and mental illnesses that shouldn't be there. And it's a very costly way to address those issues.

Through you Madam Speaker to the Appropriations Committee Chairman. On the transfer of the 2,000 prisoners out of State. If they were in-State those employees would be paying property taxes to their local municipality, they would be paying State income tax. Is there a revenue loss as it relates to the wages that might be provided to the State of Connecticut if these services were provided in-State? Through you Madam Speaker.

DEP. SPEAKER FRITZ:

Representative Dyson.

REP. DYSON: (94th)

Through you Madam Speaker. I don't know if there is any loss or not. It is not a question that we have posed in such a manner in which we would have gotten that kind of information. It's not a question that I'm able simply because that question hasn't been asked as to whether or

not there would be a loss based on wages not paid. Through you Madam Speaker.

DEP. SPEAKER FRITZ:

Representative McCluskey.

REP. MCCLUSKEY: (20th)

Thank you Madam Speaker through you and I appreciate the gentleman's remarks. I have another question through you Madam Speaker regarding this issue. It's my understanding that in the past with the 500 prisoners that we've allowed to go out of State that the State has incurred expenses as it relates to law suits and settlements to the State of Connecticut as results of actions taken by I think it's the state of Virginia, as it relates to this. Has OFA calculated what the range might be should we not be more successful in where we locate these, four times as many prisoners out of state? Through you Madam Speaker.

DEP. SPEAKER FRITZ:

Representative Dyson.

REP. DYSON: (94th)

Through you Madam Speaker. I'm not sure of the response that Representative McCluskey is looking for. If he could rephrase that question I'd be more than happy to try and give an answer. But I'm not quite sure as to what the question asks. So if he would do it again

for me Madam Speaker.

DEP. SPEAKER FRITZ:

Representative McCluskey would you please rephrase your question?

REP. MCCLUSKEY: (20th)

Thank you, I will try my best. I guess what I'm getting at is we have experience with the 500 prisoners that we have transferred out of state. It's resulted in additional costs above and beyond those that we paid the state of Virginia, okay? So I guess what I'd like to know, has OFA figured out, based on our experience in the state of Virginia, what is the possible additional cost to the State of Connecticut above and beyond the actual you know incarceration, you know the contract that we let. I mean, or let me be even clearer, Madam Speaker through you.

How much did the State of Connecticut pay in legal fees and lawsuits and whatever on the 500 prisoners that we currently have incarcerated out of state? Through you Madam Speaker.

DEP. SPEAKER FRITZ:

Representative Dyson.

REP. DYSON: (94th)

Thank you. Through you Madam Speaker. I understand the question better now. I do not know how much the

State paid in legal fees. I do not know how much the State paid in response to lawsuits. So I would suspect that isolated those expenditures probably still makes it advantageous. For what it is that we're doing. Now because I use the term advantageous does not mean that I support the notion.

Through you Madam Speaker. It does not mean that I support the notion of inmates out of State. But given that we don't have a better way of dealing with the overcrowding situation, I'm certainly not about the mood toward wanting to build additional prisons. So if we're not building additional prisons, they're over crowded and there's a resistance to opening the gates to let them out.

I would suspect that the only other alternative that we have is out of State. But I would be happy to hear from Representative Lawlor if I might, if I can do that, I don't know if I can, to respond to the question.

DEP. SPEAKER FRITZ:

Representative Dyson, Representative McCluskey has the floor.

REP. DYSON: (94th)

Thank you.

DEP. SPEAKER FRITZ:

Therefore it would be Representative McCluskey who

would have to do the yield.

REP. MCCLUSKEY: (20th)

Thank you Madam Speaker. I guess I would like to restate my question and ask it to the distinguished Chair of the Judiciary Committee.

DEP. SPEAKER FRITZ:

Please proceed sir.

REP. MCCLUSKEY: (20th)

Through you to the Chair of the Judiciary Committee. Do you have any better understanding or more specific understanding about the cost above and beyond the actual cost of the contract for the state of Virginia to the State of Connecticut as it relates to lawsuits and other expenditures.

And actually in addition, Madam Speaker through you, have we reached any, have there been any settlements with any like legal aid or CCLU as it relates to a kind of higher platform of extending services or rights to those out of state prisoners? Through you Madam Speaker.

DEP. SPEAKER FRITZ:

Representative Lawlor from East Haven.

REP. LAWLOR: (99th)

Thank you Madam Speaker. Did you say Staven?

DEP. SPEAKER FRITZ:

Staven.

REP. LAWLOR: (99th)

Thank you Madam Speaker. Madam Speaker, yes I do know the answer to the question. In fact it's one of those situations the more questions you ask the more horrifying it becomes in terms of the cost of all of this to us. But the basic cost for the 500 inmates in Virginia is $12 million that's the per diem cost for the 500 inmates.

In addition to that there's a whole assortment of costs that are not included. For example, the original 500 that were sent down to Wallens Ridge which was the super-max that was advertised as the worst of the worst. Those 500 are no longer down there. Our former commissioner pulled all of our inmates out of Wallens Ridge because they refused to comply with his requests for information.

And they were then relocated to Greensville. Now Greensville is a relatively low security facility and there's totally different inmates down there. So the cost of moving the old 500 back and the new 500 down was over and above the cost of the contract. So each of those inmates going back and forth to Virginia with one or two corrections officers being paid overtime to transport them down and transport them back, none of

that's included. Beyond that, all of the extraordinary medical care above and beyond the most basic medical care is not included in the contract. So for example any inmate who sustains any type of an injury or requires any type of hospitalization we receive a direct bill of that because it's not included in the actual cost of the contract.

In addition to that we have full-time Department of Corrections employees down there acting as our monitors. I believe there are two down there. So we're paying their salaries plus the cost of their housing and that's over and above the $12 million in the per diem rate. In addition to that as you've pointed out there's a good deal of litigation that's been taking place.

In the two suits that have been settled to date the State paid out a total of $1.9 million. And the basis for our liability in that was that the two inmates involved, both of whom died in Wallens Ridge, one jumped off his bunk - this is David Tracy. Jumped off his bunk while the corrections officers were looking through the door watching him dive, but waited almost 5 minutes before they entered the cell.

In other words he was already dead before they decided to open the door to see if they could recessitate him. In his case the liability for the State

of Connecticut was that he was an inmate with mental illness. And pursuant to the contract we're not supposed send inmates with mental illness to Virginia. And because we violated the terms of our own contract it was the State's negligence in sending - willful apparently - in sending him down there in the first place. That caused us to have to pay I think in his case was $1 million or $1.1 million to his estate.

The other inmate was Lawrence Fraser who was a very bad guy in on a very lengthy sentence. In fact this was mentioned in today's newspapers, that particular death. I think we paid out $800,000. Our liability there was because in violation of our own contract with Virginia we sent him down there, an inmate with mental illness and an inmate with a chronic medical condition. Both of which we're not supposed to send to Virginia.

The cause of his death as it turns out was the guards down there were armed with these ultron stun guns and they used them on him because he was in a diabetic shock. And they strapped him to a gurney, pushed him in the corner with no medical care for a few hours and when they checked back he apparently was dead.

And subsequently it was determined the cause of death the use of the stun guns. And subsequent to that Virginia banned the use of stun guns on inmates.

However, our problem was that we sent him down there in violation of our own contract and therefore, we had to pay I think it was $800,000 in his case. Now the $1.9 million in total on those two doesn't include the cost of litigation. The contract we had and still have with Virginia requires us to litigate all of this under Virginia law in the state of Virginia.

So we have to hire our own attorneys general, I mean they're already on the payroll, fly them down there, plus retain local counsel. Now that of course that doesn't include the lawsuits that were filed against members of the General Assembly by the warden because he felt that he had been defamed. Because on a visit, which Representative Hyslop, myself, the late Senator Penn and Representative Farr went down there and there was some reporting in the paper of our impressions on the visit. We were all sued by the warden in his individual capacity claiming that he was being defamed.

Now our attorneys general had to represent myself and the other legislators. Plus we had to hire local counsel down there. And in addition to all of that, our commissioner, the former commissioner, the staff had been flying back and forth because of all the problems with this contract none of that is included.

I just want to emphasize, the original contract $12

million per diem rate for a super maximum security inmates. Which are typically more expensive to house. Currently the inmates are relatively minimum, medium security inmates, the least expensive. None of them can be HIV positive, none of them can have mental illness, none of them can have a chronic mental condition, none of them can have pending charges. So the least expensive inmates to manage are now down there but we're paying the same per diem rate.

We've asked the Office of Fiscal Analysis to determine how much it actually cost us to have those inmates down there above and beyond the $12 million, they have been unable to ascertain the total but it's very significant. I hope that answers your question.

DEP. SPEAKER FRITZ:

Representative McCluskey.

REP. MCCLUSKEY: (20th)

Thank you Madam Speaker. Another question to the Chairman of the Judiciary Committee. Through you Madam Speaker. Are there any outstanding lawsuits that are currently pending that have not been resolved on the current 500 prisoners that are out of state? Through you Madam Speaker.

DEP. SPEAKER FRITZ:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you Madam Speaker. In fact there are a number of other pending lawsuits. There is a suit claiming $240 million, which names the state of Virginia and others as a defendant, involving the death of Larry Frasier I believe or inmate Tracy. And I believe that the State of Connecticut may be brought in as a defendant by the state of Virginia if they're held liable for those two deaths in that federal lawsuit. There's a concern that we will be brought in, because we as I said earlier, sent those inmates down.

So it will be a claim against the State of Connecticut by the state of Virginia. And as far as I know even though all of this resulted from the negligence of the employees of the Virginia Department of Corrections. No claim has been made by the State of Connecticut against Virginia offset on the amount we owe under the contract.

In fact, as I understand it, if this bill passes tonight it's anticipated we'll attempt to send additional inmates to the state of Virginia and expose ourselves to further litigation. So that's what I'm aware of. I believe there's several other lawsuits involving mental health care filed by attorneys in the State of Connecticut representing inmates currently in

the State of Connecticut and in the state of Virginia.

DEP. SPEAKER FRITZ:

Representative McCluskey.

REP. MCCLUSKEY: (20th)

Thank you Madam Speaker. Through you to the Chairman of the Judiciary Committee. It's my understanding that the Supreme Court in the last year or two made a distinction between private prison guards as it relates to corrections guards in terms of liability.

I guess I'd like to know do you, because the bill as it is allows the State of Connecticut to contract with a private for-profit prison, I guess I'd like to ask is there any potential additional exposure for the State of Connecticut if we choose to contract through a private for-profit prison? Through you Madam Speaker.

DEP. SPEAKER FRITZ:

Representative Lawlor.

REP. LAWLOR: (99th)

Thank you Madam Speaker. You are correct, there was a recent United States Supreme Court decision indicating that while normally corrections officers employed by states and local governments enjoy a type of sovereign immunity or an indemnification that is not the case for private correctional operations. Some of these private corporations, which operate prisons have been to know to

usurp a lot of business in other words declare bankruptcy when they're faced with significant lawsuits. And of course if that were the case the deep pocket that would remain would be the State of Connecticut if we had contracted with a private organization, which subsequently bottomed up, which many of these private prisons have had. In fact almost all of them have been faced with significant litigation.

And in particular the state of Louisiana is probably the best example of the kind of legal exposure states suffered because of the malfeasance of the private contractor. So they do enjoy that option of simply bankruptcy avoiding any litigation. Of course we would be a deep pocket in that situation.

DEP. SPEAKER FRITZ:

Representative McCluskey.

REP. MCCLUSKEY: (20th)

Thank you Madam Speaker. I appreciate the distinguished gentleman for his comments. I just wanted to get on the record the fact that this General Assembly is potentially exposing - not to a cost savings as indicated by OFA regarding this - but that there are a lot of unknowns that could not only mitigate the potential savings.

But in fact we don't know whether or not the fact

that had we done this in-state that those employees would be paying state income tax. That those employees if they're state employees enjoy the protection of being state workers not exposing the state to potential lawsuits as a result of actions taken by private for-profit prison guards.

So I just thought it was important to this Chamber to be aware of those things. Thank you Madam Speaker.

DEP. SPEAKER FRITZ:

Thank you Representative McCluskey. Representative Congdon.

REP. CONGDON: (42nd)

Thank you Madam Speaker. If I may a few questions to the Chair of the Appropriations Committee.

DEP. SPEAKER FRITZ:

Please proceed sir.

REP. CONGDON: (42nd)

Yes, I understand that $85 million is going to be appropriated out of the Pequot fund this year down from $135 million or so. Is that correct? Through you Madam Speaker.

DEP. SPEAKER FRITZ:

Representative Dyson.

REP. DYSON: (94th)

Through you Madam Speaker. I think the high end for

Pequot is $135 maybe $137. The current year was $106 but now is down to $85 yes. Through you Madam Speaker.

DEP. SPEAKER FRITZ:

Representative Congdon.

REP. CONGDON: (42nd)

Through you Madam Speaker. If I could ask a couple of questions for the purpose of legislative intent.

DEP. SPEAKER FRITZ:

Please proceed sir.

REP. CONGDON: (42nd)

Through you Madam Speaker. Under section J of section 3-55J there was $47.5 million appropriated last year that increased everyone's portion of the Pequot formula proportionately. Is that correct? Through you Madam Speaker.

DEP. SPEAKER FRITZ:

Representative Dyson.

REP. DYSON: (94th)

If the Speaker would ask Representative Congdon to please repeat the question please about section J.

DEP. SPEAKER FRITZ:

Representative Congdon would you please repeat your question?

REP. CONGDON: (42nd)

Yes Madam Speaker. Through you to Representative

Dyson. If I read section J of section 3-55J correctly it appropriated $47.5 million and distributed that $47 million through the Pequot formula proportionately through sections A through I. Through you Madam Speaker.

REP. DYSON: (94th)

Through you Madam Speaker. That's correct.

DEP. SPEAKER FRITZ:

Representative Congdon.

REP. CONGDON: (42nd)

Thank you. So for the purpose of legislative intent we have now gone from $135 million down to $85 so we're reducing that. Should the proportionate share of each community be proportionately the same reduction as it was the increase? Through you Madam Speaker.

DEP. SPEAKER FRITZ:

Representative Dyson.

REP. DYSON: (94th)

Through you Madam Speaker. I agree with that.

DEP. SPEAKER FRITZ:

Representative Congdon.

REP. CONGDON: (42nd)

Thank you Madam Speaker. Again, through you Madam Speaker if I go through the OFA and OPM runs and I take North Stonington for example -

DEP. SPEAKER FRITZ:

Please proceed sir.

REP. CONGDON: (42nd)

Thank you. If I go for example to North Stonington they'd receive a 47% reduction in the Pequot formula and if I go to the city of Bridgeport they'd receive a 15% reduction in the Pequot formula through the OFA and OPM's run.

Through you Madam Speaker. Could you explain to me why those percentages are different?

DEP. SPEAKER FRITZ:

Representative Dyson.

REP. DYSON: (94th)

Through you Madam Speaker. The best answer I can give as to why those percentages are different is probably is driven by, it is probably driven by some attempt to lessen the impact of the reduction on the host towns. I'm not so sure they've succeeded in doing it but I think that was the concern at the time that the discussions were taking place. Through you Madam Speaker.

DEP. SPEAKER FRITZ:

Representative Congdon.

REP. CONGDON: (42nd)

Thank you Madam Speaker. If I heard you correctly the intent was to lessen the impact for the host

communities. North Stonington is a host community they have a 47% reduction, Ledyard is a host community they have a 42% reduction, Bridgeport is not a host community, they receive more in the Pequot formula than all of the 20 towns Southeastern Connecticut combined and they have a 15% reduction.

For the purposes of legislative intent I don't think it was met. Through you Madam Speaker.

DEP. SPEAKER FRITZ:

Representative Dyson.

REP. DYSON: (94th)

Thank you, through you Madam Speaker. Based on what I just heard I'm inclined to agree with Representative Congdon that even though the intent was there to lessen the impact the results may not show that. Through you Madam Speaker.

DEP. SPEAKER FRITZ:

Representative Congdon.

REP. CONGDON: (42nd)

Thank you Madam Speaker. The Clerk has in his possession LCO 8083. I ask him to call it and I may be able to summarize.

DEP. SPEAKER FRITZ:

Will the Clerk please call LCO 8083, designated House "A."

CLERK:

LCO 8083 House "A" offered by Representative Congdon.

DEP. SPEAKER FRITZ:

Representative Congdon.

REP. CONGDON: (42nd)

Thank you Madam Speaker. What this amendment does is eliminate section J replace the appropriation of $47.5 million and returns the funds back to basically its original form of $85 million with $2.5 million in aid to host communities. Then it appropriates any reduction in that fund proportionately from sections A through I. This would be a fair appropriation and I think this would meet the intent that Representative Dyson was saying was the legislative intent in this. I move adoption.

DEP. SPEAKER FRITZ:

Will you remark further on the amendment before us? Will you remark further on the amendment before us? Representative Dyson.

REP. DYSON: (94th)

Just for purposes of a fiscal not, just waiting to get one.

DEP. SPEAKER FRITZ:

The Chamber will please stand at ease.

Representative Dyson. Will the Chamber come back to order please. Representative Dyson I do believe you had the floor.

REP. DYSON: (94th)

Thank you Madam Speaker. I've had a chance to get the fiscal note. And the fiscal note says it increases funding to the hosts communities by reducing funds to all other towns. I would just ask Representative Congdon how much was that and he indicated that it's around a million dollars I believe moved around among all the towns.

I would love to see what around would look like, so I could see what the impact of it would be and I don't have that. So I guess I'll have to oppose it just because I don't have an idea what that impact would be on whom, what town or whatever. So I oppose the amendment.

DEP. SPEAKER FRITZ:

Will you remark further on the amendment before us? Will you remark further on the amendment before us? If not let me try your minds. All those in favor please signify by saying aye.

REPRESENTATIVES:

Aye.

DEP. SPEAKER FRITZ:

Those opposed nay.

REPRESENTATIVES:

Nay.

DEP. SPEAKER FRITZ:

The amendment is rejected. Will you remark further on the bill before us? Representative Diamantis, Representative Ken Green.

REP. GREEN: (1st)

Thank you Madam Speaker. Madam Speaker a couple of questions to the proponent of the amendment for the Emergency Certification.

DEP. SPEAKER FRITZ:

Please proceed sir.

REP. GREEN: (1st)

Thank you Madam Speaker. In section 60, 6-0 some clarification as it relates to additional powers from what I believe here are CEDA and Hartford's Adriaen's Landing. That's on page 68 lines 2184 to lines 2194. Thank you a question through you Madam Speaker. On line 2184 there is an additional language that talks about that authority being able to lease on-site related private development.

Just some clarification. Currently if there is some private development on that Adriaen's Landing would they be paying full taxes or would the be subjected to a

reduction in taxes because they're on Adriaen's Landing, private development.

DEP. SPEAKER FRITZ:

Representative Dyson.

REP. DYSON: (94th)

Through you Madam Speaker. I think that's a question better asked of the Finance Committee Chairman, Ms. Stillman.

DEP. SPEAKER FRITZ:

Representative Stillman do you care to respond?

REP. STILLMAN: (38th)

Madam Speaker if I may have a moment I didn't know the question was going to posed to me, so I may look at the section, thank you.

DEP. SPEAKER FRITZ:

Absolutely.

REP. STILLMAN: (38th)

Madam Speaker.

DEP. SPEAKER FRITZ:

Representative Stillman.

REP. STILLMAN: (38th)

Thank you Madam Speaker. Having reviewed the section I'm somewhat confused as to what the question was. So if I may ask you to ask Representative Green to restate the question please through you.

DEP. SPEAKER FRITZ:

Representative Green could you kindly restate the question for the benefit of Representative Stillman.

REP. GREEN: (1st)

Thank you Madam Speaker. Madam Speaker, through you. Just trying to get clear, because this appears to be new language about leasing and about entering into a lease with other on-site related private development. I'm just wondering if a lease agreement with private developers would that change the tax structure in terms of the tax structure being paid fully to the city for that private development or would they then be subject to whatever arrangements we have with some sort of reduced taxes based on development in Adriaen's Landing.

DEP. SPEAKER FRITZ:

Representative Stillman.

REP. STILLMAN: (38th)

Thank you Madam Speaker. Through you to the Representative. It is my understanding that they will pay taxes, now whether there is an arrangement made with the city that's between the city and the developer. But it would be a taxable entity.

REP. GREEN: (1st)

Would that taxable, another question through you

Madam Speaker. Would that taxes then be taxed at a 400% or at a reduced rate?

DEP. SPEAKER FRITZ:

Thank you Madam Speaker. As I stated, unless there is some agreement with the city they would be taxed the way any other private development would be taxed. It's possible that the city might grant a private developer in that area some kind of tax abatement. But I don't know that for a fact at this point sir.

DEP. SPEAKER FRITZ:

Representative Green.

REP. GREEN: (1st)

Currently, Madam Speaker, through you. Currently and I don't know, if you look at line 2184 it talks about in addition to the powers enumerated in section B of this section, which we actually don't have that section before us because apparently that language is not changing. So there's some kind of powers that's already related to the convention center and the convention center hotel.

And so now that you've added this new language, it appears to me that the new language, the leases would also have those same powers enumerated. Which I believe for the convention and the convention center they're paying reduced taxes. Are you aware of that and is there

an agreement that after a certain number of years all of that property will return to the full taxes to the city?

DEP. SPEAKER FRITZ:

Representative Stillman.

REP. STILLMAN: (38th)

Thank you Madam Speaker. It's my understanding that the convention center is state owned property so in that regard the State wouldn't pay itself taxes. So it would be tax exempt. There are certain agreements made I believe that this section has to do with how we're going to handle the convention center facilities themselves, such as maintenance, easement access and support and similar agreements.

I believe if you go into the next page it does state that provided that such activity is consistent with all federal tax covenants of the authority, transfer or disposal of any property or interest there in, etcetera, etcetera. So obviously there are some agreements that must be upheld. But the convention center is a state owned building.

REP. GREEN: (1st)

Thank you. Madam Speaker through you then, not through you not a question. For legislative intent then based on that response the other onsite related private development would be only private development on the

convention center site. I guess through you then Madam Speaker is that the intent of this line here, that only on-site related private development, meaning on-site of the convention center?

DEP. SPEAKER FRITZ:

Representative Stillman.

REP. STILLMAN: (38th)

Thank you Madam Speaker. Through you, this references only the convention center issues. It is not in reference to other private development outside the convention center property.

REP. GREEN: (1st)

Thank you.

DEP. SPEAKER FRITZ:

Representative Green.

REP. GREEN: (1st)

Thank you Madam Speaker. Madam Speaker a few more questions to the proponent of the Emergency Certification. I heard earlier Representative McCluskey referring to a $400,000 transfer of MEDICAID expenses to the OPM for other expenses. I was not sure what the response was for the proponent of the Emergency Certification. But if he could prepare himself for my question, through you Madam Speaker.

DEP. SPEAKER FRITZ:

Representative Dyson please prepare yourself.

REP. GREEN: (1st)

Through you Madam Speaker. The $400,000 to be appropriated to OPM for other expenses to be used at the discretion of the Secretary. Do you have any understanding or knowledge as to what some of those purposes might be? Has there been any indication as to what OPM may use some of that monies for?

REP. DYSON: (94th)

Through you Madam Speaker. I remember as I indicated earlier the discussion taking place. But the specifics escape me at the moment. But the specifics escape me at the moment I just don't remember what they were, what was to be done with that. But I knew that in the discussions it was intended that the Office of Policy and Management would take care of it whatever it was, if this was done. I just don't remember what the details were. Through you Madam Speaker.

DEP. SPEAKER FRITZ:

Representative Green.

REP. GREEN: (1st)

Thank you Madam Speaker. Madam Speaker, I also see in that section 243 that there's $100,000 to be transferred to OPM to for other expenses for a grant to the Washington Center. Through you Madam Speaker. Could

the proponent explain to me what is the Washington Center?

DEP. SPEAKER FRITZ:

Representative Dyson.

REP. DYSON: (94th)

Through you Madam Speaker. Specifically no I do not know what the Washington Center is. I would hate to speculate. But probably somebody in the Chamber does know, but I do not know what the Washington Center is. Through you Madam Speaker.

DEP. SPEAKER FRITZ:

Representative Green.

REP. GREEN: (1st)

Thank you Madam Speaker. Based on that response it appears here that obviously as we know that the budget is very tight and we're facing a deficit. For us not to know what $100,000 to the Washington Center, which would appear to me to be a program in Washington, DC why we're spending $100,000 of our monies, which we are obviously in a deficit to a program in Washington that we're not sure of what's the purpose.

In the section 243 it talks about this program in Washington Center benefiting UConn and CSU students obtaining college credit. Another question through you Madam Speaker.

DEP. SPEAKER FRITZ:

Please proceed sir.

REP. GREEN: (1st)

Thank you. Based on the language here in lines 8539 and 8540 is the proponent of this legislation aware of whether or not we have a current relationship with this Washington Center and whether or not there are students from UConn or CSU involved in the program currently? And if so, how much is it costing us as a state?

DEP. SPEAKER FRITZ:

Representative Dyson.

REP. DYSON: (94th)

Through you Madam Speaker. My memory is getting refreshed. I know what the Washington Center is. It has been pointed out by the questioner Representative Green. It's an internship program and this is a portion of the money in support of that program. That's what the Washington Center program is. Now I think the further question that you asked was whether or not there were any students from this state that are involved in it, yes there are students involved in it. Through you Madam Speaker.

DEP. SPEAKER FRITZ:

Representative Green.

REP. GREEN: (1st)

Thank you Madam Speaker. Another question through you. Would the proponent have any idea how many students are involved? What's the cost of having those students involved and did we have any allocation previously to assist with our citizens in the program at that Washington Center in the past?

DEP. SPEAKER FRITZ:

Representative Dyson.

REP. DYSON: (94th)

Through you Madam Speaker. I do not know how many students are involved and what the cost is associated with each of those students. Through you Madam Speaker.

DEP. SPEAKER FRITZ:

Representative Green.

REP. GREEN: (1st)

Thank you Madam Speaker. Again, I would probably say on face value not knowing much about this program that any program that benefits Connecticut students to obtain college credit and particularly to maybe have some experience in Washington sound admirable. However, again, because of the budget crisis I would just want to make sure I would know exactly what those expenses are being used for. And for example if for example we have students in the State of Connecticut that are attending State university and even to just maintain themselves in

a State university they could benefit from $100,000 in any of those budgets for financial aid I would probably prefer that it goes there. But not to take anything away from this program. I'm a little concerned because I don't know if in fact we need to be paying for this. Whether or not there's some internships and paid internships and/or other monies available through the Washington Center to have those students there. I wish we had more information on that program.

Another question through you Madam Speaker to the proponent of the certification.

DEP. SPEAKER FRITZ:

Please proceed.

REP. GREEN: (1st)

Thank you. In that same section I see here that there is a sum of $100,000 appropriated to the Department of Higher Education for a salary it appears for an additional position in the Department of Higher Education. Could the proponent tell me exactly is that a position that is a new position? Is that a position that needs to be refilled? Exactly what is this $100,000, that's in line 8554, section 243, subsection D.

DEP. SPEAKER FRITZ:

Representative Dyson.

REP. DYSON: (94th)

Through you Madam Speaker. My understanding is that this is for one position in the Department of Higher Ed replacing a position due to layoff.

DEP. SPEAKER FRITZ:

Representative Green.

REP. GREEN: (1st)

Madam Speaker, if I look further in the next paragraph I see that $70,000 appropriated to the Department of Higher Education. Department of Higher Education for the Minority Advancement Program is being taken away from that program to be transferred to an international initiative in Germany. A question through you Madam Speaker.

DEP. SPEAKER FRITZ:

Please proceed sir..

REP. GREEN: (1st)

Thank you Madam Speaker. Could the proponent tell me what is the current appropriations to the Department of Higher Education for the Minority Advancement Program and what impact will $70,000 that's being transferred out of that program have on the Minority Advancement Program ?

DEP. SPEAKER FRITZ:

Representative Dyson.

REP. DYSON: (94th)

Through you Madam Speaker. What the current level is I hate to hazard a guess at this point. The monies that are presently being proposed here for the Germany program is monies that is a refund from one of the state universities from a program that it was supposed to be used for and was not. So it's a refund back to the Department of Higher Ed and therefore available in this instance to be used for the international initiative in Germany, which is a long standing program that we are trying to pay for with the refund. Through you Madam Speaker.

DEP. SPEAKER FRITZ:

Representative Green.

REP. GREEN: (1st)

Thank you Madam Speaker. I'm a little surprised that one of the universities was able, or the Department of Higher Education, was able to return $70,000 from a program, a Minority Advancement Program , which appears to me to be a program to try to encourage teachers of colors to teach in the State of Connecticut. As we are aware we have a shortage in a number of towns. Some towns don't have any minority teachers in their system.

And there are numerous towns and individuals that are concerned about efforts to recruit minority teachers. A few years ago we thought that one of the

ways to do that was to have some funds available to try to recruit students to go to the universities to become teachers through some loan forgiveness programs. One of the other things that we thought we would do is that some of that monies would be used to help students maintain financial support while they're in school and also other programs to make sure that we had our young people of color interested in the teaching profession.

So I'm a little surprised that even though we never really adequately funded that program we're now removing $70,000 from that program. If the proponent of the bill has some other information that tells me that doesn't help this program I'd glad to hear that. However, do we have a program regarding this international initiative in Germany? What specific program is that? Through you Madam Speaker.

DEP. SPEAKER FRITZ:

Representative Dyson.

REP. DYSON: (94th)

Through you Madam Speaker. Yes we do have an international program with Germany. And we do have students in the program and it's open to all students in this program. The monies that are being used is a refund. Now let me describe what a refund is. Monies were set aside to be used at an institution. The

institution for whatever reason didn't use them. So it would result in a lapse. Because the funding for the next year is already there, they can't use it, it's going to go back. So what we're doing is capturing this money to be used for a program that was cut. So it's not doing any harm to the MAP program that I think Representative Green is concerned about. And we're able to salvage the Germany program, which had been cut in the Governor's proposed budget. Through you Madam Speaker.

DEP. SPEAKER FRITZ:

Representative Green.

REP. GREEN: (1st)

Thank you Madam Speaker. Unfortunately I really was not able to hear. First I think Representative was explaining the Minority Advancement Program because I was referring a lot to another program, which specifically is recruiting teacher. And they're two different programs. However, the are all in the same category from the Department of Higher Education because of our efforts to recruit minorities, minority teachers, and different things. Some is to recruit teachers, some are to offer grants, some are to offer summer programs and to gear up and some other kinds of things.

If this is a return of funds from the Minority

Advancement Program and there's not enough funds in the Minority Teachers Incentive program. It appears to me that that might be a logical transfer to make sure a program to increase teachers which also needs an additional $70,000 to help recruit teachers would be just as important to receive $70,000 as a program to Germany. So someone made the decision that we had this program, we saved some money on this end.

I would have encouraged the Department of Higher Education to fund some of its current programs that are also lacking programs. Particularly the minority teacher program that is severely in need of funds. I would like to thank the gentleman for his answers. Again, I'm very concerned about some of the appropriations to OPM that they can use at their discretion.

From my indications there's probably at least $1 million, probably more that we're transferring to OPM for their discretion while we have cut internship programs here, paid internships here at the capitol. While we have cut other kinds of programs where we continue to find monies for some worthy community programs, we give OPM some monies for their discretion that is in my opinion is unaccountable. In the sense that they can do what they want.

I think that's the wrong direction, I have some

very serious concerns about this particular Emergency Certification. Thank you Madam Speaker.

DEP. SPEAKER FRITZ:

Thank you sir. Representative Fontana.

REP. FONTANA: (87th)

Thank you Madam Speaker. If I could a few questions through you to Representative Dyson.

DEP. SPEAKER FRITZ:

Please proceed sir.

REP. FONTANA: (87th)

Thank you Madam Speaker. Representative Dyson I'd just like to revisit if I could section 207, which you previously discussed with Representative Godfrey. It begins on line 7270 of the bill. For purposes of legislative intent Representative Dyson and through you Madam Speaker. Would you agree that the Secretary of the Office of Policy and Management shall submit the plan describing section 207 to the joint standing committees of the General Assembly having cognizance over the matter including those committees relating to Transportation and Finance, Revenue and Bonding? Through you Madam Speaker.

DEP. SPEAKER FRITZ:

Representative Dyson.

REP. DYSON: (94th)

Through you Madam Speaker. I would concur just by virtue of the title of the subject at hand. But Transportation and Finance, Revenue and Bonding would be the two committee that probably would have jurisdiction here. Through you Madam Speaker.

DEP. SPEAKER FRITZ:

Representative Fontana.

REP. FONTANA: (87th)

Thank you Madam Speaker. And thank you Representative Dyson. My second question is, Representative Dyson for the purposes of legislative intent, would you agree that the plan, which the Secretary shall prepare and submit to the General Assembly shall be subject to prior approval by the General Assembly? Through you Madam Speaker.

DEP. SPEAKER FRITZ:

Representative Dyson.

REP. DYSON: (94th)

Through you Madam Speaker. My reading of the language here says submit. I think the terms that Representative Fontana used was approval. For me there'd be a slight difference. Through you Madam Speaker.

DEP. SPEAKER HYSLOP:

Representative Fontana.

REP. DYSON: (94th)

I mean Mr. Speaker.

DEP. SPEAKER HYSLOP:

That's okay, you weren't looking.

REP. FONTANA: (87th)

Through you Mr. Speaker. And thank you Representative Dyson for your answer. The reason I was asking was because I was concerned and perhaps share the same concern of Representative Godfrey of the role of the General Assembly in reviewing and disposing of the plan to be prepared to be prepared by the Secretary and submitted to the General Assembly

I wanted to get Representative Dyson's opinion as to whether or not in fact whether the General Assembly would have the opportunity to review and issue approval of the plan prior to its implementation by the Secretary of OPM and/or Department of Transportation. So I guess I'd just like to ask once more. Would, Representative Dyson, through you Mr. Speaker agree that the plan shall be subject to prior approval by the General Assembly prior to its implementation. Through you.

DEP. SPEAKER HYSLOP:

Representative Dyson.

REP. DYSON: (94th)

Through you Mr. Speaker, allow me to read the language again. Through you Mr. Speaker I would take

particular note to developing a plan to increase revenues for licensed stated owned advertising locations, the approval for any revenues would require the approval of the General Assembly. So in that sense I would concur with the comments made by Representative Fontana. Through you Mr. Speaker.

DEP. SPEAKER HYSLOP:

Representative Fontana.

REP. FONTANA: (87th)

Through you Mr. Speaker, I'd like to thank the gentleman for his answers. And thank you Mr. Speaker you are amenable, thank you.

DEP. SPEAKER HYSLOP:

Representative Ferrari.

REP. FERRARI: (62nd)

Thank you Mr. Speaker. I have no questions for Representative Dyson so you can set down sir. And you once again showed us all how to tip toe through a mine field not of his own making very astutely. But I did want to make a comment Mr. Speaker about sections 210 to 237, which has to do with the tourism section of the bill.

The tourism discussions were held on a bipartisan basis with Democrats and Republicans, particularly Melody Currey and others from our side of the aisle. We

worked very hard to find consensus on this detailed and comprehensive piece of legislation. No one got exactly what they wanted. Everybody had to give and take - have some give and take with it. I think it's fair to say that everybody worked to find consensus, Democrats and Republicans.

Mr. Speaker, one of the items we settled very early in the whole discussion was the size and configuration of the districts. And now that I look at the bill I find that someone has decided in some kind of closed and private session with someone, I don't know who that was, I find that this configuration has been changed. No discussion, no reason why it happened, no change in the funding with the central Connecticut now it stretches from Massachusetts all the way to the shore.

I find it insulting that this action was taken. And it's insulting to me and insulting to members of the whole working group. Because the persons who had nothing to do with this bill, this section of the bill, nothing to do with putting this very complex piece together. Seemed to have more control over its outcome than we did. Mr. Speaker, I'm deeply troubled how this turned out. Especially since in my opinion the tourism portion of the bill was probably the better crafted part of the bill.

Certainly that section that had more bipartisan work done on it throughout the whole process, for the last three or four months at least. Mr. Speaker I'm disappointed to say the least on the way this has turned out. Thank you Mr. Speaker.

DEP. SPEAKER HYSLOP:

Representative Lawlor. Representative Urban? Representative Lawlor.

REP. LAWLOR: (99th)

Thank you Mr. Speaker. Mr. Speaker I just wanted to point out that I think many people are aware that there were a number of amendments filed relating to the issue of sending inmates out of state. In general relating to the issue of prison over crowding and the initiative that has become to be known as the Building Bridges Initiative.

I think it's an unfortunate turn of events that in this particular implementer and even during the regular session we were not able to address this issue. And I think for the record because it was mentioned a number of times that some of these bills or some of these ideas emerged just recently, that's not the case at all.

Both the Judiciary Committee and the Appropriations Committee had lengthy public hearings and even more lengthy informal discussions about all of these

concepts. Many of them have been around for several years originating in some recommendations from the Program Review and Investigations Committee and their staff a number of years ago for reworking of the parole board.

But as Representative Dyson indicated earlier there's been a commitment that when we come back in September to deal with some bonding initiatives that we'll have an opportunity to address some of those concepts in a way that doesn't lead up to a midnight deadline, which I think was unfortunate for a variety of reasons.

But in any event we'll have that opportunity next month. And we've had some preliminary discussions about having another joint public hearing of the Appropriations and Judiciary Committees in order to invite once again some of the national experts who have been able to tell us about the experiences in other states.

And you know one of the great ironies that you may have read about in the newspaper recently is that in several of the states that have gone the farthest to sort of shift the focus of their criminal justice system to concentrate on lowering rates of recidivism as opposed to simply building up the rates of

incarceration. Those states have been the more conservative states, often times the southern states like Texas and Kentucky and Kansas. With Republican governors, and Republican legislature, not that there's anything wrong with that. But I just think it's ironic that in those states they've been able to take the boldest steps.

In short of shifting to what most of the national experts agree are the best practices. If the goal is saving money and lowering rates of recidivism. And there's just a much better way of doing that and many of those recommendations are contained in the so called Building Bridges Initiative. So we'll have an opportunity to do that and we did have a number of amendments that would have focused on taking out the authorization for sending another 2000 inmates out of state.

I do think that even having that as an option is a tremendous public policy in the State and I would just very briefly explain my thinking in that regard. It's certainly very simple to solve an overcrowding by paying other people to take our inmates. It's a very simple thing to do. But it's also very expensive. And probably when compared to building up the capacity in our own state the expense is not that much different when all is

said and done. Among other things you have to factor in that almost all of the cost in sending inmates out of state is going to be used to pay employees in other states to guard the inmates that we would normally guard.

So we don't even get the 4.5% income tax revenue on that. Let alone all of the revenue that goes along with paying for other associated costs of inmate care for example medical care and feeding them, etcetera. All of this now is going to benefit citizens in other states. But apart from that I think the biggest public policy mistake that goes along with paying other states to do our work is that 2500 will turn into 3500 within a year or two and then 4500.

And then imagine when the time comes that one of these vendors, whether it's another state vendor or a private vendor tells us that they want to double the price they're charging to supervise our inmates. And they'll say if you don't meet our price then you can have your inmates back. And we will not have the capacity to keep them. And if anything there is not a growing surplus of prison beds around the country, there's a growing shortage of prison beds.

So it won't be long whether it's Virginia, or Corrections Corporation of America or anybody else, they

just won't have the beds. And we'll be behind the eight ball when it comes to bargaining to find beds to put the inmates. So my recommendation would be and I hope we can do this in September, if we have to as a short term solution pay somebody else to guard our inmates temporarily, let's put into place a long-term initiative that will stabilize our corrections population but supervise them in our state where all of our victims and all of the families of the offenders will have the same exact rights that we have enacted for our state.

I think there are just more inmates than we need to have at the moment. We have 2000 more inmates today than we just had two years ago. If we could get back to where it was two years ago we would not have a prison over crowding problem, we would not have to be finding $50 or $60 million additional to pay other people to supervise our inmates.

So apparently we won't have the opportunity to do those amendments here tonight. But we will have the opportunity to adopt a long-term solution for not just our prison population, but to have a mechanism that actually does do what I think is the whole point in the first place - incarcerate violent people for as long as is necessary.

But for the two-thirds of the people who aren't

violent let's make sure that when they finish their sentences that they're adequately supervised and that they don't offend again. And that's a combination of effective supervision by parole and probation officers, many of whom have been laid off in recent months.

Plus employment opportunities and training, plus drug treatment, plus mental healthcare, plus healthcare in general, plus participation in faith based communities, plus housing. If you get all those right we found that the rates of reoffending go way down. That's the thing we're really lacking today mainly because all of those programs have been cut to pay for additional prison beds.

And that is a cycle in the wrong direction. And unless we find a way to stop it every year we'll be finding money for another thousand beds, whether it's in state or out of state. I've been here 18 years now. Since I've been here the prison population has grown from 6,000 to 19,500. At some point we have to say, that's enough we need to spend what little money we have on either programs that work like colleges and healthcare or on tax cuts.

You can pick what you prefer. But if we don't do something soon we'll spend all of our money to operate prisons. As it stands today Mr. Speaker we spend more

money on our prison system than our college system and I think that's an embarrassment to the State of Connecticut.

DEP. SPEAKER HYSLOP:

Representative Urban.

REP. URBAN: (43rd)

Thank you Mr. Speaker. A question to Representative Dyson through you.

DEP. SPEAKER HYSLOP:

Proceed.

REP. URBAN: (43rd)

Representative Dyson I just wanted to confirm that legislative intent regarding the Pequot Mohegan Sun that the grants would be adjusted proportionately to the towns. Through you Mr. Speaker.

DEP. SPEAKER HYSLOP:

Through you Madam Speaker, oops, through you Mr. Speaker.

DEP. SPEAKER HYSLOP:

The hour is getting late, that's okay.

DEP. SPEAKER HYSLOP:

Through you Mr. Speaker, the question being that the grant would be distributed proportionately to the towns? Is that the question?

REP. URBAN: (43rd)

Yes, that's the question through you Mr. Speaker.

REP. DYSON: (94th)

Through you Mr. Speaker. Proportionately would suggest that all are being treated the same according to some standard.

REP. URBAN: (43rd)

According to section 501 A-J would be my question, through you Mr. Speaker.

DEP. SPEAKER HYSLOP:

Representative Dyson.

REP. DYSON: (94th)

Through you Mr. Speaker. The issue related to the host towns, and I'm not sure if they're in A through J, the host towns.

REP. URBAN: (43rd)

Yes they are Mr. Speaker, through you Mr. Speaker.

REP. DYSON: (94th)

If the host towns are included and use the term proportional my guess would be that proportional might not apply. Through you Mr. Speaker.

DEP. SPEAKER HYSLOP:

Representative Urban.

REP. URBAN: (43rd)

Could you explain that a little more completely? Through you Mr. Speaker. What would apply then to the

host towns? Through you Mr. Speaker.

DEP. SPEAKER HYSLOP:

Representative Dyson.

REP. DYSON: (94th)

Through you Mr. Speaker. The host towns had a special place in the formula the additional resources that they received were not driven by the formula. Most times the host town, and when I say host town that includes Norwich, those towns - host town monies were not driven by the formula. They were arbitrarily decided upon at one point when they were initially put into place. And so a reduction may not necessarily mirror what happens to the other 164 towns. So in terms of your uses of the term proportional. Host towns the term proportional might not apply.

DEP. SPEAKER HYSLOP:

Representative Urban.

REP. URBAN: (43rd)

Through you Mr. Speaker. But I would then assume that the host towns would not have a greater proportion than a non-host town. So then for instance the town of North Stonington would be having a 47% decrease would not be legislative intent. That they would have a bigger impact than any other town in Connecticut? Through you Mr. Speaker.

DEP. SPEAKER HYSLOP:

Representative Dyson.

REP. DYSON: (94th)

Through you Mr. Speaker. I think members of this body need to understand that there was a formula put in place for the distribution of all Pequot funding and it consisted of three components the two pilots and the property tax relief, those being the three. After that all other distribution became arbitrary.

Host towns received an amount of money. Norwich came along later, they received an amount of money. I think if you remember last year there was some public statement made by the Governor that he would make sure that they got a certain amount of money. It was not driven by a formula, it was just arbitrarily done and some monies were provided to those towns.

So if there's a reduction to be made and it's been viewed as being without proportionality it is probably because it was applied without proportionality necessarily being considered, it was arbitrarily being done. So it's trying to compare apples and oranges, it's difficult to do that when you're trying to look at the cut or the rate of reduction that has been made. So if you're trying to lead me to give you a specific answer, I hope I succeeded but probably didn't though. Through

you Mr. Speaker.

DEP. SPEAKER HYSLOP:

Representative Urban.

REP. URBAN: (43rd)

Thank you Mr. Speaker. I guess what I understood better, through you Mr. Speaker is that the awards are arbitrary?

DEP. SPEAKER HYSLOP:

Representative Dyson.

REP. DYSON: (94th)

Through you Mr. Speaker. Last year they were and the time before that when we put in place monies for host towns and when the fund was initially started and some arbitrariness was used then. Because I think you go back Bridgeport may have gotten monies that had nothing to do with the formula. So there's been arbitrariness starting at the beginning depending on how you look at it.

Even up to now and now we're about the business of reducing. I would suspect that there will probably be some arbitrariness with reductions. Through you Mr. Speaker.

DEP. SPEAKER HYSLOP:

Representative Urban.

REP. URBAN: (43rd)

Thank you Mr. Speaker and I thank Representative Dyson for his answers.

DEP. SPEAKER HYSLOP:

Representative Belden.

REP. BELDEN: (113th)

Thank you Mr. Speaker. I'll be very brief but ladies and gentlemen section 153 of the bill before us, that's on page 172, essentially changes the fee per ton for garbage generated in any town that is delivered to a resource recovery facility. It changes that current fee from $1.00 per ton to $1.50. The effective date in the bill before us is September 30th. And as I understand and I have an amendment drawn with a fiscal note and it really doesn't do too much. This amendment would change the effective date of the increase to July 1, 2004.

Now the Senate has gone home I think, and I'm a realist and I know no matter if the amendment or not I probably could get a vote on the record, it's not going to pass because each of us knows that there are many things in here that we don't like, that we're not comfortable with, we wish they weren't here but it's part of the package right now.

But you do need to go home and you need to know that the legislature giveth and the legislature taketh away. In this section of the bill we are taking away. If

your town delivers its waste to a waste reduction facility, which would be the CRRA projects the four of them, or the Bristol waste recovery project which is run by a number of towns. Those are the ones I know of, there may be others. What will happen according to OFA last year the amount of revenue that the state received from $1.00 per ton was $2.2 million. If in fact the rate goes up by 50% -- which is $1.00 to $1.50. That means that for a year that would be $1.1 million charged to those towns.

And if you're looking at 3 quarters of the year because of the October first start that number comes down around $800,000. So the State of Connecticut is about to charge municipalities that send their waste to a waste reduction facility during the current fiscal year when all of these waste reduction facilities have already established their budgets and tip fees. They're going to look for another $800,000 in revenue coming into the state.

And through you if I might Mr. Speaker to my distinguished colleague from New Haven to Chair of the Appropriations Committee an inquiry.

DEP. SPEAKER HYSLOP:

Representative Dyson prepare yourself for the question.

DEP. SPEAKER HYSLOP:

Proceed sir.

REP. BELDEN: (113th)

Thank you Mr. Speaker. Representative Dyson the revenues from the various environmental fee changes and from the increase of the tip fee in the section I cited, section 153 of the bill go into - they do not go into the general fund as I understand it. They go into a DEP fund that is used to directly pay for some of the costs of operation. Through you Mr. Speaker.

Does the gentleman know how much money is in this fund and whether this $800,000 increase in this current fiscal year is absolutely necessary?

DEP. SPEAKER HYSLOP:

Representative Dyson.

REP. DYSON: (94th)

Through you Mr. Speaker. Do I know how much is in the fund and is there a need for this additional dollar here that's being charged? One, through you Mr. Speaker, I do not know how much is in the fund presently. So it's difficult for me to be able to tell you what impact this will have upon that fund. Through you Mr. Speaker.

DEP. SPEAKER HYSLOP:

Representative Belden.

REP. BELDEN: (113th)

I thank the gentleman for his response. I don't know either. I don't anyone who knows whether this $800,000 additional revenue is needed by the DEP during the remainder of this fiscal year to I guess add to their current programs that they do in terms of various environmental issues.

And I'm not going to offer the amendment because I know it can't pass like in the past we're all going to go home tonight. Perhaps I'll have an opportunity in the call of the new session on quote the language under budget implementation, if perhaps we can further look into this issue. As it stands right now if your town has it's waste to go to a waste reduction facility, probably all except the Wallingford project you will see a revised tip fee levied against your town probably after September or October 1st.

I think just for the record Mr. Speaker, put in the record I hope to have an opportunity in the next call which will be in September to maybe further address the issue. Thank you.

DEP. SPEAKER HYSLOP:

Representative Wallace.

REP. WALLACE: (109th)

Good morning Mr. Speaker. Mr. Speaker let me build on the remarks of the Representative from the 113th and

he said that the legislature giveth and the legislature taketh away. I'm rising to speak to sections 70 and 71 in the bill before us. It deals with process Mr. Speaker. Less than two months ago this body voted on legislation, the other Chamber agreed, the Governor passed the bill and before us are sections 70 and 71 which reverse the action which we had taken. Mr. Speaker I don't think that is how implementers are designed to be used.

We are all students of the process. We all realize that the process can work for us and against us. But as Chairman of the Planning and Development Committee those two sections were very small pieces in terms of looking at this implementer and the impact of educational cost sharing and number of components. Two very small pieces.

We'll take them up again next session. We'll have further discussion on them. But Mr. Speaker I just wanted to state on the record that as Chairman of Planning and Development whose committee did work on these bills, we brought them before this body for it to do due deliberation where this body passed this legislation 136 to 2, where that bill went to the Senate and passed on consent, where the Governor signed this bill for it to be reversed in an implementer I do not believe is appropriate. Thank you Mr. Speaker.

DEP. SPEAKER HYSLOP:

Representative O'Rourke.

REP. O'ROURKE: (32nd)

Thank you Mr. Speaker. I will be brief. Members are tired, and I myself have a five-hour drive to join my family to night. But there are a couple of troubling aspects to this bill that I need to raise before we vote on it. And I have a few questions for Representative Dyson if I could. Representative Dyson, through you Mr. Speaker to Representative Dyson.

I was troubled earlier tonight when I was handed a run from our staff that showed the town that I live in Cromwell, Connecticut the recipient of about a seven percent cut in our ECS grant as compared to our last fiscal year 2002 and 2003. I was wondering if you could share with me what in this bill. What are the changes to the formula and what are the rationale for those changes? Through you Mr. Speaker.

DEP. SPEAKER HYSLOP:

Representative Dyson.

REP. DYSON: (94th)

Through you Mr. Speaker. The question was what were the changes that resulted in your ECS? ECS adjustments money and the absence there of. We didn't have as much money as we would have liked to have had to

provide for the ECS formula for each of the towns. So there was a guiding principle that we tried to abide by and that was we'd try and hold the towns harmless if we could. Meaning that every town could probably expect to receive the same thing as they are currently.

And so there were attempts made to try and craft a formula that would realize that guiding principle of holding towns harmless. Yet we got as close as we could to do that but no formula would necessarily do it exactly. So that meant then that we had to engage in making some substitutions or some adjustments to get as close as we could to making it so that towns were held harmless.

We did not succeed however, with I think about six or seven towns. And there is where the arbitrariness may have come in. to provide something for those towns to live up to that principle of holding them harmless. Through you Mr. Speaker.

DEP. SPEAKER HYSLOP:

Representative O'Rourke.

REP. O'ROURKE: (32nd)

Through you Mr. Speaker. I appreciate Representative Dyson's answer and it's as much as I suspected. As I look over the list of towns, some go up and some go down I can't make any rhyme or reason of it.

I see not guiding principle. I gather some towns wanted more money, felt they needed more money. I thought I had communicated that my town was one of those, unfortunately that message seems not to be received or at least it didn't work out in this formula.

But I represent three towns that do not receive as much from the formula as they are supposed to due to the cap, and to receive another cut below even what we were getting in 2002 and 2003, it's a bitter pill. I think it's going to be very difficult for the towns that are getting cut to absorb.

On other issue I want to raise Mr. Speaker if I could. Section 243 at the back of this bill is of interest to me. Representative Dyson section B of that line 8544 the sum of $400,000 that had been appropriated to DSS gets moved over to OPM to be spent at the discretion of the Secretary of OPM during the next fiscal year. It doesn't describe what it will be spent on, it simply says at his discretion. I was wondering if you knew what he intends to spend that money on?

DEP. SPEAKER HYSLOP:

Representative Dyson.

REP. DYSON: (94th)

Through you Mr. Speaker. That question was asked three or four times tonight. As I said before, I

remember the discussion but the specifics of what it was to be used for escapes me at the moment. So I don't have a better answer than I had before about the $400,000. Through you Mr. Speaker.

DEP. SPEAKER HYSLOP:

Representative O'Rourke.

REP. O'ROURKE: (32nd)

Through you Mr. Speaker. I apologize to Representative Dyson, I didn't hear that question being answered. There are a couple of other expenses in this section that have probably been asked about as well so I won't ask you about that. I'll simply make my point on this Mr. Speaker. I do have one question before I make my point.

Is there any adback in this bill or any of the bills that we've done tonight for the Ethics Commission? Through you Mr. Speaker.

DEP. SPEAKER HYSLOP:

Representative Dyson.

REP. DYSON: (94th)

Through you Mr. Speaker. I vaguely, vaguely I remember something Ethics Commission. Through you Mr. Speaker was there some concerns about a position or something with Ethics?

DEP. SPEAKER HYSLOP:

Representative O'Rourke.

REP. O'ROURKE: (32nd)

Through you Mr. Speaker. There was a big concern that the Ethics Commission was loosing critical staff members at a time when their workload is higher than it's ever been due to the many investigation of possible corruption that they're engaged in. Through you Mr. Speaker.

DEP. SPEAKER HYSLOP:

Representative Dyson.

REP. DYSON: (94th)

Through you Mr. Speaker. Vaguely I think we did, but it is something that we probably did long ago, a month or so ago. Just vaguely I think we did. Through you Mr. Speaker.

DEP. SPEAKER HYSLOP:

Representative O'Rourke.

REP. O'ROURKE: (32nd)

Through you Mr. Speaker. I have not been able to identify that in there. I hope that some monies have been added in. But my reading of this is that it hasn't been added back in. And I think that's a serious flaw Mr. Speaker. As I said earlier, the workload of the Ethics Commission is greater than it's ever been. The head of the commission has indicated that this is going

to cripple his agency's efforts to investigate a number of important transgressions, possible transgressions. We put back in this bill $100,000 for a position at the AG, we hand over $400,000 to OPM for unspecified expenditures and a number of other things we found money for I think we should have made that a higher priority Mr. Speaker.

And that along with the ECS formula cuts will lead me to vote no on this bill. Thank you Mr. Speaker.

DEP. SPEAKER HYSLOP:

Representative Johnston.

REP. JOHNSTON: (51st)

Thank you Mr. Speaker. Mr. Speaker my comments will be brief and they may be very critical of this process. As I comment upon the process my very good friend Bill Dyson who has took this bill out I think is probably one of the most honorable people in this Chamber and probably one of the fairest. But I'm not sure that the document that I usually trust that he crafts is his product at all quite frankly.

In my nine years here I have watched this process of crafting a budget change dramatically from the first year that I came into this building. And the budget used to be a product of the Appropriations Committee, and it seemed like the other major bills that we did were

products of a Committee process. And at the end maybe there were some unresolved issues and leadership stepped in and probably put the finishing touches on it. But quite frankly as we walked in and got this final draft today that implemented a budget that we passed earlier to 90% of the people in this Chamber, maybe even 97% of the people in this Chamber this two inch thick document was a total complete mystery to them.

It was the product of committees. It was crafted by very few people with very little input. As I went around the room and asked subcommittee chairman of Appropriations what might be in this. For the most part they had no idea. I chair education, the subcommittee on education I could not explain the ECS Changes. I've looked at that and looked at it. I've spoken to the fiscal analyst who wasn't involved in some of those discussions and I still can't explain some of what was done in that education area.

There were specific grants for about seven towns. I couldn't find a parallel between those towns. It wasn't like they were the seven poorest towns, or they were CAP towns, they had towns with change in population. No consistent pattern. I guess my point is Mr. Speaker I truly believe that this process doesn't just have a few problems, it is completely and totally broken. And the

product, no matter what that product is, if it comes out of that process where 187 people are elected by the citizens in their district to go to Hartford to try to do the best that they can do, those people aren't used in this process. And therefore the citizens of this state aren't represented. And when that happens the special interests control the process and the people are the losers.

I voted no on every piece of legislation before us tonight. That was done with a very specific reason because that is my only statement that I can say that this process is unacceptable to me and it's unacceptable to the people of the State of Connecticut. It is not solving our process.

I don't know what we have to do to fix it, but I believe to my very core that if I vote for any of the product of this process that I can't go back and look at constituents who voted for me or who didn't vote for me. Constituents that I represent and said that we did the best that we could, we tried our best and maybe it wasn't a good product but you know it's the best we could. This isn't even close to the best that we could. And any vote to this product tonight basically says that you think that this process is okay to continue as it is.

I've had people for the last four years come up to me when I've made comments about the process before and say, you know you're absolutely right. But I'm going to vote for this and it's going to change next year, it's not going to happen again next year we're going to make it better, it's going to change. And every one of those years it has changed and it's changed for the worst.

I think that this is the absolutely worst process that we've ever had, I'm not proud of the product and I can't vote for this product. Thank you Mr. Speaker.

DEP. SPEAKER HYSLOP:

Representative Congdon.

REP. CONGDON: (42nd)

Thank you Mr. Speaker. Just a couple quick questions to the Chairman of the Appropriations Committee if I could through you Mr. Speaker.

DEP. SPEAKER HYSLOP:

Proceed.

REP. CONGDON: (42nd)

Thank you. I asked several questions of legislation earlier tonight. But Representative Urban asked similar questions and got two different answers so I'd like some clarification. Under section J of 355J, I don't see anything that is arbitrary. To me it reads very specifically. Through you Mr. Speaker to Mr. Dyson,

Representative Dyson if he could explain to me how section J is arbitrary.

DEP. SPEAKER HYSLOP:

Representative Dyson.

REP. DYSON: (94th)

Through you Mr. Speaker. I hope I, and I must have, it wasn't my intent to describe section J as arbitrary. I went through a litany of trying to provide a history of some arbitrariness as it relates to specific towns. And I think that the question that Representative Urban put to me as used the term proportional and was trying to secure from me a response as to whether or not everything was proportional in the grant itself.

I was trying to point out to Representative Urban that no that was not the case, it is not proportional. Because proportional means that towns with similar characteristics as another town would get the same amount of money or similar amounts of money. That's what I thought proportionality meant. So in that sense when you consider the host towns then proportionality goes out the window.

You have to exclude the host towns in order to engage in some notion of proportionality based upon the formulas. And there are three formulas there. So my

response to Representative Urban was to the question using the terminology of proportionality trying to get some clarity in terms of the host towns being treated as the other towns and they are not, they were not. And as a matter of fact I pointed out that the formula has some arbitrary features about it since the beginning.

So J may be fairly certain, section J. But overall? No, through you Mr. Speaker.

DEP. SPEAKER HYSLOP:

Representative Congdon.

REP. CONGDON: (42nd)

Thank you for your answer. Section J says that every section A through I, which I is the portion with the host communities will be decreased proportionately by the $47,500,000. Section K says that all towns will be decreased proportionately if the funding is not there. To me I'm questioning where the arbitrariness is, that seems pretty certain and specific. Through you Mr. Speaker.

DEP. SPEAKER HYSLOP:

Representative Dyson.

REP. DYSON: (94th)

And through you Mr. Speaker, I'm making reference to what it is that we are proposing to do today and not necessarily what is existing. I think we're engaging and

withstanding. Through you Mr. Speaker.

DEP. SPEAKER HYSLOP:

Representative Congdon.

REP. CONGDON: (42nd)

Through you Mr. Speaker. If to Representative Dyson, could you explain your answer?

DEP. SPEAKER HYSLOP:

Representative Dyson.

REP. DYSON: (94th)

Let me see if I can do that. I don't have the citation from the records we have here. Discussions that we had maybe a week ago to deal with how we were going to deal with the Pequot fund was driven by how the host towns were going to be treated. And whether or not we were going to make adjustments in the funding for the host towns that was going to be different than the other 164 towns.

And that was the essence of the discussion about how we were going to treat or how that those towns were going to be treated. We devised a means by which those towns would be treated. Ask me to repeat it and I can't repeat what it was, now I just know we did and it's not there, and that's that. What we commonly refer to is notwithstanding. We did something that might be difficult to explain, get my drift? Through you Mr.

Speaker.

DEP. SPEAKER HYSLOP:

Representative Congdon.

REP. CONGDON: (42nd)

Thank you very much for your answers. I'll have trouble explaining that to my constituents but I thank you for your answers. I'd like to close my remarks by saying that I agree 100% with Representative Johnston. As a member of the Appropriations Committee my finger prints are not on this bill. And I would venture to guess that there are not 10 people in this room that read all 273 pages of this bill. Thank you.

DEP. 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 open.

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 please.

SPEAKER LYONS:

Have all members have voted? Have all members voted? Would the members please check the board to make sure your vote is accurately recorded. If all members have voted, the machine will be locked. The Clerk will

take a tally. The Clerk will announce the tally.

CLERK:

H.B. 6806 as amended by Senate amendment schedules "A," "B," and "C."

Total Number Voting	119
Necessary for Passage	60
Those voting Yea	87
Those voting Nay	32
Those absent and not voting	31

SPEAKER LYONS:

The bill as amended passes. Don't leave quite yet, we're not quite finished. Representative Amann.

REP. AMANN: (118th)

Thank you Madam Speaker. Madam Speaker I move for immediate transmittal to the Governor.

SPEAKER LYONS:

Hearing no objection the bill is immediately transmitted to the Governor. The Clerk has in his possession S.J.R. 61. will the Clerk please call.

CLERK:

S.J.R. 51, RESOLUTION CONVENING THE GENERAL ASSEMBLY IN SPECIAL SESSION, LCO 8116, introduced by Senators Sullivan and Looney and Representatives Lyons and Amann.

SPEAKER LYONS: