

**Act Number:** 09-214 Vetoed

**Bill Number:** 1162

**Senate Pages:** 4282-4384, 4581-4585, 6472-6522 **59**

**House Pages:** 8525-8568, 10981-10993 **57**

**Committee:** None **0**

**Page Total:** **116**

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There's a motion for suspension of the rules on Senate Bill 948 on the floor. Seeing no objection, so ordered. Mr. Clerk?

THE CLERK:

Calendar page 35, Calendar Number 551, File 854, Senate Bill 1162, An Act Concerning Expenditures of Appropriated Funds Other Than the General Fund. Favor report of the Committees on Appropriations, Finance, Revenue and Bonding, and Government Administration and Elections.

THE CHAIR:

Senator Daily?

SENATOR DAILY:

Thank you very much, Mr. President. I move the -- it's an emergency (inaudible). I move the bill.

THE CHAIR:

Acting on acceptance and approval of the bill, ma'am, would you remark further?

SENATOR DAILY:

Thank you, Mr. President. Yes, I would like to.

The bill sets up a new process to do revenue estimates. It calls for OPM and OFA to jointly do estimates on October 15th and January and in April. If there are deficits of more than one percent, it

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requires action by the Governor and by the fiscal committees, and on occasion when OPM and OFA do not agree on the revenue estimates, OPM makes the decision choosing one or the other or a number in between.

This bill after it's enacted will help us have a more stable budget process, more stable revenue look, and I recommend its adoption.

THE CHAIR:

Will you remark further on Senate Bill 1162?

Yes, ma'am?

SENATOR DAILY:

Yes. What I want to move is the amendment, LCO Number 8631.

THE CHAIR:

I'm sorry, ma'am. You'd like to call an amendment?

SENATOR DAILY:

Yes, please.

THE CHAIR:

What was that number?

SENATOR DAILY:

8631.

THE CHAIR:

Mr. Clerk?

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THE CLERK:

LCO 8631, which will be designated Senate  
Amendment Schedule A is offered by Senator Daily, the  
33rd District, et al.

THE CHAIR:

Senator Daily?

SENATOR DAILY:

Thank you very much. I move the amendment and  
seek leave to summarize.

THE CHAIR:

There's a motion on the floor for summarization  
and moving the amendment. Seeing no objection, please  
proceed, ma'am.

SENATOR DAILY:

Thank you, sir. The amendment is a strike-all  
amendment, and it endeavors to do what I had just  
explained, have better revenue estimates by having OPM  
and OFA concur on revenue estimates on October 15th,  
then again in January and in April.

If OPM and OFA cannot agree on the revenue  
estimates, then the Comptroller makes the decision  
choosing a number in between what they, OPM and OFA,  
had recommended or one of their numbers. Then if  
there are deficits of more than one percent, it

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Necessary for Adoption	18
Those voting Yea	33
Those voting Nay	2
Those absent and not voting	1

THE CHAIR:

The bill passes.

Senator Looney.

SENATOR LOONEY:

Mr. President, if we might stand at ease just a moment.

THE CHAIR:

The Senate will stand at ease.

(Senate at ease).

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Yes, thank you, Mr. President. Mr. President, would -- to move for suspension of our rules for immediate transmittal to the House of Representatives of two items acted upon last evening and that are still in the Chamber's possession, I believe, and that is Calendar 551, Raised Senate Bill Number 1162 and

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Calendar 386, Substitute for Raised Senate Bill Number 913.

THE CHAIR:

There's a motion by the good Senator to suspend rules to transmit immediately Calendar 551 and Calendar 386. Is there objection?

Senator Debicella.

SENATOR DEBICELLA:

Mr. President, my apology. I couldn't hear over the noise. If the good Senator could repeat those?

THE CHAIR:

As we get to the final hours of closure, I'd appreciate people keeping the tone of the Chamber down so we can conduct our business, and also, if you're going to congregate or stand, it kind of confuses me on who really wants to talk or who's really doing who's, who's in the zoo here. So I appreciate your cooperation on that.

No offense, Senator Kissel.

Senator Debicella, there's a motion on the floor to suspend to immediately transmit Calendar 551 and Calendar 386.

Is there objection to suspend the rules to send those down?

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Senator Roraback.

SENATOR RORABACK:

Thank you, Mr. President. Do you know the titles of those bills?

THE CHAIR:

Senator Looney, could you -- I apologize, can you repeat those titles again?

SENATOR LOONEY:

Yes, Mr. President. That first Calendar 551, Raised Senate Bill 1162, was An Act Concerning Expenditures of Appropriated Funds Other Than The general Fund, and Calendar 386, Substitute for Raised Senate Bill 913 was An Act Concerning United States Senate Vacancies.

THE CHAIR:

Senator Debicella.

SENATOR DEBICELLA:

Mr. President, I object to transmittal to the House.

THE CHAIR:

Okay. We will -- Senator Looney.

SENATOR LOONEY:

Yes, ask for a roll call.

THE CHAIR:

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Okay.

Mr. Clerk, please call for a roll call vote -- hold on please. We're waiting for the suspension of rules to go up on the board.

All right. The Senate will come back to order.

So the motion is on suspension of the rules. If you vote in the affirmative, you are supporting the suspension of the rules to transmit the two items downstairs immediately. If you vote in the red, you are not. Is that clear?

Okay. Mr. Clerk, please call for a roll call vote. The machine will be open.

THE CLERK:

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

THE CHAIR:

Have all Senators voted? If all Senators have voted, please check your vote. The machine will be locked. The Clerk will call the tally.

THE CLERK:

Motion is to suspend the rules.

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Total Number Voting	36
Necessary for Adoption	19
Those voting Yea	24
Those voting Nay	12
Those absent and not voting	0

THE CHAIR:

Suspension of the rule passes. The items will be sent down immediately.

Mr. Clerk.

THE CLERK:

Calendar page 9, Calendar Number 597, Files Number 100 and 736, Substitute for House Bill 6114, AN ACT CONCERNING DISCLOSURE OF HISTORIC DISTRICT DESIGNATIONS AND LEASED ITEMS TO PROSPECTIVE PURCHASERS OF RESIDENTIAL PROPERTY, favorable report of the Committee on Insurance and General Law. Clerk is in possession of amendment.

THE CHAIR:

Senator Crisco.

SENATOR CRISCO:

Thank you, Mr. President. Mr. President, I move for acceptance of the Joint Committee's favorable report and passage of the bill.

THE CHAIR:

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under "Bills Vetoed by the Governor" on Calendar page 3; Public Act 09-214, which was Senate Bill Number 1162 from the 2009 session -- a bill vetoed by the Governor on June 2, 2009, An Act Requiring Consensus Revenue Estimates.

Mr. President, having been on the prevailing side on that vote when it passed in this Chamber, I would move for reconsideration of that bill.

THE CHAIR:

There is a motion to reconsider -- you know, let's just hold for (inaudible), okay, great. There is a motion to reconsider Senate Bill 1162. Would you remark further on the reconsideration of that bill?

If not, let me try your minds. All those in favor of reconsideration of Senate Bill 1162 signify by saying, aye.

SENATORS:

Aye.

THE CHAIR:

Opposed, nay.

The ayes have it. Senate Bill 1162 is before us for reconsideration.

Senator Looney.

SENATOR LOONEY:

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Yes, thank you, Mr. President. Mr. President, I would now yield to Senator Harp for purposes of the motion to repass the bill.

THE CHAIR:

Senator Harp, do you accept the yield, ma'am?

SENATOR HARP:

Thank you very much, sir. I do accept the yield.

THE CHAIR:

Please proceed.

SENATOR HARP:

Mr. President, I make a motion to repass Public Act 09-214, An Act Requiring Consensus Revenue Estimates.

THE CHAIR:

Thank you, Senator Harp.

There is a motion on the floor to repass Senate Bill 1162.

SENATOR LOONEY:

Mr. President. Mr. President.

THE CHAIR:

Yes, Senator Looney.

SENATOR LOONEY:

If we might stand at ease for a moment.

THE CHAIR:

Okay. The Senate will stand at ease.

(Chamber at ease.)

THE CHAIR:

Will you remark further on the repass?

Senator Harp.

SENATOR HARP:

Thank you, Mr. President. This bill requires the Secretary of the Office of Policy and Management and the Director of the Office of Fiscal Analysis to agree on and issue consensus revenue estimates by October 15th, covering a five-year period that includes the current biennium and the three following fiscal years. It also requires updates or revisions by January 15th and April 30th of each year.

If there is an agreement between the Secretary of the Office of Policy and Management and the Director of the Office of Fiscal Analysis, then the State Comptroller, under this act, must then issue a consensus estimate or revision, and it must equal one of the separate estimates or revisions, or it must fall somewhere between the two. The consensus estimates are required to be the base used for revenue

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in the budget proposal that the Governor provides to the Legislature.

As you know, this year in particular, it's been very difficult to come to agreement on the revenue issue. We are one of two states in the Northeast that does not use consensus revenue estimates. For that matter, I believe that this is an important tool that we need in order to do our most important work, which is to provide a budget on behalf of the people of this state. I urge readoption.

THE CHAIR:

Thank you, ma'am.

Will you remark further on the repass of Senate Bill 1162?

Senator Debicella.

SENATOR DEBICELLA:

Thank you, Mr. President. Mr. President, I stand in opposition to the repassage of Senate Bill 1162. This is a unnecessary institutionalization of political conflict of something that has been worked out in every single year, except for this one, through people just talking, not having a formal process to set up an adversarial system.

The way our process works now, and the way our

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process has worked for years has worked well for the state of Connecticut. Differing assumptions between groups, whether it be OPM or OFA, come together, discuss it, and reach a consensus. Most years there's very small disagreements, so there's no need for this huge process. And we reach consensus without calling in an arbiter. Eventually the Finance Committee of this institution actually adopts the revenue estimates, thus making this body the rightful final arbiter of what the revenue estimates should be.

The new process in 1162 is cumbersome and inherently political. Consensus estimates are supposed to be done every-three months in this bill. Every three months OPM and OFA are supposed to come together, revise their estimates. And every three months, if they disagree, the Comptroller, a political official, is supposed to come in and play judge and jury between the two. This is not only cumbersome because we either then have shifting deficit numbers, potentially every three months, where the budget that is put out by the Governor in January may be out-of-date very, very quickly under this forecasting method. By the time we pass a budget it may be out-of-date three months later, based on these new

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forecasting methods. So the process itself is cumbersome.

The other problem with this, Mr. President, is the political nature of it, is it sets up a system where a political official will come in and arbitrate between two groups that have historically talked about detailed assumptions. The bottom line is that we're killing a fly with a sledgehammer here.

We've had issues this year because of the extraordinary nature of our deficit. And because of that, and because of this extraordinary year, we are going to change a process that has worked for us for every other year. Mr. President, I would urge rejection of the override of the veto of 1162.

THE CHAIR:

Thank you, Senator DeBicella.

Will you remark further?

Senator Roraback.

SENATOR RORABACK:

Thank you, Mr. President. Through you, if I may, a couple of questions to Senator Harp.

THE CHAIR:

Senator Harp.

Senator Roraback.

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SENATOR RORABACK:

Thank you, Mr. President. Through you to Senator Harp, I think that the area of forecasting the future with respect to budget planning is somewhat an arcane area. And through you to Senator Harp, I had a couple of questions about her experience historically, insofar as it relates to the contents of this bill. So through you, Mr. President, to Senator Harp, how long has Senator Harp served as Chairman of the Appropriations Committee? Mr. President, through you to Senator Harp.

THE CHAIR:

Senator Harp.

SENATOR HARP:

Thank you very much. Through you, Mr. President, for -- I'm in my seventh year.

THE CHAIR:

Senator Roraback.

SENATOR RORABACK:

Thank you, Mr. President. And I should have modified the word "served" with the adverb "ably" served as Chairman of the Appropriations Committee. But through you, Mr. President, to Senator Harp, has she before this year ever felt a need to change or

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alter the method by which we come up with projected revenue forecasts for the State of Connecticut? Mr. President, through you to Senator Harp.

THE CHAIR:

Senator Harp.

SENATOR HARP:

Through you, Mr. President, I have not.

THE CHAIR:

Senator Roraback.

SENATOR RORABACK:

Thank you, Mr. President. And through you to Senator Harp, has this idea not come forth previously because it wouldn't have been a good idea in the past, or because there wasn't a need for it, or there wasn't a need for it? Through you, Mr. President, to Senator Harp.

THE CHAIR:

Senator Harp.

SENATOR HARP:

Through you, Mr. President, I believe that the (inaudible) reason that it may not have come to my attention is that revenue forecasts typically are the purview of the Finance, Revenue, and Bonding Committee, and so as a result, any consideration

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around that policy would have occurred in that committee. And so the fact that it has not been brought to my attention through my work on Appropriations has more to do with the fact that revenue forecasting typically is the responsibility of the Finance, Revenue, and Bonding Committee. And policy regarding consensus revenue forecasting, or anything for that matter having to do with revenues, occurs within the Finance, Revenue, and Bonding Committee, Mr. President.

THE CHAIR:

Senator Roraback.

SENATOR RORABACK:

Thank you, Mr. President. And Senator Daily isn't here, so I can't ask of here those questions that are on my mind. But through you, Mr. President, to Senator Harp, did Senator Harp bring out this bill when we -- Senator Daily, she's entering the chamber, but she hasn't heard this exchange. So she doesn't know what Senator Harp has set her up for.

But Mr. President, through you to Senator Harp, did Senator Harp bring out the bill originally when the Senate voted on this bill a few weeks ago? Through you, Mr. President, to Senator Harp.

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THE CHAIR:

Senator Harp.

SENATOR HARP:

Through you, Mr. President, I did bring this bill out. And I do believe this bill is important based upon the recent history we have undergone in trying to come up with consensus revenue. And I believe that the fact that our Office of Policy and Management and our Office of Fiscal Analysis were so far apart, that it made it very difficult for us to engage in budgeting. And one of the things that the Appropriations Committee had to decide was what revenue number do we use -- do we base the budget upon? And at one point, they were almost \$2 billion apart.

If you think about what that means to us on the Appropriations Committee, it's a huge, huge problem. And that's when we began to look at, what do other states do when they have problems coming up with a revenue number? How did they solve it? And we discovered that 26 other states have what is called "consensus revenue forecasting." So they don't go through months of trying to come up with in a very difficult fiscal climate a revenue figure to base

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their budget upon. If you think about it, only New Hampshire and Connecticut in the Northeast are states that have another way of identifying revenues.

And one of the things that is beautiful about this bill is that it in no way undercuts the authority of the Finance, Revenue, and Bonding Committee to set the overall revenue estimate. This just comes up with a revenue estimate that we use, the Governor will use to base her budget upon, and that the Appropriations Committee, as it moves through its work, bases its budget upon. And you know, it's sort of like looking at a moving target, if that number is constantly moving or there's no agreement, then we can never really have a budget that my committee can actually vote out and could be seriously considered by this Chamber or any other.

For that reason, I believe this year critically brought to our attention the need to address a way to narrow that revenue. So that we can actually begin our budget process, Mr. President.

THE CHAIR:

Senator Roraback.

SENATOR RORABACK:

Thank you, Mr. President. I appreciate Senator

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Harp's answer. And I -- through you to her, I believe I understood her to say, that at the end of the day the Legislature is free to adopt revenue estimates from whatever sources it chooses. And through you to Senator Harp, we -- we are not bound by revenue estimates from OFA; we are not bound by revenue estimates from OPM; we can come up with revenue estimates from any source we like under current law. Through you, Mr. President, to Senator Harp, does she have that same understanding that I do, with respect to our current latitude as a Legislature to look around and compromise and seek out the best information we can? Through you, Mr. President.

THE CHAIR:

Senator Harp.

SENATOR HARP:

Through you, Mr. President, it is my understanding that this in no way binds the Legislature.

THE CHAIR:

Senator Roraback.

SENATOR RORABACK:

And through you, Mr. President, the -- through you to Senator Harp, I was asking -- without this

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bill, my understanding is the Legislature is not bound by any set of revenue estimates. Does Senator Harp agree or have that understanding as well, that under our current law we're free to do as we see fit? Mr. President, through you to Senator Harp.

THE CHAIR:

Senator Harp.

SENATOR HARP:

Thank you. Through you, Mr. President, my understanding is, as Senator Roraback's understanding, that the Legislature is not bound, but is instructed by what is presumed by the various offices.

THE CHAIR:

Senator Roraback.

SENATOR RORABACK:

Thank you, Mr. President. And through you, and I think Senator Harp also said that should this bill -- should the Governor's veto be overridden, that we would still not be bound by the consensus revenue estimate that the bill would allow for. Through you, Mr. President, to Senator Harp, is that her understanding of the upside of this bill?

THE CHAIR:

Senator Harp.

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SENATOR HARP:

Thank you. Through you, Mr. President, it is my understanding.

THE CHAIR:

Senator Roraback.

SENATOR RORABACK:

Just -- I ask the questions, Mr. President, just so that we're all clear that this is -- that at the end of the day we can pass bills about revenue estimates all day long, but the General Assembly retains the ultimate -- the power to divine -- to prognosticate what we think the revenue figures would be.

And the final question I have for Senator Harp is what will this bill require in terms of time? My understanding is that this bill calls for a consensus revenue estimate to be achieved, or the process to be gone through in this fiscal year or kind of forthwith. And through you, Mr. President, to Senator Harp, how much time will it take if this bill is passed for the consensus revenue estimate to be realized? Through you, Mr. President.

THE CHAIR:

Senator Harp.

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SENATOR HARP:

Thank you. Through you, Mr. President, it's my understanding that the consensus revenue estimate, the first one is due by October 15th, and that the revisions are due on January 15th and April 30th.

THE CHAIR:

Senator Roraback.

SENATOR RORABACK:

And so -- through you, Mr. President, what -- what impact would that have? As you know, the State of Connecticut is operating without a budget today on July 20th -- through you, Mr. President, would this bill, in any way, implicate or delay a resolution of the current budget uncertainty? Would we have to wait for information to come back from us under the auspices of this bill before we can move forward and plan to craft a resolution to the current budget process? Through you, Mr. President, to Senator Harp.

THE CHAIR:

Senator Harp.

SENATOR HARP:

Thank you very much. I believe that if no budget for this fiscal year or this biennium has become law, the bill gives the Office of Policy and Management

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Secretary and the Office of the Fiscal Analysis  
Director five days after its passage to issue the  
revised consensus revenue estimates for that biennium.

THE CHAIR:

Senator Roraback.

SENATOR RORABACK:

Thank you, Mr. President. I'm a little bit  
confused -- and the point I'm trying to elicit is I  
sure hope that if this bill is passed that it won't  
have the effect of in any way chilling or slowing  
down, what I believe is our collective imperative to  
get a budget passed for the people of the state of  
Connecticut. Mr. President, as desirable as a  
consensus revenue estimate may be, I don't think it's  
more desirable than a budget for the people of  
Connecticut. We have waited 356 years without a  
consensus revenue estimate. I don't think that that's  
such a high calling that we should all go back to the  
bench and wait for a consensus revenue estimate before  
putting our shoulders to the grindstone to pass a  
budget.

And Mr. President, for the reasons I've outlined,  
I don't think that this -- we could have an honest and  
important debate about the desirability of the

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consensus revenue estimate. But I think it's -- even if it's the right idea, it's the wrong time. And I would urge rejection of the bill. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator Roraback.

Will you remark further on Senate Bill 1162?

Senator Kane.

SENATOR KANE:

I'm a little tangled up here, Mr. President.

THE CHAIR:

A little technical difficulty?

SENATOR KANE:

There it goes -- a little tangled up.

Thank you, Mr. President. I, too, rise in opposition to this bill. Having to listened to Senator Roraback and -- it made me think a little bit about how our process works, and how both the Appropriations Committee and Finance Committee get together and work with OPM and OFA. And I've enjoyed my time in the last year -- year and a half or so on that committee -- on the Appropriations Committee. And I believe that we have it set up in a way that we can tackle these tough issues, especially budget

rejections, the way we have.

I went and looked at the Comptroller's web site, and her office has been put in place since 1786. So I don't see the need to change it now, after over 200 years.

I think most importantly, what Senator Roraback said is that we have the ability to do this now, ourselves, and not slow up the process any longer. And I believe that this just adds another step to the ultimate process that we have here in place in the state of Connecticut. Here we are, July 20th, and we still don't have a budget in place, and I think that that comes back to all of us. I think here, in the General Assembly, members of the Senate, members of the House, members of the Executive Branch, what have you, all of us in government need to get this job done and not add another layer.

I believe in the Governor's veto address she mentioned that we must live up to the expectations of our constituents and make the hard decisions that we were elected to make, and I believe in that as well. And I think if we take -- tackle a responsible budget, and not delegate it any further to another step in the process, I think we should all work hard to that end.

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So I, too, will be voting in opposition to this bill.

Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Will you remark further on Senate Bill 1162?

Senator Frantz.

SENATOR FRANTZ:

Thank you, Mr. President. I stand also in opposition to the bill. One of the messages that was given to me when I was elected to this public office was, you need to get up there and help the Senate and the House of Representatives, as well as the Executive Branch, run state government much more like a business. After having been exposed to it for quite some time now, it's clear that you can't take state government and run it like a business. However, I do believe very strongly, especially in this time of catastrophic fiscal circumstances in the state of Connecticut, we do need to run the budgeting branch of government like a business.

It's unimaginable to me that we don't have a target. Of course it's going to be a moving target, but we don't have the flexibility within this institution here to continually update our forecast in

a way that makes sense to all of us when we're trying to come up with a budget -- trying to come up with pieces of legislation that make sense given whatever the outlook is for the economy and for state revenues and so on and so forth.

Consensus revenue -- the concept of consensus revenue judgment is not a bad one. It's one that we clearly need to get to at some point. But the quality of that kind of consensus judgment is only going to be as good as the quality of the people involved. The whole idea of taking the Comptroller's Office and inserting a political office into the decision-making process, in my judgment is not necessarily a good one at all. Had this legislation included the ability to put in a third-party objective source, whether it was a consulting firm that we all agreed was a good source of judgment when it came to estimating revenue -- estimating revenue levels to the state of Connecticut, then I think we have something we could sink our teeth into and trust going forward.

These are truly difficult economic and fiscal circumstances for the state of Connecticut. We need to do this in a proper fashion and to come up with a budget that makes sense. It is murder on the

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municipalities and the towns throughout the state of Connecticut, because they don't know where we're going. They don't know what the state coffers are looking like. They don't know what our budget is going to look like, because we simply don't have one. And not having a consensus on budget -- on the revenues for the budget is clearly the problem -- we need a better answer to this. Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Senator McLachlan.

SENATOR MCLACHLAN:

Thank you, Mr. President. I rise to align my comments with those of Senator DeBicella and my colleagues in the Republican Caucus. Primarily, I believe that this is a clear political move. I do believe that we should be looking for nonpartisan, nonbiased assistance in the crafting of a budget and that the current process is working very well.

And it is -- now we are calling on one particular elected official to pass judgment over a budget document. That is inherently the wrong way to go, especially given the nature of the difficult budget

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environment we're dealing with today, and how challenging this decision of crafting a new state budget has become so challenged, and unfortunately far too partisan. This is the wrong way to go, that is, creating a further divide between the important business of a budget for the people of the state of Connecticut, without calling on additional partisan division.

So I call on my colleagues to reject this bill, as Governor Rell so clearly stated in her veto statement, that this is not an appropriate action at this time. Thank you.

THE CHAIR:

Thank you, sir.

Senator Witkos.

SENATOR WITKOS:

Thank you, Mr. President. Mr. President, through you, a few questions to the proponent of the bill.

THE CHAIR:

Senator Harp.

SENATOR WITKOS:

Thank you. Through you, Mr. President, I heard some dates mentioned earlier in the debate regarding when this consensus would be required to provide the

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information that's necessary to come up with a budget. And I heard the date of October 15th, and then a relook at it on January 15th -- and through you, Mr. President, to Senator Harp, are there are any other dates that the revenue estimates would be due? Through you, Mr. President.

THE CHAIR:

Senator Harp.

SENATOR HARP: '

Thank you very much. Through you, Mr. President, the other formal date in the legislation is April 30th.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you. Through you, Mr. President, as the budget deliberations took place in this current fiscal year -- Governor Rell gave her budget address in February, and there was some consternation as the Appropriations Committee and the Finance Committee went through the budgeting process to come up with the current or biennium budget that's being proposed or worked on. And we heard many comments in the media as to the budget given in February is out of whack, and

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it doesn't balance because of -- numbers have changed dramatically. And I'm curious, Mr. President, through you, if this consensus revenue estimates were in place, would we have the same difficulties that we're currently having now? Through you, Mr. President.

THE CHAIR:

Senator Harp.

SENATOR HARP:

Thank you very much. Through you, Mr. President, it's my belief that had we had the consensus budget revenue estimating procedure in place, that we would have had a very different outcome than we currently have around coming to a revenue figure to base our budget upon. So -- as a matter of fact, if we -- I believe that the November revenues were used for the Governor's budget proposal. So there would have been a consensus revenue at that particular turn that would have occurred in October; there would have been another revision in January. Her budget address to us is the first Wednesday after the first Monday of every year, so that the -- the revision estimate would have been available to her in order to (inaudible) -- for her draft revenues, and we would have begun our overall discussion of the budget with an agreement.

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THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you, Mr. President. I thank Senator Harp for her answer. And we all know that sometimes when you get information with only a couple weeks to look at it and reevaluate how it would impact a \$36 billion deficit or budget, maybe two weeks isn't enough time. We've spent now six months trying to formulate a budget, we're not there yet. We are having difficulty in determining how Connecticut can close this budget deficit gap, and I think that's what's on the minds of those back home, and across the state of Connecticut, is to pass a budget.

And I think, from the information that I've heard, that we've -- there's been an agreement as to the size of the budget deficit in the state of Connecticut. And we didn't need this bill to determine that. So now we know what we need to do to close that gap, and we need to spend the time and energy on closing that gap.

We're back here in Hartford today to debate a bill that says, well, I think these two agencies should come together and give us an estimate. This is

basically an anomaly. It doesn't happen all that often where the two agencies can't agree or they may disagree within small figures, but we've worked our way through that. This is my fourth term in the General Assembly, and we've always been able to manage to come together and come up with the numbers that we needed to pass a budget. But these are extraordinary times. We've never seen a budget deficit as large as the one that we're grappling with right now.

But that doesn't take away the responsibility that has been entrusted to us by our constituents. Every day people get up to go work and they hope a pink slip is not waiting for them at the door. We read in the newspapers and hear on the news, thousands of jobs that are being lost in the state of Connecticut on a monthly basis. The nonprofits, the nursing homes, the hospitals, they're all waiting for us to pass a budget. They're waiting, and here we are in Hartford today to debate a bill to talk about revenue estimates.

We can do our job without this bill before us. We've done it before in the past. We've heard testimony from other Senators that said, years and years and years -- if we went to the Dean of the

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Senate, we know who that is -- maybe they'd like to stand up and say we've been able to do it. Mr. President, I will be voting against passage of this bill. I believe we -- our time would be better spent going back to the drawing room, getting the leaders together, working on how we're going to close this budget deficit. The folks of Connecticut deserve no less. Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Will you remark on the repass of Senate Bill 1162?

Senator Caligiuri.

SENATOR CALIGIURI:

Thank you, Mr. President. Briefly, in support of the Governor's veto, I -- you know, when I look at this issue I try to boil it down to simple, pragmatic terms. Will this bill make life better for the people of Connecticut? And the answer, very simply, is no, because when we boil down the problems that we've been facing over the last several budget cycles, it doesn't boil down to whether we've been able to agree or disagree over revenue estimates. It's because we have sharp disagreements over -- in the case of the budget

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two years ago, how best to spend the \$800 million surplus that we had and, in terms of the budget that we're facing today, profound differences over how best to close the gap.

There are times when we disagree over what the right revenue estimates are, but we have always been able ultimately to find agreement. This bill will not help us one iota to resolve the truly fundamental problem that results in our inability to pass a budget on time, which is a profound, real, and philosophical disagreement over what constitutes the best fiscal policy for the state of Connecticut. In the case of -- massive budget deficits, is it the right thing to do to close it by cutting spending? Or is it the right thing to do to by focusing on tax increases? Is it a revenue problem? Is it a spending problem? To the extent that it's both, how do we strike the right balance? Those are the issues that ultimately impede our ability to get closure on this budget, not revenue estimates. Because we've always been able, ultimately, to find agreement on that.

And so while this bill, should it be overridden -- should the Governor's veto be overridden, may allow some of us to go back home and say, look at what we've

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done to enhance the budgeting process, I can assure you, even though I've only been here for two terms, that when we have these problems again -- and we will have these problems again from a fiscal matter if we don't make the right policy decisions today -- this bill will not have done a single bit of difference to improve our lot in life fiscally.

And for those reasons, I think the Governor's veto was well founded. And I believe that any attempt to override it should be defeated. Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Will you remark further?

Senator Boucher.

SENATOR BOUCHER:

Thank you, Mr. President. Mr. President, I rise to align my comments along with my colleagues that have just spoken. I think that we are often asked about why there's a controversy with regards to our deficit numbers. And when we have a thorough discussion in district, it's obvious that it makes very little difference if we're \$100 million apart when we're talking about a \$9 billion two-year

deficit, that spending a lot of time and effort in the debate on that point, literally allows that deficit to grow longer and bigger and tie things up unnecessarily so.

And we shouldn't necessarily want to tie ourselves with other states. Connecticut is unique. Certainly that point was brought home to me when I was in California over the last weekend and their discussions of their mammoth deficit problem. And in fact they are just now starting to roll up their sleeves and saying that they're about to sit down and have a really honest discussion -- serious discussion to close that.

So I believe that we're spending an awful lot of time and resources over a point that can become dangerously -- so politicized in the future. On something that isn't as important as to actually dealing with the budget in an honest -- or the deficit in an honest way, and try to close the gap. Because as we all know, that number changes on a month-to-month basis. Just in the last budget that was presented there was a \$253 million gap already within just a few weeks.

So as I said, I think we're spending too much

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time on this point, and allowing the process to be politicized incrementally so. And so for that reason, I, too, would be supporting the veto that was just handed down by our Governor. Thank you, Mr.

President.

THE CHAIR:

Thank you, ma'am.

Will you remark further?

Senator Daily.

SENATOR DAILY:

Thank you very much, Mr. President. I stand in opposition to the Governor's veto. I think it's obvious to all of us in the chamber that we have been working for years to try to improve our budget process. We have changed the software that OFA uses so they can do better forecasting. We have required the November reporting, so that we an idea earlier in the process of where we stand fiscally. And this completes that cycle, and gives us more information with which to work year-round.

We are unique. But that doesn't mean that we don't pick up the good practices that we have seen in other states. And I think this one enhances our budget-making process to a great degree.

And for anyone who was saying that this is taking the place of budget negotiations, that simply isn't true. And I think you know from our Governor that the leaders have been meeting almost daily to try and resolve the budget situation, which is different from the bill that's before us. So I encourage everybody to vote to override this veto.

THE CHAIR:

Thank you, Senator Daily.

Senator Fasano.

SENATOR FASANO:

Thank you, Mr. President. Mr. President, with respect to this bill, I don't think the Governor's veto should be overridden for a number of reasons. Mr. President, when you look at the process that's in here, as other Senators around this chamber have indicated, there is no difference. Currently the way it happens are -- the method that takes place is OFA and OPM gives their best reasoning to support whether there is a surplus or a deficit, and what those numbers are. And they use their best efforts to achieve that. In particular, as we recognize in a two-year cycle it is difficult to print out what you believe is going to happen two years from now. That's

extremely difficult.

When you talk about the difference, as Senator Harp indicated, a \$2 billion difference -- a majority of that is allocated to the second year. Why? Because we were faced with the most unprecedented economic challenge our nation or our state has ever, ever faced. The largest deficit in the state of Connecticut, and the largest financial crisis (inaudible) levels. Whether it was the stock market or banks or bailouts -- whatever it is -- the largest problem we've ever faced in the nation. So why should it be a surprise that experts disagree what the number is going to be two years from now?

We all watch the news. We all watch the various economic reports to see what's happening in the world economically -- they can't agree. Reasonable people can differ, given the information that's in front of them. And not a shocker given the economic times that we face, that two years from now people can't conclude as to the number. And obviously, the larger the deficit, and the bigger the magnitude of economic problems, the greater the differences are going to be. It just makes sense.

So this bill says, because of what happened this

year, we spawn an idea to solve it. But let's see what the bill does. What the bill says is that OPM lets the Comptroller know what their number is; OFA lets the Comptroller know what their number is. The Comptroller's going to look at their numbers, their assumptions, their reasoning, and not based on any other thing but that information given up front, say, I think it's this. This is a person who, by our constitution, as stated in our Connecticut General Statutes, for Comptroller, Section 3, Chapter 34, has her duties. And her duties are to mark down revenue; her duties are to make reports and record -- I think there's 14 times where "recorded" is written in that statute. That's her job to record. Not to analyze, not to predict, not to determine, hey, I think this economic theory is wrong and this one's right, just simply a scribe, as her duties are allocated in our constitution.

Now we're saying, no, what we want you to do is be an economist. We want you to look at the factors and the assumptions that OFA and OPM have determined and determine their legitimacy or not and then predict upon that what the number is going to be. We could just as easily have said, hey, you know what, whatever

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OPM says, whatever OFA says, take that half, divide by two -- make it just -- cut the baby in half, that will be the number. Might as well just do that. That probably makes more efficient sense.

Talk about trying to get a budget out on time, we say OFA said this, OPM said that. Okay, for the purposes of setting your budget use as a thumbnail right in half. Why does that make as much sense? Because as Senator Roraback indicated when he was asking questions, we're not bound by any number. We could toss out both numbers, one number, all the numbers. We come up with our own theory. So if we could do that, why do we need this?

You're back to the same thing. You just added another level of an obligation for the comptroller who's got a billion other things she has to do, add another layer for her to worry about, which is to be in an economist. Simply, take the number, split it in half, let it go to the Finance Committee and then Approps Committee and let them decide which number they want to use if they want to use the number that splits the baby.

That's just as good as anything else. Why?  
Because it's a nonfixed -- it's not a constant.

There's nothing in our law that says whatever OPM says, whatever OFA says, you are mandated to that number. You -- not like when we get our bills in our circle. We get a bill from OFA, it has an OFA note. We recognize that as law. We could disagree with it. We could argue that they didn't think of this or they didn't think of that. We're stuck with that. That is a rule. Well, appropriations and finance doesn't have that rule, so it's an irrelevancy. It's an irrelevancy.

We don't need it. It makes no sense. Then we put a time limit of five days. Five days -- she's got to look at these numbers and do all this math and all this economic analysis of who's right and who's wrong in five days. It just doesn't make sense.

It's an exercise in futility. At the end of the day, it's a number, that's all it is. That's all it is. It's worked well up to now. We've had disagreements. You could disagree as to anything when it comes to economy. So it doesn't make any sense to go forward with an extra step. It doesn't add anything to the process. One may argue it slows it down. One may argue it politicizes the process. One may argue that it's adding more duties to someone

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who's already -- have her hands full with the State of Connecticut, all of which are legitimate arguments.

For those reasons we should not override the veto. Stay with what we've had. It has worked. There's been no glitches. The biggest problem we had was this year when everybody had a problem with the economic forecast this year. Every state has had the same problem, every municipality.

So with that, I urge this body not to override the veto. Thank you.

THE CHAIR:

Thank you, sir.

Senator Harp.

SENATOR HARP:

Thank you, Mr. President. For the second time. I think it's really important.

We've heard a lot in the debate about the Office of the Comptroller. We've heard that it's a political office. And while it is an office that is elected politically, it has an administrative and executive function, and I think to say that, because it's an office that's elected politically, that it cannot comment on this, as required by this bill, is fallacious and needs to be corrected.

We also heard from our Constitution around some of the responsibilities of the Comptroller, but one of -- the very last sentence actually was not included in the debate, and that last sentence reads in this way, it says, the General Assembly may assign to him -- and I guess they mean her as well -- other duties in relation to his office and to that of the treasurer and shall prescribe the manner in which his duties shall be performed.

So that gives the Legislature the ability to actually make a decision about those things in which the Comptroller should be engaged. I believe that it is a constitutional office. It is an office of the executive branch, but it should not be cheapened by this debate. It should be respected, and we should utilize it in order to resolve an issue as important as where we start to begin the budget of the State of Connecticut, which is the most important work that this Legislature does.

THE CHAIR:

Thank you, ma'am.

Will you remark? Will you remark further on the motion to repass Senate Bill 1162? Senator McKinney.

SENATOR MCKINNEY:

Thank you, Mr. President. Mr. President, very briefly in urging my colleagues not to override the veto and to close the debate down on our side, let me first start with a reaction agreement to Senator Harp's last comments. And that is I think she's right in that the office of the Comptroller can assume these duties. We can assign them to her, and I also think it's good for the State, for the offices of comptroller when she does speak about forecasting.

I remember when we passed our last budget, after the budget came out, the Comptroller talked with some dismay that we, in a unanimous budget -- nearly unanimous, I believe -- didn't put enough money into the Rainy Day Fund. And I encouraged the Comptroller to come out earlier rather than later in the process to talk about the need to replenish and put more money in the Rainy Day Fund.

The Comptroller has been very good and consistent about speaking out about the size of the 2009 budget deficit for the fiscal year. So I completely agree with Senator Harp's comments about the abilities of the Comptroller and the need for her to speak about our fiscal issues, whether it's the status of a Rainy Day Fund, or forecasting regarding our deficits. I

just disagree that this bill is necessary or that this bill is going to make our budgets and the budget crisis we have better.

Senator Harp did start out the debate talking about the fact I believe we're one of two states in the Northeast, I think she said, that does not have this. Well, that speaks to the fact that the other states in the Northeast are suffering through terrible economic crisis, terrible budget difficulties, and this hasn't helped them and it's not going to help us out of the situation we're in either.

I also tried to describe this bill, speaking to a local Kiwanis Club, and I just tried to describe this bill when we first debated it. And the obvious reaction is, well, you know, if you guys can't reach consensus, maybe this isn't a bad idea, trying to reach consensus. And my response was, when have we ever not reached a consensus?

In 11 years I've been here, we've reached a consensus. And in this year, the year where we faced the worst economic crisis that any of us have dealt with, the largest budget deficits that any of us have dealt with, we still, the Governor, the Democratic leadership and Republican leadership of this

Legislature working together have reached a consensus on what the forecast for our budget deficit over the biennium is going to be.

Now, maybe it took us longer to reach that than we would have liked, but of course it did because the problems are that much bigger and the solutions are that much tougher. So I don't believe this is a necessary step because, even in this year, the worst year of all, the worst budgets of all, we've been able to reach a consensus. And I actually believe that that tension between the executive branch and the legislative branch is a good tension.

It's much like the tension that exists in our local communities between a board of education and a board of finance. That is a good tension to have, and I think by having this new law, where we have a third party who could be a tiebreaker, may actually cause us to not have that tension, to not try to reach that bipartisan consensus.

I would also say that if we do have so much faith in the Comptroller, and I am one who's always been very complimentary of our current Comptroller and I hope I will be of all future comptrollers, then why do we just give her the power to sort of break the tie

between what OFA and OPM suggests? What if she believed it was higher than the high number or lower than the low number. She should have the ability to speak on that as well.

But the bottom line is this, the bottom line is unlike all those other states in the Northeast that I know of, we have had a long tradition in this state of sitting down together as the executive branch and the Legislature, as Republicans and Democrats and trying to reach consensus on our budget, which includes consensus on our budget forecasting, and for the most part we have done that exceedingly well. And I think that is something that all of us in the past have been proud of, and maybe there will be a chance, a time in the not-too-distant future where we will continue to be proud of how we reach agreements and consensus on budgeting.

But I believe it was Senator Roraback who pointed out that even under this bill -- even under this bill where OFA and OPM, to be a distance apart and the Comptroller to come down and break that tie, so to speak, the Finance Revenue and Bonding Committee and this Legislature still is the only one empowered to adopt revenue estimates.

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Just as recently when we voted upon, and was passed, the majority's budget, we voted upon and adopted revenue estimates that came from the Office of Fiscal Analysis that were revenue estimates that were outdated at the time that we adopted them. An \$8.7 billion deficit, when OFA at the time we voted for an \$8.7 billion deficit, said the deficit was actually 8.85 billion.

So even under a consensus budgeting process, it is always and will always be this Legislature's constitutional role to adopt those revenue estimates. And so even under this, we can ignore what this process brings to bear, adopt our revenue estimates and pass a budget. That's why I think this is not the time to do this and there are certainly more important things to focus on.

And I would urge my colleagues not to override the veto. Thank you, Mr. President.

THE CHAIR:

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

SENATOR LOONEY:

Yes. Thank you, Mr. President.

Mr. President, in speaking in support of the

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motion to repass the bill and override the Governor's veto.

First, Mr. President, wanted to commend Senator Harp and Senator Daily and the members of the minority party who've spoken so far -- so far for, I think, an excellent and focused debate on this matter.

The reason for this bill and the need to repass it, Mr. President, is that the failure to achieve a consensus on revenues and the nature and scope of the deficit that we are facing this year is one of the reasons that we have had such a difficult time for this entire session since the beginning of February when the Governor presented her budget. And from that point on, there were discussions as to the nature of the deficit, a significant gap, an unprecedented gap between the numbers presented by the Office of Fiscal Analysis and the numbers presented by OPM at that stage as to what was the scope of the deficit that we were facing for the 2010-2011 biennium.

Never in all the years that I've been in the General Assembly have we ever seen a difference of that magnitude. And that has been something that I think has hamstrung our process since then, that it is very difficult to come up with a plan or even to reach

an agreement when you don't know what the target number is. And that is something I think that stymied us all through the session because of that difference.

Now, the general public may or may not be aware that the OFA is not the majority party's budget office; it is the General Assembly's budget office. And we have historically relied upon OFA numbers, but generally the difference between OFA and OPM has been a marginal difference with some slight differences in the estimation of economic performance or substantial agreement as to the revenue to be brought in by most taxes, but may be a disagreement in one or two categories.

But this year the problem was so large, the gap between the deficit number from OPM at the beginning of the legislative session and OFA's number was at that point about \$2.4 billion, a difference between about 6 billion and more than 8 and a half billion. So that has been the problem that has plagued us.

And when looked around and looked at how other states have dealt with this issue we see that about 25 states have some budget reconciliation, some consensus forecasting measure similar to what we are proposing here, that there has to be some way to achieve a

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consensus number, someone designated as the tiebreaker in order to have an agreement that becomes the starting point for further negotiations on what the target is. And that's what we are seeking to do by way of this bill.

We know that the Comptroller does regularly issue, as we know, revenue forecast deficit projections along with numbers that we -- that are presented by OPM and OFA. So it did seem that the Comptroller was the right entity to designate for this role in the event that there is this gap that cannot be reconciled through the normal give and take of an agreement process in every other way.

So what we are hoping by this bill is -- and many asked, well, why haven't we done it previously? It never really was necessary previously. We never had a difference of the scope and size and dismaying magnitude of what we were facing this year so that the need for some mechanism to create that, to crystallize that number that will be agreed upon was never an urgent matter until this year. But now it is, and we present this bill as a way to try to bring that reconciliation about whenever it is necessary.

One would hope that we will not repeat this

sequence where you have such significant variance between the General Assembly's and the executive branch budget offices, but in the event of that impasse and that huge gulf, there has to be some way to close the difference, and that is what this bill does.

It is not in any way intended to be an attack on executive authority, but a way to help us move the budget process forward at a time when it is stalemated by the lack of a clear number as a target number.

So for that reason, Mr. President, would urge support for the override for the repassage of this bill. Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Will you remark further on Senate Bill 1162?

Senator Williams.

SENATOR WILLIAMS:

Thank you, Mr. President.

I rise to support the bill, also to thank Senator Harp and to second the remarks of Senator Looney.

Folks have made the case today that perhaps this bill is only needed in certain extraordinary circumstances, that folks do wind up coming to

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consensus, and I mean the Office of Policy and Management and the Office of Fiscal Analysis. And I think both of those statements may be true, but when we are talking about coming to consensus on something as important as the deficit of the State of Connecticut, it's much better to come to consensus at the beginning of the process and not at the end of the process.

Because, Mr. President, if you back up and take a look at where we were in January and February, folks were talking then about an 8 billion plus deficit for the State of Connecticut. And in February, when the Governor's budget came out, it reflected a \$6 billion deficit and change. And at that time, the difference between the estimates of the Office of Fiscal Analysis and the Office of Policy and Management -- and OPM is what advises the Governor -- was almost \$3 billion.

So as a result, when the Governor's budget came out, not reflecting the \$8 billion plus deficit that OFA had acknowledged, but instead a much lower deficit that was advocated by the Office of Policy and Management, it meant that we were looking at a document, the Governor's budget document that did not reflect the true economic crisis that the State was

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facing and the severe challenge that we as a  
Legislature faced.

Now, we went through February and March and April  
and May without a consensus, without an agreement  
between the Governor's office, represented by OPM, and  
the Legislature with the nonpartisan Office of Fiscal  
Analysis. That was a lot of time wasted without an  
agreement and, pretty much, the proof is in at this  
point.

Now OPM agrees the deficit is larger than \$8  
billion. The Office of Fiscal Analysis was correct.  
Now, it's not going to work that way every time.  
There's no incredible magic to these revenue  
forecasts, but it does mean that it's worthwhile to  
get the parties together, at the beginning of the  
process.

If there are differences to reconcile, reconcile  
those early so that we could be having good faith  
budget negotiations based on the same bottom line, not  
in July, but in February, in March, in April, in May,  
in June, when unfortunately this year, when we needed  
it more than ever we did not have that consensus.

So this fundamentally changes the game for the  
better in the public interest. And yes, it's true, as

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folks have said. It doesn't mean at the end that the Legislature is automatically required to adopt that exact figure arrived by consensus for our budgeting purposes, but it does mean that the Governor's budget and the Legislature's budget as it comes out of the Appropriations and Finance Committees, those budgets must reflect the consensus estimate early on. If that had been the case this year, we would be so much closer to an agreement, if not having already passed a budget for the State of Connecticut.

So for those reasons, Mr. President, I advocate that we repass this bill, institute good, sound, solid public policy, as approximately half the other states in the United States have already done. Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Will you remark further on the repassage of Senate Bill 1162? Will you remark further? If not, Mr. Clerk, please call for a roll call vote. The machine will be open.

THE CLERK:

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

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

THE CHAIR:

Have all members voted? If all members have voted, please check your phone. The machine will be locked. The Clerk will call the tally.

THE CLERK:

The motion is on repassage of Senate Bill Number 1162.

Total Number Voting	36
Those voting Yea	24
Those voting Nay	12
Those absent and not voting	0

THE CHAIR:

The motion passes.

Senator Looney.

SENATOR LOONEY:

Yes. Thank you, Mr. President. Mr. President, pursuant to Rule 14 of the Joint Rules, would move immediate transmittal to the House of Representatives of the repassed bill, Senate Bill 1162.

THE CHAIR:

The bill will be sent down to the House. Yes.

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**CONNECTICUT  
GENERAL ASSEMBLY  
HOUSE**

**PROCEEDINGS  
2009**

**VOL.52  
PART 27  
8496 – 8825**

THE CLERK:

Calendar Number 702, Senate Bill 1162, AN ACT  
CONCERNING EXPENDITURES OF APPROPRIATED FUNDS OTHER  
THAN THE GENERAL FUND, favorable report of the  
committee on Government Administration and Elections.  
(Inaudible) from New Haven, Reverend Cameron Staples.

REV. STAPLES (96th):

Thank you, Mr. Speaker. Mr. Speaker, I move  
acceptance of the Joint Committee's favorable report  
and passage of the bill in concurrence with the  
Senate.

SPEAKER DONOVAN:

Request to accept the Joint Committee's favorable  
report and passage of the bill in concurrence with the  
Senate. Remarks?

REV. STAPLES (96th):

Yes, thank you, Mr. Speaker. Mr. Speaker, the  
underlying bill before us deals with appropriated  
funds, issues, it is a very short file copy. We have  
before us an amendment that was approved in the Senate  
which was struck that file copy and I would ask at  
this time that the Clerk please call LCL 8631 and ask  
leave of the Chamber to summarize.

SPEAKER DONOVAN:

Will the Clerk please call LCL 8631, which is designated Senate A.

THE CLERK:

LCL 8631, Senate A, offered by Sen. Williams, et. al. Representative (inaudible) of the Chamber summarize your objections summarization. Hearing none. Representative Staples, you may proceed with summarization.

REP. STAPLES (96th):

Thank you, Mr. Speaker. Mr. Speaker, the amendment before us which becomes the bills establishes what is referred to as a consensus revenue forecasting process. It is a process through which the Office of Fiscal Analysis and the Office of Policy and Management will both be required to issue their revenue forecast and in the event that they do not agree on a forecast, then the Controller will issue what will be the binding revenue forecast that will guide our budgetary efforts. There are several provisions that require the Governor, as well as the Legislature's Appropriation's and Finance Committees to revise their budgets in accordance with the consensus revenue forecast. The provisions of this

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amendment implement that process and I move its  
adoption.

SPEAKER DONOVAN:

Questions on adoption of Senate Amendment A.  
Remark. Representative Staples:

REP. STAPLES (96th):

Thank you, Mr. Speaker. Mr. Speaker, briefly the bill before us would accomplish something that we have not been able to do, particularly in troubling economic times. If you look at the history of the Legislature's revenue forecast with respect to those of the Executive Branch, you'll notice that we are usually a great variance during times of economic downturn. That's because, in my estimation, that the choices become so politically fraught, whether it's reducing expenditures or increasing revenues, the inevitable strain on both of these branches of government cause variations as much as a billion dollars in revenue estimates. They did during the early part of this decade and they did certainly within the last six months. The bill before us sets to create a process where the political ramifications of revenue decision making are taken out of the revenue forecasting process. It places some

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constraints both on this branches decision making with respect to revenues as well as the executive branch, forces the two offices that represent us on budgetary matters to try very hard to come to a consensus and in the event they do not arrive at a consensus places the authority in the Controller's Office to issue those revenue forecast.

Whether or not, the timing of this bill is what we would all wish, I think the content will relieve both the Senate Chamber as well as the Governor's office of a lot of potential controversy in years to come. We're all agreeing from the very outset as to what the goal is for our budget making and the only debate that we have throughout a session is how best to get there. I think it makes a lot of sense for us to do that and I look forward to seeing this become law and I urge my colleagues to support it.

SPEAKER DONOVAN:

Thank you. Remark further on the bill.

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. If I may a few questions to the proponent of the amendment.

SPEAKER DONOVAN:

Please proceed, Representative.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. As I see this, this bill is attempting to do two things. It is attempting to put into place a policy whereby we are creating an ongoing policy how we are going to address our budget process and also there is a second session that deals with this current fiscal year. Now as I read this, OPM and OFA would be required to get together in the months of October, January and April. Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Staples.

REP. STAPLES (96th):

Mr. Speaker, that is correct.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. And this language is mandatory so under -- regardless of the circumstances, they will always in those months be required to get together for the purposes of establishing a revenue estimate and going through the procedure of trying to come to consensus. If that consensus is not reached, the Controller then would step in and be the

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individual picking the actual revenue number, through  
you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Staples.

REP. STAPLES (96th):

Thank you, Mr. Speaker. Yes, that is correct.

SPEAKER DONOVAN:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. And once the Controller  
-- if, in fact, the OPM and OFA get together cannot  
agree upon a number and say OPM's revenue estimates  
are lower than OFA's, the Controller needs to be  
picking a number somewhere in between OFA's and OPM's.  
And I guess once the Controller chooses that number,  
is that the number then that the Legislature and the  
Governor would be required to go off of, through you,  
Mr. Speaker?

SPEAKER DONOVAN:

Representative Staples.

REP. STAPLES (96th):

Through you, Mr. Speaker. Yes, that is the  
number that would become the consensus revenue

estimate number and both the Legislature as well as the Governor would be bound by that.

SPEAKER DONOVAN:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. So I understand as I read this April 13th would be the last point in time that the individuals would get together to come up with a number. So if there is a dispute, the Controller chooses the number, the last point in time that a revenue estimate would be established for the purposes of a budget would be in April. Am I correct, through you, Mr. Speaker?

SPEAKER DONOVAN:

Representative Staples.

REP. STAPLES (96th):

Thank you, Mr. Speaker. I think that is certainly the last time that the bill before us requires a consensus revenue estimate. I don't think there is anything that prohibits the two offices from issuing an updated estimate under their agreement at a future time.

SPEAKER DONOVAN:

Representative Candelora.

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REP. CANDELORA (86th):

Thank you, Mr. Speaker. So, if as we see it in the process which currently occurs where the Finance Committee and the Appropriation's Committee come out with their budget packages and typically I guess that comes out before their (inaudible) deadline which is the third week of April. That process would still occur but they would be bound to the revenue estimates that are created and that budget document would reflect those revenue estimates, through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Staples.

REP. STAPLES (96th):

Thank you, yes, through you, Mr. Speaker. Yes, they would be required to adjust their spending and revenue bills in accordance with those revenue estimates.

SPEAKER DONOVAN:

Representative Candelora.

REP. CANDELORA (86th):

Thank, you, Mr. Speaker. And -- so as we've seen in past years where as the months go by, particularly April 15th seems to be one of our magic deadlines

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where a lot of our estimated income tax has come in and we've seen revenues frequently adjust after that date, would the Legislature be within its authority to then go off of these revenue estimates, through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Staples.

REP. STAPLES (96th):

Thank you, Mr. Speaker. I think they would be under the authority. I think that the process here described when the consensus revenue estimates have to be achieved and that the budgets that are adopted pursuant to that need to be reflective of that. But I do believe that through the silence of this bill on this topic that in late June, for example, the Legislature were to arrive at a different set of revenues and expenditures based on updated estimates that are provided by OPM and OFA. I don't see the document before us prohibiting them from revising those estimates at that later time. I think the document requires that they have a consensus in April and that their budgets in April reflect that consensus, but I don't see a limitation that prevents

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them from modifying those budget estimates at a later point in time, through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. So in the situation like we saw two years ago where there were certain revenue estimates that were provided and late in April those estimates had changed and ultimately we end up coming up with a budget sometime in July based on completely different revenue estimates than that were made in April. Nothing would preclude the Legislature in adopting a budget from moving off of the numbers that are established in April and coming up with new revenue estimates, negotiating that with the Governor potentially and coming up with a new budget that does not reflect any of the work that is done through this process outlined in the underlying amendment, through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Staples.

REP. STAPLES (96th):

Thank you, Mr. Speaker. That is my interpretation of the bill before us. It talks about

the Governor's requirement to reissue her budget in accordance with those consensus estimates as well as the Finance and Appropriation's Committee's responsibility to revise their budgets in accordance with those estimates. But I don't see language that requires the General Assembly in its final deliberations to abide by those if there is a consensus that revenues have continued to change in the ensuing months.

SPEAKER DONOVAN:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. In -- throughout, I guess, these three sections where we have the Controller acting, I guess, as the arbitrator, the ultimate decider, you know I have not been in this chamber long enough to I think have a historical perspective of how OPM and OFA come to their numbers but I frequently have heard anecdotally that their numbers are usually different. That being because OPM has a different timeline than OFA in coming up with their estimates. I would assume that now that we are putting them on the same timeline, maybe in fact, the estimates would be a little bit closer so maybe they

would be able to come to a consensus. But I am under the impression that frequently we probably will not have that type of scenario arising so frequently it will be the Controller that will be making those decisions and are there any rules or guidelines that may govern how the Controller would make the decision, how he/she would come to an understanding of what the revenue estimates would be and I ask that because the way the bill is currently written it states that the Controller shall consider the estimates offered by OPM and OFA and so I am wondering to what degree, what flexibility the Controller has, what tools she has in making her decision, through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Staples.

REP. STAPLES (96th):

Thank you, Mr. Speaker. The bill before us just requires that the Controller, when reaching her revenue estimate, consider both the estimates provided to her from the Office of Fiscal Analysis and the Office of Policy and Management and it also requires that her estimate fall between those two estimates. But there are provisions to the statutes, Section 3-115, is one where the Controller already has

responsibility for preparing monthly statements relating to the financial condition of the state, evaluating the operation of state funds, appropriations, reserves and cost of operations. She also issues a statement regarding revenues and expenditures every month and as everyone here is aware since we've adopted five deficit mitigation plans the Controller is vested with the responsibility of making a determination when the deficit exceeds 1% and a requirement following that that the Governor issue a plan 30 days later is imbedded in the statutes as well. So the Controller already has significant responsibility in the area of establishing the state's revenues, expenditures and the status of the deficit. So I think taking together with that authority, the language in the bill is appropriately vested in her office.

SPEAKER DONOVAN:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. And I appreciate that answer. And so just to be clear, because the bill doesn't reference those authorities and I certainly am aware the Governor does have those functions. And as

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I read the bill, we're sort of establishing the Controller as being the arbiter, for I guess lack of a better term, and so to be clear, the Controller would have the ability then to invoke her discretion and her use or obligations under Connecticut General Statutes in arbitrating this decision. So, she can bring in additional evidence in coming to her conclusion. She wouldn't be limited to the information and materials that are necessarily submitted to her by the Office of Policy Management and OFA, through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Staples.

REP. STAPLES (96th):

Thank you, Mr. Speaker. The language is that the bill before us is as in issuing the consensus revenue estimate required by the subsection, the Controller shall consider such revenue estimates and shall issue the consensus (inaudible) based on such revenue estimates and not between the two. And that is the extent of the direction the bill provides. So I think you're correct that the Controller's able to consider her own sources of information in evaluating what the estimates should be. But she is required to keep it between OFA and OPM's estimate, so that is the most

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significant constraint on her authority, through you,  
Mr. Speaker.

SPEAKER DONOVAN:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. I have a little bit of a practical question, something kind of that goes a little bit into the political realm in the Controller's office. Right now we currently have a situation where we have a Republican Governor and a Democratic Controller and I think that there is some balance as a result of that. You know OPM serves under the discretion of the Governor, the Controller is a separate office. One concern I have is does the Controller in rendering her decision, would she have the ability -- to what extent, I guess, she'd have the ability to communicate with the Governor's office and what assurances we have that OFA numbers would be given the same weight in consideration? Is there some sort of statute that establishes a fiduciary obligation on the Controller in making decisions, through you, Mr. Speaker?

SPEAKER DONOVAN:

Representative Staples.

REP. STAPLES (96th):

Thank you, Mr. Speaker. I think the assurances we really have are the Controller's responsibilities under the statutes presently to really safeguard the accounts of the State and to safeguard the financial status of the State and the authority that is vested in her to make judgments regularly about the scope of the deficits already reflects a decision that a separate constitutional office should be the arbiter of those determinations. So, is there anything that prevents the Controller from speaking with the Governor's office? No. And I don't think that there should be, frankly. I think that full exchange of information between OPM, the Controller, OFA is helpful. I think all we really have as protection is the fact that OFA is always in the mix as a non-partisan office that has no agenda politically and that the Controller is a separate constitutional officer and while she may, or he may, at some point be the same party as the Governor, their political fate is not necessarily tied together and she/he has the ability to make independent decisions.

SPEAKER DONOVAN:

Representative Candelora.

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REP. CANDELORA (86th):

Thank you, Mr. Speaker. And I appreciate that answer. I just had another question for clarification purposes.

SPEAKER DONOVAN:

Please proceed, sir.

REP. CANDELORA (86th):

Thank you, Mr. Speaker, through you, in lines 14 where on November 15th the OPM and OFA are supposed to submit reports to the Budget Committees each year, I know that is current language and I read in lines 14, it states that they shall each submit a report and in lines 1 we're amending it to require a consensus estimate of the state revenues developed in accordance with Subsection A. And just for clarification purposes, while the Amendment on line 14 still says that each must submit, they must each submit the document, but the document they'd be submitting would be identical essentially because it would either be a document that they have come to consensus with through the process or it would be the document that the Controller ultimately would have arbitrated over and produced, through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Staples.

REP. STAPLES (96th):

Thank you, Mr. Speaker. I'm not certain that I heard the full question, but you're asking whether this is a document that they are likely to have met and developed in consensus with each other, through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker, through you, the language in 14 requires that they each submit the following information. And my question was that word each submit connotes that they would -- OPM and OFA would each be submitting separate documents to the Joint Standing Committees and I see in lines 17 through 21 what we are doing is amending the report to require that what they are submitting is the consensus estimate. So that it is contemplated that by November 15th they would have already gone through their October consensus procedure, whether it be by agreement between the two of them or whether it be the Controller arbitrating and picking the revenue number, so that when the two groups are before the joint

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committees on November 15th, they each may be submitting that document, but that estimate would be identical because they would have already gone through the process in October, through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Staples.

REP. STAPLES (96th):

Thank you, Mr. Speaker. That, I know, is the goal of that section, is that they would each be submitting the same consensus estimate and as you described there is a process that precedes that in October relating to their obligation to attempt to come to a consensus agreement, through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. That is very helpful. And in that same section, there are a number of other items that OFA and OPM currently need to submit and they are enumerated in Subsections two through seven. Would those items need to also be part of a consensus document or would OPM and OFA be free to submit their own estimates, through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Staples.

REP. STAPLES (96th):

Thank you, Mr. Speaker. As I read that, Representative Candelora, the consensus estimate is the first of several items that they are submitting. It does not appear clear to me, and I will look for it elsewhere while we're talking, as to whether there's a definition of consensus estimate that includes those following provisions. But it appears to me that they have an obligation to present a report on items two through seven, but that those are not necessarily the same as the consensus estimate that they have to develop together in item one.

SPEAKER DONOVAN:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. I'm a little bit confused with that portion of the bill because I guess as I see this, and maybe it would be helpful to the process, OFA and OPM have the requirement to come to a consensus with revenue. However, in Sections two through seven, much of that information does involve revenue, so while I appreciate the intent, I think of

this document which is to try to get all the parties involved in budget negotiations onto the same page more rapidly, it seems as if that OFA and OPM would have an ability to state their case, maybe and undermine that consensus revenue estimate by submitting information in lines two through seven that may undermine that. What I mean by that is in Section two for instance, we have projected tax credits which certainly affect our revenues, summaries of deficiencies, projected balance in budget reserve funds, bond authorizations and importantly, number six, an analysis of revenue and expenditure trends and the major cost drivers affecting state spending. So I guess I could envision that each agency while we need to come up with a consensus on what that revenue is, the two agencies would have the ability to submit information that may state why or why not that consensus information may be incorrect. Is that a correct reading of those provisions, through you, Mr. Speaker?

SPEAKER DONOVAN:

Representative Staples.

REP. STAPLES (96th):

Thank you, Mr. Speaker. Well I think that the way I read it, Representative Candelora, is that all descriptions about the consensus process relates to a revenue estimate. So I do think that those following provisions, they are each required to submit information and that there is nothing in the bill that sets a process out for reconciliation of all of that information, so I do think they would be able to introduce their own perspectives on all of those items following a consensus revenue estimate and they may be at variance with each other, through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. I guess that would make sense then that while we would want OPM and OFA to come to an agreement, the Legislature would still have the ability under this statute to be given additional information and probably more information the better, I would think.

SPEAKER DONOVAN:

Representative Candelora.

REP. CANDELORA (86th):

Yes, thank you, Mr. Speaker. I want to turn to Section three, which I think seems to address this current fiscal year and as it reads if no budget is produced by the end of this session, I would say June 3rd, OFA and OPM would have to commence with a revenue consensus process similar to what was discussed in the preceding Section three, Mr. Speaker.

SPEAKER DONOVAN:

Representative Staples.

REP. STAPLES (96th):

Through Mr. Speaker, yes, that's correct, it relates to just this particular biennial budget and the timelines for that reconciliation or the issuance of a consensus estimate is defined based on the effective date of the bill before us, if it were to pass and become law.

SPEAKER DONOVAN:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. And in Sections 18 through 28, once the, I guess, consensus numbers are produced we are now requiring the Governor to produce a budget document accordance to 4-74. Is there any

obligation that the Legislature produce a document as well under this provision, through you, Mr. Speaker?

SPEAKER DONOVAN:

Representative Staples.

REP. STAPLES (96th):

Thank you, Mr. Speaker. Yes, there is an obligation in that section for the Finance Committee and the Appropriations Committee to meet within ten days and to vote on adjusted appropriation and revenue plans. So the obligation is both on the Governor to introduce a revised document, as well as on the Finance and Appropriations Committee to develop revised documents as well.

SPEAKER DONOVAN:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker, and I thank the good representative for his answers to these questions. I have great concern with this document that we are voting on today. One of the concerns as we heard from the questioning -- I'm not sure what the purpose or point this actually would do, certainly for the Governor's office and for the Legislature. What we've heard is that it would require two branches of

government, two agencies to come together and produce a revenue estimate. That number would be a hard revenue estimate that the Governor would be obligated to produce a budget based on. We are essentially requiring the Legislative branch to inject itself into the Governor's thought process, requiring her to take into consideration the Legislative branch's policies and not giving the Governor the ability to produce a document on her own as an exclusive function of the Executive Branch. And I think that while we're certainly in tough economic times today, and certainly the process has become very difficult, I don't think one of those problems that have been uncovered in this budget process is the way we go about a budget.

I think it is important that the Governor be free as the executive member, as the head of our agencies, as the person that needs to make government work to have that Governor have the ability to produce a document that reflects the Executive Branch's policies and that gives us then, the Legislative Branch, the opportunity to do our job of crafting our own budget based on public policy that we believe in. But what we have sort of done here today is we are trying to mesh those responsibilities, but it seems as if it

meshes only to the extent that the Governor is required to take our information into consideration when producing his/her budget. But the Legislative Branch is free to ignore all of this information. As we heard today, we need to go through three exercises of compromise and consensus. All of those exercises occur before we have really any good, firm, hard and fast revenue information which is typically garnished after April 15th. This process occurs on April 13th. And then after that is all said and done and the Governor's hands are tied, we then have the ability to come up with our own budget and ignore all of the work that has been done previously. And I think that is dangerous. Because I think it is important for the two branches of government to function separately at a point in time prior to coming to the table together to produce a document. And so I'm not sure what this is actually doing, what we're actually achieving here today.

Essentially I think that it's, to me, it speaks to more of the political process and less of the policy and therefore I have great concerns about this amendment. I do not support it. I think that we should go back to the bargaining table, sit down in

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budget negotiations and stop with legislation that potentially is going to hurt us many years to come. And with that, Mr. Speaker, I would ask that when this vote is taken on the amendment that it be taken by roll.

SPEAKER DONOVAN:

This is a roll call vote. All those in favor of a roll call vote, please indicate by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER DONOVAN:

In the chair's opinion, 20% is (inaudible). The vote will be taken by roll.

Remark further. Representative Giannaros.

REP. GIANNAROS (21st):

Thank you, Mr. Speaker. As you have noticed this session I haven't said much other than a couple occasions. But on this particular topic, it does bring home the subject matter that I studied, published in and have worked very hard on to get to where I am as an economist in my profession. I just want to say a couple of things that when you deal with tax revenue or government spending, in capitalistic market economies nothing is constant, nothing.

Everything varies because markets change. Whether it is consumer sales, investments by businesses or exports relating to our sales abroad, moment by moment the numbers change, never mind over a month or year.

For those of you who have taken some economics, you remember that the total demand for goods and services composed of consumer spending, investor spending, government spending and net exports. With the exception of government spending which is more stable than all the others, all the other variables, all these other (inaudible) spending, investment spending and net exports do vary which means that production varies, income varies and therefore the tax revenue will vary.

On the other side of the equation is the -- when we talk about balanced budgets is government spending. And government spending itself is, even though we pass budgets, it is influenced at the end of the day by what is going on with the economy. When the economy is fluctuating as it is always and right now we are in a downturn and still working downwards at this point, that means more people become unemployed and automatically more people qualify for government programs. So therefore that particular variable,

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government spending, is also unstable even though it is more stable than the other three. I hate to tell you that last year when about at this time OPM, as much as OFA were predicting significant surpluses for this current fiscal year and I questioned that. In fact, I am a member of the Finance Committee. I was pretty straight forward and I was -- I guess -- I'm the Secretary, OPM was before us, I kind of very straight forward said, no we're not going to have a surplus. We're going to be in a significant deficit. Everybody kind of looked at me in shock.

I'm not going to get into a lot more detail, but I have a lot of unfortunately (inaudible) perhaps, I don't know, but I do have a lot of expertise in forecasting and no matter what we do, whether it's April estimates or January estimates, the numbers will change. Having said that, most of the economists will tell you that because the economy fluctuates just like when you are out there in the Atlantic and the waves are constantly on, the best thing to do is get a consensus estimate rather than one point estimate. So the idea of having three forecasts and perhaps they can average those is not a bad idea. I think most of the people in the field will tell you that is the

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case. And I don't think there is any wrong or right because, again, you're dealing with an economy that fluctuates, varies, and therefore the forecast are going to vary and the estimates are going to vary.

My dissertation for my doctoral study actually was a forecasting model for the European Union and the Greek economy and was used by the Greek government for quite a while. I can tell you that it is always plus or minus when you are talking about forecasting. Having said that, I hope that we don't really spend a lot of time today talking about things that are not actually economically effectual. Nobody can do an accurate forecast. I can tell you that because markets vary. That's why we always have the plus or minus. And I will stop right there, Mr. Speaker, and I just wanted to bring that out so that we have that in the back of our heads as we continue. Thank you.

SPEAKER DONOVAN:

Thank you, Representative. Remark further on the amendment. Remark further on the amendment. If not, staffing please come to our House. Members take your seats, the machine will be open.

SPEAKER DONOVAN:

The House of Representatives is voting by roll call. Members to the chamber. The House is voting Senate Amendment Schedule A by roll call. Members to the chamber.

Have all the members voted? Have all the members voted? Please check the roll call board to make sure your votes were properly cast and if all the members have voted the machine will be locked and the Clerk will take a tally.

It looks like please announce a tally.

THE CLERK:

On Senate Amendment Schedule A for Senate Bill 1162..

Total number voting	130
Necessary for adoption	66
Of those vote aye	96
Of those vote nay	34
Absent/not voting	21

SPEAKER DONOVAN:.

And then it passes.

Remark further on the bill. Remark further on the bill. Representative Cafero.

REP. CAFERO (142nd):

Thank you, Mr. Speaker. Ladies and gentlemen of the chamber, in my 17 years as a State Representative, I have never heard as often than the past four months this phrase from my constituents and everyone else who I encounter. "What the heck are you people doing up there? The worst economic crisis in the history of the State of Connecticut, what the heck are you people doing up there?" We need a budget. We need a budget. We need a budget. That's what they are saying.

The mayors, the first selectmen, republican, democrat, independent, unaffiliated, we need a budget. Mayors are saying we are putting together our budgets for our towns, for our Board of Education, for our Parks and Recreation, for our DPW and we don't know where the state stands. We need a budget.

The bill that is before us is not a budget. It is a process. Are you kidding me? A process on May 29th, a process. Since the existence of the State of Connecticut, the Legislature and the Governor, no matter what the numbers, no matter who is in power, put together a balanced budget because that was their constitutional duty, since the existence of Connecticut. Before there was OPM and OFA and LCO and all the other letters, that the people out there could

care less about. They don't know what OFA is and OPM and a consensus and we're going to do this and meet on the third day past the fifth month. They want a budget. That's what they want, a budget.

And the irony here is, the irony here is that the impetus behind this bill was it was felt the Governor who came out with a budget on February 4th did not have a complete budget. Less than 48 hours ago she submitted a budget. You might not like it, but it was to balance at least to her OPM numbers. So what are we doing it for. Kill more time, tell the (inaudible) well actually we have an OPM OFA on the 13th and we're going to come -- they want a budget, period.

And another irony the whole process that is set up by this amendment has numbers effective on April 13th. We all know those numbers could be and have been irrelevant passed April 15th. So we're setting up this official system with OPM and OFA and the Controller's office has split the difference on the third weekend after the fifth Friday and guess what, after April 13th none of it matters. And another thing, even if it did matter, this allows the Legislature to ignore every bit of it. Whatever the process produces, this bill allows the Legislature to

ignore it. Notwithstanding what all these initial people did for all the weeks they did it and all the data they collected.

If we, the Legislature, want a budget we can pick a number out of the air. We have had a system that has been ugly at times, but has served us well. Let's use the system and get a budget. And why haven't we gotten a budget? Because we can't agree. What can't we agree on? Philosophy. There are some, and I thought all of us, when we took our oath of office on January 7th, all of us cognizant of the economic climate we were coming into session with, all of us, cognizant that our neighbors, our friends, our family members, in some cases our own selves, we're losing our savings and losing our 401(k) and losing our pension plans and losing our jobs and losing our homes and being asked to cut back, take less, do more with less, tighten the belts. And that this was the worst time in the history of the state of Connecticut to add on top of that an additional tax burden.

Somebody asked me the other day, they said where in any of the budgets do the wealthy take a hit? And I explained to them, I explained to them, that if you look at the four corners of the document, the budget,

any budget, and if that is the place you expect to see everyone take a hit, you're making a mistake. We don't have a line item in our budget that says service is for the rich that we can slash and say ah ha, we hit the rich up. In fact, thank God, only our most needy citizens get direct services in most cases from our state budget.

So one might argue if that's the case then where is the pain for these other guys that are making a ton of money. Look outside. Pick up the newspaper. Look who lost their job. Look whose cutting back. Look who might be losing their house. They're not reflected in our budget.

When the Federal Government increases taxes on the wealthy or anybody else, that doesn't mean that's a whole different set of people. We all have to pay that because we're all United States citizens and taxpayers.

What people want is for us to do our job. No on February 4th the Governor came out with her budget. It was balanced to \$6 billion deficit in the two fiscal years and it called for no taxes because she believed as I thought we all believed that this was the worst possible time in our history to raise those

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taxes. Things changed from that point. The deficit got worse. It got about \$2 billion worse over the biennial. The democratic majority through their Appropriations and Finance Committee came up with their solution to the problem. About two weeks after that, the Republican legislators in this building came up with their solution to the problem, their suggestion continuing on the theme set by the Governor that we can do this without raising taxes.

In many cases it was laughed at and scoffed at, can't be done, never happen, you have to raise taxes, we want to preserve vital services. And that is why we don't have a budget today. We got to move this off the dime, ladies and gentlemen. The people of the state of Connecticut demand it. They want a budget. They want us to do our job. They don't want another process. They don't want a bunch of places with initials to meet and convene and split and consolidate and compromise. They want a budget. They want the men and women that they voted for to be their representatives at the State Capitol to get behind a room with the Governor and come up with a budget -- not another process, not another delaying tactic. It hasn't happened yet, May 29th.

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What are the prospects? I don't know, not good, because right after this bill we're going to probably bill a call (inaudible) of a special session, what does that tell you? We're in the minority party. I am the leader of that minority party here in the House. I can't put forth or make a budget happen. I figure you don't like ours, you don't like the Governor's, you must like yours. So let's move this process off the dime.

Mr. Speaker, the Clerk has LCO number 8804, may he call and I be allowed to summarize.

SPEAKER DONOVAN:

Will the Clerk please call LCO 8804, which we designated House Amendment Schedule A.

THE CLERK:

LCO 8804, House A, offered by Representatives Cafero, Hamzy and Klarides.

SPEAKER DONOVAN:

Representatives (inaudible) of the chamber to summarize the amendment. (Inaudible) objections, hearing none. Representative Cafero, you may proceed with summarization.

REP. CAFERO (142nd):

Thank you, Mr. Speaker. Ladies and gentlemen of the chamber, I don't know if this has ever been done here before, I know it was done up in the Senate a couple of days ago. They won't take our budget and you won't take the Governor's budget, maybe you'll take yours.

So here it is. Unadulterated, just the way you passed it out of finance, here it is -- your budget, your budget. The democratic majority's budget. In case you forgot, let me tell you what it has in it. It has \$3.3 billion, \$3.3 billion worth of tax increases. It taxes the rich, the poor, the old, the young and everybody in between. It eliminates a variety of sales tax exemptions.

It eliminates the sales tax free week that so many of our local businesses called for that was such a help for kids to go back to school. It proposes the delay in the increase in personal income tax exemptions for single filers. It phases out the property tax credit, you know the one, the one that lets people who are making as little as \$46,000 a year take up to \$500 off what they pay the State of Connecticut, dollar for dollar based upon how much

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property tax they paid to their city. That's what the budget does. It increases the income tax on the so-called wealthy. Let's define that.

We've had a million definitions over the years. The democratic majority of the Appropriations and Finance Committee define the wealthy as a couple making \$250,000 or more and their income tax is going to go up 20 percent from 5 percent to 6 percent. It then goes up to 7 percent, 7 and a half percent, and 7.9 percent. We also increase the estate tax. You're dead, you're alive, you're rich, you're poor, you buy something, you don't, you're going to get taxed. That's what it says. You don't like ours, this ones yours. This ones yours.

When the citizens of the state of Connecticut said tighten that belt, make some efficiencies, with a \$18 billion a year budget it must be something you can do. There must be some agency out there that does the same thing another one does, combine them. Sad to report this budget, your budget, does not have any of that. No consolidations, no efficiencies, business as usual, we've got to pay for it, we're going to raise \$3.3 billion in taxes.

Ladies and gentlemen, the people of the state of Connecticut want a budget. Let's put one on the table in this chamber, in the chamber upstairs. We don't like it. We're not going to vote for it. We'll attempt to amend it, we'll show you we can do this without raising any taxes. But if it gets us off the dime instead of talking about process and procedures, well then here it is -- your budget. Mr. Speaker, I offered to the chamber, I asked them when the vote be taken it be taken by roll.

SPEAKER DONOVAN:

Motion before the chamber a roll call vote. All those in favor of a roll call vote please signify by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER DONOVAN:

The record 20 percent is (inaudible) when the bill is taken it will be taken by role.

Remark. Representative Staples.

REP. STAPLES (96th):

Thank you, Mr. Speaker. Mr. Speaker, the proponent of the amendment suggests that what we need to do today and what we need to do in general is get a

budget that the state can have for the ensuing couple of fiscal years. This amendment today does absolutely nothing toward that end. This amendment today does not get us a state budget. In February 4th the Governor introduced a budget with a \$6 billion deficit target. Whether you agree or not, at the time that was known, certainly shortly thereafter it became very obvious to all of us that the deficit was much greater. The Finance and Appropriations Committees did their jobs in early April two weeks before their reporting deadlines to get a budget before this General Assembly. We could have voted on that budget any time from that period through today, but that is not how we reach budget agreements at the State Capitol.

If we were offering this budget today, I think we would be hearing from the other side of the aisle that this is not the way to achieve an agreement on a budget going forward. With all due respect to the comments made about process, I have been sitting in a room, the ranking members of Appropriations and Finance and the Chair of Appropriations have been sitting in a room for several weeks, ten hours a day, working on a budget agreement.

In fact right now, the chairs of Appropriations are doing that upstairs. There has been a very devoted effort on the part of legislators to negotiate a budget agreement. That's how we finish the state's business, not on a vote today on the Committee Bill that was presented by the Appropriations and Finance Committees. There is no goal here except for reaching an agreement. This Legislature understands that, this majority party understands that, we're trying very diligently to do that. As the minority leader just stated, it wasn't until 48 hours ago that we heard the Governor's proposal to balance the budget based on her new revenue estimates. It's very difficult in budget negotiations to negotiate when you don't know what the plan is on the other side. We've had a budget, we've had a budget for two months that the democrats would support, but we know we need her agreement to get a budget that we can adopt and go forward for the next two fiscal years. Today is not the day for this. This is not the form to adopt an agreed upon budget.. I urge all my colleagues to reject it.

SPEAKER DONOVAN:

Thank you, Representative. Remark further.  
Remark further. If not, staff and guests please come

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to (inaudible) and take their seats, the machine will be open.

THE CLERK:

The House of Representatives is voting by roll call. Members to the chamber. The House is voting House Amendment Schedule A by roll call. Members to the chamber.

SPEAKER DONOVAN:

Have all the members voted? Have all the members voted? Please check the roll call board and make sure your votes are properly cast. All the members are voting. (inaudible)

Will the Clerk please announce the tally.

THE CLERK:

House Amendment Schedule A for Senate Bill 1162

Total number of voting 135

Necessary for adoption 68

Those voting ayes 0

Those voting nays 135

Absent/not voting 16

Amendment fails.

SPEAKER DONOVAN:

Mark further the goals amended. Mark further the goals amended, if not staff and guests please come to

House and members take your seats, the machine will be open.

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.

All members voted, if all members voted please check the roll call board and make sure your vote has been properly cast.

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

Will the Clerk please announce the tally.

THE CLERK:

Senate Bill 1162, as amended by Senate A, in concurrence with the Senate.

Total number of voting	135
Necessary for passes	68
Those voted aye	100
Those voted nay	35
Absent/not voting	0

SPEAKER DONOVAN:

Bill is passing (inaudible) with the Senate.

Representative Merrill.

REP. MERRILL (54th):

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**CONNECTICUT  
GENERAL ASSEMBLY  
HOUSE**

**PROCEEDINGS  
2009**

**VETO  
SESSION**

**VOL.52  
PART 34  
10823 – 10999**

Senate Bill Number 1162, AN ACT CONCERNING  
EXPENDITURES ON THE APPROPRIATED FUNDS OTHER THAN THE  
GENERAL FUND, favorable report of the Committee on  
Government, Administration, and Elections.

SPEAKER DONOVAN:

Representative Merrill.

REP. MERRILL (54th):

Yes, thank you, Mr. Speaker. I would move that  
we reconsider this item. And I would note that I was  
on the prevailing side of the issue, once again.

SPEAKER DONOVAN:

Thank you, madam.

The question before the Chamber is on  
reconsideration of Senate Bill 1162. I will note that  
Representative Merrill was on the prevailing side when  
the Chamber passed this measure on May 30, 2009 -- is  
therefore an appropriate member to make a motion for  
reconsideration. Is there objection to the motion to  
reconsider?

REP. CAFERO (142nd):

Objection, Mr. Speaker.

SPEAKER DONOVAN:

Representative Cafero has objected. Will you  
remark further on the motion to reconsider? Will you

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remark further on the motion to reconsider? Will you  
remark further on the motion to reconsider?

If not, let me try your minds. All those in  
favor of reconsideration, please signify by saying,  
aye.

REPRESENTATIVES:

Aye.

SPEAKER DONOVAN:

All those opposed, nay.

REPRESENTATIVES:

Nay.

SPEAKER DONOVAN:

The ayes have it. The motion to reconsider is  
passed.

But it seemed close, Representative Cafero.

Will you remark further on the bill?

Representative Staples.

REP. STAPLES (96th):

Thank you, Mr. Speaker. Mr. Speaker, I move  
repassage of the bill.

SPEAKER DONOVAN:

The question before the Chamber is on repassage  
of the bill.

Representative Staples, you have the floor.

REP. STAPLES (96th):

Thank you, Mr. Speaker. Mr. Speaker, the bill before us is an attempt to create a process where the Office of Policy and Management and the Office of Fiscal Analysis reconcile their revenue estimates, to avoid the issue that we had during the last five months and in other times when the state has faced fiscal distress, where the budget writing committees of Appropriations and Finance are not able to develop a budget that is consistent with the budget presented by the Governor, due to a conflict in revenue estimates.

The bill before us requires a reconciliation process. If that process does not occur between those two offices, the Comptroller issues a consensus revenue estimate. I think this will speed up the process of agreeing to a bottom line that will allow the budget process to move more smoothly, and I urge my colleagues to support the bill.

SPEAKER DONOVAN:

Thank you, Representative.

Will you remark further?

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. If I may, one question to the proponent, through you.

SPEAKER DONOVAN:

Please proceed, sir.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. My one question is did the bill, as amended, dealing with the particulars of -- coming through a process of revenue estimates -- did that subject matter have any public hearings in our committees? Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Staples.

REP. STAPLES (96th):

Through you, Mr. Speaker, the question whether the bill before us had a public hearing -- I do not believe it did. Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. And I appreciate that answer. And I ask it because I can understand what we are going through in the process -- the budgetary process. But I have real concern that this bill that we're looking to override -- the veto that we're

looking to override today, the subject matter has never come before any committees in any type of deliberative process. And to the extent that even this house discussed this bill -- I recall it was on a Saturday for about a half hour.

And my concern is that while we may want to revamp the budgetary process, we should only do so in a very careful, deliberative manner that includes a public hearing. And the reason being is that bad facts make bad law. And certainly this session, we had an accumulation of bad facts -- a very unfortunate circumstance for the state of Connecticut with the drop in the revenues, with loss of jobs, and the crisis situation that we are in. I could say that none of us are necessarily responsible for any of the revenue shortfalls, and the process has been very difficult for both sides of the aisle.

But I think what we're doing here today is, frankly, almost reckless. Because what we're doing is we're allowing for this consensus budgeting, but when you peel it back, we're essentially merging the two branches of government for the budgetary purposes. And I think it's important that we, as a legislative body, maintain autonomy over the budgetary process. I

think that it's important that our Office of Fiscal Analysis, the nonpartisan office, come up with revenue estimates, and we as a Legislature craft a budget at the same time, or even prior to the Governor begins her process using the Office of Policy and Management. And I think it's important for her to have her own independent analysis.

And what we're doing here today, I think, is very shortsighted. We are attempting to try to merge these two branches for the purpose of just coming up with a revenue estimate. And I recognize we had a very difficult time of trying to figure out what our deficit was this year. Thankfully, I think both branches have worked together, albeit late -- but again, it's been a difficult process, and we've tried to come up with a consensus number. I think everyone would agree that it hasn't been a perfect process.

But I think that we're really cutting our nose off to spite our face by even considering a bill of this nature. I would urge us, truly, to sustain the veto, and look at this process in a more thoughtful manner in the next session that may allow for some tweaking that could help us in our budgetary deliberations next year. But I think, for this year,

what we're doing is, we're binding the Governor to a revenue number based on what OFA may tell her -- or OPM. And then if those two don't come to an agreement, we're punting the ball over to the Comptroller's office to tell us what the revenue estimate is. And I just think that's a bad idea.

I think that this Legislature -- the Finance Committee had always come up with its own revenue estimate through OFA. I think that that process should continue, and if we want to look at it next year through a more thoughtful process, I think we should do so. But we certainly shouldn't override this veto just to say we can do so, without having any further deliberations. I think it's important we have more discussion, and I would urge my colleagues to sustain the veto. Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative.

Representative Johnston.

REP. JOHNSTON (51st):

Thank you, Mr. Speaker. Mr. Speaker, a question through you, to the Chairman of the Finance Committee, if I may.

SPEAKER DONOVAN:

Please proceed, sir.

REP. JOHNSTON (51st):

As I read the language of the bill and look at the OLR analysis and try to understand what choices the Comptroller has when coming to those consensus figures, am I correct that the Comptroller has to either agree with one or the other for financial reasons or pick a point between those two and has no other choice in the matter? Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Staples.

REP. STAPLES (96th):

Through you, Mr. Speaker, yes, the Comptroller is required to pick an estimate that is between the OFA and the OPM estimates.

REP. JOHNSTON (51st):

I thank the gentleman for his answer. I guess I don't quite understand that, because it seems to me at the end of the day what we're trying to do is get the figure right. And so we're going to ask the Comptroller of the State of Connecticut and the financial experts in that office to look at the figures. And they may very well come to a conclusion that falls outside of the range, that may be as

different than both the Office of Fiscal Analysis and the Office of Policy and Management. And yet, we'd be telling that very same Comptroller that their expert opinion on this matter -- that they're not able to put forth, that they have no choice but to either pick OPM or pick OFA or to pick something in between, although they may think that they are both slightly off.

So at the end of the day it brings us to consensus, but I'm not really clear that it brings us to the right number. And I think what we're interested in is the right number. I would urge that we support the Governor on this veto. I think we've had a process that works well. Our Finance Committee accepts our nonpartisan Office of Fiscal Analysis revenue figures, and we reach consensus when we pass a budget and the Governor agrees with us on that budget and signs that budget document. That is the ultimate consensus-finding mechanism that we have.

And I don't think by having this third, independent sort of arbitration award -- decision of coming up with a consensus figure, that that's going to drive us any quicker or smoother to a budget process. I think ultimately to come to a successful budget -- to come to a successful budget, there needs

to be negotiation. And I think the starting point for us, as a legislature, should be and always has been our independent, nonpartisan Office of Fiscal Analysis. They give us a number; we pass our budget based upon that number. At the point in time when the Governor agrees, we've reached consensus. I think it's worked well, and I think we ought to leave it in place going forward. Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative.

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Mr. Speaker. Mr. Speaker, in conclusion from this side of the aisle, let me state this: When this bill first came out, I said to this Chamber that the public doesn't want a process. They want a budget. And some people said, well, you know what, I'm not so sure they care whether we have a budget. But as the days have gone on, as the session ended, as the end of the fiscal year ended, as towns and municipalities, first selectmen and mayors, Democrats and Republicans, not-for-profits, are looking to this Chamber as their money is running out, as they can't plan for the next month in advance, I'm

fairly convinced they want a budget. They don't want another process.

And since this bill came out -- since this bill came out, this Chamber voted on the Democratic budget. And if you wonder why the public at times doesn't get what we do, it's because when we voted on the Democratic budget a few months ago -- a few weeks ago -- days ago, actually, we didn't pay any attention to OFA numbers. And we paid no attention to OPM numbers. We adopted our own number.

And whether you agreed with that or not, at very least we're the Legislature. That is our job. We could get guidance and advice and data and analysis from OFA and OPM and the Comptroller and any other agency you want, but those ladies and gentleman, as hard working as they are, are not elected public officials. We are. It is our job to adopt revenue estimates.

We've done it that way for years, for decades, for centuries. What started out to be a very partisan and political bill no longer has any usefulness. Because the good Lord willing, when we get out of here our number one job should be to pass a budget -- negotiate and pass a budget. This bill is not

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necessary. Ladies and gentlemen, I ask that you sustain the Governor's veto. Thank you.

SPEAKER DONOVAN:

Thank you, Representative.

Would you care to remark further on the bill?

Would you care to remark further on the bill?

If not, staff and guests please come to the well of the House. Members take their seats, the machine will be open.

THE 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.

SPEAKER DONOVAN:

Have all the members voted? Have all the members voted? If all the members have voted, please check the roll call board to make sure your votes were properly cast.

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

Will the Clerk please announce the tally.

THE CLERK:

Senate Bill 1162.

Total Number Voting

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Necessary for Passage	101
Those Voting Yea	104
Those Voting Nay	38
Absent/Not Voting	9

SPEAKER DONOVAN:

The bill is repassed.

Are there any announcements or introductions?

Representative Boukus.

REP. BOUKUS (22nd):

Good afternoon, Mr. Speaker. Mr. Speaker, for journal notations, please.

SPEAKER DONOVAN:

Please proceed, madam.

REP. BOUKUS (22nd):

Mr. Speaker, missing votes today, under journal notations, Representative Dargan is out of the country. And for transcript notations, Representative McCrory was on legislative business in the district. That's it, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative.

Representative Piscopo.

REP. PISCOPO (76th):

Thank you, Mr. Speaker. For a journal notation.