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HB6001

House	8603-8871	268
Senate	4635-4768	134
		402

H – 1148

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The question before the Chamber is on adoption on the self-explanatory resolution.

Will you remark? Will you remark further?

If not, I will try your minds. All those in favor of the resolution please signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER RYAN:

Opposed, nay.

REPRESENTATIVES:

Nay.

DEPUTY SPEAKER RYAN:

The ayes have it and the resolution is adopted.

Will the Chamber please stand at ease.

(Chamber at ease.)

DEPUTY SPEAKER RYAN:

The Chamber will come back to order.

Will the Clerk please call Emergency Certified House Bill Number 6001.

THE CLERK:

Emergency Certified House Bill 6001, AN ACT IMPLEMENTING PROVISIONS OF THE STATE BUDGET FOR THE

FISCAL YEAR BEGINNING JULY 1, 2012, LCO Number 5779.

DEPUTY SPEAKER RYAN:

The distinguished Chair of the Appropriations Committee, Representative Toni Walker of the 93rd District, you have the floor, ma'am.

REP. WALKER (93rd):

Thank you, sir -- thank you, Mr. Speaker, and good afternoon, sir.

DEPUTY SPEAKER RYAN:

Good afternoon.

REP. WALKER (93rd):

Mr. Speaker, I move passage of the Emergency Certified Bill, Number -- Number 6001.

DEPUTY SPEAKER RYAN:

The question is on passage of the bill.

Representative Walker, you have the floor.

REP. WALKER (93rd):

Thank you -- thank you, Mr. Speaker.

Mr. Speaker, we have before us a bill to implement the budget that we passed in May. The bill has a variety of different things that address a lot of the issues that were very close to us. It clarifies language on specific issues. It talks about some of the things on how we are going to go for, what

the intent -- legislative intent was.

Before I get into -- before I start to answer questions, I want to thank all the people that worked on this so diligently from OFA, from Legislative Research, OLR, from the House staff and from the Senate staff and from OPM. All of the people worked very hard with this, and we felt that all of the things before us are the important parts that we need to do to make sure that we achieve the balance budget that we passed back in May.

Mr. Speaker, the bill covers a variety of things, such as dental benefits, such as residential care rates, such as residential home fair rent, Medicaid, military accounts, Jobs First. It also talks about the state pilot implementer. Issues that are necessary, college transition pilots. It talks about aerospace joint venture and a variety of things.

I think that all the things that we have before us are important. I think all of us voted for everything that was here, and I think that all the things that we need to do for the State of Connecticut are here. I move passage of the bill.

Thank you, sir.

DEPUTY SPEAKER RYAN:

Thank you, Representative.

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

Representative Cafero of the 142nd.

REP. CAFERO (142nd):

Thank you, Mr. Speaker -- excuse me.

Mr. Speaker, we just have a bill that's before us, it is 469 pages long. It's some 287 sections. And with all due respect to the gentlewoman from New Haven who brought out the bill, I think it is in all of our interest to understand the various aspects of it.

So, through you, I have a series of questions to the proponent of the bill.

DEPUTY SPEAKER RYAN:

Please proceed, sir.

REP. CAFERO (142nd):

Thank you, Mr. Speaker.

Mr. Speaker, through you, understanding -- especially based upon the debate we had on the call of the calendar, we, as a general assembly, will be seeing two bills today. This being the first.

Is it our understanding that this is the budget implementer bill and thereby all 287 sections are

necessary to implement the budget? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Walker.

REP. WALKER (93rd):

Thank you, Mr. Speaker.

And I thank the good gentleman from Norwalk for the question.

That is correct, sir.

Everything in here implements the bill, clarifies the language or defines all intent that was necessary or that was laid out, not only just in the budget itself but in other bills that were passed that were directly related to the budget. Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Cafero.

REP. CAFERO (142nd):

Thank you.

Through you, Mr. Speaker, is it the understanding of Representative Walker that all aspects of the bill that's before us, all 287 sections, have gone through the appropriate committees and had public hearings? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Walker.

REP. WALKER (93rd):

Through you, Mr. Speaker, I think that the items before us if they weren't directly in a public hearing, the subject matter or the issues were directly related to things that were done within the committees in the General Assembly. Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Mr. Speaker.

Mr. Speaker, I'd like to call Representative Walker's attention to section 18 of the bill, I believe it deals with the pharmacy reimbursement; is that correct? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Walker.

REP. WALKER (93rd):

Yes. Through you -- through you Mr. Speaker, I -- I thank the good gentleman for his question.

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

DEPUTY SPEAKER RYAN:

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Mr. Speaker.

Through you, it's my understanding that this changes the way reimbursement for fall -- for small pharmacies is determined; is that correct? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Walker.

REP. WALKER (93rd):

Through you, Mr. Speaker, again, I thank the good gentleman for his question.

Yes, that is correct it is trying to make adjustment from many of the independent pharmacies in the State of Connecticut, which I'm sure that the good gentleman from Norwalk received many calls from as many of us did in the Chamber today -- that are here today. Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Cafero.

REP. CAFERO (142nd):

Thank you.

Through you, Mr. Speaker, I did indeed receive many, many calls from small and independent pharmacies

with regard to the way reimbursement for fall -- for small pharmacies is determined. And in many cases, all of those calls, almost unanimously, were for increasing the dispensing fee that we pay to pharmacies.

Does this section of this bill increase the dispensing fees to small pharmacies? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Walker.

REP. WALKER (93rd):

Through you, Mr. Speaker, again, I thank the good gentleman for his question.

In this bill, we are not addressing the dispensing fee. What we are doing is we are affecting the what is called the average whole sale price index, the AWP. Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Cafero.

REP. CAFERO (142nd):

So, through you, Mr. Speaker, the very issue that at least I got most calls on that being the increasing of the dispensing fee, this bill does not do that; is that correct? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Walker.

REP. WALKER (93rd):

Through you, Mr. Speaker, that -- the good gentleman from Norwalk is correct. It does not address the dispensing fee.

I believe that many -- many of us received calls from a variety of natures on -- on just this specific issue. Some pharmacies wanted average whole sale price change, some wanted dispensing fee change. And one of the difficulties we're going to have with this and I'm sure the good gentleman from Norwalk is well aware of this, we have to have this approved by CMS, Center for Medicaid Services. I'm trying not to use the acronyms; I'm trying to use the names. And what they have said to many of the states because they do the regulation on these options that they are looking very carefully at how we make these tier adjustments.

And when looking at some of the other states that have done this -- that have been accepted and I believe only two that I could see, maybe three -- they have done differences in a variety of different ways. And we've chosen to go through the average whole sale price change. Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Mr. Speaker.

Mr. Speaker, I'd like to call the -- Representative Walker's attention to section 19, which is regarding the Department of Aging. It's my understanding that under current law the Department of Aging was to be reestablished and start on July 1, 2013; is that correct? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Walker.

REP. WALKER (93rd):

Through you, Mr. Speaker, the good gentleman is correct.

DEPUTY SPEAKER RYAN:

Representative Cafero.

REP. CAFERO (142nd):

Through you, Mr. Speaker, it's my understanding that the bill before us would speed up that start date to January 1, 2013 by roughly six months; is that correct? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Walker.

REP. WALKER (93rd):

Through you, Mr. Speaker, the good gentleman, again, he is correct.

DEPUTY SPEAKER RYAN:

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Mr. Speaker.

My -- my -- I guess my question is this -- we had created, I guess previously, a new agency that I believe currently consist of only of commissioners; is that correct? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Walker.

REP. WALKER (93rd):

Through you, Mr. Speaker, let me -- I believe that is correct. I'm -- I'm not sure exactly the staffing on that, but I do believe the good gentleman is correct.

DEPUTY SPEAKER RYAN:

Representative Cafero.

REP. CAFERO (142nd):

And through you, Mr. Speaker, if we create this actually speed up the creation of this new Department of Aging by six months and all we have is a

commissioner in there, is there any plans to expand the commission, and if so, when we be doing such?

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Walker.

REP. WALKER (93rd):

I -- I thank the gentleman for the question because I'm sure a lot of other people are really trying to figure that out.

I think what we've allocated in the budget is $100,000. That allocation will cover whatever we have in operation in January. Any additional dollars would have to go through the next biennium budget that we will do in the spring of 2013.

So if we are going to expand the number of people that will then take affect and then they will probably take a affect as of July 1, 2013 but we do have an -- an allocation already in the budget. If the good gentleman, as he pointed out, we changed the date from July 1st to January 1st so, therefore, the money that we have in the budget would then lapse. So what we're doing is we're starting the agency up and moving forward with it because we've already made that allocation. Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Cafero.

REP. CAFERO (142nd):

Thank you.

Through you, Mr. Speaker, I guess so the -- this line item, known as the Department of Aging in the biennium -- excuse me, in the fiscal year we're currently in, has about $100,000; is that correct? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Walker.

REP. WALKER (93rd):

Through you, Mr. Speaker, the -- the good gentleman from Norwalk is correct.

DEPUTY SPEAKER RYAN:

Representative Cafero.

REP. CAFERO (142nd):

And through you, Mr. Speaker, would that be to pay the salary of the commissioner, this what I guess would be the sole employee of the Department of Aging?

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Walker.

REP. WALKER (93rd):

Through you, Mr. Speaker, I'm sure that would be the salary and any of the other additional things that might happen for the six months because remember the next budget would start July 1st. So we're talking salary and potentially any other things that they might be able to do within those six months. It would not go past July 1st because July 1st of 2013 would be the beginning of the next year.

Through you -- and I thank the gentleman for his question so I hope I answered that. Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Mr. Speaker.

It's a little confusing, though. Here we have this brand new Department of Aging that was supposed to start of July 1, 2013, but we move it up to six months. So you must assume we're going to really get going with the programs, and we learn that it will only have one employee, a commissioner. And for the first six months, the money allocated to this department will pretty much, if not exclusively, just go to pay the salary and some other things of this

commissioner.

So you got one person running a department for six months and I guess I wonder why we just didn't wait to leave it on July 1st, so that, in fact, that money would lapse -- that means we save it when you lapse money. We would not expend the $100,000 -- and God knows we need it -- but what was the rush to start it being that our original intent was not to start until July 1, 2013. Why did we want to push it up six months? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Walker.

REP. WALKER (93rd):

Through you, Mr. Speaker. I -- I thank the gentleman for his -- his question but I want to clarify. Let me go back a little bit because what I said was the 100,000 would be used for the beginning start up. And you asked me, if I remember, you asked me would this go for paying the commissioner and I would assume that it would be the commissioner or any staff but the expense would not exceed the 100,000, which we've allocated.

And the reason why we're moving it up is because if we lapse it, then why would we allocate it. I

think there was maybe an error in the date that we put in there. It should have been January 1, 2013, as opposed to July 1st because at that point we would not be able to use that money that would just -- it would lapse.

And we know that the importance of a Department of Aging from all the things that we have. We have an enormous amount of this budget that goes to directly to the care and the services that we provide to our -- our senior -- I guess, people like me, those programs. People that are needing a place where they can get direct answers. Somebody that this there that will help them navigate through the -- the process of either qualifying for some funding or potentially so that they understand exactly what their limitations are and how to do it.

Many of the problems that we have with a lot of seniors is how do I access this, how do I qualify for that, do I need to -- do I need to do certain applications for different programs that I should be getting and making sure, also, they get the support and back up that's necessary so they don't end up in emergency rooms or homeless or in other situations where they become a much more expensive responsibility

for the State of Connecticut.

So, through you, Mr. Speaker, it is there for the development of the agency. It is there for the commissioner and any staff, anything that they may need. Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Cafero.

REP. CAFERO (142nd):

Thank you.

Through you, Mr. Speaker, all of those programs and questions that senior has -- that seniors have that Representative Walker appropriately pointed out, people have questions about. As we speak today, are they just not being answered or does -- or do we have any department within the state that's assisting seniors in trying to get the answers to various state programs or private providers that could be of assistance to them? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Walker.

REP. WALKER (93rd):

Through you, Mr. Speaker, I thank the gentleman for the question.

I think as we all know because, especially, if we

talked to constituents in our district. It's always a question, exactly, who do I talk to for certain things, how do I find out about Medicaid situations, how do we find about Medicare, how do I find out about housing, and different things that are available for me.

We have those things in place now, without question, but actually getting direct service and getting direct information, it's very hard for especially for our -- for our seniors to navigate the system and we've heard that. I know -- I know my aide gets at least five to seven calls a week of people just trying to figure out where do I go. So when we say to them call Department of Social Services, then they go into a system that does not just address their needs. It addresses children. It addresses a variety of other different needs in there, families, housing, et cetera.

So this one allows them to have an agency that is directly available for them, which again helps us to save money because they are able to access what they need and they know their limitations. Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Mr. Speaker.

With all due respect to Representative Walker, I would take issue with just what was recited. We do, in fact, have agencies that help the aging. We do, in fact, have those questions answered. And maybe it is the goal that we have a one-stop shop or a central clearinghouse, if you will, to help seniors. Yes, that might be the dream but it was the intent of this legislature to make sure we had that on July 1, 2013.

My recollection's different from Representative Walker. See, it wasn't a mistake. It was a purposeful act. As a matter of fact, we kept delaying the start of the Department of Aging, but I think one of the comments made by Representative Walker, I would -- I would -- I would point to as a -- a flaw in our thinking. The mistake might have been that we had allocated $100,000 to that line item. So especially under the financial restraints that we find us under right now with an ever-increasing deficit with revenues not living up to what we had hoped them to be with a cash pool crisis, you would think maybe we'd say, you know what, let's keep this start date at July

1, 2013, and maybe we could save this $100,000 by not spending it. But we do just the opposite. We move up the date to fit the budget money allocated as opposed to saving the money and starting the program when we should.

Through you, Mr. Speaker, I want to jump ahead, if I may, to section 111, which deals with Operation Fuel.

Through you, Mr. Speaker, it's my understanding that the document before us calls that for 10 percent of the grants that are given out by Operation Fuel to be used for grants -- to be used for administrative costs; is that correct? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Walker.

REP. WALKER (93rd):

I thank you, Mr. Speaker.

And -- and before I -- I get this I just want to respond to one of the -- the comments that the good gentleman from Norwalk did say. And I -- I guess in talking and -- and meeting with my constituents, especially the elderly. Many times the elderly may have a confusion about their medications and how they can find their medications, where they go.

We have had many hospitals talk to us about the fact that we need to help them navigate that particular component more directly because of the fact that they end up in the emergency room and it costs us a much higher rate.

We've also had a discussion -- and I'm sure the good gentleman from Norwalk has talked to many of the nursing homes who have also stated that they really need them to be processed a little bit more efficiently. So that when an elderly person ends up into -- in a nursing home that we make sure that they qualify and all their papers are in order. That is the purpose of it. It is to save us money and all of these things. Emergency -- when you have these types of emergencies that just continually pile up, it will cost the State of Connecticut much more.

So I -- I just wanted to sort of clarify a little bit more in the detail because I -- I -- maybe the good gentleman didn't quite understand what I was saying and -- and it's all possible.

On section 111, the $200,000 that are set aside for administrative expenses, he is correct, it is a 10 percent set aside through -- for Operation Fuel. Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Mr. Speaker.

And just start to harking back to the last comment, I'm not so sure I didn't understand I just think we agree to disagree, but with that, I would ask with regard to Operation Fuel but for the piece of legislation that's before us, with regard to the payment of administrative costs coming out of the grant proceeds, how would the administrative costs otherwise be paid? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Walker.

REP. WALKER (93rd):

Thank you, Mr. Speaker.

I thank you for -- I thank the good gentleman from Norwalk's question and I'd -- I'd -- I also acknowledge that maybe we do need to -- we will disagree on some things but not too many. The representative and I agree on quite a few things.

I believe that Operation Fuel had a federal subsidy that had run out, and I believe that that helped to pay for some of the operations and this is

to help them in balancing that. Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Cafero.

REP. CAFERO (142nd):

I'm -- I'm sorry. Forgive me, through you, Mr. Speaker, if you could explain that again. The administrative costs of Operation Fuel, how have they heretofore been paid? Was it part of our operating budget? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Walker.

REP. WALKER (93rd):

Through you -- through you, Mr. Speaker, the -- they have been able to qualify several times for a variety of different funding allocations and grants through the federal government, and the federal government is shifting some of the ways the way they do the funding. So I think this -- this allocation is not something that's going to be consistent. I believe that the allocation right now is just to bridge them so that they can find other resources to -- to administer the administrative expenses that they have. Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Cafero.

REP. CAFERO (142nd):

Thank you.

Through you, Mr. Speaker, is -- is the Operation Fuel part of our biennium budget? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Walker.

REP. WALKER (93rd):

Through you, Mr. Speaker, yes, it is.

DEPUTY SPEAKER RYAN:

Representative Cafero.

REP. CAFERO (142nd):

Well, through you, Mr. Speaker, I guess I'm confused because this says it takes -- if it's part of our operating budget, it talks in terms of a grant and then it says it takes $200,000 of the grant and allows it to be used for administrative costs. So I'm a little confused as to how we normally paid for the administrative costs, especially, in the light of you telling me that Operation Fuel is a part of our operating budget. Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Walker.

REP. WALKER (93rd):

Thank you, Mr. Speaker.

We -- it is a line item but this was an amount they needed in addition to. We have allocations for Operation Fuel, and I believe we have done it every year through a variety of the state grants -- the block grants that we get from the federal government. Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Mr. Speaker.

Mr. Speaker, I want to go back through sections 28 through 95, and I believe that they concern themselves with the Bureau of Rehabilitative Service; is that correct? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Walker.

REP. WALKER (93rd):

Through you, Mr. Speaker, this is a name change. It was the Bureau of Rehabilitation Services and now it's going to be the -- I think the Bureau of Rehabilitative Services. Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Cafero.

REP. CAFERO (142nd):

Thank you.

Through -- through you, Mr. Speaker, are we changing the name to the Department of Rehabilitative Services? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Walker.

REP. WALKER (93rd):

I'm sorry. Could the good gentleman telling me what section he's talking about so I can go to it.

Section 28, is that correct?

DEPUTY SPEAKER RYAN:

Representative Cafero.

REP. CAFERO (142nd):

Yes, starting at section 28, yes.

DEPUTY SPEAKER RYAN:

Representative Walker.

REP. WALKER (93rd):

Just one moment, it's a big bill. I have to go through all the pages.

Through you, Mr. Speaker, it is going from the Bureau of Rehabilitative Services to the Department of

Rehabilitation Services. Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Cafero.

REP. CAFERO (142nd):

Thank you.

Through you, Mr. Speaker. How would that implement the budget, this change? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Walker.

REP. WALKER (93rd):

Through you, Mr. Speaker, the -- because of the reference in the budget, I believe that there was a bit of confusion. We shifted to the department at one point in some of the language so what we're doing is we're just making it consistent. It was a request that they had from us last -- and we worked through it when we were doing some of the consolidations and name changes from the previous -- from this past year and this is just making it consistent. Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Cafero.

REP. CAFERO (142nd):

Okay, thank you, Mr. Speaker.

Mr. Speaker, through you, section 97 of the bill that's before us concerns OLM, OFA and ITS. Can you explain to us how this is needed to implement the budget. Through you, Mr. Speaker, because it's my understanding that it really requires now annual reports instead of quarterly reports; is that correct? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Walker.

REP. WALKER (93rd):

Yes, through you, Mr. Speaker.

This is a savings that will happen because they will no longer be required to do it every quarter. It will be done annually, and that's what this section does. Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Cafero.

REP. CAFERO (142nd):

Thank you.

Through you, Mr. Speaker, how would that impact the budget, how -- how does that implement the budget? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Walker.

REP. WALKER (93rd):

Thank you, Mr. Speaker.

And thank the good gentleman from Norwalk for this question because when these agencies. As we have heard over and over again in many of our subcommittees and everything, they have all said that they are not opposed to reporting to us but they feel that it would be helpful if they did not have to expend good staff every quarter to do things, if they could provide us with an annual report. And we said we would try that and see if the members of the General Assembly still found the same information adequate for them to look at policies and develop new policies so that this would help them.

It helps them with their staffing so their staffing can do more reports for us or work with the different chambers in other issues that are directly related to their other jobs. So, with this, it reduces the requirements on the staffing. Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Mr. Speaker.

I'd like to call the gentlewoman's attention to section 116 and, in particular, it refers to the pediatric autoimmune neuropsychiatric disorders associated with streptococcal infections or PANDAS as it's called. And it's my understanding that section 116 allocates a certain amount of money for this study, a certain amount of additional money. I guess, it's my understanding that initially there was $36,000 allocated for this study and now there is up to $40,000 for this study; is that correct? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Walker.

REP. WALKER (93rd):

Through you, Mr. Speaker. I -- I apologize, I'm not sure but I'm looking at -- are doing by section or by page?

Through you, Mr. Speaker, because 116 is not the same thing as the good gentleman from Norwalk talked about.

DEPUTY SPEAKER RYAN:

Representative Cafero.

REP. CAFERO (142nd):

Well, you're right, I take that back.

I guess the reason 116 was brought up is because the program I did talk about is funded through the provisions in 116. And it's my understanding that in 116, we are transferring surplus money from the probate fund to fund a variety of programs; is that correct? Through you, Madam Speaker -- Mr. Speaker.

REP. WALKER (93rd):

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative --

REP. WALKER (93rd):

Oh, sorry.

DEPUTY SPEAKER RYAN:

That's all right.

He called me "madam" so what the heck.

Representative Walker.

REP. WALKER (93rd):

I apologize, sorry. I got a little over zealous in answering the questions.

Through you, Mr. Speaker, the good gentleman from Norwalk is correct.

DEPUTY SPEAKER RYAN:

Representative Cafero.

REP. CAFERO (142nd):

Thank you.

And ladies and gentleman, in section 116, we --we talk about the probate fund surplus and from that surplus we fund this PANDAS program, we fund the Connecticut Writing Project, we fund other expenses in the Judicial Branch, including electronic monitoring under the family violence electronic monitoring pilot program. We fund other expenses under -- in the Department of Education, such as the After School Program, grant to Bridgeport for the Lighthouse After School Program.

We fund a program and other expenses out of the Department of Social Services. For instance, the grant to the Norwich/New London Continuum of Care to facilitate rapid rehousing and homelessness prevention in southeastern Connecticut. In fact, we take out of the probate fund $2.3 million of surplus money.

So, through you, Mr. Speaker, may I ask a question to Representative Walker, how much surplus money do we have in the probate fund? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Walker.

REP. WALKER (93rd):

Through you, Mr. Speaker, just one second, let me find the exact amount.

Through you, Mr. Speaker, is the good gentleman from Norwalk asking me for what the balance was in the account or what the balance is now currently?

DEPUTY SPEAKER RYAN:

Representative --

REP. CAFERO (142nd):

Prior --

DEPUTY SPEAKER RYAN:

-- Cafero.

REP. CAFERO (142nd):

What -- I guess what it is currently, prior to the passage of this legislation, which we directed $2.3 million to be taken out. Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Walker.

REP. WALKER (93rd):

If the good gentleman, could give me one minute so that I can get that information.

Through you, Mr. Speaker, I believe the -- the -- I'm looking at because I don't have my exact notes on

this but, according to the OFA report, it's $1,000,089 that I see before me now. Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Cafero.

REP. CAFERO (142nd):

Thank you.

Through you, Mr. Speaker, is it my understanding -- well, let me put it to you this way. How much are we transferring out of the probate fund to pay -- surplus to pay for the various programs I mentioned? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Walker.

REP. WALKER (93rd):

Through you, Mr. Speaker, we are transferring 1,000,089 and 517 dollars -- $1,089,517. Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Cafero.

REP. CAFERO (142nd):

And through you, Mr. Speaker. If the good lady could repeat how much we have in there before the transfer?

DEPUTY SPEAKER RYAN:

Representative Walker.

REP. WALKER (93rd):

I -- I do apologize.

Through you, Mr. Speaker, I do apologize because I don't have the exact amounts that were in there. And I will be very glad. As the good gentleman knows as the evening goes on because I'm sure it will, I will be very glad to provide that information to him because I know that we do have it in some of the papers that we had earlier because we were looking at it.

So, through you, Mr. Speaker, I do promise that I will get back to it before the discussion on the E-CERT 6001 is over. Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Cafero.

REP. CAFERO (142nd):

Thank you.

Through you, Mr. Speaker, the reason I ask it and maybe this could be helpful to Representative Walker. In the OLR summary of the bill that's before us, section 116 is entitled "Probate Fund Transfers." And it says Public Act 12-104, subsection 17, increased by approximately $2.3 million the amount of surplus funds

that had to be transferred from the Probate Court Administration Fund to various agencies for specific purposes instead of the General Fund.

The bill that's before us modifies three of those transfers and adds four more transfers for a net increase of approximately 1.09 million on such transfers.

I guess I have two concerns. One is that when we went through the entire very difficult, very political probate court reform system. One of the reasons behind it is we realized that our probate court system under the old way was becoming nonsustainable; that it was running out of money each and every year and we needed to do something. We consolidated many of our probate districts and made various changes and reforms that made our probate system self-sustaining. We reduced it from some -- what was it, 160-odd probate court districts down to 75. We were all very proud of that.

And we set up a system that, hopefully, let our probate courts sustain themselves for years to come. We anticipated that they would, from time to time, have surpluses which they would need to fund themselves. And yet in the bill before us, we're

taking away at least a million dollars of that surplus, at least a million dollars of that surplus. Does that sound familiar, folks? When we sweep funds to pay for ongoing operating expenses, does that sound familiar, folks, when we sweep funds out of an account?

I think it was our Governor who called it a gimmick when we did it with the Clean Energy Fund and the other funds that we used to sweep because of our desperate need for revenue to pay our bills.

And the reason it came under such criticism is because in so many cases these were what we called "one shots." They were not ongoing revenue streams that would sustain the particular program. They were one-time revenue hits that would get it along for yet just another year.

So, through you, Mr. Speaker, may I ask if, in fact, the programs mentioned in this budget are being paid out of the probate funds surplus, would that necessarily mean that we have no way of knowing how they'll be paid in the coming years? In other words, it truly is a one-shot, through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Walker.

REP. WALKER (93rd):

Through you, Mr. Speaker. That is correct because many of the programs that are here are in -- in the process of trying to acquire or address some of their financial shortfalls. So what we are using the probate funds for is to help them through a very tight crisis. It is not an ongoing process. It is not an ongoing amount. This is only one time where we work with agencies that serve many programs throughout the State, like, in Norwalk or in Windsor or in a variety of different other areas around the state -- New London, everywhere. A lot of these programs, just like everybody else, has run into a wall. And if we don't have these programs there, these problems will then end up falling in our lap.

Most of these things that you see before us are preventative programs. And one of the things that we all know is that preventative dollars save you money. We have cut so many other preventative dollars in the state budget. These are just temporary fixes to try and help us come up with a new way of getting monies to the nonprofits that are so important in all of our cities. And I'm sure that the good gentleman understands that. Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Mr. Speaker.

Yeah, I do understand it. I understand part of it. But you see that's how we got ourselves in this problem to begin with. We funded ongoing expenses and programs saying these are needy programs, they're important programs. And I'm sure they were. But the way we fund is by taking it from other programs and doing it one year at a clip with one-shot revenues.

That's exactly how we got in our fiscal crisis to begin with. We used to borrow from it, sweep funds for it, delay payment of a bill in one year so in the other -- so we could push it into the other year just to balance a budget.

Haven't we learned from our mistakes? Are we now going to put the probate court system in jeopardy because we're taking the very surplus we knew that they needed to sustain themselves when we reformed them? Are we giving false hope to these -- these programs and say, yes, we're going to fund you for one more year but after that we don't know where we're going to get the money? Is that the way we should be

budgeting? And by the way, isn't that exactly, exactly, the thing we said we would not do?

We're reading about our cash crisis. We got a letter from our Treasurer saying we're at the brink of borrowing money to pay operating expenses. They've been doing it temporarily. We might have to do it again. That's what we're doing here, folks. We're sweeping funds from a probate court to pay for other expenses.

When we have the underground storage tank or the Clean Energy Fund, we passed these bills making a representation to our constituents that they were for a reason and then we sweep the funds and use it for some other reason, one-shots. That's exactly why we're in the problem we're in.

Through you, Mr. Speaker, I want to call the good lady's attention to Section 181, the CDA/CII merger. And through you, Mr. Speaker, I have a question. Within the language concerning that merger, there is a FOIA, a Freedom of Information Act exemption made to our statutes and it reads that all records obtained by a state agency or a quasi public agency related to a request for assistance from a business or organizations seeking to expand or relocate to this

state, provided the disclosure of such records could adversely affect the financial interests of the business organization.

I seem to read that to mean that all of the business entities that we give money to through, say, our First Five Program or the Jackson Lab Program, all of our contracts in dealings with them are now exempt from public scrutiny, exempt from the Freedom of Information Act by virtue of the passage of this bill; is that correct? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Walker.

REP. WALKER (93rd):

Through you, Mr. Speaker, I thank the gentleman for his observation on this section and just to let the good gentleman know, we are in the process of creating an amendment to take this out of the bill. So we will -- we do hear you. We've heard your discussions about it very carefully, and we've heard it from everybody else so we are making those adjustments that you -- that you point out because of this section. Through you, Mr. Speaker. And I thank him for providing us with the information necessary so that we can make that adjustment. Through you, Mr.

Speaker.

DEPUTY SPEAKER RYAN:

Representative Cafero.

REP. CAFERO (142nd):

Thank you.

Well, through you, Mr. Speaker, I -- I don't know what the amendment that's coming later will say but with regard to the bill that's before us, am I correct in saying, as I characterized it to begin with, that if we don't amend this bill and this bill that's before us passes and we vote on it, that prior to the amendment, this will allow an exemption to the Freedom of Information for all those goings on between private entities in the state with regard to the First Five Program, et cetera? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Walker.

REP. WALKER (93rd):

Thank you and thank the gentleman for -- for his observation. That is correct and that is the reason why it is coming out of the bill. Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Cafero.

REP. CAFERO (142nd):

Thank you.

Through you, Mr. Speaker, if it's coming out of the bill, is it going to be replaced by something else? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Walker.

REP. WALKER (93rd):

Through you, Mr. Speaker. From the last time I was in the discussion on this item, this was the whole information was just coming out of the bill. It is not being replaced by anything. It is being eliminated. Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Cafero.

REP. CAFERO (142nd):

Through you, Mr. Speaker, does the language I referred to that we hope will be coming out at some point in the future, does it implement the budget? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Walker.

REP. WALKER (93rd):

Through -- through you, Mr. Speaker. What it

does is that it addresses the issue that this would not be something that we wanted to support and so, therefore, we are taking it out of the implementer. And -- through -- through you, Mr. Speaker, that's it.

DEPUTY SPEAKER RYAN:

Representative Cafero.

REP. CAFERO (142nd):

Thank you.

Through you, Mr. Speaker, whether we take it out or leave it in, does it implement the budget? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Walker.

REP. WALKER (93rd):

Through you, Mr. Speaker, the actual -- the actual component of the Freedom of Information -- the reason why -- through you, Mr. Speaker, it does not if we allow it to stay in there. Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Mr. Speaker.

And again through no fault of the good

gentlewoman from New Haven, there's another point and an example. We were told that everything in here is in here to implement the budget. We just stumbled across something that's, one, rather embarrassing. Something we all don't want but, at least, we were honest enough to concede it has nothing to do with the budget.

And by the way, it's also in a bill not only to implement the budget but that's titled "An Emergency Certified Bill" and yet we're taking the provision out which would indicate to everybody there's no emergency, there's no emergency.

And you see, folks, that's the problem with doing a bill such as this in this manner with 287 sections. Because even when you think you got it right, sometimes you get it wrong. And if you wanted to vote for one particular clause and against another, you're stuck, unless you have an amendment. So you've got to vote with the good with the bad.

As a matter of fact, until the amendment is adopted if you vote on this bill, you're voting on a bill with the bad in it. So imagine this side of the aisle's dilemma when we have a 287-page bill with some good and some bad.

Speaking of some good, maybe, I would like to ask questions regarding Sections 200 to 211 or otherwise known as SB 1. Through you, Mr. Speaker.

Mr. Speaker, through you, one of the things that the language in the bill purports to do is to allow DECD and the Department of Labor, the two agencies that administer the various job programs that we all took great pride in our almost unanimously voted for in October in our Job Session. It allows them to use 4 percent of the bond funds for administrative expenses within certain programs, such as Main Street, Small Business Express, et cetera.

My question is, through you, Mr. Speaker to Representative Walker, how are those administrative costs paid for, as we speak, prior to the passage of this legislation? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Walker.

REP. WALKER (93rd):

Through you, Mr. Speaker, at this point I would like to yield to the good gentleman from Waterbury, the chair of the -- what's that group -- the Commerce Committee to answer the question. Through you, Mr. Speaker.

Oh, I'm sorry. I have to ask you to redirect the question. Okay. I got the wrong language.

DEPUTY SPEAKER RYAN:

Representative Cafero, would you like to redirect your question?

REP. CAFERO (142nd):

I would. Thank you, Mr. Speaker.

Then, to Representative Berger, I would like to ask the question that one of the things under the umbrella of SB 1 in the provisions of this bill that deal with what we commonly knew as SB 1 is to allow DECD and the Department of Labor to use 4 percent of bond funds for administrative expenses for certain programs that we passed in our October session. My question, through you, Mr. Speaker, would be how do we currently pay for those administrative expenses? Through you, sir.

DEPUTY SPEAKER RYAN:

Representative Berger.

REP. BERGER (73rd):

Yes, through you, Mr. Speaker, to the Representative, those are paid through DECD's funded operating expenses as appropriated in a budget.

DEPUTY SPEAKER RYAN:

Representative Cafero.

REP. CAFERO (142nd):

Through you, Mr. Speaker. I thank the gentleman for his answer. Does that mean upon passage of this bill what is an operating expense by the departments would no longer be an operating expense but would actually come out under the grant money? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Berger.

REP. BERGER (73rd):

Through you, Mr. Speaker. The commissioner could with authority passage of this bill use up to 4 percent for those administrative costs. Through you.

DEPUTY SPEAKER RYAN:

Representative Cafero.

REP. CAFERO (142nd):

And thank you.

Through you, Mr. Speaker, then, in effect, would those expenses be taken offline, if you will. In other words, taken out of our operating expense so if you were a CPA or doing the books, if you will, those expenses would no longer appear in the expense column of our operating budget but would be transferred to

the grant funds; is that correct? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Berger.

REP. BERGER (73rd):

Through you, Mr. Speaker, that could potentially happen but also under the current guidelines of -- of assistance through DECD, some of these administrative costs are borne by the individuals that obtain the help or assistance and/or loan amounts that could equal more or less than that 4 percent. Through you.

DEPUTY SPEAKER RYAN:

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Mr. Speaker.

I'm concerned again, folks, remember how we talked about how we got into the fiscal problems we had. Some people called them gimmicks or smoke and mirrors or taking funds from one source and putting them to the other or taking things offline. For instance, we used to pay out of our operating budget. We used to pay for town aid road and -- and certain other things, like the underground storage tank fund, and now we've taken those off budget. We're bonding

for them.

In this particular case, we, as a legislature, created some wonderful programs in October for our Jobs Session. And now I think we think things are getting a little tight with regard to the operating budget. And the more operating expenses we can push on to something else, the less bad our budget looks. So in this particular case, we're administering some of the very programs we just passed in October that heretofore and currently are paid for out of our operating expense, -- we're now taking them offline. They'll be part of the grant money.

Now keep in mind in some cases when you're talking administrative costs, you're talking about salaries. So picture that bookkeeping gimmick. A State employee's salary which should be an operating expense of the State of Connecticut won't show as one because it will be showed as part of a grant. That's how you get in trouble, that's how you get in trouble.

Now, we were all very proud when we did our jobs package and part of our jobs package was the Small Business Express. And we allocated a certain amount of money for companies that had 50 or less employees to apply for this express; is that correct? To

Representative Berger, through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Berger.

REP. BERGER (73rd):

Through you, Mr. Speaker, that is correct.

DEPUTY SPEAKER RYAN:

Representative Cafero.

REP. CAFERO (142nd):

Thank you.

Through you, Mr. Speaker, how much money did we allocate for the Small Business Express package as part of our job session in October? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Berger.

REP. BERGER (73rd):

Through you, Mr. Speaker. The -- in the special session, we allocated $100 million in the biennium -- in each year of the biennium.

DEPUTY SPEAKER RYAN:

Representative.

REP. CAFERO (142nd):

Thank you, Mr. Speaker.

Through you, how much money of that has been

applied for is in the pipeline? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Berger.

REP. BERGER (73rd):

Yes, one moment. Through you, Mr. Speaker, as of April 25th is the latest date if have, there were 578 applications had been received, with total funding requests of $79.2 million. As of the 25th, 42 have been approved for payment; the remaining 536 applications are currently under review. And it's my understanding, through you, Mr. Speaker, that they are working through those and have the funds appropriated to be able to address those applications. Through you.

DEPUTY SPEAKER RYAN:

Representative Cafero.

REP. CAFERO (142nd):

Through you, Mr. Speaker. It sounds like a program with great success and that's what I think we've all heard, but I'm just doing the quick math in my head based on what you indicated. If, in fact, all of the people who have applied for the program are given the program, will there be any money left to

give out? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Berger.

REP. BERGER (73rd):

Through you, Mr. Speaker. With this authorization of what we did in October, if every individual were to receive that, there would not be enough. Through you.

DEPUTY SPEAKER RYAN:

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Mr. Speaker. So we -- we did a good thing, folks, in October, we put $100 million into a Small Business Express. It's been a wild success. In fact, if everybody who is in the pipeline receives their grant, we're out of money. Through you, Mr. Speaker, is there anything in this budget bill that increases the amount of money to that program? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Berger.

REP. BERGER (73rd):

Through you, Mr. Speaker. There is no language that increases the bonding authorization amount. It

should also be understood that all those applications could -- all those applicants for those funds could potentially not qualify under the program.

DEPUTY SPEAKER RYAN:

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Mr. Speaker.

I guess you're right. That's true. Maybe they wouldn't qualify but so far they're doing pretty good. Thank God. And it looks like everyone who has applied or at least the vast majority there have -- have gotten it.

And one of the reasons I bring it up, ladies and gentlemen, is one of the big things we ballyhooed about this SB 1 was that we were -- it was so successful we were expanding it to companies who have between 50 and 100 employees. I believe that was a very big initiative on the part of the Senate Democratic Caucus. We were going to create more jobs by expanding the people who could apply for this grant from companies who have 50 or less employees to companies who have 100 or less employees. That's why it was called the Jobs Bill.

You know, if we get caught up in titles, who

would want to vote against or criticize the Jobs Bill? But when you peel back the onion a little bit, you find out interesting information. You see, we might be giving false hope to those companies between 50 and 100 employees because even if we pass the legislation and they're gung ho to apply for our Small Business Express, they're probably is no more money left. So one could argue what new jobs are we creating by a piece of legislation to whom we give extra people the right to apply for a grant that's already gone? Not many.

And in the context of doing it, we're shifting operating expense money off the operating budget into grant money. Not a good thing.

And I think all of us thought, boy, this SB 1, got to vote for it. We had -- we moved heaven and earth at the end of session. Got to vote for it, job creator. I don't think so.

Ladies and gentlemen of the chamber, first of all, I want to thank my colleagues, Representative Berger, Representative Walker, for answering my questions. And I know there are going to be plenty more questions. What is very concerning to me is I've -- I've sort of expressed to this chamber at the

beginning of this debate is why we're here under this call that some of the things I pointed out -- and I'm sure there will be a lot more that are in this bill that purports to implement the budget do not do so; that when you act in haste and you create a document with 287 sections, sometimes you get it wrong like we just about with the FOIA exemption; that if you peel back the onion on these things that have these wonderful titles, you realize we might be making the same mistakes we made that put us in financial crisis, like, paying operating ongoing expenses with one-time shots as we're doing with the probate funds surplus by shifting operating expenses from our operating budget into grant money. When are we going to learn, folks? When are we going to learn?

At the beginning of this year, we were downgraded -- our bond rating as a state. Our consensus revenue figures showed declining revenues. The administration has admitted that the savings they hoped to achieve through the SEBAC agreement has not been there. OPM and OFA have admitted that we spent more money than we had budgeted to spend. We're making the same mistakes over and over.

Through you, Mr. Speaker, before I conclude one

final question to Representative Walker.

Representative Walker, is the provision regarding the consensus revenue figures contained in this bill? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Walker.

REP. WALKER (93rd):

Through you, Mr. Speaker, the good gentleman from Norwalk is correct. It is contained in this bill. If you would like, I can try and find the section for him.

DEPUTY SPEAKER RYAN:

Representative Cafero.

REP. CAFERO (142nd):

Well, through you, Mr. Speaker, that might be necessary because here's my question. Many of you have been here for several years and certainly were here when we passed the consensus revenue figures. It was under a Republican governor if you recall. There was a discrepancy at the beginning of 2009 as to how big our deficit was. OPM, at the time, said it was $6 billion and OFA said it was $8 billion. And we went back and forth arguing about it.

And finally it was said, Listen, we can't budget

that way. We have to have a mechanism by which we could rely on. So we passed a piece of legislation that forced those two budgetary agencies to get together three times a year and bang it out, work it out together to figure what exactly is the revenue that we're taking in for purposes of planning our budget. And we, as a legislative body, came up with three dates we asked them to do that, January 15th, April 30th and October 15th. Those were logical dates because they came right after the end of quarters and the end of times where we, as a state, received a good chunk of revenue, and it allowed us to better budget.

Well, this fiscal year started and according to our state statute, the consensus revenue folk met in January and they got together and they concluded that our revenues that we expected when we passed our budget was going downward. They met again in April after the April tax deadline and, unfortunately, they concluded together, once again, that our revenue was even worse.

Now their next scheduled meeting is October 15th at the end of a quarter, which ends September 30th, the end of the first quarter which allows us, as legislators, to see how we're doing. It's my

understanding that this bill moves that reporting date from October 15th to November 10th; is that correct? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Walker.

REP. WALKER (93rd):

Through -- through you, Mr. Speaker. I -- I thank the good gentleman from Norwalk for his question. First, I just want to say that I don't believe it's in this bill. I believe it's in the next bill coming up. That's okay.

REP. CAFERO (142nd):

Oh, I wasted all that time.

REP. WALKER (93rd):

I'm sure we'll be glad to hear -- oh, sorry. Through you, Mr. Speaker, I'm sure we would be glad to hear it again. Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Cafero.

REP. CAFERO (142nd):

Never mind. Okay. I was in reliance of Representative Walker's representation it was in this bill. We'll come back to that issue.

But, ladies and gentlemen, as we do go through

this issue this bill and the rest, keep these questions in mind: Why are we doing it in such haste in many cases? Some of these things that had no public hearing.

A 287-section bill -- is that the way we legislate, and are we making some of the same mistakes we've made in the past and promised never to make again? Keep those in mind as this debate continues.

Thank you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Thank you, sir. It's been a pleasure.

Representative Srinivasan of the 31st.

REP. SRINIVASAN (31st):

Good afternoon, Mr. Speaker. I see there's a change of guard there. Good afternoon, Mr. Speaker.

(Deputy Speaker Aresimowicz in the Chair.)

DEPUTY SPEAKER ARESIMOWICZ:

Good afternoon, sir.

REP. SRINIVASAN (31st):

Thank you.

We have something here in Connecticut that is going well for us. Most of the times we do not hear

such news but when it comes to immunizations, when it comes to vaccinations for our children, we are doing great. Connecticut, our rate of immunization for our children going into kindergarten, going into school, is as high as 99 percent. We are the envy of the entire nation. Our system is working. We are -- our system is not broken and that is why I am a little confused as to why when we have a system that's going great between getting immunization, the vaccinations, through the state and the private system -- the hybrid system that we have, why do need to change something where we know it is working? Ninety-nine percent of our children are successfully vaccinated here in our state.

Through you, Mr. Speaker, if I can ask a few questions?

DEPUTY SPEAKER ARESIMOWICZ:

Yes, sir, you may and I believe that Representative Ritter, if you're pretending to the vaccinations may be answering your questions with your permission, sir.

REP. SRINIVASAN (31st):

Definitely. Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Ritter, please prepare yourself.

Representative Srinivasan, please proceed, sir.

REP. SRINIVASAN (31st):

Thank you, Mr. Speaker.

Through you, Mr. Speaker, do -- are we aware if any of these recommendations that are come in this -- have we had a public hearing on any of these changes that we're talking about? Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Ritter.

REP. RITTER (38th):

Mr. Speaker, if I might first ask the Representative to specify which recommendations he is referring to?

DEPUTY SPEAKER ARESIMOWICZ:

Representative Srinivasan.

REP. SRINIVASAN (31st):

The requirement that the vaccinations be provided by the state and not by the hybrid system that we currently have between the private insurers, as well as through the state. Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Ritter.

REP. RITTER (38th):

Thank you, Mr. Speaker.

I might want to clarify by asking the Representative if he is referring to a specific section in the bill that might be Section 213?

DEPUTY SPEAKER ARESIMOWICZ:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Yes, I'm referring to both 213 and 214 in the bill. Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Ritter.

REP. RITTER (38th):

Thank you, Mr. Speaker.

Mr. Speaker, it's my understanding that Sections 213 and 214 implement the Department of Public Health's revised budget. The Representative may recall that in his original budget address, the Governor appropriated an additional amount of money to the Department of Public Health for the purpose of expanding the Department's immunization program. And these sections -- the intent of these sections is to implement that request.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Mr. Speaker, I am well aware of the appropriations that were -- that were given to us by the Governor but, in this change that we're talking about, the hybrid system switching over to the state, was there, through you, Mr. Speaker, a public hearing on that? Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Ritter.

REP. RITTER (38th):

Thank you, Mr. Speaker.

Mr. Speaker, I apologize for my confusion. I don't think I understand in Sections 213 and 214 how the current system is, as the Representative had described as a hybrid system, is changing. I can explain a little bit of my understanding of that and, perhaps, redirect the question to a portion of the way we administer vaccines here in the state if the Representative would find that acceptable.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Yes, through you, Mr. Speaker. I definitely find that acceptable.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Ritter.

REP. RITTER (38th):

Thank you very much, Mr. Speaker and thank you, Representative Srinivasan.

It makes the discussion a little bit easier to first understand that last year this legislature did, at the request of many providers, implement a pilot program to investigate expanding choice in the programs that DPH administers to providers for providing vaccines for children in Connecticut. And what it did is it -- it expanded in the pilot project and required a report back a very -- to what ended up being one facility where the vaccines for children a federal program operates. I believe the intent of Sections 213 and 214 is to take that and expand it to the Department of Public Health administered program. A different -- as well, offering choice not only to the vaccines for children program but to the program administered by the Department of Public Health. Through -- through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Mr. Speaker. I do want to thank the Representative for the clarification. Through you, Mr. Speaker, I appreciate that very much.

And through you, Mr. Speaker, as we just heard in the last year's task force, you know, the recommendations from the task force that came out, the Public Act 11-242, through you, Mr. Speaker, it was clear to us that this whole issue is so complex and this issue has got so many components to it and the recommendation of the task force was not to implement an entire changing system but that this needs to be studied more extensively. Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Ritter.

REP. RITTER (38th):

Through you, Mr. Speaker, I'm not quite sure about the question the Representative is asking. If he could restate that as a question.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Srinivasan, would you please repeat the question, sir?

REP. SRINIVASAN (31st):

Definitely. Through you, Mr. Speaker, was the recommendation of the task force that came out last

year, through you, Mr. Speaker, that we need to study this more extensively? Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Ritter.

REP. RITTER (38th):

Through you, Mr. Speaker. I believe the Representative is talking no longer about the pilot that the Department of Public Health studied but, also, a task force that was appointed in the interim after legislation last year. That task force discussed -- and again, this really came from an initial request from many people in the provider community that we look at this and in so doing discovered that this was indeed a very complex thing. I -- I don't think anybody is arguing the complexity of the issue.

In that discussion -- and then there were many things discussed -- but the three most pertinent to this implementation was, first, a mandate concerning provider participation in the Department of Public Health program, as well as an assessment -- expanding the assessment that we currently conduct through the insurance policies in order to pay for those vaccines

to provide them to the medical community and choice as -- the option to expand choice.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Srinivasan.

REP. RITTER (38th):

-- not only the assessment and the choice -- assessment and choice were policy recommendations from that task force, Mr. Speaker. The mandate that the Representative is asking about was not a specific recommendation of that task force but was negotiated as a compromise to gain expanded ability to achieve both assessment and full choice. I hope that answers the question.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Mr. Speaker. Yes, it does answer the question. I appreciate that.

And moving forward, through you, Mr. Speaker, under this current bill the vaccine must be provided by the state. If what happens to the contracts, through you, Mr. Speaker, where private practitioners have already signed with the various providers and when this becomes effective, when this becomes law,

what happens to that contracts that they have already signed and committed themselves to? Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Ritter.

REP. RITTER (38th):

Through you, Mr. Speaker. And I thank the Representative for that question because it was in response to both to that question -- actually that quite a bit of discussion occurred around this -- and there was an acknowledgment in this negotiation process that, indeed, there may be contractual arrangements for individual providers. And in some cases individual providers may have already received and paid for some inventories of immunizations. And for that reason, the intended effective date was moved -- of the mandate -- was moved from July 1st of 2012 to January 1st of 2013. Discussions with both the providers, manufacturers and sellers of the vaccines, as well as the provider community, I think, arrived essentially at this accommodation. Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Mr. Speaker. I would like to establish the criteria, through you, Mr. Speaker, about a shortage that can occur in the state. Through you, Mr. Speaker, is there a timeline by which the State will tell that the provider that there is a shortage and you will not be able to provide you the vaccinations for the children under your care? Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Ritter.

REP. RITTER (38th):

Through you, Mr. Speaker. I am not aware of a specified or defined timeline in the legislation. I can tell you, Mr. Speaker, that the determinants of, say, a health emergency as determined by the Department of Public Health are outlined in statute. Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Mr. Speaker. It is my clear understanding that when the State is not able to provide the vaccine to the private practitioner or

through that organization, the State will then allow the organization to go out to a private provider, this hybrid arrangement, and obtain the vaccines. Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Ritter.

REP. RITTER (38th):

Through you, Mr. Speaker. That possibility is indeed outlined in this section.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through -- through you, Mr. Speaker. When that possibility occurs and the patient, the child, the family has to come back to the provider because the vaccine originally was not available and therefore had to come back to receive the vaccination for the first time but a second visit, who is responsible for the second visit in terms of the payment to the physician? Who is responsible for the copay? Will the families have to pay a second copay at this time because the vaccine was not available and the provider had to go out to a private provider and obtain the vaccine? Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Ritter.

REP. RITTER (38th):

Thank you, Mr. Speaker.

Through you, Mr. Speaker, I first would like to point out that in the case of the types of shortages that the Representative is concerned about, those would be, perhaps, a national shortage when the secondary provision of allowing the provider to obtain the vaccine himself could not be met are indeed issues that face us today and are not changed by this legislation.

I would also like to point out, Mr. Speaker, that these vaccines are provided to the provider so there is no charge for the vaccine itself. The only charge involved would be for that of administration. Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Mr. Speaker, I do appreciate the clarification. Yes, the vaccines are provided free of cost. No question about that. And the charge is only for the administration or the so-called office visit.

I am aware of that. But my concern is in the event of a shortage and the vaccine not being available, you can just imagine that family coming to receive the vaccine, does not get the vaccine because of the shortage and will have to come back again, A, on another day. And that will involve the office, as well as a copay, and I just want to clarify will the State be responsible for that visit? Will the State be responsible for the copay? Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Ritter.

REP. RITTER (38th):

Through you, Mr. Speaker, it's my understanding from a reading of these sections that nothing would change from the current situation, if there were to be the type of shortage that would require a revisit. I also -- no, that's all, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Mr. Speaker, when you -- when you get your vaccines through a private provider, you can ask for the vaccination to be provided to you for the

entire month -- any day in the month. You do not have to choose a particular time, a particular day in the month. Through you, Mr. Speaker, it is my understanding and I want to be clear on this that when you ask the State to provide you, it can be done only once a month. Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Ritter.

REP. RITTER (38th):

Through you, Mr. Speaker. I thank the Representative for answering this question because I would like correct this misunderstanding. There has been quite a bit of conversation with the Department of Public Health about this and that some of this discussion might originate from, perhaps, previous times as we've worked for many, many years with this program. And the Department has indicated every willingness to expand the ability of providers to obtain vaccines at a greater frequency than monthly if that is what is necessary. Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Mr. Speaker. Is that language here

in what we are seeing ahead of us or is it something that we hope that the State will accept and will allow the providers to make their requests on a more frequent basis than once a month? Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Ritter.

REP. RITTER (38th):

Thank you, Mr. Speaker.

Through you, Mr. Speaker, there is nothing in this language that stipulates that providers may only make this request monthly.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Mr. Speaker. In a private system when the vaccines are ordered, vaccines are not used because between the difference between what is requested and what is actually used in the practice, there is no charge to that particular office or that organization for any of the vaccines that were not used or the other. Is there some system of making the physician responsible and making -- and making the organization pay if the State supplies vaccines which

have not been used and have to be thrown away because of the expiration date? Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Ritter.

REP. RITTER (38th):

Through you, Mr. Speaker. If the Representative would look at Section 212, the preceding section, the Department of Public Health's vaccine wastage policy under this section is required to be very clearly posted and disseminated where not only the public but all providers will be able to see it and there are several other stipulations in that section. Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Mr. Speaker. When the Department of Public Health is undertaking this major task of providing the vaccines to the entire state, would that result in having a greater staff with their overheads and that whole component of how are we going to make sure that the -- the Department of Public Health is capable of doing what it is setting out to do, which is a great goal, but hopefully will be able to

accomplish that through the proper staffing? Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Ritter.

REP. RITTER (38th):

Through you, Mr. Speaker. And Mr. Speaker, as the Representative began talking about we're very fortunate that the Department of Public Health now, today, accomplishes this great task. In fact as Representative Srinivasan pointed out, producing an almost 99 percent vaccination rate for our children today. Currently a little over 80 percent, we believe, of providers participate in the program now so the additional burden would come from the increase in that number of providers. Conversations with the Department of Public Health -- and we heard this a lot actually in the task force -- indicate that since the program was in its initially contemplated and has since developed there really have been a lot of efficiencies around the ordering, determining, accounting for and delivery of vaccines. And the agency has indicated that it is willing and ready to take this on. Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Mr. Speaker. To take this on willingly, will we be increasing the staff at the Department of Public Health? Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Ritter.

REP. RITTER (38th):

Through you, Mr. Speaker. I am not aware of an effort to do that and there is nothing in these sections that would call for that.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Mr. Speaker. My concerns are about connecting the vaccines with appropriations. And what will happen in the event that the amount of money that you have set aside appropriations does not match the need that we have in our state and for us to continue to maintain what we already have which is a 99 percent vaccination rate? Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Ritter.

REP. RITTER (38th):

Through you, Mr. Speaker. I'm not -- if the Representative could state that in the form of a question.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Mr. Speaker. If the appropriations runs out, what then is our next plan? Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Ritter.

REP. RITTER (38th):

Through you, Mr. Speaker. I -- the immunization insurance assessment is described in Sections 214 and 215 and, essentially, relies on an assessment from insurance companies that we do today expanded to make sure that it includes all participants in the process. And it's contemplated that it be made in advance of the fiscal year. The Representative's question -- certainly, this eventuality could occur and if that were to happen, it would be my expectation as normally happens in a state government that the appropriate accommodation would be made either through the fiscal

year will be made in the next fiscal year and an adjustment made to that rate. Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Mr. Speaker. In this present hybrid system that we have, the practitioner, the organization has a relationship with a provider other than the state. So there are two parties involved. In the present system, we will have the state alone but when the state says that we are not able to provide, go back to your provider or some other source and the physician or the group has to get the vaccine from another source. Through you, Mr. Speaker, will the State assist that physician, that particular group? Because right now we would have severed that relationship and there is no relationship between the two organizations. But suddenly you are confronted with vaccines not being available and the child needs to be provided and the State, then, will it come in to help the various providers of immunizations? Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Ritter.

REP. RITTER (38th):

Through you, Mr. Speaker. I can tell the Representative that conversations that I have had with the agency have -- the agency is indeed willing to provide any assistance that it can in an instance like that.

I would like to point out, Mr. Speaker, that conversations with providers have indicated that these particular vaccines are not the only relationships, in many cases, that they have with manufacturers or distributors. So the possibility that those relationships are there, I think, is very real. Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Mr. Speaker. One final question to the chairwoman of the Public Health Committee. In the event of a shortage and the child not receiving the vaccine and is now time to go to school and what will happen to the child in terms of being -- will the child have to be held back or will the State intervene and come up with some compromise that a nonimmunized

child, because of a relative shortage, is still able to go to school and not miss school? Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Ritter.

REP. RITTER (38th):

Through you, Mr. Speaker. It is my understanding that there are statutory provisions for that in other places and also through the public school system but those, in any case, are not changed in any way by the provisions of this statute -- or of this change. Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Mr. Speaker, I want to thank the chairwoman of the Public Health Committee for all her answers. I appreciate them very much.

And my concern, Mr. Speaker, is we have a system that is functioning. As I said earlier on, 99 percent of our children are adequately, appropriately immunized. We have not received calls from parents saying that they cannot afford to immunize their children, that their children are not getting

immunizations at all. And my worry is that they're going too quickly, too rapidly, in making this change from a hybrid system to a one-person system. It's a great idea. It's a great concept. I definitely agree with that, but I think that we should go a little bit slower and maybe a pilot study looking at certain practices, looking at certain parts of the state and then coming back in a year and telling us, showing us clearly that this system has worked. We have not had too many problems with it. Of course, we expect some problems. Nothing is perfect. But by and large, it's functioning will give us the peace of mind and the security that a successful program that we have in our state, a pride of our state, the envy of other states in the country, we will not be compromising at the cost of immunizing our children.

Thank you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Thank you very much, sir.

Will you remark further?

Representative Alberts of the 50th, you have the floor, sir.

REP. ALBERTS (50th):

Thank you, Mr. Speaker.

I know I'm going to have a question in a moment for the proponent of the bill that's before us related to the section that begins at line 7631 and goes to 7635. Again, it relates to the Freedom of Information discussion that the Majority -- or the Minority Leader had earlier with the proponent. And I had a concern as I first looked at the bill that there were some exceptions that were here. As I read the bill at line 7633, it makes reference to protecting information on business owners who are seeking to expand or relocate to the state but as I read this it does not address folks that may be relocating within the state or seeking to remain in the state. And I just wanted clarification, through you, Mr. Speaker, if that was the proponent's understanding as well.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Walker.

REP. WALKER (93rd):

Thank you. Thank you, Mr. Speaker. And I thank the good gentleman for his question.

Could you give me the line items? I'm sorry. I was trying to hear the line numbers.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Mr. Speaker.

Absolutely. In line 7633, there is reference to businesses that are -- or organizations seeking to either expand or relocate to the state. And as I read that particular verbiage, I understood that this particular section, if it was adopted -- and I understand that there may be an amendment coming -- but if this were adopted as is that businesses that were looking to relocate within the State of Connecticut or remain in the State of Connecticut without expanding would not be covered by this passage. Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Walker.

REP. WALKER (93rd):

Through you, Mr. Speaker. I thank the good gentleman for his question. I just -- just for your own clarification the reason why we are taking lines 7631 through 7635 out of the bill because that was not the intent, at all, of the component that was before us. That was in contradiction to what we originally wanted. So through you, Mr. Speaker, that is not something that we wanted to do or anything that we

wanted to affect. Through you.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Mr. Speaker. And I -- and I do thank the proponent for that response because I did want to get clarification. So I understand that we're discussing the bill that is before us, but it is the proponent's understanding that if this bill passes in this present form -- if this amendment passes -- that we will subsequent seek to strike lines 7631 to 7635 and there is no replacement language. Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Walker.

REP. WALKER (93rd):

Through you, Mr. Speaker. I thank the gentleman for his question, and I, also, am very excited to get the amendment so that we can get that taken out because we all want this to be a better bill. So thank you -- through you, Mr. Speaker, I thank the gentleman.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Mr. Speaker, and I thank her for her response. And I just wanted to note that there appears to be a section in the bill and I have not yet had the opportunity to go through the full bill but it begins -- let me see if I can find the right reference here -- Sections 125 to 129 as I understand them seem to reference the Emergency Mortgage Assistance Program. And I had a question to the proponent, Mr. Speaker, if this was the language that we last saw when we were in session primarily dealing with Senate Bill 360? Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Walker.

REP. WALKER (93rd):

Through you, Mr. Speaker. I thank the gentleman from Brooklyn for this question. That is a yes, through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Mr. Speaker. And I thank the gentlelady for her response.

I rise in support of this section. This was

something that was -- that we worked hard on. And as part of the CHFA task force. Representative Taborsak actually led the task force. I know Representative Morris and myself were members of the task force. As I recall this bill -- or this section of the bill was the very last discussion on our -- before we adjourned for regular session. So I do think this is good language that is here. I probably will be unable to support the bill, but I do appreciate the fact that it's here, and I just wanted to provide commentary through that.

Thank you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Thank you very much, sir.

Will you remark further?

Representative Shaban of the 135th, you have the floor, sir.

REP. SHABAN (135th):

Thank you, Mr. Speaker.

Through you, a few questions if I may?

DEPUTY SPEAKER ARESIMOWICZ:

Please proceed, sir.

REP. SHABAN (135th):

Thank you, Mr. Speaker.

And -- and my comments, I guess, are similar to what you just heard because I was going to focus on lines 70 -- 7631, the FOIA exemption, but I understand the fine representative says that that section is coming out. But with that, we still have the bill as it's written before us. I'm not going to linger on it but I just want to make sure I understand.

As written -- and I understand that the expectation is there's going to be an amendment -- but as written, what -- let me withdraw that. Where did this come from? Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Walker.

REP. WALKER (93rd):

Through you, Mr. Speaker. I thank the good gentleman for his question. What -- what we have before us is a composite of different items that were needed to implement the budget and also to clarify language. The language before us came from other pieces of other bills that were in there, and I believe it was inadvertently put into this bill. Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Mr. Speaker. And through you, Representative Cafero commented on this earlier mentioning that if it was to stay in -- and I understand that the plan is to remove it -- but that would impact funding of projects, such as Jackson Labs and perhaps the First in Five. Through you, Mr. Speaker. Is it the Representative's belief or understanding that if the amendment is offered and this language is dropped that that would then permit the public to file FOIA requests to whatever agency with respect to Jackson Labs or the First in Five Program? Through you.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Walker.

REP. WALKER (93rd):

Through you, Mr. Speaker, that I do not know and, again, I will get that information. But I do believe that that was one of the intents that was discussed in a couple of public hearings and that is not -- was not the intent that I remember that we wanted in the -- in the bill that we passed before. Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Shaban.

REP. SHABAN (135th):

Yes, thank you, Mr. Speaker and I thank the Representative. Because I do note and we may or may not talk about this later when the amendment comes up but I do note that the portions of, at least, the Jackson Labs contract that we have online -- and I actually have it in front of me -- are missing significant sections of information that I think, A, would have been relevant for us to consider when the bill came up over a year ago, and B, would be good for the public to have. So I appreciate any focus or insight that could be made on that because we don't know -- we don't necessarily have all the information on security agreements. We don't have all the information that I think we -- we should have on who is going to own what intellectual property. We don't have what information we should have concerning who is in front of us as a state on any intellectual property and that's important stuff. We didn't have it then, and I think we need it now. So, perhaps, we can go back to that later.

Moving on to the bill, if I may, through you, Mr. Speaker. Touching back on this underground storage

tank section, the sections 252 through 264, I think it is in it. Through you, Mr. Speaker, what is the difference, if any, between what we see here now in this implementer bill and the bill that was rejected in the Environment Committee? Through you.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Walker.

REP. WALKER (93rd):

Through you, Mr. Speaker. I'd like to redirect that questioning. If the good gentleman could redirect the questioning to the gentlelady from Guilford please.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Shaban.

REP. SHABAN (135th):

Happy to do so, through you, Mr. Speaker. And I'll repeat it.

Through you, Mr. Speaker, I'm trying to figure out because my question was focused more on the Environment Committee but I sat -- because I'm on that -- but I was also on Finance -- so my question is what is the difference between what we see here now and what was rejected in the Environment Committee? Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Widlitz of the 98th, you have the floor, madam.

REP. WIDLITZ (98th):

Thank you, Mr. Speaker, and good afternoon to you.

DEPUTY SPEAKER ARESIMOWICZ:

Good afternoon, madam.

REP. WIDLITZ (98th):

Through you, Mr. Speaker, there was a bill that did contain this language before the Environment Committee, however, that bill was significantly changed before it left the committee so that there was only bonding funding left in it. So when the bill was referred to Finance, we sort of -- we killed that bill, basically, and we did our own bill which actually restored the original language. So this is the language, I believe, to which you referred at the beginning. This is the recommendation of the department. Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Shaban.

REP. SHABAN (135th):

Thank you -- thank you, Mr. Speaker.

Yeah, and it does ring a bell because I do remember I think it was Bill 375 and we had hours and hours and hours of public hearing on Bill 375 on the underground storage tank with small and medium-size business owners coming up and telling us, hey, if you do this, you're going to put us out of business. You know we've been raising money for years with gas taxes and energy taxes putting it in the Special Fund that was -- some of which was supposed to help pay for the underground storage tank. We raided it and now we're going to change the rules.

So my concern sitting on both of those committees is that we have a public hearing, we hear from the public, there's a decision in the Environment Committee that says you know what, we're not going to do that but here we are doing it anyway in an implementer bill. It's a grave concern.

The final one or two questions, if I may. Through you, Mr. Speaker. Either -- perhaps Representative Widlitz knows this. What is the current amount -- what's the dollar figure on the amount of claims that has been asserted against the fund? Through you.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Widlitz.

REP. WIDLITZ (98th):

Thank you, Mr. Speaker.

Through you, the current liability is $17 million, and there is another $84.7 million in unprocessed claims that has not yet been reviewed. Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Mr. Speaker.

So essentially about $100 million of either approved claims or claims in the pipeline.

Through you, Mr. Speaker, if this gets passed -- if this bill gets resurrected and passed as part of this implementer, what is the rough percentage -- assuming those claims get approved, how much of that $100 million is actually going to get paid out? Through you.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Widlitz.

REP. WIDLITZ (98th):

Well, through you, Mr. Speaker, we have made a commitment in the bond bill that both chambers passed

for $9 million for each of the next four years. It's hard to tell you what percent would be of that original amount that is committed would be spent because within this structure of this proposal is what is called a "reverse auction." Basically what this is saying is that if you are willing to take a discounted percentage of what is owed to you, you will paid in a much more rapid fashion so people may prefer to do that. Applicants may prefer to do that rather than wait a very lengthy period of time to be reimbursed for the total amount but they do have that option. Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Mr. Speaker.

Yeah, I remember seeing that in the first go around that died, and I see something similar here -- yeah, payment election. Through you, is it my -- I think it starts at line 12,427. I'm not going to go specifically but that's roughly where the section is. Is it -- is it an accurate summation of this payment election that an applicant is now going to be mandated to say, hey, I need -- I'm owed $10,000 under the old

rules but I'll take 2,000, or I'll take something less? They're required to do that now? Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Widlitz.

REP. WIDLITZ (98th):

Through you, Mr. Speaker, they would be required to identify which category they fall into whether it's a municipality, a small group, medium-size, so forth. Actually one-quarter of the revenue that's available to fund this would be designated to each of those four groups. If they prefer to wait, certainly, they could do that. If they would like accept the discounted rate as identified in the bill, then they would be paid in a more -- more rapid fashion. Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Mr. Speaker.

Yeah, and reading through this it seemed to me that the waiting period could be as long as about seven or so years. I think that's my understanding and I'll -- I'll ask the Representative to confirm

that, perhaps. But here again -- here again, you know, maybe the big guys can wait seven years to wait for their money, maybe even the medium guys can wait seven years to get their money, but all the small guys who came up and stood in line and waited to speak and were there for the environment public hearing and were there when we voted it down, they can't wait seven years to get their money. So I was a little alarmed to see it kind of get resurrected and reinstalled in this fashion but here it is.

So I thank the representatives for their answer and I thank the Chamber for its time. Thank you.

REP. WIDLITZ (98th):

Mr. Speaker, if I may, I'd like to correct a statement that I've made.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Widlitz, please proceed, madam.

REP. WIDLITZ (98th):

So as not to as leave the wrong information, actually, the bill prioritizes payment or reimbursement to the municipal and small businesses first. The larger applicants would actually be involved in the reverse auction so I did want to make that clarification.

Thank you, Mr. Speaker.

REP. SHABAN (135th):

Thank you. Thank you, ma'am.

DEPUTY SPEAKER ARESIMOWICZ:

Thank you very much, sir.

Will you remark further?

Representative Rovero of the 51st district, you have the floor, sir.

REP. ROVERO (51st):

Thank you, Mr. Speaker.

And I hope you bear with me because going through these number of bills here, it's going to take me a little time, but I have a few questions --

DEPUTY SPEAKER ARESIMOWICZ:

Please proceed, sir.

REP. ROVERO (51st):

-- for the proponent of the bill. If I might, through you, Mr. Speaker, on the cigarette rolling machine bill or whatever you want to call it. As far as the tax the State of Connecticut receives on -- from cigarettes each year, am I in the ballpark if I was to say they get about $400 million a year? Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Widlitz.

REP. WIDLITZ (98th):

Mr. Speaker, I apologize. I did not hear the question. Could the proponent please ask it again?

DEPUTY SPEAKER ARESIMOWICZ:

Representative Rovero, will you please repeat the question, sir?

REP. ROVERO (51st):

Am I to believe that the State of Connecticut receives about $400 million a year from the cigarette tax?

DEPUTY SPEAKER ARESIMOWICZ:

Representative Widlitz.

REP. WIDLITZ (98th):

Through you, Mr. Speaker, I don't have that number in front of me. I'm sorry. I don't have the answer to that question.

REP. ROVERO (51st):

Okay. Would you have an idea of how much of that amount of tax we collect do we spend in various programs to help people quit smoking?

DEPUTY SPEAKER ARESIMOWICZ:

Representative Widlitz.

REP. WIDLITZ (98th):

Yes, Mr. Speaker. I do have that information -- if you give me a minute. Oh, here it is. I have it. Thank you, Mr. Speaker, for waiting. I -- in relation to the -- I would first like to clarify if the question is in relation to the tobacco settlement funds, is that the money that comes in every year to the State of Connecticut from the Tobacco Settlement Fund?

REP. ROVERO (51st):

Through you, Mr. Speaker, no. I'm referring to the approximately $400 million that we get annually from the cigarette tax. How much of that $400 million do we spend towards rehabilitating smokers?

REP. WIDLITZ (98th):

Okay.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Widlitz.

REP. WIDLITZ (98th):

Through you, Mr. Speaker, I'm informed that number is correct as the speaker mentioned. It does get deposited into the General Fund so there wouldn't be a way of actually identifying which proportion of that specific number would be spent on a variety -- actually, it's spent on a variety of healthcare

issues, including $12 million that's diverted from the tobacco settlement revenue into the Tobacco Health Trust Fund. So there are various -- various contributions to tobacco cessation programs, to public health issues treating those who have illness from -- from the effects of smoking. So it's -- it comes from many sources, and I don't think it would -- we would be able to identify a particular proportion of that -- that fund. It just goes into the General Fund to support all of those causes.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Rovero.

REP. ROVERO (51st):

Through you, Mr. Speaker, I wonder if you could tell us how much tax we will lose annually from these cigarette rolling machines -- the use of them, I should say.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Widlitz.

REP. WIDLITZ (98th):

Actually, Mr. Speaker, if these machines are -- if the owners of these machines obtain the manufacturer's license in order to keep using them, there would be a revenue gain of approximately two

point million dollars. Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Rovero.

REP. ROVERO (51st):

Thank you.

Through you, Mr. Speaker. Do we have any idea how much tax revenue the State of Connecticut loses annually from cigarettes that are sold at the military bases in the military commissaries?

DEPUTY SPEAKER ARESIMOWICZ:

Representative Widlitz.

REP. WIDLITZ (98th):

Through you, Mr. Speaker, I don't have that information at hand.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Rovero.

REP. ROVERO (51st):

Okay, thank you. Do we have any idea how much revenue the State of Connecticut loses from cigarettes that are sold in Connecticut that come from North Carolina and states that have a very low cigarette tax?

DEPUTY SPEAKER ARESIMOWICZ:

Representative Widlitz.

REP. WIDLITZ (98th):

Through you, Mr. Speaker, I don't -- I don't have that information.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Rovero.

REP. ROVERO (51st):

If the roll-your-own cigarette people were to go out of business, am I safe in saying we might lose between 8 -- 80 and 100 jobs?

DEPUTY SPEAKER ARESIMOWICZ:

Representative Widlitz.

REP. WIDLITZ (98th):

Through you, Mr. Speaker, let me answer that question this way. In the original bill that we had -- language that we have passed through the Finance Committee, we would have, upon passage of this bill, required them to cease operation completely. So there are, I think, approximately 12 to 15 of those establishments currently in the State of Connecticut. There are other products sold in those stores so it would be, depending upon the percentage of their revenue, I suppose, that was generated from those machines in relation to the revenue generated in the entire store.

But the reason we are making this passage effective as of October 1st for two reasons: first, we need to close this loophole. The convenience stores, package stores, other places that are selling cigarettes with the stamp, with all of the proper packaging, living up to the health codes and all of the requirements that go along with those products that have the stamp, those people are being undercut. So if we're worrying about business, we need to worry about all of the small businesses and there are many, many convenience stores, package stores and the like that sell cigarettes. And they are currently selling them with the stamp and they are generating revenue. The revenue, certainly, from -- would diminish as a result of losing those sales in those stores that are complying with the Tobacco Settlement Agreement if we were to allow this roll-your-own to go forward as it currently is.

Now understanding that many of these are small businesses -- I assume they are mostly small businesses -- we felt it important to give them a period of time to do one of two things: either start the process to become a manufacturer or to make the decision not to do that or that it is not financially

feasible for them to do that so they could come up with a different business plan.

So it's a complicated answer to a question that no one wants to hurt a small business or make anyone lose jobs but this industry actually is already having an impact on other small businesses. So I need -- I think we need to just put that conversation into perspective.

Thank you, Mr. Speaker.

REP. ROVERO (51st):

Thank you for that --

DEPUTY SPEAKER ARESIMOWICZ:

Representative Rovero.

REP. ROVERO (51st):

Thank you for that answer.

Mr. Speaker, I was told and I say I was read that there -- if these businesses were to close, it would be between 60 and 80 jobs that we would lose. And I was just wondering how much CEDC would spend to bring 60 or 80 jobs into Connecticut.

I'm not a fan of smoking. I do not smoke and as far as I'm concerned you could ban cigarettes in the State of Connecticut and I would probably vote for it. But I have a problem when we're trying to bring

businesses into Connecticut. We're spending all kinds of dollars to bring businesses into Connecticut and here we are trying to undermine these small businesses but thank you very much for that.

And now I have a couple of other questions for the -- for the proponent of the bill as far as the State police staffing.

DEPUTY SPEAKER ARESIMOWICZ:

Please proceed, sir.

REP. ROVERO (51st):

Through you, Mr. Speaker, does this legislation take the number of police -- the number that they say they should have now, does this do away with that number prior to the study they're supposed to make?

DEPUTY SPEAKER ARESIMOWICZ:

Representative Dargan, you have the floor, sir.

REP. DARGAN (115th):

Thank you very much, Mr. Speaker. It does.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Rovero.

REP. ROVERO (51st):

We were determining that the number 1248 is too large prior to doing the study? Am I incorrect in making that determination? Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Dargan.

REP. DARGAN (115th):

Through you, Mr. Speaker, I think the intent is not to reference any number at all. Through you.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Rovero.

REP. ROVERO (51st):

Thank you.

Through you, Mr. Speaker. I tell you why I'm concerned is recently I read in the newspaper that in my local area, which is served by mostly state police, will be taking four troops and putting them into one. We know this is going to cut back on the services, and I've had several calls in regards to their safety. Is this going to be part of that study, or are we doing this prior to the study? Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Dargan.

REP. DARGAN (115th):

Thank you, Mr. Speaker.

Through you, I think the intent of the study referenced through a program review is to look at a number of avenues not just what the total number of

law enforcement that there -- that there currently is or the need for more or less but other issues in relationship to this organization. Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Rovero.

REP. ROVERO (51st):

Thank you very much for that answer.

My last item that I will speak about at the present time is to do with probate courts. And in my particular area, like everyone else, we consolidated several probate courts into one. And now the people in my area are calling me upset. Widows calling me. They have to drive 15, 20 miles to go to a probate court to a judge who is very nice but they do not know the person. And my comments to them is that's so your grandchildren and my grandchildren will not have their futures mortgaged and that's what I've been telling these people. And now I come back here and I see that they're taking the funding and not paying off our debt but starting new programs. And this really -- is this really what we intended to do when we consolidated all the probate courts? And that's all -- that's just a comment from me and I thank you very much, Mr.

Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Thank you very much, sir, for your comments.

Will you remark further?

Representative Lavielle of the 143rd, you have the floor, madam.

REP. LAVIELLE (143rd):

Thank you so much, Mr. Speaker. Good afternoon to you.

DEPUTY SPEAKER ARESIMOWICZ:

Good afternoon, madam.

REP. LAVIELLE (143rd):

I -- I have some questions on the -- on Sections 200 to 211 for the proponent of the bill and -- that concerns the provisions that expand the jobs program -- so if I might.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Lavielle, I believe we're looking towards Representative Berger to possibly respond to the questions.

REP. LAVIELLE (143rd):

I believe we are, but I thought I'd leave that to you.

DEPUTY SPEAKER ARESIMOWICZ:

Let's confirm that. I believe we have his attention now, madam. Would you please proceed?

REP. LAVIELLE (143rd):

Mr. Speaker, thank you very much.

I -- I do have a few questions about Sections 200 to 211. Representative Cafero asked a couple of them. But I wonder if -- although this may seem obvious, I'd like to ask the representative, first, if he would just review for me the -- the general objective of expanding the provisions in the bipartisan jobs bill that we all worked on together last October. What -- what is exactly the objective of the various changes that we see here? Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Berger, you have the floor, sir.

REP. BERGER (73rd):

Yes, it certainly appears to be an all-encompassing question. Through you, Mr. Speaker. Are we talking about the expansion of the Business Express loan program beyond the 50 -- 50 or less employees? We can start there, through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Lavielle.

REP. LAVIELLE (143rd):

Well, I was -- thank you -- I was looking for sort of a more overarching objective because there's a number of different provisions in here. There's extending the loans and grants to businesses with 100 employees, instead of just 50. There are some training programs where the amounts differ. There are some marketing programs, and so on and so forth. I -- I presume that all this has something to do with creating jobs but I just wondered if there was a particular method that -- that called for all of these particular changes to be factored into this piece of legislation. Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Berger.

REP. BERGER (73rd):

Yes, thank you, Mr. Speaker.

I -- I could clearly state that everything that is in SB 1 went through the legislative process. It did go through Commerce Committee and other committees. It started, obviously, in the Senate as a primary bill negotiated through the leadership and went through the Commerce Committee, public hearing. Additions and subtractions were added.

The components of adding more -- adding

businesses that were greater than 50 employees was revolved around the basic need that we saw. In previous testimony with Representative Cafero, we -- I gave testimony that, obviously here, that there is a great need for that; that a lot of these businesses in the Small Business Express loan program originally were going to be allowed to be given loans up to 250. This now will increase the threshold to $350,000 as a maximum for -- for companies of 100 employees or less.

We had seen through the application process -- and there were many applications, hundreds and hundreds -- that there were some employees that qualified that had 53 employees who would be disqualified under the structure of the current program. So in taking the application and as the -- as the program evolved, we saw a continued need. So that's where the genesis of that came through. Through you, Mr. Speaker.

And just one other point of clarification that I would like to make that had been previously stated when Representative Cafero had questioned. It's important to understand that we, as a legislature, established an $100 million pool of bonding funds in each of the biennium for the Business Express loan

program. That money, obviously, has been -- 50 million of that has currently been bonded in GEO bonds as of 2011 to April 24th of this year. So it's important to know that as this expands with the passage of the bill and the changes that we do here, we will then now be able to access MAA funds, Manufactures' Assistance Act funding which frees up an additional $340 million and potential funds that we could access for Business Express Loan Programs.

So while before it had been previously stated that there was $100 million dollars available with a great need involved, with the passage of this and the addition of the clause to be able to access MMA funds, which is in the bill, we will be able to expand the program.

So in the overreaching answer to the question the need was great, the legislature in a bipartisan way in the October Special Session acted in an efficient, effective manner in creating these programs. We found that as they evolved, they needed to be expanded. There was a great need. There was a situation that evolved from 2008 to roughly 2011 that most of these small businesses were not be able -- would not be able to get loans through a conventional banking source.

So we needed to act and do something as a safety net. As the floor -- as these businesses dropped to the floor and before they went into insolvency or bankruptcy, we needed to create a safety net, and that's what we did certainly with the program and certainly with the training components.

To expand on the training components for the good representative, we now expand this program by increasing the STEP program and add the veterans benefits in for those veterans that are in the Iraq/Afghanistan wars and are -- are also outside of reserve units but regular units. This was needed because as the war winds down there are thousands of veterans that will be influxing into the system so we needed to create that net.

So, through you, Mr. Speaker, I hope that was an overreaching, far reaching explanation.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you, Mr. Speaker. And I thank the good chair of Commerce for -- for that very comprehensive answer. I have some more detailed questions, if I may.

I'm looking actually at the section between lines 9001 and 9016. There are some references here to businesses that are not located -- their main headquarters or you could say is not located in Connecticut but they do have Connecticut operations. And they would be, as I understand it, as of this bill, eligible for the program. If such a business has only some of its operations here, is there some provision that obligates that business to use the funds that the State of Connecticut might make available in Connecticut? Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Berger.

REP. BERGER (73rd):

Yes, through you, Mr. Speaker. Those businesses must be based in Connecticut and operate here in Connecticut to be able to access those funds for a Business Express program.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Lavielle.

REP. LAVIELLE (143rd):

Well, actually my question is these are -- these are companies that have a headquarters somewhere else but have operations in Connecticut. The State makes

funds available to them. Are they obliged to use those funds here in Connecticut, and I suppose the corollary question to that is how do we know what they do? Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Berger.

REP. BERGER (73rd):

Yes, through you, Mr. Speaker. Those funds would be for operations here in the State of Connecticut, and they must show that if they do have operations outside of the State of Connecticut that they are operating here in Connecticut for at least a 12-month period. Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Lavielle.

REP. LAVIELLE (143rd):

And what sort of evidence must they provide to show that the funds are actually being used here in the state. Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Berger.

REP. BERGER (73rd):

Yes, through you, Mr. Speaker. In the original bill from the October Session and somewhat expanded

here in SB 1, there -- there is a protocol here which DECD tracks and reports back to the legislature and also within internally on achieving the requirements of obtaining the fundings on either creating jobs, creating expansion of business and equipment and/or training. So there is a circuit breaker and, through you, Mr. Speaker, potential claw back provision if those are not achieved.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you.

If we move to lines 9031 to roughly 9035, there is a section on relocation limits. In other words, if a business has accepted funding, there is a certain amount of time during which it cannot relocate out of Connecticut. Is there any limitation on a business shrinking its Connecticut operations without actually leaving? Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Berger.

REP. BERGER (73rd):

Through you, Mr. Speaker, I guess if we used the term "shrinking," if the -- if they were not able,

that business, were not able to meet their job goal then they would be subject to a penalty and/or claw back on the job goal formation. Shrinking of the business to make the efficiency and the operation of the business more effective probably would not create that as long as the job goals and/or parameters under what the loan specified were achieved. Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you.

It seems to make sense but I can imagine a scenario where let's say a business has a goal of creating 50 jobs and it already has -- well, it already has 50 -- and then it ends up moving 25 to another facility of its old existing jobs and still grows the number of jobs by creating new ones. The net gain is not 50. The net gain would end up being 25. So I -- that might be a kind of strange permutation of that scenario. I suppose that would be acceptable under the program? Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Berger.

REP. BERGER (73rd):

Through you, Mr. Speaker, that would not. That would have to be a -- that would be a result if they were required to have 50 employees and they transfer 25 of those employees overseas, they would be in violation of the agreement of agreements based on 50 employees. They would have to increase or maintain the 50 or greater and if they were so fortunate enough to create other jobs somewhere else in the expansion of their business, that would not -- that would not affect it as long as they met those goals. Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you.

Moving to line 9051 and this occurs at several points in these sections. There's a reference here to acquisition or purchase and/or purchase has been added. What is the difference between acquisition and purchase? Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Berger.

REP. BERGER (73rd):

Yes, through you, Mr. Speaker. There -- there is a business interpretation of acquisition and purchase. I don't have the exact line here. Is this in reference to a business entity either renting or owning property? Is that where the reference is? Through you, as a clarification, through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you.

It is actually a reference to acquisition or purchase of machinery and equipment, construction, et cetera. Through you.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Berger.

REP. BERGER (73rd):

Yes, thank you, Mr. Speaker. So, in that instance, the machinery and equipment could be purchased and oftentimes a manufacturer will have a long-term lease situation which then rolls into, so to speak, a purchase of that machinery. So those could be the potential two scenarios that would be allowable

under this -- under the program. Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you.

Section -- the section that starts with 9097 going to 9110, and again, this is an occurrence in several places throughout this part of the bill. This is about reporting on the Small Business Express program. And I notice a number of things: the number of businesses that applied, the number of jobs they create, the kinds of assistance they received, and so on. What I don't see and I'm curious as to whether there is any provision for this is whether there is any reporting of the amount of income tax the newly created jobs generate. In other words, do they turn into revenue for the State at a certain point and how do we account for that? Is it part of the reporting? Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Berger.

REP. BERGER (73rd):

Yes, through you, Mr. Speaker. I'm sure that the

-- the hiring of employees or the expansion of business would result in -- in income tax gain to the State of Connecticut. We could, obviously, at a final end-of-year report that we receive from DECD, we will have the total number of jobs created and/or retained and also we would have the amount of tax revenue that was gained both by the employee being employed and by the machinery and equipment that would be new that would be subject to both a state and a local tax. Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you.

That -- that is something that I remember thinking about even with the first jobs bill last year and would want to be sure that there was reporting on that score because it is, after all, the goal.

If we move to line 9251 and that whole paragraph, this is about including retail businesses as eligible for these programs. Why were retailers excluded in existing law? Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Berger.

REP. BERGER (73rd):

Yes, through you, Mr. Speaker. Retail was added because it certainly is a key component of commerce in the State of Connecticut. And certainly within the wisdom of those that drafted the retail end and the percentages that it adds for commerce and for revenue gain was needed to be added to be able to get the full benefit of the program on the employee side and on the revenue both at the state and local level. Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you.

I can certainly understand that. What I am more cloudy about is why retail had been excluded in the former version or in existing law. Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Berger.

REP. BERGER (73rd):

Yes, through you, Mr. Speaker. I guess my explanation and knowledge of that could be -- and just my personal opinion is that the original idea of -- of

the Jobs Session back in October was the focus on training and in the manufacturing sector. And as we evolved and as we stimulated the economy through the Business Express Loan program, we saw the need on the retail side. So I think it -- it evolved through the process. Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you.

Just a detailed question on that same section, the last lines there refer to the definition of new employee and that would not include someone who had worked as a temporary or seasonal retail employee. Ever? Or is it -- there is a reference to 12 months, but then it says "or a person employed on a temporary or seasonal basis" and doesn't specify a timeframe. So is it possible for those people to take a hiatus and then come back as an employee and be eligible for this program? Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Berger.

REP. BERGER (73rd):

Yes, through you, Mr. Speaker. I believe that

the Representative is correct.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you.

Moving on to Section 207 and this is the statewide marketing campaign. And I've just said it and this is -- this is my question. It is a statewide marketing campaign which is very nice, demands a lot of resources, a lot of energy, a lot of creative work. But my question is if you are a company in search of development in Connecticut and you want to build your business, you may be a bit specialized, you may be a broad consumer products company, but you have access to exactly, give or take, 3.5 million people in Connecticut and that's it. It's a very small state. And I guess my question is, the effort that will go into building this campaign, which certainly has merit, is the field of operation, the limits within the state of Connecticut enough to generate sufficient business for the various companies that participate to actually constitute a significant return on investment? Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Berger.

REP. BERGER (73rd):

Yes, thank you.

And certainly those are all good points, but it was important for us to be able to address Connecticut-made products to be able to highlight a campaign, a marketing campaign, working through DECD that would allow businesses to be able to not only market themselves but also the State of Connecticut to market itself through its programs. There was found that in the past and prior to a lot of what we did in October that the State did a poor job of getting the message out. And a lot of us here in the chamber heard that that we went to our local chambers and we went to our local businesses and they said, hey, you know, I didn't know you had that program, or I didn't think I could get help in that way. So this is where the need and the want and desire of having the Connecticut-made marketing campaign had genesis from and then the expansion and criteria that's in the bill which it creates the components of the commissioner's inclusiveness in the program. It spells out the need based on that. Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Lavielle.

REP. LAVIELLE (143rd):

I thank the Chair of Commerce for his answer. I -- I have, in my own professional life, ran a lot of these types of campaign either for regions or for countries and they are valuable and they do contribute a lot to businesses. My worry here was that the market to which it's addressed would -- that the State of Connecticut is very small as we know. And I would -- I guess do we have enough resource built into the budget to ensure that the messages get beyond the borders, or will that necessitate a larger appropriation? Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Berger.

REP. BERGER, (73rd):

Yes, through you, Mr. Speaker. Certainly, the life of the legislature and the legislative process warrants us to make changes in the near future and into the future. But, however, the way this is structured and certainly the ability that we have and the discretion that we've given to the commissioner here allow us, we feel here, certainly, as a General Assembly, both in the House and the Senate, that we

have a program that we feel will work. And we have it funded to the point that we feel it will work, and we've created criteria that we feel addresses the issue. So in answer to the question, we could probably always do more. We'll find out. But we'll look at this program and respect the commissioner's abilities to be able to implement. Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you.

And a question about the program itself. One of the -- and I didn't see it enumerated here, but one of the very most important elements of a program like that is a measurement tool to evaluate all the different activities to see whether it's actually getting some results, not just buy in from companies that want to participate, but actually functioning to drive business to those companies or simply to drive business to Connecticut. And that sort of research can actually be quite costly. It can go from the hundreds of thousands to the millions if it's done properly or extensively. And I -- do we have a

provision for such research in the appropriation for the program? Through you, Mr. Speaker -- through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Berger.

REP. BERGER (73rd):

Yes, thank you, Mr. Speaker.

Well, certainly it's part of the program. Just to give a little bit of background, I think the website plan that's incorporated in here and some of the provisions for the commissioner in here adequately support some of the -- some of the Representative's concerns.

But, also, it should be noted that within the language of this section, there is also the ability to be able to leverage private funds. That will have a State fund component, but we will also allow within the language a private fund investment. Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Lavielle.

REP. LAVIELLE (143rd):

Okay. Thank you.

In the Connecticut Treasures Program, I know that

we had this portion originally of the -- of Senate Bill 1 come before us in the Education Committee. And one of the -- there were some points of contention around the development of a curriculum and mandating it, and so on and so forth. Am I correct that that element has come out? Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Berger.

REP. BERGER (73rd):

Yes, through you, Mr. Speaker. Can I have a clarification on what was the good representative's idea of what was out?

DEPUTY SPEAKER ARESIMOWICZ:

Representative Lavielle.

REP. LAVIELLE (143rd):

Certainly. We -- we actually saw Senate Bill 1 in the Education Committee because there was a small section regarding the Connecticut Treasures Program that actually mandated the State Department of Education to develop a curriculum that would be made available to the schools and there were some concerns about commercialism, and so on and so forth, and you know, are -- that were more germane to that committee. But it appears to me that that requirement for the

development of a curriculum has come out, and I just wanted to verify that that was the case. Through you.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Berger.

REP. BERGER (73rd):

Through you, Mr. Speaker, that is correct.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you.

Finally, on the detail questions, the end of Section 211, line 9676 to the end of that paragraph. There are some provisions here about bond authorizations that would be made available to companies that are here and create jobs and others for companies that bring jobs from overseas or from other states, and so on, and I, again, was interested in the criteria. Does it actually make a substantive difference to the effect on the economy here as to whether the jobs come from somewhere else or whether they're sort of created out of the blue? Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Berger.

REP. BERGER (73rd):

Yes, thank you, Mr. Speaker.

Through you, and I believe the good representative talks -- speaks to the -- what I believe she refers to is the expansion of the First Five Program. The idea there is that we would be able to access companies from, certainly, out of the State of Connecticut, internationally to come and locate and create new jobs, create a new seed development, such as what we're doing with bioscience. But -- although that came from another state. We may have a situation where we create businesses coming from another country or internationally and locating offices with here. Under that scenario, we feel that that then creates new jobs and creates new entities of either manufacturing or growth for the economy in the State of Connecticut. So for us to have that leverage is important not only for us to grow our economy locally but also, through you, Mr. Speaker, to have a international footprint potentially for the State of Connecticut in its economy and what it does for commerce. Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you.

Do we have a preference? Is there an implied preference here for companies that come to Connecticut from abroad or that don't? Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Berger.

REP. BERGER (73rd):

There is not a specific preference but there is language that creates the stimulus for that. Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you, Mr. Speaker.

And I thank the good chair of Commerce for responding to all of my questions.

I just have a couple of remarks that I would make. I remember if I think back to the opening of our session, in 2011, the first thing that Governor Malloy said when he addressed us was the most important thing we have to do and we have to worry about is jobs. It is all about jobs. And clearly the objectives here have something to do with jobs

creation as this expands what we called the Jobs Bill. Whether you support this bill or whether you don't, it would seem to me that given the fact that we still have not come anywhere near recovering the jobs that were lost during the recession and that there are still so many who are unemployed, it seems odd to me that this bill was not given a much higher priority during our regular session. And to find ourselves here today discussing it on the fly, even though it is one of the parts of this bill that we actually did see in great part before yesterday, is very puzzling.

I know there were lots of things we read in the press about why this bill never made it to the floor of the House but, nevertheless, the fact that we're even doing a budget implementer today outside the time frame of the regular session seems a bit bizarre.

Jobs were the highest priority and still are, quite frankly. Implementing the budget is too. But we didn't have time to do those things. Instead, it was much more important, apparently from a calendar point of view, to talk about creating new classes of state employees, to talk about drug legislation, to talk about same-day voter registration, Sunday sales of alcohol, and yet, we have a state budget that is,

in many respects, very, very shaky. And we have an employment situation that's very, very shaky. And here we are on June 12th more than a month after the end of a short session doing these far more important things now.

I have to agree with some of the other remarks that were made earlier that this is not the most respectful way to treat the sacred trust that our constituents have given to us all. And I'm sorry that we find ourselves having to do this today and -- at the expense of federal review and an assurance to our constituents that we've had opportunity to discuss all of these provisions fully.

Thank you very much, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Thank you very much, madam.

Will you remark further?

Representative Greene of the 105th, you have the floor, sir.

REP. GREENE (105th):

Thank you, Mr. Speaker.

Mr. Speaker, through you, I have a few questions to the proponent of the bill with regard to Sections 252 to 264, the underground storage tank provisions.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Greene, I believe Representative Widlitz will be answering those questions so please proceed, sir.

REP. GREENE (105th):

Thank you, Mr. Speaker.

Mr. Speaker, I know Representative Shaban and a few others have already touched on a few of the pieces of this provision, but I want to be clear on some of the parts here. As I read the bill, I guess the bill categorizes gas station owners into four different categories: municipal, small, medium and large based on the number of stations that they own. And it seems that each has a different time period as to when they can submit new claim applications. I was hoping that the proponent of the bill could clarify as to what those time frames were. Through you.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Widlitz.

REP. WIDLITZ (98th):

Yes, Mr. Speaker, I'd be happy to do that. Thank you.

The Underground Storage Tank payment and reimbursement program gets phased out for -- let's see

-- October 1, 2014, no new applications for payment may be submitted from towns, other applicants and small stations. October 1, 2013, no new applications from the midsize stations; and October 1, 2012, no new applications from large stations. Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Greene.

REP. GREENE (105th):

Thank you, Mr. Speaker. And I thank you for that clarification.

You know, this is very similar, as Representative Shaban pointed out, to a bill that we heard in Environment, Senate Bill 375, during the last regular session. And we heard quite a bit of testimony from gas station owners all across the state, whether they were large, small, didn't matter. We heard from some of the organizations that represent municipalities and each indicated that the owners of any kind of an underground storage tank are federally required to have some type of -- for lack of a better term -- insurance. With this fund basically being phased out, as I believed the good lady described it as, what would -- what would the alternative be in order to be

in compliance with the federal government's mandate? Through you.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Widlitz.

REP. WIDLITZ (98th):

Through you, Mr. Speaker, I believe that answer to that is they would be required to have insurance showing that they would have sufficient resources to address some sort of a spill issue. Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Greene.

REP. GREENE (105th):

And through you, Mr. Speaker, is that insurance available through the private sector?

DEPUTY SPEAKER ARESIMOWICZ:

Representative Widlitz.

REP. WIDLITZ (98th):

Through you, Mr. Speaker, I have information from the Department of Environmental and -- I keep saying Environmental Protection -- from DEEP saying that insurance is available for tanks of all ages. And I believe 18 states have discontinued this type of program, and they are not having issues getting

insurance. Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Greene.

REP. GREENE (105th):

Thank you, Mr. Speaker. And thank you for the answer.

According to the testimony that we heard on the Environment Committee with regard to that original bill, Senate Bill 375, the gas station owners and those in the industry itself have indicated otherwise. Not that I'm disagreeing or disputing what the good representative is claiming but according to the testimony we heard, that's not the case, particularly for any kind of an underground storage tank that already has contamination in existence. According to the industry, they've been told by the insurance industry that they will not insure, privately, those tanks. And this all comes back to the question I kept asking myself when I first heard this bill in the Environment Committee and, subsequently, today when I saw that it had actually arisen again in this bill. Is it -- why are we doing this?

The original reason why we created the underground storage tank 20-something years ago was

because private insurance was not available. It was cost prohibitive for these small business owners. And I know that the claims by the Department of Energy and Environmental Protection are that the State can't afford to continue to pay these out and large corporations, like Exxon-Mobil, Gulf or whomever can certainly afford it on their own. And I don't disagree with that. They're absolutely correct. Those large corporations can. But the small and midsize businesses, as most of us have in all of our districts, can't afford to do that.

The original fund -- or funding of the fund came from the Gross Receipts Tax. The fund work great for a long time. In fact, it was a model according to testimony. It was a model across the country as to how to do this properly. So the question you have to ask is why is this fund no longer working? What's the big problem here? Why does the department need this bill right now?

Quite frankly, it's because of us. If you look in the mirror, not necessarily any one of us in this Chamber, depends on how long we've been here -- but the General Assembly has been stealing the funds -- the money out of these funds for years. We killed

this fund. The problem of underground storage tanks still exists. It's just as much of a problem today as it was 20 years ago but yet we're getting rid of this fund anyway.

You know, we heard testimony on this that this bill is actually going to put out hundred -- potentially hundreds of gas stations across the state. If they can't find insurance, private insurance, because it's too expensive, they can't self-fund, then the only other alternative is potentially just close their doors and walk away. On that -- in that instance it's going to fall to municipalities. We could potentially have a mini-brownfields all over the state. No way of taking care of it, and yet we're doing this anyway.

But Mr. Speaker, just a -- my final comment on this -- this issue here is that, you know, we on the Environment Committee, we heard almost an identical bill, a little bit different but pretty darn close, and in a bipartisan, overwhelming fashion decided this was the wrong thing to do. This was not the solution that was best for the State of Connecticut, for our towns, and for our constituents. And yet, here we are today after we essentially gutted that bill and

changed it, we're back here today with almost the exact same language that was killed by the members of that standing joint committee of the General Assembly.

This is absolutely unconscionable that we put this back in this bill and that we're doing this today.

Thank you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Thank you very much, sir.

Will you remark further?

Representative Chapin of the 67th, you have the floor, sir.

REP. CHAPIN (67th):

Thank you, Mr. Speaker.

Mr. Speaker, I also had some questions on the underground storage tank provisions in the bill before us but they've been asked and answered.

And I'd like to take the opportunity -- opportunity to commend the Chair of the Finance Committee for her knowledge of a very complex issue especially given that she doesn't serve on the Environment Committee so a job well done and I'll now move on.

Mr. Speaker, some questions on Section 111 to the

Chair of the Appropriations Committee through you, please.

DEPUTY SPEAKER ARESIMOWICZ:

Please proceed, sir.

REP. CHAPIN (67th):

Thank you, Mr. Speaker.

In line 3679, the sum of $2 million of the systems benefit charge collected pursuant to 16-245l is being transferred to the Department of Energy and Environmental Protection Operation Fuel. I'm familiar with Operation Fuel, the nonprofit, and I'm familiar with the agency that we refer to as DEEP. Are they -- is that part of this section actually referencing both the agency, as well as the nonprofit? Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Walker.

REP. WALKER (93rd):

Through you, Mr. Speaker, I'm just trying to get to the section. Okay. Through you, Mr. Speaker. I thank the good gentleman for the question. Yes, it does. Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Chapin.

REP. CHAPIN (67th):

Thank you, Mr. Speaker.

And again, through you, so having served with the chairlady of the Appropriations Committee when she was chair of Human Services, we've debated on a number of occasions and voted for block grants involving LIHEAP, the Low Income Heating Energy Assistance Program. Does Operation Fuel do similar things? It's my understanding that they -- they're kind of the stopgap if you don't qualify for LIHEAP, you may qualify under Operation Fuel; is that correct? Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Walker.

REP. WALKER (93rd):

Through you, Mr. Speaker, could you repeat that, please? I'm sorry. I didn't quite hear the question. Sorry.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Chapin, would you please repeat the question, sir?

REP. CHAPIN (67th):

Thank you, Mr. Speaker.

Operation Fuel, it's my understanding is kind of

a stopgap program in that we already have LIHEAP, the Low Income Heating Energy Assistance Program, which I believe is run in conjunction between OPM and DSS. And it's my -- it's always been my understanding that if you don't qualify for LIHEAP, you may, in fact, qualify for funding from Operation Fuel; is that correct? Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Walker.

REP. WALKER (93rd):

Through you, Mr. Speaker, that is correct.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Chapin.

REP. CHAPIN (67th):

Thank you, Mr. Speaker.

And again, if I'm recalling correctly, I think the systems benefit charge may have originally gone into the Connecticut Clean Energy Fund but with the consolidation of the energy side of DPUC into DEEP, is that the reason for the change now in the language before us? Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Walker.

REP. WALKER (93rd):

Through you, Mr. Speaker. I hope I heard the whole question. I'm sorry. Through you, Mr. Speaker, I believe that is correct if -- if the good gentleman -- yes -- yes, that is correct, sir.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Chapin.

REP. CHAPIN (67th):

Thank you, Mr. Speaker.

And again, through you, so in lines 3683, in sub b of Section 111, we're taking 200,000 of the $2 million that we're transferring to the Department of Energy and Environmental Protection and then we're making that available directly to Operation Fuel for administrative purposes; is that correct? Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Walker.

REP. WALKER (93rd):

Through you, the good gentleman is -- through you, the good gentleman from New Milford is referring to, I believe I heard, 3683 through 3687. If that's correct, could he verify that that's the section that he's talking about? Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Chapin.

REP. CHAPIN (67th):

Thank you, Mr. Speaker.

That is the correct section, and I appreciate the answer.

There are other funds and other times where we have programs. This body sets up a program. I'll use the Community Investment Act as one of them where these are programs that are often administered by state agencies. In one partner's case of the Community Investment Act it's the Department of Energy and Environmental Protection with the Open Space funding. It may be the Department of Agriculture with Farmland Preservation funding. And it's not uncommon for us to set aside 10 percent of those for administrative purposes because those are actual state agencies administering those funds.

In the section before us, in Section 111, it appears to me -- and if the gentlelady would confirm that I'm correct in my thinking -- it appears we're giving $200,000 of this systems benefit charge to a nonprofit to allow the nonprofit to administer those funds; is that correct? Through you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Walker.

REP. WALKER (93rd):

Yes, through you, I -- again, I thank the good gentleman from New Milford for his question. That is correct because part of the problem that they have been having is difficulty of maintaining their operations. And as the good gentleman knows having served on the Human Services Committee, this is an agency that is the stopgap for so many of the people. And the need to make sure that we have a good administrative foundation in the agency because if we don't have a good foundation of administration in those agencies, then when we ask for an audit or to make sure that the dollars that we are looking to -- that we have appropriated to them, we must make sure that we have some -- we have the staffing in there to do it. And that has been a problem for responding to some of our requests for different audits from different agencies. So with this money, we're hoping that that will also ensure that it will maintain the administrative needs that we have for us to be able to understand what they are doing with our dollars and provide us with the information. Through you, Mr. Speaker.

(Deputy Speaker Orange in the Chair.)

DEPUTY SPEAKER ORANGE:

Representative Chapin.

REP. CHAPIN (67th):

Thank you, Madam Speaker.

Madam Speaker, I thank the chairlady of the Appropriations Committee for her answers.

It was a point that was raised earlier in the debate that I needed clarification on. I wasn't sure whether the administrative money was being used for state employees for the agencies to be able to process applications. It sounds like this money is going directly to this particular nonprofit to do something that many of us, also, have our own fuel banks in our communities. I guess I'll end by saying would it have been nice if the New Milford fuel bank, for instance, could have been the recipient of such a grant.

Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, Representative Chapin.

Will you care to remark further? Will you care to remark further?

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Thank you, Madam Speaker.

Madam Speaker, may I direct my question to the Chairwoman of Public Health please.

DEPUTY SPEAKER ORANGE:

Representative Ritter, do you accept?

Please proceed, Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Thank you, Madam Chair.

Just for clarification on legislative intent, the section of the bill that defines comparable vaccines in part is protecting recipients against the same infection or infections. Under this definition, would vaccines that protect against different disease or infection stereotypes be treated as comparable? Through you, Madam Chair.

DEPUTY SPEAKER ORANGE:

Representative Ritter.

REP. RITTER (38th):

Through you, Mr. Speaker, the answer to the question is no. Under this proposed language, vaccines that protect against different disease or infection stereotypes are not comparable vaccines and

should not be treated as such for any purposes, including their selection for inclusion in the state immunization program. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Thank you, Madam Speaker.

That's all I needed. Thank you to the gentlelady.

DEPUTY SPEAKER ORANGE:

Thank you.

Will you care to remark further? Will you care to remark further?

Representative Miner.

REP. MINER (66th):

Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Good afternoon.

REP. MINER (66th):

Good afternoon. If I might pose a few questions to the proponent of the Emergency Certified Bill please. Through you.

DEPUTY SPEAKER ORANGE:

Please proceed, sir.

REP. MINER (66th):

Thank you, Madam Speaker.

Before I pose my question, I -- I just wanted to kind of provide a little background information. Some of us that have served on the what we call the "money committees" whether it's Finance or Appropriation have for some time known that the State, through its budget process, has obligated itself to spend money and in some cases more than we take in in revenue. If we look back over the past two or three years, we know we were in multibillion dollar deficits before we approved a budget. In this year, we still find ourselves while a much smaller deficit situation dealing with very tight numbers. Secretary Barnes has been before the Appropriations Committee a number of times during the budget process where we talked about how the administration planned to manage that differential between projected revenue and -- and what we anticipated budgeting for expenditures for the many things that we have sought to do through the budget process.

And this past year, there was a -- has been a proposal and I guess within Section 250 would seem that the proposal seems to be working pretty well, at

least, in the view of some where these p-cards have been issued rather than processing payments on checks. And if I read this bill correctly, we're going to take the amount of money that we would allow an individual to obligate the State to pay for from $10,000 to $250,000. And so my question is, through you, Madam Speaker, is -- what would the rationale be for providing that kind of access to a credit card in terms of administering our budget? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Walker.

REP. WALKER (93rd):

Thank you, Madam Speaker.

And I thank the good gentleman from Litchfield for his question.

The -- the administration came and spoke to us several times, as well as some of the commissioners and agencies, because of the fact that the 10,000 was such a small amount and the main purpose -- because we asked what was the main purpose of these -- these what they call "p-cards," what was the purpose of them and how were they utilized? And they said that they use it for a variety of different things, such as, maybe

furniture purchasing, supplies, different things like that. And a lot of time a lot of them do major bulk purchases and with that, those bulk purchases, which I know we -- one of the things that we're trying to do especially through smart agencies is limit all those things so that they come out of one area. But number one, they assured us this is going to be an OE -- an OE expense and the funding would be in coming through that to pay for these cards. But, also, that they needed to have a little bit of flexibility, not all the time, but a little bit more flexibility in addressing them.

We also were concerned about it, but we basically had the belief that we will monitor them very carefully and if we see any problems by January, then we will -- we will change it back to the small -- the lesser -- or to a lesser amount. But because of the rising costs for things, it limited so many times to just one purchase and they ended up having to cost them more money by waiting 30 days.

So through you, Madam Speaker, that's a long answer but that was -- that was something that we also were very concerned about.

DEPUTY SPEAKER ORANGE:

Representative Miner.

REP. MINER (66th):

Thank you, Madam Speaker.

And so in trying to prepare for this conversation, I looked back to the June 1st letter from the Treasurer and as I think some of us here know -- in fact, the Chairwoman and I have spoken many times about cash flow -- one of the concerns that we've had is how is it that we are managing to pay bills at a time when our revenue seems to be less than what our budget needs to be balanced? And I think the explanation given by Secretary Barnes over that last four or five months was that they were managing line items through rescissions, lapses and that sort of Executive Branch budget adjustment outside the budget process. And I know at times that's been a bit of an issue with both the chairwoman, vice chair, ranking members because their choice wouldn't always be our choice as to where those dollars come from.

And so if I look at the Treasurer's letter, dated June 1st, she not only acknowledges the fact that the State has run out of money and then, in fact, we have -- she has been forced because of her responsibility to pay bills -- this is not her doing, it's her

obligation -- she has been forced to borrow money on a short-term basis and put it in the checking account to pay for ongoing expenses.

So my follow-up question is it seems like there's a revenue here that's received or at least a rebate anticipated. Is this a rebate that is a reflection of the bonded costs, also, or is this just a straight up rebate and then we don't know what the money to borrow on a short-term basis is so this maybe isn't real? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Walker.

REP. WALKER (93rd):

Through you, again, I thank my colleague for this question because I think this is an important area that we have to continue, and the good gentleman knows we've talked about this a lot looking at where is our cash flow.

The rebates that we were told in this response because of the request and our questions was that it would go to the General Fund. So I -- I think that the continued conversation about how this is managed needs to happen with the Appropriations Committee and the administration going forward to make sure that we

are addressing and we're not robbing Peter to pay Paul which I think -- I think the good gentleman is referring to. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Miner.

REP. MINER (66th):

Thank you, Madam Speaker.

I wouldn't necessarily refer to it as robbing but it certainly is the cost of doing business. And when we make -- when we make projections in an effort to describe a scenario, I think we need to be accurate about what those projections are. I mean I think somebody might look at the ability to buy on a $10,000 limit being moved to $250,000 and do some actuarial assumption and come up with a much larger rebate.

I don't know if that's built into our budget or not. But all I'm suggesting to the Chamber is that if you haven't gotten a copy of the June 1st letter from the Treasurer, you should get a copy of it and you should look because the forecast going into the next fiscal year isn't any better than it is now. In fact, she predicts that we will be borrowing money on a short-term basis, that we did make transfers in June into our checking account and so this is an ongoing

situation that not only needs to be monitored but by supporting this bill, we're going to give somebody a card with a value of a quarter of a million dollars, 250,000. And if I read this correctly, it is per purchase, p-card transactions without written approval. That's the new limit. So it's a pretty big number and I think we should be concerned.

Madam Speaker, one other question that I wanted to ask the gentlelady about had to do with language about the vocational agricultural funding. And I know both she and Senator Harp and others have worked very hard to try and make sure that we address this issue. It's a matter that was brought to my attention by a constituent who has been up here many times advocating for equal funding for education for students that choose vocational agriculture as opposed to Vo-Tech or charter schools.

And so with that as a backdrop, through you, Madam Speaker, is it the gentlelady's understanding that if a municipality or a regional school has already approved their budget, if they want to develop a new program, because the language in the budget said you can't supplant current municipal budgets. If they want to develop a new program rather than add seats

for students, am I correct that this would permit that? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Walker.

REP. WALKER (93rd):

Through you, Madam Speaker, first, I just want to go back to the conversation before and say that the -- the way it was presented was not meant as a robbery. It was meant as an exchange. Okay. So I just want to clarify that. I've been told never to use those things because I always get them wrong.

Through -- through you, Madam Speaker, that is correct. And I believe that was one of the things that I thought the good gentleman from Litchfield was concerned about, the fact that we had new programs that needed to have funding. And I believe -- I thought that that's the way we were directing all of the information -- all of the funding that we were identifying there. Through you, Madam Speaker.

Could you -- I'm sorry. Madam Speaker, could you ask the good gentleman to give me the section that he is referring to because I'm not exactly sure what section that is?

DEPUTY SPEAKER ORANGE:

Representative Miner, would you give the good lady the section?

REP. MINER (66th):

Certainly, I believe it's Section 237. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, sir.

Representative Walker.

REP. WALKER (93rd):

Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you.

Representative Miner.

REP. MINER (66th):

And so when the language talks about not supplanting -- some may not know -- the sending municipality actually writes a check to the receiving municipality. So the students in the case of the town of Litchfield, for instance, if they want to attend Regional School System Number 6, the Litchfield Board of Education actually writes a check and sends the student with a check, the State provides a certain amount of reimbursement and the host community -- the community from which the student does not reside --

pays the difference. So I want to be clear about what we're -- when we say it can't supplant local expenditures. Are we talking about the sending community's expenditures, through you, Madam Speaker, or the receiving community's current expenditures, the expenditures they make for a student who is not of their own? Through you.

DEPUTY SPEAKER ORANGE:

Representative Walker.

REP. WALKER (93rd):

Just one moment, Madam Speaker, let me just -- may I just read this one time? Through you, Madam Speaker. I believe the intent was the sending, but I cannot guarantee that, and I will get that information for the good gentleman. And if I'm allowed to when I speak again -- which I'm sure I will -- I'll get you that information so that I can have that very clear for him because I think this important.

We have talked about trying to equal out the funding, especially, for alternative types of education so that all kids have an opportunity and the State balances out those -- those opportunities. So through you, Madam Speaker, I do not know and I will try and get that information.

DEPUTY SPEAKER ORANGE:

Representative Miner.

REP. MINER (66th):

Thank you, Madam Speaker. And I thank the gentlelady.

And my last question, again, has to do with the same subject matter. We have, I think under our current state law an obligation for school districts to spend money equal to or greater than what they spent in a prior year per student. And I know that's been an issue for some smaller communities, some that have been forced through the budgetary process to find other ways to provide good education to students but, perhaps, at a lower per pupil cost.

Understanding that we're going to allow regional school districts and local school districts that have vocational -- vocational agriculture programs to expend money that didn't -- that didn't go through their normal budgetary process, to what degree will those districts be held responsible for spending those additional dollars in subsequent fiscal years if the local board of education chooses not to have them do that? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Walker, did you hear?

REP. WALKER (93rd):

No, through you, Madam Speaker. Could I get the good gentleman from Litchfield to please explain? I'm having a little tough time hearing over hear so if he could just speak a little louder it would help me so much. I'm sorry.

DEPUTY SPEAKER ORANGE:

Representative Walker is having a problem hearing up in the corner, if we could take our conversations outside.

And Representative Miner, can you hike up your voice please?

REP. MINER (66th):

Be happy to, Madam Speaker.

The question was that under our current law, we are trying to monitor what municipalities and regional boards of education spend on education for students. And there's been this ongoing concern amongst many of the small communities that I represent that we have artificially set these plateaus based on what the expenditure were in a prior year. And so my question is knowing that these dollars will be allowed to be spent by those districts without going through the

regular local process, will they be held responsible to that higher dollar value if the receiving community decides they can no longer fund that program, meaning we've established the threshold higher? I think, perhaps, at the Nonnewaug school system, they could conceivably depending on what they do with students end up with about $130,000 more. So, theoretically, we kind of de facto increasing the local boards' budgets or at least permitting them to spend money that the local budget authority didn't authorize them to spend. So I just want to make sure that it's not a catch-22 at the local level. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Walker.

REP. WALKER (93rd):

Thank you, Madam Speaker.

And I thank the good gentleman for his question because -- I truly do because we want to make sure that the intent is very clear in all of these circumstances. And the intent in here is not to put a larger burden on the towns. The intent is to provide the additional resources for the Vo-Ag schools so that we can achieve a better -- better opportunities,

increase more access for the students in there and also expand. I know the good gentleman and I have talked to many people about the fact that they wanted to add teachers, too. And so those are -- those are all important things, but they should not be the burden of the board. It is our choice because the State is supporting this system. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Miner.

REP. MINER (66th):

Thank you, Madam Speaker.

And I thank the gentlelady for her answers.

I made some comments earlier about the process, Madam Speaker, and I'd like to let those comments stand. I think that part of the problem that I'm having with not only this bill but I think the next bill that will come before us is that there are some matters in this legislation that didn't make it through the process. And whether it's using certain funds to fund a heating program or whether it's doing away with the underground storage tank program even before we know how we're going deal with that, I think that all sets a very bad tone for the people of the

State of Connecticut primarily because once they got to May 9th, May 10th, they pretty much thought they could take their eye off this place and not have to worry.

And some of the things that are in this bill, Madam Speaker, are going to have an effect on people. They're not required to implement the budget. Some of them are. Some of the questions that I've just asked clearly would not allow the budget to be implemented without making some changes. But I do think that the negative effect of some of that is that the people of the State of Connecticut just don't know when to stop watching. And they may find CTN entertaining at times.

But if you own a business in the State of Connecticut, Representative Greene talked about the fuel industry. Yesterday, I was in Warren speaking with chief-elected officials talking about the fuel tank bill and what the effect might be for them. The Town of Litchfield dispenses fuel at its public works department. The bus company gets the benefit of fuel with all the tax discounts. I don't know what the liability is going to be to the Town of Litchfield, but I suggested to them all that they should pay very close attention to

what's going on here because whether it's a regional planning organization, underground fuel tanks, school board, every one of these things that we're talking about today are pretty significant. And it's -- it's something to be concerned about before we go home.

Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, sir.

Would you care to remark further?

Representative Kupchick.

REP. KUPCHICK (132nd):

Thank you, Madam Speaker.

I have a couple of questions and some statements -- some comments. It would be regarding the pharmacy portion so I don't know if that's Public Health or the pharmacy portion of the --

DEPUTY SPEAKER ORANGE:

Please proceed.

REP. KUPCHICK (132nd):

Thank you, Madam Speaker.

Through you, Madam Speaker. Obviously, a lot of us were concerned last year when the pharmacy -- the small pharmacies were affected by the SEBAC agreement. -- you're the wrong person to ask?

And when the SEBAC agreement talked about the small pharmacies having a change --

DEPUTY SPEAKER ORANGE:

I believe -- I don't mean to interrupt but we're going to go to Representative Tercyak.

REP. KUPCHICK (132nd):

He's going to be answering?

DEPUTY SPEAKER ORANGE:

Uh-huh.

REP. KUPCHICK (132nd):

Okay, batter up.

Last year when the SEBAC agreement changed the rules for the small pharmacies, myself and Senator McKinney actually wrote a letter to Senator Blumenthal and asked about the status of the Federal Trade Commission's investigation into Caremark and possible unfair trade practices. That was actually a little over a year ago and we still haven't received a letter back from the Senator in response to our letter. But my question would be that this changes the reimbursement, but does it change the dispensing fee? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Peter Tercyak.

REP. TERCYAK (26th):

Thank you very much, Madam Speaker.

As was mentioned in earlier comments with the Minority Leader, no, this will not change the reimbursement rate. This also, by the way, only -- does not involve the state employees' pharmacy use. Through you, Madam Speaker. Thank you.

DEPUTY SPEAKER ORANGE:

Representative Kupchick.

REP. KUPCHICK (132nd):

Just to clarify, through you, Madam Speaker, it doesn't change the reimbursement, but does it change the dispensing fee? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Tercyak.

REP. TERCYAK (26th):

Thank you -- thank you, Madam Speaker, for the opportunity. I should have said it does not change the dispensing fee which will remain at $2. The total reimbursement will be increasing as we move from having what the present average wholesale price minus 16 or 17 percent to average wholesale price minus only 14 percent, an increase of a couple percent more for our private pharmacies for our little pharmacies, the

independent pharmacies five or fewer in a chain in the state. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Kupchick.

REP. KUPCHICK (132nd):

Thank you, Madam Speaker.

And just a follow-up question. Would this also change the fact if you are using a maintenance drug whereas I recently who -- I use a small pharmacy in my town, like the fifth generation, my family had been going to this small pharmacy, Lupe's Drug Store. And I was just actually told by my pharmacist this past week that I use some eye drops that are considered a maintenance drug and that he couldn't fill my prescription because I use the state insurance. I was really quite disappointed about it.

But at any rate I'm asking, through you, Mrs. -- Madam Speaker, is this -- will that change? Will our small mom and pops be able to fill our maintenance drugs? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Tercyak.

REP. TERCYAK (26th):

Thank you very much, Madam Speaker.

This bill makes no changes, at all, to our present SEBAC agreement including what is and isn't covered by local pharmacies versus what is or isn't covered by mail order. Thank you.

DEPUTY SPEAKER ORANGE:

Representative Kupchick.

REP. KUPCHICK (132nd):

Thank you for the answer.

Just on that one point, I want to say I am still extremely disappointed that we haven't done something that's fair to these businesses and it, also, is taking away choice for the consumer. I am a consumer and I want to choose where I have my prescriptions filled and I think it is still unfair that I do not have that choice.

I have another question on the SB 1, on the Jobs Bill. I'm not sure who would answer that.

DEPUTY SPEAKER ORANGE:

Representative Walker.

REP. WALKER (93rd):

Thank you, Madam Chair.

I stand ready to answer the Commerce bill's questions as best I can. Thank you, Madam.

DEPUTY SPEAKER ORANGE:

Representative Kupchick.

REP. KUPCHICK (132nd):

Thank you, Madam Speaker.

Earlier it was -- I know other people have asked this question but talking about expanding the program to companies of 100 or 100 -- up to 100. But I'm confused because when we passed the bill in October of 2011, the Jobs Bill, it was for companies up to 50 and it was my understanding that all the funding that we put in place for that -- for those programs, for companies up to 50 has been expended. So through you, Madam Speaker, do we have any funding left over to accommodate this change in the bill, and if we do, where is that money coming from? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Walker.

REP. WALKER (93rd):

I thank -- I thank the gentlelady for her question. And at this point I am going to redirect the question to the chair -- the House Chair of the Commerce Committee.

DEPUTY SPEAKER ORANGE:

Representative Berger wasn't in the Chamber to

hear the question. So, Representative Kupchick, would you mind repeating the question and we'll ask Representative Berger.

REP. BERGER (73rd):

Yes, through you, Madam Speaker, I believe I understood the good Representative's question. I heard it. And through you, if I could respond.

DEPUTY SPEAKER ORANGE:

She needs to redirect her question to you, sir.

REP. BERGER (73rd):

Thank you.

REP. KUPCHICK (132nd):

Thank you, Madam Speaker.

My question, through you, Madam Speaker, was when we passed to bill in October 2011, the funding for companies up to 50, it was my understanding that funding has already been expended but now this part of the bill is saying that we will be expanding it to companies up to 100 employees. So my question is if haven't expended the funds that we had put in place in October 2011 for the Jobs Bill, what funding are we using to put -- to implement the programs that are outlined in this new bill? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Berger.

REP. BERGER (73rd):

Yes, thank you, Madam Speaker. To the good Representative, the -- and before I had clarified that question with another representative that asked the question but -- as of approximately April 24th of this year, we have expended or encumbered roughly $32 million. The legislature allowed for, in the October special session, a bonding authorization of GEO bonds for $50 million which was in turn patched through the Bonding Commission. Again, part of that -- some of that 50 million has been either given out or encumbered roughly to 32 million so leaving roughly 28 million or so left in 2011.

The issue then becomes there are hundreds of applications that may or may not result in a qualification for a Business Express loan. We have authorized just 50 million in 2011 and 50 million in the next to the last year of the biennium. When we do pass this bill, through you, Madam Speaker, there is, however, a provision that will allow DECD to reach into Manufacturers' Assistance Act funding, bond funding. Within that bond funding pool are a total of

approximately $340 million that on the passage of the bill would allow DECD to access funds through MMA. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Kupchick.

REP. KUPCHICK (132nd):

Well, I think that would be hard for me to explain to my constituents, but I will give it a try.

Thank you for the answer, Representative Berger.

I just wanted to make a few comments, if I may, Madam Speaker. I wanted to comment that I am against the part of this bill that asks us to remove the minimum staffing for state troopers. I think public safety trumps everything else, and I think we always need to make sure that we have the right law enforcement in place to protect the citizens of Connecticut. So I am against this piece, strongly against it.

There are some parts of the bill that I like. You know, I like that there are some tax exemptions for veterans. I like the conveyance. I like the reevaluation phase in.

But, again, just -- just evidenced by speaking and asking three separate people questions about one

bill, I think should show us. I mean we're all legislators. We're all representatives here representing people who really count on us to do a good job for them. And I have to tell you I'm really disappointed that at noon yesterday I received hundreds of pages of information about a special session, and I just feel like that is just inappropriate. We're passing legislation, in some cases legislation that never went through a process; that the public never had a change to just weigh in on.

Again, we are representatives. We represent the public whether we like some of these bills or not. Some of them have never been transparently looked at at the committee level. And like Representative Cafero said earlier, okay, well, then each of these bills should have been presented on their own, on their own. There are bills in here that I want to vote on for my constituents, but then I would be voting on legislation that my constituents would be disgusted by. So what do I do? What do any of us do? So what do I say to my people that I represent? I'm sorry I couldn't vote for this pharmacy bill that I really care about because, oh, by the way, this other

thing is just completely outrageous.

This isn't how I think government should work. I just -- I came up here because I want us to have a more representative government, and I'm just feeling really -- I'm feeling actually bad for the people I represent because they want better. They want better from their legislature, and unfortunately, I'm going to have to vote against this legislation even though there's parts of it that I really like. And I just hope that we don't do this anymore; that we don't put out legislation that's all lumped together and representatives can't make the choices they think are right for their constituents.

Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, madam.

Will you care to remark further?

Representative Hovey.

Good evening.

REP. HOVEY (112th):

Good evening, Madam Speaker. Madam Speaker, through you I would just like to make a couple of comments.

DEPUTY SPEAKER ORANGE:

Please proceed.

REP. HOVEY (112th):

Madam Speaker, I'd like to echo the concerns of my colleagues especially about many of the sections of this bill and especially its timing. There is a section in this bill that -- Section 265, which was a part of the legislation that I've actually worked on for numerous years. And it has run through the Environment Committee and, of course, anyone who knows me knows the kind of tenacity that comes with me. And this year, we ran this bill and it actually passed out of this hall, 134 -- 132 to 4 no; went to the Senate; was supposedly on the Consent Calendar and somehow it did not get out of the Senate and, of course, in the absolute ding of the 12 o'clock bell, I was devastated.

In my devastation, though, I would not be so presumptuous or disrespectful of the process to want to have my will over the procedural process will. So while this will pass through this bill, most likely today, I am struck by the irony of politics because there is a process here that's so disrespectful of the actual process that we have all subscribed to as representatives -- the committee process, the hours,

the days, the weeks, the people coming up testifying on their perspectives, whether or not a bill gets out of that committee, comes to the floor, whether or not it passes the floor, even gets called on the floor and each and every one of us works very hard to represent the people of our constituency, the 23,000 people that each one of us represent to assure that their agendas also move forward. And then this bill, it slaps the face of that process significantly.

So, for that reason, I will have to be a no vote today, even though there is something in here -- actually quite a few things in here that I personally would have loved to have voted in the affirmative for, but today I will be a no.

DEPUTY SPEAKER ORANGE:

Thank you, Representative Hovey.

Will you care to remark further? Will you care to remark further? Will you care to remark further?

Representative John Piscopo.

REP. PISCOPO (76th):

Thank you, Madam Speaker. Good afternoon. Good to see you up there.

DEPUTY SPEAKER ORANGE:

Good afternoon, sir.

REP. PISCOPO (76th):

Madam Speaker, I have a question through you to the proponent of the bill please.

DEPUTY SPEAKER ORANGE:

Please proceed.

REP. PISCOPO (76th):

Thank you, Madam Speaker. I -- I was somewhat -- I was encouraged by one of your answers to the Minority Leader's earlier question in that you found the section of the bill which may have been disagreeable to both sides of the aisle and that was brought to light and there will be an amendment coming in the near future to take that section out.

I was wondering, you know, if there's any other sections and I would draw the proponent's attention to Section 123, the roll-your-own section, in that -- in this bill. I remember that -- I remember this bill very -- very well. We were in a Finance Committee meeting. We all showed up there and all of a sudden this bill hit us out of the blue from the Department of Revenue Services, and they said the Department of Revenue Services wants this bill. We asked why wasn't it on his package earlier this year. And he said it's because of a court date. We weren't -- we weren't

really sure about the bill. It didn't have a public hearing so a lot of us voted no on that for a lot of reasons. And for a number of reasons, policy reasons to be one of the foremost reasons why we voted no.

So my question would be seeing this bill had no public hearing. I think it's been in my local paper. It's been on the front page, this issue, every day. I was wondering if the gentlewoman considered or is considering an amendment to take this out to just get this off our radar and maybe it could go through the public hearing process next year. We could -- we can research it in more depth and have a more informed vote when we go to vote on it instead of it showing up in Section 123 of a 297-section bill. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

I believe Representative Patricia Widlitz will respond to your question, sir.

Representative Widlitz.

REP. WIDLITZ (98th):

Thank you, Madam Speaker.

You know, earlier this afternoon I spent some time up in the Senate listening to accolades about Senator Daily in her brevity in answering her

questions. So I'm going to take a page from her book and say no.

And I don't mean to be flip about it but, you know, we did not -- the proponent of the question is correct. We did not have a public hearing on the roll-your-own bill and that is because it was brought to our attention after we were already into the process and it's a very important bill. We need to close this loophole. The Department of Revenue Services brought this bill to us. And although, you know, it's one of those difficult situations where you don't want to cause anyone any harm to their business.

But even knowing that this legislation is pending, we still have a couple of new stores that have just popped up with these machines. You'll let this go out another year and you are going to have such an enormous problem on your hands that you can't take it back. We need to do this now.

Certainly, we've had a lot of discussion about this issue in the press. Hopefully, people are educated as to what it is. Certainly legislators are. So I would to be in complete opposition to removing this provision from our bill.

States all over the country are passing this.

Ten states already have. Vermont just banned these machines. We're not even doing that. We're giving people the opportunity to become manufacturers if it's financially feasible for them or a little bit of time, if not, to develop another business plan.

So I think we're doing what we can to address an issue that is on fire in this state, and I don't mean to say -- okay, I'll say it, it's a burning issue and we need to address it now. We cannot wait because it will just be a bigger problem, and it will hurt more people if we don't -- if we don't deal with it now.

Already our -- our convenience stores, our liquor stores, whoever sells cigarettes with the stamp on them under the provisions of the Tobacco Settlement Agreement are being hurt by this business which is undercutting other businesses in order to make a profit.

So I'm certainly very sensitive to the issue of someone's business and that is why we have made this effective upon -- upon October -- the date of October 1st. You may recall that our original bill would have been effective upon passage. I think that would have been rather harsh. So I hope that gives the gentleman an explanation.

Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Piscopo.

REP. PISCOPO (76th):

Thank you, Madam Speaker.

And I thank the gentlewoman for her answer and she kind of -- she anticipates my follow-up on when the bill becomes effective, an effective date of this certain section. Okay. It's not effective immediately upon signed but it will be probably effective -- I will ask -- maybe it will probably be effective October 1st then because it's a new bill in front of us here.

And I'll put that through you to the proponent, please, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Widlitz.

REP. WIDLITZ (98th):

Thank you, Madam Speaker.

Yes, that's correct. October 1st the bill will become effective. Through you.

DEPUTY SPEAKER ORANGE:

Representative Piscopo.

REP. PISCOPO (76th):

Thank you, Madam Chair.

And that's my problem I think. And the gentlewoman mentioned that two new stores have already opened up. People are in business knowing what the rules are here and all of a sudden it's going to change October 1st. I wonder if some -- and the gentlewoman said she is sensitive to this issue and sensitive to the business owners if there was some maybe compromise in the future where we could extend that effective date maybe to next year January 1st or July 1st to give -- to give these people a chance to lay off their employees, go out of business, finish their lease or whatever they're going to do when this tax hits. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Widlitz.

REP. WIDLITZ (98th):

Thank you, Madam Speaker.

I think we have to remember that this bill passed out of the Finance Committee on April 3rd. So anyone knowing that that bill is before the General Assembly and that it is -- was planned to come up in the implementer when we ran out of time during the regular session. When people choose to go into a new business

that is being discuss in the General Assembly to be eliminated that part of it, I think you enter that business at your own risk.

Now if -- you know, we're not actually banning these machines. If these people -- these people have the opportunity by October 1st to investigate whether it is feasible for them to apply to be a manufacturer. If not, they have that time to look at a different business plan basically. And, you know, I suggested to someone in the hallway that should this have a devastating impact on their business, we have all kinds of small business incentives. We have DECD that's reaching out to people to help them. There's nothing wrong with asking your representatives for help in arranging a meeting to meet with DECD and see where else you can go, what else maybe -- how you can diversify, how you can broaden the scope of your business in a different direction.

So I am being very sensitive to the issue, but I'm also being very realistic about what would happen if we extended this out. And my biggest fear is that it could jeopardize our losing the funds from the Tobacco Settlement, and I think that would be a serious blow to our state. Through you, Madam

Speaker.

DEPUTY SPEAKER ORANGE:

Representative Piscopo.

REP. PISCOPO (76th):

Thank you, Madam Speaker.

And thank the gentlelady for her answer. I just -- she hit it on the nose. Enter at your own risk and that is -- that's a bad statement I think for Connecticut businesses here. And I just think that we should have maybe been debating this bill alone during next session after a good public hearing, after all our research has been done on it. It shouldn't be in this implementer.

I think implementers are -- historically, they could be very dangerous animals here in this chamber and everybody knows that. We've been around for a while. We understand this. And we usually in an implementer, it's split up into each agency. You have whoever our research person is from that agency look at the bill, see if there was any -- if there's any "policy changes" shall we call them in that agency, and we have other words for them but -- and they come to light and we bring them to light and we try and get rid of them.

H – 1149

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2012

JUNE 12
SPECIAL
SESSION

VETO
SESSION

VOL.55
PART 27
8791 - 9026

I mean implementers can be pretty tough stuff here and to do it like this, you know, somewhat honest the Majority Leader we say this isn't just the implementers. These are the implementers and other bills. At least we know, there's other bills in this. It's just -- it's just a hard way to go.

I have a whole batch of notes here I can ask on this and maybe I'll ask the chamber for its indulgence for a second time, but I just think this is the wrong way of going about it. It's a terrible policy. Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, Representative Piscopo.

Would you care to remark?

Representative Ackert of the 8th.

REP. ACKERT (8th):

Thank you, Madam Speaker.

And I have a couple of questions to the proponent of the bill and maybe a couple that will need to answer.

DEPUTY SPEAKER ORANGE:

Please proceed.

REP. ACKERT (8th):

My first question starts with lines 300 through

304. It says the new section dealing with veterans. And it states that a veteran who has applied or will be applying for the Medicaid program shall also apply for benefits through the VA? And it also includes their family member. I'm trying to understand what -- what originated this or what drove this section? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Toni Walker.

REP. WALKER (93rd):

Thank you -- thank you, Madam Speaker. And I thank the good gentleman from Coventry for his question. Could you just explain -- tell me what section. I believe you're talking about Section 8 in the -- in the bill before us; is that correct, sir?

DEPUTY SPEAKER ORANGE:

Representative Ackert.

REP. ACKERT (8th):

That is correct. Through you, Madam Speaker, that is correct. Yeah, lines 300 through 304 and that is Section 8.

DEPUTY SPEAKER ORANGE:

Representative Walker.

REP. WALKER (93rd):

Yes. Thank you, Madam Speaker. That -- that basically says that we are going to try and make sure that if there are some private insurers out there that could be the first responders in getting payment that we have the ability to go out and get the payment reimbursed back to the State if that's available. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Ackert.

REP. ACKERT (8th):

Okay. Because there's the concern that I would have. And unfortunately, because if they have to wait first to see if they're qualified through the federal VA, that time frame that I have found out is extremely long and so if we're waiting for them to get care or who is going to pay for it. I have been working with a constituent over the last two months and have got every organization from the Connecticut VA to the VA medical to the VA benefits section to finally calling my good senator of our State.

So is it the intent to wait to get a yes or no or will they get the benefits or that's the concern that I have with this section here for clarity. I would hope that they first would be under the Medicaid

program and then they would file -- if there was going to be a pay back or whatever it may be that that section then would be -- or that would be the process. And I don't see that in this section. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Walker.

REP. WALKER (93rd):

Thank you, Madam Speaker. And I thank the good gentleman for his question.

The intent is not to make the veteran wait. The intent is to make sure that all access to all funding for reimbursement for any services that we provide to the individual, if there are other insurers, that we are able to recoup that dollars -- those dollars from them. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Ackert.

REP. ACKERT (8th):

And thank the good woman for her answer on that section.

The next section I have will probably the gentleman that stepped out and that is Section 200. It was a follow-up of some early questions regarding

the Small Business Express program. Would you like me to proceed?

DEPUTY SPEAKER ORANGE:

Uh-huh, please proceed.

REP. ACKERT (8th):

Thank you.

On line 912 -- 9012 of Section 200 brought up the concern that we had earlier, and I heard about the allocations the good gentleman had mentioned the allowable dollars, the $100 million for this year. And that the Express program was actually now finally starting to hit toward the -- the businesses are starting to finally learn about it. I've always been on them pretty tough -- the DECD regarding you got to get the word out. We do a great job advertising our Connecticut Lottery, but we don't do a very good job of advertising the -- these great programs that we put through in the Jobs Bill. So a lot of these local towns and chamber of commerces are starting to let people know about this great program that we passed last year in this chamber. And now the dollars are pretty much allocated. And to expand this -- because I've always understood that the State of Connecticut has said that the state's small businesses

classification was 50 and under, and that to me is a laudable. To now expand it to 100, without additional dollars -- even without the -- from the small businesses understanding in just -- in just six months that this monies out there, they're going to know be trying to apply for it. I think we're flooding the market and we're going to have some -- do some of these small businesses a disservice. So, that was, I guess, more of a comment on the numbers rather than the 50, so I was concerned about that -- there -- that portion of it.

But on line 9,014, I do have a question. And that is the section that was taken out in this state, lines 914 and 915 -- it may have been asked, I did not hear the answer earlier, though. It says -- that line says, have been registered, so the business had been registered to conduct business for not less than 12 months. Is that to encourage businesses that haven't been in the state to also be able to apply for this? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Walker.

REP. WALKER (93rd):

Through you, Madam Speaker. I am going to ask

that I -- that I redirect the question to the Chair -- the good Chair from Waterbury for the Commerce Committee.

Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Would you care to redirect the question?

Representative Ackert.

REP. ACKERT (8th):

Yes, thank you.

I'm glad I rambled on long enough for -- for the representative to come in. So, yes, that would be great, Madam Speaker.

DEPUTY SPEAKER ORANGE:

You have to ask the question.

REP. ACKERT (8th):

Oh, I thought he -- I thought he heard it. I apologize.

The question is from 914 to 915 in the section 200, and it deals with the section that was eliminated. It may have been asked, and I -- and I do apologize, but I was in the room most of the time -- it says for the business -- have been registered to conduct business for not less than 12 months, and we eliminated "in this state" for what reason?

DEPUTY SPEAKER ORANGE:

Representative Jeff Berger.

REP. BERGER (73rd):

Yes, through you -- through you, Madam Speaker, to the representative.

This was -- this language was added just because it would only -- originally include a corporation or business in this state. So by adding the language that we could have a business that operated within the state of Connecticut, employ people in state of Connecticut, we were now allowing them to be able to access the program as long as their operations within the state of Connecticut and housed in the state of Connecticut were there for a total months equal to 12. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Ackert.

REP. ACKERT (8th):

Okay. I didn't get that from the reading of this, have been registered to conduct business for not less

than 12 months. So they may have been a business out of the state that may have been conducting business in Connecticut, per se, a month, but had been registered

as a business for longer than 12 months, through you, Madam Speaker, is that correct?

DEPUTY SPEAKER ORANGE:

Representative Berger.

REP. BERGER (73rd):

That is correct. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Ackert.

REP. ACKERT (8th):

Thank you.

And thank the good gentleman.

And then, in line 9058 of the same section 200, I was a little concerned about why we extended the term of the loan to twice its original number of five years to ten years, because that to me mean -- hopefully, that would -- the dollars will be there and if we extend it longer that maybe there would be an opportunity that the funds aren't there if we extend it and people take the ten years to pay it off, which they probably would get that 4 percent -- I think I would -- so I was concerned about future funds and extending those loans to that extent.

Through you, Madam Speaker. Why did we -- why was this section to double that?

DEPUTY SPEAKER ORANGE:

Representative Berger.

REP. BERGER (73rd):

Yes, thank you, Madam Speaker.

It was the thought that because of the need involved and of the potential for how fragile some of these businesses were that the commissioner would be given discretion to extend out that 10-year period. It is not necessarily required, but the commissioner can allow for a repayment of ten years, and to also, within that timeframe, meet the goals required under the program for job creation or equipment purchase or for employment gain and allow that time period and interest rate to roll to ten years. So was a -- it was an option granted through the commissioner. Through you, Madam -- Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Ackert.

REP. ACKERT (8th):

Thank you and thank the good gentleman.

And on line 9076 -- 75 and 76, for what reason did we increase the 250,000 to 300,000? Was there an example or somebody came in and if the 250 wasn't right, but we're going to bump it up to 300,000 on

that incentive component? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Berger.

REP. BERGER (73rd):

Yes, through you, Madam Speaker.

Well, it was found that -- that -- first of all, allowing more companies that would -- now, with the passage of the bill, go up to 100 employees that that could potentially require a larger investment to cover the increased number of employees above 50 maxing out at 100. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Ackert.

REP. ACKERT (8th):

Okay. And that's -- adds to my concern about the -- the ability for us to give -- we bumped this up to 100,000 -- I mean 100 people, and we still have the same pool of money in these business that we are helping less businesses than we originally could have. And just by example, smaller businesses have a smaller infrastructure have -- not the ability to actually put somebody on staff to go after these dollars and yet the goal was to -- to bolster that small business -- the many, many small businesses that that -- this

state is proud to have and that we would actually be serving less of those small businesses. The larger business will go after the -- the larger dollars and consume this money up quicker than the smaller businesses, but if it's creating jobs, that's great, but I think we're going to be serving less.

So I think the good gentleman. I don't have any left in that section.

In section 249, I think it is, line 10782 deals with the state troopers. It's more of -- I do have one question. Through you, Madam Speaker.

The question on this, and it might be an easy one, is regarding the original study that was done that gave us the number that we now have in legislation.

DEPUTY SPEAKER ORANGE:

Representative Walker.

REP. WALKER (93rd):

Through you, Madam Speaker. That is correct.

DEPUTY SPEAKER ORANGE:

Representative Ackert.

REP. ACKERT (8th):

So do -- do we think that the -- the reason that we came up with that number -- and our legislation

says that, you know, we'll give a -- they'll be another number created, still exist? Does it -- does there -- do we -- or have the things changed over time in the State of Connecticut when that original number that we -- that the State used to -- to get the information that say, hey, we need this amount of state troopers to correctly protect our state, and this is why we have this number and we should hold, at least, that minimum number for the state troopers? If those still exist, then that number should still exist. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Walker.

REP. WALKER (93rd):

Thank you, Madam Speaker. Through the -- through you, to the good gentleman.

The -- there are a lot of things and circumstances that have changed since that first -- that first number: population, density, local -- local police enforcement -- departments that are in other towns. So those things seem to have shifted because many times we, as a state, provided a lot of the police or the enforcement for a lot of towns and as those dollars and those things shift that also

cause a change in the number of people that we are feeling necessary for the protection of the state of Connecticut. Through you, Madam Speaker.

REP. ACKERT (8th):

And through you, Madam Speaker --

DEPUTY SPEAKER ORANGE:

Representative Ackert.

REP. ACKERT (8th):

Thank you, Madam Speaker. Thank the good -- the good lady for the -- the answer.

And, just in closing, there are some very, very laudable components to this piece of legislation. Just recently I was honored to come in and talk about the legislation process to my high school -- to one of my high schools. And we talked about -- they had -- they saw the whole video about how a bill becomes a law, and we went through that whole process, and it -- as a business owner, when I first got into this chambers, I thought it took too long. The process was too long to get through business in this -- in this, but you know what? It has merit. When you take time, you make less mistakes.

And the teacher asked this, Well, Representative, why don't you talk about the other process?

And I asked, What are you talking about?

And she said, The E-CERT process.

And I did. And I said, That's when you -- when mistakes can be made. That's when we move things along too quickly. That's when we don't allow public opinion on certain areas. And that's the concern I have of this piece of legislation. It has merit. It has very, very good sections. Some of the sections that didn't get a chance to have a public hearing are laudable.

So thank you for the time, and I will not be in support of this legislation. Thank you.

DEPUTY SPEAKER ORANGE:

Thank you, sir.

Will you care to remark further? Will you care to remark further?

Representative Lawrence Miller, my good friend from the 122nd, you have the floor, sir.

REP. MILLER (122nd):

Good evening, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Good evening, Larry.

REP. MILLER (122nd):

I have a few questions, but I would like to start

with --

DEPUTY SPEAKER ORANGE:

Please proceed.

REP. MILLER (122nd):

All the mandates we place on our businesses and insurance companies, as well as the federal government placing mandates on, it's no wonder our health costs are going through the roof. And in section 15, through you, Madam Speaker, DSS is to provide great increases for some of these homes. We have -- I don't know, probably about 100 different types of homes around the state. Much of them are run by private organizations. And I'm just wondering how -- they probably bid these things out -- what happens when the prices go up, costs go up and they come to the State for increases?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Peter Tercyak, would you care to answer, sir?

REP. TERCYAK (26th):

Thank you very much, Madam Chair. Yes, I would. This allows residential homes -- this will not change the residential homes' ability to apply for fair rent

increases allowing upward adjustment of their rates should their expenses go up and justify it.

REP. MILLER (122nd):

And, through you --

DEPUTY SPEAKER ORANGE:

Representative Miller.

REP. MILLER (122nd):

Through you, Madam Speaker, for instance, we passed the Sick Day Leave Bill, which was going to increase cost for some of the larger companies. How does that play into effect? Could they come back and ask for a increase in their fees? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Tercyak.

REP. TERCYAK (26th):

Thank you very much, Madam Speaker.

There is no specific language in the section that disallows a fair rent increase, should somebody be able to prove that they're spending a lot more money because of having to pay for employees being ill. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Miller.

REP. MILLER (122nd):

Thank you.

And through you, Madam Speaker, I know a lot of these homes are -- well, you can have four people to a home and you can have 25 people to home. Some of the homes have people that just -- they need a little care, not a lot of care, but some of the other homes, the bigger ones, have people who just are incapacitated, they can't function on their own, and they require skilled nursing, sometimes more skilled than you'd -- you'd find in a hospital -- hospital nurse. So do they get these bids out once a year? Once for every five years? How does that work? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Tercyak.

REP. TERCYAK (26th):

Thank you very much, Madam Speaker.

The Department of Social Services does not solicit bids for people to take in folks to these homes on a prospective basis. Homes are licensed. Their licenses are ongoing and with DPH, they ask for the appropriate licensing. I want to make clear here we're talking in this section about residential care

homes. We're not, in fact, talking about the skilled nursing care, which is a legal definition and happens in nursing homes, also known as convalescent homes. This is about residential care homes. And as the bills come in, there is -- there is a rate that is predetermined that -- that is set annually and adjusted to cover the expenses. Should somebody have increased expenses for most -- mostly for infrastructure, then we can see rates go up.

There is another section, actually -- might as well bring it up, it's not all good news for everybody -- but there is another section that says, should your expenses go down radically, we will do -- for these homes, what we already by law to for nursing homes. Should you pay off your mortgage and no longer have to pay $20,000 a year -- 20,000 a month, or whatever, for your mortgage, we can re-adjust your rates to reflect your lower costs and give a slightly lower reimbursement rate, although it's not required. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Larry Miller.

REP. MILLER (122nd):

Thank you.

And through you, Madam Speaker, given the price of oil these days and a lot of these facilities do heat with oil and the price probably over $4 a gallon, would that be an increase in their operating cost and could they apply for a slight increase in their reimbursement? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Tercyak.

REP. TERCYAK (26th):

Yes, that would be an increase in their operating cost. They can already ask for fair rent increases about that kind of stuff. This mainly deals for providing a way for them to reset their rates when effect -- when their expenses are affected by infrastructure spending.

REP. MILLER (122nd):

And, through you, Madam Speaker, I have got a few people who have nursing homes in my district, and they complained that they haven't gotten a raise in about four years, and yet their costs have increased substantially because of energy, electricity, some of the mandates that we place on them, their costs have gone up and they have applied for increases and the State has denied them.

A couple of them are first class operations. You could eat off the floor in these places and, yet, they don't get an increase, and then by the same token, some of the facilities that are not as clean and not well run by some of these nursing homes, they get increases. I don't know how they determine the cost increases or denial of increases. I just hope there's no bias there or when they look at financial records that they do the right thing.

So, if you could respond to that, I'd appreciate it.

Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Tercyak.

REP. TERCYAK (26th):

Thank you very much, Madam Speaker.

I, too, hope they will do the right thing.

DEPUTY SPEAKER ORANGE:

Representative Miller.

REP. MILLER (122nd):

And through you, Madam Speaker, and the reason I bring that up, because I know DSS has had some problems in the past, and I guess they continue to have problems. And so I just want to make sure that

maybe they clean up their act or something over there because I know there's people in this Assembly that are not happy with their operation.

And lastly, section 18, dealing with brand drugs from independent pharmacies. Not everybody has a Cadillac insurance plan like we do here in this state. A lot of people have limited amounts of money they can get from their insurance company for drugs. In the case of a person who has, maybe, cancer or some kind of a disease that requires some of your more newer drugs that cost may be upwards or 5 to 10,000 dollars a month, how will they be affected or impacted by this?

Through You, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Tercyak.

REP. TERCYAK (26th):

Thank you very much, Madam Speaker.

The question -- the question started with mentioning that people have many different kinds of insurance. The section we are talking about only has to do with people who are covered by Medicaid. What -- although, as the question went on, we talked about different diseases and expensive medications. This

will make it easier for the -- for the small independent pharmacy to be able to afford to fill those prescriptions to take care of their folks on Medicaid. This will not affect folks with private insurance. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Miller.

REP. MILLER (122nd):

Thank you.

And through you, Madam Speaker, some of the drugs that I'm talking about don't come from a local pharmacy. They come from someplace out in the Midwest, very specialized type of pharmacies that are only licensed to sell these type of drugs and often these are brand-new drugs that I don't think our insurance companies here in the state might approve them. So I just want make sure they're not impacted or can't get those drugs because of something in the -- in the law that prevents them. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Tercyak.

REP. TERCYAK (26th):

Thank you very much, Madam Speaker.

In fact, for Medicaid, we do have a preferred drug list. And if a new Medicaid -- if somebody has a brand-new medication, there is every reason to believe it might not be on the preferred drug list and Medicaid would not be ready to be covering it. We also have a group that meets to review the preferred drug list and any issues or problems that come up with it, and through that we have a way to add new medications as they come up to the list so that people on Medicaid can enjoy the same benefits of improvements in health care that people with private insurance are able to enjoy.

Through you, Madam Speaker, thank you very much.

DEPUTY SPEAKER ORANGE:

Representative Miller.

REP. MILLER (122nd):

And thank you.

At lastly, through you, Madam Speaker, sections 182, 183, the Housing Incentive Program. There is a cap in 183. They get $2,000 per housing unit and up to $50,000. Is that thing funded? I don't remember the financial aspects of that particular program. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Tercyak.

REP. TERCYAK (26th):

Thank you very much.

I believe we're talking about the HOMEConnecticut program here, and we are not particularly changing the funding there, although we are adding the word "affordable" to make it clear that we're not interested in paying for people to pay in McMansions while they're receiving state assistance.

Thank you, Madam Speaker, through you.

DEPUTY SPEAKER ORANGE:

Representative Miller.

REP. MILLER (122nd):

Through you, Madam Speaker, the program is funded then? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Tercyak.

REP. TERCYAK (26th):

Through you, Madam Speaker, yes.

DEPUTY SPEAKER ORANGE:

Representative Miller.

REP. MILLER (122nd):

And through you, Madam Speaker, how much is in the fund? Do you know?

DEPUTY SPEAKER ORANGE:

Representative Tercyak.

REP. TERCYAK (26th):

Through you, Madam Speaker, no, I do not know.

DEPUTY SPEAKER ORANGE:

Representative Miller.

REP. MILLER (122nd):

I want to thank the representative for his answers and I thank you, Madam Speaker, and I will find out tomorrow.

Thank you.

DEPUTY SPEAKER ORANGE:

Thank you, sir.

Will you care to remark further?

Representative Walker.

REP. WALKER (93rd):

Thank you, Madam Speaker.

Madam Speaker, the Clerk has an amendment, LCO 5819. I would ask the Clerk to please call the amendment and that I be granted leave to the Chamber to summarize.

DEPUTY SPEAKER ORANGE:

Ready?

Will the Clerk please call LCO Number 5819, which

will be designated House Amendment Schedule "A."

THE CLERK:

LCO 5819, House "A" offered by Representatives Walker and Senator Harp.

DEPUTY SPEAKER ORANGE:

The Representative seeks leave of the chamber to summarize. Is there objection? Is there any objection?

Seeing none, Representative Walker.

REP. WALKER (93rd):

Thank you, Madam Speaker.

Madam Speaker, there are a variety of different changes that -- that we needed to make in the bill and not -- not excluding the more important one that everybody seemed to focus on, which was the FOIA Act. So striking sections 81, 267 and 268 addresses the FOIA. The others are fixes to domestic violence, GPS. There's another one for the Board of Regents, Medicaid Administration and the final is correcting the funds for the legal representation for the Sheff case. I move adoption.

DEPUTY SPEAKER ORANGE:

The question before the Chamber is on adoption.

Will you remark?

Representative Walker.

REP. WALKER (93rd):

Thank you, Madam Speaker.

This is -- these are items that we've realized as we put -- looked through the bill that this was -- they were very important. People talked to us about them and then they were -- they were some small fixes. The major one again was the FOIA.

Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, Madam.

Will you care to remark further on the amendment before us? Will you care to remark further on the amendment before us?

Representative Lawrence Cafero. Good evening, sir, you have the floor.

REP. CAFERO (142nd):

Good evening, Madam Speaker. Through questions -- through you to the proponent of the amendment.

DEPUTY SPEAKER ORANGE:

Please proceed, sir.

REP. CAFERO (142nd):

Yes. You know, during the course of this debate, we learned about the FOIA exemption. We learned that

the bill that's before us basically exempted from the Freedom of Information Act all records, communications, et cetera, between private enterprise in the state of Connecticut when we are giving out monies to them. For instance, when we are giving monies to Jackson Lab Projects or the First Five Projects, all those necessary items that we need as a legislature to judge whether or not we're making a good investment. And yet, based on the language in the underlying bill, the administration and the company involved would have been within their rights, if that bill were to have passed without this amendment, to hold back that information from the press, the public, and the legislature.

Is it my understanding, through you, Madam Speaker, that this amendment will correct that and, therefore, no longer prohibit -- or how am I putting that -- no longer allow the administration, DECD, in particular, to withhold that information? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Walker.

REP. WALKER (93rd):

Through you, Madam Speaker, the good gentleman

from Norwalk is correct.

Thank you.

DEPUTY SPEAKER ORANGE:

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Madam Speaker.

It is to my surprise that there are additional items that are being corrected pursuant to this amendment. It is the first that I have heard of that at this moment with the introduction of this amendment. We were aware of the FOIA correction, but I was not aware of the other corrections. So, if -- if the good gentlewoman from New Haven could indulge me and maybe for the edification of the Chamber, could we have a little more detailed explanation as to what these other sections of this amendment do to the underlying bill.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Walker.

REP. WALKER (93rd):

Thank you, Madam -- Madam Speaker.

In the first one on line -- in line 419, after "delegation," the insert of "the Department of Social

Services in consultation with Public Health," it -- it just adds some additional language so that we know exactly who is going to be involved in the process.

In line -- on number 7, in line 3 -- 3916, "other expenses" was taken out because we did not want the monies that we had allocated for the domestic violence GPS to be utilized by anybody for other things other than the GPS, so we took out "other expenses." We did not expect that to be in there.

In the -- the next ones, 8 through 13, this just adds -- corrects the language, "the Board of Regents" is inserted into that section in the College Transition Pilot Program that we have, and we just wanted to make sure that that was identified to what agency.

In lines -- and we also added the president of the Board of Regents in -- behind "higher."

Sixteen through 29 or -- through 29, the sexual assault exam language is -- in the underlying bill was incorrect. It corrected it here to apply to all sexual assault, not just child sexual assault, so that we make sure that the funds would be allocated in all of those areas.

And we -- 30 and 31 go to the -- the identified

issue of the FOIA that -- that my colleagues so adamantly wanted to be removed.

And then the last part -- and correctly so, sir -- and in the last part, 34 through 40, that just corrects the language that we the -- the 700,000 that we have makes sure that it's used for the state in presenting themselves in the case with the plaintiffs of the Sheff versus O'Neill case, we allocated those funds. And that's what the -- the underlying amendment does. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Madam Speaker.

Through you, with regard to the last few lines, 34 through 40 of the amendment that's before us, it says up to $700,000 available to Department of Ed with regard to the lawsuit as you described. Is that new funding? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Walker.

REP. WALKER (93rd):

Through you, Madam Speaker. I believe that that was a carry-forward. It's not new funding. Through

you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Cafero.

REP. CAFERO (142nd):

Through you, Madam Speaker, if it was a carry-forward, and forgive my ignorance as to how that might apply here, why do we need to do this language? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Walker.

REP. WALKER (93rd):

Through you, Madam Speaker. I -- I apologize. It was not a carry-forward. I thought it was one of the carry-forwards.

DEPUTY SPEAKER ORANGE:

Representative Cafero.

REP. CAFERO (142nd):

Okay. Then back to my first question, through you, Madam Speaker, is this new money that's being added for purposes of defending this lawsuit? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Walker.

REP. WALKER (93rd):

No. Through you, Madam Speaker, it is not new monies.

DEPUTY SPEAKER ORANGE:

Representative Cafero.

REP. CAFERO (142nd):

And through you, Madam Speaker, why do -- why are we -- if it's not new money, it's already been allocated for this purpose, why do we have it in this amendment? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Walker.

REP. WALKER (93rd):

Through you, Madam Speaker, I just want to get to the book and I will -- I will --

Thank you, Madam Speaker.

It's -- it's just a small change because the original says to the Department of Education for magnet schools for the fiscal year. And the change is to the Department of Education for magnet school administration for the fiscal year and that is the change.

Through you, Madam Speaker, to the good gentleman from Norwalk, and I thank you for the indulgence because I couldn't find that one word that I knew that

was in there.

Thank you.

DEPUTY SPEAKER ORANGE:

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Madam Speaker.

It's a curious paragraph that I am referring to because it says -- and I guess the correction is -- that initially this $700,000, which was available to the Department of Ed, just said for magnet schools, and if you read that, one might assume that it's going to the kids, that it's going directly to their education and their curriculum and their classroom activities.

Am I to understand that based on the language change in this amendment that that is not the case and in point of fact the $700,000 is going for the administration of the magnet schools? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Walker.

REP. WALKER (93rd):

Through you, Madam Speaker, it is going for the litigation expenses for the magnet school

administration that we are -- we incur when we go to court in the Sheff versus O'Neill cases. This money is for the litigation process, and we just needed to make sure that it wasn't misunderstood that it was going to the school. It is going to the administration for the cost incurred from the lawsuit that the State of Connecticut is in currently. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Cafero.

REP. CAFERO (142nd):

Thank you.

Then, through you, Madam Speaker, I'm even more confused, and forgive me and I'm sure you'll help clear this up. It looks as it because of the word "lapse" in the paragraph. It looks as if initially the $700,000 was allocated for a specific purpose, namely, magnet schools. And what we're saying in this paragraph is that money, I guess, has not yet been used for such purpose, but we're saying it will not lapse. We will not just give it up, if you will, in that we didn't use it. We're going to use it, not for magnet schools, but to defend the lawsuit of the Connecticut Coalition for Justice and Education

Funding versus Rell; is that correct? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Walker.

REP. WALKER (93rd):

Through you, Madam Speaker.

I thank the good gentleman for the question because it is -- it is hard to quite -- to understand. But this is -- that is, it is not going to the -- to the magnet schools, it is going to the administration for the defense expenses that we have already incurred. This is a bill that we owe and we are allocating the monies to pay the bill that we owe for the defense in this litigation. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Madam Speaker.

So, it is, frankly, to pay legal bills that we have already been incurred or will be incurred in the next fiscal year? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Walker.

REP. WALKER (93rd):

Through you, Madam Speaker. That we have already incurred.

DEPUTY SPEAKER ORANGE:

Representative Cafero.

REP. CAFERO (142nd):

Thank you.

Through you, Madam Speaker, forgive me again. Then I'm even more confused because the language before us says that the money shall be available for the litigation costs associated with the lawsuit and school reform activities during the fiscal year ending June 30, 2013.

Now, the fiscal year that ends June 30, 2013, starts on July 1, 2012. Here it is, June 12, 2012, we're still in the other fiscal year. I would assume if we have legal bills that are already due and payable, why wouldn't we pay them this year as opposed to next year which it seems what this amendment says? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Walker.

REP. WALKER (93rd):

Through you, Madam Speaker, as the good gentleman

pointed out before, we -- I made a mistake here. It is monies that we incurred this -- monies that we accrued were going to lapse this year to pay for the fiscal -- for the litigation bill for the next year of 2013, and he was very right in this and I -- I want to point that out because it's talking about monies that -- the 700,000 that would lapse on June 30, 2012, but it's going to pay for the expenses incurred in the year for -- that ends June 30, 2013. So I apologize because I did -- I did misunderstand what I was -- what I was reading in the amendment. I knew that we had a problem with the lapsing -- and that's why I brought up the issue of the lapsing 700,000, but I did not remember my notes until I opened it a little further that it was addressing expenses that we will be incurring for the-- the upcoming year.

So, through you, Madam Speaker, I hope the good gentleman from Norwalk will forgive me for making that error.

DEPUTY SPEAKER ORANGE:

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Madam Speaker.

And to Representative Walker, no need to

apologize. I have enormous respect for you -- what you do on the Appropriations Committee and your knowledge thereof.

But, you know, with all due respect, it sort of points to part of the problem that we have when we do things this way. We have probably the -- and I say this with the utmost respect and sincerity -- one of the most knowledgeable people in this chamber with regard to the budget of the State of Connecticut. And yet there are questions that are obvious, sincere and logical that need to be asked about a 496-page document that has 278 or 97 sections to it. And it has to give us pause when rightfully -- and I'm not faulting at all in any way, shape or form the Appropriations Chairman has difficulty answering the questions. Not because she's not diligent. She's incredibly intelligent and incredibly competent. But when you throw 297 sections of a bill crammed into one bill to be done in a six-hour period that 90 percent of the people in this chamber haven't even read or looked at or understand, I get it. I get why you would make a mistake, so no apology necessary.

But, through you, Madam Speaker, to continue my questioning on that section, are we anticipating,

since it hasn't yet occurred that we're going to have $700,000 worth of legal costs associated with this suit next fiscal year? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Walker.

REP. WALKER (93rd):

Through you, Madam Speaker, we do not know exactly how much because we -- obviously, it's going forward. It's prospective. But we want to make sure that we are able to cover our expenses for this situation. Through you, Madam Speaker.

And I thank -- I just want to thank the good gentleman for being so understanding. Through you.

DEPUTY SPEAKER ORANGE:

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Madam Speaker.

Do we have a rough idea? I mean $700,000 is a lot of money, but I also -- I am an attorney and I understand legal bills could mount up. Are we underestimating at 700? Are we overestimating at 700? Where did we come up with the number $700,000? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Walker.

REP. WALKER (93rd):

Through you, Madam Speaker. I -- I thank the good gentleman's question. We do not have a fixed amount because I'm -- I'm not a lawyer so I don't know exactly how this -- the process and the billing process is. But I do know that depending on the changes that we might have in this case, it is going to be something that can either be more or it could be less depending on how the -- the representatives of the Sheff client go forward with the State of Connecticut. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Madam Speaker.

Then I guess, through you, is there a reason we did not budget for this in the fiscal year 2013? Obviously, we're budget -- budgeting for it now by virtue of this amendment. Is there any reason we did not budget for this in 2013? Based on the title of the lawsuit, being against Governor Rell, obviously, we passed a budget, a two-year budget with a new governor, Governor Malloy, I have to assume -- I could

be wrong and could stand corrected -- that this lawsuit was in existence before we budgeted our last budget. And I'm wondering why we hadn't already put aside some money to cover the lawsuit expenses of this bill in fiscal year 2013. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Walker.

REP. WALKER (93rd):

Through you, Madam Speaker. This is a lawsuit that has been going on for several years now. I just don't know how many. There are some -- maybe some people here are from Hartford who could give us a more specific because it is something that is directly related to Hartford.

But, through you, Madam Speaker, I know that there have been some actual shifts in what the process has been going on. We are starting to meet a lot of the targets that were established when we first started this, which was the desegregation of the schools. We have built more schools in Hartford that are helping to address this. We have more students coming in from other districts that change the dynamics of the percentage of desegregation in some of the schools, and we also have other Choice schools

that are going on. We also have done more with the new commissioner of education because he has diverted lot of different programs and activities to address this. My belief is that we may have had an opportunity to possibly get some of these things settled, but I think maybe some of them weren't settled right away for whatever reasons and so we are making sure that we have enough money allocated to cover our expenses in this. It is -- I'm sure the administration's hope, as well as all of our hope, that the settlement for the Sheff case will come to an end at some point very soon and hopefully with the litigation, with the discussion -- with the discussion -- okay, who's playing with the microphone -- with the discussion and with some of the things that we have built into the -- the education reform, we will have a major reduction in what we are doing now.

Thank you.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Madam Speaker.

I'm not going to belabor the point, but here --

here's the facts. We're talking about $700,000 that we say was initially slated to go to magnet schools, but now we're going to make sure -- we're not going to spend that money this fiscal year, but we don't want it to lapse, so we're going to apply this 700,000 for litigation cost, not more magnet schools, not more seats in magnet schools, not more solutions to the Sheff-type problems. Litigation costs. Those are attorneys' fees, filing fees, deposition fees, et cetera, to a case that's been ongoing for several years that I guess and will assume, based on the answers I have received, we never budgeted for when we did this biennium budget.

So, I guess, that begs another question. As we faced more and more fiscal challenges with the budget we did adopt a year ago, we have been told by the administration that there are sufficient lapses and savings that will be achieved that will end this year in balance. There was a slight caveat and change to that proclamation when in the last days of session we realized that we had to take $220 million set aside to prepay emergency recovery notes to balance our budget because we were in that much deficit. But what I'm wondering is if this 700,000 -- initially allocated to

the Department of Education for magnet school administration -- was set to lapse and now we are saying it will not lapse but go to pay the litigation costs of a ongoing lawsuit for next year, does that mean -- well, let me put it this way. Did we count on that $700,000 lapsing as a savings in this fiscal year's budget? And if we did, will we no longer achieve that savings by virtue of us not allowing it to lapse but going into next fiscal year? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Walker.

REP. WALKER (93rd):

Thank you, Madam Speaker.

That's a great question. No, it will not affect the budget, the bottom line, because of the fact that this is monies that we realize were going to lapse and we did not know which -- I was told -- I don't know how much I can find out, I'm trying -- how much money we do have in the account to cover the litigation. This will just provide us with additional dollars in there to cover any extended costs that we feel will happen in this -- in the litigation so it will not have changed the bottom line. The bottom line will

stay the same.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Madam Speaker.

I frankly don't know how that adds up, but I guess we accept that answer. We have a ton of lapses more than ever in history. Lapses are savings. Lapses are money that's been allocated to an account that we almost declare upfront we will not spend, we will hold back, and that's how we will achieve balance in our budget. When we passed this initial two-year budget that we're in a year -- over a year ago, that's how we said it would balance. Many people, certainly on this side of the aisle, questioned how we could do that such a large amount of money we just claim we're going to save. And it looks like, as we approach the end of Fiscal Year 2012, we were slated not to use $700,000 in this account known as Department of Education Funds for Magnet School Administration. And by this amendment, we are actually saying, uh, uh, uh, we got to use that money, we can't let it lapse. Meaning we can't save it, we can't save it towards

this year's budget. We have to roll it over into next year and pay for litigation cost, and we're doing that by an amendment.

Ladies and gentlemen, this amendment probably does correct errors that are in the underlying bill. On the very day we're bringing out the bill, we have discovered we made mistakes. We made mistakes with regard to the FOIA provision. We made mistakes with regard to the allocation of money for litigation costs in the Sheff case. We made other mistakes all documented in a two-page amendment that we are about to vote on. Those are the mistakes we caught today, today. Imagine when we truly have time to look over this 496-page, 287-section bill, how many more mistakes will we find? And then what do we do about them? We call ourselves into a special, special, extra-special session to correct them? That what we do? It's a heck of a way to legislate.

Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, Representative Cafero.

Will you care to remark further on the amendment, House Amendment "A"?

Representative Adinolfi.

REP. ADINOLFI (103rd):

Thank you, Madam Speaker.

I don't know who the right person is to answer my question, through you, but I'm referring to section 8, supplement to the General Statutes as amended in section 5. It has to do with the veterans.

A VOICE:

We're on the amendment now?

REP. ADINOLFI (103rd):

No, it's on the bill.

DEPUTY SPEAKER ORANGE:

We're on the amendment, Representative.

REP. ADINOLFI (103rd):

Sorry.

DEPUTY SPEAKER ORANGE:

We'll -- we'll get back to you.

Will you care to remark further on the amendment before us? Will you care to remark further on the amendment before us? Will you care to remark further on the amendment before us?

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

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER ORANGE:

All those opposed, nay.

The ayes have it. The amendment is adopted.

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

Representative Adinolfi.

REP. ADINOLFI (103rd):

Okay. Very good, thank you. Sorry about that.

I'm referring to section 8, the part that speaks about veterans who might be on Medicaid shall apply for all benefits that he or she may be eligible through the Veterans Administration. I don't know who -- thank you -- right now, through you, Mr. Speaker, just about every veteran can be covered for medical through the Veterans Administration. That was not true maybe two years ago, but now even if you are not a disabled veteran, you could receive medical assistance provided that you fall into a certain financial category, your income level, which is similar to the Medicaid level. So I'm wondering how -- how this applies? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

We are going to Representative Tercyak.

Representative Tercyak.

REP. TERCYAK (26th):

Thank you very much, Madam Speaker.

This will not change that at all but -- and I do want to say that, yes, now the Veterans Administration is, I believe, doing the right thing for more veterans by providing benefits if you have completed two years of service and gotten an honorable discharge. It's no longer -- many of the other hoops people had to jump through or -- to qualify for.

In trying to save money, frankly, we're interested in letting the federal government pay 100 percent of what they can instead of 50 percent reimbursement for Medicaid. And for that reason, we're asking veterans, only those on Medicaid, to apply for VA benefits. No benefits, by the way, will be held up. We're not waiting for VA benefits to be approved. We're not waiting for someone to try to collect and find out whether or not they can, but that the application will be completed as part of the welcome to Medicaid process.

DEPUTY SPEAKER ORANGE:

Representative Adinolfi.

REP. ADINOLFI (103rd):

Through you, Madam Speaker. Thank you.

I'd like to comment on this. There are many, many, many veterans and disabled veterans that are on Medicaid. Now right now, if you live in Newington or you live in West Haven, it's very, very convenient to go to the Veterans Hospital for treatment and examination, surgery or whatever it might be, because you will be eligible. And the way this reads to me is that once you apply for the veterans benefits then you are obligated to use them. Now there are some substations around, but for major medical work, you have to go to the Veterans Hospital. And I think this is -- my opinion is this is a slap in the face to a veteran on Medicaid to have them travel 50 or 60 miles to get a medical examination or a physical or take a test for a hearing aid or something like that. I think that's wrong.

I'm reading here in one of the things, veterans medical benefits package, and as you get into that, it actually states your reasons that you're eligible and where you're not. Now one of the reasons that -- that would make you eligible for the veterans benefits is you do not have coverage under Medicare, Medicaid, or a state program. So this disputes what we're saying

here, and I'm just looking for clarification. This is from the military.com. I have it right in front of me right here.

Through you, Madam Speaker, I'd like an answer to --

DEPUTY SPEAKER ORANGE:

Representative Tercyak.

REP. ADINOLFI (103rd):

-- to have that explained to me.

DEPUTY SPEAKER ORANGE:

Representative Tercyak.

REP. TERCYAK (26th):

Thank you very much, Madam Speaker.

I don't believe this is a slap in the face to veterans. I don't believe this is in any way disrespectful to veterans, and I don't see reading it that way particularly. Medicaid, the state and federal joint program for healthcare for poor people is supposed to be a -- is ideally a payer of last resort when there is -- when there are no other funds available to pay, whether it be private insurance or including veteran -- veterans insurance through the VA. This is going to help us maximize the federal -- the federal medical benefits for the veterans who are

on Medicaid.

There will be nobody denied services because, oh, the veterans should have paid for that. But we're going to do what we can to have the federal government pay 100 percent through VA benefits instead of 50 percent through Medicaid benefits.

Thank you.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Adinolfi.

REP. ADINOLFI (103rd):

The Veterans Administration does not pay for medical treatment. They provide medical treatment. There's a difference. If I go to my doctor, I'm a disabled veteran, if I go to my doctor, the VA does not reimburse my doctor or my insurance company for -- for the treatment that I got, even though I'm eligible for those benefits. They don't do it because I haven't applied for it, and I wouldn't apply for it because I have better coverage in the other areas.

Now, we have many veterans getting out of the service, especially nowadays, that are coming home, they had no jobs, and I'm sure that they have applied for Medicaid. And now we're saying -- what's going to

happen, you're going to have to go to Newington or to West Haven to get medical treatment rather than go to the doctor down the street or a mile away. It just doesn't add up. I'm sorry.

And for that reason I -- I just think that this is -- again, I'll repeat myself -- I think it's a slap to veterans on Medicaid and their families, and I'm not going to vote for this bill because of that.

Thank you.

DEPUTY SPEAKER ORANGE:

Thank you, Representative Adinolfi.

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

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Madam Speaker.

Good evening.

DEPUTY SPEAKER ORANGE:

Good evening, sir.

REP. CANDELORA (86th):

Thank you, Madam Speaker.

I don't have any questions on the bill, and I guess I just wanted to make a general comment. I do rise in opposition to this bill, and as we've been

listening to for the last several hours are, you know, concerns about some of the -- the so-called gimmicks that we see in this bill. The sweeps, where we're taking money from our probate system surplus and using it, that one-time expense, and we're using it for ongoing operating expenses. And then we're seeing programs that are being broad in their definitions so that they can be more inclusive for other items. And it may be laudable public policies, but I think when you try to put this package together, it's setting a very troubling theme for Connecticut.

I don't think that this bill particularly poises us for a very good position if we do begin to see the current trends and our downturns. We talked a little bit about the roll-your-own provisions and where we're seeing this sort of loophole pop up where individuals are now going to these shops in order to get their cigarettes. Well, bottom line is they're being driven there because they can't afford to purchase cigarettes in the state of Connecticut any longer because we increased the tax to a point where they can no longer afford it. And I know from a public policy position, certainly we want to discourage cigarette smoking -- I support that 100 percent -- there are people who are

addicted and they are now forced into doing things that they probably otherwise wouldn't want to, and that is standing in long lines to get a cigarette rolled for a cheaper price.

And I think as we start seeing that type of behavior, we do start seeing our revenues go into decline, and so we end up chasing our tail. And I think there's some provisions in here, like the roll-your-own cigarettes, that -- that is doing exactly that. We're chasing our tail now. We need to start closing up tax loopholes because we've made certain behavior in Connecticut a must.

The liquor sales, you know, the same issue. We're allowing for Sunday sales because we want to be able to open up the market and try to compete with Massachusetts, but we have the highest excise tax in the region. And so when I look at this particular bill and where our revenues are going, on June 1st, we heard from the Treasurer, we're trending downward in our cash flow. Our cash flow is needed in order to operate government. Every business looks at their cash flow.

Sadly, the state of Connecticut didn't begin looking at it until two years ago when, thankfully,

this body required that we begin to receive cash flow reports from the Treasurer's Office. It behooves all of us to begin looking at them. The trend is absolutely frightening. We've lost over $700 million from last budget cycle to this budget cycle and the trend is only going to go lower if we don't turn it around. And so, when I look at a bill that is sweeping one-time revenues for ongoing-operating expenses, that doesn't help our cash flow, that doesn't put us in a position to be able to recover.

And then in -- in looking at our revenues just for the last month of May, we continue to see the revenues in flux and in decline. Our sales tax revenues, again for the month of April, are down by 12 percent. And it's interesting to watch that our monthly sales tax is underperforming. Our retail sales underperform. And the sales tax seems to catch up when our quarterly filers produce. Last April, our quarterly files came in, it was a huge influx for our sales tax. So when we look at it in aggregate, we see that everything is okay on that line item. But when we look at our monthly reports, which is our retail sales, they're in decline and they shouldn't be. When we eliminated the exemption on clothing that should

have caused more retail sales tax to come in.

And so I point that out in the context of this bill because we should be putting things in this bill that improve our cash position and that help bring businesses into Connecticut, but all we've sort of done is more of the same. We've put together another jobs package that has additional bonding. We're shifting operating expenses into our bonding. And so we're putting greater pressures on those areas and so we just have not put us, I think, on the right track with this piece of legislation.

You know, I certainly had opposed the original budget in the -- that we passed in the regular session, and I'm certainly opposing this bill for those very same reasons.

But additionally, I think we've compounded the problem because we've let so many other things get into this bill that might not seem that bad, that might seem okay on the surface, but putting this thing together is just very problematic. And so, yet again, I guess I see the bottom line of -- of it increase spending even from our -- from the regular session -- I think it was to the tune of 44 million, it might have been 44,000 but it was -- at this point it really

doesn't matter -- the reality is that this bill is, yet again, increasing spending from where we were just a month ago. And when we look at the reports that just came out from May 9th to today, June 12th, it's painting a very bleak picture for the State of Connecticut. And I know nobody in this chamber wants to come back here in January and raise taxes. But I think, frankly, with this document, we're going to be back in here even sooner being faced with the decision of either raising taxes or having to make massive cuts. And based on what I have been seeing for the last four years, I'm afraid to answer the question of where we're going to be.

Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, sir.

Will you care to remark further?

REP. CAFERO (142nd):

Madam Speaker, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Cafero.

REP. CAFERO (142nd):

Yes, Madam Speaker, I rise to question the existence of a quorum.

DEPUTY SPEAKER ORANGE:

Will the Chamber please stand at ease.

(Chamber at ease.)

DEPUTY SPEAKER ORANGE:

In the opinion of the Chair, a quorum is present.

Will you remark further on the bill as amended?

Representative Betts, good evening, sir.

REP. BETTS (78th):

Good evening, Madam Speaker. Thank you very much.

I have no questions, but I do want to make a few comments. As a perspective of somebody who's completing his first term here as a new legislator. And really, my focus is more, I think, on the process now. And the one thing I said to myself -- the one thing I said to myself was I'm not going to make the same mistake that occurred in Washington back in 2009 when they went and Congress voted on the healthcare bill that was 2700 pages long. That is just a unconscionable amount of material to read, digest, understand and explain. And I really felt for Congress when you were being asked to vote on

something that they did not have a chance to really fully read and understand.

Today, I feel like we're in a similar position, just a little bit on a smaller scale. I'd look at this bill here and I see its got almost close to 15,000 lines, it's got almost 500 pages, and I'm going to admit something that I wonder if everybody else in this chamber will admit. This bill is simply too much for me to take in and understand in a matter of a few hours. And one of the reasons why I admit that is because we have been elected by the people to do some very serious business, and I do take this very seriously. And I would hope and I believe in my heart that everybody in this chamber has the same sense of responsibility as I do. We have an obligation that's been entrusted to us by the people who elected us to explain what we're doing up here, to understand and explain what we're doing up here.

And when I came here, I understood the process as I was explaining it to high school students who came through here, and I did it with a great deal of pride. I know people are very hard working here. They have some very good ideas. And I told all of the students that when we come in here, we come in here

representing everybody: Republicans, Democrats, Independents. We are here to represent everybody and that we are here to work and communicate with each other. And that's what makes us good public officials. We are here to be the voice of our constituents.

Well, as I look at the bill we have today, I know a couple of things. One is we met in February. We adjourned May 9th. There is a process that's been followed for many, many decades long before I came here, and we failed to meet the goals within that deadline. One of which is the budget.

If I performed that way when I was in college and I was writing a long paper, my professor would not have gone to me and said, yes, you can have an extension, yes, you can redo this. He said you are a grown adult who is meant to be responsible, you had the opportunity to ask any questions at the very beginning of the process but here is the goal, get the job done in time. What we have now is we didn't get the job in time -- didn't get it done in time. We have it -- this unbelievably long, complicated, incomprehensible bill before us that was put together by one party, not everybody here on this side of the

aisle for which I thought we were supposed to be working together in a bipartisan manner. We've had a lot of really good serious questions raised, and nobody seems to be bothered or troubled by the fact that this bill has a lot of flaws in it, a lot of serious flaws, and some very good questions have been raised. And I guess in the -- in the words that I have learned over the last two years, people would describe this as a work in progress.

Well, ladies and gentlemen, I don't feel this is an achievement. I don't feel this is an accomplishment. We're taking money from one account and putting it into another. We're just moving the can down the road, even though everybody in the state of Connecticut is asking and looking for us to do the right thing, to be fiscally responsible to balance things and we're not doing it.

And I'm sorry you don't consider this to be very important, but I consider this to be a very serious matter. We have to go back to the people now and we have to explain what we've just done. I wonder how many people have read this bill and fully understand the ramifications of this. I have tried to do it once and I could not. And this is going to impact the

lives of a lot of people in this state. So I ask you, as we sit here and we vote, and we talk about this issue today, do you feel good about the job we're doing? Is this the process that gives people confidence, that gives you confidence, that saying we're doing the best we can? Do we feel good about not talking with each other? Is this the way we unify our state? Is this leadership that people are so desperately looking for?

I cannot and will not vote for this for the very same reason I thought it was a mistake in Congress. We have a fiduciary responsibility to understand and be able to explain what we do in this chamber. And if you are comfortable and capable and able to be able explain this, then I ask you to go out and do just that. I am not -- I think there have been a lot of serious concerns raised here, and I'm really troubled not only by the process but what I think is a certain ambivalence and acceptance of what we're doing. This is scary, scary stuff.

And, Madam Speaker, those are the reasons that I'm going to be voting against this. This is a process that really troubles and worries me, and I will absolutely be opposing this bill.

Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, sir.

Representative Lawrence Cafero, the minority leader, you have the floor, sir.

REP. CAFERO (142nd):

Thank you, Madam Speaker.

Ladies and gentleman, for purposes of a wrap-up, you know, as the debate went on and we had a chance to go through page by page of this document, we learned so many things. Just in the last five minutes, and forgive me if I am the last person to know this, I came across section 292 of the bill that's before us. It's entitled "Education Loan to the City of Bridgeport." And it's my understanding based on this provision that we're doing the following:

First of all, we're taking $3.5 million from this year's budget. We're making sure it doesn't lapse. We're carrying it forward to next year's budget, and we're allowing the State Department of Education to loan that money to the City of Bridgeport, $3.5 million. But that loan comes with conditions as it says in the language of the bill, as a condition of the loan for those in the City of Bridgeport, you

could have your $3.5 million only if you agree that you have to select the superintendent of your school system in the City of Bridgeport, the largest city in the state of Connecticut, and you have to select your chief financial officer from a list approved by the commissioner of Education. So unless you pick your superintendent, City of Bridgeport, and unless you pick your CFO, City of Bridgeport, from the list that the commissioner of Education gives you, you don't get the money. And what -- if you do what he requires you to do, then you could keep the money, and he may decide to forgive the loan.

So, through you, Madam Speaker, to Representative Walker or to anyone else who is of the committee of cognizance to answer that question, I would ask is this provision, giving a loan to the City of Bridgeport of $3.5 million on the condition that they choose a superintendent and a chief financial officer from a list provided by the commissioner of Education, is this a provision that had a public hearing? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Walker.

REP. WALKER (93rd):

Through you -- through you, Madam Speaker, no, it did not.

DEPUTY SPEAKER ORANGE:

Representative Cafero.

REP. CAFERO (142nd):

Thank you.

Ladies and gentlemen, the largest city in the state of Connecticut, yes, like a lot of cities, it has its problems. But for the first time in this bill, buried in the last -- almost the second or third to last section, we have a provision that says we'll give you money, but you got to pick the guy we say you got to pick or gal that we got -- that we say you got to pick. Unprecedented. Never heard of it. Is it a good idea or bad idea? You know what? It's unusual. It might be a good idea, but how would we know? We never had a public hearing on it.

A few moments ago we called up to LCO to better understand this bill. We were told, yes, it has some 496 pages, some 15,000 lines, some 278 or 97 sections. But we were told by LCO that it has 111 concepts in it, 111 individual concepts. Remember the entire session we just finished, we only did 366 bills, excluding resolutions, judicial appointments, et

cetera.

This bill before us has 111 concepts. And LCO shared one more fact with us. Forty, 40 concepts out of the 111 never had a public hearing, never had a public hearing. Forty out of 111 concepts never had a public hearing.

So we've learned a lot about the bill that's before us. We learned that it originally was called into one session but because we have other bills that we didn't get to, we're going to have to call us in to another session in order to complete it.

We learned that within this bill, we took surplus funds -- by definition, one shots -- surplus funds from our Probate Fund to the tune of $2.3 million funded various programs, one-shot revenue funding ongoing expenses.

We learned in this bill -- as we debated this bill that we have several provisions that it -- that take operating administrative expenses offline and put them within a grant, by several people's definition, a financial gimmick to make our operating budget look better.

We learned when we debated this bill that mistakes were made. That there was an entire section

dedicated to FOIA to avoiding the Freedom of Information Act, an entire section dedicated to depriving us in the public of learning the deals that go back and forth between the people we're giving millions and millions of dollars to through programs, like the Jackson Labs and the First Five, and we had to correct that.

We're learning that we're taking lapsed funds and applying it to programs or litigation expenses.

We learned that the much ballyhooed Senate Bill 1, the Jobs Bill which is in here, might very well not create one job. But we know one thing, it takes a lot of administrative expenses for all the programs that we did in October and shifts it to grant money. That's what we learned.

We often wonder and I've often said we have a schizophrenic philosophy here in Connecticut when it comes to job creation. We say one thing and we do another. We say we're open for business and yet we pass regulations and laws that say anything but. So it's no surprise that in a bill that contains SB-1, we have another provision commonly known now as Roll Your Own that tells people who followed the law as it existed in Connecticut who went out and invested their

money, hired personnel, rented space, bought supplies that upon the passage of this bill, you got about three months, baby, because you're out of business, hundreds of jobs gone. And we didn't even have a public hearing on the bill. Connecticut's open for business?

We learned that we're doing a budget implementer bill. And even though, by our own statutes, we've seen consensus revenue figures go down, meaning that the money that we assumed we would get from revenue when we pass this bill has gone down consistently in January and then, again, in April, and we never revised our estimates. We modified the budget, never revising our estimates. So, theoretically, the so-called balance budget has in it revenue estimates that were adopted almost a year ago, have been revised twice, but we chose and are able to avoid and ignore that revision.

297 sections, 15,000-plus lines, 111 concepts, 40 of which didn't have a public hearing and we're not done yet.

And worst of all was the process. You know, since October, we've done two things in this chamber that we should all rightfully be very, very proud of.

One was the special session regarding jobs in October. We worked together. We -- literally, staff and legislators of both sides in the aisle, both Chambers, the Executive Branch and the Legislative Branch rolled up their sleeves, sat and worked and talked. It didn't matter who was in the majority or who was in the minority or what party the governor was from. We put aside our differences and we found common ground. It was a high point, not only for us personally but for the State of Connecticut.

All of you, I'm sure heard that's the way to do it. Don't be like Washington. I said at the time, is this one brief shining moment or a new chapter in the way we do business? Come February I got my answer.

And then not to the same degree, but a little bit we had a bipartisan Education Reform Bill that we all took a lot of heat from. We all went out, every one of us, whether we're on the Education Committee or not, we listened, we talked, we discussed with all the stakeholders, the teachers, the union reps, the reformers, the principals, the superintendents. We exchanged ideas with each other. We had full debates in Education Committees. And at the end, we did something that was pretty good. That was another

proud moment.

So to come into a special session and have before us two bills of 496 pages and almost 200 pages, respectively, of over 150 concepts, and only have one party negotiate and put together that bill, no input from the other side of the aisle. Haven't we learned the lesson that we are at our best when we work together, talk to each other, negotiate, give and take? That's what people expect of us. That's why they are so disgusted what -- with what's going on in Washington, and we always say we're different. Are we? Are we different? This document says we're not.

The irony of it is it's called a "budget implementer bill," a bill implementing the budget. A budget that every single day we're getting news it's getting worse and worse and worse. Our revenues are down, our spending is up, our savings aren't being achieved, our bond rating is down, our cash pool is almost nonexistent. Did we do anything in this bill to change that? I think not. This is not a good day for the State of Connecticut

Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, sir.

Representative Sharkey.

REP. SHARKEY (88th):

Thank you, Madam Speaker.

Madam Speaker, I'll try to be brief, but I have to admit as I stand here today in summation, I'm -- I'm a bit frustrated. I have the utmost respect, as I said at the beginning of this debate, for the Minority Leader and members of his party in spite of some of the allegations that have been made and directed at the leadership and the members of this side of the aisle in terms of how this bill came to pass.

Now, let's not -- I mean, I think one of the big problems that we in the majority and we as a legislature, frankly, bring upon ourselves when we don't get an implementer done in the course of the regular session, and we wait until after the session is over, we're actually in -- in most -- we're thinking now towards November and the fact that we are all up for reelection, most of us who are intending to come back next year and this is a great opportunity, I think, to make a case for your members, your constituents, try to catch some mistakes that might have been made to show how some or others are not -- are asleep at the switch, not getting it done, not

doing it the right way.

But let's be -- first of all, be honest with ourselves. This is an implementer bill. Implementer bills by definition are -- are bills that are designed to put the policy behind the numbers of a budget. As I said at the opening of this debate when we first brought out this resolution, if we don't do a implementer bill, our budget and the budget revisions that we did in this regular session are just numbers. If we don't have the policy behind the numbers that the implementer provides, we may as well not even do a budget. We need to have this input. We need to have this.

Now, it's -- it is completely disingenuous to suggest, as has been tonight, that we are doing hundreds of bills and we only did a few hundred bills over the course of this session and this is hundreds of concepts and bills that we're doing for the first time. That's absolutely not true.

The vast majority of what we're doing in this bill right now are not bills, per se, they're implementers. It's language designed to implement the budget for the second year of the biennium.

Now, as far as process goes, I would -- I would

respectfully remind those on the other side of the aisle that we made a very concerted effort on this side of the aisle to make the language and the concepts that we were going to adopt as part of this available to all members and for that matter, the public, as early as Saturday. We provided a preliminary list. It was supplemented later on. But it's a bit disingenuous to say that we don't have all of the details of the budget. It's true. The language -- the actual hard language of the bills were more recent, but the concepts were there and delivered four days in advance of our debate tonight. So we have heard in the past complaints that these bills come at the last minute, that we don't have enough time to look it over, we don't know what's coming. That didn't happen this time.

I think it's fair to say that while the language was still being developed and there were some things that may have been added towards the end as we finished up what we were trying to do, we made a concerted effort to make sure that everyone had an opportunity to see what was in this bill and to comment. And that, in fact, getting that language out, getting that -- those concepts out to our members

actually made the bill better because it is true, it is a big bill. And it is better to have multiple eyes on that bill to point out things that need to be changed. We adopted those changes as part of what we are doing tonight.

Look, it's also a big bill because we are doing one implementer. As I said at the opening, normally, we do multiple implementers on different concepts. It's one bill because we're trying to consolidate what we are doing tonight into one bill. And if -- if it -- if someone thinks it's more efficient for us to do four bills instead of one, I would like to hear that. But I don't think in a special session that's appropriate.

We wanted to try to consolidate the information that we were doing into as little legislation as possible so we can get it all done. There's no conspiracy. There's no -- there's no ulterior motive other than just to be efficient.

But -- my frustration really is that to those who would complain about this process, you can't have it both ways, you can't have it both ways. When it comes to input on the revisions and on the implementer itself, if you voted no on the budget, and you voted

no on the revisions to the budget that were adopted in the regular session back in May, how is it -- I would ask respectfully -- that you would sit at the table to discuss the language to implement the budget you voted no on?

I think if we truly had the bipartisan approach that the Minority Leader referred to, and we actually had some votes from the other side of the aisle on the budget, both the one we did in May but also the original budget, which was a much tougher budget to do back last year, then that spirit of bipartisanship would have carried over to the -- to the discussion of the implementer. But I don't think it's -- I don't think it is fair to criticize a process in which you voted no on something and then expect to be brought to the table to discuss how we're going to implement the language of the bill that you voted no on.

And the other problem is that when, as we know, there were delays in the course of the last couple days of session, which meant that a lot of bills did not get passed in both houses and that is an absolute right that the Minority party or anyone in this chamber has to carry out the legislative business of the General Assembly. But if you choose that option,

you know that bills are dying, and then when we -- when that occurs, you can't be heard to complain when some of those -- some of the language, some of the work that we needed to do during the regular session does not get done, and we have to take ourselves back to finish that work. So you can't have it both ways.

This is the bill we have tonight. It is an implementer bill, pretty much like any other implementer bill that we would otherwise do in a regular session that needs to occur because we have to implement the language of the budget. We have to put policy behind the numbers. That's what we're doing tonight.

If you disagree with the policies, if you disagree with the elements of the budget even if you like some of the elements here but you don't like others, that's the choice you have to make.

So I would encourage all my colleagues to support this implementer because we need it, frankly. It's what we do. It's what we have to do. For that reason, I'd urge a yes vote on the implementer.

Thank you, Mr. Speaker.

DEPUTY SPEAKER ORANGE:

Staff and guests to the well of the House.

Members take your seats. The machine will be opened.

THE CLERK:

The House of Representatives is voting by roll call. Members to the chamber. The House is taking a roll call vote. Members to the chamber please.

DEPUTY SPEAKER ORANGE:

Please -- members, check very carefully your machines with your -- your light on the board. There are technical problems with our machine. And so if you have any problems, please let the dais know so that we -- we can correct it.

Have all members voted -- have all members voted? Have all members voted?

If all the members have voted, please check the board to determine if your vote has been properly cast.

If so, the machine will be locked and the Clerk will take a tally.

Will the Clerk please announce the tally.

THE CLERK:

House Bill 6001 as amended by House "A."

Total number voting	141
Necessary for passage	71
Those voting Yea	88

Those voting Nay 57

Those absent and not voting 10

DEPUTY SPEAKER ORANGE:

The bill, as amended, passes.

Representative Sharkey.

REP. SHARKEY (88th):

Thank you, Madam Speaker.

I move for the immediate transmittal of the bill that we just passed to the Senate.

DEPUTY SPEAKER ORANGE:

The question is on transfer -- immediate committal to the Senate.

Without objection, hearing no objection, seeing no objection, so ordered.

Will the Clerk please call Senate Bill 501?

THE CLERK:

Emergency Certified Senate Bill --

DEPUTY SPEAKER ORANGE:

The Chamber will stand at ease.

(Chamber at ease.)

(Deputy Speaker Kirkley-Bey in the Chair.)

S - 650

CONNECTICUT
GENERAL ASSEMBLY
SENATE

PROCEEDINGS
2012

JUNE 12
SPECIAL
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SENATOR LOONEY:

Yes.

THE CHAIR:

Seeing none, so ordered.

SENATOR LOONEY:

Yes, Madam President. Thank you.

Madam President, I would ask the Clerk to call the single item appearing on Senate Agenda Number 3 under business from the House, Emergency Certified House Bill 6001.

THE CHAIR:

Mr. Clerk.

THE CLERK:

House Bill Number 6001, AN ACT IMPLEMENTING PROVISIONS OF THE STATE BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2012, as amended by House Amendment Schedule "A."

THE CHAIR:

Senator Harp.

SENATOR HARP:

Thank you very much, Madam President.

I move the Emergency Certified Bill in concurrence with the House.

THE CHAIR:

Motion is on acceptance and in concurrence with the House.

Will you remark?

Senator Harp.

SENATOR HARP:

Thank you very much, Madam President.

This bill has a number of sections that implement the budget. There are a number of sections that basically change and redefine our Medicaid benefit and make it in concurrence with the action that we took in our budget.

It provides for the commissioner to develop an -- an assisted-living expansion program. It -- there is an aspect of this bill that supports the budget in nurse delegation of -- of medications. It basically speaks to home care for the elderly, and it addresses the fair rent issue for residential care homes.

It sets up a pilot program to provide chiropractic care to -- a state-only funded chiropractic care to Medicaid recipients. It provides for a pharmacy reimbursement for privately-owned community pharmacies. It moves up the date of implementing the Department on Aging. It requires a report from the chief state's attorney on Medicaid fraud recoupment.

It basically transfers the Connecticut Humanities Council to the state library. It makes the Office of the Chief Medical Examiner APO to UConn Health Center. It adds as well language around the UConn Health Center's fringe benefit differential. It includes the language that is known as "roll your own." It expands and redefines the aerospace joint venture sales tax exemption.

It provides funding for domestic violence GPS for high-risk offenders for a pilot project in Bridgeport, Danielson and Hartford. It clarifies that sex assault evidence exams are paid for by the Office of Victim Services.

It implements what we used to call "Senate Bill 1." It adds three youth services bureaus in our state. And it provides language for a coordinated school health project. It defines the wrap-around education programs or wrap-around services grant program in the state Department of Education, and defines as well the

parent university pilot program in educational reform districts in our state, and many other things that implement the budget. I urge adoption.

THE CHAIR:

Will you remark?

Senator Kane.

SENATOR KANE:

Thank you, Madam President. Good evening.

THE CHAIR:

Good evening, sir.

SENATOR KANE:

Through you, I have a number of questions for the proponent of the bill, please.

THE CHAIR:

Please proceed, sir.

SENATOR KANE:

Thank you, Madam President.

First, through you, to Senator Harp.

Obviously, there's a lot in this bill, like, 297 sections it looks like. Can you just give me a -- an outline or a brief overview on how many of these sections were taken up during the appropriations process.

Through you.

THE CHAIR:

Senator Harp.

SENATOR HARP:

Thank you very much, Madam President. Through you.

Most of these items were taken up during the last session, whether it be through a -- the appropriations process or appropriations itself or through a committee of -- that has jurisdiction over some of the areas that we funded in the budget.

Some of the items actually reach back into the previous session -- previous General Assembly session as well so that it -- it relates to the biennial budget that we passed. And those issues were taken up last year but not in the past session but there is that nexus. I think we tried very hard to assure that most things have a nexus either to the budget that was most -- budget adjustment that was passed or to the biennial budget and policy that was passed at the time that was done last year.

Through you, Madam President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

That was -- that was going to be kind of my next question in regard to the appropriations processes. Is it typical in -- during the implementers that we are basically doing here today that we would be putting in the language of the budget that was adopted or putting in language of the committee process, as you mentioned, or the appropriations process that didn't get adopted? That's, I guess, kind of my question.

You -- you mentioned things that may have come up last year or during the subcommittees. You know, if they weren't in the actual budget, why are we doing them now?

Through you, Madam President.

THE CHAIR:

Senator Harp.

SENATOR HARP:

Thank you very much, Madam President.

I think, and perhaps you inferred incorrectly. I think that what I intended to say was that it undertook matters that were a part of the biennial budget, some of which was unchanged by the budget adjustment that we've done here today. And so, in that way, I believe that they are properly before us.

I don't know, Madam President, through you, if there are any specific areas that Senator Kane would like to --

SENATOR KANE:

Uh-huh.

SENATOR HARP:

-- ask a question about and perhaps I could give him a more specific answer.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

Yeah, I -- for example, Section 18, pharmacy reimbursement increase for independents. I know that was something talked about during the appropriations process but I don't believe was -- was put in the actual budget. The report on medical assistance and fraud investigation, the -- moving the chief medical examiner and his office over to UConn, the inmates released to nursing, I -- I -- oh, teachers retirement board, I know that was part of the -- the Governor's proposal to get an increase from the retired teachers to pay for their health benefits but that was not done --

SENATOR HARP:

That was done (inaudible).

SENATOR KANE:

-- in the appropriations process, so things like that.

So, through you, Madam President.

THE CHAIR:

Senator Harp.

SENATOR HARP:

Through you, Madam President.

On the pharmacy reimbursement, it was -- there was a group that was working on this during the budget process and they continued to work after the budget was passed. Things weren't finalized. I believe that they -- actually, on the pharmacy reimbursement, they were finalized in time for the final budget. The dollars are -- are in the budget. The language here just implements what is in the budget.

On the Medicare Part D subsidy and municipal subsidy, in fact, we did, for one year in the final budget, reduce our -- reduce our share to 25 percent, as is reflected in this language. And we did during the public hearing as well indicate that the Medicare Part D subsidy was to go into the fund directly rather than into the general fund. I think that is clarifying language.

And so I -- other things that you mentioned -- and those are the two that I remember -- they were actually in the budget and this language implements the budget.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

How about then one of the examples I gave was Section 100 which would be the chief medical examiner. And I believe we did have that bill in the appropriations committee and it did not go through the appropriations committee. I think the -- UConn testified against it -- the -- the health center testified against it. The chief medical examiner testified against it, all talking about conflicts of interest that may take place. That is certainly one example.

Through you, Madam President.

THE CHAIR:

Senator Harp.

SENATOR HARP:

Through you, Madam President.

This is different than the Governor's proposal to the General Assembly. The Governor's proposal would have merged the chief medical examiner into the UConn Health Center. This proposal basically makes the chief -- the Office of the Chief Medical Examiner APOd to UConn Health Center, which basically means that, currently, they are a part of a smart unit. And all of their back office business operation is done by DASS -- DAS -- sorry -- so it's all done by DAS.

What this would do -- and we heard testimony that that was problematic for the Office of the Chief Medical Examiner because of proximity and a number of other concerns -- and so this proposal transfers the back office operation to UConn Health Center but does not merge the two.

THE CHAIR:

Senator Kane.

SENATOR KANE:

If I may, through you, Madam President, just a clarification.

So this transfers the back office functions to whom? I'm sorry.

Through you, Madam President.

THE CHAIR:

Senator Harp.

SENATOR HARP:

Through you, Madam President.

UConn Health Center.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

And the -- they were with part of the Smart Program, as you mentioned, or -- or Smart Unit Program through DAS so what's the distinction now? Why the move to the UConn Health Center?

Through you.

THE CHAIR:

Senator Harp.

SENATOR HARP:

Through you, Madam President.

The Office of the Chief Medical Examiner is on the campus of UConn Health Center, in close proximity. During public hearings there was at least the sense that the distance from the actual operation was a problem in terms of DAS Smart Unit providing the kind of service that would allow positions to be filled and

other of the back office function to occur in a way that -- in a -- in a smooth fashion.

There were a lot of -- there were a lot of problems with that relationship. It didn't work. And the thought was that if you change the back office operation to an organization that is closer in proximity that that would solve some of the back operation problems that were occurring between the Office of the Chief Medical Examiner and the Department of Administrative Services smart unit.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

Is -- is that then a move towards the merger of the chief medical examiner into the UConn Health Center?

Through you.

THE CHAIR:

Senator Harp.

SENATOR HARP:

Thank you, through you, Madam President.

From my perspective, it is not. I was convinced by public testimony that there is really no nexus for the merger. It doesn't really -- there is a need from a -- a judicial point of view for this to be an independent office. And to have it a part of a medical center was basically an opposition to its judicial need to be independent.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

Thank you, Senator Harp, for that answer. I -- I guess, the reason I ask that question is because the smart unit has to have the same problem with many administrative offices or many different departments. I mean, they're not close or viable or logistically work out with probably other examples. There's got to be more examples than just the chief medical examiner so that's why I curious why this one was chosen versus -- I don't know. Maybe you could answer this question as well -- is how many smart units do we have, you know? So there has to be more than one example why this one chosen.

Through you, Madam President.

THE CHAIR:

Senator Harp.

SENATOR HARP:

Through you, Madam President.

There are numerous smart relationships with departments. And you probably have noticed in the bill that we are requiring a memorandum of understanding, because the auditors brought to our attention the fact that often these relationships needed defining in order for them to work well.

In this particular case, Madam President, the Office of the Chief Medical Examiner had such difficulty getting technical staff that we believe was critical to his fulfilling his mission, and that the relationship had -- was so broken that we needed to try another relationship with another organization.

Through you, Madam President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

If I -- if I can move to Section 102, back to that teachers retirement board plan. I know it was the -- the administrative, the Governor, proposed an increase in the share -- the cost share to these retired teachers. So that is not -- no longer the case. Correct?

Through you, Madam President.

THE CHAIR:

Senator Harp.

SENATOR HARP:

Through you, Madam President.

No, that is no longer the case. The state's share actually will be 25 percent, which is less, but the balance comes from the fund.

Through you, Madam President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

Because, currently, we pay 33 percent. Is that correct?

Through you.

THE CHAIR:

Senator Harp.

SENATOR HARP:

Through you, Madam President.

That is correct.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Madam President, where would the difference come from?

Through you.

THE CHAIR:

Senator Harp.

SENATOR HARP:

Thank you very much. Through you, Madam President.

It will come from the fund itself.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

So we're borrowing from the fund to pay for the plan?

Through you.

THE CHAIR:

Senator Harp.

SENATOR HARP:

Through you, Madam President.

Yes. And one of the things that is different this year, the Medicare Part D subsidy used to go into the general fund but now it's going directly into the teachers retirement fund, and so that it really has more dollars available at least now initially than were planned.

And so the thought was that for one year we could, given our fiscal situation, that we could have the fund make up the difference.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

Just, I guess, staying along those lines, when we talk about removing or taking monies from these funds, in Section 116, we are taking $2.3 million from the probate fund. Is that typical procedure?

Through you, Madam President.

THE CHAIR:

Senator Harp.

SENATOR HARP:

Thank you very much, Madam President. Through you.

We did it last year and we've done it again this year. The probate funds surplus, not the fund that they would be using.

Through you, Madam President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

And maybe Senator Harp could explain to the circle what we are using that excess or surplus funds for.

Through you.

THE CHAIR:

Senator Harp.

SENATOR HARP:

Through you, Madam President.

There are a number of items that we're using it for, and I'll just give you some examples. I'm not going to list every one.

Currently, the biggest share goes to the Kinship Fund and the Respite Fund. And these are funds that provide resources to families who come to our children's probate courts. And the dollars for this, basically, make up dollars that we couldn't when the -- the budget came out fund in the general fund.

It provides dollars for Child Advocates of Connecticut. It provides dollars for forensic sex exam -- evidence exam kits, for (inaudible), a small program for the City of Norwich, for the Norwich Freedom Bill, for the Boys and Girls of New London, for Connecticut Greenways Council, for the Neighborhood Musical School, for the Connecticut Pardon Team, to name a few.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

Stepping back one section, Section 115, the UConn Health Center. This is something that we've been doing for a number of years as well. Correct?

Through -- through you, to Senator Harp, in regards to almost bailing out, if you will, the UConn Health Center as we do every year.

Through you.

THE CHAIR:

Senator Harp.

SENATOR HARP:

Thank you very much.

I believe that this the language that has the state paying a -- a fringe deferential for UConn Health Center. And we pay the fringe for every other department. We are paying less of the fringe for this department. So I wouldn't necessarily call it a bailout. But I would say that it's something that we do to help them with their bottom line that we hadn't had to do in the past but that we do for every other department, to a greater extent, than we are doing for this particular department.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

In Section 111, the fuel -- Operation Fuel energy assistance, there seems to be a transfer of funds to administrative expenses. Now, this won't come from the individuals who actually get the help through the program, will it?

Through you, Madam President.

THE CHAIR:

Senator Harp.

SENATOR HARP:

Thank you very much.

In the budget that we passed, there was $2 million that -- that came from a fund that we're using to enhance Operation Fuel. I believe this language allows them to spend 200,000 or 10 percent of it for administrative costs.

Through you, Madam President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

But the only reason I ask that question -- I remember we were talking about removing funds for college assistance, student aid funds for auditors and I know we were able to put that money back in. I just want to make sure we weren't removing anymore funds for the people that need it, the people that get it, for -- for administrative purposes.

I think part of the jobs bill, I think, we took 5 or 10 percent from one particular fund to give to the Department of Labor for administrative funds. So it seems to be sometimes that we are removing monies for the actual people that we're supposed to help or -- or serve for administrative purposes. And I was just -- wanted to clarify that, if I would.

Just a couple more questions, if I may. The -- on the Department of Housing, this -- for administrative purposes -- I know there were questions about DECD having the housing under their umbrella during the appropriations process. Maybe you can clarify these sections for me. I think it's 112, 114 and 121.

Through you, Madam President.

THE CHAIR:

Senator Harp.

SENATOR HARP:

Thank you very much.

The new Department of Housing will be under the Department of Economic and Community Development for administrative purposes only. There is a council that

will be working with them as they develop their plan of operation. And I think that that is a significant change from the proposal but one in which there is agreement, and ultimately takes care of a need that we've had for many years in our state, which is the need to have a department of housing.

Through you, Madam President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

There was also something in here -- and I -- I apologize -- I'm looking for the section on the E-911 funds. And I think the language was giving it to OPM, if I remember correctly. And I was just wondering why we're removing those monies. And I think we had a bill this year increasing those -- the funds to the Emergency 911 system through a couple of different opportunities. So, I apologize. I can't find the section but there certainly is a -- a part of this, I think, that removes the funds from the E-911 program to OPM, if you could speak to that.

Through you.

THE CHAIR:

Senator Harp.

SENATOR HARP:

Thank you very much, Madam President.

As I understand it, it doesn't remove the funds from the E-911. What it does is it requires the department to -- to create a budget for those funds -- for all of those funds. And then prior to the budget being implemented, it has to be approved by the Office of Policy and Management as well as -- I believe this is in the language -- the Finance, Revenue and Bonding Committee and the Appropriations Committee.

It can be -- at least it has to be referred. The approval comes through the Office of Policy and Management. But the committees of cognizance would also have a look at how they're spending this new money.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

Right -- if -- according to the old report, it says that the E-911 telecommunications fund to the Office of Policy and Management secretary for review and approval, so I guess that would mean that OPM would be controlling the purse strings though, if I read that correctly.

Through you, Madam President.

THE CHAIR:

Senator Harp.

SENATOR HARP:

Thank you very much.

I think that OPM does that with almost every department. And so I think that what had happened previously was that this fund was able to operate on its own without anyone else looking at how the dollars were spent. And my understanding is that what happened when they asked for more money, there was a sense that we owe the people of the state a second pair of eyes to assure that the dollars are spent well.

Through you, Madam President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

I just want to make sure that those funds, too, will be used for their intended purpose.

Through you, Madam President.

THE CHAIR:

Senator Harp.

SENATOR HARP:

Thank you very much. Through you, Madam President.

That is the intention of the language as well.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

Section 214, the child immunizations, I was getting some e-mails from pediatricians and the like in regard to this issue. And did this come from the task force that was created?

Through you, Madam President.

THE CHAIR:

Senator Harp.

SENATOR HARP:

Thank you. Through you, Madam President.

The task force that was created spoke to many of the issues that are in the childhood immunization proposal before us. But the proposal goes beyond what the -- the task force recommended in order to implement what

the task force implemented. So the task force wanted the State of Connecticut to incorporate a -- more of the CDC approved vaccines. And the task force also wanted the state to have a choice program. And I know you're familiar with both of those terms because you sat on the task force with us.

The whole question of provider mandate came up because another thing that the task force wanted was for the state to be able to assess the self-insured plans. And so the thought was -- and as you know, the State of Connecticut is self insured -- so we have, for all of these years, not been paying for our vaccines. And so, ultimately, the thought was that in order for many of our municipalities and our state to be able to pay for these vaccines and be assessed, that they would not then pay for vaccines outside of the program that we have here in the state so that they would not have to pay for individual providers having their own relationships with pharmaceutical manufacturers for vaccines.

So the thought from the self-insured was that they don't mind being assessed because they pay for it anyway, as long as all of the pediatricians participate. And so that's -- as that was negotiated to include more vaccines, to include choice, the whole -- to include the self-insured plans as the ones who are assessed instead of the life insurers. The way that it could be done is if all of the pediatricians participated.

In the -- in the DPH program, currently, as you will recall, about 80 percent of the pediatricians participate. And for those who are negotiating this bill that actually does implement our budget because, as you will recall, we did increase the number of vaccines in our budget. The thought was, to get everybody at the table, we had to do the provider mandate.

Through you, Madam President.

And -- and if you don't mind, another member of the task force is in the circle, and if you don't mind, Madam President, I'd like to yield to Senator Gerratana as well to give her take on this.

THE CHAIR:

Senator Gerratana, will you expect the yields, ma'am?

SENATOR GERRATANA:

Yes. Thank you, Madam President.

THE CHAIR:

Please proceed.

SENATOR GERRATANA:

Through you.

I'm not sure if Senator Kane has an additional question or just, like, more information about the participation on the task force.

Through you.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

No, I didn't have an additional question. It was -- Senator Harp offered the yield, but I appreciate Senator Harp taking the opportunity to allowing you to speak on it, but, no, I didn't have an additional question, but -- but sometimes Senator Harp can read my mind. I don't know. We -- we've spent a lot of time together in the Appropriations Committee, I guess.

I will go back, if I may, Madam President, to Senator Harp for just a -- yet another question and -- and --

SENATOR HARP:

Oh, dear.

SENATOR KANE:

Oh, well, actually, you probably still have the floor if -- if --

THE CHAIR:

Well, only if -- Senator Gerratana, would you yield back to --

SENATOR GERRATANA:

I certainly will, Madam President.

THE CHAIR:

-- Senator Harp.

SENATOR GERRATANA:

Thank you.

THE CHAIR:

Thank you very much.

Senator Harp, I -- I would imagine you will accept that yield?

SENATOR HARP:

I will.

THE CHAIR:

Thank you.

Senator Kane, would you like to ask Senator Harp a question?

SENATOR HARP:

Thank you, Madam President.

I would. In Sections 244 through 248, talk about the state police staffing. Is this staffing number, as

far as you know, still under -- still being bantered in the courts?

Through you, Madam President.

THE CHAIR:

Senator Harp.

SENATOR HARP:

Thank you very much.

I believe that it is still a matter in our court system. Is that the question?

Through you, Madam President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Yes, it was.

Thank you, Madam President.

And thank you, Senator Harp, for that answer. So we are confident in this part of the bill to go through with this proposal, although it has yet to be determined through the courts?

Through you, Madam President.

THE CHAIR:

Senator Harp.

SENATOR HARP:

Through you, Madam President.

Yes, we are.

SENATOR KANE:

Okay.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

And I wonder if this will at all affect the new class that I think we put in -- in the budget for a new class of state troopers.

Through you, Madam President.

THE CHAIR:

Senator Harp.

SENATOR HARP:

Through you, Madam President.

I don't believe that it will.

Through you.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Okay.

Thank you, Madam President.

And then another question, if I may? In Section 250, this, I believe, was a bill that came up through the process but yet did not pass during the session. And correct me if I'm wrong, but I think that's the case. So my question to you, Senator Harp, is the huge difference we are making in this P-card limit increase from 10,000 to 250,000. Did that go through? I don't believe that was a bill that made it through the session, but maybe Senator Harp can clarify.

Through you.

THE CHAIR:

Senator Harp.

SENATOR HARP:

Through you, Madam President.

I'm not aware of the bill. Actually, I think it probably would not come to our committee. But it was taken up because we were convinced that the rebates that we could get at the higher level would have a positive impact on our ability to use resources.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

I thank Senator Harp for answering all my questions. And she does so each time with a great deal of knowledge and experience. Certainly, we don't see eye to eye on many of the issues that are in front of us and certainly in this bill. But I do appreciate her -- her efforts in that regard. And I appreciate her taking the time to answer my questions.

Thank you, Madam President.

THE CHAIR:

Thank you.

Will you remark?

Senator Frantz.

SENATOR FRANTZ:

Thank you, Madam President. Good evening to you and everybody in the circle here tonight.

I watched with great interest the questioning that Senator Kane had of Senator Harp. And I have the distinct feeling that my colleague, Senator Kane, is asking probably only about 5 percent of the questions that he would like to ask tonight. And he's been on the floor for about 40 minutes talking about some very technical issues and some very important issues.

And that drives the point home that this really is the public hearing that we're having for this bill. And we simply don't have enough time. It's already ten minutes of nine o'clock at night. We received this bill a few hours ago, about an hour before we were called into session this morning, and we've had some more time between then and now to digest what's in this bill.

But it's -- it's nearly 700 pages long. I almost need two hands to -- to pick this thing up. It's a -- it's a serious amount of information and a lot of different concepts. In fact, there are supposedly 116 different concepts in here. There are close to 300 sections. And apparently, about 40 of these concepts have had no public hearing. And I have one simple question, and I won't keep you on your feet for very long, Senator Harp.

Through you, Madam President.

THE CHAIR:

Please proceed, sir.

SENATOR FRANTZ:

Thank you, Madam President. Through you.

Senator Harp, is that an accurate representation, that perhaps only 40 of roughly 115, 116 concepts have received a public hearing? And if the answer is no, can you give us a rough percentage, in your judgment.

THE CHAIR:

Senator Harp.

SENATOR HARP:

Through you, Madam President.

I wouldn't know. Oftentimes, these bills have public hearings in other committees, not the Appropriations Committee. And -- and I have no way of knowing which one had a public hearing and which one did not, and which committee, frankly.

Through you, Madam President.

THE CHAIR:

Senator Frantz.

SENATOR FRANTZ:

Fair enough. And I appreciate the honest answer, Senator Harp. And I have to also reiterate what Senator Kane was saying. There's no attorney standing behind you. You've had an answer for every single question -- every single question without having -- having to refer to your materials even. And that's very impressive and I appreciate that honest answer. That's the only question I have of Senator Harp, Madam President.

Well, I mean, if -- if there was a laundry hamper of a bill, an implementer bill, this is the one. This is the one that when you get back from vacation and you've got 19 days worth of clothes and you want to throw it into a hamper and just be rid of it because you don't have the time to -- to deal with it, that's what you do. Well, this is the laundry hamper of bills of the 2012 Legislative Session and now the Special Session.

We all learned in Democracy 101 that democracy is a slow process. It's deliberately plotting so that we can have our discussions and our debates about the different concepts. And it's a government. Democracy is a government that's by the people and for the people. And I feel like the people of Connecticut have been robbed of an opportunity to understand what's really in here.

We're supposed to know. We're the -- the Legislators who are actually paid and charged with the duty of coming up here and tearing apart these bills, but it's simply impossible when you have 700 pages. And this does include some analysis here, roughly about -- about 10 percent of this. But it's simply not enough time to really get your hands around all these different concepts. And so the -- the process has gone awry, in my judgment.

Nearly 700 pages delivered one morning, a couple of hours before we're supposed to go in and start our deliberations on this. And I -- I have to say it is truly a different kind of democracy than we were all taught we were supposed to live by, and what we've all come to know as the greatest rule of government in the entire world.

The biggest complaint I get back in my district and -- and throughout the rest of Connecticut, for that matter, is that the process has been of late happening to quickly. That there aren't enough public hearings. That the public doesn't have the chance to weigh in. That things are changed too quickly at the last minute.

You have things like strike-all amendments. You have bills that somehow take on a whole new meaning by the time they reach the floor, and is it the second or third or fourth iteration. Are the underlined words, is that from the second iteration, the first reiteration, you just -- you don't know. It all gets very confusing, and after all, it is legal language, which can be confusing in and of itself.

Paragraphs are single sentences. Needless to say, the grammar teachers would call that a "run-on sentence," and it makes very difficult for anybody to really fully understand it, even some of the lawyers.

I've had legislation that I proposed before this Chamber, before the House committees and -- and the Senate committees to ban or at least limit the use of strike-all amendments. That -- that's not in the simple matter bill. That's gotten lost in the shuffle now three times.

I've introduced legislation to limit bills to one or maybe two concepts if they're interrelated. The same thing happened there; lost in the shuffle. It's -- it kind of missed me being part of this process when you see something like this.

Yes, I understand an implementer bill is there to brush up all the loose ends and get something going so that the bill is actually implemented in an efficient manner. And if you look at the last three years, having been here three years before this legislative session, the -- the trend is not good.

We -- we did start off with much simpler implementer bills before. Now, we're into very, very complex territory with just a massive number of -- of concepts. You know, my -- everybody here is a hard worker and willing to come up here as often as is necessary. I know the Appropriations Committee and other committees have worked extremely hard on this. The onus has been put on your shoulders, and if it's been exhausting you, I totally understand that. But it didn't have to be that way.

We're willing to come up here. Let's -- let's do a constitutional amendment and extend the session by an extra 30 days or so if we can't get our business done during the normal three month short session. Let's go ahead and do that because it's not fair for the committees and the committee heads to have to deal with all of this, and it's not right for the other party, the minority party, to be left out of these deliberations and -- and the debate at the end of the day, and the public for that matter. Because when these negotiations are occurring, they're not necessarily made a part of it because it is not a public -- not a public hearing or anything that closely resembles that.

So my -- my general feelings about the implementer bill today, this evening, is that Connecticut is still very much on thin ice. We were meant to have this fiscal year, 2012, a surplus of about $100 million and that was vaporized and we are looking at about a $200 million deficit before it was covered by, essentially, what was previously borrowed funds.

And for 2013, the original forecast was for a surplus of roughly $550 million. That's over half a billion dollars after historic tax increases over the biennium of close to $4 billion. That has been vaporized as well. And we're looking at a near break-even at this point and we don't know whether we're going back into a flat period here, whether we're going into a double-dip recession. We don't know what's going to happen in Europe. We don't know what's going to happen in other countries that may have ramifications here to our own domestic economy.

The impression I get is that there is money being transferred from fund to fund to fund. It's very difficult to keep up with those upside down cups, those shells, to figure this whole thing out, but that's the impression I get. And we know that our cash flow situation is nearing red-flag territory. And it's something we all have to pay very, very close attention to because we're not the only ones, and we have seen others who have paid a very dear price as a result of not only not managing their cash flow situation very intelligently but having a structural problem with their cost structure.

So I would -- I would urge everybody over the summer months between now and when we come back into another session, if we even do so, or if we're lucky enough to come back next year, pay very, very close attention to these fiscal boiling points and -- and pay very close attention to other entities, such as the retirement fund, the pension fund for state employees.

The other curious part of the implementer budget for me is that -- because I really haven't had the time to run through this nor has staff had a chance to run through this thoroughly -- I feel as though there's been an increase in some of the bonding capacities for various different agencies and accounts outside of the normal ordinary bonding cap. And that's something that is of great concern because if we are doing essentially what we would call in the private sector "off-balance sheet financing," this is what leads to problems because there isn't as much transparency as any of us would want to see and certainly as much as I would want to see. It's what's caused various companies in the private sector to get themselves into

serious fiscal trouble, and we all know about the end game there.

The bill, unfortunately, does not address most of those concerns. It doesn't address our fiscal challenges. There are some very good things in this bill, but of particular concern is that there's so many of these concepts, it's like a whole legislative session in one laundry hamper of a bill. And I know that next time around, if we're lucky enough to be back here, Madam President, I know in the interest of democracy and for the great people of Connecticut and the taxpayers of Connecticut we could do better.

Thank you.

THE CHAIR:

Thank you, Senator.

Will you remark? Will you remark?

Senator Kissel.

SENATOR KISSEL:

Thank you very much.

Good evening, Madam President.

THE CHAIR:

Good evening, sir.

SENATOR KISSEL:

Well, let me just start off with a -- a couple of remarks. Earlier today when we all took great pleasure in honoring Senator Daily and also acknowledging that for some of other colleagues too, this may be the very last session day that they have. It was brought to our attention that Senator Daily had been here for 20 years and -- and I remembered that I have been in this Chamber for 20 years as well. And -- and I think having that institutional memory is -- is helpful at a moment like this.

When I first came in it was the last two years of the Weicker administration. Our friends on the other side of the aisle had power for many, many years. And whether it was because I was a freshman or because the fact that my good friends on the Democratic party had had power for such a long period of time it was very tough negotiating through this -- this circle.

There were some issues that brought some of us together. Myself and Senator DiBella shared a -- a concerns regarding gun manufacturing and things like that here in Connecticut. But to even have other senators from the majority party allow you to even bring out a bill was unheard of as -- even if it was a bill that was specific to your district.

And I -- and I will always recall that the next cycle our party was able to capture this circle, 1970, and we were in the majority. And my, how everything changed. And we did not exact retribution or anything like that in dealing with our colleagues on the other side of the aisle. We tried to -- tried to be fair.

There was one time I remember Senator Crisco was looking to try to get a small piece of legislation through and it was very difficult. But I think at the end of the day we were all able to work together, House members in the Democratic party, cochairing committees with Republican members from the Senate.

And what was amazing was that even though that was only two years where I was in the majority, for several years thereafter, I would say that my friends and colleagues in the majority party, the Democrats, were extremely deferential and understanding. And I always wondered, was that because that memory of when they were in the minority was fresh in their mind.

Now, that doesn't lay the blame for this evening's situation at any one of my friends' and colleagues' feet. But this is my remonstrance to you right now. We went through a period with this new administration where Republicans were frozen out of the process, and I think that was wrong.

And I wanted to credit Governor Malloy for the special job session because both sides were invited to the

table and we had a great work product. And I thought that was a little bit of a sea change that was going to take place. And I thought at the beginning of this next short session we would see that kind of coming together.

I mean, after all, there's 14 Republican senators in this circle. We represent over a third of the population, if you do it that way. But all of us represent our districts but we all have input to the entire State of Connecticut. Greater proportion in the House. And to exclude my leader, Senator McKinney, from going in and discussing bills such as this, I think the majority does itself a disservice. You're -- you're losing an opportunity to take the best that we can put on the table.

And when I go to my son's high school classes, and my -- my youngest son's second grade classes, everybody is told to work together. I just went through a process as a team building meeting at the company that I work at and the exercise was this: They said you and your colleagues are stuck on the moon and you've got to travel, I think it was, 100 miles from where your spacecraft crashed. And they gave us a list of 15 items, and the idea was to prioritize those items. And so they gave you a brief period of time to put your own list together. And then they gave you a longer period of time to talk with the other six or eight people at your table and prioritize that list. And almost to a table, the list that we came up with as individuals was not as good as the list we came up with as a table.

And there was a correct set of answers that was promulgated by people at NASA that said these are things you're going to want: this one is first; this one is second; this one is third, and this is the reason why.

Now, why did we go through that exercise? One of the major things that was brought to be made clear to us in building our teams and sort of reconstructed departments was that the end product when you work together is almost always better than the product you have when you work alone.

We're not talking about master works of art or things like that that can only be created by an individual. We're talking about things like laws, like solving problems, like looking at an issue and trying to figure out the best way to get to point A from -- to point B from point A.

I love each and every one of the people in this circle. Every day I get up and I find that I'm a state senator, I consider myself extremely honored and lucky to have been here for 20 years. My constituents will have a chance to cast their votes come the fall, just like anybody else in the circle who's running for reelection that has an opponent.

But when we have legislation like this that never had the input from the minority party, the Republican Party -- and who knows how the circle is going to shake out a year from now -- I think that the people of Connecticut are not as well served as they could be. I didn't want to sound preachy but I had to throw that in there because I think we're missing opportunities here, and life is short. And the people's problems get more complicated with each year that passes.

Madam President, I do have one area that's of concern to me. And as Senator McKinney, I think, so eloquently pointed out, it's unfortunate that we have these two bills and it's all or nothing. There's certainly a lot of things in this implementer that I like. In fact, the pilot program regarding domestic violence where the ankle bracelets are going to be used for some of the most dangerous individuals, I think that's brilliant.

I will say that I think it was good that we passed domestic violence legislation in a -- in a larger bill earlier this year. And indeed, it's my understanding that Governor Malloy signed that on Monday. So that's something in here I wish I could just pull out and vote as a standalone because I would strongly support it. But there are several things in here that cause me great concern.

The hour is late. It's seven -- eight minutes past nine o'clock in the evening, and I know many others

want to speak. So, if I may, Madam President, I don't know whether I should direct my questions to Senator Harp or Senator Coleman. They do have to do with one specific section, Section 104, that has to do with the Department of Corrections. So whomever might want to answer those questions.

THE CHAIR:

Both of them will prepare themselves until they hear the question. Please proceed, ma'am -- sir.

SENATOR KISSEL:

Thank you.

What does Section 104 have to do with inmates released to nursing homes? And it's issue that I don't believe that we had a public hearing on in the Judiciary Committee, but I know that the issue was out there being discussed generally by Commissioner Arnone and the Department of Corrections.

And so I'd like to get some -- as much information regarding this as possible, because there's some policy concerns that I have. And I do believe, if anyone of us all of a sudden wakes up tomorrow and the Department of Corrections is placing inmates in a nursing home in your community, my guess is that your constituents are going to want more information as to what's going on.

So my -- my first question is -- is regarding this. The language that I read says that only folks on death row currently, or those in the future committing crimes -- capitol or felony crimes, crimes with special circumstances, sort of that substitute no longer death penalty but still a horrible heinous crime, that those people by this section are cut out, but that anybody else -- anybody else can be released to a nursing home upon the decision of the commissioner of corrections.

So, through you, Madam President.

Is that correct?

THE CHAIR:

Senator Harp.

SENATOR HARP:

Thank you very much.

Through you, Madam President.

The "anybody else" has to be determined by the Department of Corrections medical director to be suffering from a terminal condition, disease or syndrome, or someone who is so debilitated or incapacitated as to need continuous palliative or end-of-life care or to be physically incapable of presenting a danger to society. So -- so that is the anybody else.

I don't know exactly how he's defining anybody else through you, Madam President. But if he means have they committed crimes that he did not discuss, yes, but they must be terminally ill and physically incapable of presenting a danger to society, as attested to by the Department of Corrections medical director.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much. And I appreciate that answer.

Through you, Madam President.

I just want a point of clarification, though. I think that Senator Harp said that terminally ill or -- or -- and not a danger to others. My reading is it says "or not a danger to others." So could an individual be terminally ill -- and terminally ill could be six months, a year, three years down the road -- but not necessarily not a danger to others because the language clearly says "or" not "and."

Through you, Madam President.

THE CHAIR:

Senator Harp.

SENATOR HARP:

Thank you, Madam President.

I think the fact that the person is in need of continued palliative care or end-of-life care indicates to me that, while it may be an "or" be physically incapable, that the person is so sick that they can't be cared for well in a prison and need a nursing home. So they really can't function without nursing home care.

Through you, Madam President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much.

I appreciate the approach that Senator Harp has taken to this issue. But here we are in the year 2012. We've had -- let's see -- jeepers, in my district, you have Old Newgate Prison, which is from colonial times, so we've had over 200 years of correctional history in our state. Have we ever released inmates to nursing homes as is being anticipated by this particular section?

Through you, Madam President.

THE CHAIR:

Senator Harp.

SENATOR HARP:

Thank you very much.

I believe, through you, Madam President, that there was a new rule that was promulgated by CMS that would allow nursing homes to receive prisoners and allow the State to bill for a portion of their care.

Currently, I've been told, in the Department of Corrections -- and I have one in my town, but I don't believe we have this type of unit in the one that I have in my town -- but there are a number of hospice in our corrections system in various prisons.

And -- and the thought was that if these people are so sick that they have to be in a hospice and the commissioner feels that they can be discharged in the community because the commissioner has brought authority to discharge certain types of prisoners into the community if he feels they're not a threat, that it would be probably more appropriate, one, for the care. And, two, from a fiscal point of view, it provides reimbursement from the federal government if they are served outside of the prison system.

Through you, Madam President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much.

So a point of clarification again, through you, Madam President.

If an individual is judged to be terminally ill and they were a murderer, they could be placed in a nursing home.

Through you, Madam President.

THE CHAIR:

Senator Harp.

SENATOR HARP:

Thank you.

Through you, Madam President.

They could if they were not convicted of a capital felony or murder with special circumstances.

Through you, Madam President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much.

And as we learned during the death penalty debate, there's very few people -- there's only about 11 people on death row right now. And there might be some folks anticipating being charged with murder with special circumstances, but that there are dozens if not hundreds of individuals in our corrections system that may have killed another individual. And any one of those, if judged to be terminally ill, could be released by the commissioner of corrections to a nursing home.

Could someone who was convicted of arson find themselves released into a nursing home provided that the other criteria in the statute was meant?

Through you, Madam President.

THE CHAIR:

Senator Harp.

SENATOR HARP:

Thank you.

Through you, Madam President.

The Department of Corrections medical director must determine that an inmate has a problem and is not

going to be a problem, I would assume, likely not to start a fire, so ...

THE CHAIR:

Senator (inaudible).

SENATOR HARP:

Through you, Madam President.

SENATOR KISSEL:

Thank you very much.

THE CHAIR:

Senator Kissel. Sorry.

SENATOR KISSEL:

So the point that I want to stress is this. At the outset, the commissioner of corrections can allow anyone, other than a very few set of individuals that are in there for -- on death row currently, or murder or special circumstances, so sexual predators, arsonists, murderers, and other very bad people, could find themselves in this spot.

Now, we can look at this dispassionately and say, well, if they're terminally ill, we shouldn't worry about that. But we're talking about a nursing home where our frail elderly are -- that's their home.

We just went through a debate as to whether we should protect those frail elderly from potential dangers of staff. You're going to say to me that, if your loved one is a nursing home and, all of the sudden, a wing of that nursing home is dedicated to dangerous felons, that we shouldn't worry about that? I think that we need to have some very bright lines as to how we're going to let this roll out, if indeed it's going to be our new shift in public policy to try to maximize funds from the federal government.

Through you, Madam President.

Wouldn't it not make sense that if an individual is incarcerated and they're at such a time in their life that they're facing, perhaps, a terminal illness, that they probably have been incarcerated for many, many years. That we're not talking about individuals that are in for three years and then released, because they wouldn't be in the circumstances. So wouldn't it be more likely than not that these individuals would have been convicted of very serious crimes?

Through you, Madam President.

THE CHAIR:

Senator Harp.

SENATOR HARP:

Thank you.

Through you, Madam President.

I -- I don't necessarily agree that people have to have been in for a long time to have a terminal illness. It's possible that they could have committed the crime while they had terminal illness, not knowing they had terminal illness.

I'm thinking of people who have HIV, who may be homeless, and maybe it's become AIDS, were not aware of it, could have committed a crime, and because of their poor health, declined very quickly beyond repair of -- beyond repair, ultimately.

There are oftentimes people who have, again, diseases that they're not aware of that may be terminal and they don't know what, and it could be near when they committed the crimes I don't think that it necessarily follows that they had to have been in for a long time or contracted the terminal disease within the system. I think that it could be a wide range of reasons why a person is terminally ill and what their standing is, ultimately, with the corrections department.

Through you, Madam President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you. Thank you very much.

And, through you, Madam President.

It says that it's the responsibility of the Department of Corrections to supervise these individuals in the community, and I'm wondering what that means.

Does that mean the corrections officers will be there at these nursing homes? Or what would be contemplated by supervision?

Through you Madam President.

THE CHAIR:

Senator Harp.

SENATOR HARP:

It's my understanding that there would likely be at least visitation from the Department of Corrections medical director or their designee to assure that the person continues to meet the condition for transfer into a nursing home.

Through you, Madam President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Madam President.

And through you, Madam President.

Let's say you live in a community where there is a nursing home -- first of all, would people living in a town even know if a nursing home in that town is contemplating signing a contract with Corrections?

And by that, I mean, would there be some effort by the State to let people in a town know that this is taking place in their town?

And the reason I say that is, having six correctional facilities in three of my seven towns when they either first went there or they were expanding, this was a matter of great import for members of the community. And the State actually had to offer certain amenities to the towns to allow them to build in those communities. To this day, we still have phone rings through -- for different correctional facilities to make sure that neighbors are aware as -- what's going on.

And if inmates are being transferred -- hello, Madam President, great to see you -- if inmates are being transferred or contemplating being transferred to a nursing home, my question, through you, Madam President, is would the community and community leaders be made aware that this is being contemplated?

Through you, Madam President.

(Senator Stillman in the Chair.)

THE CHAIR:

Senator Harp.

SENATOR HARP:

Thank you.

Through you, Madam President.

I don't believe that the bill speaks to that. But having discussed this matter with the commissioner, I believe that the commissioner will take every precaution to assure that the people, both in the nursing facility and those in the town, are safe and feel safe once they learn. Because as you know, and I think -- I thought that your -- the workshop that you discussed earlier, sort of, points out that people who work together can somehow intuit from one another what is going on. And I don't believe there's -- this is my own personal philosophy -- there's any such thing

as a secret. And I'm sure that the commissioner is aware of that and would make -- take all kinds of precautions to assure, one, that the town is safe, two, that the people in the facilities are safe.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much.

And, President Stillman, great to see you.

And in part, the line of questioning is not only because of my familiarity with corrections and corrections issues after representing the towns that I have for the last 20 years, but also, I mean, during debates on other issues -- I think I spoke about the fact that my wife's grandmother came down with Alzheimer's. And when she eventually found herself in a nursing facility, I learned very quickly that not all Alzheimer's individuals are the same. That, typically, that wing of the nursing facility is locked because these folks wander, and that, within that wing, some of these individuals can be violent themselves.

It was not unusual to hear from the nurses that somebody left their room and just, I don't know, punched or bit or did something to another individual because they're in various stages of dementia and it tends to affect them differently.

And so we're -- and so the notion that a nursing home even right now is a completely peaceful, bucolic -- that nothing ever happens within those facilities, that's -- that's not a correct notion. That there are certain things that we have to be very mindful of when we're dealing with frail elderly and a very vulnerable population.

Through you, Madam President.

Another concern that I have is that we do have constitutional protections for victims of crime. Is

it anticipated that the victims of the underlying crimes that these individuals have been found guilty of, would they be notified that the commissioner is anticipating releasing them to a nursing home?

And I think that that's particularly important if that nursing -- nursing home facility might be anywhere near where the victims live. And God forbid, it might be some nursing home that has a relative of the victim.

Through you, Madam President.

THE CHAIR:

Senator Harp.

SENATOR HARP:

Through you, Madam President.

The commissioner of corrections, currently, has broad discretion to release inmates into the community -- not broad, but he does have the discretion to do that. And I would imagine that he would use the same protocols and procedures in notifying victims of those inmates that he releases into the system as he would use for the inmates who are terminally ill that he's releasing to nursing homes.

Through you, Madam President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much.

And I appreciate the candor and -- and the philosophy that Senator Harp brings to this discussion, but I would sort of disagree with this. The commissioner does not have broad authority to release inmates into the community.

We went through this debate a year ago, and the majority was able to successfully pass legislation that granted the commissioner an ability to come up with good times credits -- well, what I call "good time credits," essentially possibly shaving off two months off of an inmate's sentence. But even under the parameters that were given to the commissioner, he doesn't have unilateral authority to go above and beyond that. He can't say, I'm going to give you all the good time credits and, by the way, I'm going to throw three years out the window because I think you're a nice guy, and good luck, and here you go.

I mean, when you get sentenced by a judge, there is some meaning to that sentence even today.. So my last question on this particular section is this. Does it now not matter at all how much time an individual is supposed to serve if an individual has been found to be either terminally ill or not a danger to others?

In other words, could a murderer who's in on the first year of a 20-year bid for killing three people be released to a nursing home after one year because a physician says, I think you're terminally ill with cancer, and so here you go to this nursing home?

Through you, Madam President.

THE CHAIR:

Senator Harp.

SENATOR HARP:

Through you, Madam President.

I believe that the commissioner still has discretion, even if the medical director believes that this person can be released to a nursing home. And I believe that he would weigh and measure whether or not that was the most appropriate setting for the person given their recent incarceration.

Through you, Madam President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Madam President.

I don't have any further questions for Senator Harp on this. I find it interesting that she's had discussions with the commissioner of corrections regarding this issue, thus far, and that this issue, to the best of my recollection, did not come up for a public hearing in the Judiciary Committee.

We do have cognizance and purview over the Department of Corrections, and I think that this is an important sea change in policy. I'm not necessarily saying it's a bad policy. But to just consistently, year in and year out, say that we're going to now turn this over to the commissioner of corrections or turn this over to the commissioner of corrections -- trust me, I know Commissioner Arnone. I would like to consider him a dear friend. I have known him for many years. I have the utmost faith in Commissioner Arnone, but you're not turning this over to Commissioner Arnone. You're turning this over to commissioner. And we don't know the details of this policy.

And this policy is going to become known to me, if somebody wakes up after this is in place and says, have you heard that they're turning over 20 beds over at this nursing home in Enfield, in Somers, in Suffield -- pick you're town -- and I'm afraid for my mom who was staying there. And I, as their Senator, need to have answers. That's not to say that those answers may not be out there, but they're not out there now.

There is nothing in here that spells out whether the victims are notified if an individual is being transferred to a nursing home. There is nothing in this legislation that says that the town leaders of the municipality need to be notified if this is on the radar of the commissioner of corrections.

There is nothing in here that says that this policy can't start off with 10 individuals and then expand to 200 individuals. There is nothing in here that says

if someone has been given a long prison sentence, that they have to serve a certain amount of that prison sentence, whether they would be considered for this were not. There's nothing in here that spells out exactly what the parameters of "terminally ill" mean.

We had this debate when we were discussing medical marijuana. And there were concerns and we had to describe certain illnesses. Some people were happy with that, some were not, but we went through that process. And we created a set of physicians that could either expand it or retract that so that there would be ongoing monitoring as to who's utilizing that program. We don't have that here. I don't see any of the checks and balances that would make me feel comfortable with this change in policy. I didn't see the public hearing and the input that we would have gotten from that. I don't know whether nursing homes will react favorably or unfavorably. I don't know whether there's going to be a risk assessment of these individuals because it doesn't matter if they're terminally ill.

I mean, I remember an individual in some senior housing or as a nursing facility -- I believe it was in our capital city here in Hartford not that long ago -- that one of the individuals just was playing with matches or had a cigarette in their bed and people died because there was a fire. I do recall that.

There are individuals, I can tell you right now, that have Alzheimer's and various stages of dementia that post some element of risk to other people in those facilities. I don't know whether there's going to be any security measures that would necessarily have to be in place for individuals. Because, again, while I am very sympathetic to the fact that there may be some assessment that they are terminally ill and they may be given six months to live, a year to live, two years to have, I don't know what the nature of their underlying crime is and I don't know if they still may pose a threat to other individuals.

And that threat may not even be a physical threat. It could just be a thievery of threat. Going into -- there's no -- people aren't locked in these rooms.

The nurses and -- and the assistants have to be able to get to and from at a moment's notice.

So we are entering an entirely new area of corrections here, a complete change in policy. And I think that we have the responsibility to try to figure out the details. I will do what I can in setting up a meeting with Commissioner Arnone so I can try to find out exactly where he's coming from on this particular issue.

But I think this debate and this discussion is important, because I think our constituents need to know. And they shouldn't have to wake up and read in the paper that the nursing facility up the street from them, where they have struggled and saved and -- with their money to put their mother or father in that facility, all of a sudden, is now contemplating opening itself up for 10 or 20 convicted felons because they are, quote, unquote, terminally ill, or someone far removed from them has made a determination that they are not a threat. That's just one section. There's over a hundred more in this bill.

Thank you very much, Madam President.

THE CHAIR:

Senator Harp.

SENATOR HARP:

Thank you very much, Madam President.

I think it's really important to draw a distinction between a public hearing that is held in a policy committee and the public hearing process that we undergo on the Appropriations Committee. Because this particular policy was in the Governor's budget and there was a public hearing on this budget.

But beyond that, because, as I said earlier today, we have 12 subcommittees, there was the corrections -- the judicial and corrections subcommittee who then met with the departments and had further -- for the budgets under that purview -- and had further discussion on that.

So because it wasn't heard in the policy committee does not mean that there wasn't a public hearing or that the idea was not raised at a public hearing, if it was something different than this. But in this particular case, it received a public hearing. And the interesting thing about appropriations public hearings is that our appropriations public hearings start in the evening and go late at night so that people who work can come and testify. So I just wanted to correct that.

And I also wanted to correct -- the actual language of this particular section makes it clear, unlike the LCO synopsis or the OLR synopsis, that we are talking about a -- it says, basically, "If the medical director of the Department of Correction determines that an inmate is suffering from a terminal condition, disease, or syndrome, or is so debilitated or incapacitated by a terminal condition, disease or syndrome."

So you have to have that before you consider what was in the OLR draft of one or two. So the underlying basis is that you have to have that terminal condition, disease, or syndrome. And that, in fact, this measure did receive a public hearing through the budget process, Madam President.

THE CHAIR:

Senator Welch.

SENATOR WELCH:

Thank you, Madam President.

I -- I rise, not only to voice my opposition to the bill before us, but my frustration. And it's not just my frustration, it's the frustration of people I talk to on a regular basis within the 31st District and, frankly, throughout the state. And that is this. There were great expectations when we started our short session. That we would do two things: We would address the budget and the growing deficit and that we would address jobs.

And by the end of that session, we failed to do both. We had a jobs bill; it died in the House. Although we voted on a budget, we had to come back to a special session to do the implementers. But in the meantime, we managed to pass 315 other bills in three months.

So in -- in my eyes and, frankly, in the eyes of the people that I see every day, we did everything but what we were supposed to do. And then we come to this special session, one which we, I think, recessed within an hour of starting, so we could be here now at 9:30 at night discussing a bill with 111 concepts -- 111 concepts with only hours to go through them. And I appreciate Senator Harp's distinction with respect to public hearings, but according to OLR, I think more than 40 of these concepts didn't get a hearing.

So I understand why people of Connecticut are frustrated. You know, there's two things they say, right, you never want to see made, sausage and legislation. But what we've done here is we've prohibited a third of what we're talking about today from being seen -- from even being seen.

So, Madam President, I voted no on the budget. I could begin by asking questions, but I'm afraid if I start I'm not going to be able to stop, and I'll be holding us hostage for hours. Not sure what that would accomplish.

So, with that, Madam President, I voiced my opposition. Thank you for your time.

THE CHAIR:

Senator McLachlan.

SENATOR McLACHLAN:

Thank you, Madam President.

I stand opposed to the bill before us and mirroring many comments by my colleagues in the Republican caucus. This is, sort of a -- seems to be a rerun of one of the closing nights of the session when we were debating an education reform bill that came before us from the back room with an awful lot of material to

consider, essentially at the last minute, without good feedback from our constituents. And I believe that this is another example of how not to run the Legislature.

And I say that for several reasons. I could almost pull out my comments from the education reform debate and repeat what I said there. But, as we speak, e-mails are coming in to all the Legislators here at the state capitol saying, stop. There's something in his that people are upset about. And they're hearing about it only through bloggers. They are hearing about it through word-of-mouth. They are hearing about it, not from a public hearing process, they're hearing about it from their neighbors who are upset about something that we're currently debating right now, that, frankly, not enough people in the State of Connecticut knew about before today.

So I'll be brief in my comments in stating once again that I urge this Legislature to change the way that we operate. Let us please consider a 48-hour rule. That if -- if this legislative management majority leadership wishes to introduce legislation that has not seen the light of day by way of a public hearing, then we must and should consider a 48-hour rule that at least allows it to be vetted through the media, through the special interests, bloggers, however they're communicating with their constituents, and allow us, as legislators, to get at least some feedback from our constituents. Because this process is so important.

The legislative process should be held to the highest degree of transparency. And I just don't feel right that we are doing our best at being fully transparent in this process tonight. So I stand opposed. And I hope that my colleagues in the majority leadership will reconsider the way that they've been operating this process this evening and towards the end of the last regular session.

Thank you, Madam President.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

Thank you, Madam President.

In reviewing this document -- it's fairly lengthy -- there were several issues. There's 297 sections. I'm not going to bore everybody with the details. We've been here long. This is special. It's June. But I did want to highlight a couple of the points that I find very disturbing.

First, with probate court transfers, a couple of years ago before I became Senator, we had a crisis in the probate court system based, in large part, that there were more and more family and children and disabled needs that had to be met in that court system. And the way that we were structured, by every town having its own probate court, was insufficient to meet those needs, predominantly, those needs of individuals in Connecticut's largest cities.

So we restructured the system so that we would be able to meet those needs. But apparently what we've also done is, in addition to meet those needs, is to turn the probate court system into a cash cow where we are now going to charge a tax, if you will, on those individuals who seek probate court help, and transfer those funds to other activities, not for those individuals in the probate court system, but to other general fund activities.

And let's remember what the probate court system is for. It is for those individuals who cannot help themselves for one reason or another, children, people who are disabled, the deceased, the aged, basically, those individuals who are vulnerable in our society.

I think we created a system and a structure so that we would be able to address those needs of those individuals, and the money should stay in that system. But this doesn't do that.

Another point, as we've heard Senator Kissel say eloquently, with regards to the inmate release to nursing homes, there may have been a public hearing in

appropriations but there was no public hearing in aging.

As a member of aging, the issues that affect seniors in Connecticut come before us. And one of the biggest things that seniors to not want to do -- and I've talked with thousands of seniors -- is to go to a nursing home, due, in large part, because seniors fear that a nursing home is no different than being incarcerated.

And now we find once again, in this huge document, that we're going to start the practice of relocating inmates in with our senior population and residents in nursing homes. Think about that for a moment. Now, I understand what the bill says, that the Department of Correction medical director must determine that the inmate is suffering from a terminal condition. Quite frankly, we're all terminal. Disease, Alzheimer's is a terminal condition and a disease, or syndrome or -- or is so debilitated or incapacitated that they're at the end-of-life care.

And why are we doing this? Why? Because the Center for Medicaid and Medicare services is going to allow federal reimbursement of the care. Now, what I find interesting is that whenever we have the opportunity to find federal dollars, we rush to do it.

But when we know, for instance, that the Department of Social Services that administers the Medicaid system appropriates almost a quarter of our state budget, runs on a 1989-esque Cobalt computer system that crashed a few weeks ago and it took a while to get it back up online because they couldn't find anybody that was capable to put it back together because the thing is such a dinosaur, and we know that the federal government will pay at least 90 percent of a replacement for that computer system, but we are making no initiative to get that program up and running in a timely fashion.

I brought this up when I became Senator in January of 2011. And here we are in June of 2012, no further along in the process, still a 1989 system, and yet that would be more effective and efficient at appropriating the taxpayer's dollars.

Since I left this session in May, I had the opportunity to walk and to meet many people in the 21st Senatorial District. I've gone to senior centers, met with aging organizations, gone to my kids' sporting events, met with local companies, chambers of commerce, Veterans' Affairs, Stop & Shop, coffees with constituents. I've even served on jury duty. I've talked to many of my constituents.

What they all have said to me is that the economy is not doing well. Many of them, if they're lucky enough to have a job, don't make the same amount of money that they used to, and the taxpayers are demanding for relief. Families are asking for help. And the unemployed need jobs.

But what I see time and time again, and I see it again in this document, is that when we have a choice to deal with people or the state program designed to help those people, we choose the program.

For instance, Operational -- Operation Fuel; we're going to take 200,000 dollars of the 2 million allocated to be appropriated, not on people in need of energy assistance, but we're going to appropriate that to Operation Fuel to administer the program.

We also are going to reduce the Medicaid reimbursement to educational service centers for individuals with developmental disability and autism, nursing homes, intermediate care facilities and residential care homes. Once again, we're going to look at the program, save the program, reduce the reimbursement to the people who are helping those in need, and reducing the services of the people that we are here to serve.

And then, tied in with that we have nurse delegation to unlicensed personnel and PCA permitted for the administration of medications, once again reducing the quality of care to the people we serve. So there's a constant theme, at least in my view. We look to reduce benefits to people in need and we care more about those people who hold the safety net than those who need the safety net, the poor, the aged, the disabled, the vulnerable.

Government has become the special interest. And I believe this document is a document about that special interest. I believe there's a better way. Rather than tax and spend, let's live within our means focused on the people we were elected to serve, not the state government programs, and look to -- to ways in which to maximize those services at a lower cost to Connecticut's families and taxpayers.

We need jobs. And we need to improve our economy, to put Connecticut back to work, to make Connecticut a better place to retire, a better place to stay after college, and a better place to live, work and raise a family.

As I said, the taxpayers are demanding relief. Families are asking for help, and the unemployed need jobs. There is a better way. Unfortunately, this bill, and the budget it implements, is not the better way.

(The President in the Chair.)

THE CHAIR:

Thank you, Senator Kelly.

Senator Suzio.

SENATOR SUZIO:

Thank you, Madam President.

Good evening to you.

THE CHAIR:

Yes, good evening, sir.

SENATOR SUZIO:

And welcome back.

THE CHAIR:

Thank you, sir.

SENATOR SUZIO:

Madam President, I have many questions on this bill, but I am not going to take up hours of time going over every question that I have.

THE CHAIR:

Then thank you again, sir.

SENATOR SUZIO:

See, you owe me a favor now.

I am going to concentrate on three sections of the bill. And I would like to, through you, Madam President, ask the proponents some questions regarding those three sections.

THE CHAIR:

Please proceed, sir.

SENATOR SUZIO:

Thank you, Madam President.

And may I preface my remarks by saying, I have the greatest respect for Senator Harp, and I mean no disrespect by this. But I have found that at times when she's answering questions, toward the end of her response, she trails off into a very soft voice and I have a hard time hearing it. Maybe it's because my ears are getting older, too. But I would ask Senator Harp that she begin her sentences strong and end them just as strong, if she would do me that favor. Thank you, Senator Harp.

So let me -- let me begin by focusing on probably what is one of the most controversial pieces of this legislation, Section 123, the so-called "roll-your-own" section.

THE CHAIR:

Please proceed, sir.

SENATOR SUZIO:

Thank you, Madam President.

It is my understanding that presently there are approximately 13 to 15 business entities operating in the State of Connecticut, which basically make available the service and the supplies necessary to roll your own cigarettes.

Through you, Madam President.

Would you -- would you be able to confirm that, Senator Harp?

THE CHAIR:

Senator Harp.

SENATOR HARP:

Through you, Madam President.

I know that there are a few companies who engage in rolling your own. I don't know the number.

Through you, Madam President.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you, Madam President.

If I may go a little farther. I have read -- although I am not certain -- but I have read that the machinery needed to roll your own cigarettes costs somewhere between 40 to 60 thousand dollars per unit.

Through you, Madam President, to the good Senator, if she could confirm that or explain to me any knowledge she has of that?

THE CHAIR:

Senator Harp.

SENATOR HARP:

Thank you very much, Madam President.

Could he ask the question again because there is a bit of an echo, and I -- I didn't quite understand -- understand what you asked.

THE CHAIR:

Senator Suzio, could you be strong on the beginning and strong on the end, sir?

SENATOR SUZIO:

I will speak very --

THE CHAIR:

Thank you. I appreciate it.

SENATOR SUZIO:

Maybe we should just put down the microphone so --

Yes. I was asking about the equipment that's necessary to roll your own cigarettes. My understanding is that that equipment costs somewhere between 40 and 60 thousand dollars per unit. I would like to get confirmation of that.

Through you, Madam President.

THE CHAIR:

Senator Harp.

SENATOR HARP:

Through you, Madam President.

Might I yield to Senator Daily to respond to these questions?

THE CHAIR:

Senator Daily, will you accept that yield, ma'am?

SENATOR DAILY:

Yes, Madam President. I'd be glad to.

When we were discussing roll-your-own, we were not given the price of the machine. But my understanding is the same as yours, they're 40,000.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you, Senator Daily, for that unusually expanded response of yours.

THE CHAIR:

Enjoy it, sir.

SENATOR SUZIO:

I don't know how long it will last.

THE CHAIR:

That's true, sir.

SENATOR SUZIO:

Thank you.

And through you, Madam President.

Now, my understanding is that the proposed legislation would take the tax structure that presently applies, which I understand as explained in the OLR analysis -- and let me just look at that and reiterate it, if I may -- just bear with me a second. Oh, there it is. Okay. I'm sorry. I was referring to -- I meant the OFA analysis.

My understanding is that we are proposing to increase the tax structure so that people who purchase the materials from one of these shops and rent the machine required to roll your own will be paying the equivalent tax of what is now paid on a fully manufactured carton of cigarettes.

Through you, Madam President.

Is that an accurate statement?

THE CHAIR:

Senator Daily.

SENATOR DAILY:

Thank you, Madam President.

Yes, sir.

THE CHAIR:

Now, we're to the regular Senator Daily. Senator Suzio, keep going, sir.

SENATOR SUZIO:

She's back to herself again.

I assure you, I'm not trying to filibuster this time.

And now my understanding, again, through the OFA analysis, is that the tax, the stamp tax on cigarettes, is about $34 a carton. And right now, the equivalent that's being paid on a carton of cigarette rolling machine cigarettes is $8.75 a carton.

Through you, Madam President.

THE CHAIR:

Senator -- Senator Daily.

SENATOR DAILY:

Thank you, Madam President.

Yes, sir.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you, Madam President.

Now, it's also my understanding that want these business entities have been doing, these small business entities have been doing is completely legal.

Through you, Madam President.

THE CHAIR:

Senator Daily.

SENATOR DAILY:

I think that remains a question, which is the reason we have the bill.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

She's getting prolix again. I don't know.

THE CHAIR:

How much?

SENATOR SUZIO:

Thank you. Thank you, Madam President.

And, through you -- well, let me ask this question.

There has been a court case regarding this issue and a court decision was rendered, if I understand correctly. And that decision was rendered in favor of

the business entities operating under their current method of operation as being legitimate.

Through you, Madam President.

THE CHAIR:

Senator Daily.

SENATOR DAILY:

Thank you, Madam President.

Senator Suzio, I have not read the decision. But it's my understanding that they have been granted a stay.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you.

Well, then, through you, Madam President.

My understanding is that this legislation was initiated at the request of the Department of Revenue Services' commissioner, Commissioner Sullivan, as well as the Attorney General, Mr. Jepson.

Would you confirm that, Madam President?

THE CHAIR:

Senator Daily.

SENATOR DAILY:

Thank you, Madam President.

Yes, sir. That's true.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you.

And through you, Madam President.

And then I will ask the question. Why did they initiate this request? Why are they requesting a change in the law.

Through you, Madam President.

THE CHAIR:

Senator Daily.

SENATOR DAILY:

Thank you, Madam President.

So that the state would not have this problem. So that the playing field would be level and be fair. So that the purchasers of these cigarettes would have the benefit of the health requirements that are in regular cigarettes.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you.

And through you, Madam President.

It's obvious that given the tax differential, that that's a very strong appeal to this alternative for smokers and probably the thing that drives them to these entities that offer this operation.

Now, my understanding is from the people who have been up here representing those entities. That if this law is passed, they contend that it will force them out of business since they will no longer have any kind of competitive advantage and, in fact, it would be a disadvantage since you would be paying the same taxes

as if you purchased an already manufactured carton of cigarettes. And yet, in the analysis, we're anticipating $3.1 million of tax revenue.

So my question is, if indeed with the advantage lost, the significant cost saving advantage lost, these businesses do go out of operation, we are anticipating roughly $3 million of tax revenue, based on the OFA analysis.

What would be the consequences if these businesses did fold up because they couldn't compete with the additional taxes imposed on them?

THE CHAIR:

Senator Daily.

SENATOR DAILY:

Thank you, Madam President.

I'll have to make this a very long answer. These stores are taking business away from other stores that sell regular stamped cigarettes. So there's a consequence there of people losing jobs in small convenience stores.

If the $40,000 price is correct, we have no information about when that was paid off. So it's possible that stores have these free and clear. So to claim that it puts them out of business, I think, is something that we must take and consider carefully. And I would remind the Senator that that's a claim we hear about many, many of the bills we pass.

THE CHAIR:

All right. Senator Suzio.

SENATOR SUZIO:

Thank you, Madam President.

And isn't the point of this dialogue that we're having right now, doesn't that not reflect the fact that we haven't had public hearings on this? That we really

haven't had the time to collect the information we need to make what would be the wisest and best decision on behalf of the State of Connecticut and the businesses in the state?

Through you, Madam President.

THE CHAIR:

Senator Daily.

SENATOR DAILY:

Thank you, Madam President.

I do believe that this is the wisest and best decision we could make at this time.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you, Madam President.

And -- well, I would suggest that -- and I would ask every member of this circle to imagine you're operating a business. It's totally legal. You're abiding by the law and you're doing quite well because you have a certain advantage. And, in fact, the State -- you win a lawsuit regarding this competitive advantage, and then the State of Connecticut turns around and says, we're going to change that and totally eliminate that competitive advantage and we're going to do it as fast as we can. And, in fact, we're going to implement this legislation so that only three months after we pass it, it's going to be effective, and it's going to radically affect your business.

Now, I ask you, I've heard from my colleagues across the aisle one word over and over again, "fairness." Fairness. What is fair about penalizing businesses who have been operating legitimately, within the scope of the law, and immediately imposing on them a tax or a penalty which will put them out of business? Even if we say that, okay, the State of Connecticut itself

is getting penalized because of the tax advantages these entities are enjoying, what is the rush to do this?

According to the Office of Fiscal Analysis, we're talking about roughly $3 million a year of tax revenue that's lost. That's 3 million out of a $21 billion budget. It's the equivalent of about 30 minutes of operation of the State, basically. So we're not losing critical revenues -- I'm sorry, madam. That's the end of my questions, if you would like to sit down. My apologies.

So my question is, and my concerns are, and my objection is, I don't see the urgency of having to pass something that has such a drastic effect on completely legitimate business owners without public hearings even, without giving them the benefit to articulate their case in a public hearing. We're not losing 300 million or 400 million dollars of year of revenue, we're losing maybe $3 million a year.

Why could not this have waited until next year? Why could it have not gone through the proper, normal procedures, which would give these legitimate business owners, in effect, some due process rights? It seems to me, they have the right to be able to articulate their case in a public hearing and be given a fair hearing in front of this Legislature before we rush to pass legislation which could, and may very well drive many of them, if not all of them, out of business.

And think about it. They're all small businesses. There'll family-owned businesses, from what I can see, and we are just going to squash them. I don't see the need to rush this particular part of the legislation. I feel a great deal of sympathy for the legitimate business owners who have been law-abiding citizens basically being penalized for their success and they're operating within the scope of the law.

Now, I don't have an amendment prepared for this. I would love to have seen this delayed at least a year to give them more adequate time. If you do incur 40 to 60 thousand dollars for this equipment, it's pretty hard to recoup it in three months. And I'd like to think that -- I mean, I've heard my colleagues across

the aisle articulate that they are friends of small-business, that they are friends or family owned business. This is probably the most antagonistic, thoughtless, coldhearted piece of legislation I can imagine coming from this Assembly, without any opportunity for these 14 or 15 small-business owners to have an -- to express their opinions and express the facts, like we were just talking about now.

We don't know for sure what it costs for the equipment. I mean, if it does cost 40 or 50 or 60 thousand dollars, that's going to be thrown away by most of these businesses. And most of them have been existence for only a brief period of time, as far as I can see.

So I would appeal to you to consider this, to reconsider this, and think about the total lack of fairness of the process that's going on here. I don't see any reason in the world why the State of Connecticut could not have put this on hold until next year. And the normal legislative procedures would have taken place with public hearings, the opportunity for these people, these small-business owners, to express their side of the story and for you to hear the full story with all the facts before we rush to judgment and pass a piece of legislation that is radical, from their perspective, these -- this small group of businesses.

Let me move on, if I may, to Section 132 to 140 which is -- pertains to the retirement benefits for the Judiciary. This was a piece of legislation which was brought up and was sought to be put on the consent calendar at the last session, and I objected to it. I objected to it because I had some very grave concerns about this part, this -- this particular legislation. And I would like to, if I may, ask the proponent some questions regarding this particular piece of the legislation.

So, through you, Madam President, if I may?

THE CHAIR:

I believe, Senator Harp, prepare yourself.

Please proceed, Senator.

SENATOR SUZIO:

And I will try to speak very loud and clear, Madam President.

THE CHAIR:

Hopefully, short also. Thank you, sir.

SENATOR SUZIO:

Thank you, Madam President.

As I read through the OLR analysis of this particular aspect of the bill, it struck me that it has a dramatic impact on the costs of retirement benefits to the State of Connecticut, with respect to the Judiciary.

And I would just like to, if I may, read a couple of excerpts from the OLR analysis. And it begins -- when it talks about family support magistrates. It talks about PA 11-61, "change the definition of the salary used to determine the retirement benefits paid to all family support magistrates and their surviving spouses from the annual salary payable at the time of retirement to the magistrate's average annual salary over five years preceding his or her retirement."

The bill returns magistrates who began serving before July 1, 2011, to the prior definition of salary which was, in effect, the annual salary at the time of retirement. Of course, by using the annual salary in effect at the time of retirement, that is a higher amount than the average amount in the preceding years. And it was my understanding that people who did not retire by a date certain -- and I believe it was in September of 2011 -- basically forfeited the old benefits, if -- if you will, and were subject to the new arrangements.

So respect to this particular element, I ask, through you, Madam President, why would we want to adopt something that's going to dramatically increase the

benefits under this particular part of the legislation that's proposed?

Through you, Madam President.

THE CHAIR:

Senator Harp, are you going to --

SENATOR HARP:

Thank you, Madam President.

I would like to yield to Senator Coleman, if I could, please?

THE CHAIR:

Senator Coleman, will you accept the yield, sir?

SENATOR COLEMAN:

I do, Madam President. Thank you.

THE CHAIR:

Thank you.

SENATOR COLEMAN:

And as I understand the question that was posed, it was to the effect, why would we want to adopt something that increases the benefit for the retirement recipients under this program?

Through you, Madam President, to Senator Suzio.

It's my understanding that this would not increase any benefit that any of the recipients were entitled to. As a matter of fact, I think, at least part of the provision would be that things like longevity payments would not be imputed to be part of the calculation that would result in the retirement benefit that would be received by one of the recipients.

So I think that would result very likely in a lesser benefit for the recipients of these retirement plan benefits.

Through you, Madam President.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you.

And through you, Madam President.

Well, let me just look at another explanation in the OLR analysis, if I may just read this. "Current law allows a 2 percent maximum COLA for those officials who are in service on or after September 1, 2011."

The bill removes the 2 percent limit and instead sets the COLA for any official who retires after October 1, 2011, as the same -- as the same as those for retired state employees and (inaudible) who retired after October 1, 2011.

In other words, it's going to go from a 2 percent cap to 2 percent to as much as 7 and a half percent, a dramatic increase in the COLA. And if you go further, the same thing applies to the spouses -- the surviving spouses. So I read this like there's a dramatic increase in the cost with respect to the COLA arrangements from a cap of 2 percent, according to the OLR explanation, to as much as 7 and a half percent per annum.

Through you, Madam President.

Does that not increase dramatically the cost of retirement benefits to the Judiciary?

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Thank you, Madam President.

And my response, through you, to Senator Suzio, is that does not necessarily result in an increase in the retirement benefit. And as a matter of fact, the overall objective of the bill that this provision was based on was to bring the judges' and judicial officers' and compensation commissioners' pension plan into conformance with the SEBAC agreement that was negotiated with respect to other state employees.

Through you, Madam President.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Well -- and thank you.

And through you, Madam President.

I won't ask any more questions of this, but I will just make the statement that, pursuant to the explanation given by OLR, it seems pretty obvious to me that there is the potential for an enormous increase in the retirement benefits, because we're going from a 2 percent maximum to 2 percent to 7 and a half percent potentially. It's nowhere to go but up, according to the OLR explanation.

So I have some very serious concerns about this. This is, to me, a kind of thing that we should be looking at much more closely and make certain we understand before we go and vote on it because it could have the potential impact of tens of millions of dollars of costs to taxpayers of the State.

And I don't see how you can tell me or explain, in any way, that removing a situation where the cap is two percent and replacing it with a cap of 2 to 7 and a half percent is going to save us any money at all. It just exposes us to a radical increase in the potential retirement benefits for the Judiciary.

And, again, I don't pose that as a question anymore, Senator Coleman. I'm not -- that was my last comment on that section.

Finally, I do want to go to the section that pertains to underground storage tanks, Section 252 through 264, if I might?

And, again, I'm going to ask questions of the proponent who may want to yield to someone else, I think, but go ahead.

THE CHAIR:

Senator Harp.

SENATOR HARP:

Thank you, Madam President.

May I yield to Senator Meyer?

THE CHAIR:

Senator Meyer, will you accept the yield, sir?

SENATOR MEYER:

With enthusiasm, I do.

THE CHAIR:

At this hour, that's wonderful, sir.

Please proceed, Senator Suzio.

SENATOR SUZIO:

I love enthusiastic responses.

Let me flip to this section.

All right. If I may, Madam President, through you.

On Section 263, Subsection B, it states: "On and after October 1, 2013, any municipality or person who owns or operates one or more underground storage tank

systems on five or fewer separate parcels of real property and is subject to the financial responsibility requirements of," blah, blah, blah, "shall not use the program to demonstrate financial responsibility."

Through you, Madam President.

I attended a hearing that was held by the Environmental committee, cochaired by Senator Meyer, and it was on a bill that addressed the underground tank storage issue. It was the bill that he had been involved in, 375, Senate Bill 375, at the time. And the hearing produced an overflow crowd of gas station owners who contended that if that particular legislation went into effect, that it would potentially eliminate as many as 600 gas stations in Connecticut. It would make it unfeasible for them to operate.

Since the section I'm reading right now is the small station owners, my question to Senator Meyer is, are you not concerned about the dramatic -- potential dramatic impact of this legislation and the failure to sustain the fund on the operation of as many 600 gas stations in Connecticut?

Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Yes, through you, Madam President.

Indeed, this bill will do the opposite. This bill will save the gasoline station industry in Connecticut. Two governors, Governor Rell, and now Governor Malloy, have decided that we should not fund this contamination fund from the gross -- petroleum gross receipts tax. And in that decision, they were making a sharp change from what had been in practice since 1989.

And what this will do is this bill, without a doubt because of the way it's structured, will pay off the claims of all the small station owners -- that's -- that's operators who own five or less gasoline stations -- this will pay off all of their claims within four years. And after that, they will be able to buy insurance or self-insure or have a letter of credit or do one of the other things that the federal government permits in indicating financial responsibility.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Through you, Madam President.

But, again, the proposed legislation basically removes the ability of these small station operators to rely on the state program as a substitute for their financial responsibility beginning only 14 months from now, October 1st of 2013. Doesn't that not jeopardize their status with the Environmental Protection Agency?

Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Mr. -- Madam President.

Actually, the -- the small station owners -- and that's people who own five or less stations -- under this bill, will have until October 1, 2014, to file a claim. And then that claim, it's the intent of this legislation and it's well-funded to do it, will pay off all of the claim.

Indeed, only 7 percent of all the claims we have in Connecticut come from the small station operators, those with five stations or under. And, therefore, we're very confident that at $9 million a year for

four years, the claims of the small station operators will be paid off and they'll be made whole.

THE CHAIR:

Senator Suzio, sorry.

SENATOR SUZIO:

Thank you.

Through you, Madam President.

But, again, if claims can be presented as late as -- under the proposed legislation, as late as October 2014, isn't that kind of a contradiction with the specific phrase which I read, that they can -- the station owners can no longer use this program or rely on it to demonstrate financial responsibility to the EPA effective the year before, October 2013.

Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Yes. Through you, Madam President.

What the Governors of Connecticut and the General Assembly of Connecticut have found in -- since 2009 is we want to change the direction of protecting contamination issues in the -- in the program funding, and that is a very conscious decision made. It's being followed by other states who also had the same kind of state funds and are now moving toward an insurance remedy for the companies, either self-insurance for the large companies or the small -- the small companies buying insurance to protect against contamination.

We feel that -- that this bill really protects the small station operators, in part, because they'll be fully paid for all their claims, as long as they file before October 1, 2014. And, secondly, we believe

they'll be protected because the technology of underground storage tanks has changed so dramatically that the current and new tanks, which are double tanks, are not causing the leakage that's led to so many claims in the past.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Through you, Madam President.

Then, if I may ask, through you, Madam President, has the good Senator received a response from industry representatives saying that this will satisfy the needs of the 600 small service station owners?

Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Yes, through you, Madam President.

And it's an excellent question. When the executive budget came out, the proposed budget by the Governor, it provided only $250,000 for what are now 18 million of approved claims plus another 80 million of claims that have not been yet validated.

The gas station operators, as you saw at the public hearing, became extremely anxious and, indeed, I would call them almost rebellious. And so with the help of their very able representative, P.J. Cimini, they came in and negotiated with the Environment Committee, me as cochair, with DEEP, the Department of Energy and Environmental Protection. And they were able to be satisfied that instead of having it only a $250,000 fund when there were 18 million of proven and validated claims, here they have a situation where there's going to be a $36 million fund and there's going to be a 100 percent payout of at least the

municipalities, the third parties, and the small operators.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you.

And through you, Madam President, but if I may pursue this a little bit further, my understanding is that the $36 million is to be distributed among all participants in the industry, large, medium and small. And so therefore only a fraction of the 36 million is going to be available for these 600 or so small gas station owners.

Through you, Madam President, is that an accurate understanding?

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Madam President.

Yes. What the bill provides very expressly is that the $36 million will be cut into four sections and each of the four sections will be entitled to one quarter or $9 million over four years. And the schedules put out by the department have indicated that the claims of the small station operators, those with five stations or less will be fully paid out under that system by the year 2016.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you.

And through you, Madam President, but again, the good Senator, as far as I can see, is relying on claims that have actually been presented, not claims that might potentially be presented. And when we're talking about 600 gas stations, $9 million just doesn't seem to me like it's going to go very far. And I'm concerned about the adequacy of that money.

And again, whether this is another group of small businesses, just like I was addressing before about the smoke shops, family-owned businesses who don't, in many cases, have the alternative of getting insurance for this situation and they don't have the resources to self fund it either. So I'm concerned about the adequacy of this $9 million for 600 gas stations and it may very well force many of them out of business. And I think we need to give it more time. I think we need a little more information before we go ahead and do this.

Now through you, Madam President, as the good Senator was saying, back in 1989 the petroleum gross receipts tax itself was increased from 2 percent to 3 percent and with the specific intention of funding this program. And at that time it was anticipated to be about $15 million a year. Now as far as I know we are going to continue to levy that extra 1 percent that was originally levied to fund this program. So we're going to stop funding the program and we're going to continue collecting the tax. Is that not true?

Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Madam President.

Yes, that is true. It's a decision made by the Governor and by this Legislature that the gross receipts tax is now going to be used to improve our highways and to add to our general treasury and to, hopefully, to avoid new tax increases.

So this is a new direction we're taking. It's a direction being taken by other states as well. It's a less government direction. You are proposing a very-high government supported direction. We're proposing more independence of our business community and that's the direction that we in the majority party want to take.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you, Madam President.

I have no more questions for Senator Meyer and I thank him for his patience. I just do point out that not only are we continuing to collect the 1 percent that was passed to fund this program, which brings in about 40 to 50 million dollars a year, by the way, so even if we were funding it to the tune of $15 million it's only a fraction of what we're collecting.

And furthermore, next year on July 1st the PGRT, the petroleum gross receipts tax is scheduled to increase again by over 1 percent. We're going to go from 7.1 percent, effectively 7 and a half percent to 8.1, effectively 8.75 percent. So we're going to collect another 40 or 50 million above the 40 or 50 million that we're currently collecting that was originally earmarked for this particular fund and helping these small business, these family-owned businesses, helping them survive in a situation where it's impossible for them to insure themselves.

So Madam President, I would like to call an amendment. The Clerk has an amendment, LCO 5823. Will the Clerk please call the amendment?

THE CHAIR:

Mr. Clerk.

THE CLERK:

Senate Amendment Schedule "A," LCO Number 5823, offered by Senator Suzio.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you, Madam President.

I move adoption of the amendment, I move waiver of the reading and I would seek leave of the Chamber to summarize.

THE CHAIR:

The motion is on adoption.

Will you proceed, sir?

SENATOR SUZIO:

Thank you, madam.

By the way, I will ask for a roll call vote on this.

THE CHAIR:

A roll call vote will be taken, sir.

SENATOR SUZIO:

Quite simply, Madam President and fellow members of the Chamber, this is about the simplest amendment you can imagine. All it does is it defers with respect to the small gas station owners for two years this caveat or this clause which eliminates their ability to rely on the fund or the program in lieu of their -- the requirement they'd have to self insure or get insurance.

It will cost the State nothing, but it does give these gas station owners more time to adjust to the realities of the world. And in light of the fact that it could potentially affect as many as 600 gas stations, which not only means that we're not only

talking about the family-owned businesses involved here, but we're talking about a very significant number of gas stations out of all the gas stations in Connecticut.

My understanding is there's something between 14 and 16 hundred gas stations in Connecticut. If that's true and we're talking about 600 are at risk here, we're talking about potentially a very serious impact on convenience to the public as well as on potentially on the price of gasoline itself because there will be less competition.

So again, without having a fiscal impact and merely accommodating only the small gas station owners, not the large ones, I'm talking about, I think this is the fairest way to deal with what is a difficult situation. And again, I know my colleagues across the aisle have over and over again emphasized the word "fairness" and I fully subscribe to it. I think we need to be fair to these small gas station owners, give them a little bit of a break and just defer and allow them to continue to rely on the program for a couple more years.

Thank you, Madam President.

THE CHAIR:

Will you remark?

Senator Meyer.

SENATOR MEYER:

Thanks, Madam President.

Senator Suzio is quite -- very understandable that he would be trying to support the small gas station owners. But colleagues, I'm going to ask you to vote against this amendment. And the reason why is that the very competent representative of the gas station operators P.J. Cimini is not out there in the lobby of the Senate Chamber trying to get our attention because he's so concerned about this bill.

Outside in the lobby there are no small gas gasoline station operators that are besieging us to go with this amendment. And the reason why they're not is that we have really protected the small gas station operators in this bill for the reasons I described, in answer to Senator Suzio's good question.

So we don't need an extension. We're protecting the small station operators here. They're an extremely important part of Connecticut's economy and we're doing the right thing and we don't need this amendment.

THE CHAIR:

Thank you.

Will you remark? Will you remark? If not, Mr. Clerk, will you call for a roll call vote and I will open the machines.

THE CLERK:

There is an immediate roll call vote in the Senate. Immediate roll call vote has been ordered in the Senate. All Senators please return to the Chamber.

THE CHAIR:

Have all members voted? All members voted. The machine has been closed.

Mr. Clerk, will you please call the tally?

THE CLERK:

On Senate Amendment schedule "A."

Total Number voting	36
Necessary for adoption	19
Those voting Yea	14
Those voting Nay	22
Those absent and not voting	0

THE CHAIR:

The amendment fails.

Will you remark?

Senator Suzio?

SENATOR SUZIO:

Well, Thank you, Madam President.

And as they say, if at first you don't succeed, try, try again. So I am going to bring up another amendment, if I may, Madam President? And let me get myself straightened out here.

Madam President, the Clerk has an amendment, LCO 5822. Will the Clerk please call the amendment?

THE CHAIR:

Mr. Clerk.

THE CLERK:

Senate Amendment "B," LCO Number 5822, introduced by Senator Suzio and Representative Ackert.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you, Madam President.

I move adoption of the amendment. I move to waive the reading and I would seek your leave and the leave of the Chamber to summarize and I will ask for a roll call vote, Madam President.

THE CHAIR:

A roll call vote will be had.

The motion is on adoption.

Will you remark further, sir?

SENATOR SUZIO:

Yes. Thank you very much, Madam President.

Again, this is a -- I'm specializing in simple motions tonight -- or amendments. So what this is, is this is an amendment to cap the diesel fuel tax. About two months ago or so we capped the gasoline tax and what this is, is this is a proposal to cap the diesel fuel tax similar to what we did with the gasoline tax. Again, it will be predicated on the wholesale price, exactly like the gasoline tax is, which means that at $3 per gallon it will be allowed to rise no further.

My understanding is, based on the OFA analysis, that this would reduce the price -- or I should say this gas, the diesel fuel tax from the rate established to go into effect on July 1st of 51.2 cents per gallon to effectively 50 cents a gallon, saving about 1.2 cents per gallon. This will have a fiscal impact of about $3.3 million on the State.

And I just would remind my colleagues that, not only would this be fair and equitable in light of the fact that we did something, the same for gasoline purchasers, but also if we go into the 51.2 cents per gallon tax, state tax on diesel fuel we will be by far the highest tax on diesel fuel of any state in the country.

And you know, our truckers are hurting. People who own diesel fuel cars deserve a break as well. And I urge my colleagues in light of their desire to be fair again and given that we've given a break to gasoline purchasers, we should give the same break to purchasers of diesel fuel and I urge adoption of the amendment.

Thank you, Madam President.

THE CHAIR:

Will you remark?

Senator Harp.

SENATOR HARP:

Thank you, Madam President.

I urge rejection of this amendment. It throws the budget out of balance.

THE CHAIR:

Thank you, Senator.

Senator Boucher.

SENATOR BOUCHER:

Thank you, Madam President.

Madam President, I rise to support the amendment. Although most of us have heard from many, many of our constituents about the gas tax and their concern about the high cost of the gas tax, it may be less often that we hear by those that are concerned about the diesel fuel tax.

However just today I received communication, interestingly enough -- and obviously they did not know about any amendment that would come up, but they in turn talked to me about their concern about the diesel tax. And both of them are from my district and both of them have businesses in my district. And one of them pointed out that there is no more than a two-hour transit from the closest point to the farthest point in the state of Connecticut.

So he tells me, his experience being in this business, truckers will fill up in New York, Massachusetts or Rhode Island before the trip through Connecticut to save the tax money, which results in a decline in the tax revenue for our road funds. He particularly is suggesting that we should be supporting the diesel car and truck drivers by lowering the fuel tax on diesel and it would make diesel fuel cheaper in Connecticut and attract more businesses and raise more revenues.

Since today's diesel engines are far more cleaner and efficient, he says that they are -- than they were 20 years ago, and 40 percent more efficient than gasoline

engines, he believes there would be less pollution as well. So that was his case.

Another gentleman from another town in my district was very adamant and explained that last year's state diesel tax increased by 6.6 cents per gallon. And now the diesel tax will increase another 5 cents per gallon on July 1st. And he's very concerned about this because it represents a 25 percent increase over the past two years that will cost 51.2 cents per gallon. He implores us that it is nearly impossible for him and his businesses like them to remain competitive when we're increasing those taxes by 25 percent in just a couple of years.

He goes on to say, to give you an idea just how much this increase will punish my business if it goes into effect, Massachusetts and New York diesel fuel taxes are 21 cents per gallon and 24 cents per gallon respectively. This is a 32.2 cents per gallon and 27 percent -- cents per gallon difference in taxes between them. So you can see how great the differentiation is.

He believes that increasingly makes it more expensive to do in Connecticut, to do business in Connecticut. It is impossible to compete to keep his customers. For him it's no surprise when truckers bypass our state to fill up across the border and when they do that he loses their business.

He also talks about the cost of operating his own trucks. Every time we pass an increase he has to pass it on to his customers. So he felt that if we had an opportunity to go this route that we should strongly support it.

It's hard for me to not listen to the voices of a couple of small businesses in my region and for that reason I am standing to support this amendment that Senator Suzio just proposed, not knowing any of these individuals or these businesses. So it must be prevalent throughout the state of Connecticut, just a sample of what makes Connecticut less competitive and how we have to find ways to reduce other spending in an effort so that we don't increase taxes on a multitude of businesses, particularly in the area for

these particular businesses that are in the trucking business.

Thank you very much, Madam President.

THE CHAIR:

Thank you.

Will you remark?

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, speaking in opposition to the amendment. There are a couple, I think, important points to do an accurate comparison. First of all, many of the states especially in the Northeast region of the country our neighboring states, many of them if they have lower taxes on gasoline and also on diesel fuels they also rely to a significant extent on toll revenue. And of course we don't have tolls.

So we have -- it is in order to have a reasonable revenue stream I think you either have to rely on one source or the other or some combination of both. Just as throughout country, Madam President, we look at our general revenue systems and we look at the level of taxes at the municipal level in Connecticut. And some point that they argue that they may be high or that state taxes in certain categories are perhaps high.

Those comparisons are also flawed because we're often being compared with other states that have three levels of taxation; county government providing a significant array of services as well as municipal and state government. So that comparisons are often inexact and because we do not rely on toll revenue here in order to have a reasonable revenue stream we need to rely more heavily on gasoline taxes and on diesel taxes. And that is the reason why it would not be responsible at this time to support this amendment.

Thank you, Madam President.

THE CHAIR:

Thank you, Senator.

Will you remark.

Senator McLaughlin.

SENATOR McLACHLAN:

Thank you, Madam President.

I stand in support of this amendment and thank Senator Suzio for bringing it to our attention.

My constituent Joel Bouchard in New Fairfield raised this issue about diesel taxes and suggests to us that the taxes in Connecticut are far higher than those in both New York and in Massachusetts. And in fact, Mr. Bouchard says in his message to me that the difference is 27 to 30 cents per gallon higher tax here in Connecticut versus those two states. That could be a dramatic impact on a small-business cost of doing business and would urge adoption.

Thank you, Madam President.

THE CHAIR:

Thank you.

Will you remark?

Senator Suzio, for the second time.

SENATOR SUZIO:

Thank you, Madam President.

I would like to straighten out for the record, which I think are a misunderstanding, there's no tolls in Rhode Island at all except for the toll over the Newport Bridge. In Massachusetts the only toll is the Mass Turnpike. To the best of my knowledge there's no tolls in Vermont and New Hampshire. There is a toll for one of the roads in Maine.

But you know, this excuse that other states are collecting tolls money overlooks the fact that we don't have tolls here because we get paid an enormous subsidy from the federal government in lieu of those tolls. It's not as if we're forgoing revenue by not having the tolls.

If we did enact tolls it would be a double loss to the taxpayers because we'd lose the federal subsidies that are used to subsidize interstate highways here in Connecticut and at the same time we've the inconvenience of having tolls on the road and the safety issues that arise with respect to that.

So saying tolls are the reason, or the lack of tolls are the reason why we need higher, way higher gas taxes in Connecticut, not just incrementally a little bit, but I'm talking, like, double what it is in Massachusetts and significantly more than Rhode Island and any other state in New England. It's just -- it's a misstatement or a misunderstanding of the facts.

I also heard Senator Looney mention about county government. Well, as far as I know the only state -- and there might be others -- but the only state I know of that -- where the county taxes gasoline is California. I'm not aware of county taxes being imposed on gasoline transactions in anywhere in the Northeast. There's state taxes and there's the federal tax.

So if we're going to vote on this and vote against it because Connecticut is somehow at a disadvantage of not having tolls, I'm sorry. That's just an inaccurate statement or understanding, I should say, of the facts and I beg to disagree with all due respect. And I hope that when we vote on this we'll vote on it with a clear and correct understanding of the facts and give Connecticut taxpayers, in this case, I mean, we're talking ladies and gentlemen, about not even a penny and I half. Are you going to begrudge the taxpayers of Connecticut that use diesel fuel a penny and a half?

Thank you, Madam President.

THE CHAIR:

Senator LeBeau.

SENATOR LeBEAU:

Thank you, Madam President.

A question for the proponent of the amendment.

THE CHAIR:

Please proceed, sir.

SENATOR LeBEAU:

Through you, Madam President, to the proponent.

You said that Massachusetts only has one tollroad, the Mass Pike. Do you have any idea how many dollars the Mass Pike brings in on an annual basis?

THE CHAIR:

I have no idea, but I'm certain --

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

-- oh, I'm sorry. Through you, Madam President.

I am certain it is more than enough to offset whatever federal subsidies they would get. And the same, by the way, I would offer would probably be true about the New Jersey Turnpike as well.

Through you, Madam President.

THE CHAIR:

Senator LeBeau.

SENATOR LeBEAU:

Through you, Madam President.

A quick Google search that I just did after your comment about only having one tollroad. It's close to $2 billion a year. If we had $2 billion a year in tolls coming into the State of Connecticut I think we could substantially reduce our taxes, particularly our gas taxes.

Thank you, Madam President.

THE CHAIR:

Thank you.

Will you remark? Will you remark?

Senator McKinney.

SENATOR McKINNEY:

Thank you, Madam President. I rise in support of the amendment.

Madam President, a lot of my constituents and people I've talked to since we took the step to cap the gross receipts tax on gasoline thought it was a positive step. Nobody was under the misimpression that we had solved all of our tax problems, but they saw it as a positive step in the right direction. They also so it done in a bipartisan way. Regardless of how long it took us to get there we did get there.

This is a logical step along with what we have done in a bipartisan fashion and let me very briefly state two reasons why we should do this. One, the diesel tax isn't just something that affects truckers. It affects every single one of us and every consumer in the State of Connecticut, because the people who are most using diesel, truckers are using their trucks to service or provide goods and services to the people of the state of Connecticut and they pass the costs of higher diesel taxes and higher diesel fuel onto consumers.

So whether you're in a grocery store or a shopping center, anywhere that gets goods delivered by trucks,

which is everywhere in Connecticut, because we don't have rail that delivers a lot of our goods, we don't have freight that delivers a lot of our goods; it. happens to trucks. It affects everyone of us.

Second point, I don't know how much the Massachusetts Turnpike tolls bring in. I don't know how much any tolls bring in. The entire discussion is irrelevant. And with all due respect to some of the comments made by Senator Looney and others, whether we have tolls or not is irrelevant. It's irrelevant for this fact, the fiscal note this amendment is a couple million dollars.

In the budget we are debating and implementing today $70 million was taken from the special transportation fund, despite a promise and pledge from our Governor never to do that, $70 million was taken from our transportation fund to cover our general fund operating.

So we can debate how much money we have for transportation, whether we should have tolls or not, but that debate is a waste of time until we stop stealing money from the transportation fund because of our fiscal irresponsibility on the general operating fund of our budget. That's why we should vote for this amendment.

Thank you.

THE CHAIR:

Thank you.

Will you remark? Will you remark.

Senator Williams.

SENATOR WILLIAMS:

Thank you, Madam President.

I rise to associate my remarks with Senator LeBeau. I think he's exactly right. I mean, as you take a look at the states that do have lower prices, by and large they have tolls and in some cases, like in the case of

Massachusetts, substantial tolls. The Mass Pike raises a tremendous amount of money. It's the only East/West Highway, limited access highway across the entire state of Massachusetts.

When you go to Boston you can't go through a tunnel without pulling out a lot of dollar bills. And I would say that if we took that approach, not only would we be creating a situation where greater cost would be passed onto consumers in the way that my friend Senator McKinney is suggesting, but in addition we would all pay a greater price in terms of traffic tie ups throughout the state of Connecticut, greater congestion, absolutely the last thing that motorists throughout this state want.

Thank you, Madam President.

THE CHAIR:

Will you remark? Will you remark? If not, Mr. Clerk, will you call for a roll call vote and the machine will be open.

THE CLERK:

There is an immediate roll call vote in the Senate. An immediate roll call vote has been ordered in the Senate. All senators please return to the Chamber.

THE CHAIR:

Have all members voted? All members have voted. The machine will be closed. Mr. Clerk, will you call the tally, please.

THE CLERK:

On Senate Amendment "B."

Total Number voting	36
Necessary for adoption	19
Those voting Yea	14
Those voting Nay	22
Those absent and not voting	0

THE CHAIR:

The amendment fails.

Will you remark? Will you remark?

Senator Suzio.

SENATOR SUZIO:

Thank you, Madam President.

Again, I said, I'll try, try again. So one more amendment we're going to try tonight.

Madam President, the Clerk has an amendment, LCO -- excuse me, LCO 5820. Will the Clerk please call the amendment?

THE CHAIR:

Mr. Clerk, 5820, please.

THE CLERK:

Senate Amendment Schedule "C," LCO Number 5820, offered by Senator Suzio.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you, Madam President.

I move adoption of the amendment and move to waive the reading and I seek leave of the Chamber to summarize, and I would ask for a roll call vote.

THE CHAIR:

There will be a roll call vote. And the motion is on adoption.

Will you remark, sir?

SENATOR SUZIO:

Yes, quite simply Madam President, this is similar to, if not identical to the amendment I brought up during the regular session -- was what I called the two-for-two amendment. It would reduce the petroleum gross receipts tax to two percent for two months and it would effectively save consumers about 17 to 18 cents per gallon.

And one reason why I bring it up again is because I reflected on the discussion and the debate on the floor of the Senate that night and I recall Senator Harp remarking that she had a very big reservation about whether the price reduction or the tax reduction would be passed onto consumers.

And all I can say with respect to that is if we just simply look at our neighboring states, Rhode Island and Massachusetts, you can see that there's a significant price difference in gasoline and that price difference is matched almost identically to the tax difference. Massachusetts' taxes are 23 and a half cents a gallon. Currently ours are about 47 cents a gallon, for example. And you will find that Massachusetts gas prices are pretty much 25 cents a gallon or so below ours.

So if there's any doubt about whether the break might be passed on to consumers, I would suggest that our neighboring states and the gas station owners who operate gas stations in those states demonstrate that they do indeed pass on the lower taxes in the form of lower gas prices to consumers.

This is not theory. It's actually happening and it's, again, in our neighboring states. And not just our neighboring states, I might point out. If you look at other states in New England gas prices are similarly lower by an amount approximating the actual lower taxes levied on gasoline in those states.

So if concern about whether this gas saving or tax saving will be passed onto consumers, I don't see how you can argue with real results from our neighboring states unless you want to say that gas station owners in Connecticut are more greedy or have some kind of a different way of operating, but there's no basis on

which to make such an assumption. So I urge passage of this proposal to give Connecticut families badly needed tax relief this summer.

Thank you, Madam President.

THE CHAIR:

Will you remark? Will you remark.

Senator Boucher.

SENATOR BOUCHER:

Thank you, Madam President.

Madam President, very briefly I rise to support this amendment. The dynamics of lower gas cost produces higher consumption. And higher overall taxes in the end is a dynamic that all of us practice ourselves. We all try to find the lowest price of gas and those are the gas stations that have the most frequent and numerous customers and thereby are more successful.

So that dynamic, I think, would play into this as well. I think people try to avoid, unless there's an emergency, the highest gas stations around. And I think because we're such a small state and we have so many bordering towns we do have that kind of competitive issue and challenge all the time.

So I think that, though there would be those that would want to oppose this based on the fact that somehow the State would lose money, we have different philosophies. There are some of us that believe that lower costs produce more consumption, more businesses and more residents to a state and thereby increase revenues and taxes in the long run. And others feel otherwise, but in this case I do think the free market forces would play out, and the lower our costs would be the greater would be our consumption. For that reason I support it.

Thank you, Madam President.

THE CHAIR:

Thank you.

Will you remark? Will you remark? If not, Mr. Clerk --

Oh, sorry. Senator Harp.

SENATOR HARP:

I just wanted to urge rejection. That's all.

Thank you, Madam President.

THE CHAIR:

Okay. Then with that --

Oh, Senator Looney.

SENATOR LOONEY:

Yes, thank you. Thank you, Madam President.

Also speaking in opposition to the amendment. Madam President, I believe that in many ways this amendment represents kind of the syndrome of Robin Hood in reverse. Because what it would provide for is a reduction in the state earned income tax credit to 15 percent of the federal credit, rather than 30; would be taking away a benefit from the lowest income working people in this state in order to subsidize a reduction in the gasoline tax for everyone else.

The reality, Madam President, is that those low income working people are the ones least likely to own motor vehicles in the first place. Certainly those who do would get some benefit from the gas tax part, but by no means as much they get from the EITC. The lowest income persons get the greatest benefit from the EITC.

And as we know, Madam President, this provision does go into effect this year. It represents a substantial infusion of assistance to low-income working communities in the state and does, in fact, recognize the valuable work that people do have to be employed to get this.

And of course the gasoline tax is paid by those who own motor vehicles regardless of income. So while a low-income working person is making perhaps $20,000 per year and is a significant beneficiary from the EITC, at the upper end of the scale a person making a million dollars a year is earning $20,000 per week and we are in effect at the extremes taking a benefit away from someone who is making 50 times less than the benefit going at the higher end to those who would benefit from another provision.

So this is a punitive way to address this. Certainly we all have an interest in trying to find ways to moderate taxes, but this is reducing something from those who can afford less than almost anyone else whom we help through our tax structure to suffer that loss. And would urge rejection of this amendment.

Thank you, Madam President.

THE CHAIR:

Thank you.

Will you remark?

Senator Williams.

SENATOR WILLIAMS:

Thank you, Madam President.

I rise also to oppose the amendment. Madam President, because if I did support this amendment I would be voting to increase taxes on low-income working men and women in the state of Connecticut. And I will not increase taxes on those working men and women who can least afford it in this recession in order to finance a negligible change in terms of gasoline prices.

This would not reduce the price of gasoline per gallon by 25 cents, as the proponent of the amendment notes that there's an approximate difference in Connecticut and Massachusetts. For us to affect that change we would have to do what Massachusetts did, impose tolls, significant tolls on our limited access highways, taking money through that process, through the toll

process and contributing to terrible congestion and traffic jams over and above what we already have during the peak hours. Again, our motorists cannot afford that, Madam President.

THE CHAIR:

Thank you.

Will you remark? Will you remark? If not, Mr. Clerk, will you call for a roll call vote and the machine will be open.

THE CLERK:

An immediate roll call vote has been ordered in the Senate. All Senators please return to the Chamber. Immediate roll call vote has been ordered in the Senate.

THE CHAIR:

Have all members voted? If all members have voted the machine will be closed.

Mr. Clerk, will you call the tally?

THE CLERK:

On Senate Amendment Schedule "C."

Total Number voting	36
Necessary for adoption	19
Those voting Yea	14
Those voting Nay	22
Those absent and not voting	0

THE CHAIR:

Amendment Charlie fails.

Will you remark?

Senator Suzio, I thought you said for the last time?

SENATOR SUZIO:

That was it. No more amendments.

THE CHAIR:

Sorry. Oh, thank you, sir.

SENATOR SUZIO:

Promise you, Madam President. I just have a few succinct remarks to make.

THE CHAIR:

Please proceed, sir.

SENATOR SUZIO:

I will try to emulate Senator Daily with these remarks being brief.

Excuse me, I have to catch --

The word "fairness" is a word that I've used a few times tonight and it's certainly a word that I know my colleagues across the aisle have used time and time again to defend legislation that they have introduced and supported. And certainly fairness is a fair basis on which to vote on legislation, but I would suggest there's absolutely nothing fair and nothing reasonable about thrusting a 463-page document consisting of more than 14,000 lines in front of us for a vote in a matter of a few hours.

14,000 lines, in my -- that probably comes out to something like a hundred thousand words. Now I listened to the debate as we were adjourned that was occurring in the House. And I heard Senator -- Representative Sharkey say that the concepts in this legislation have been discussed before and there's nothing new. Well, I'm not so certain about that, but even giving him benefit of the doubt, as the saying goes, the devil is in the details. And we all know what a difference a comma can make, a "but," an "and," or an "or."

And to basically be required to read 463 pages with 14,000 lines in it and be able to grasp it all and

understand it and make certain that we understand it correctly is frankly impossible. When I was elected and when I was running for office the first time I had every good intention of trying to read and understand every law which came before me for a vote. I thought that was the right thing to do. I thought it was the responsible thing to do, but it is impossible, absolutely impossible to do it with this particular legislation in front of us tonight.

Nancy Pelosi, former Speaker of the House in the U.S. Congress was famous, or maybe infamous for her saying, pass the bill and then read it. And because of that she became an object of derision in the American public's eye. And unfortunately many lawmakers have gotten a black eye from that as well.

The process of how we approve legislation is just as important as the legislation itself. And process without the adequate time to read it, to digest it, to understand it before you vote on it is the only right, the only fair and the only reasonable way for this body to proceed.

By pursuing this like we are, by rushing this legislation like we are, without giving us adequate time to really examine it, without giving the public even a chance to know and understand what's in it we'll just feed to the cynicism and the disrespect that the public already has for too many legislative bodies.

There's no reason why this legislation couldn't have been circulated today and we could have convened next week; had a week to discuss it, read it, digest it and then be prepared to make an informed, intelligent vote about this. And again, I don't care even if we've discussed the concepts before. The devil is in the details. Miss a comma here, a semicolon there, an "and," an "or," or a "but" and the meaning of an entire section can change radically.

And as we pointed out tonight there's some parts of this legislation which we're voting on which have had no public hearing and which people who will be subject to it, for example, the smoke shop owners will have had no opportunity whatsoever to express their

opinions in a public hearing and to share with this legislative body the facts. The facts are important for us all to make right, reasonable and intelligent legislative decisions.

Voting for this piece of legislation tonight when no one here has read all 463 pages and can be certain of exactly what's in it, as Senator McKinney pointed out, there was a FOIA, a Freedom of Information part of the legislation, which even the legislative leadership apparently didn't realize was in it originally, and was found out only through the press actually, to me, exposes this body to ridicule of the public. And I value the reputation of this body.

We need to keep in mind it's important that the public has to respect, not only the laws that we pass, but the process we use to debate, discuss them, understand them and then make decisions on them. And as far as I'm concerned, this piece of legislation tonight is not fair, it's not right, it's not responsible, because no one could have possibly read it and understood it thoroughly and adequately to make an informed and accurate decision about what its contents are.

So I will be voting against this legislation even though it appears to me there are some good parts to it and there are some bad parts to it. But more than anything I'm going to vote against it because I don't like being forced unfairly to vote on a piece of legislation which I can't possibly, under any circumstances could understand in its completeness and its complicity.

And I don't think anyone else, with all due respect around the circle, can claim that they totally understand every part of every detail of this important piece of legislation. So I urge my colleagues to vote against this legislation, not just because of its contents, but because the process itself is irresponsible.

Thank you, Madam President.

THE CHAIR:

Thank you.

Will you remark?

Senator Boucher.

SENATOR BOUCHER:

Thank you, Madam President.

Madam President, I rise to support some of this legislation and to oppose other pieces of it. I have to say that I have to concur with some of the previous statements being made, Madam President, on the size and breadth of this particular piece of legislation from which I've received a number of e-mails late into the night of individuals that are quite upset, because they felt that they were unaware of a lot of the components of this.

As I said, there's much to support. There are pieces to this piece of legislation that many of our committees that we've worked on collaboratively with, worked long and hard all session long, that should be supported, that move the State forward, particularly in the education arena and some others.

However there are four areas that I would like to point out very briefly that trouble me. One of them has to do with Section 102, in the health insurance for retired teachers. It does borrow from the -- and underfunds the State's share, and then reimburses it again through subsidies from the federal government. And for me it just didn't sit right.

Even though this does state that it would come out, even at some point to me it's a risky proposition and tampers with an area that we spend long and hard sessions trying to work out to protect the teachers retirement fund, from underfunding, to protect it. And we even went so far as to entertain a constitutional amendment to do so.

Another aspect of this bill that I find troubling is the probate fund transfers, that by transferring approximately $2.3 million in the amount of surplus

funds that had to be transferred from the probate court administration to various agencies.

In addition there's a piece in here that I hope that we have an opportunity to address in future sessions should we come back and that we work together on. And that's the area of forgive -- a loan forgiveness for teaching bilingual education or English-language learners. This would be something that typically I would highly support, and I do support the forgiveness of loans for English-language learner teachers, but I think that the bilingual program in the State is somewhat controversial. For some of us it may even touch on some of the reasons we have such a wide achievement gap in some of our urban centers where we have multiple generations not acquiring English and being able to actually fill out an employment application properly.

When you have multiple generations having those issues one has to question the methodology and the programs that they were involved in to see if they're actually working well. So in that regard the fact that bilingual education was included in that section gave me pause, but I do support the loan forgiveness for English-language learner and teachers that work in this field to help students that do not speak English to acquire the language quickly so they can be effective in their education and also in employment.

And lastly, it is a subject that is near and dear to the heart of Senator Edith Prague. Senator Prague has long been concerned about the environment of which nursing homes seniors are exposed to. She has often spoken of and has been very convincing about the population that is included and mixed in and mainstreamed with that population so that our seniors are in the most safe environment they can be.

They are vulnerable often times when in a nursing home setting, both to other occupants and also to the staff that's there. They're often debilitated, sometimes with dementia, sometimes with Alzheimer's and it is very difficult for them to be empowered and to be able to be safe and protected unless others are there to oversee them.

So when I saw that this particular bill actually allowed for a nursing home placement under certain conditions -- and I understand those suffering from a terminal condition, disease or syndrome, however there's a part II in this that leaves discretion to those that are physically incapable of presenting a danger to society and that's quite open ended.

That does not necessarily mean that the individual is terminally ill. It means that someone could be there for a very long time. And in fact there's provisions in this section of the bill that allows for the individual to be brought back in the correctional facility if they are no longer seen as debilitated.

And when we talk about being physically incapable of presenting a danger, there are other aspects of being a danger to that population. There could be verbal abuse. There could be the idea of taking goods or taking advantage of other patients that are there if they cohabitate. And it raises the question of -- and I wonder if there is someone that could answer this question, Madam President, of whether a nursing home is mandated to accept the inmates or whether they have a choice as to negotiate whether or not that's the appropriate setting, or if they have the proper room.

And I wonder if there is someone, Madam President, in the Chamber that could maybe answer this type of question.

Through you, Madam President.

THE CHAIR:

I do believe it's by contract.

SENATOR BOUCHER:

Thank you, Madam Lieutenant Governor.

So there is -- that's probably a very good answer. In other words, the nursing home would enter into a contract to voluntarily be involved in this program, I'm assuming, through you. Thank you for that answer.

Then maybe if I could venture further into asking whether or not there would be notification to those patients or patient's caregiver or the patient's family, that in fact they would be in a nursing home institution where inmates would be housed as well.

Through you, Madam President.

THE CHAIR:

At this time I guess I'm going to ask Senator Harp to answer the question, since she's in the Chamber.

SENATOR HARP:

Madam President, I apologize. Could you repeat the question?

SENATOR BOUCHER:

Certainly. It's my pleasure, Madam President.

To the distinguished chair of the Appropriations Committee, the area of concern that I have is inmates being housed in a nursing home facility, principally -- not necessarily those at end-of-life, but the Section 2 that talks about just being physically incapable of presenting a danger, so that they could be at any age and could be there for a long period of time.

Would -- and I do believe that our lieutenant-governor mentioned that it would be a contracted arrangement between the State and the nursing home, but would there be any requirement that the other occupants of that nursing home would be notified and/or their caregiver, or their -- the individuals responsible for, either a spouse that is not in the nursing home? Would they be apprised of the situation that inmates would also be in that facility?

Through you, Madam President.

THE CHAIR:

Senator Harp.

SENATOR HARP:

Thank you very much, Madam President.

This was actually covered in the debate earlier. And I basically said that I thought that while it is not precisely required, in the law there are probably regulations that have already been promulgated by the commissioner of the Department of Corrections that set up a protocol for when prisoners are released into the community for one reason or another. And I know we talked about victims and other folks.

I know that -- and my understanding could be limited and not totally accurate, but it's my understanding that the commissioner is going to go out to bid for nursing home beds. There was some thought that because there are so many nursing homes that are actually closing in our state that there might be an opportunity to have a nursing home that functions just for this population. But if that is not the case, it's my sense that the commissioner will do everything in his power to assure the safety of the folks if they use beds in an existing facility who are there and when he places an inmate who is terminal.

And by the way, what I looked at the actual language and I read it I thought that Number 2, which was, "or is incapacitated," modifies having had the terminal disease or syndrome. So I think that you have to have both.

Through you, Madam President.

THE CHAIR:

Senator Boucher.

SENATOR BOUCHER:

Thank you, Madam President.

I believe that some of the answers to this particular session -- section still present some questions and some doubts and why this large bill probably should have gotten a little further review. Particularly in the section as I read this through the OLR summary, or

Office of Legislative Management summary, a research summary that, physically incapable of presenting a danger to society, raises questions just about the circumstances.

And if in fact some cases we're moving inmates out of a prison to a nursing home facility for medical issues or is it for cost issues, whether there's a lower cost to this? But in doing so are we then raising the safety issues to a much higher level, especially since there's been a great deal of discussion about senior safety zones being provided in nursing homes, and whether maybe they should go hand in hand? And possibly they should have been a part of the legislation being proposed and putting in various parameters to make sure and assure that there's a more safe environment for our nursing home patients, and particularly allowing family members to be appraised of the situation of what's going on.

If in fact, as has been mentioned, there's thoughts to nursing home closures that could be retrofitted to become a facility for inmates that are aging or not presenting in some way a physical danger, that they have maybe psychological issues, then what is wrong with the structure that we have currently in our correctional institutions? Are they not capable of doing this? Obviously they have populations that are in there for a long period of time. Or are we -- is it really a cost issue that we're talking about here or an appropriate setting?

So I would say that this session presented a lot of troubling issues for some when we are taking more and more of our criminals out of jails, putting them back into the society and the community at a time that may be premature that might raise a concern from a safety aspect of the general public.

And this one was probably one of the most troubling aspects of this entire bill for me, though so much of it was so positive and should be supported.

Thank you, Madam President, for allowing me the opportunity to vent some of those issues and concerns that I might have with the bill. Have a good evening.

THE CHAIR:

Thank you.

Senator Fasano.

SENATOR FASANO:

Thank you, Madam President.

Madam President, the hour is getting late and what I'd like to do -- I had a number of questions, but I'm going to ask one particular question that perhaps Senator Harp could help me out in, and it deals with Section 8, the veterans -- excuse me -- required to apply for federal benefits, as well as Section 105, which is the Veterans Affairs and DAS. I would like to address this to Senator Harp. So, through you, Madam President, unless Senator Harp would like to volley this to someone else, if I can, to Senator Harp.

THE CHAIR:

Please -- please proceed, sir.

SENATOR FASANO:

It's my understanding, Senator Harp, if I may, in Section 105, the bill conforms state law to the current practice, according to the summary, which would require the Administrative Services commissioner to sort of get reimbursed from the Department of Veterans Affairs for those services, I gather, they -- they provide to veterans through Medicaid. And now we're sort of codifying what is the existing practice, which is to go get reimbursed. Is that a correct summary of that provision, through you, Madam President?

THE CHAIR:

Senator --

SENATOR HARP:

Through you, Madam President, I believe it is.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

And then, in Section 8, what we're now requiring, which wasn't required before, is that a veteran who can receive the benefits from the Veterans Administration is required to go to the Veterans Administration first to see -- to get those benefits, and then if, for whatever reason those benefits aren't provided, they can go to the Medicaid system. Is that correct, through you Madam President?

THE CHAIR:

Senator Harp.

SENATOR HARP:

Through you, Madam President, Medicaid, as it been designed, is the payer of last resort, and one of the things that our state hasn't been doing is requiring those who have medical veterans' benefits to actually seek those first. And I think at some point it could be an audit finding, but I know that as a payer of last resort, you can have Medicaid and have other insurance. It's just that the other insurance that you're eligible for or have pays first, and then Medicaid pays the balance.

THE CHAIR:

Senator Fasano.

SENATOR HARP:

So, if I would -- the change, if you took a snapshot before this bill today, I guess, and you take a snapshot after the -- the real life difference is, if I was a veteran, and I didn't go to the veterans' facility to get treatment, I went to the clinic or hospital or something like that and I didn't go through the veterans' benefits first, how would I be treated? Would I be denied the service because it

asks if I'm a veteran, or would it still default to the other provision where I get the service and then the state would go and recoup the benefits? And I don't know if that question was confusing, but through you, Madam President.

THE CHAIR:

Senator Harp.

SENATOR HARP:

If I understand it, it's my understanding that we don't deny service if someone is eligible, if you're Medicaid eligible. But if it's discovered that you are eligible for other benefits and those other benefits didn't pay, then I believe that it gives the DAS the ability not to go after you as an individual, but once they discover that you have veterans' benefits, to go there and get reimbursed for at least what should have been paid for by the veteran's benefit.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Thank you, Madam President.

Through you, so I have just one more follow-up to that. So would -- is it -- would there be a screening process that would be enacted; in other words, would DSS incorporate a screening process such that, after this bill passes, the intake form, the question would be asked: Are you a veteran? And if the answer is yes, they would refer you to the veterans' hospital, or would they still treat you and seek reimbursement? Through you, Madam President.

THE CHAIR:

Senator Harp.

SENATOR HARP:

Through you, Madam President, I think that there a couple of things happening here that maybe don't happen consecutively. Normally, when you apply for Medicaid benefits, it's not at the time of treatment, and so -- but when you do apply, they would probably ask -- they would ask the question, should this pass: Are you a veteran? And, if you are a veteran, would probably ask: Are you covered by veterans' coverage, whatever that is. I'm not altogether sure. I know that there are some veterans who actually don't receive medical coverage.

So I think they would ask on the form more in-depth questions. They would probably ask if you applied for medical coverage, and you would probably be required to apply for it prior to -- prior to having your Medicaid coverage approved. If you currently have Medicaid coverage, probably at redetermination they would ask the question, and you would be encouraged to apply for veterans' services, but in the meantime, if you have Medicaid and you are a veteran and you haven't applied for those coverages, you would be eligible for care.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Thank you, Madam President, and thank you, Senator Harp for those answers.

Madam President, with respect to this issue, obviously the import of this is to try to get the federal government to pay for some of the services. But I think what this sort of ignores is the fact that these Veterans Administration facilities for hospital related care are widespread; that is, folks from Danbury would have to come all the way down to this neck of the -- or should say -- yeah, down to this neck of the woods to get care and treatment. That's a huge distance in which to travel. Before, what was happening, the state had to do a little work to get reimbursed; now we're asking the veterans to travel more. I'm not sure that's good policy. But the point is at the very least, at the very least the policy

deserves to be aired. At the very least veterans groups across this state should know about this change. At the very least we should give the veterans the right to come in and say how they feel about this and how it's going to affect their lives. I'm not a veteran. I don't participate in the program that they do. I don't know how it affects them.

But I would suggest we're making a monumental change. And the reason I suggest it's monumental, because before this bill, currently, today the onus is on the state to chase down those benefits through the federal government. That's done paper work back room. Now we're saying that the veteran has the obligation to go through the veteran benefits, which leads me to believe that, if someone comes in and they say I'm a Medicaid patient, you always -- when you see the doctor, the first thing they ask is your insurance. And they say, Are you veterans? Yes. Well, then you must go see the veterans' home. Now, if it's an emergency, I'm sure every care facility is going to take that patient in. I'm not suggesting that. But what I am suggesting is those facilities that know about this are going to ask the question, whether it's a routine checkup, whether it's a mild thing you're being looked at, they're going to say you're going to have to go veterans. I'm not sure that's the right policy. I'm not sure what it saves. I'm not sure what we're collecting and not collecting, but that's why you have a public hearing. That's why you have these discussions, to determine what is right and what is not right.

Madam President, I'm just going hit a few of the issues that I think deserve some public hearing and the reason why I think that this is -- this process is not the favored process in this building. Transfer probate funds. We just increased probate fees. So we increase probate fees because, if we have a surplus, we can take away the surplus and give to other programs. And we all know, in this building, what that means. Once we start funding over other programs, it's like a drug. They expect to be funded the next year, the next year. We just added a whole new line item by taking the -- why didn't we just say, in this bill, we're not going to increase the probate fees. It was a mild increase -- I grant that -- and

limited in scope. I grant that as well. But why don't we say let's just not do it. Let's -- we have such a surplus, let's cut back a couple bucks and not do it. No. Because we're government and we can, so we did. So we increase taxes and then we spread it out to other things totally unrelated to probate. Totally unrelated -- not even like a DCF issue. Totally unrelated to probate is what we're funding. I don't understand the logic of that.

We go to Section 122 and 182, 183, Housing for Economic Development Programs. Basically, this is incentive housing zone, which I do support. I supported it in P & D, when it first came out, and I've supported in a number of meetings that I've gone to, and I increasingly support it. I think we need working -- working family housing, which is the right words that we use today, but I think we need incentive housing. We jumped it up from 2,000 per house to 50,000 per house for the zone, 50,000 per house. And I've read through this bill, and I know the original bill. I don't fully understand how all that works. It's a heck of a lot of money for a plan that goes to the municipality. We have to encourage. Is this the right way? I don't know. I think at 2,000 there was some incentive. I know Wallingford jumped in, never got their money. Never got a dime, but they jumped into the plan. And I know a couple of other towns that are waiting for money that apparently ran out, but I think we re-upped it, but now we put the figure even higher. It just -- these are things that should be discussed at a -- at our public hearings to have information. They may be excellent ideas. I don't know, but I do know that the people on the ground -- I do do zoning, so I know a little bit about this, but I'd like to hear from other people, like the Town of Wallingford, what they went through and whether this is an incentive that would make sense to them.

Madam President, I also draw attention to paragraph 213 or Section 213, Childhood Immunization. Now, I don't know, once again, on that bill where it says you have to get the -- the a -- the a -- the drug from the state, you're contracting with the state. I don't know anything. In fact, I knew nothing about this, except on Sunday, when I was at my place of business, a woman came up to me and said I work for a pediatric

group in New Haven. Len, what are they doing up in Hartford? We do the immunizations. Why do we have to contract with the state. There are some drugs we do contract with the state that make sense, but why are we doing this particular drug? And then she went on in a very detailed statement that, candidly, I couldn't grasp because I didn't even know about this bill coming here because we weren't part of the discussions, so I had no clue this was in there, and the best I could do was say I don't know.

But I think that pediatricians out there say this is a bad idea. Well, why aren't we listening to them? Why aren't they in front of us saying why are we doing this? Why aren't they hearing the issue on this? What we're doing, ladies and gentlemen of the Circle and people who are watching on CT-N, we're doing a process that I have never -- I have only been here ten years. Other folks in the Circle certainly have here longer than I. We have a process for reason. We've established a process for reason. We have hearings for a reason. We have committee of cognizance for reasons. Then that bill can be referred to another committee to look at it in a different light. This place is made up of different people from different backgrounds with different viewpoints to get a bill that's fully vetted. We may not agree at the end of the day, but there's one thing we can agree when a bill comes out of committee. We can agree we all had a whack at it. We all had a chance to talk about it, and the people in the state of Connecticut had a right to weigh in.

And what did we do here? We took 700 pages, practically, 700 pages. On the big bill that we're discussing, a hundred new concepts, 40 percent of which, according to nonpartisan staff, 40 percent of which never had a public hearing. Now, I've been here where we brought up amendments on the minority side of the aisle, and we've been asked by the chairman of that particular committee for which that amendment applied, the first question was always -- not always -- when they knew there was not a public hearing, Did that have a public hearing? No. Well, why don't you bring it up next year, let it have a public hearing, and we can talk about it.

Well, what about the 40 percent in these bills? That rule just finally disappeared off the planet? That does not make any sense to me. If we have a process that's set up and it says we are supposed to do things in a certain way, you can't have it both ways. You can't say that's the best process except when we, as the majority party, want to get through what we want to get through, then the process doesn't matter. We will get together on one side of the aisle with our governor, and we will sit in a room, and we will come out with the bills and we'll give it to you on the day you got to vote on it. By the way, read quick, understand quick, and get ready to vote. That's just unfair.

At the outset of this session, it was suggested that this two years of government was going to be the most transparent government that the State of Connecticut has seen, and there are no Republican ideas, there are no Democrat ideas. There are just ideas. But when it came to the budget, there weren't ideas. There was just one, one idea. And that budget went through with $3.8 billion with a promise that, once that goes through, swallow hard; we're off and running, and we're going to be able to make ground and have a surplus, and future years will be okay. And we all know, come June 30th, there's a deficit, except we're going to play with some numbers, so it's not really a deficit.

Now we get a bill that we're told don't worry about it; We got it covered. Forty percent of these new ideas, we know what we're doing. Let us take care of it. As Senator McKinney suggested, then why isn't it all done that way? Why don't we just have three days of session. Come on in, vote on it. But that's not the process that is constitutionally obligated to this Chamber. This is not the process that we have decided, as a governmental body, that works. The fact is some bills die. It's just a fact of this process that we have in. When we were all kids, we heard that song: "I'm Mr. Bill. I'm Mr. Bill, and the bill goes to Washington." Some bills don't make it through both chambers. Some bills make it through both chambers, then get vetoed. Bad things happen to good bills sometimes. That's the process, and it's probably happened to all of us. Our bills didn't make

it as we wanted them to happen, and we come back next year and we re-stir that pot.

But that's the process. What happened here is the majority party said, Some bills died, some bills didn't make it, but our bills have to make it. So let's go through session. Let's do something we've never done: Let's do a hundred new concepts, 40 percent which never had a public hearing, and let's put our bills in a package; let's not talk to the minority party; let's not share with them any information; let's not give them the bill until two hours before -- well, obviously, not two hours, but half a day before we vote -- let's not give them the bill until half a day before they vote, and let them digest it and figure it out. But we're not going to have them in the room. We're not going to even give them a hint of what's going on. You don't have to tell us -- bring us in so you hear the topics we're going to hit. You know, whether you like it or not, here are the bills that are going to go forward. I appreciate that, but the majority can do what they want. I get that, but I don't get no conversation. I don't get being -- not being brought into the room for vague discussion of topics. And that's what happened in this case.

This is not the norm. If these were good bills, and I would agree with the majority, some of them are good bills. I would also agree with the majority, some of them didn't have public hearings. But I'd also disagree with the majority by saying 40 percent of them didn't have public hearings. That's a huge percentage. If they were good bills, the majority party controls both chambers; if you wanted to get them out, you could get them out. I heard some argument downstairs in the House that Republicans filibustered and slowed up the process. Everybody knows, in this Chamber, the only time the minority party controls this Chamber is going in to that Monday, Tuesday, and Wednesday, possibly those three days. We were here on Saturday; we were here on Friday; we were here on Thursday. We don't control those days. You guys control those days. You guys call the bills up here and downstairs. We all know that there was a disagreement between downstairs and upstairs over some bills. Heck, it was all written

all over the papers. So don't blame the minority party stalled stuff. Stuff was stalled in both Chambers, because there was a standoff on an issue that both sides wanted and neither one would cave in on. Not our fault. Not our fight. But to suggest we slowed it down, we can't slow it down. Maybe the three days, maybe Tuesday and Wednesday, but there was time those days. Could have called the bills, and you didn't, and I understand it. Stuff happens.

And the bill wasn't called, or these bills weren't called. I can get that, but what I can't get is then saying we need to go in a special session, we need to get a hundred concepts out there that didn't go through, 40 with no public hearing, and we're not going to talk to the minority about what they are, what they say, and which ones we're going to pick until we tell them on Monday. Until we tell them on Monday. I don't think that's -- it's not fair to me, I'll speak for myself. I don't think that's fair to me. I got the bills from Senator McKinney and our chief of staff eleven o'clock yesterday. We got an outline and rough draft, not the promised -- you know, obviously, it's not finalized -- and we went through it for two or three hours, and then staff went through it for a long time after that. I don't think that's doing justice to the constituents that I represent.

Madam President, in closing I'm just going to say that, for whatever reason, for whatever thought process it went through, I believe it is wrong. And I just hope, honestly and sincerely hope that this Chamber never, ever again goes through this process where we're hit with that many concepts in one day. There are times when we don't finish our business, and there are times where there's one, two, or three bills that don't make it. And we all know what those bills are because they get jammed in one Chamber or the next, and we all expect them to be in an implementer. And there's really -- we may disagree with them, but there's never really surprise like I've seen -- and I can only talk for the last ten years -- like happened this week. And, to me, it's hurtful. It's hurtful.

Thank you, Madam President.

THE CHAIR: Thank you.

Will you remark? Senator Looney.

SENATOR LOONEY:

Thank you, Madam President. Madam President, speaking in support of the bill, I first wanted to commend the superb work of Senator Harp in carrying so much of the load on this -- on the preparation of this bill, both work during the regular session and all of the time from the end of the regular session until tonight. And she and her counterpart, Representative Walker, really, I think, went above and beyond the call of duty in a part-time General Assembly. Also, certainly, Senator Daily and her counterpart, Representative Widlitz, on the finance and revenue portions of the bill also worked so hard to contribute to refine and to assemble parts of this bill. Our staff, I think, did yeoman service as well. Our chief of staff, Derek Slap, and director of research, Ellen Skeletar, and her staff have put in countless hours in preparation for all of this.

I just wanted to highlight a few areas of the bill that I think really do deserve mention. Sections 125 to 128, that deal with the Emergency Mortgage Assistance Program, this is very important to the people in our state struggling under financial burdens with mortgages and homes that are, in effect, underwater because the bill makes it easier for applicants to apply for that EMAP program in so many ways. And it specifies also that CHFA may consider the length of time that the mortgagor has lived in his or her home in determining whether the mortgagor will be able to repay the EMAP within a reasonable time. And it also provides for additional outreach so that the judicial branch will provide copies of the form to public libraries, religious organizations, community based programs. Part of the problem, we know, is that not everyone who might benefit from this program is made aware of it, so that additional outreach that is provided for in this bill will be extremely helpful. Municipalities will also be required to include the form with any statement sent to a homeowner about a public sewer or water service or property tax arrearage. This is a really significant practical

help to people in our state who have been struggling since the downturn in the economy four years ago.

Another important provision, obviously, we've had a great deal of debate about what -- what were the contents of Senate Bill 1 during the regular session, most of which is now -- is incorporated into this bill, and I think it is something that we can all celebrate. Certainly, in terms of bipartisan achievement, that bill passed the Senate on a vote of 32 to 2. It really was a significant bipartisan achievement following up on the bipartisan nature of the debate last October and the collaborative work on the -- on the jobs bill. In this bill, obviously, in Section 199, we have an expansion of the job -- the tax credit for -- for hiring of people who are receiving services from Department of Mental Health and Addiction Services or DSS. And then specifically expanding upon the jobs bill, making a number of programmatic changes, the Express Program, we will now define it as businesses eligible up to 100 employees rather than merely 50, as we know that there were many small businesses in the category between 50 and 100 who were excited about the possibilities of the -- the -- both the STEP-UP Program and the Business Express Program but regretted their ineligibility for it. They will be included under that larger umbrella, and that will be significantly important.

Another thing, of course, that we can all celebrate, I think, is the section regarding the unemployed armed forces member STEP-UP Program to provide -- building upon the STEP-UP Program for the unemployed in last year's job bill, and now to have a specific component for the unemployed veterans returning from service in Iraq and Afghanistan and authorizing $10 million in bonds for that program with $5 million available upon its passage and the balance in the next -- the next fiscal year. And it will be open to any business that has operations in Connecticut and is looking to hire a deserving veteran. So there are many portions of this bill, I think, that are -- that are worth celebrating, that recognize that the people of our state are looking to us to respond to the conditions in the economy and to provide an assistance, that it is our obligation to point out that government is in a position, often, to provide assistance in difficult

times, and that it is our obligation, and I think we've met that in some of those components of this bill.

Madam President, I think there is much in this bill to celebrate and urge its passage this evening. Thank you, Madam President.

THE CHAIR:

Thank you, Senator.

Will you remark? Senator McKinney.

SENATOR McKINNEY:

Thank you, Madam President.

Madam President, I rise in opposition to the emergency certified bill before us. My opposition, obviously, comes as no surprise. We are here to implement a budget, and as one who stood and fought against and opposed the budget, it is obviously consistent and makes sense to also oppose its implementation. I think as we have debated, and obviously, some of us on our side of the aisle express some frustration with how we are implementing this budget in a prior bill that spent 192 pages on things that weren't implemented in the budget, but that we step back and remember what budget it is that we're implementing.

We are here to implement a budget that, in these horrible economic times, actually increase spending. When businesses across our state are laying off employees or closing their doors, cutting back in everything and everywhere they can to make ends meet, when families are cutting back and living with less, state government continued to grow and grow under this budget. We're here to implement a budget that actually borrowed over $200 million to cover operating expenses for the previous year's budget that ended in deficit because of the Legislature's failure to deal with that deficit. We're here to implement a budget that used gimmicks such as transfer sweeps, one-shot revenues to cover operating expenses, a budget that has a gimmick I've never seen before with respect to teachers' retirement. We actually cut how much the

state's going to pay from a third to a quarter. We borrow from the Teachers' Retirement Board, use the borrowing from that board to then pay the board back the money we, as a government, don't want to spend. And what's so disappointing about all those gimmicks, because many of them -- although I've never seen a gimmick like the Teachers' Retirement Board one -- but many of those gimmicks have been implemented in other budgets in the past by other legislatures and other governors. We were told we were going to be different. We were told, quite frankly promised and even lectured, that the way we did things in the past, that that borrowing, that those gimmicks were what got Connecticut into the $3.7 billion ditch it was in, and we were going to act differently.

How quickly things changed for this administration when it came to how to operate fiscal responsibility. We're here to implement a budget that, as quickly as it promised it, abandoned the promise of generally accepted accounting principles because there was no money to implement it. We're here to implement a budget that leads to future deficits, that leads to spending in excess of our constitutional spending cap by over $1 billion. OFA and our Office of Policy and Management, as well. And all of that was done before we heard of some of the bad job losses in our state: Norden Systems, a great defense contractor, a stalwart employer in Norwalk, Connecticut, leaving; and then, without a flash, a $9 billion hedge fund leaves Connecticut for Florida, $9 billion hedge fund with taxable revenue and all of the employees making monies that none of us hardly can probably even fathom making that much money. Taxes that we will not get that will exceed tens of millions of dollars will no longer be coming to the State of Connecticut, and that was before we passed the budget that leads us to deficits after deficit after deficit.

Now, I do want mention one thing about the implementation of this budget that's not in the version that we received from the House, and that was what was one of the most outrageous restraints or changes in our Freedom of Information Act laws. And I want to thank Senator Williams. We disagree on the budget. There are parts of the implementation that I think we both worked on and supported. SB 1 is one

that I joined and congratulated him on. And I approached Senator Williams this morning and said, "Have you seen this FOIA language, because if it's in here, it's going to be a long and ugly day?" And I know many of you think maybe it already has. And Senator Williams said, "I've just seen it." I'm outraged by it, to paraphrase, we don't support it on behalf of your caucus, and it's going to come out. And I thank him for that. And we finally learned, quite frankly, after some sleuthing by our media in the state of Connecticut, that language came from the Office of Policy and Management. And I find it -- I find it disappointing and outrageous that this administration would do that, much less an administration that promised more transparency than any in our history.

And for months, my office has been asking the administration, through the Department of Economic and Community Development, for documents related to things like Jackson Labs, related to things like the CIGNA deal, not for proprietary information, not for trade secrets, but how much money are we giving; how many jobs are we getting in return; what kind of jobs are they; how does that -- how do they satisfy the terms of the contract. And we've been told we can't have any of them, and now we find that very administration wanted to prevent the public from ever seeing any of those documents. So I thank the Senator for standing up for the Freedom of Information Act.

I'm going to talk about a couple sections in the bill because many in our caucus had, and there's no need to repeat it. Let me -- let me just -- and I think I fairly well, for me, vented my frustrations about the process earlier, and I'm not going to repeat that. I will say, just to make sure, I think that the record is correct that Senator Williams did call me, I believe, on Thursday, did reach out, had a discussion about this day would -- would go, informed me that we would receive, by end of business on Friday, a list with titles of what we would be doing and then sometime later over the weekend get some draft language. I think that came later on Sunday night, the draft language. I came in and first saw it on Monday morning, and there are a number of sections, especially the education sections, that were not

available, some as late as today. But I think, in terms of the timing of what notice we were given and where we were given, that's just the factual basis for that. I do expect that, if you're not voting for the budget, you're not going to be in meetings to implement the budget. That's the way it's been. But I think, if we're going to be fair and admit something, what we've done today in 192 pages in the first bill and the 472 pages goes a little bit beyond, if not a lot beyond just implementing the budget in the state of Connecticut. And those are the things, I think, it would have been fair to have some bi -- bipartisan cooperation on. Someone from the Legislative Commissioners' office, a staff, reported earlier that in this bill that we're dealing, there are about 111 different concepts, 40 of which never got a public hearing. That's not my opinion. That came from the LCO office. That's a frightening fact, if true, that 40 concepts in this bill never saw a public hearing.

With respect to the implementation, Madam President, I'm going to try to be very brief. I've crossed off more that I wanted to talk about because my colleagues have -- I do think the potential release of inmates into nursing homes is very dangerous and scares me for those loved ones we have living in nursing homes. I think after the tremendous struggles that went on, and I was a long opponent of the consolidation of our probate court system, because I think those small hometown probate courts, which deal with such important matters, child custody matters and the like, do a very good job by and large. But after this Legislature, bipartisan, bicameral, spent many years resolving our probate court and the probate court funding matters, for this Legislature to sweep the surplus is something that we should be ashamed of. And, moreover, to use that as a literal slush fund is -- adds insult to injury.

I did want to point out with respect to the Health Insurance Exchange Board, because this is, I think, a particular sore point for me. I'm not sure we should be allowing them to ask OPM for 5 million, and I don't know if OPM should be allowed to give them 5 million without the Legislature approving. But I'm supportive of adding Vicky Veltri as a voting member of that

Health Insurance Exchange. And I want to say to all those advocates who have zealously fought for their positions and picketed me and e-mailed me and written horrible things about me and said that I, alone, killed a bill from passing at the end of the session, and many of my colleagues in this Legislature led to that and added to that by saying Senator McKinney was going to kill that bill that passed the House 151, that added four more people, plus Vicky Veltri to the Health Insurance Exchange. Well, there's no midnight deadline to this special session, and Senator McKinney wasn't in any of these meetings. And to all those advocates, you're still not getting your four new people, so if you want to look to blame somebody, you ought to stop looking at this senator and look at somebody else.

There are, I think, potentially two things here that are very dangerous for the State of Connecticut beyond the fiscal impact, the most important of which is the police staffing levels. An I'm going to, very briefly, read a quote from a former colleague of ours who said: "Every day, in Connecticut, there are troopers who, whether on our highways or in the resident trooper program, put their lives and their careers on the line for every one of us. We have allowed the level of staffing of our state police to slowly but surely erode from a level that guarantees the ability to respond and to respond safely. The virtue of this legislation will live beyond the budget. We are now ready to see those staffing levels restored and to see the commitment given to the safety of every person in this state, but quite frankly, also to the safety of those who serve in our state police who have been asked to work on too thin a line and to take too many risks and who do this with a bill we now honor with a commitment that they will have the resources they need to continue to serve us as well as they have. This is a bill that will be noted for many years as we go forward in Connecticut." That senator was our former Senate President and Lieutenant Governor Kevin Sullivan as this State Senate passed unanimously a mandatory trooper staffing level of 1,248. He also rose to thank the chair of the Appropriations Committee, at the time, Senator Crisco, and the chair of the Public Safety Committee, the late Senator Penn, for their hard work on that measure.

More recently, a noted public figure running for governor said, in his platform, "Our state and municipal police forces have become increasingly understaffed with number of state troopers, currently 55 short of the 1248 mandated level." That candidate for governor went on to say, "With respect to the cost" -- and this is a good one, my friends -- "the only short-term increase in cost in this plan, adding 55 more state police officers so we would get to the required level of 1248, is the cost of adding a class of 55 state troopers which would simply bring Connecticut up to the statutory number of required troopers. The cost, which includes recruitment, training, salary, and benefits for a full year, is just under $4.2 million. There's a cite to an Office of Fiscal Analysis fiscal note that says this number could actually be lower as there will likely be an expenditure offset when the amount of paid overtime decreases, a natural effect of no longer being understaffed. While I obviously understand that, given the current budget deficit, any discussion of increased cost will be difficult" -- and here's the good line -- I refuse to place a dollar value on the safety and well-being of Connecticut residents." That candidate for governor was Dannel P. Malloy.

Wow. How quickly we have changed our position on an issue so important to the public safety, as a State Senate, from the incredibly important message we heard from our Senate President fourteen years ago to our Governor running for office. But we know why we're doing this: We lost in court, the State did. The Governor, who as a candidate said this was a mandatory staffing level, said as governor, it's discretionary. And the court said, You know what, you lose; you're wrong. In fact, our state supreme court said we're going to hear that case, and we would have lost again. So, you know what, let's make that case moot, change the statute, and I won't lose again. I say "again" because we lost when we tried to take over the Bridgeport Board of Education, as well, didn't we?

Now, I don't know if any of you have been reading a lot of the different newspapers as I have recently. But, if you read the Register Citizen, you read a chilling account about a man who was walking along the

side of Route 8 and was killed. There was a 911 call made at 4:05 a.m. That 911 call sat in holding for 23 minutes. The state trooper, who then got the 911 call, went out and at 4:29 in the morning, according to his report, saw the man on the other side of Route 8 alive and at 4:31 saw him -- found him dead. Twenty-three minutes went by after a 911 call, according to the reports that have been filed and verified, before anyone took action. Why? Because this Governor has consolidated troops in A, B, and L in the western side of the state, and now we're going get rid of the mandatory minimum trooper staffing when we can add 55 or 56 troopers for the cost of about $4 million, because we spend 15 to 16 million dollars a year in overtime. Why do we spend that much in overtime, which by the way, is calculated into their pension, and we pay it for the next 20, 30 years? We spend so much in overtime because we don't have enough of them driving our highways.

And I know one thing for sure. You can get up and talk about all the statistics about crime being lower. The reason why it's low is because of the hard work of our police officers. And every time I drive 60-something miles from Fairfield to this capitol in Hartford, the roads are safer when there are more state police on the roads. I deny -- I defy anyone to argue with that fact. Our roads are dangerous. They are safer with state police. They are safer with more state police. Why on earth are we going to limit the number of state police officers we have? Why on earth? We passed this law fourteen years ago because a woman was killed because of a slow response time, and we just have on the front pages of our newspapers, 23 minutes delay in a 911 call because we've consolidated and we don't have enough state troopers. God forbid it happens again. But I'm not putting my hands on it. I'm not putting my vote on it, no way, no how.

The last part of the implementer bill I want to talk about is something that bothers me a little bit less than the state police, but it bothers me nonetheless. We know that this administration, working with the mayor of Bridgeport, who I consider to be a friend, tried to take over the Bridgeport Board of Education. And we know we didn't follow the law, the Board of Ed

didn't follow the law, State Board of Ed, in doing it. And the court said, You can't. And, in fact, one of the things that we would have done, if we had actually passed an earlier law, would have been to undo local education's local elections to the board of education of Bridgeport, so we didn't do it, and local elections for that board will take place. In this bill, we're saying to the City of Bridgeport we're going to loan you three and a half million dollars, which by the way, the loan can be forgiven, and my guess is it will be. But, as a condition of the loan, you have to let us, the State, pick the next superintendent of your schools, which is probably the single most important one item a board of ed would do. So we couldn't take over the board of ed, but now we're going to take over one of their most important duties, if not the most important duty, by picking who the next superintendent of our schools is going to be.

This State has wide powers to take over school systems. We've done it in Hartford. We're doing it in Windham. There are other areas where it has been done, is being done, and will be done in the future. Why on earth wouldn't we follow any of those and follow them the correct way, the way it's set out in the law and accomplish it. But we tried to do it once; the court said you couldn't, and now we're making an end run by saying to Bridgeport, Hey, we'll give you three and a half million dollars. We know you're struggling. We know you don't have the money. But guess what? We get to pick your superintendent. So go ahead, have your elections for your board of education, which we tried to undo and couldn't, but when you elect those people to the board of education, you let them know they can't pick their superintendent. We get to do it.

Now, I'm "exercised" by that because I think everyone knows my brother's taught in the Bridgeport school system for over 20 years. It's a tough place. They deserve better, but this is not the right way to do it. And I know -- I know that section never had a public hearing. I know not one Bridgeport of Education member ever had the chance to come up and give their voices to whether this was good or bad. I know not one Bridgeport parent ever had the chance to come up here for a public hearing and say whether this

was good or bad. But we're going to do it. Why? Because we can. Instead of this is the most transparent administration, maybe it should be the we-get-to-do-it-because-we-can administration.

My last comment was and will be -- is and will be there is no way we would have let this stuff happen under Governor Rell. No way some of this stuff ever would have happened. So why are we giving up our voices now? We are a co-equal branch of government, and we're not acting like it.

THE CHAIR:

Will you remark? Senator Williams.

SENATOR WILLIAMS:

Thank you, Madam President. I rise to support the bill before us here. And initially, I just want to reply to my friend and colleague Senator McKinney in terms of the broader discussion of the budget that he began with. And I do want to just take us back to where we were a year ago because, at that time, we were looking at a $3.3 billion deficit coming on the heels of a previous biennial budget deficit of $8.6 billion, staggering deficits that we had never seen in the State of Connecticut as a percentage of our budget that really did hearken back to the Great Depression in terms of the economic severity that -- and the economic downturn that we had faced, the "great recession," as they have called it, that impacted Connecticut and 49 other states. And I say 49 other states because when we made those tough choices, and there were tough choices last year, and when we did change course, because it was a different direction -- we didn't have to spend two-thirds of the legislative session battling with a governor who would deny the existence of an extra billion or two of the deficit. That was the case with the previous governor; it was not the case with Governor Malloy. Governor Malloy got to work addressing the real challenges that we faced, acknowledging the true depth of the deficit, not avoiding those hard choices, but being willing to make them.

Because we faced up to those tough choices, today Connecticut is in much better shape, unlike 30 other states right now that have a combined deficit totaling $54 billion, our budget is in balance. It's not perfect. It's not as if all the challenges have gone away. We know that we're not out of this national recession, and there are potential challenges on the horizon as we look over the Atlantic Ocean to Europe and the euro and the problems over there and know that they affect our economy in the United States and, more specifically, here in Connecticut. But, as a result, we did not savage education budgets as did many other states. We did not severely cut the budget of cities and towns, as did many other states, that simply result in property tax increases. We did not shred the safety net in a time of, really, greatest need for those less fortunate because of this severe national recession. Connecticut was one of the few states that made those wise choices and invested -- continued to invest in our future.

Now, as to the specific bill, the implementer bill that we have here before us today, I do want to thank Toni Harp, who's done a tremendous job -- we're so fortunate, Toni, to have you as chair, Senate chair of Appropriations, and your colleague in the House, Toni Walker, and all the folks on your committee, both Democrat and Republican, who have contributed to this difficult budget process the last couple of years, including this year -- on our staff, Ellen Skeletar, Kelly Simco, Mandy Merisotis and Eleanor Michael, particularly on the education issues, and many, many others, the nonpartisan staff, who's been terrific -- we kept them here till the late hours during the regular session and here again today.

You know, a lot of the discussion from my friends on the other side of the aisle has been about the process, and I am sensitive to that. You know, Senator McKinney acknowledged, and I appreciate that we did provide the information to the Senate Republican leadership as we had it, the list of what we saw as going in the package on Thursday and Friday, and -- and actually, the language of the draft bill, as we sent that same draft language to our own members. So we truly worked at keeping our colleagues on the other side of the aisle as informed as our own

Democratic members were, and that, I can tell you, is different than the implementer process in the so-called "good old days." I remember as a rank-and-file member, back in the 1990's, it was not unusual to have the implementer bills, because this process, it's not new. It's been around for years and years and years. And we used to have the Appropriations implementer, a Finance implementer, a Human Services implementer, a General Government implementer, so this is not new.

But I, actually, take it as a positive sign that it seems to me that somewhere between 70 to 90 percent of the comments that I've heard -- my own rough estimate -- by my colleagues on the other side of the aisle have been directed toward this process and not directed toward the substance of the bill before us here today. And I think that that is a result of the fact that the substance of the bill is good. We are accomplishing additional things that the people of Connecticut want us to accomplish. They don't want Connecticut to be like Washington, D.C. With gridlock and obstruction and getting nothing done. And I want to say to my friends on the other side of the aisle that Connecticut is not Washington, D.C., and we have found our opportunities to work together and to move things forward during the regular session as well as today.

So, Madam President, I'll conclude just by underscoring my favorite part of the implementer, which is the former Senate Bill 1, which is the so-called "Jobs Bill" that continues the progress that we have made as Democrats and Republicans doing all we can to be catalysts to revive our economy, knowing how difficult that is in this economic environment and this continued economic recession that we feel here in our state. So, because of our being able to work together during the regular session and our ability to revive that here today, more than 3600 small and medium size businesses will now qualify for the STEP-UP and Business Express Programs that will help retain employees, expand jobs, help companies grow and stay here in the state of Connecticut, help our returning veterans find employment -- you know the employment rate for returning veterans aged 18 to 24 is 30 percent. That's inexcusable when our men and women serve their country, go and defend us overseas,

protect our national interests and return to this country. They deserve better than to stand in an unemployment line. This bill helps those men and women who have served our country become employed.

So, Madam President, what we're doing here today is no different than what we have done in previous budget cycles. As a matter of fact, I would say that we're accomplishing more at a critical time when the people of this state depend on it. Thank you.

THE CHAIR:

Will you remark? Will you remark? If not, Mr. Clerk, will call for the roll call vote, and the machine will be open.

THE CLERK:

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

THE CHAIR:

Have all members voted? Have all members -- if all members have voted, the machine will be closed. Mr. Clerk, will you call the tally.

THE CLERK:

On House Bill 6001, as amended.

Total Number voting	36
Necessary for adoption	19
Those voting Yea	14
Those voting Nay	22
Those absent and not voting	0

THE CHAIR:

Emergency Certification Bill has passed.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President. Madam President, would move for immediate transmittal to the Governor of Emergency Certified House Bill 6001.

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR LOONEY:

Thank you, Madam President. Madam President, having concluded our business, would yield the floor for members for announcements or points of personal privilege before moving to a sequence of adjournment motions.

THE CHAIR:

Are there any points of personal privilege? Seeing none, Senator Looney.

SENATOR LOONEY:

Thank you, Madam President. In the parallel universes in which we are operating today, somewhat metaphysically, what -- it's our intent, first of all, to -- to adjourn sine die on the June 12th session in which we have conducted our business, after which would ask the Chair to convene the June session for purposes of going sine die in that session as well. So, first of all, Madam President, would move that the June 12th Special Session be adjourned sine die.

THE CHAIR: Seeing no objections, so ordered. Sine die.

(On motion of Senator Looney of the 11th, the Senate, at 12:18 a.m., adjourned sine die.)

(The Senate reconvened at 12:19 a.m., the President in the Chair.)

THE CHAIR: