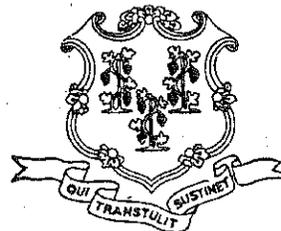


# Department of Consumer Protection



## Testimony of Jonathan A. Harris Commissioner-designee of Consumer Protection

General Law Committee Public Hearing, February 24, 2015

House Bill 6808, "An Act Concerning the Enforcement of Certain  
Occupational Licensing Statutes."

Chairmen Leone and Baram, Ranking Members Witkos and Carter, and  
Honorable Members of the General Law Committee, thank you for the opportunity to  
comment on House Bill 6808, "An Act Concerning the Enforcement of Certain  
Occupational Licensing Statutes."

As you know, I have had the privilege of serving as Gov. Malloy's designee as  
Commissioner of Consumer Protection for less than two months so far, but have already  
learned of the broad jurisdiction, as well as the terrific staff of this exemplary and critical  
agency. To that end, I have discussed the issues involved in the proposed bill before you,  
with my staff, several legislators and other interested parties. I have learned that this bill  
is virtually identical to last session's Senate Bill 412, and that while there may be much

good intent, the language as drafted leaves many questions unanswered as to the workability and desirability of the proposed changes. As such, my agency's specific questions and comments below mirror last year's testimony given to this committee.

Starting in Section 1, the bill amends the "Penalties" section of chapter 393 to criminalize negligence by contractors. Under current law, "wilful" violations of the licensing requirements of this chapter may be prosecuted criminally. The Department is not aware of any concerns that recommend changing the current threshold, but questions whether it is wise to treat acts of negligence equal to wilful violations. Also in Section 1, the bill proposes to give the Commissioner and the appropriate examining board the authority to issue "cease work orders." The precise language states that these orders are triggered "when any person is found in violation of the provisions of this section," and mandates the board or Commissioner to issue such an order within 48 hours after "the finding" to do so. It is unclear what the term "found in violation" means relative to an investigation taken up by the Commissioner or the board. What determinations must be made before a violation is "found"? What are the standards for such determination? Clear and appropriate standards are important, since mandatorily and summarily issuing a "cease work order" raises due process concerns. Finally, the Department is concerned that the mandatory nature of this provision removes appropriate administrative discretion as to the proper range of action necessary to address suspected violations of differing degrees. As drafted, we find this section unworkable, and without sufficient statutory standards to implement such a drastic step as issuing a cease work order.

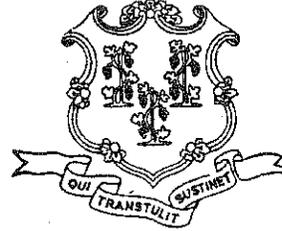
The Department also has concerns with Section 2 of the bill. Under current law, the Commissioner is authorized to enter into a settlement agreement with a respondent. The language proposes that in a matter in which a board declines to accept a settlement proposal, the Commissioner is required to pursue and prosecute a formal administrative hearing before the board. Current law provides the Commissioner appropriate prosecutorial discretion to determine whether formal procedures should be pursued. Removing such discretion is contrary to the Department's policy of judiciously determining when a matter ought to be pursued by acting against a licensee and when to work with a business or licensee that is working hard and in good faith to correct any problems. This change would be unfair to license holders, impose undue costs and resource burdens on the State and the Department and greatly complicate good enforcement practices.

Finally, Section 3 of the bill proposes a change wherein the Commissioner must consult with the appropriate boards and commissions before proposing a new or amending an existing regulation. The Department is unsure why this proposal is being put forward. As you know, under present law, boards and commissions are afforded a reasonable opportunity to review and comment upon any proposed regulation in a public hearing held by the Department. The opportunity to review and comment assures that there is a public record as to the position of any board or commission so that both the Department and the public may be clear on such matters. The Department is concerned the additional step proposed here could lead to unnecessary delays in promulgating regulations, a process that can already be too long and arduous.

In closing, the Department understands the interest in the statutes and procedures that govern enforcement of occupational license holders under DCP's jurisdiction. It is appropriate to review these statutes from time to time and we welcome the comments and suggestions from all stakeholders. We must note the concerns we have with this bill as drafted, but stand ready to work with all interested parties as we strive for excellence.

Thank you for your consideration of my comments. Please feel free to contact me or DCP's Legislative Program Manager, Gary Berner if you have questions or comments.

# Department of Consumer Protection



## **Testimony of Jonathan A. Harris Commissioner-designee of Consumer Protection**

General Law Public Hearing, February 24, 2015

Senate Bill 933, "An Act Concerning the Prescription Drug Monitoring Program."

Chairmen Leone and Baram, Ranking Members Witkos and Carter and the Honorable Members of the General Law Committee, thank you for the opportunity to submit testimony on SB 933, "An Act Concerning the Prescription Drug Monitoring Program."

As you know, the Prescription Drug Monitoring Program is a vitally important program that is administered by the Department of Consumer Protection. This tool has been utilized by pharmacists and prescribing physicians and other practitioners to reduce the incidences of drug abuse and diversion. In recent years, the program has become more widely known and we hope that the importance of this tool will have an even

greater impact in protecting the public health and the safety of our loved ones at risk of controlled substance dependence.

Although the intent of this legislation is undoubtedly good, the Department would respectfully ask the committee to advance Governor Malloy's comprehensive package instead when it reaches this committee. Governor Malloy's recently introduced legislative package includes legislation to combat substance abuse and opioid overdoses while it strengthens requirements for use of the Prescription Monitoring Program. House Bill 6856, "An Act Concerning Substance Abuse and Opioid Overdose Prevention" contains these provisions and more, and I believe provides the comprehensive framework to make a difference in the lives of our friends, neighbors and loved ones. As such, I would respectfully ask the committee to advance HB 6856 when it reaches this committee rather than SB933, despite its very good intentions.

Thank you for your consideration. The Department stands ready to work with you and all interested parties as we tackle this most important issue.

Please feel free to contact me or DCP's Legislative Program Manager, Gary Berner if you have any questions or comments.

# Sheet Metal Workers' International Association

Local Union



No. Forty

Hartford, New Haven, Middlesex, Tolland, Windham, New London Counties, State of Connecticut and Fisher's Island, State of N.Y.

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## TESTIMONY of

Jeremy Zeedyk

Business Representative

SMART Local Union 40

### ***Raised Bill No. 6808 - AN ACT CONCERNING THE ENFORCEMENT OF CERTAIN OCCUPATIONAL LICENSING STATUTES***

February 24, 2015

Senator Leone, Representative Baram and esteemed members of the General Law Committee:

The Sheet Metal Air Rail and Transportation (SMART) International Union Local 40 submits this testimony in support of Raised Bill No. 6808 - AN ACT CONCERNING THE ENFORCEMENT OF CERTAIN OCCUPATIONAL LICENSING STATUTES.

SMART Local 40 is a building and construction trades and production union which represents over 1000 working families who are employed by approximately 50 signatory construction contractors constructing, renovating and testing buildings throughout Connecticut and the region, many of which are State of Connecticut projects. We are one of the 14 unions commonly referred to as the "Building Trades".

As a public safety matter, most aspects of sheet metal work are licensable. Sheet metal workers; install air handling units on roofs and in buildings; design, manufacture and install ductwork systems throughout buildings; install, inspect and maintain life safety systems such as fire and smoke dampers; and test, adjust and balance HVAC systems. This work is technical in nature and the specifications and requirements are extremely demanding. To become proficient in the production and installation of these systems involves a registered apprenticeship as well as thousands of hours of on the job training.

Even with the required licensing of this work, we often find workers not being licensed or registered as apprentices and contractors performing work that they are not licensed to perform. Sometimes it is found when it is too late and the work is done and it is not up to code or has had a noticeable failure of performance. Hopefully we do not have to find out when a catastrophe occurs and life safety systems were not installed properly and lives are lost.

Local 40 supports the efforts of this bill to promote greater enforcement of the licensing laws to create an environment in this state where licensed work is only being done by those professionals who have been properly trained and have the necessary experience to perform such work. This will lead to better results in construction, less re-work of failed improperly operating systems, and less public safety concerns in the future. It will also encourage contractors to properly register their apprentice workers, allowing them an opportunity to gain a license and maintain employment in the future.

SMART Local 40 looks forward to continuing this discussion with the committee and offering input and solutions to this and other issues concerning the construction industry

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jeremy Zeedyk".

Jeremy Zeedyk  
Business Representative  
SMART Union Local 40