GENERAL ADMINISTRATION
11:00 A.M.
AND ELECTIONS COMMITTEE PUBLIC HEARING

CHAIRPERSON: Representative Daniel Fox
SENATORS: Flexer, Haskell, Maroney, Sampson
REPRESENTATIVES: Blumenthal, France, Haddad, Harding, Labriola, Mastrofrancesco, McCarthy-Vahey, Perillo, Phipps, Santiago, Winkler

REP. FOX (148TH): Good morning. I’d like to call this public hearing to order. First, Representative Michael Winkler has an announcement. Michael -- Representative Winkler.

REP. WINKLER (56TH): In the interest of safety, I would ask you to note the location of an access to the exits in this hearing room. The two doors through which you entered the room are the emergency exits and are marked with exit signs. In an emergency, the door behind the legislators can also be used. In the event of an emergency, please walk quickly to the nearest exit. After exiting the room, go to your left and exit the building by the main entrance or follow the exit signs to one of the other exits. Please quickly exit the building and follow any instructions from the Capitol Police. Do not delay and do not return unless or until you are advised that it is safe to do so. In the event of a lockdown announcement, please remain in the hearing room and stay away from the exit doors until an all clear announcement is heard.
REP. FOX (148TH): Thank you, Representative. Procedurally, today we’ll go first hour will be allotted to public officials and afterwards we’ll go back and forth until all the public officials have testified. We have several other committee members meetings going on in the building today, so a lot of members will be and out throughout the day, so I apologize in advance for that. Do you have anything to share with members, vice-chairman or other members? Seeing none, we’ll go ahead and get started. First witness on the list is Mary Schwind. Good morning.

MARY SCHWIND: Good morning, Representative Fox, Representative Winkler, Senator Sampson, Representative France, and honorable members of this committee. My name is Mary Schwind. I’m managing director and associate general counsel at the Freedom of Information Commission. Thank you for the opportunity to speak in opposition this morning to raised House Bill 7392, AN ACT CONCERNING VOTER PRIVACY. The bill seeks to remove voter registration records from public inspection. Title IX of the general statutes is replete with provisions that explicitly mandate public access to voter registration records, provisions that have been law for decades. There is a reason for this. The legislature has long recognized that voting is a sacred right which must be zealously protected.

The best disinfectant is transparency, which has been the hallmark of voter registration records for years. Transparency deters voter fraud and provides a means to detect it. Transparency also guards against election fraud by ensuring that registration and election officials who are charged with entering, updating, and maintaining voter data are
accountable and carry out their jobs in accordance with the law. Basically, transparency allows the public to monitor the election of officials they have elected and appointed to ensure their elections. In recent years, voter and election fraud have become hot button issues and serious concerns have arisen regarding voter suppression, removal of voters from the rolls, and ballot tampering.

Accessibility to voter information ought to ease concerns about voter and election fraud and provide confidence in the voting system itself. Also I’d like to note Section 1D of the bill, which limits the use of public records after they are required does raise constitutional concerns. A similar provision in a Hawaii statute was struck down as unconstitutional in 1996. Before the General Assembly, an access bill which would deprive the public of their right to ensure fair elections, there should at least be a serious study of these issues. We urge the committee to reject raised bill 7392.

And if I may, I would also like to note that the commission did submit written testimony on House Bill 1105, AN ACT CONCERNING THE CONFIDENTIALITY OF LAW ENFORCEMENT RECORDS CONCERNING VICTIMS OF SEXUAL ASSAULT AND FAMILY VIOLENCE. The commission points out that the language may be at odds with Public Act 15-164, which was enacted unanimously four years ago in response to a Supreme Court decision. Basically, Public Act 15-164 ensures that there are no secret arrests in Connecticut. Because the commission currently has two pending cases before it, the commission has not taken a position either in favor or in opposition to the bill, but we’d just like to
bring that to your attention. Thank you for your attention today and I’d be happy to answer any questions if I can.

REP. FOX (148TH): Thank you very much for your time and testimony. Questions from the community? Senator Sampson.

SEN. SAMPSON (16TH): Thank you, Mr. Chairman, and thank you very much for being here. I appreciate your testimony very much. Just a couple of questions, we’ve had some, you know, some contact with the folks that are very much in favor of this proposal and their arguments seem to center around identity theft more than anything else. I just wonder if you have a response to what you would tell those people about those concerns.

MARY SCHWIND: Well, I certainly do understand the concern, especially it’s a different world now. We’ve got huge databases, the internet, and there is a rise in identity theft. I’m sure that the data is with respect to whether such thefts arise from voter records, but I believe that before we change the laws which have been in place for decades regarding transparency of voter records, that there should at least be a serious study about it, perhaps a taskforce, without just a wholesale change at this point.

SEN. SAMPSON (16TH): No, yeah, I agree with you completely. It was also mentioned to me that there was a concern that because this information is readily and publically available, it can be used to discriminate against people based on age or by their party affiliation?
MARY SCHWIND: Well, I can say, Senator, is that there’s a host of information out there that’s on the internet, it’s already out. I’m not sure what can be done about it. I’m certainly not qualified, but I think it’s, as I say, it’s a matter that certainly deserves serious scrutiny.

SEN. SAMPSON (16TH): I appreciate that. You said that the -- this existing law is important to fight fraud, election fraud, can you tell me how that works?

MARY SCHWIND: Well, there was a few years ago where use of voter registration led to an investigation and actually an arrest for voter fraud by a representative Ayala. Certainly there have been instances, not in Connecticut, but in Georgia and North Carolina where people are being thrown off rolls, where in North Carolina, I believe, they’re having a new congressional election because of tampering with ballots, so I think the whole issue of election and voter fraud is certainly a societal concern, which is very serious.

SEN. SAMPSON (16TH): Right, and I share that concern very, very much and I appreciate your testimony. It just seems to me I’ve only heard from folks on the other side of this issue who are concerned about this information being available. I’m a little concerned that some of the information that’s out there is not necessarily accurate and I don’t mean to put you on the spot, but I’ve been told that we are one of very few states that even makes this information available. Is that true?

MARY SCHWIND: I don’t believe that’s true and actually I get from the committee -- I think there was a recent survey of National Association of
Legislators which did run a survey of what’s public in each state. I certainly don’t think most states protect this information, no.

SEN. SAMPSON (16TH): Thank you and if you have the opportunity to provide me even with a place where I could look to find the information regarding the constitutionality of 1D that you mentioned in your testimony, I’d really appreciate that.

MARY SCHWIND: Yes, we’ll get that to you.

SEN. SAMPSON (16TH): Thank you very much and thank you, Mr. Chairman.

REP. FOX (148TH): Thank you, Senator. Any questions or comments? Representative Winkler.

REP. WINKLER (56TH): Yes, good morning.

MARY SCHWIND: Good morning.

REP. WINKLER (56TH): Has the commission taken any position on the suppression of either just the date of birth or the day and month of birth?

MARY SCHWIND: We have taken a position in a separate bill, I don’t have the number in front of me, our position would be that at least the month and the year of birth should be available.

REP. WINKLER (56TH): Thank you. Thank you, Mr. Chair.

REP. FOX (148TH): Thank you, Representative. Are there any further questions or comments? Representative France.

REP. FRANCE (42ND): Thank you, Mr. Chairman, and now once again I echo the comments from my good colleague here. Thank you for being here and
raising the important issues that you have. You know, I want go down -- you mentioned briefly that this information governed by state statute is supposed to be made public for many, many years. Could you give a basic layman’s understanding of what the statute says and the requirements that are incurred there?

MARY SCHWIND: Well, I do know that Title IX, which is the election statute, it’s just replete with many different sections. I don’t have them right here, but ensuring that election records are open to public inspection.

REP. FRANCE (42ND): Thank you I think you mentioned that that is the ability for the public then to have confidence in the voter rolls and that gives them access to be able to attest for themselves and not just trust the government to ensure elections are fair and open and they have confidence. Is that essentially your assessment of why that is there?

MARY SCHWIND: Yes, Representative. Yes.

REP. FRANCE (42ND): Thank you and finally, the case that you mentioned in Hawaii, what was the background or do you have the background of why they initiated that action and how that proceeded through?

MARY SCHWIND: I believe it was similarly based on concerns about commercial use of election information in Hawaii. It was ultimately struck down, I believe, actually there was a section in the statute which basically banned commercial use of the election information and it ultimately went to the district court, federal district court in Hawaii and the court found that it was unconstitutional. It
didn't go up after that, so that’s the law as it stands today.

REP. FRANCE (42ND): I thank you for that and I echo Senator Sampson’s comment, if you have additional information on that, to proceeding to where to go look and as well as to understand the openness of the data from other states, you know, it’s not necessary that you do the research, but if you could point us in the right direction of where to go look, that would be very helpful. Thank you very much.

MARY SCHWIND: Certainly, certainly.

REP. FOX (148TH): Thank you, Representative. Any further questions or comments? A quick question of I may, you briefly testified on Bill 1105?

MARY SCHWIND: Yes.

REP. FOX (148TH): Could you clarify again your -- the commission’s position on that bill? Was it because it was in conflict with another bill?

MARY SCHWIND: We believe it may be Section 1-215 of the General Statutes ensures that arrest information is made public and that was a hard-fought battle from 2015 after the Supreme Court ruling and it was passed unanimously here in this body and we believe that the proposed language in 1105 maybe a conflict. We, however, just wanted to point that out. We cannot take a position on it because we actually have two pending cases at the commission on this matter.

REP. FOX (148TH): Okay. Thank you very much. Any further questions or comments? Thank you for your time and testimony today. I appreciate you being here. Have a nice day.
MARY SCHWIND: Thank you.

REP. FOX (148TH): Up next is Peter Lewandowski, Mr. Lewandowski. Good morning, sir. Thank you for being here.

PETER LEWANDOWSKI: Representative Fox, Senator Sampson, Representative France and distinguished committee members. My name is Peter Lewandowski. I’m an associate general counsel in the legal division of the Office of State Ethics. Thank you for this opportunity to provide testimony in support of Senate Bill 1095, AN ACT CONCERNING MUNICIPAL ETHICS. Senate Bill 1095 requires all municipalities to have a municipal code of ethics that has, at a minimum, basic ethics provisions that would apply to municipal officials and employees. The provisions in this bill stem from a year-long work conducted by the Citizen’s Ethics Advisory Board’s Subcommittee on Municipal Ethics, to which I was assigned as its counsel.

During 2018, the subcommittee held public meetings almost every month during which it discussed with various stakeholders their views concerning municipal ethics. The subcommittee invited and heard from the Connecticut Conference of Municipalities, the Connecticut Council of Small Towns, Connecticut Association of Municipal Attorneys, Common Cause Connecticut, Connecticut Citizen Action Group, and the Southeastern Connecticut Council of Governments, among others. In addition, each subcommittee member directly inquired of the municipalities and local organizations in the region of the state where they reside. Finally, the subcommittee conducted a
survey of all Connecticut municipalities regarding their treatment of municipal ethics matters.

According to the survey conducted by the subcommittee, where 130 out of 169 municipalities responded, 28 municipalities do not have an ethics code in place. However, upon review of municipal records, the actual number is closer to 40 if you consider those 39 municipalities that did not respond to the subcommittee’s survey. Based on the these discussions and the results of the survey, the subcommittee has determined that at this time, the best approach concerning municipal ethics in Connecticut is to require all municipalities in Connecticut to have a Code of Ethics that, at a minimum, has certain basic ethics provisions. The proposed minimum ethics provisions contained in Senate Bill 1095 are commonly used in governmental ethics codes.

These minimum provisions are as follows; conflicts of interest, including disclosure and recusal provisions, prohibition on acceptance and solicitation of gifts, use of municipal property, use of municipal office or position for personal financial gain, nepotism, contracting with municipality, representation of private interests other than self-interests -- other than self-representation before municipal departments, and post-employment provisions.

In fact, the results of the municipal ethics survey indicate that a large number of municipalities, both cities and towns, already have these basic provisions in their existing ethics codes. However, as the survey has shown, there is still a considerable segment of Connecticut municipalities
that do not have an ethics code in place. In crafting, and this is an important point, in crafting this legislative proposal, the subcommittee was particularly sensitive to fiscal concerns raised by some stakeholders. Therefore, municipalities have an option to draft their own minimum provisions, as described in the Senate bill, or adopt model minimum provisions to be published by the Office of State Ethics on its website. Further, this bill proposes that the Office of State Ethics offer ethics training on the minimum provisions regarding these minimum provisions.

Residents of Connecticut towns and cities are entitled to have a government whose officials and employees uphold highest ethical standards and who are provided with clear and basic guidelines to help them uphold such standards. The Office of State Ethics and the Citizen’s Ethics Advisory Board encourage this GAE Committee to support this bill. Thank you for your consideration and I’ll be happy to answer any questions you may have.

REP. FOX (148TH): Thank you. Are there any questions of Mr. Lewandowski? Representative France.

REP. FRANCE (42ND): Thank you, Mr. Chairman, I just have one line of questioning and it deals with if a town invokes a code of ethics, my concern is whether is invoked on the board of education as well as other elected officials -- I guess, let me preface it that the -- under the decisions within the State Supreme Court, boards of education are political entities of the state and are under the oversight of State Department of Education and there are numerous instances of ordinances locally passed that boards
of education are not required or don’t comply with and there’s no penalty, so how would we deal with that if we had a local code of ethics and dealing with the board of education, how would that apply?

PETER LEWANDOWSKI: And actually in response to our surveys, there some towns, some municipalities that have separate ethics code provisions for their boards of eds and this again, by adopting this bill, I would at least give the municipalities the opportunity to review their existing codes and adopt them for their ethics -- I’m sorry, for their boards of ed as well.

REP. FRANCE (42ND): And I guess I raise that as my concern is that we could, you know, enact this and there’s no provision in there. My read of the bill that requires at least two different codes of ethic that require both either the towns or general government, elected officials, and the board of education and my concern is if we’re going to mandate this that we have not really resolved the full problem in that. I didn’t know if in your -- the hearings that you held and the surveys and that kind of thing if you had looked into that issue and the fact that boards of education are not under, as I said, political entities of the town. They are political entities of the state and under the oversight of State Department of Education and how that would impact if the town only had a code of ethics that would apply to what they thought was all elected officials and then the board of education says we don’t have to deal with that and if you had that conversation or that subject come up during your hearings?
PETER LEWANDOWSKI: My recollection, with the discussions we had with various stakeholders, the boards of ed were not the focal point or practically not even mentioned, but again, that’s a legitimate concern and we certainly would look into, you know, have an inclusive language that would provide some guidance there, too.

REP. FRANCE (42ND): I appreciate that and just my own personal experience serving locally, I mean, there are boards of education, town governments that work very well together and then there are others that don’t and in every case where they don’t work together, the boards of education point to state statute and essentially say that, you know, we are under the oversight of SDE, so that would be my concern that we’re not looking at the full picture and I have a little concern that it didn’t really come up and that the towns that you noted had separate codes of ethics to deal with issues that are unique potentially to the board of education almost why it didn’t -- dive into why those towns did that and whether there’s some rationale that needs merit, they should have been maybe flushed out a little further. Thank you very much.

PETER LEWANDOWSKI: Thank you.

REP. FOX (148TH): Are there any further questions? Senator Sampson.

SEN. SAMPSON (16TH): Thank you, Mr. Chairman, and thank you for being here. Just you mentioned the survey that was done, if I remember correctly, it was something like 128 towns replied, were there any cases where their code of ethics was in place would be in conflict with what would be mandated under this proposal?
PETER LEWANDOWSKI: No, actually there were some towns that, out of those that responded, that actually have these provisions already in place of ethics and the one that do not have them, I can’t imagine they would be conflict with the existing -- in essence, they would have to be updated to include those minimum provisions. Unless I’m not --

SEN. SAMPSON (16TH): No, no, I mean, I was just curious. I mean, they seem like pretty straightforward provisions to me, but at the same time, who knows what some individual, you know, ethics code might have been adopted and at what time that might be in conflict with what’s here and I just don’t want to create a hardship for any municipalities by having to adopt a policy that’s not been in place, but I appreciate the time and the information. Thank you.

REP. FOX (148TH): Thank you, Senator Any further questions or comments? Representative Mastrofrancesco.

REP. MASTROFRANCESCO (80TH): Thank you, Mr. Chairman. Thank you very much for your testimony. You had mentioned in your testimony about training, code of ethics training for the municipalities. Can you elaborate a little bit on that and what that would entail and possibly the cost to the municipalities?

PETER LEWANDOWSKI: Sure. Actually the cost would be born by the state because what we’re proposing is to have a trainer employed by the Office of State Ethics would provide statewide training to municipalities on those minimum provisions, so in essence, municipalities don’t have to expend any funds on education with respect to these provisions.
It would be the Office of State Ethics. Again, the bill proposes to appropriate certain -- appropriation of certain funds to fund that trainer, but again, it’s coming -- someone coming from the state to the municipality.

REP. MASTROFRANCESCO (80TH): Thank you for that answer and through you, Mr. Chairman, would somebody go -- from the state go on site to the municipalities to provide the training, would it be an online course, would they have to leave or would they have to leave their work and go to Hartford for that type of training, any idea on any of that?

PETER LEWANDOWSKI: Our understanding is that it would be -- the trainer would go to the municipalities. You know, provision of online training on those minimum provisions is also a great idea and we actually currently offer online training for state employees and public officials, so it would be combined. I think our experience at the Office of State Ethics is that face-to-face trainings are probably most beneficial than online trainings. I think the interaction with the trainer, ability to ask questions, followup I think are critical for folks who understand these guidelines and these provisions, so we could combine online with in-person training.

REP. MASTROFRANCESCO (80TH): Okay, thank you. And the towns that did not complete the survey, any reason why or I mean, is that they don’t have any ethics code in their town or is just they just didn’t want to answer?

PETER LEWANDOWSKI: I don’t the reason for not responding to our survey. We’ve extended our survey. We were very sensitive to the time frame
during which the survey was conducted because it was right at the time of 2018 election and so, late summer, early fall, and we understood that town clerks who were the recipients of the survey and we asked them to forward the survey to appropriate authorities to respond may have been busy. I can only guess why they chose not to respond.

REP. MASTROFRANCESCO (80TH): Okay, thank you, and then one more question through you, Mr. Chairman, you had mentioned in your testimony something about ethics on nepotism?

PETER LEWANDOWSKI: Yes.

REP. MASTROFRANCESCO (80TH): Can you elaborate a little bit on that for me?

PETER LEWANDOWSKI: So the provision on nepotism would prohibit hiring and supervision of family members within local government and essentially that would be -- that’s the essence of the provision, prohibition on hiring and supervision on family members.

REP. MASTROFRANCESCO (80TH): And would that within the department or within the whole town because I’m sure there are many towns out there that have family members that work for the town.

PETER LEWANDOWSKI: No, it would be within a department, so no. So for example, you can have a family member, two family members working in the same town provided they’re not in a supervisory relationship or supervisory/subordinate relationship, so yeah, that’s not a prohibition on having multiple family members employed by the same town. It’s just they cannot supervise each other.
REP. MASTROFRANCESCO (80TH): And that would be one of the provisions in the ethics training, correct?

PETER LEWANDOWSKI: Correct.

REP. MASTROFRANCESCO (80TH): Thank you very much for your testimony and for answering my questions. Thank you very much. Thank you, Mr. Chairman.

REP. FOX (148TH): Thank you, Representative. Any further questions? Representative Winkler.

REP. WINKLER (56TH): Just so I’m sure about nepotism, so the high school coach hires his son to be the equipment manager, would that be a violation?

PETER LEWANDOWSKI: If -- Within the same --

REP. WINKLER (56TH): Football team?

PETER LEWANDOWSKI: Let’s use football then, yes, that would be prohibited under the provision we’re proposing, yes.

REP. WINKLER (56TH): Thank you, Mr. Chair.

REP. FOX (148TH): Thank you, Representative. Just one question of I can, of the approximately 30 towns that did not either respond or did not have a code of ethics, what do they do when an issue arises? Do you have any idea what do they refer to, what do they base a decision on, do they have any sort of bottom level basis that they --

PETER LEWANDOWSKI: Some of the towns may have informal policies in place to govern employee conduct and it usually falls under HR rules, but there’s no broad policy, town-wise policy, that would, you know, govern ethics situations, conflicts, and so on. Again, the ones there is just
simply nothing out there and from our experience and I usually field a good number of inquiries from municipalities at the Office of State Ethics and right away we have to inform folks that we don’t have jurisdiction over municipal ethics, and we get calls from residents, we get calls from town officials, town employees on this very subject from towns that do not have anything on their books and they’re just simply at a loss. They ask us for guidance, what are their options, and we tactfully help them.

REP. FOX (148TH): Thank you very much for your testimony. Any further questions or comments? Representative Mastrofrancesco.

REP. MASTROFRANCESCO (80TH): Thank you, Mr. Chairman, I apologize for the second round. I just had one more quick question and I just thought of it, I apologize. We were talking about the nepotism, so for example, if this legislation did pass, any town that has a family working in the same department, what would happen?

PETER LEWANDOWSKI: Well, what we would -- what we would propose is that if you have someone who is in a supervisory role, they would have to either recuse themselves, reassign the matter or the conflict to someone who is of higher rank or equal rank. So for example, if you’re talking about let’s say public works.

REP. MASTROFRANCESCO (80TH): Perfect example, public works. There is a -- Maybe you have two brothers working in public works together. Would they -- Would that qualify?
PETER LEWANDOWSKI: That would be fine so long as they’re not in a supervisory/subordinate relationship, so nothing prevents two brothers to work for the Department of Public Works so long as one doesn’t supervise or evaluate the other and if there is a situation where you have supervisory/subordinate relationship, the provision would -- what we would -- our model provision that we’ll post on our website will allow the municipalities to create kind of a recusal approach where, for example, someone who is of higher rank, let’s say the head of the department, decides, you know, for purposes of supervision or evaluation, someone else has to do it who is not of -- who is not subordinate, you know, to the conflicted person. Now clearly in a situation where you have the head of the department, obviously decisions of evaluation and supervision would have to be delegated to someone outside of the department, let’s say may be within the administration of the town.

REP. MASTROFRANCESCO (80TH): So would that mean, I’ll go back again to you were talking public works, so I’m talking two brothers working in the same department, would that mean that neither of them would be eligible for a promotion within that department because now that one brother would now be promoted to manager or, you know, superintendent, or whatever? Does that mean that they can never get a promotion?

PETER LEWANDOWSKI: Well, it’s -- they could be promoted. It’s just, again, they would be required to abstain from supervision or evaluation of their family members.
REP. MASTROFRANCESCO (80TH): Right. Well, if they were in that same department and there’s a position open for a managerial position, I’m not sure what the proper terminology that you call them in the public works, but now they’re going to move up, so now they’re going to be overseeing the whole department, they would not be able to move into that position because now they are overseeing or responsibility or being a manager for their sibling, so that would disqualify them and I don’t necessarily know if --

PETER LEWANDOWSKI: I would not disqualify them. Again, there would have to be a process to screen the person who gets promoted from having a say in the evaluation of their subordinate family member. In other words, again, that scenario that I mentioned earlier, you have to then have someone else who is not a family member make those decisions about promotion or evaluation of the subordinate family member.

REP. MASTROFRANCESCO (80TH): Right, but I was even thinking smaller towns, they just have one person making those decisions with them. They may not have another subordinate to make those -- to do that evaluation.

PETER LEWANDOWSKI: Again, in that type of scenario, you would have to have -- you have to have someone else outside of the department who would be involved and we do this on the state level where you have let’s say head commissioner -- we’ve had situations where you may have a family member who works in the department and you have the top individual obviously cannot be the decision maker of siblings -- evaluating a family member. Usually that’s -- We
ask in the Office of State Ethics to have that role delegated to someone who is not in that relationship.

REP. MASTROFRANCESCO (80TH): So maybe I just misunderstood the concept, is it more just for evaluation or performance issues where an employee is evaluated once a year based on how they work? Is it just specific to that or is it the every-day work that they do that they’re overseeing?

PETER LEWANDOWSKI: Well, that’s -- In terms of the supervision, supervision is related to evaluation and they would have to be screened out somehow, someone else would have to make those determinations. Now, I understand that may be difficult in a tiny town, as you’ve pointed out, in towns where you have one or two folks manning the department, but again, we could work with the town to provide them as they’re crafting these provisions to have a protocol in place to have someone else make those evaluation -- decisions regarding evaluation.

REP. MASTROFRANCESCO (80TH): Yeah, it just seems that it would be difficult if you’re not overseeing someone, if you’re the manager, you’re overseeing their performance on a daily basis and if somebody were to move up, it would seem to be that it would be a conflict according to his, but thank you very much for answering my question.

REP. FOX (148TH): Thank you, Representative. Any further questions or comments? Seeing none, thank you for your time today, appreciate you being here.

PETER LEWANDOWSKI: Thank you
REP. LINEHAN (103RD): Good morning, Senator Flexer, Representative Fox, vice-chairs, ranking members, and esteemed colleagues of the Government Administration and Election Committee. Thank you for the opportunity to testify in favor in House Bill 5504, AN ACT CONCERNING THE NET VALUE OF STATE CONTRACTS. To date, RFPs in Connecticut are judged based upon their gross cost to the state, how much money will each contract cost the taxpayers of Connecticut. However, there is much more to be considered when looking at the value of contracts awarded. First, when a Connecticut-based business is awarded a contract, the state stands to benefit from their success by way of income tax revenue. Additionally, when a contract is awarded to a business who hires Connecticut workers, the state sees revenue on personal incomes taxes, payroll taxes, and unemployment tax. This bill would require state agencies to determine a formula which awards points on an RFP in consideration of this revenue, which would ultimately bring down the total cost of the contract to the state, thereby potentially rewarding Connecticut businesses and incentivizing out of state companies to hire Connecticut workers.

By utilizing the net value of contracts, it is my belief that the state can award more contracts to Connecticut businesses or businesses utilizing Connecticut workers without violating the Equal Protection Clause. As summarized in an OLR report attached to my testimony, which you all should have, the Equal Protection Clause of the 14th Amendment is based on the following parameter; “to survive strict scrutiny, a law must (1) serve a compelling state
interest and (2) be narrowly tailored to that interest.” Both standards are met when determining the net value of awarding a particular state contract. Also under consideration is the market participation exception of the Federal Commerce Clause. The exception allows governments to use preferences for their own purchases that would otherwise violate the commerce clause if it imposed them on private businesses. According to the Supreme Court, nothing in the purposes animating the commerce clause prohibits a state in the absence of congressional action from participating in the market and exercising the right to favor its own citizens over others.

Impact on out-of-state residents figures in the equation only after it is decided that the city is regulating the market rather than participating in it, for only in the former case need it be determined whether any burden on interstate commerce is permitted by the commerce clause. Given this information, Connecticut can legally determine the net value of contracts awarded in the state in an effort to utilize Connecticut businesses and Connecticut workers for Connecticut projects. I ask you to please vote favorably to move this legislation out of committee to the floor so we can put Connecticut back to work. And I’m happy to answer any questions you may have.

REP. FOX (148TH): Thank you, Representative. Any further questions of Representative Linehan? Quick question if I may, Representative. In essence, it sounds as though when you’re discussing the bill, it’s more like a jobs bill in the big picture?
REP. LINEHAN (103RD): It is and we’re looking at the net value of contracts, not just for the purpose of jobs, but also for saving the state some money. We need to look at how we’re -- We need to change how we’re looking at RFPs and how we’re looking at state contracts to make sure that not only are we getting the best value just based on that RFP number alone, but also based on the money that we can bring in otherwise.

REP. FOX (148TH): Thank you. Do you know of any other states that have similar programs by any chance?

REP. LINEHAN (103RD): At this point, we are doing some research on that. There are some other states like Massachusetts that does something similar, but not exactly the net cost and in speaking with attorneys, we believe that this is one way that we can circumvent some of the problems that other states have seen.

REP. FOX (148TH): Thank you very much. Any further questions or comments? Representative France.

REP. FRANCE (42ND): I just have one question, is there a model that you’ve seen in the private sector or somewhere that you would be able to identify what this net cost would be on a contract?

REP. LINEHAN (103RD): So there is a model and forgive me the name escapes me, but it’s really for events, so if you are bringing in an event to a town, you can use this model to determine how much money is going to be in your area for this one event, for how many people it’s brought in, what are they going to spend while they’re there. I don’t know if that exactly fits, but it is something that
we need to look at and rather quickly, in my opinion, so that we can make sure that we are creating a way for us to determine that and that’s what this bill actually does, so it will require that state agencies come up with a way to determine that. If you read the bill, which I don’t have it front of me, I’m not coming up with that particular program. We’re asking these state agencies to do so in a way that fits within their RFP process currently.

REP. FRANCE (42ND): No, and I appreciate that. I guess the -- what I would point out to events, most of those are parametric estimations; they’re not really what I would call statistically valid and I certainly wouldn’t -- probably would not fall under scrutiny in the RFP process. I’m also concerned that if we allow each agency to come up with their own model, there wouldn’t be consistency across and I’d be interested to know if in your research in bringing this forward and advocating for it, where a college or a research center had looked at this and provided some insights as opposed to allowing us to blaze new ground and potentially come up with multiple solutions, which may end up in legal conflict across the agencies of the state. Thank you.

REP. LINEHAN (103RD): Thank you.

REP. FOX (148TH): Any further questions or comments? Thank you for your time and testimony today. I appreciate you being here.

REP. LINEHAN (103RD): Thank you. I appreciate your time.

REP. FOX (148TH): Have a nice day.
REP. LINEHAN (103RD): You, too.

REP. FOX (148TH): Next, Representative Doug Dubitsky. Good morning, Representative, good to see you.

REP. DUBITSKY (47TH): Good morning. Good morning, GAE members and ranking members and chairs and vice-chairs. I’m here to testify on behalf of Joint Resolutions 33 and 34. You may notice that they are conflicting. One says that the legislature would be truly part time, which would be 45 days a year, that’s it, no benefits, just 45 days a year we come in do our work and leave. The other bill makes us full time, full time legislatures, full time pay, full time benefits. Frankly, I don’t care which one we take, but the way we have it is not working in my opinion and in the opinion of a lot of the people in my district that we should choose full time or part time, but the way we have it now is too much of both and not enough of either.

What we have now prevents regular working people with regular job from being a legislator. If -- What we have is a legislature that’s overpopulated with attorneys that can set their own schedule, people who run businesses, people who retired, and people who live in their mother’s basement. We don’t have plumbers, we don’t have electricians, we have a few, there are a few that can run their own business and can start their -- and can adjust their own schedules, but most of the people here are of -- are not regular working people. If we choose either of these bills, we can get -- we can expand the range of legislators we have here and the perspective of working people in this legislature. Somebody could, if it’s part time, somebody could
take 45 days, they can put together their vacation pay, I mean, their vacation time and their sick time and they’re much more able to actually do this job and then get back to their regular job, be real citizen legislators.

If we make it full time, then a person can decide well, I’m going to do that instead of this, instead of being a truck driver, instead of being a plumber, instead of being an electrician, instead of working at a store, I’m going to work at the legislature. But right now, we’ve got a situation where those people cannot do this job and they are being represented by people who don’t do their jobs and I think that’s a big problem. I would prefer, in my opinion, the part time, just come in 45 days, do your work, get out, but I’m open to either one, but the way we have it now, in my opinion and in the opinion of a lot of people I’ve talked to, is not working and I’d be glad to answer any questions.

REP. FOX (148TH): Thank you, Representative. Any further questions or comments? Senator Sampson.

SEN. SAMPSON (16TH): Thank you, Mr. Chairman. And thank you, Representative. I appreciate you bringing these two proposals before us and I can certainly sympathize. I’ve been in the legislature since code of ethics 2011 and it is very difficult to make ends meet. The time I invest here eats into my ability to run my business and make a living and every election cycle is a big decision about whether I want to continue that and of course, you know, people that take on the role of serving in the legislature, most of them want to invest as much effort as they possibly can and it’s difficult to do when you’re also trying to pay your bills and feed
yourself. Just a question, I prefer the former also to make us a part-time legislature. My only concern about that is contemplating the rest of the workings of our legislative body, staff and so forth. Have you contemplated any of that in your proposal?

REP. DUBITSKY (47TH): You mean how the staff would be managed?

SEN. SAMPSON (16TH): Right.

REP. DUBITSKY (47TH): Well, staff obviously does important work, but I don’t know if any of you have been here off session, you could shoot moose in this building. There are people -- It is dead. There’s a lot of things that just are not happening that, you know, why do we need a full-time staff all year long when very little takes place in this building in the off session? I come here from time to time during the off session, make phone calls, you know, contact constituents and things like that and it is quiet and you ask people well, what do you do in the off session and very often the answer is something like suffer because, you know, I give them all the credit, they work very hard, but when there’s nothing to do, there is nothing to do and, you know, ask your own staffs. What do you do in, you know, in August. What do you do in September and October and November? Very often they’re not here.

So I think we spend an awful lot of money on keeping a legislature going when there are times of the year when we don’t do anything and to your point about the -- about having a hard time making a living, we have a lot of retirees here they have a pension, some of them have several pensions, so they don’t need the money, but for people running their business, time away from their business is time
lost, is money lost, and, you know, during the session, you’ve got five months that legislators work full time or well more than full time. You know, there are weeks when I work, you know, 60, 70, 80 hours a week on legislative business and, you know, legislators don’t make a lot of money, so, you know, I’m not -- there’s no tears lost for legislatures and how much money they make, but we are limiting the pool of people that are able to do this job to those people who are able to juggle those requirements in their life and be able to pay their bills at the same time.

SEN. SAMPSON (16TH): Thank you very much, Representative. I really appreciate that. Thank you, Mr. Chairman.

REP. FOX (148TH): Any further questions or comments? Representative France.

REP. FRANCE (42ND): Thank you, Mr. Chairman, and thank you, Representative, for bringing this forward and kind of giving the two opposing views, if you will, on the alternatives. When you brought these forward, did you look at how other states function because some are full time, some are part time, in fact, some meet just every other year for a very short period, and did that inform what you think would be the better solution and secondarily, are there changes in how we function, whether by via the Constitution or just by process, as you looked at those other states and how they function that we need to in either case?

REP. DUBITSKY (47TH): Well, I did look at other states and there is a wide range. Many states are going to the full time model because there is a trend in the country that state legislators are
doing more, they’re introducing more bills, they’re -- you know, we’ve got thousands of bills that we address. I think -- I don’t think anybody believes that we need so many bills in a given year. So --

But there are legislators that are full time. They have, you know, they’re in session all year long. They get full time pay, full time benefits just as -- just as in Congress and what they do is they take the breaks that are sort of similar to Congressional breaks.

There are states like Texas that are in every other year for only a few days, 45 days I believe in Texas. They come in, they knock out the budget, they knock out any important bills, and they move on and there’s a wide range, but what I found is that there are very, very few states that have a model like ours, where you’re sort of full time, sort of part time, you get part time pay and full time benefits. There aren’t a lot of states in the country that do it like we do and, you know, from my standpoint, I think we should either pick one or the other.

REP. FRANCE (42ND): Thank you for that and I will acknowledge that I’m one of the unique ones. I have a regular 40-hour week job, but I can still come up here only because my company allows me the flexibility and the job I do isn’t an hourly where I have to be somewhere 8 to 5, which is unique honestly from most jobs, so I recognize the challenge you’re bringing forward and interesting to continue the debate and see where we do with it. Thank you very much.

REP. DUBITSKY (47TH): Thank you.
REP. FOX (148TH): Thank you, Representative France. Any further questions or comments? Representative Winkler.

REP. WINKLER (56TH): Yes. Thank you for bringing both bills. I smiled when I saw them and I enjoyed it. So half my job up here is answering constituent questions, helping them navigate the bureaucracy, helping them locate resources for the problems, so given that I am bothering my one quarter of one person staff mercilessly year round, I’m more in favor of a full time legislature and the one problem is, I wouldn’t want the public to think we were feathering our own nest. If I can come up with an idea whereby, I don’t know, that the legislature was paid the median income of the state of Connecticut, but nobody who has ever served as a legislator is eligible, if I can think of a legal way to do that, would you support that kind of effort?

REP. DUBITSKY (47TH): I’m not sure I understand your proposal.

REP. WINKLER (56TH): It would be a full time legislature. The -- They would be paid the median wage of the state of Connecticut, but nobody who is a legislator or who has ever been a legislator would qualify for the wage. That way we wouldn’t be feathering our own nests. We’d only be paying future legislators, new future legislators, to come here and legislate.

REP. DUBITSKY (47TH): Well, I appreciate your willingness to try to craft a solution. I can just see a problem, though, that current legislators would then become full time legislators at $28,000 dollars a year. I think you would lose a lot of people.
REP. WINKLER (56TH): Well, I think they’re that now, but that’s another conversation probably. Thank you, Mr. Chair.

REP. FOX (148TH): Thank you, Representative. Any further questions or comments? Senator Flexer.

SEN. FLEXER (29TH): Thank you, Mr. Chair. Good afternoon.

REP. DUBITSKY (47TH): Good afternoon.

SEN. FLEXER (29TH): Thank you for bringing these two proposals to our committee and I don’t want to spend time today debating our existence as a legislature and how we function, but I do think it’s important to contemplate what you’ve put in front of us and I wonder on the 45-day proposal, how do you think that would impact the legislature’s ability to be a full time, equal branch of government to the executive, in particular, but also with the judicial branch and also, how do you think that would impact the ability of lobbyists and staff, but especially lobbyists, to influence how this building functions?

REP. DUBITSKY (47TH): Well, with regard to your second point, the lobbyists, I -- the less time that the legislature is in session, the less ability, in my opinion, lobbyists would have to influence their decisions and influence the discussion. With regard to your first point, I think that so long as the legislature and legislators were available during the rest of the year to contact constituents, to talk to the governor’s office. Without being in session, I think that we could still maintain our position as a full branch of the government. I don’t think that limiting us to a 45-day session each year would prevent us from asserting our
authority as the budget writing branch, for example, or the, you know, a full legislative equal branch simply because we were only in for 45 days a year.

SEN. FLEXER (29TH): Okay. And then on the flip side with the other proposal with the full time legislature, my -- one of my concerns about moving in that direction is that I think the system we have now and perhaps this is getting less and less, but I think the system we have now is at least designed so that those of us who have the opportunity to serve here still maintain connections to the real world, if you will, for lack of a better way to say it, less so like what happens in Washington DC where members of Congress, that is their one and only full time job and they meet throughout the year and they’re immersed in Washington a little bit more than we are here. How does that proposal address that concern?

REP. DUBITSKY (47TH): Well, I think you were absolutely correct that it’s less and less each year because, you know, there was a year, what was it, two years ago, we were in session. We went for months after our deadline and we just kept going. There really is nothing to prevent us from, you know, essentially being almost full time anyway that there -- and there are so many people here that don’t have a connection with another job. They’re, you know, retirees, they’re, you know, independently wealthy, their spouse has the money and they have the time to just devote to whatever they want. There are less and less people that I have seen that have a connection to the real working world and if we made it part time, we would have that connection. If we made it full time, then they would have a regular job. It does, to your point, take them away
from the community to some extent, but on the other hand, you could also say that it would allow them more time to be in their community because right now, somebody who’s got a job, who’s got to pay a mortgage, they will -- they come to the legislature and they take an enormous amount of time out of their working year to be here and they just simply don’t have the time to go to all the events in their district to talk to people, to hang out at chicken dinners and pancake breakfasts. They don’t have the time to do it because they have to pay their mortgage. So perhaps, you know, making it a full-time legislature would give them the opportunity to do that.

SEN. FLEXER (29TH): Thank you. Thank you again for your testimony and thank you, Mr. Chair.

REP. FOX (148TH): Thank you, Senator Flexer. Any further questions or comments? Representative Santiago.

REP. SANTIAGO (84TH): Thank you, Mr. Chair, and thank you for bringing this forward. Forty-five days to work on issues I think is too much of a short time. I think that the expense of -- for me, that’s my opinion. I think the length of time that we have enough to have public hearings for people to participate in the process is one of the reasons why we -- the session is so long and I think the community participation and agencies and nonprofits and well, everybody you can think of, unions and business people, they all come during that time to talk about the bills that impact them and I think in 45 days, I don’t think that’s going to be enough time. I’ve met other legislators from around the
country. For example, in Pennsylvania, they get paid $90,000 dollars a year.

It’s a full time legislature, but the constituents are 400,000 people per district for a state rep. In Puerto Rico, they also get paid between $70,000 and $90,000 dollars and then there’s places like Vermont or New Hampshire, I don’t remember which one, but they’re in session for about 100 days and they only get paid for the time they’re being there, so everybody does it -- every state does their legislature different, but -- and I also work a full-time job, so I have two full-time jobs because during the down time, I’m doing town halls, I’m doing neighborhood associations, I’m doing events, I’m doing the chamber events and I need my staff as backup, so I can’t come to this -- if I need a citation in the middle of the summer or sometime in September, I’m not going to come up here and pick the times to run a citation through its course, through the two houses when I know I have staff that I can depend on to do that and to set up meetings.

I mean, we’re still meeting with constituents, we’re still meeting with people in our community, we’re still doing a lot of publicity during the off session. We’re meeting with lobbyists. We have -- I have a lot of constituent services that I do during the off session, so -- and I need my staff. That’s something that I know my staff is busy, so if we have legislators that are not busy during that time and they’re not using their staff, then shame on them because they should be doing stuff during the off session. It’s up to how you represent your constituencies in your city and I’m always busy with the two jobs I have, I go to events on weekends, I go to events at night if I can. I do slow down
during the session, but I don’t -- to my opinion, I don’t think 45 days -- it’s already rushed as it is from January to June and February through May. I can just see the craziness of having a session for 45 days.

I just don’t think that we would accomplish as much and I don’t think that we’ll be able to give enough public input to a lot of these bills that the 4, 5, 700 bills that come out every session, so I mean, I think it’s a good idea if it was possible to do that, you know, I wouldn’t mind and get paid the same money maybe, but I think 45 days is a short time, so. I think that what’s going to happen is it’s going to increase the need for special sessions during the rest of the time when we have emergencies and emergencies come up in the state. That means we’ve got to stop what we’re doing and come up and have a special session and we’ll see, I mean, in other states, they have opened the Constitution and have made legislators full time. Maybe some time when our budget is a lot better and we have more money in our budget that we can pay legislators a full-time job because as for me, I work all year round, so and thank you for bringing that up and thank you, Mr. Chair.

REP. DUBITSKY (47TH): Thank you and to a couple of your points, first off, 45 days is not sacrosanct. You know, if it were 60 days, I think that would be okay, too. There is no -- There is no magic number, but I think one of the reasons why we’re always so rushed is that there are just too many bills. There are too many bills submitted, too many bills make it through screening, too many bills make it to public hearing and I know there’s a lot of politics involved in a lot of the bills, you know, why does
somebody want a public hearing? Because they’ve got a constituent who wants to get up there and say something to the legislature, but, you know, there are just too many bills that go through and if we were to do a better job screening, I think we would have a better -- we would have less of a problem with too many public hearings. It’s true that a number of different states are doing it differently and I think that this is definitely a discussion that this legislature needs to have, whether it moves forward this year or another year, whether we need to be full time or part time, but I just find that the way we’re doing it is very restrictive to the people who can run for it.

And with regard to the use of your staff, I was -- I’m not suggesting that the building would shut down completely during the off session, but we use a lot of sessional, sessional employees during the session and perhaps we need to just transition more of the positions perhaps on a -- as they become vacant, make them sessional as opposed to full time because, you know, having everybody continue in this building except the legislators when we’re not in session, it appears to be a waste of state resources.

REP. FOX (148TH): Any further questions or comments? Representative Mastrofrancesco.

REP. MASTROFRANCESCO (80TH): Thank you, Mr. Chair. Thank you, Representative. I -- You know, as a new legislator I have to say I do appreciate your putting both of those bills in, whether it’s a part time or a full time and I can tell you basically in my experience that I’m on a committee -- I’m on committees that meet every single day and it truly is a full-time job, especially for a new legislator
and I’m sure you had conversations with the other new freshmen legislators, they would probably tell you the same thing, but I do share your concerns about the -- there’s a lot of bills that come before us and I look around this room today and I see that we have 41 bills at the public hearing today and the people here that come to testify, they want to be heard and we should hear them, but they have to take time out of their busy day, maybe take a day off of work to sit here sometimes for 12 or 14 hours just before they’re heard.

To me, that is unacceptable to have 40 bills at a public hearing when these good people here have lives and they have things to do when they have to take time out of their day, so I certainly appreciate it, whether it be a full time or part time, but truly if it was going to be a part time, there should never be 40 bills on a day for a public hearing for these good people to hear and certainly if there was a full time, you could say well, maybe we’ll just do a couple bills a day for a public hearing to give these people peace and they can get on with their lives, come up and, you know, speak their mind and we could truly listen.

Honestly, as a freshman, I see these public hearings go on for hours into the middle of the night and people are waiting all day long. It’s unacceptable, so I certainly share your concerns whether it be a full time or a part time. Great suggestion. I really appreciate it. Thanks.

REP. DUBITSKY (47TH): Thank you for that and I do think there are other things we could do to make things easier for people to come and testify. You know, I know every committee does things differently
and, you know, first off, I just think we have too many bills, but, you know, perhaps there’s a way to make public hearings easier, you know, saying that a given bill will be heard at a given time. You know, I -- my bills don’t address that. Certainly that’s a discussion that each committee should have or maybe the legislature should have a whole, a way to make it easier for people to testify, and if we shorten the legislative session, it’s probably not going to make that any better because we’ll have a lot of bills in a much shorter period of time. Hopefully we’ll have less bills, but you know, there is -- and, you know, in any elected body, there -- when public input is elicited, there’s always going to be that, you know, sitting around waiting for your turn to speak. It happens in, you know, planning and zoning commissions, it happens in boards of finance, and it happens here.

REP. FOX (148TH): Thank you, Representative. Any further questions or comments? Thank you for your testimony today. I appreciate you being here.

REP. DUBITSKY (47TH): Thank you very much.

REP. FOX (148TH): We’re now going to switch over to the public list. First up, Andrew Kingman. I want to acknowledge that people have three minutes to testify. At the end of three minutes, I’ll ask you to summarize your comments and members can find lengthier commentary on line.

ANDREW KINGMAN: Good morning, members of the committee. My name is Andrew Kingman. I’m counsel to the State Privacy & Security Coalition. We represent 23 companies and six trade associations in the retail, technology, payment card, communications and online security sectors. I’m here today to
speak in opposition to Raised Bill S.B. 1108, which as you know, almost entirely replicates the text of the California Consumer Privacy Act which we call the CCPA. I also work as an attorney in DLA Piper’s data privacy and cybersecurity practice group, so I have some experience in how these requirements have to be operationalized on the compliance side as well.

Unfortunately, the CCPA has fundamental and material flaws that this bill replicates. It is confusingly drafted, it contains multiple internal contradictions, and this bill imposes an enforcement deadline that will actually be six months shorter than the privacy provisions in CCPA. Just as a point of contrast, the European General Data Protection Regulations, GDPR, which offers a similar scope, although that was intended to apply to 300 million people rather than a single state, took four years to formulate and then provided two years for compliance. This bill would provide less than six months to institute extraordinary compliance programs, many of which are not pro privacy or pro cybersecurity.

The CCPA’s flaws can be seen in its attempted remediation. Following its passage, 20 Democratic legislators sent a letter to their own leadership noting the need for legislative fixes. The attorney general’s office has requested an additional appropriation to deal with the staffing that it needs for both the rule-making that it’s currently undertaking as well as compliance and enforcement and already this year, there are 12 separate bills designed to fix separate problems in the legislation. And so it doesn’t make sense to introduce this legislation in this state knowing
that (a), it is still unfinished in California and (b) knowing all of the problems, both definitionally and operationally that this legislation contains.

I think it’s important as we’re starting the hearing to talk about how this bill was passed in California. It was passed using -- to avoid a ballot initiative that was about to be certified, so it was introduced five days before it was passed with nearly no industry input, no opportunity for amendments, it was passed unanimously in the House, passed unanimously in the Senate, and then signed by the governor in a single day, so very little debate, very little opportunity for entities that actually have to comply with the legislation to have input, not trying to kill the bill per se, but just trying to make it better so that it’s operationally workable.

Just as a few pieces of some of the definitional issues, the definition of personal information goes far beyond any federal or state definition. It is overbroad. It covers all information that is not only capable of being associated with, but also that simply relates to or describes an individual device or household, even if that individual or household isn’t necessarily identifiable, so this has two consequences. One is that it incentivizes businesses who are trying to comply to associate more personal -- more information that they have collected on consumers with that individual which creates greater risk for hackers, so right now, what entities do is keep information in separate buckets, that’s call de-identified information. This bill incentivizes the identifying of that information so that when an individual requests the specific of
pieces of information that this bill requires to be provided to them --

REP. FOX (148TH): Can you please summarize your comments. I’m sorry, can you summarize your comments?

ANDREW KINGMAN: Sure. So this bill has significant operational and definitional problems and it was the product of a rushed deliberation and therefore we oppose S.B. 1108. I would be happy to answer any questions.

REP. FOX (148TH): Thank you, Mr. Kingman. Any further questions or comments? Senator Sampson

SEN. SAMPSON (16TH): Thank you, Mr. Chairman, and thank you for being here today, Andrew. So just a question right off the bat, you mentioned that the time frame that’s in the bill makes it difficult for compliance. What kind of things would a company have to change to be able to follow the law if it was passed?

ANDREW KINGMAN: Sure. Certainly it depends on the scale of the business, although the bill has attempts to have a high threshold for the type of business that this would apply to. It uses the number 50,000 pieces of personal information gathered on consumers a year. A couple of things that flow from this because the definition of personal information is so broad, this includes things like IP addresses, which are generally not considered personal information. This would mean that a website or a merchant that conducts 137 website visits or 137 transactions a day would be swept into this.
Some of the compliance provisions, entities, vendors, service providers are required to have a provision in their contract with the entity with the actual business that this applies to stating that they would not further disclose the information for a different purpose. They also need a certification that they will not do so and that they understand the requirements of the law, so this is a huge compliance cost for large businesses because they have many, many vendors. For smaller businesses, it requires -- they would all have to redo all existing contracts and update and amend all existing contracts, but for smaller businesses, they would also obviously need to hire legal counsel and, you know, cost estimates are between $10,000, $20,000, $30,000 dollars even for a small business to try to comply with this.

The reason that smaller businesses would incur those costs is that they need to do a significant data mapping as well to understand all of the pieces of information, so this includes -- the definition of personal information includes anything that is capable of being associated with an individual, which is far, far broader than information that is identifiable to an individual, so understanding first of all the types of data that they may have, understanding how and where it is stored, understanding how to access that, setting up a mechanism, like a toll-free number for small businesses, the bill requires a toll-free phone number, for responding to consumer requests, putting a link on your home page and every web page that you have stating we don’t sell personal information, even if you in fact don’t sell personal information. So it is an extensive compliance program that is not
limited to only large-scale businesses. I think that’s the best answer I can give you.

SEN. SAMPSON (16TH): So how does this work across state lines? How could a law say passed in California or in Connecticut affect a company that is domicile in another state or even another country with regard to this kind of legislation?

ANDREW KINGMAN: Well, it applies to -- the definition of consumer applies to a resident of California. Now, notably the definition does not exclude employee data, so just as a brief side note, it would allow an employee who is under investigation for embezzlement or sexual harassment to request all of the information that a company is gathering in the course of its investigation. In terms of operating across state lines, it does have an exemption for conduct that occurs wholly outside of the state. I think we all understand that the internet and our use of devices is very difficult to regulate on a state by state basis, so it’s, you know, in terms of the scope, it applies to businesses with $25 million dollars of revenue, but that it’s not clear -- it doesn’t specify whether that revenue would be acquired in state, globally, domestically, etc., so that’s the best answer I can give you.

SEN. SAMPSON (16TH): Yeah, I just can imagine what would happen if this type of policy started being adopted in every -- all 50 states, you know, and there are minor changes and, of course, major corporations dealing with different types of contractors. This could be unbelievable. I’m sure the trial lawyers will enjoy it, though.
ANDREW KINGMAN: And again, you know, it -- that sort of movement across state lines, particularly in regions like New England where people frequently live in different states and commute across state lines. It again incentivizes companies to have to know where their individuals are, which is, again, not necessarily a pro-privacy practice to be collecting more information about individuals. It leaves it open to increased cybersecurity threats via hackers, etc.

SEN. SAMPSON (16TH): Does this bill that’s before us, does it pretty much mirror what they passed in California, or is it --

ANDREW KINGMAN: It’s essentially word for word what is passed in California, except this has a provision that says that it does not have a private right of action except that the private right of action is still in here, so it’s a little bit confusing from that perspective.

SEN. SAMPSON (16TH): Right. I noticed a lot of inconsistencies in the drafting. You mentioned that there’s many, many fixes being proposed even by the people that supported and pushed and passed this legislation out there, so I guess they’re realizing that they’re not getting exactly what they were after. Could you just give us a couple of examples of the changes that they’re looking to make?

ANDREW KINGMAN: Sure. There are conversations about changing the definition of consumer to try to exclude different types of commercial activity and employees. Currently the law applies to business to business transactions in some respect so if you have a sole proprietor who may not have an established corporate entity but it’s still conducting
commercial activity, this would apply to that individual. Changing the definition of de-identified data to include more than aggregate data, so de-identified data is again that concept of instituting technical controls that provide data be kept in different buckets and are unable to be connected to an individual, sort of their off-line identify would be a good way to describe it.

Currently, it really only includes aggregate data, so the exemptions that apply to de-identified data don’t really do the job. Trying to change the definition -- excuse me, trying to save loyalty programs, the nondiscrimination provisions in here that prohibit charging -- providing different services based on different levels of data that a company might provide. There are a number of entities that are concerned that this could halt the provision of any sort of consumer loyalty, points, miles programs, because the -- because of the way that the language is drafted, so those are just a few of the many changes that are being pursued.

SEN. SAMPSON (16TH): Right. The legislation, it seems to be it’s trying to get at two things, which is protecting the security of the consumer’s data and also restrict corporations from the use of that data for certain types of purposes, which I’m sympathetic to both of those things, but it sounds to me like what you’re saying is that some of the provisions in here kind of counteract that. You mentioned something about de-identified data versus aggregated data.

ANDREW KINGMAN: That’s exactly right and I think it’s important to distinguish to your first point about that the bill is targeted at data security, I
don’t know that I would necessarily characterize that. It’s certainly targeted at providing consumers greater control and transparency and as you said, you know, our organization and many organizations and entities support federal privacy legislation, so it’s not a question of, you know, having no controls or transparency for consumers. It’s a question -- the point to your question about operating across state lines and trying to avoid a patchwork I think is important. To the cybersecurity point that you mentioned, you know, the bills have a provision that allow third parties to opt individuals out, so I could say I would opt you out if you authorize me.

This is, you know, we believe that it’s a prime target for hackers and fraudsters who will have several pieces of information on an individual and then pose as that third party attempting to opt individuals out in order to get more information. The bill requires that companies disclose the categories of vendors that they’re using, so it provides additional information on security vendors that they may be using, which hackers will be able to acquire and determine vulnerabilities in a network system.

SEN. SAMPSON (16TH): Excellent. Thank you very much for your testimony and I guess I’ll ask one final question, really, and that is so while you’re not in support of this, it seems to me that you think that the way to solve this issue and to ensure consumer privacy is really on a national level. When’s the last time the federal government really addressed that issue? Is there any legislation of significance?
ANDREW KINGMAN: Yeah, there are a number of bills sponsored by members of both parties currently being considered, so -- and one of my colleagues who will speak shortly will talk a little bit more about the federal landscape, but yeah, there -- it is a live discussion that is occurring right now.

SEN. SAMPSON (16TH): Okay, excellent. I appreciate your testimony. Thank you, Mr. Chairman.

REP. FOX (148TH): Thank you, Senator. Any further questions or comments? Representative Winkler.

REP. WINKLER (56TH): Yes. You said something that didn’t make any sense to me and it’s probably me, so I’ll just unpack it a little. You said that in California, to head off a ballot initiative, they created a bill that passed with almost no input from the industry?

ANDREW KINGMAN: That’s correct.

REP. WINKLER (56TH): So here’s a ballot initiative coming, the legislature is frantically a bill to head it off, where are your lobbyists in California?

ANDREW KINGMAN: The bill was, I’m going to be objective as possible about it, the bill was drafted over the course of several weeks and industry was not given an opportunity to weigh in across, you know, multiple sectors, etc., in the way that, you know, normal policy making would occur and it was provided on June 22nd, which was I think a Thursday, and folks were told that it would be passing and voted on without time for amendments or without any debate for amendments the following Tuesday or Wednesday, I think it was the following Wednesday.
REP. WINKLER (56TH): So, I mean, if it were Connecticut, they’d be tackling me in the hallway. I mean, I just don’t understand why there was almost no input. I understand that it was tight, but --

ANDREW KINGMAN: There was no, you know, stakeholder process.

REP. WINKLER (56TH): You mention an IP address not being considered a personal identifier, what is an IP address?

ANDREW KINGMAN: Sure. It’s the address that comes from particular use of computer device or tablet and in some cases, an IP address could be considered personal information, so just to anticipate your question, but not in every case, so there are cases where an individual may be using a particular, you know, private browsing, something along those lines where there may be some services that would be able to determine the IP address or the location it came from, but perhaps the website that that person is visiting may not be able to see that information, so it’s not that it’s never or it’s not a binary piece. Sometimes it could be, sometimes it may not be, but considering it as a piece of personal information, I don’t think that it -- it doesn’t -- including it as a piece of personal information isn’t necessarily helpful to the consumer, right, so as an example, I recently asked for all of the information, you know, a company -- companies have privacy portals where you can go to request all of the information a company has on you and I did that and, you know, I received back files that even for me were relatively incomprehensible. It had pieces of information that were not useful to me to determine that, so I think for, you know, a lot of consumers seeing an IP
address would not particularly help them and also, because they’re so frequent to websites, it’s a piece of information that’s incredibly costly to -- on the compliance side to try to keep track of and to provide to consumers.

REP. WINKLER (56TH): So an IP address is like the telephone number of my computer, but unlike a telephone where you don’t what extension I’m on or whatever, this is the actual address for a specific piece of equipment, like the desktop that I have at home has its own IP address?

ANDREW KINGMAN: I’m not sure. I don’t enough to say whether it’s attached to the hardware. That doesn’t -- I don’t know enough to answer that.

REP. WINKLER (56TH): Okay, I’ll ask someone else. Thank you, Mr. Chair.

REP. FOX (148TH): Are there any further questions or comments? Representative France.

REP. FRANCE (42ND): Thank you, Mr. Chairman, and I’d like to kind of unpack the initiative process to maybe help Representative Winkler understand what happened in California. Prior to the ballot initiative that was pending in the election, was there action within the Connecticut -- or the California legislature on this issue and in the scope that it probably came out as?

ANDREW KINGMAN: No, not that I’m aware of. There was, you know, certainly there are bills that relate to privacy that debated in every legislative session, but not this type of comprehensive legislation.
REP. FRANCE (42ND): And so can you describe the ballot initiative process in California and its unique characteristics which we do not have here in Connecticut and for background, I grew up in California, so I’m very familiar with the process, but if you could describe that, that would probably give some --

ANDREW KINGMAN: Well, I think, you know, what happened is that there was an individual who was relatively wealthy who decided to put together a ballot initiative that, you know, provided consumers an increased level of transparency and control over their data. He hired several technologists and, you know, more technical and legal folks to draft a ballot initiative. He then, you know, went about, as everyone does, trying to get signatures and had collected enough of the signatures. I think the key part about the ballot process in California is that it requires 70 percent of the legislature to modify any piece of it, so that compared to legislation in the statute, you know, folks preferred the statute than the ballot initiative.

REP. FRANCE (42ND): And I guess that would be the point is that as the ballot initiative goes forward, if it is going to -- there is very little -- effectively, the legislature has the power to override that action. I will note that in recent years in California, you’ve ballot initiatives that diametrically opposed on a particular issue and they both pass and then do they get thrown out and not enacted, but I want to make that point is that the issues is that effectively when a ballot initiative passes in California, it becomes law and it’s very challenging, almost impossible, for the legislature to reverse that action. So that’s one, so as you
say, preparing this bill over several weeks, I would anticipate that was because the legislature recognized to movement was gaining steam and that they were anticipating this ballot issue was likely to pass and so in order to stave off that initiative, they had to pass something, have it signed by the governor before the deadline for the initiative. Is that correct?

ANDREW KINGMAN: That’s accurate.

REP. FRANCE (42ND): And so what the legislature was effectively doing was to retake control over the issue by taking a positive action?

ANDREW KINGMAN: Yes, I think that that’s fair way to characterize it, that yeah, that’s a fair way to characterize it.

REP. FRANCE (42ND): And I would also point out that given the short time line and your characterization of little input was driven by that very narrow window of time of recognition, propose the bill, and literally they did have five days to enact a vote, pass both chambers, and signed by the governor. Is that correct?

ANDREW KINGMAN: That’s correct and, you know, the outcome, as I said, is a bill that has internal contradictions and is very difficult to comply with and, you know, we don’t believe that Connecticut should follow in that path.

REP. FRANCE (42ND): No, I guess I want to lay that foundation to make the point that you are making your testimony, that is the reason why at this point, it probably would be imprudent to follow this because of how the California legislature enacted it
and the rationale for what they were doing and effectively, it sounds like, they’re going to now engage in the process of enacting what should have been a reasoned process of public testimony, input from the community.

ANDREW KINGMAN: That’s correct.

REP. FRANCE (42ND): All right. Thank you very much. Thank you, Madam Chair.

SEN. FLEXER (29TH): Thank you, Representative. Are there other questions from members of the committee? Representative Winkler.

REP. WINKLER (56TH): Yes, I appreciate the assistance. Is your industry’s belief that this should be done at the federal level, not at the state level?

ANDREW KINGMAN: That’s correct.

REP. WINKLER (56TH): So there’s no percentage for you to help any state write legislation because you don’t want state legislation?

ANDREW KINGMAN: There’s no percentage?

REP. WINKLER (56TH): There is no reason, if you want federal legislation to cover this, to help states enact legislation with your approval, so to speak. If you had gone to California and said let us help you write this bill and it became general knowledge that the industry was involved in the writing of the bill, then we would be here passing the bill as if it was approved by the industry, why would the industry help any state write a bill if it wants federal legislation, not state legislation?
ANDREW KINGMAN: Well, I think every organization that if faced with compliance would likely occur before the effective date of any federal law that passed has an incentive to try to make that bill operationally workable and our organization has worked in several other states on initiatives to try to do just that. You know, just as an example, the data breach provisions that are in here, which do not refer to the Connecticut data breach statute that established a new standard, we work on data breach notification statutes that’s generally considered to be a component -- a likely component of any federal law.

REP. WINKLER (56TH): Does the industry have a model bill for us?

ANDREW KINGMAN: No, we do not.

REP. WINKLER (56TH): Thank you, Madam Chairwoman.

SEN. FLEXER (29TH): Thank you, Representative. Are there other questions from members of the committee? Seeing none, thank you for your testimony.

ANDREW KINGMAN: Thanks.

SEN. FLEXER (29TH): Next is Senator Cathy Osten.

SEN. OSTEN (19TH): Thank you very much, Madam Chairwoman, and the committee of Government Administration and Elections. It’s my honor to speak in front of you today. You have my testimony. I’m just going to minimize what I have to say, but I would like to see June 15th designated as Cadet Nurse Corps Day in the state of Connecticut. It honors those women who served during World War II as members of the Cadet Nurse Corps. It’s something that I think is important to do. These women stood...
up and helped our government with becoming nurses, served both overseas and in country and it is the only group left out of World War II that has not been given what I believe is a designation and I think it’s important for us to recognize, in particular women, who serve our country and I think it’s necessary to do so and I’d appreciate your support on that.

Additionally, I support Section 2 of the bill, which merely seeks a correction for the appropriate date for the remembrance of the 1984 Sikh genocide and I’m going to let my colleague next to me talk about this, but for those of you who may not know this, there is an active and growing Sikh community in the city of Norwich and I’m very honored to have Swaranjit sitting next to me and he is a business man in Norwich. He is a community partner in Norwich and he has done a lot of really great work and so I’m going to let him talk about the reason why we need to have a little change.

SWARANJIT SINGH KHALSA: Thank you, Senator Osten. Good afternoon, all the committee members. I am Swaranjit Singh Khalsa, resident of Norwich, and president of Sikh Civic Society International. I’m also serving as a member in World Sikh Parliament. First of all, thanks for giving me this opportunity to testify in favor of General Assembly Raised Bill 1091, Section 2, AN ACT CONCERNING THE DATE OF SIKH GENOCIDE REMEMBRANCE DAY. We request Section 1029-A of the General Statute be amended and the date of Sikh Genocide Remembrance Day to be changed from November 30th to November 1st. Mr. Chairman and the committee members, I would like to enlighten you why we want to do that.
After Indian Prime Minister Indira Gandhi was punished for her crime against humanity, on October 31st, Indian elected officials initiated planned genocidal campaign and started killing Sikhs all over India. The killing started from November 1st and for the next four days while the killing was going on, more than 30,000 Sikhs were killed during this genocidal campaign, including men, women, and children. Sikh places of worship, households, businesses, and personal property was burned as the mob had a voter list provided by their elected officials. Sikhs were burned alive on the streets of New Delhi, which is the capital city of India. Sikh women were raped and tortured. Government transport was used to facilitate all this killing. Law enforcement, which is sworn to protect the citizens of the country, was told not to interfere and they didn’t protect anyone. My own family is a victim of Sikh genocide as we used to live in New Delhi in 1984, so I can understand the pain of the broader Sikh community as well. Not just that, genocide continued after 1984 and more than 150,000 Sikhs, young Sikhs, from age 13 to 30 were killed during that decade and you can find all this information Sikhso.org and I was really disturbed when yesterday I was preparing my testimony and I saw a few pictures and I was like these small, young kids. How can they be labeled as a terrorist? They don’t even know like half of the things in the world.

So I was really disturbed. The ironic thing, after 34 years when Connecticut General Assembly passed the resolution unanimously to declare that part of killing as a Sikh genocide. The first high profile conviction took place in Indian court. One of the
Indian politicians, Sajjan Kumar, who was leading the genocide was convicted, but as we all know, justice delayed is justice denied and that was the first high profile conviction and there are so many hundreds and thousands of politicians who were involved in that crime.

My point here is that every little initiative we took to bring awareness about genocide, it helps to ease the pain of the Sikh community because at least we know our state knows what happened to our people. Sadly but true, Sikh genocide is still going on in India, but instead of bullets, now they’re making Sikh youth addicted to their drugs and on the other hand due to the federal policies, they use the word center because their terminology is different, it’s federal, but their policies are against the state of Punjab and Punjab has not right over their water --

SEN. FLEXER (29TH): Can you please summarize your remarks.

SWARANJIT SINGH KHALSA: -- which is leading Punjab to economical genocide. I would like to share that despite of Indian Council in New York trying to interfere with our general assembly, constitutional process opposing Sikh Genocide Commemoration, the state capitol, we did that and city officials, state officials, and federal officials participated in that event. Thank you very much and I would just like to say that my community is proud to live in the state of Connecticut who understands the pain of the Sikh nation and have guts to stand with what’s right. I really thank you for dedicating a day to recognize Sikhs who lost their lives and loved ones during the 1984 Sikh genocide. Thank you. If you have any questions, I’ll be open.
SEN. FLEXER (29TH): Thank you. Thank you for your testimony. Are there questions from members of the committee? Representative France.

REP. FRANCE (42ND): Thank you, Madam Chair, and thank you for your testimony and sharing the story and the origin of this and the devastation that it took on the Sikh community. If I understand it, what you're looking for is to move the date to commemorate the beginning of the genocide as opposed to the end of the month. Is that a fair statement?

SWARANJIT SINGH KHALSA: Yes.

REP. FRANCE (42ND): All right. Thank you, Madam Chair.

SEN. FLEXER (29TH): Thank you, Representative. Are there any other questions from members of the committee? Seeing none, thank you both again for your testimony.

SEN. OSTEN (19TH): Thank you very much. Have a nice day.

SEN. FLEXER (29TH): You, too.

SEN. OSTEN (19TH): It looks like you’re going to be really busy.

SEN. FLEXER (29TH): Next is Rebecca Torns-Barker.

REBECCA TORN-BARKER: Thank you. Good afternoon, Senator Flexer, Representative Fox, and esteemed members of the GAE Committee. My name is Rebecca Torns-Barker. I am a Vernon resident, hello Representative Winkler. I have a small business in South Windsor. I am also the current president of the American Massage Therapy Association, Connecticut chapter.
SEN. FLEXER (29TH): Can I just interrupt you for just one minute, can you say your last name again? I just want to make sure we have it recorded accurately.

REBECCA TORNS-BARKER: Torns-Barker.

SEN. FLEXER (29TH): Barker?

REBECCA TORNS-BARKER: Yeah.

SEN. FLEXER (29TH): B-A-R-K-E-R?

REBECCA TORNS-BARKER: Yes, Ma’am.

SEN. FLEXER (29TH): Thank you very much.

REBECCA TORNS-BARKER: Thank you. We have over 5,000 licensed massage therapists practicing in Connecticut and of that, over 2,500 of them are members of the American Massage Therapy Association, Connecticut chapter. We are in favor of the concept of Bill 6742, AN ACT CONCERNING HUMAN TRAFFICKING AND STATE CONTRACTS AND THE LICENSING OF ESTHETICIANS, NAIL TECHNICIANS, AND EYELASH TECHNICIANS. Connecticut is the only state that does not license estheticians currently and when human trafficking began usurping the massage therapy profession, the legislative body here in Connecticut and acted and increased standards and update statutes regarding massage therapy. We feel it’s time to do that for the nail technicians and the esthetician industries as well.

According to VICE news, human trafficking is occurring more regularly in nail salons and has been reported in Rhode Island and Massachusetts with up to 20,000 victims involved a year. Some 2,000 nail salons were involved in New York City alone in 2015.
The Polaris Project, which runs the national human trafficking hot line, reports that one to three people can own several businesses at a time and estimates that there are at least 7,000 businesses offering sex for sale in the United States.

So while AMTA supports the concept of this bill, we do object to some of the language. The word massage is used many times in this bill. Massage is a defined term in the statutes of this state and nail technicians and estheticians don’t meet the requirements in the definition of that term. Nail technicians in the bill would be required to have 300 hours of education, estheticians to have 600. Massage therapists have over 800. Nail technicians and estheticians just don’t meet the requirements of that defined term. They do, however, perform light massage — I’m sorry, light touch and they’re trained in light touch and we’d like to see the wording reflected as such.

Let’s see, there’s also a clause that an esthetician would need to be managed by a licensed esthetician. That would force many small businesses to close. Many massage therapists own small businesses with estheticians on staff and they simply don’t have the resources to hire an additional manager just to supervise an esthetician. Lastly, nail technicians and estheticians should be required to post the same human trafficking notice that massage therapists are required to display in our offices since we have knowledge that human trafficking occurs in nail salons. We just ask that the same rule apply. In summary, we support the bill with some minor tweaking and please consider strengthening these industries in our state and giving the legitimate
technicians the protections they deserve. Thank you for your time today.

SEN. FLEXER (29TH): Thank you. Thank you for your testimony. Are there questions from members of the committee? Representative Mastrofrancesco.

REP. MASTROFRANCESCO (80TH): Thank you, Madam Chair. I’m sorry, I didn’t get your name in the beginning. What was it?

REBECCA TORNS-BARKER: Rebecca.

REP. MASTROFRANCESCO (80TH): Rebecca, what was the last name?

REBECCA TORNS-BARKER: Torns-Barker.

REP. MASTROFRANCESCO (80TH): Okay, sorry, and you submitted -- your testimony is here? We got a lot of testimony today.

REBECCA TORNS-BARKER: I did submit it, yes.

REP. MASTROFRANCESCO (80TH): Thank you. Do we have any data of showing that nail salons today are engaged in human trafficking in Connecticut?

REBECCA TORNS-BARKER: I would refer you to the Polaris Project website. They have maps that show where it’s occurring and in what industries it’s occurring in.

REP. MASTROFRANCESCO (80TH): Is it occurring in Connecticut?

REBECCA TORNS-BARKER: Yes. And the main entry point on the east coast is Flushing, New York and we have a lot of human trafficking happening through that port.
REP. MASTROFRANCESCO (80TH): Okay. I’m just -- I’m just struggling to see where human trafficking has anything to do with this specific bill regarding nail salons and estheticians?

REBECCA TORNS-BARKER: We found that by increasing our licensing standards for massage therapists, it decreased the amount of human trafficking occurring within our industry in the state.

REP. MASTROFRANCESCO (80TH): I’m sorry, say that again?

REBECCA TORNS-BARKER: By strengthening the statutes for massage therapy within this state, we found it decreased human trafficking happening within the massage therapy profession.

REP. MASTROFRANCESCO (80TH): Right, so massage therapy is different than a nail technician.

REBECCA TORNS-BARKER: But they’re reporting the same problems.

REP. MASTROFRANCESCO (80TH): But they’re a total different industry. Correct?

REBECCA TORNS-BARKER: Correct.

REP. MASTROFRANCESCO (80TH): Correct, they’re totally different. And you do say that there is data and proof that there is human trafficking happening in nail salons specifically in Connecticut. Do you know any of those figures at all?

REBECCA TORNS-BARKER: I did not bring them, no.

REP. MASTROFRANCESCO (80TH): Do you know where I can find those figures?
REBECCA TORN-BARKER: Polaris Project dot org.

REP. MASTROFRANCESCO (80TH): And can you tell me, if you know this off the top of your head, I don’t know if you do, what prompted this, this specific legislation, did something happen recently that it’s a public health or a public safety issue to bring this up now? Is there an increase that you’re saying in human trafficking in nail salons or estheticians?

REBECCA TORN-BARKER: There have been -- sorry, Massachusetts and Rhode Island have reported that they’ve seen a large influx in license applications for nail salons and as they started getting into researching why that was happening, they found that human trafficking was happening in that industry in their states and they’re our neighbors, so.

REP. MASTROFRANCESCO (80TH): Right. I was just want to now specifically to Connecticut. Well, I mean, I don’t know what goes on in the other states, but I’m more concerned what’s going on in Connecticut.

REBECCA TORN-BARKER: Of course, yeah. No, I haven’t spoken to anyone who presented this bill, so I don’t why they presented it at this time.

REP. MASTROFRANCESCO (80TH): Okay. Thank you for answering my question. I appreciate that. Thank you, Madam Chair.

SEN. FLEXER (29TH): Thank you, Representative. Are there other questions from members of the committee? Seeing none, thank you again for your testimony.

REBECCA TORN-BARKER: Thank you.
SEN. FLEXER (29TH): Next is Representative Dauphinais who will be followed by Jon Lieboswitz.

REP. DAUPHINAIS (44TH): Good afternoon, members of the GAE Committee. I am Representative Anne Dauphinais and I will be yielding my time to Tara Swagger regarding Bill 6742.

TARA SWAGGER: Hello, good morning, members of the GAE. My name is Tara Swagger. I speak before this committee in opposition of Committee Bill 6742. I am the owner of Tara Esthetic Skin Clinic and Permanent Makeup Studio in Putnam, Connecticut, and I’m an esthetician with over 20 years’ experience. I also provide lash services, nails, permanent makeup, and makeup services. I am certified and I’ve trained with over 20 companies and beauty institutions, a member of eight national and worldwide professional associations in the field, as well as an instructor for permanent makeup with Pigmenta USA in Boston. I am here representing myself and as the president of the Coalition -- Connecticut Coalition of Beauty, I am also representing a number of concerned business owners, technicians, and beauty school owners.

I want to first speak to the title of the bill that implies the sex trafficking. We just heard someone speak and I understand that they’re now pointing to a website that I could not find when I did my research to try to find data on this human trafficking. While massage therapy has on occasion had issue with illegal dealings with sex workers, I do believe it’s a stretch to add the entire industry of beauty under this title. I have searched high and low for this documentation and now I will take a look at this website, but as far as numbers and
data, I just find it hard to believe that we’re extracting an exact amount of these high, incredible numbers for these businesses.

There is simply no data that I can find to support this claim and while human trafficking is a disgusting operation, there doesn’t seem to be enough proof to support that this is happening to warrant the hype in the title that they’re adding to this bill. Many of those that work in this industry provide all of the services that are listed in this bill and many utilize esthetics, nail services, and lashes together to bridge the gap in salons and spas. This bill requires licenses for each service provided, lending itself to a cost of $300 dollars biannually and for me, $550 dollars biannually because I also provide permanent makeup.

As a business owner, I currently $100 dollars per year for my permit for the health department; the health department currently oversees salons and last year fees went up drastically, so every salon who once paid $100 dollars for their visit from the health department for their yearly inspection now, last year, the requirement changed that every individual renter in the salon pays the $100 dollar fee, so now we’re paying, at my salon, $900 dollars per year for one visit from the health department. So as you can see, there’s a load of fees that are implied with this bill in addition to what we’re already dealing with.

The health department is already in charge of regulating these businesses for the purpose of public health. The format for inspection already addresses salons and spas for proper sanitation and guidelines that are already in existence. Anecdotal
stories of unclean salons and services that have caused harm are not unique to my industry. Licensed trades have plenty of lousy technicians and improper work resulting in bad experience. Many people have stories for just about every industry and the beauty industry is not exception.

With 20 years’ experience and a very successful business, I have seen many people who have had these unpleasant experiences. I have successfully retained clients who are very happy to know that my long list of credentials and commitment to education has them in safe hands. In all the years and cases I have seen, every single one has been performed by a trained and certified or licensed individual. It is in my experience, serving well over a thousand clients, that this is not an issue of untrained or unlicensed technician, but simply mistakes or unforeseen reactions or allergies that are part of the risk in the beauty business.

The industry regulates itself. You cannot buy professional products or ingredients from professional companies without proof of education or training. I have worked with hundreds of wholesale distributors in my career and account approval is only rendered upon proof of training. Finally, I am concerned about how the regulatory language for esthetics, nails, and lashes has been circulating committees under the guise of different bills. It has become a forceful and intrusive way to push regulation for an entire industry without a fair discussion. Many industry professionals have voiced serious concerns when learning about the proposed language and how this will affect their businesses in terms of financial costs. This method of circumventing the process to pass this legislation
has left out a huge educated voice from our industry. The entire beauty industry in Connecticut deserves educated voices and input on the process of this regulation.

SEN. FLEXER (29TH): Can you please summarize?

TARA SWAGGER: Sure. Those who are putting forth these bills should be vetted for industry excellence, education, and qualifications to do so and I’m here to represent all the people that want to make sure that they can have a voice for that. Thank you.

SEN. FLEXER (29TH): Thank you. Thank you for your testimony. Are there questions from members of the committee? Representative Mastrofrancesco.

REP. MASTROFRANCESCO (80TH): Thank you, Madam Chair. Thank you very much for your testimony. Going back to the last person who testified, they were talking about human trafficking. Have you found any data or any information at all that human trafficking in nail salons has been an issue in Connecticut, specifically in Connecticut, at any time?

TARA SWAGGER: Not that I know of, but, I mean, we’re dealing with a whole different set of issues when it comes to human trafficking. I feel that, although there may be some information that I couldn’t find that has been brought to my attention, I think that the attachment to this idea of licensing this entire industry with that as part of it seems like a huge stretch. Unfortunately if that is happening, certainly I’m not in support of that and I would definitely want to be part of the process to fix that situation, but no, I think that
there’s sex trafficking everywhere. I mean, I don’t know that it’s special to the beauty industry in particular and unfortunately in massage, I know that that does happen. You know, you’re -- someone’s going to a massage place to have a massage and it’s a little easier a way to flip that. By the way, I’m also -- I also went to school for massage therapy, although that I don’t practice, so I do understand that that does occur. But no, none that I know of, and I know plenty of amazing business owners that do not have anything to do with sex trafficking, so I guess my position in this situation is that these are two separate things and we’re not going to eliminate sex trafficking because all of a sudden everybody is carrying a license and spending all this extra money.

REP. MASTROFRANCESCO (80TH): Yeah, thank you, and I share your concerns, I truly do. I don’t see anything in this bill specifically. If human trafficking was an issue and it was a problem, I don’t see anything in this bill specifically identifying human trafficking to nail salons or cosmetology or estheticians that would stop that if it was happening and I’m also concerned that it gives this industry a bad name because I haven’t seen any proof or any evidence. The human trafficking portion of this bill should not be in here. To me personally, I just think it’s a way around getting through legislation the wrong way.

TARA SWAGGER: And that is exactly that we’re looking at.

REP. MASTROFRANCESCO (80TH): And I completely agree with you on that. Can you tell me the difference between an esthetician and a cosmetician?
TARA SWAGGER: So you’re saying cosmetician, I’m assuming that you’re -- word for word like a cosmetologist?

REP. MASTROFRANCESCO (80TH): Yeah.

TARA SWAGGER: Generally in states when you go to school for cosmetology, this is generally for doing hair, so coloring, cutting hair. The cosmetology includes usually in these programs because they’re much longer, some part of skin, which is what estheticians do, some part of nails, which is what nail technicians do, and that usually includes waxing as well, so if you go to school to be cosmetologist or cosmetician, you’re generally training in all of those fields, mostly hair, but all of them together.

REP. MASTROFRANCESCO (80TH): And then I understand last week or a couple weeks ago through the process, the state of Connecticut did an audit or when into certain nail salons and they found that they were not in compliance with labor laws and I think that’s a common practice. They do that going into restaurants and so forth, it’s just a common practice that has absolutely nothing to do with human trafficking. The information they found really was specific to labor laws and I’m just wondering and if you think that licensing this industry would be helpful in managing the labor laws and would it be found in violation in some of those nail salons?

TARA SWAGGER: No, I do not and I’m actually you brought this to attention because those that are proposing this bill in an attempt to create some support around moving licensing has strategically incited the press to falsely hype that nail salons
are violating laws. Every business, small business, there’s always some issues with labor laws. This is not again unique to this business. Licensing doesn’t necessarily change that. I feel like the regulations state to state, sometimes town to town, can create license confusion on classification of employees and in this business, it’s a constant discussion nationally about the classification of employees. We have renters, we have employees, we have interns, we have apprentices, so every state sort of does that different and I think unfortunately what happened a couple weeks ago was some verbiage was attached to a labor bill including the licensing of esthetics.

It was brought to the labor board to be added to something else and then within two days, over 30 nails salons were then investigated for labor law violation and what’s very upsetting to me is that for people who want to help women and help this industry, they shut down these -- over 20 nail salons where people did not have the ability to work on a very busy weekend in the slow season. We’re talking about nail technicians that don’t make a ton of money, probably working paycheck to paycheck and very often many of those people only work one or two days a week and so I spent that weekend very disappointed that so many people were affected by that and I feel like that’s a pretty nasty way to go about trying to get attention for this bill and I’m disappointed that that happened.

I feel like we could have -- if labor laws are being violated, then we should be trying to help them be compliant. A lot of those salons are Asian and they have a lot of people that don’t speak very good English and unfortunately, there’s probably they
don’t know about how to run their business correctly, so we should be helping them become compliant, not shutting them down and creating this, you know, hype over trying to make sure everybody gets licensed.

REP. MASTROFRANCESCO (80TH): Thank you and I agree. I’m very disturbed that this heading of this specific bill in response to the nail salons that it has something to do with human trafficking. I think it is -- if we want to have a conversation about whether nail salons or estheticians or cosmetology should be licensed in the state of Connecticut, then I think it’s a good conversation to have, listen to both sides of the story, but to incorporate that into human trafficking and to give this industry and the hardworking people that do this a bad name, assuming that they are involved in any type of human trafficking I think is terrible, so I appreciate your testimony and get me the information on that. Thank you very much.

SEN. FLEXER (29TH): Thank you, Representative. Are there other questions from members of the committee? Seeing none, thank you again for your testimony.

TARA SWAGGER: Thank you.

SEN. FLEXER (29TH): There will be no applause, no reaction to anyone’s testimony of any kind or you’ll be asked to leave the room. Thank you. Next is Jon Lieboswitz.

JON LIEBOSWITZ: Thank Chairmen Flexer and Fox, Vice-Chair Winkler, Ranking Member Sampson, distinguished members of the committee, my name is Jon Leibowitz. I am the co-chair of the 21st Century Privacy Coalition, an organization comprised of the
nation’s leading communication companies. During my time in government, I served as a Democratic Commissioner on the Federal Trade Commission and was appointed chairman by President Obama. Our coalition strongly supports privacy legislation to give consumers greater control over their data, but your proposed bill, though laudable in its goals and those goals are very laudable, would contribute to a patchwork of state laws that would be unworkable.

Let me explain. What makes the internet magical is also what makes it a poor subject for state legislation. It connects individuals across state borders. A proliferation of differing state privacy rules would not only be infeasible to implement, but it would also create inconsistent protections for consumers based on where they live, work, happen to access online services. Imagine if there 50 different federal aviation standards, one for every state. The inevitable confusion could have disastrous consequences in the air. Well, the confusion caused when consumers try to navigate through 50 states’ cyberspace standards could cause digital disasters and certainly digital confusion as well.

There are also specific issues with the bill before us. The law on which this bill is modeled, the CCPA, is itself rife with confusing and conflicting provisions. Dozens of amendments have been filed to the law by the very lawmakers who supported it. Moreover, the bills definition of personal information is far too broad. Just one example, tying a definition to household means that the bill disregards that individuals living under the same roof will have different privacy preferences. Worse, it may force businesses to reveal intimate
personal information to others. Imagine a veteran seeking information on coping with PTSD or substance abuse or a gay teenager grappling with his identity and reaching out to groups that can offer support. Fortunately, a serious bipartisan effort is currently underway in the U.S. Senate Commerce Committee to draft federal law. It’s led by your own senator, Richard Blumenthal. That legislation likely to move forward this year would effectuate the goal all of us in this room share, giving Americans the right to control their own data, and any federal law will give enforcement authority to state AGs, which is state attorney generals, which is critically important.

We also support provisions derived from the 2012 FTC Privacy Report, which was praised by consumer groups, I have a copy of it here, and the Obama Administration for its muscular approach to protecting privacy. That includes opt-in rights for sensitive information, opt-out rights for non-sensitive information, rights of access and deletion, and a technology neutral framework, Mr. Chairman or Madam Chairman. Strong privacy protections are critical for creating a --

State rules are not the right way to achieve them. This is especially true for online privacy, which is a quintessentially interstate issue. Thank you. I welcome the opportunity to answer questions.

SEN. FLEXER (29TH): Thank you. Thank you for our testimony. Are there questions from members of the committee? Representative Winkler.

REP. WINKLER (56TH): Yes. If we change this bill to read simply that all adults in Connecticut can ask what information any particular corporation has
on them and that the corporation is required to respond, what would you say to that?

JON LIEBOSWITZ: Representative Winkler, I would want to think about it, but I think that would be a considerable improvement and I also think consumers deserve those rights, so -- and then you wouldn’t be creating a crazy quilt patchwork of state rules or state laws and you’d give time for actually legitimate federal effort to move forward. I know you’re smiling because, you know, because you think can Washington really do anything, you know, of consequence for the people it represents and I understand that, but I’ve actually -- and I’ve been in Washington. I’m part of the problem or the swamp no doubt, but the -- and I’ve been in Washington for several decades, I worked in congressional staffs, I was the chairman of the FTC. There’s a lot of muscle behind actually passing federal privacy legislation and it’s bipartisan, so I think there is a real possibility and I think part of that is because you have GDPR in Europe, you have the California law, and I think people began after the Cambridge Analytica scandal, it’s probably, you did too, to recognize that this is a fundamental consumer right.

REP. WINKLER (56TH): Did you say that the federal law will give state AGs a right of action? How do you -- What makes you think that?

JON LIEBOSWITZ: Well, one is I have some involvement in the drafting, so that’s a part of it, but two is the FTC and state attorneys general, both enforce COPPA, the Children’s Online Privacy Protection Act, and that seems to be the new model and I think it’s a very, very good approach, where
you have state AGs sort of aggregating their muscle and their ability to enforce the law to the Federal Trade Commission. In my own view is that it’s actually preferable to have state AG enforcement under federal law than to have private rights of action, which often do not benefit the punitive victims, but the people who bring the cases.

REP. WINKLER (56TH): Thank you, Madam Chairwoman.

SEN. FLEXER (29TH): Thank you, Representative. Were there other questions from members of the committee? Representative Fox.

REP. FOX (148TH): Thank you, Madam Chair, and thank you, Commissioner, for being here today. Can you just quickly or briefly expand upon -- you were referencing testimony in 2012, FTC Privacy recommendations, can you just please briefly expand upon those?

JON LIEBOSWITZ: Sure. We wrote a report in 2012 protecting consumer privacy in an era of rapid change, recommendations for businesses and policy makers and what it called for was more privacy by design by companies, more transparency by companies, more consumer control over their data, giving consumers the right to opt-out of the collection of information except for things like fulfillment, you know, the address you need to give to a company when they’re delivering goods to you or other first party interaction and an opt-out -- I’m sorry, requiring companies to make you opt in when we’re dealing with categories with sensitive information and it was praised by consumer groups, including the ACLU and it was designed to be a template for federal legislation, it was one of the uses. It was also designed to be best practices for companies and so
we’re very pleased. I have now left the FTC, but I’m very, very pleased that people are taking this report seriously and it has, you know, it has a lot of the ideas embodied in there, ones that, you know, are in your own state legislation.

REP. FOX (148TH): And of those recommendations, do they call on states to enact legislation or were they calling on companies and corporations to act or respond or make changes on their own?

JON LIEBOSWITZ: Well, it’s a really good question. We called for companies to engage in these as best practices, but it was understood when we wrote this that we were looking to sort of influence policy-makers. It’s in the report itself and I’ll send you a copy of it, and then at around the same time, we began this process and it was a two-year process with more than 200 witnesses and lots of comments and multiple iterations. We were hoping that Congress, as part of what became the Dodd-Frank legislation would give us rule making authority so that we could -- we could enshrine in rules a lot of -- a lot of the thinking that went into our report and this was in 2010. The House gave us that authority, the Senate did not, and we ended up getting cut out of the conference.

REP. FOX (148TH): Just the internet today is much different than it was back in 2012 when the rules were first put forward, but is -- what was the reaction then of the business community when these recommendations came out?

JON LIEBOSWITZ: The business communities’ recommendation -- Well, the business community, I think, was -- it was not entirely happy with the report. There were some people in the business
community who were supportive of it. There were others, particularly those companies that are involved in the collection of -- monetizing the collection of data, including data brokers that were particularly unhappy with it and so it actually -- and it’s interesting going to your point about the internet has changed a little bit from 2012, went from a report where there was more privacy advocate and consumer group support and the Obama Administration support as well as an independent agency to one where there’s now broader support for it I think.

REP. FOX (148TH): Thank you for that and also, you made reference to Senator Blumenthal’s pending legislation before the Commerce Committee, how does that line up with the recommendations in the report?

JON LIEBOSWITZ: We are still waiting to see a draft so I don’t want to preempt that, but I have -- but they are working very assiduously. The leadership is Senator Blumenthal on the Democratic side and Roger Wicker, who is the chairman of the Commerce Committee on the Republican side and I think it is, you know, I’m guessing it would be consistent. I know it will be consistent with this report. There are different approaches you can take. You can take an approach that is more like limitations on commercial sale of information, which is the California approach and the Flexor approach. You can take an approach that’s more like the GDPR as long as you don’t -- as long as you ensure that’s not going to harm innovation. I think they’re being very, very thoughtful. They’re listening to all stakeholders and we hope to see a bill soon, but once they have a piece of legislation that they are
circulating, I can think it can move very, very quickly.

REP. FOX (148TH): Thank you for your testimony today. Thank you, Madam Chair.

SEN. FLEXER (29TH): Thank you, Representative. Are there other questions from members of the committee? Seeing none, thank you again for your testimony. Next is Mary Dunne who will be followed by Sal Luciano.

MARY DUNNE: Good afternoon, Senator Flexer, Senator Sampson, and Representative Fox and members of the GAE Committee. Thank you for the opportunity to testify in opposition to Raised Bill 1107, AN ACT CONCERNING THE TERMS OF THE BOARD OF TRUSTEES OF THE CONNECTICUT TRUST FOR HISTORIC PRESERVATION AND CONSTRUCTION INVOLVING HISTORIC STRUCTURES. My name is Mary Dunne. I’m the state historic preservation officer and I’m here on behalf of Commissioner-designee Lehman. We’ve submitted our written testimony, so I will briefly summarize. The proposed bill requests an exemption for individuals in municipalities meeting a narrowly defined set of conditions to demolish or otherwise significantly alter a designated historic building, but despite the limited nature of this proposed bill, we ask the committee to consider the unintended consequences of the implementation and why our office is opposed to the bill.

The state of Connecticut holds that historic resources are held in public trust, they are a public benefit, and gives the public the right to seek legal remedy against the unreasonable destruction of these resources. The proposed bill would bypass the only legislation that gives the
public the right to seek that remedy. The current legislation is not intended to halt development, but only ask that proponents reconsider demolition if prudent and feasible alternatives are available. In the past 20 years, less than five cases have been brought to the courts through this process. In fact, one of the earliest cases involves the building at 410 Asylum here in Hartford. That building is still standing and providing affordable and market rate housing for residents in this city.

SHPO is opposed to providing this exemption because it does not respect the rights of the public or their interest in preserving historic resources for future generations. The state’s economically distress communities are the ones most at risk for demolition by neglect or purposeful demolition to make way for new development. In our experience, a large number of proposed new construction projects never move forward in an historic district, demolition for new construction that never takes place leaves a gaping hole in an otherwise cohesive and character-filled neighborhood. It’s demoralizing to the community, it makes it difficult to attract residents, businesses, and development. The existing statutes afford the public the opportunity to avoid the regret of speculative demolitions.

And finally, I just want to make the point that historic preservation is less about preserving buildings as museum pieces and more about putting those places back into use by and for people. This goal is supported by federal and state tax incentive programs, survey and planning grants for historic preservation, and bricks and mortar funding, all of which are managed by our office. In fact, a portion of the tax credit reservations under our state’s
larger historic tax credit incentive are going to be set aside specifically for opportunities of zoned development. Our office is poised to assist distressed communities where historic preservation can be a cornerstone to revitalization. As legislators, as public servants, as citizens, we all bear a responsibility for stewardship of our state’s important historic heritage and careful consideration before its destruction. It is the opinion of the our office that there’s no reason to bypass existing statures when we can all work together. Thank you in advance for your due consideration of the department’s thoughts on this proposal and I’ll be happy to take any questions.

SEN. FLEXER (29TH): Are there any questions from members of the committee? Seeing none, thank you for your testimony.

MARY DUNNE: Thank you.

SEN. FLEXER (29TH): Next is Sal Luciano who will be followed by Commissioner Josh Geballe.

SAL LUCIANO: Good afternoon, Senator Flexer, Representative Fox, and members of the Government Administration and Election Committee. My name is Sal Luciano and I am president of the Connecticut AFL-CIO, a federation of hundreds of local unions representing more than 220,000 members in the private sector, public sector, and building trades. Thank you for the opportunity to testify today against Senate Bill 878, AN ACT ENHANCING PUBLIC PRIVATE PARTNERSHIPS. S.B. 878 is an alarming attempt to return us to the shadowy Rowland years in which the Governor engaged in pay-to-play contracting and procurement, awarding lucrative state contracts to those who compensated him with
expensive gifts, trips, and home improvements. Rowland repeatedly and systematically used his office for personal gain and was ultimately convicted of corruption charges and sent to prison and it wasn’t just the governor. His chief of staff, Peter Ellef, was known for his envelopes of cash, and the deputy chief, Larry Alibozek, is known for the gold that he buried in his back yard. It gave Connecticut the moniker of Corrupt-icut.

Following the Rowland scandal, the General Assembly took careful and deliberate steps to enact policies that injected transparency and oversight into state contracting and procurement protocols. A significant product of those efforts was to establish in fits and starts the State Contracting Standards Board, an independent executive branch agency charged with ensuring the effectiveness and integrity of the state contracting and procurement processes. In 2011, the General Assembly took the same cautious approach when authorizing public/private partnerships. They were intent on establishing limits and restrictions to ensure taxpayer dollars were spent appropriately and transparently. No one wanted to create a system that would invite more corruption.

Senate Bill 878 abolishes many of those carefully crafted protections. It removes the limit on the number of public/private partnerships that can be authorized. It removes the limit on the duration of a public/private partnership project. Current statute limits the term of agreement to 50 years. It removes the limits on the kinds of projects that can be considered for a public/private partnership beyond those already permitted in statute. The bill gives that authority to the Executive Branch and
lastly, oversight of the State Contracting Standards Board -- it removes the oversight of the State Contracting Standards Board to verify that the proposed public/private partnership cannot be completed in-house and is indeed cost effective.

Allowing agencies to bypass the State Contracting Standards Board is reckless and shortsighted. If public/private partnerships are such wonderful things, they should easily be able to withstand all levels of scrutiny currently provided in statute. I urge the committee to preserve the thoughtful, diligent work it did to protect taxpayer dollars since the Rowland scandal. Knowing our recent past, we must be vigilant to maintain systems that keep us from repeating it. I implore you to reject Senate Bill 878. Thank you for the opportunity to testify today.

SEN. FLEXER (29TH): Thank you. Thank you for our testimony. Are there questions from members of the committee? I have a question. Could you tell us if you have suggestions as to what could be done within the confines of what you laid out in terms of the law right now, if there’s a way to make public/private partnerships potentially work in our state while adhering to the standards that you describe as important in your testimony?

SAL LUCIANO: Yes. I think public/private partnerships are inherently problematic, I think Bill Cibes did a great in the Connecticut Mirror, because what it really expects is for the private sector to get a rate of return that’s greater than the bonding for the state of Connecticut, so it involves a greater level of profit that’s required. Where they’ve worked, they’ve worked, where they
haven’t worked, they failed spectacularly. A great example is both the parking meter system in Chicago, which is a fiasco, and in the selling of a toll road of a major interstate in Indiana.

One of the things that can be done is what you have already done, which is allow the Clean Contracting Standards Board to take a look at something to see if it’s going to cost the taxpayers a money, if it’s effective or not. We’re just the canary in the coal mine. We’re not trying to gather the coal, we’re just trying to make sure that the contracts are clean and effective and cost effective for the taxpayers in Connecticut.

SEN. FLEXER (29TH): Just a followup, can you tell us more about the situations you described in Chicago and in Indiana?

SAL LUCIANO: So the idea in Chicago was for the parking meters to get an influx of money and so they sold the parking meter for a couple billion dollars to a private company. That has since come to haunt them because every time it snows and you can’t park there, every time a water main breaks, the company demands that the city pay, even though the city hasn’t received money from those parking meters. And so it’s a real fiasco for the city of Chicago for that reason. The interstate was a similar project. It was a toll road that was purchased by a European company and it had several problems to it. One was they were worried that they might lose money by the turnarounds in the toll road, so they closed those so that ambulances sometimes had to go 20, 30, 40 miles out of their way to take an exit and that created problems for people in the home that need ambulance and other first responder services. The
other problem it created was that in order for the company to maximize the amount of profit that it would get, they really didn’t maintain the roads as it tripled the cost for tolling. In the end, they went bankrupt and they left Indiana with pretty much a huge highway that was in total disrepair and basically almost worthless.

SEN. FLEXER (29TH): Wow, okay. What’s the incentive for a private entity to enter into these kinds of arrangements?

SAL LUCIANO: It’s usually to make money, Senator.

SEN. FLEXER (29TH): And what’s the incentive for state government to get involved?

SAL LUCIANO: I’m not sure. Again, Bill Cibes I think does a good job explaining that in most of those cases, if not in all of those cases, it would be better to bond since there would be massive amounts of money coming back, in those situations it would make sense and my understanding is also these bonds would not be part of the bonds that really encumber the state of Connecticut because they produce so much revenue.

SEN. FLEXER (29TH): Thank you. Thank you for your answers. Are there other questions from members of the committee? Seeing none, thank you again for your testimony.

SAL LUCIANO: Thank you.

SEN. FLEXER (29TH): Next is Commissioner Josh Geballe, who will be followed by Betsy Gara who will be followed by Representative Gilchrest.
JOSH GEBALLE: Good afternoon, Senator Flexer, Representative Fox, Senator Sampson, Representative France, and distinguished members of the Government Administration and Election Committee. I’m Josh Geballe, the commissioner of the Department of Administrative Services. I want to thank the committee for raising DAS’ proposal, House Bill 7385, AN ACT CONCERNING THE DEPARTMENT OF ADMINISTRATIVE SERVICES AND CHANGES TO AFFIRMATION, AFFIDAVIT, AND CERTIFICATION REQUIREMENTS FOR LARGE STATE CONTRACTS. DAS supports this bill. One of my priorities as commissioner of DAS is to solicit feedback from internal and external stakeholders about how we can support Connecticut businesses and make our internal operations more efficient.

A very common complaint I’ve heard so far is that doing business with the state involves too much bureaucracy. I’ve met a number of business people who will not even bid on state projects because they believe there’s too much red tape and it’s not worth the effort. This results in less competition and higher prices. House Bill 7385 consists of minor legislative changes that will eliminate some of the unnecessary bureaucracy without compromising our standards for fair and ethical contracting or increasing risks to taxpayers. Specifically, we would like to eliminate the need for some of the stand-alone affidavits and certifications that vendors have to print out, find a notary, sign, upload as PDFs and submit if they want a contract with the state by replacing them with applicable representations in the actual contracts. We are not eliminating any of the underlying legal protections or requirements, just the separate pieces of paper.
With your support, House Bill 7385 will eliminate the need for over 90,000 forms that are completed by businesses and submitted to the state every year. My testimony includes a table summarizing the affected statutes and I won’t go through that in detail in the interest of time. I’m only pointing out in Sections 1 through 5, the bill replaces the need for a stand-alone affidavit with a requirement the contract include the required language as a representation in the contract. Section 6 looks slightly different in that it is -- the statute already includes this requirement and we’re just working with the CHRO to ensure we’re in alignment on that and we’re confident that we will.

And I will also note that the State Elections Enforcement Commission has advised us that they are concerned this proposal may inadvertently weaken the requirement in Governor Malloy’s Executive Order 49 that vendors must disclose any campaign contributions. I want to show you that we have absolutely no intention of changing that requirement. We’ve already begun discussions with SEEC and the Governor’s Office about language to ensure that the campaign contribution disclosure requirements remain in effect. Thank you again for raising this bill and for giving me the opportunity to provide comment.

While these changes are minor legislatively, the impact will help make the state more business friendly, saving businesses countless hours completing unnecessary paperwork and will help make our state more efficient, saving our dedicated procurement employees time spent answering related questions, receiving and processing this mountain of
documents. I’m happy to answer any questions that you have.

SEN. FLEXER (29TH): Thank you. Thank you, Commissioner. Are there questions from members of the committee? Representative Fox.

REP. FOX (148TH): Thank you, Madam Chair. Welcome, Commissioner. Good to see you. Thanks for appearing before us. Without simplifying the bill too much or the concept behind the bill, it sounds as if there’s a current requirement that entities are required to file an affidavit and this is simply remove that step in the process while including the language in the affidavit -- in the actual contract?

JOSH GEBALLE: That’s exactly right. So we have actually seven different affidavits that have to be completed separately, in addition to the contract itself and so it just generates a lot of additional paperwork. We’re not suggesting any changes to the spirit or the legal intent of those affidavits, rather taking those terms and moving them into the representations of the supplier in the legally binding contract, so we’re just getting rid of a bunch of paperwork, moving the same responsibilities into a different place that streamlines the process.

REP. FOX (148TH): So each entity that has to contract with the state has these seven different affidavits currently?

JOSH GEBALLE: Correct, plus the contract itself, so if anyone’s curious, they can go on Biznet on the state website and go look at a solicitation that’s out there right now and when you go to submit a bid, you are presented with this incredibly intimidating list of documents that you have to fill out, many of
which are these forms which are actually one or two pages each, but you have to get them printed, find a notary, it’s just a lot of additional paperwork and also I think the perception does not reflect well on the state. It looks bureaucratic, it looks time consuming, actually much more so than it actually is, but this gives us a chance to kind of clean that up and streamline it and in so doing, I think present a much more friendly approach to anyone interested in doing business, many of whom are small businesses and others who simply don’t want to -- or shouldn’t have to spend as much time as they do responding to opportunities to do business with the state of Connecticut.

REP. FOX (148TH): Do you receive much feedback from the business community as to this proposal?

JOSH GEBALLE: Actually, I haven’t discussed this with them. This is something we’ve put together. I think you know, I’ve been in this role only for a couple of weeks, but was some kind of low-hanging fruit that staff identified that I thought was a great idea because it really doesn’t impact the spirit of any of these particular affidavits, it’s just a contractual kind of technical clean up that helps streamline the process, so we are hopeful that no one would have any reason to think this was not a good idea and therefore we just kind of brought it together quickly and haven’t had a chance to really socially very broadly.

REP. FOX (148TH): Toward the end of your testimony, you made reference to the issue with SEEC. Can you please expand upon that just a little bit again?

JOSH GEBALLE: Sure. So today, to do business with the state, you have to complete a separate form in -
- not specific to these documents. There’s another form where if you’re doing business, you have to disclose if you’ve made any campaign contributions to a -- to the state or to any elected officials.

REP. FOX (148TH): That’s outside of this current framework?

JOSH GEBALLE: Yes, outside of this current framework, but it references an executive order that Governor Malloy put out a number of years ago that creates the necessity for that separate form, so they pointed out, very rightly, that indirectly we may be impacting the requirement that form be filled out, so that was certainly not the intention and we will be working with them in the coming days and will submit substitute language before the end of the week that we are mutually agreed on. I’m optimistic that addresses that need and ensures that that form still is a requirement to do business with the state which is our intent.

REP. FOX (148TH): So this would in no way prevent political influence in contracting?

JOSH GEBALLE: No more so than the documents we have in place today. That’s kind of the point. I mean, people who, you know, the previous testimony referenced some I think rather inflammatory references to prior criminal activity of a former governor. Criminals will find ways to commit crimes. You know, we can try to legislate that risk to zero and in so doing, create mountains of bureaucracy that grind us to a half, so that is not the intent of this. The intent of this particular bill, which is a different than the prior testimony was in reference to is to maintain all the same
protections, just clean them up in a more concise manner.

REP. FOX (148TH): Thank you for your testimony. Thank you for appearing today. Good luck in your new position.

JOSH GEBALLE: Thank you very much, Representative. I appreciate it.

SEN. FLEXER (29TH): Thank you, Representative. Are there questions from members of the committee? Representative Mastrofrancesco.

REP. MASTROFRANCESCO (80TH): Thank you very much, Madam Chair. Thank you very much for your testimony. I have a question and you had submitted testimony for 6742?

JOSH GEBALLE: I do a lot of testimonies. Let me find that one.

REP. MASTROFRANCESCO (80TH): I know you didn’t read on it, but since you submitted the testimony, I was wondering if I would be able to ask you a question on it.

JOSH GEBALLE: Please.

REP. MASTROFRANCESCO (80TH): So your Bill No. 6742, you’re testifying that in the first portion of Section 1 of that bill, the Attorney General’s Office has complied with that request, is that correct?

JOSH GEBALLE: That’s correct.

REP. MASTROFRANCESCO (80TH): This was about the human trafficking bill, which is 6742, AN ACT CONCERNING HUMAN TRAFFICKING AND STATE CONTRACTS AND
THE LICENSING OF ESTHETICIANS, NAIL TECHNICIANS, AND EYE LASH TECHNICIANS. Can you tell me, and I’m looking at the title of this bill and there’s language in here regarding the executive order from President Obama, 136217, can you tell me what that has to do with the rest of the bill?

JOSH GEBALLE: My understanding is that it makes reference to that act and it gave rise to this other prior legislation 2017, which our predecessors and the prior attorney general worked together with my predecessor to ensure that we were compliant with that legislation. Beyond that, I’m not sure of all the details, but the testimony was simply to point out that we believe we’ve already complied with that requirement.

REP. MASTROFRANCESCO (80TH): Right, and the reason I ask you is because that human trafficking executive order is in this bill, so when I look at the heading and I look at the language of it, I’m saying well, there’s got to be some correlation, so can you tell specifically what the human trafficking portion, the executive order that President Obama put in, has to do with the rest of the language of this bill regarding licensing of estheticians, nail technicians, and eye lash technicians because that is part of the bill. Would you be able to tell me exactly what human trafficking would have to do with that?

JOSH GEBALLE: Okay. My understanding is that we had the reporting directive, but the AG had taken the lead on that. We’re not sure what the connection is.

REP. MASTROFRANCESCO (80TH): So is your position there is no connection?
JOSH GEBALLE: Not as far as we’re aware.

REP. MASTROFRANCESCO (80TH): Okay, so there is no connection between human trafficking and nail technicians, estheticians, and so forth based on that executive order that’s in that bill. Correct? I’m just asking a simple question and I don’t mean to put you on the spot, but this bill, the heading of this bill is pretty egregious in my opinion and I’m just trying to figure out what the correlation is between the Department of Administrative Services and the estheticians and the nail technicians. Thank you very much for your testimony. I appreciate it and I didn’t mean to put on the spot, but I’m really just trying to get to the bottom of the heading of this bill. Thank you very much.

JOSH GEBALLE: I understand. Thank you.

SEN. FLEXER (29TH): Thank you, Representative. Are there questions from members of the committee? Commissioner, I just have a couple of questions for you and it may not actually be a couple. You did submit written testimony on Senate Bill 878 and I recognize that you did not talk about it in detail, but your testimony, are you suggesting that we pass this bill as is or do you have recommendations on how it could be changed?

JOSH GEBALLE: Yeah, at this time, it’s the governor’s bill, we support it as is. We think it’s an important initiative to give our leaders the tools they need to try to craft creative solutions for the very complex challenges we’re facing in this budget environment. You know, certainly the governor is extremely committed to transparency and public/private partnerships. I think e’s spoken about that many times, but really, this is an
opportunity for us to modernize the opportunity and the options that we have available to solve some of these challenges and also to ensure that we can do it in a way that doesn’t involve as much bureaucracy as is currently in the existing legislation.

SEN. FLEXER (29TH): Thank you. This proposal, how does it protect against the scenarios that were described by a person who testified earlier, the situation in Chicago, the situation in Indiana, do you see safeguards in the proposal before us that would prevent that from happening in Connecticut on similar initiatives if this were to become the law?

JOSH GEBALLE: Sure. I think the best safeguards are transparency as the governor has discussed. I think those deals, I’m not an expert on them, but as they were described, they sound like bad deals, so our responsibility is as your leaders are to ensure that we’re doing deals that protect the interest of the taxpayers and accomplish the goals as effectively as possible and so this is, you know, giving the governor and his team the tools necessary to explore all options and in so doing, try to negotiate the best possible deals.

SEN. FLEXER (29TH): Okay. I won’t belabor this point. I will just say to you that I don’t think this bill has any of the safeguards necessary to stop what happened in Indiana or San Diego -- or excuse me, Chicago from happening here in Connecticut and I hope that we can have our productive conversation in the next couple of days to try to find a way to make sure safeguards are I place if anything like this is going to move forward, but I want to again, thank you for your
testimony this afternoon and your patience today. Representative Winkler.

REP. WINKLER (56TH): Yes. The bill, 878, seems to state that the Lamont Administration wants to be free of any cost benefit analysis concerning public/private partnerships. Why would that be?

JOSH GEBALLE: Well, I think it’s defined in current statute that concept of cost benefit analysis as a technical definition. I don’t think there’s any opposition to the general concept of cost benefit analysis. We certainly would be required or we would expect to do that in the context of weighing options about how we might solve various challenges of which a public/private partnership may be one alternative. The current approach, which I’ve reviewed only briefly in the couple of weeks that I’ve been here, involved some extensive spreadsheets with a lot of different fields which I had a hard time understanding to some degree, whether they all make sense and whether there are some pieces that are missing. So in any event, the concept overall of a cost benefit analysis makes perfect sense and I think there is in fact language to that effect in the governor’s bill.

It’s the technical, specific definition in this instance referencing some existing statutes that I think is being proposed to be removed.

REP. WINKLER (56TH): There’s nothing in our statute that gets down to the level of the complications of spreadsheets. That must be something that was done inside the agency.

JOSH GEBALLE: Perhaps --
REP. WINKLER (56TH): So we have a Contracting Standards Board. Is it your desire not to have to do any business with them regarding public/private partnerships?

JOSH GEBALLE: So first of all, I should clarify, the -- DAS, we’re responsible for procurement with regards to goods and services and information technology. There’s a number of areas related to procurement that are not within our agency’s domain, including most likely many of the types of public/private partnerships that are, you know, that are potentially contemplated in this legislation, so I think it might be more appropriate for me to leave that to other members of the administration where these projects may more specifically lie.

But in fact, I had been scheduled to have a meeting with the Contracting Examiners Board at this very moment, which I unfortunately had to reschedule because we’re running a little bit late, but I sent a note of apology, but I expect to be meeting with them and reschedule that meeting very quickly. So I’m very interested in working with them. I think we have the same goals, which is to save the state money, to protect taxpayer assets. I think this is all a discussion around the most efficient way to do that, that on the one hand manages risk of bad deals or of criminal activity taken to an extreme, on the other hand gives the administration some flexibility to look at all options and try to strike the best possible deals for Connecticut taxpayers.

REP. WINKLER (56TH): There’s also another provision that the 878 would exempt you from which would be to analyze whether in-house would be preferable to
public/private or contracting out. Do you have an objection to that provision?

JOSH GEBALLE: Can you repeat the question?

REP. WINKLER (56TH): Do you have an objection to studying whether a particular function can be better in-house before you move to a public/private partnership?

JOSH GEBALLE: I think that’s a natural element of any cost benefit analysis, small c, small b, that I described earlier. I think that’s an obvious thing that we always be doing is to try to figure out who can most efficiently and effectively deliver any service or any project, absolutely.

REP. WINKLER (56TH): It was mentioned that the 50-year-old clause had been done away with. Was there something limiting about the 50 years?

JOSH GEBALLE: I’m not aware, but again, that’s -- this is contemplating projects that are presumably of an infrastructure nature and therefore not within the responsibility of DAS, so I defer those questions to my colleagues from the administration who may have that concern.

REP. WINKLER (56TH): In the language, it appears there anyway, that non-compete provisions, do you anticipate that the public/private partnerships will have non-compete provisions within them?

JOSH GEBALLE: I don’t -- I’m not here to speculate on what may or may not be in any deals that could be potentially negotiated in the future. I have no idea.
REP. WINKLER (56TH): But the language of 878 would exempt the public/private partnerships from any problem with non-compete clauses.

JOSH GEBALLE: Okay.

REP. WINKLER (56TH): Does it?

JOSH GEBALLE: I’m not familiar with that provision. I did not come here to testify on that bill, but as I said.--

REP. WINKLER (56TH): Do you have this bill in front of you?

JOSH GEBALLE: I don’t. I have my testimony in front of me, though, so.

REP. WINKLER (56TH): Well, when you can, would you look at lines 156 through 158 and just see what you think and if you wouldn’t mind telling the chairs whether or not that does exempt public/private partnerships from non-compete clauses, I’d appreciate it.

JOSH GEBALLE: I will.

SEN. FLEXER (29TH): Thank you, Representative. Are there questions from members of the committee? Seeing none, thank you, thank you again for your testimony.

JOSH GEBALLE: Thank you, Senator.

SEN. FLEXER (29TH): Next is Betsy Gara followed by Representative Gilchrest followed by Bill Garity.

BETSY GARA: Thank you, Senator Flexer, Representative Fox, members of the committee. My name is Betsy Gara. I’m the executive director of the Connecticut Council of Small Towns, which
represents 110 smaller communities throughout Connecticut. I’m here today to testify regarding Senate Bill 1095, AN ACT CONCERNING MUNICIPAL ETHICS. We do have concerns with the bill. I’m a bit of a loss. I was hoping that Bob Valentine, the first selectman of Goshen, would be available. He has been participating on taskforces on this issue for many, many years, the last that I recall in 2008, before that in 2006. Those were very robust taskforces. They held public hearings throughout the state. They compiled a lot of information regarding municipal ethics provisions and where municipalities were struggling with adopting one and the question has never been do we - - the issue of municipal ethics and should municipal officials be held to high standards of conduct, absolutely.

The issue has always been who is charge of enforcing those, should it be the local community, the state, who develops the code of ethics, and the taskforce in 2008 actually concluded that because of the differences in the sizes of communities and the different government structures within communities, different charter provisions that a one size fits all approach was not the way to go, so we do appreciate that this creates some parameters. Unfortunately given the timing of when this was published and sending it out, we have not had a lot of time to get information back from our municipality officials, but some have already raised concerns regarding the issues of the contracting provisions, the nepotism provisions, and how they would play out in a small town.

One of the things we always have to be mindful of is it’s very difficult to track people to serve on
various municipal boards and commission. People are busy and they just don’t have time, so you tend to see the same families have a commitment to public service and they serve on multiple commissions. Some of them may be employed by the town. Again, we have to be mindful of that when we’re crafting this. In addition, the bill also calls for the Office of State Ethics to create a municipal educator position. I don’t know that that’s appropriate, particularly the state’s ongoing budget challenges. We have several organizations, including COST, CCM, and CABE that do a lot of good training for municipal officials. I know CCM actually held a training conference on ethics and it was very well attended. We could certainly handle that component of it, so again, I don’t think that that’s a necessary use of limited resources.

So I will, with due respect to the committee, get back to you on any specifics. We have a board meeting this Thursday relative to the specific parameters in the bill and whether or not they would make sense for our smaller communities, so thank you.

SEN. FLEXER (29TH): Thank you. Thank you for your testimony. Other questions from members of the committee? Senator Sampson.

SEN. SAMPSON (16TH): Thank you very much, Madam Chairman, and thank you for being here, Betsy. I appreciate all the work that you have done on behalf of small towns across the state. Did you submit testimony, by the way?

BETSY GARA: I submitted written testimony and I know Bob Valentine is developing testimony, so hopefully that will be available online later today.
SEN. SAMPSON (16TH): I appreciate that. I was really hoping to see if there was testimony from any individual municipalities. Do you know if any towns have submitted any?

BETSY GARA: I don’t believe so. Again, the bill was published. I think Thursday. We sent it out and it’s right in the middle of budget season, so I think that they just have a lot of priorities, so we are waiting to see that. I did submit testimony online outlining some of the concerns, but I do want to get some specific input on the various sections of the bill and how that would play out in terms of a smaller community.

SEN. SAMPSON (16TH): Right, yeah, no, I -- your testimony today is very helpful to me. I’m looking at this trying to weigh whether this is a municipal mandate or how important it is that we make sure that every town in our state does have a code of ethics in place, both important issues, but how that all fits together, I’m going to rely on you and the municipal leaders that come forward to help guide us, so thank you very much for that.

BETSY GARA: I appreciate it and I will say this is a much more pared down version than in the previous years. It does not include, for example, the financial disclosure requirements, which we found would have a chilling effect on the opportunity to attract people to serve on boards and commissions, but there are certain things, post-employment provisions, again the contract in provisions that may make it difficult to attract people with expertise to serve on the various boards and commissions.
SEN. SAMPSON (16TH): Very good. Thank you very much and thank you, Madam Chairman.

SEN. FLEXER (29TH): Thank you, Senator. Are there other questions from members of the committee? Representative Winkler.

REP. WINKLER (56TH): Yes. I’m aware of towns where the code of ethics is very simple. If you put money in your pocket or you misuse town resources, you’re guilty and almost anything else is permitted because and especially in small towns, the town manager has a handle on everything. Everybody knows everybody and, you know, if somebody objects, something is done. I guess what I’m asking is the — I know it’s simplified compared to previous years, but do you think that every detail of the sample code of ethics that’s kind of in the bill, all the provisions that they consider minimal, do you see them as minimal?

BETSY GARA: Well, that’s exactly my point is we don’t see them as minimal. We do think that there may be concerns with how they would be applied in a smaller community. They realize that a very small pool of people to serve on various — in various capacities and again, we’ll try to provide you with more specifics of that. I mean, the nature of the conduct that you had first referenced is criminal conduct and that always will be against the law. My understanding is that there are 132 municipalities that currently have adopted a code of ethics as part of their ordinance. The ones that I’ve reviewed are not bare bones. They’re actually quite extensive and they’ve been developed by community leaders with input from the public and address issues on a local basis. As you mention, in a small town, it’s, you know, everybody knows what everybody else is doing,
so it’s really difficult to try to do anything covertly, fortunately or unfortunately, so.

REP. WINKLER (56TH): Thank you, Madam Chairwoman. Thank you. Are there other questions from members of the committee? Representative.

REP. FOX (148TH): Thank you, Madam Chair. Good afternoon, Betsy, good to see you again. Could you just quickly for our purposes, provide us an idea of your members, the members of COST, is there a threshold in terms of size?

BETSY GARA: The threshold had been up until recently 30,000, however, Torrington just joined and we amended our bylaws to go to 35,000 because they thought that they had a lot of commonality with us.

REP. FOX (148TH): Okay. And earlier when the Office of State Ethics testified, they indicated there were approximately 30 towns or municipalities that responded that may not have had ethics codes in their towns, do you have any idea what towns do that don’t have these codes of ethics?

BETSY GARA: Actually, CCM does have a survey that they provided to the Office of State Ethics and I know Randy Collins is scheduled to testify on that, so I will defer to him on that.

REP. FOX (148TH): Okay. Thank you very much for your time and testimony, appreciate it. Thank you, Madam Chair.

SEN. FLEXER (29TH): Thank you, Representative. Are there other questions from members of the committee? Seeing none, thank you again for your testimony. Next is Representative Gilchrest followed by Bill Garity followed by Senator Len Fasano.
REP. GILCHREST (18TH): Good afternoon, Senator Flexer, Representative Fox, and members of the Government Administration and Election Committee. My name is Jillian Gilchrest. I’m the state representative from the 18th District of West Hartford and I’m here in support of House Bill 6742. Thank you for hearing this bill today and giving language to an issue that has been discussed for more than a dozen times over the last ten years, but has yet to see any action taken.

I want to start by just laying out that there are different types of human trafficking that often fall into two different buckets, either labor trafficking or sex trafficking. Both include force, fraud, or coercion. As chair of Connecticut’s Trafficking in Persons Council from 2015 through this past December, we had time and again from the State Department of Labor that not while all nail salons have human trafficking, there is labor trafficking taking place at some nail salons in the state of Connecticut. I recognize that licensing alone won’t end human trafficking, but as it stands today, anyone in Connecticut can work as a nail technician, eye lash technician, or esthetician or open a business, no training needed, no oversight except occasional health inspections by the local departments of public health.

We are the only state in the country that doesn’t license these professions. Just a couple of weeks ago, 24 nail salons in Connecticut were closed for labor violations and during a 2016 investigation, the Department of Labor identified salons where women are bussed in from Flushing, Queens at 8 a.m. to work in the salon, only being paid per customer, and bussed back at 8 p.m. and salons where the
workers are housed above the salon and owe their pay to the employer for rent. That 2016 investigation shut down 23 of 25 and they found that they were misclassifying employees as subcontractors as a way to avoid paying Worker’s Compensation. This also impacts legitimate salons in the state with making it easier for those who are illegally performing these duties.

There is also sex trafficking taking place at some nail salons. A salon in Southington reached out to then Representative Zoni to complain that truck drivers kept coming into the nail salon asking for sex. There’s also evidence that some traffickers own both nail salons and illicit massage businesses in Connecticut and share the women between the two. We know that to be the case because we can trace back the business ownership, the individual who owns the business, their address, back to Flushing, Queens.

By establishing licensing requirements for nail technicians and owners, we will likely see a significant reduction in human trafficking. The language before you is attempting to create a pathway for those already working as nail technicians in the state because we certainly we don’t want to re-victimize a victim by preventing them from working and so I hope if that language isn’t as strong as it needs to be, I would love to be able to strengthen that. This legislation does more than address human trafficking. It will also improve public health and support small, predominantly owned businesses. Since introducing legislation, I’ve had many people reach out to me to share how they were injured or gotten an infection from a Connecticut salon. Women have told me about
the bacteria in their toes, needing surgery on their labia, and the irreparable scarring on their eyebrows, just to name a few, and two weeks ago Representative Fishbein shared how he got a staph infection after a facial at a Connecticut salon.

The stories are horrifying and Connecticut residents are angry to learn that we don’t require any licensing or training, putting them and others at risk. At the same time, I’ve also had the pleasure of meeting and speaking with many women, some of whom have submitted testimony today, who are trying to build their business in Connecticut, but are struggling because we don’t require licensing. They are barred from participating in trade shows because they lack a license and they spend too much of their time training new hires instead of building their business. Nail, skin, waxing, and eye lash treatment are a multibillion dollar industry throughout our country. We are currently losing out because of our inability to take action to license this profession.

I thank you again for raising this committee bill. By having language, we can finally have a conversation. I am open to and encouraged by and hoping that I can work with folks who have testified before me and who will testify after me to build a strong bill because, you know, to finally bring Connecticut in line with the rest of the country. I’m happy to answer any questions. Thank you.

SEN. FLEXER (29TH): Thank you, Representative. Are there questions from members of the committee? Representative Winkler.
REP. WINKLER (56TH): Yes, thank you for being here today. The number of hours, is that like say 300 hours, where does that come from?

REP. GILCHREST (18TH): So these were recommendations that were sent to me by there is a coalition of estheticians here in the state and so what’s in the bill still does most likely need work, but those are recommendations made. The estheticians is 600 hours, I believe, 300 hours for nails, and then 200 hours for eye lashes. The thinking was that an esthetician actually I believe covers the other two and so that you wouldn’t need to get all three licenses. If the way the bill is currently written says that, we certainly would want that to be fixed, but this was also written so that if an individual only wants to do nails or only wants to do eye lashes, they’d be able to do that as well and wouldn’t have to get the full 600 hours.

REP. WINKLER (56TH): So if I were being trained for 300 hours, would I be being paid during my training?

REP. GILCHREST (18TH): I don’t know if the language of the bill is specific to that, but we could certainly make it so.

REP. WINKLER (56TH): One of the problems I’m concerned about is if estheticians or whomever you require 300 hours of training, trying to get into the field could become very expensive and I -- and it could be a large pay day for a certain group of people, so I would like that detail to be worked out if possible.

REP. GILCHREST (18TH): Thank you.

REP. WINKLER (56TH): Thank you, Madam Chairwoman.
SEN. FLEXER (29TH): Thank you, Representative. Are there other questions from members of the committee? Representative Mastrofrancesco.

REP. MASTROFRANCESCO (80TH): Thank you, Madam Chair. Thank you, Representative Gilchrest, for your testimony. Just a couple of questions, I’m just going to disagree with you a little bit when you talked about the human trafficking, that’s a broad range when you talk about labor because I’m looking at OLR report and human trafficking describes a wide range of activities involving the exploitation of people for profit using physical and psychological methods of power and control to force them to perform commercial sex acts, work under illegal conditions or both, so I’m just curious, do you have any data that this specific human trafficking is going on in Connecticut? Do you -- Have we -- Has there been a raid on specific nail salons or cosmetology schools that is -- Do you have any data that you can share with me?

REP. GILCHREST (18TH): Yes, so based on the data we have from the Department of Labor, which shows the particular types of labor violations that are happening in Connecticut, when you then look at the research done by Polaris Project, which has been brought up today, which hosts the National Human Trafficking hot line for the country, it is identical to what they are seeing across the country and so while the Department of Labor, they have the authority to go in and close down an entity for labor violations, they don’t the ability to arrest for human trafficking, but the fraud and coercion, which the federal and state definitions of human trafficking include by force, fraud, or coercion, we have seen in the state of Connecticut labor
trafficking at nail salons where the victims are coerced or its by fraud and so that fraud is saying that you’re going to be paid a certain amount but then you’re not and either you don’t have a work visa and so there is a fear that if you come forward, you would be sent back or we’ve also been told that individuals are threatened by their family back home, so we do know that there are these instances taking place and we can track like, like I said, back to Flushing, Queens, New York, where many of these victims are being sent up into Connecticut from.

REP. MASTROFRANCESCO (80TH): Right. So I was looking more specific to Connecticut. I think it’s an overreach to assume that, based on maybe their wages, that it’s considered human trafficking. I mean, everybody knows when you look at human trafficking, you hear that term, you’re looking at sex acts and I think that’s the issue here, so I’m just trying to figure out in Connecticut specifically, you said you had statistics from the Department of Labor, can you share those statistics with me?

REP. GILCHREST (18TH): Sure and I do want to clarify for you that human trafficking, there are two buckets, so there’s sex trafficking, but there is also labor trafficking and there are two types of human trafficking and then a variety of types that fall underneath those two buckets. I can certainly give you the last three years or four years of Connecticut Trafficking in Persons Council, which is under this body, the Connecticut General Assembly actually has a human trafficking council. We do -- I used to be, it’s not we anymore, reports are issued annually and so in those reports, we speak to
the issue of trafficking taking place in nail salons and I’m happy to get you that information.

REP. MASTROFRANCESCO (80TH): Okay, thank you. So the way the bill is outlined is the language of the bill is okay. I mean, you support the way it is written?

REP. GILCHREST (18TH): So what I’m excited about is we finally have some language to discuss. We’ve been struggling. So in 2015 there was actually a bill to license nail salons. We were able to get the legislature to pass and have a work group, but the work group not got filled. So I’m not sitting here today saying that this language is the be all, end all perfection, it’s just we finally have language to license these professions and so it is my hope that now I can meet with folks running cosmetology schools, nail technicians, the Department of Public Health, the local departments of public health, to make the strongest bill possible.

REP. MASTROFRANCESCO (80TH): Thank you. And then can you tell me specifically in the bill, I’m sure you read it, the specific language because your concern is about human trafficking, right, so can you tell me the specific language in this bill that addresses the nail salons, the estheticians, to address that problem or that you’re saying is a concern, where is the specific language? All I see in here is about schooling, how many hours, $150 dollar fee to get a license. I don’t think -- I don’t see anything here specifically to address your concern.

REP. GILCHREST (18TH): So two things in particular. The piece in the bill that addresses the owners of
nail salons would require certain paperwork to be filed with the Department of Labor and that’s to get at this issue that I was speaking to that in both investigations done, one in 2016 and one just a few weeks ago by the Department of Labor, they found certain labor violations such as those businesses tend to file as though they’re renting the chair, which if you’ve gone to get your hair done and you’ve ever negotiated the cost with an individual who is renting the chair, that’s one thing, but that doesn’t happen in a nail salon and so they are filing that way to avoid paying the Worker’s Compensation and other things and so that’s one way that if they were able to do that, it would more legitimize the industry.

The other piece is when I go out and I still do go out and do trainings on human trafficking, the number one thing I’m asked by folks is how do I know if the nail salon I’m in is a legitimate nail salon and so by required licensing, similar again to when you’re going to get your hair done, you’d be able to see the individual’s license up on the wall and that could at least give some indication that this is a legitimate business.

REP. MASTROFRANCESCO (80TH): Right. And I did read that article about the labor department going into the nail salons and a few of them, but those were all obviously labor related. Most of them, and a good part of them, have been settled, I believe, is that correct?

REP. GILCHREST (18TH): So the settlement -- I mean, in Connecticut what happens is once a labor violation is put in place, they shut it down until the business says they’ll correct it and pays a fee
and then it really takes until the Department of Labor can go back again and see -- and often times the Department of Labor cannot go back to see, but they paid the fee.

REP. MASTROFRANCESCO (80TH): Okay. So -- And that happens in any business, you know, they go out and they inspect the restaurant, there’s violations, it happens in mostly every business for whatever reason. I don’t see the target here, to be quite honest with you, between nail salons and estheticians being certified. I understand your concern that you’re putting it as a labor trafficking, that is far different than you human trafficking as it is in this bill, right? If you’re saying that there’s two different things, there’s human trafficking and labor trafficking, so if your concern is labor trafficking, not really human trafficking, why wasn’t this bill brought before the Labor Committee and why is it in front of the GAE Committee? Is it because we had to have that word human trafficking in here to get it through here?

REP. GILCHREST (18TH): So labor trafficking and sex trafficking both fall under the umbrella of human trafficking.

REP. MASTROFRANCESCO (80TH): I’m sorry, say that again?

REP. GILCHREST (18TH): Labor trafficking and sex trafficking both fall under the umbrella of human trafficking.

REP. MASTROFRANCESCO (80TH): I’ve got to tell you, the heading of this bill, and I appreciate what you’re trying to do and I honestly, if want to have a conversation about licensing nail salons,
cosmetology schools, it should be a good conversation if it’s going to help the industry, but to categorize them and put it in with a bill that has something to do with human trafficking I think is a real disservice to that industry. These are hardworking people, that some people come from other countries and they’re working very hard, and I think the name alone on this bill gives them a bad reputation. They are hardworking people, it’s people that go to school. I’m all in favor of having a conversation about licensing if that’s the right thing, but to label those people and those businesses to assume that they are doing human trafficking and you can call it what you want, labor trafficking, but most people know what when you talk about human trafficking, you’re assuming that there are sexual favors going on within those businesses that I respectfully disagree with. Like I said, I’m willing to have that conversation, but certainly not in this manner. These two bills should be completely separate. Thank you for your testimony. I appreciate it.

SEN. FLEXER (29TH): Thank you, Representative. Are there questions from other members of the committee? Senator Sampson.

SEN. SAMPSON (16TH): Thank you, Madam Chairman. Thank you, Representative, nice to see you. So I guess there’s a couple of things here. There’s the discussion of licensing and then there’s this whole human trafficking discussion, too, so let me just ask about the licensing piece first. We’ve heard some testimony and I’ve talked with some folks that are in this industry and it seems like they are all pretty much in favor of a licensing program, but they’re not happy with that’s in this bill, so I
guess my question is have you talked to, have you worked with the owners of these schools that do this type of training, will you do that, is part of the plan to come up with a licensing scheme that’s functioning?

REP. GILCHREST (18TH): So some of my legislative colleagues have been talking with the owners of the schools. I have yet to have that meeting, but have every intention of meeting with them and making this work for everyone.

SEN. SAMPSON (16TH): Right, because there quite a few issues with this bill I have just out of the gate. I mean, is there a reciprocity provision in here?

REP. GILCHREST (18TH): So for folks who are already in --

SEN. SAMPSON (16TH): Who might be licensed in another state?

REP. GILCHREST (18TH): Yes, and if it’s not strong enough, we need to fix that, but there is.

SEN. SAMPSON (16TH): I just went through it quickly. I couldn’t find that, but there is an intention of including a reciprocity provision?

SEN. SAMPSON (16TH): And how many states have licensing for nail technicians currently?

REP. GILCHREST (18TH): Forty-nine.

SEN. SAMPSON (16TH): I’m being told that there are only 19 states that require licensing, not 49.

REP. GILCHREST (18TH): That’s incorrect. We are the only state that does not.
SEN. SAMPSON (16TH): Okay. And what is the typical amount of training that they require because I heard discussion of 300 hours here and 600 hours for something else?

REP. GILCHREST (18TH): So I’ve been told by those in the field that what’s in the bill are the recommended number of hours, but again, open to dialog in order to move this forward.

SEN. SAMPSON (16TH): Okay. Is it your intent to make it more difficult to get this licensing in Connecticut than other states?

REP. GILCHREST (18TH): No, absolutely not.

SEN. SAMPSON (16TH): All right, well, that’s good to hear. So I guess on the trafficking issue, I guess I have, you know, some concern about the way this bill was put together and I don’t know if it was the right thing or that it should be being heard in this committee, but that’s beside the point, I just read the article, too, about the two weeks ago. It seems to me what happened here is there are a great many labor violations that were committed, people not being paid properly, etc., that sort of thing, but those are already laws. I don’t -- Can you maybe explain to me how you propose that the licensing of nail salons has anything to do with these other types of human trafficking or labor violations?

REP. GILCHREST (18TH): So we see a greater number of these violations in the nail salon industry in Connecticut because we don’t have any type of oversight and so in order to open a nail salon at this point in time, one only needs to go to the local town hall and open the business and so it
takes the Department of Labor potentially doing these sweeps, whereas if there was some more oversight, like having to have the staff licensed and the individual who is opening the salon has some type of license, it would at least decrease the potential for the labor violations. I am saying it wouldn’t end it entirely because we do know that there are violations in a number of industries.

SEN. SAMPSON (16TH): That’s my reaction to it is because, I mean, we had the sweep two weeks ago without this licensing and the violations have nothing to with the licensing. They have to do with more strictly labor related, you know, minimum wage requirements and so forth. Can you tell me also because I suspect, just from reading this article and unfortunately in this world, we have become so politically correct that no one will actually tell you the facts on certain things, it says -- mentions the word immigrants in here over and over again in this article, but I suspect that these are undocumented or illegal immigrants. Is that a common trait of these non-legitimate salons?

REP. GILCHREST (18TH): So we know from the Polaris Project, again, the National Human Trafficking hot line, is that this happens in two ways, either these individuals are solicited abroad in an Asian-based country, come through Flushing, Queens for the job into Connecticut or they are being advertised the job in Flushing, Queens, New York. I can’t speak to if these individuals are legal or not. There is research to show that some may not be.

SEN. SAMPSON (16TH): Right. Based on that, I mean, we have a policy in this state called the Trust Act, which essentially restricts our law enforcement
officials and I presume it restricts the labor
officials that were in this, you know, in these
salons from being able to report those folks to the
federal authorities in violation of their
immigration laws that we have on a national level.
To me, that seems like a much more effective way to
-crack down on the trafficking piece of this. What
do you have to say about that?

REP. GILCHREST (18TH): I’m actually interested in
is there a way to give those individuals a pathway
to legitimately work in the industry more so than --

SEN. SAMPSON (16TH): Well, yes, I mean, we all are.
I mean, you know, America is a melting pot and it’s
the land of opportunity, but we don’t make those
laws, the federal government makes those laws and, I
mean, it seems to me the federal government is
responsible for our borders and immigration policy
and one of the reasons for that is because they want
to prevent human trafficking and this to me seems
like a great -- a place where that’s happening. Why
would we not want to support the federal authorities
in being able to prevent human trafficking?

REP. GILCHREST (18TH): Again, though, these
individuals are here and so -- are here working in a
nail salon in Connecticut and so my hope is to give
them a pathway to be able to get --

SEN. SAMPSON (16TH): So they’re working under the
table in my understanding and that’s why they’re not
even being paid minimum wage, so I don’t understand
this. I mean, are you suggesting that the
undocumented folks that work in these salons should
be able to be licensed nail technicians?
REP. GILCHREST (18TH): That actually is a provision in New York’s law and would be something I would support.

SEN. SAMPSON (16TH): They are not even allowed to lawfully work inside our state, so I don’t think there’s a disagreement. I mean, the federal government has supremacy on immigration and it’s well known that you can’t work if you don’t have --

REP. GILCHREST (18TH): The federal government also protects individuals who have been the victim of human trafficking with what’s called a T-visa and so because many of these individuals are potential trafficking victims, my hope would be to give them a pathway to work and not to deport them.

SEN. SAMPSON (16TH): Is there anyone inside the state of Connecticut that can facilitate them getting a T-visa?

REP. GILCHREST (18TH): Yes.

SEN. SAMPSON (16TH): Who is that?

REP. GILCHREST (18TH): I always get the name wrong. They were the International Institute down in Bridgeport, Connecticut.

SEN. SAMPSON (16TH): But that’s an agency or a group of attorneys, but that’s not who gives them the actual T-visa. Who does that?

REP. GILCHREST (18TH): That is through the courts when they agree to participate in some type of criminal justice program.

SEN. SAMPSON (16TH): It’s actually the federal government because they have supremacy on federal law and I understand that this is not the place to
debate this subject really, but if your goal is to get after human trafficking and human trafficking is a result of illegal immigration and people working in these salons because it’s a source of a cash, you know, some cash flow, it’s a cash business, they can work under the table there, that is the problem. It’s not the licensing of nail salons. I’m not opposed to the licensing of nail salons, although that should be happening with the industry being, you know, participants in that discussion. I just - - I want to make it abundantly to the people here, I mean, why this is happening. It’s because we are restricting the federal government from being involved in these things and the federal government is the only entity that can actually help these people. If someone is apprehended working under the table as an undocumented person in a nail salon, the only person that can change their status as a victim of human trafficking is the federal ICE authorities, that’s it, and our laws in this state restrict them from even talking to them and I think that’s a mistake, so I just hope we can work together on all of these subjects and how they interact going forward. Thank you, Madam Chairman.

SEN. FLEXER (29TH): Thank you, Senator. Are there other questions from members of the committee?

REP. FOX (148TH): Thank you, Madam Chair. Good afternoon, Representative, good to see you again.

REP. GILCHREST (18TH): Yeah, good to see you.

REP. FOX (148TH): Can you quickly just briefly give me some information on the commission you were formerly the chair of?
REP. GILCHREST (18TH): Sure. So the Trafficking in Persons Council was created in state statute in 2004. It sits under the Commission on Women, Children, and Seniors and is a part of the legislative body and so that entity brings together a variety of partners from the judicial branch, law enforcement, victim advocates, Department of Labor, Department of Public Health all come to the table to discuss the various types of human trafficking, again both labor and sex, that are taking place here in Connecticut.

REP. FOX (148TH): And can you give me some ideas from the work that was done on that committee when you were on it, please?

REP. GILCHREST (18TH): Sure. We were able to pass training for all hotel/motel staff in the state of Connecticut, the first state to do so. We have changed -- we were able to work with you all to change state law to say that there is a crime of commercial sexual abuse of a minor up. Until just a few years ago, if someone was caught paying to sexually abuse a child, paying for sex with a child, they were -- they fell under the same statute as a patronizing a prostitute and so we were able to get the legislature to break that out, and so those are a few of things that council has worked very hard with the legislature to really make Connecticut a leader in this field.

REP. FOX (148TH): Thank you. Thank you for your testimony today. I appreciate you being here. Thank you, Madam Chair.

SEN. FLEXER (29TH): Thank you, Representative. Are there other questions from members of the committee? Seeing none, thank you again for your testimony.
REP. GILCHREST (18TH): Thank you. I appreciate it.

SEN. FLEXER (29TH): Next is Bill Garity who will be followed by Senator Len Fasano who will be followed by Mike Savino.

BILL GARTY: Good afternoon, Senator Flexer, Representative Fox, and the members of the Government Administration and Election Committee. My name is Bill Garity and I’ve been a registered nurse at UConn Health for nearly 25 years. I worked on multiple departments at UConn and now I serve as the president of University Health Professionals, AFT Connecticut Local 3837, representing more than 2,700 members. I am here to testify against Governor’s Bill 878, AN ACT ENHANCING PUBLIC/PRIVATE PARTNERSHIPS. There are others here who have testified to give you better specifics as to why this is not a good idea and how gutting the state Contracting and Standards Board is a terrible idea.

Currently, the state can look for these privatizations, apparently five per year according to existing law, and for the past eight years, we’ve done none from what I understand. I want to talk about UConn Health, though, big surprise there. We are currently in the middle of looking for a private/public partnership search, which the state legislator told us we had to do. This partnership would give away one-third of UConn Health, the clinical aspect of what we do. Many groups would like to have a piece of us, but our CEO has said that the price is too high and none of the proposals would help us in the long-run. I personally do not want any one person, be it a hospital CEO, a college president, or our state governor, whoever he or she
is, to have the ability to give away state assets, work -- state work or state jobs.

I can’t see why any one of you would want to advocate that responsibility and give it to one person. You’ve made it now that every labor contract must come up here in front of the legislature for a vote. Why would you not want every privatization proposal or deal to come before you for a vote, so again, I don’t see how anyone here could think that this proposed bill is a good way to work. Thank you for the opportunity to testify and I would be happy to try and answer any questions you may.


REP. WINKLER (56TH): So instead of -- Thank you for testifying. So instead of providing the governor with a large pot of money and go to it, you think that significant public/private partnerships should come back to the legislature and be reviewed?

BILL GARITY: I do believe that would be the case, absolutely. I mean, and please, I refuse to call them private/public partnerships, you can call them privatizations or outsource.

REP. WINKLER (56TH): Got you, all righty. Thank you, Mr. Chairperson.

REP. FOX (148TH): Any other questions or comments? Representative France.

REP. FRANCE (42ND): Thank you for your testimony today. What is the intent specifically of the UConn Health of the outsourcing as you understand it?
BILL GARITY: From what I understand, this was directed towards the unfunded liability and to try to get out from underneath some of that. From what I understand having multiple conversations with Dr. Agwunobi, he’s not here so he can’t speak for himself, I do apologize, that there were seven proposals that came forth and not one of them was a good one and again, like Sal Luciano, president of AFLCIO has said, that outside company is always looking for -- is always looking to make money, so that’s -- I guess I have a hard time figuring out. We had a conversation on him one-on-one with Dr. Agwunobi asking the question. I said, you know, what kind of company is going to go ahead and look to do this, you know, getting it to something, I don’t know what the exact number was at the point in time, but let’s say $30 to $40 million dollars, you know, who -- show me what company is going to do this and he says someone who could make $75 million dollars. I’m like, okay, that’s an issue for me.

REP. FRANCE (42ND): No, I clearly understand. I mean, certainly the private sector is not in it to break even. They are going to make a profit. I was just trying to understand from your perspective why now, as you stated for the last eight years, there’s been no -- basically no action in this way, what the intent was or what the stated goal was in this public/private partnership, outsourcing, whatever you want to call it, but basically taking a portion of UConn Health and changing its structure. I’m trying to understand that part.

BILL GARITY: I’m not sure exactly where and why it was decided clinical aspect, but again, UConn Health, we have three, you know, main wings. We’ve talked about clinical research and education. You
know, we are part of UConn, again, research education. We are the, I don’t want to say the smaller group of us, I don’t want to say that, but for lack of a better term, which one of these things -- which of one of these don’t belong so that may be the issue and again from what I understand, this was, you know, wrapped up in a bill saying that we had to do this or the budget saying we had to do this, so we made the attempt, we’ve been looking at it, and nothing is going to work out well for us, work out well for the state and again, I hate to say this, but as a nurse, I look at things a lot differently than a lot of other people. You know, I’ve been in a position of taking care of people my entire life, you know, and don’t always look at the bottom line and I understand that’s one of my problems.

REP. FRANCE (42ND): And I will comment that is not a problem per se. I’m married to a registered nurse who has been a registered nurse for over 30 years, so I certainly understand that mindset and that perspective and laud that attitude because that is an important part of what you do as a nurse and I do understand that. I was just trying to understand. It certainly sounds like from the three structures, the easiest one to pair off would have been -- would be the clinical side. I guess the question from your understanding, is there no interface between the clinical portion of UConn Health and the research and education side, is there -- there’s no interface between that would be lost by taking it away?

BILL GARITY: There would be a horrible -- I want to call it a break in service because I don’t want to say anything like that would be an issue, but yeah,
that’s -- I’m afraid of it in many different ways. Remember, we’ve done this before at UConn Health. We, you know, back in 2009 I want to say it was, we’re looking at the Hartford Hospital pieces and we have issues that, you know, research and clinical are hand in hand; what happens in one place works with the other. We have people that do both pieces at the same time. We have doctors who are both treating patients and doing research. We have doctors who are doing both patients and doing education, same thing with some of our nurse practitioners and stuff like that. There are, you know, these educational pieces of this and research happen hand in hand. That’s why we work so well in my opinion.

REP. FRANCE (42ND): So based on your testimony, the synergy between the research and the education side would potentially be hampered by carving out this one part that seemed to be a bit isolated from the other two. Is that what your understanding would be?

BILL GARIOITY: I’ve given testimony before and you used the word that I have used in the past, carve out, yes, carving up UConn Health and that would not be a good thing.

REP. FOX (148TH): Right. Thank you very much. Thank you for your testimony. Thank you, Mr. Chairman.

REP. FOX (148TH): Thank you, Representative. Any further questions or comments? Thank you for your time and testimony, Mr. Garity. I appreciate you being here.

BILL GARIOITY: Thank you.
REP. FOX (148TH): Have a nice day.

BILL GARITY: You, too.

REP. FOX (148TH): Up next we have Senator Len Fasano, who I don’t see at the moment followed by Michael Savino.

MICHAEL SAVINO: Thank you, Chairman Fox, Vice-Chairman Winkler, Ranking Member France, and Representative Haddad. I’m Mike Savino. I am president of the Connecticut Council on the Freedom of Information. We’re a coalition of media groups and First Amendment attorneys and other advocates who have been leading the fight for transparency since 1955. I am here to testify on two bills. One of them is Senate Bill 1105, I’ll keep that quick. We just ask, as you heard from the Freedom of Information Commission, you keep in mind existing laws that require the disclosure of the names of arrested parties. This bill could create a conflict, in particular when you’re talking about dual arrests, family violence cases, where both could presumably also be victims and arrestees, so it would create a conflict as the Freedom of Information Commission noted there’s pending complaints. One of them is probably ours from the Record Journal where we had a case involving the director of a local housing authority. We haven’t been able to obtain records, so we ask that you keep that in mind and craft this law so that arrestees’ names can still be disclosed.

I’m also here to testify on 7392. We are opposed to this bill, first off on philosophical grounds. Obviously, we want transparency, particularly when it comes to our voter system and we think that access to records with voter information is crucial
to ensuring the transparent -- the integrity and the public’s trust in our election systems and our results, but we also have several legal concerns, one of them as has already been mentioned, a law out of Hawaii which was struck down by a federal judge on the grounds that it was unconstitutional. I’ll note that Michigan, Virginia, and I think Maryland have all tried some variation of this same law and they have all been struck down since that time, in part based on this ruling.

The Supreme Court has also issued rulings that get to trying to regulate methods of speech, certainly with commercial speech. You can regulate content for certain issues like misleading ads, but they have generally been still -- commercial speech has still been seen as having First Amendment rights and you can’t really regulate or separate different kinds of speech when it comes to methods and modes of practicing that speech and there have been rulings that said that commercial speech has to be treated like other speech when it comes to distributing that information. So we don’t know that even the idea of trying to not allow this information for commercial speech that may also run afoul of the law. I’ll be happy to take any questions.

REP. FOX (148TH): Does anybody have any questions? Representative Winkler.

REP. WINKLER (56TH): Would your organization oppose taking the date of birth off the information provided by the registrar and thereby making people who want to steal identities have to make 30 tries or so to get to the right date and at that point, it would be easier to just go and find one of the other
stolen databases and work from that instead of working from ours?

MICHAEL SAVINO: We actually, when the secretary of the state, Denise Merrill, proposed her bill, we actually asked that it be just the date. I know she had also asked for the month, but as you pointed out, even just making it the date makes it very difficult to try to steal someone’s identity. We think that that would be sufficient, so we are willing to agree to something like that. Obviously we understand the concerns that people have about this information being used to steal their identities, but just the date alone makes it incredibly difficult. You would have basically a three percent chance of guessing it right and as you indicated, people’s data is out there in a number of ways that they don’t even have to pay for. You know, people can hack and steal and get access to a whole array of information that’s not even available through the Secretary of State’s list, so presumably they would go to another means to get more information without having to make any guesses, so we think that excluding just the date itself would be sufficient.

REP. WINKLER (56TH): And just one other question and this is a stretch and feel free not to answer, so commercial speech can’t be fraudulent. Can political speech be fraudulent? In other words, do I have a constitutionally protected right to lie as part of my First Amendment rights?

MICHAEL SAVINO: Presumably yes, I mean, as long as you’re not committing libel, you know, we have yet to see a legal challenge against a politician for saying something that’s untruthful and yet we know
what people think of campaigns and the avenue it creates for misleading information, so I would presume that yes, as long as you’re not committing libel, there’s nothing that requires you to speak truthfully.

REP. WINKLER (56TH): I appreciate the latitude, Mr. Chairperson.

REP. FOX (148TH): Thank you, Representative. Are there any further questions or comments? Seeing none, thank you for your time and testimony today. I appreciate you being here.

MICHAEL SAVINO: Thank you.


REP. O’NEILL (69TH): Good afternoon, Chairman Fox, Ranking Member France, and members of the committee. I want to thank you for allowing me the opportunity to provide testimony about House Bill 5041, AN ACT CONCERNING MAJOR PARTY CONVENTIONS, which would eliminate the requirement for political parties to hold state or district conventions as applicable for the purpose of choosing candidates for nomination to various offices. The bill would not prohibit political parties from holding conventions. It would basically say that it was optional and give them the choice as long as they follow applicable laws about how they would conduct the conventions and not nominate more than one candidate.

Attached to my testimony is a report from OLR illustrating that Connecticut is very much in the minority of states with respect to how nominate
candidates. Very few states use conventions. Approximately 40, 42 states do not use conventions at all and of those that use some form of convention, only a few really use it as the sort of principle way to get candidates on the ballot. Clearly, the primary is the modern trend and has been such for several decades. For many years, the convention seemed to serve the interest of the voters of the state of Connecticut, however, since code of ethics 2006 it’s been clear that the convention is an expensive and time-consuming hoop through which candidates must jump. Candidates solicit support at the convention, and I’m talking about a state convention, by seeking support in the Republican party around 1,200 politically active individuals and a somewhat larger group, I guess, within the Democratic party, the convention being somewhat more numerous.

In the most recent statewide election, a large number of candidates for governor spent collectively in excess of $1 million dollars in those efforts, and I’m talking about the Republican side only, in soliciting votes from delegates. Of those candidates, I believe half, failed to make it past the convention and therefore were unable to get into the primary because they had spent all their money just talking to delegates at the convention. In addition, besides the governor candidates, which got the most amount of publicity, candidates for offices such as attorney generals, the treasurer, comptroller and lieutenant governor spent hundreds of thousands of dollars each, again, focused mostly on getting through the convention, getting to that point.
The convention themselves cost approximately $100,000 dollars to stage. The irony is, of course, that in the last Republican convention, the ultimate nominee of the primary was someone who didn’t even bother to participate at all in the convention process and in effect, what the Republican nominating electorate was saying was that they didn’t seem to care too much about the convention process when it came to the office of governor.

Another problem is that the convention encourages the kind of wheeling and dealing and insider baseball that has very little if anything to do with choosing the best candidate. In way too many cases, candidates and party leaders make deals to deliver delegates for one office and one candidate in exchange for delegates for a different office and a different candidate and even though these candidates may have totally opposing views on issues and maybe totally inconsistent in terms of their governing philosophy, the delegates end up voting for those conflicted kinds of candidates.

And this doesn’t really do anything to help the public understand what the issues are or to present some sort of coherent governing philosophy or to make it possible, once elected, for the public officials if they are in this kind of conflicted situation from formulating an effective public policy. Finally, political parties should have the right to choose the method by which they nominate candidates. It has been ruled by the United States Supreme Court in the case of Tashjian versus the Republican Party that the private association is under the Constitution’s right of private associations protected under the First Amendment of the US Constitution. It should not take a federal
lawsuit to implement the principle about this -- the abilities of the parties to create their own organizational structures and the integrity of our elections remains an absolute importance to the people of Connecticut and this legislation would allow a more equitable process for every candidate regardless of political party.

This bill has the potential to truly level the playing field and if I could just quote briefly, Mr. Justice Thurgood Marshall delivered the opinion and I’m quoting from, “the state argues that its statute is well designed to save the Republican Party from undertaking a course of conduct destructive to its own interest, but on this point, even if the state were correct, a state or court may not constitutionally substitute its own judgment. The party’s determination of the boundaries of its association and of the structure which best allows it to pursue its political goals is protected by the Constitution and as is true of all expressions of First Amendment freedoms, the courts may not interfere”, so the structure is what that case had to do with primaries and allowing unaffiliated voters to participate. What I’m talking about now also referenced in there though, it talks about the structure by which you choose candidates and so I would urge the committee to please act favorably on this. If you have any questions, I’m happy to answer them.

REP. FOX (148TH): Thank you, Representative. Are there any questions or comments? Representative France.

REP. FRANCE (42ND): Thank you, Mr. Chairman. Thank you, Representative, for being here and sharing your
perspective on the challenges and the efficacy, I guess, of the convention process. Could you share -- I would presume several decades ago most states probably had a convention process and there was a trend away from that. Are you familiar with the history of how that happened across the United States to get to where we are now with mostly primaries as opposed to conventions?

REP. O'NEILL (69TH): Well, I believe like many things, it was part of the progressive era of reform effort that began in the Midwest in the western part of the country in days prior to World War I, so in the 1910’s and maybe even a little earlier, states began adopting a primary because they viewed the convention as unrepresentative of the interests and the views of the broader public that was going to end up voting on the candidates that are chosen. As Boss Tweed, I believe it was, said that he didn’t care who did the voting so long as he got to do the nominating because once you choose the nominees, you’ve pretty much set the table in determining in many case what the outcome of the election is going to be. So it began really as a reform effort as part of the effort that brought us referendums, initiatives, recall elections, and a whole host of structural changes, the direct election of U.S. senators and all of that sort of thing which emerged in the first part of this century -- the first part of the 20th Century which was called the Progressive Movement to reform the mechanisms by which government would be operating and elections would be held. So those states that weren’t part of that sweep of the Progressive Movement gradually adopted this, I believe, over the last several decades, a lot of it since World War II, but by the early
1970’s most states had gotten to about where we are right now.

REP. FRANCE (42ND): So there hasn’t been much change, you know, in the last 40 years or so in the process. Specific to Connecticut, has Connecticut always had and enacted in statute and controlled the party process?

REP. O'NEILL (69TH): As far as I can tell, yes. It had statutes, the case I cited, Tashjian, said that parties could not allow unaffiliated voters to participate and this was inscribed in statute. Many of the states, if you take a look at the OLR report that’s attached to my testimony, many of the states allow the parties to set up the conventions. It says you shall have a convention, but then leaves it entirely up to the parties to decide how they’re going to do that. A few states, Connecticut being one, lays it all out in state statute and tries to govern everything fairly minute detail and I would point out also that on is Connecticut sort of an outlier in terms of less than ten states that still uses conventions, it’s the only state in New England or even the whole northeast that uses conventions as the primary mechanism of nominating candidates. You’d have to go to Michigan and Iowa and other -- Utah, New Mexico, where conventions are still in existence.

REP. FRANCE (42ND): Thank you for that. I’ve heard some call each of the parties, more of like a club with membership that people choose to be there by how they register to vote, so it’s more in that line, so I guess it seems almost arcane if you will that the legislature would dictate to effectively a club of people who choose to join that process.
Have you seen movements specific to Connecticut previously that have moved this direction where we would do away the mandatory convention and go to direct primary?

REP. O'NEILL (69TH): There was a case a few years ago, I’m sorry I didn’t pull this one up, that required that there had to be a bypass mechanism. Prior to that, it was very difficult. You had to get to 15 percent in order to qualify to get to the primary and it was in federal court perhaps 15 or 20 years ago and it said no, there has to be a process by of petitioning to get around that convention process so it again, Connecticut was pretty unusual in that we had that kind of process, so there have - - you know, in 1986, the case said unaffiliated parties had the right to decide whether or not they would allow unaffiliated to vote and then there’s this more recent case that said that there had to be a bypass, that the convention couldn’t be the end of the road, so to speak, if you didn’t get the 15 percent margin, so there is, I think, in Connecticut even over the last 35 years, a general movement away from the convention as the absolute answer and of the party system with the club as you described it being the end of the line, so to speak, with the final decider of who got to be a nominee for public office.

REP. FRANCE (42ND): So I guess some people would potentially interpret that action by the judicial branch in ruling on this petition process that we have enacted as an indicator that they believe that the convention process is an outdated mode than maybe the primary process, but short of -- since they don’t enact law, they still leave it up to the legislature, but would you take that as their
indication that the convention process alone is not sufficient and it should be different than it is now?

REP. O'NEILL (69TH): Well, the way that the case played out that set aside the required that a bypass mechanism be created, clearly the courts said that the convention by itself, the old-fashioned convention process was insufficient. There had to be a way to get to the primary and I think in part, I don’t think anyone’s ever written it explicitly like this, but I think there’s a sense on the part of the judiciary that there has to be more openness in the political process, that it cannot be this very restricted franchise, so to speak, of a handful of people making these kinds of decision in effect for the rest of the population. So I think their sentiment is if you’re expanding the process to allow more people to participate to make it more of a -- more democratic process, that they’re inclination is to be supportive of that, but they are fundamentally committed to the idea that the decision-making about how -- what kind of a process you’re going to have is something that should be up to the political parties to decide and not up to the state legislature.

There was another line that I didn’t quote from Justice Marshall’s opinion where the state had outlined all the reasons why it thought it was a good idea to not let unaffiliated vote, “under these circumstances, the views of the state, which to some extent represent the views of the one political party transiently enjoying majority party as to the optimum measures for preserving party integrity, lose much of their force.” What they recognize is that by enacting these laws, one party which
controls the legislature and gets through done through the legislature is going to set up a set of rules that may reflect that one party’s views as to the right way to do things and they didn’t say this explicitly, but I think implicit is the idea is it may be set up in such a way that it helps one party and does not help the other party based on the composition or the way that that party operates in a general sort of way.

REP. FRANCE (42ND): Thank you for the -- final question, so assuming this passes and the convention in the end is done away with and we’re in the primaries now, whether it went to open primaries we’ll leave that set aside, but in this last primary on the Republican side, you didn’t have the majority, would you be in favor of effectively a run-off and I look in states like Louisiana. They have a second election if somebody doesn’t get the majority or in the they call it the jungle primary in California where it’s an open primary essentially and whoever the top two vote getters, whether they’re the same party or not, if we went down that path, what would your, I guess, remedy or would you just allow it to be kind of how the Republican Party came into this last time, with a roughly 30 percent nominee, or would you advocate for a second run-off of the top two vote getters as an example to ensure that the party recommendation or the party vote getter is the majority?

REP. O'NEILL (69TH): Well, I had another bill that I did not petition. I thought it was a bit cheeky of me to petition one bill, so I didn’t want to two, three, or four, but there was another of the bills that I had proposed that actually called for the use of the -- now I’m forgetting the name of it -- the
random -- not random -- the rank choice voting system and as a way to try to get to a selection that represents the broader majority of the voters casting votes in the primary. It’s in effect of having a way of having an instant run-off at the same time that you do the general election.

I certainly, aside from the cost and the now creating of a -- trying to figure out a way to slide in another election cycle or another election process that presumably would take several weeks, maybe a month or two even, I’d be happy for a run-off primary to -- or a run-off where nobody gets a majority or maybe if nobody gets some very high number close to a majority like 45 percent or something, that you go to a run-off and the candidate gets -- the final candidate gets picked that way, but I agree the more people involved in the primary, then that creates questions about the accuracy to which that candidate really reflects -- the degree to which that candidate really reflects the views of the political party.

You know, they’re all people who are making these presumably rational decisions to vote the way they do. People certainly were told before the primary if you vote for this candidate who has no chance according to the polls and cast your vote for him or her, then you are helping another candidate with whom you may disagree so that, you know, the candidate you agree with a little bit is better than the candidate that you disagree with totally, but people were still casting votes for the candidate that they thought they were in perfect agreement with or who they liked the best, even if that candidate had virtually no chance again, according to polls, of making it and succeeding, but that’s a
rational choice that voters, I guess, make when they cast votes that way.

Nothing about our current system prevents what happened in the Republican primary for governor and what also happened in the Republican primary for lieutenant governor in 2014 and what also happened in the Republican primary for governor in 2010 from repeating for more and more offices. Any time you have more than two candidates, there’s a good chance you’re going to get less than a majority and in the case for the lieutenant governor campaign in 2014, the Republican -- the winner of that primary only won by about 1,500 votes and I think the candidates that from top to bottom were like 35 percent to like 31 percent. There was hardly any separation really. It was almost statistically insignificant.

If it was a poll result, you’d say it was in the margin of error. So that happens and has happened and not just this last time, but it has happened on a number of occasions. The candidate for governor in 2010 did not get a majority and got far less than the majority and again, only won by a very small margin over the second place finisher, so --- and then there was a third candidate who got a bunch of votes as well. So this has been a problem or an issue, I guess, to think about since 2010. It’s not going away.

REP. FRANCE (42ND): Thank you very much. Thank you, Mr. Chairman.

REP. FOX (148TH): Thank you, Representative. Any other questions or comments? Representative Winkler.
REP. WINKLER (56TH): Yes. Thank you for being here to testify. Thanks for the report and your testimony. I’ve always been impressed by what a student of government you are. Senator Frances’ last question was my first question, so I’ll just jump to my last question which is in closed primaries, we heard, you know, Democrats, Republicans, a club, do you think it’s proper to have closed primaries for Democrats and Republicans, nobody else invited, but everybody has to pay for it, that is the taxpayers?

REP. O'NEILL (69TH): Well, I think that the basis of my argument here today and what the Supreme Court has ruled, so it’s really the Constitution as is dispositively interpreted is that political parties have a right to organize their campaigns. Now whether the state should be called upon, whether the state should be paying for all of this is a different issue. I don’t know that there’s anything that’s been ruled that the state has to pay for private organizations, political parties, to conduct primary elections or anything else. I mean, the state says well, the state pays for the conventions I guess. If they pay for the primaries, why not pay for the conventions, so I’m not advocating that, by the way, I’m just saying, you know, it’s a choice a state makes to say that we’re going to pay for all of these primary elections to be held.

I do personally believe that both parties would be better off, given the number of unaffiliated voters and what a large percentage of the voting population that they represent, that they’d be better off by opening their doors as the Republicans did briefly, but then abandoned the experiment I think prematurely, but again, that’s decision that the two
political parties, major parties make as they, you know, try to figure out what’s best for their organization, but I think there’s -- it’s a legitimate question as to whether the state should be paying for the primaries for these essentially private organizations.

REP. WINKLER (56TH): Thank you. Thank you, Mr. Chairperson.

REP. FOX (148TH): Any further questions or comments? So two quick comments or questions, one, when you have a chance, can you please give me the site for the Supreme Court you refer?

REP. O'NEILL (69TH): It’s right here. It’s 107 Supreme Court 544. Do you want the unofficial citations or --

REP. FOX (148TH): Oh, that should be sufficient, I think. And secondly, just to kind of go back to the question I stated earlier, essentially now there’s - - we want to minimize the process. It’s a three-step process, there’s the convention, a primary, and then the general election. This bill would allow the state parties to eliminate the first step, the convention and then go straight to primary?

REP. O'NEILL (69TH): Yes.

REP. FOX (148TH): And if that is to happen, in terms of the ballot and how would the ballot -- how would ballot order be determined?

REP. O'NEILL (69TH):

REP. FOX (148TH): That order of the ballots, now the endorsed candidate gets the first ring, is there a way that you propose that a bullet order be?
REP. O'NEILL (69TH): I guess I would do it on like whoever petitions gets there first, goes first, second, second, something like that. I guess you could do it alphabetically. People might start changing their names perhaps or start using their, you know, middle name as -- there are tricks that candidates could perform I guess to try to get an edge, so maybe it should be kind of like whoever gets in the door first with a certified petition goes first and that sort of thing. Or just, you know, do it alphabetically, but randomize it or something.

REP. FOX (148TH): Okay. Any further questions or comments from the committee? Thank you for your time and testimony today. I appreciate you being here.

REP. O'NEILL (69TH): Thank you.


ERNESTINE HOLLOWAY: Hi, how are you. Representative Fox, Senator Sampson, Representative France, and all the members of this committee, I do want to say this before I pass this spot, I’m very angry at your process of when you come and you sign up in the morning. It’s two things that, you know, because I work for God and he hates sin and I hate lobbyists. I think you guys got to get a better process. I was here 7:39 in the morning, six people here. There’s this fictitious paper passed around all the lobbyists sign, so the people from the public that are early don’t get to sign up because of this fictitious paper that they think is real. You got to fix that. It’s not fair to us. I
traveled a long way to get here. I work very hard and I just want a due process just like everybody else. So I don’t know how you’re going to fix it. I would say good luck at that process, but I found this morning some of the things that were said about me because I said I was number six on the list, not number 25, was egregious and very disrespectful and rude. The other four ladies that were from the public went all the way last. You know, maybe you should go to a 45-day so then you won’t have all these lobbyists pester ing you all day because I know they’re a nuisance to us, the public.

But I do want to talk about -- I have dyslexia so if I get the numbers wrong, sorry. I want to talk about ethics in the municipalities. Yes, that’s what I said and if you don’t like it, get over it. I think that we need to take a look at the ethics at the municipalities. I FOIA’d some information and what I found is that the municipalities feel like they don’t have to answer to anybody and you FOIA your information and you know what the information actually is because they’ve had it inside of a meeting and you hear the information so you want to know who was at these meetings when they made this decision, because you see, our mayor is a figure head. He don’t get to go into pensions and make decisions and he did that and I wanted to know who was at that meeting. When you start messing with people’s pensions, we need to know who gave you the authority to do it.

So when we FOIA’d, they said there was no information about this meeting, but it had to be a meeting because there was a city council meeting and in the city council, they said he did it and who was at the meeting, but there was no notes. So I FOIA’d
it, sent it to the ethics and what they said was, well, they don’t have to give you any information about it and I said what do you mean? It’s a meeting concerning people’s pensions where the police chief was involved, two city council members, so what do you mean there’s no notes? And quick, as far as the board of education in ethics, I think that was the biggest mistake they did, they left them out because the board of ed feels like they don’t need to answer to anybody and they should answer to somebody because if the municipalities are giving them money and the people want to know what they doing with the money and they FOIA it, what they said is we don’t answer to the municipalities, we answer to the state, so you close a gap so they don’t have that loophole, so they need to be included.

REP. FOX (148TH): Thank you for your testimony today, Ma’am. Are there any questions or comments? Seeing none, thank you very much for your time and testimony. I appreciate you being here. Have a nice day.

ERNESTINE HOLLOWAY: Thank you.

REP. FOX (148TH): Up next, Representative Susan Johnson followed by Luther Weeks followed by Senator Matt Lesser. Good afternoon, Representative.

REP. JOHNSON (49TH): Good afternoon, Chairman Fox, Chairman Flexer, distinguished members of the GAE Committee. I’m Representative Susan Johnson and I’m here to thank you so much for raising Raised Bill 1170. This is Section 2 of this bill that I’m focused on. It’s a concern that I have in terms of how the State Historic Preservation Office is reviewing its buildings and making determinations
about whether or not to pursue a situation that might hold up a development in a distress municipality like mine.

We are -- We have been 20 years in a row, maybe longer, determined to be a distressed municipality, and the buildings that the State Historic Preservation Office has been trying to limit access in terms of the development of the buildings, have been empty for 40 years in one circumstance when you look at the Nathan Hale building and more than ten years when you look at Hotel Hooker building, which are -- they’re right next to each other. They take up more square footage than a football field in a very small downtown area and they’ve been -- we’ve had studies -- done numerous studies done to try to figure out exactly what we need to do to develop our downtown since the mills left in the ’80 and this was going on in the ’90’s when I was on the council, but we got most of the time from people who studied our downtown area is that we really should do something about the middle of Main Street.

These buildings have been in the state surplus property for several years as well. The state in terms of the Nathan Hale building had been a building that had been owned by the state, had been used as dormitories for Eastern Connecticut State University and then when they wanted to do the restoration of the building, the state determined that it was too expensive for them to do, so they kind of just left it here, used it for storage, and had some office buildings and office access on the first floor, but didn’t do anything with the rest of the building for 40 years, more than 40 years.
So one of the things that your proposed legislation does it really helps us look at what happens with distress municipalities and when the State Historic Preservation Office comes in, they have the same tax credits that are available to places like Greenwich that are available to distressed municipalities, so they offer tax credits and help, but it’s really not much of a help if you’re looking at place like Windham that we have no access to highways, we have places that have been -- we haven’t been able to get any development in our community for years and years and so their offerings for tax credits really don’t help and in fact, what they do is they hold up the development and maybe even discourage developers from coming in and then ultimately we will lose an opportunity for an expansion of our tax base.

So I’m very, very pleased that this committee has decided to raise these issues and I know that my town also has submitted testimony, so you should have my written testimony and the testimony from the town going into great detail about all the difficulties that our town has faced and all the work that we’ve done over the years to try and develop our Main Street and all the help that we need and the State Historic Preservation Office, while they may be helping in some circumstances, are not helping when it comes to distress municipalities that are cut off from highways and other types of economic activity. So thank you so much and I’m available for any questions about what’s going on in my district or the overall situation with State Historic Preservation Office and what they’re doing in distress municipalities.
REP. FOX (148TH): Thank you, Representative. Any questions or comments of Representative Johnson? Representative Winkler.

REP. WINKLER (56TH): Thank you for testifying. Besides Windham, does any other town meet the definition in the bill?

REP. JOHNSON (49TH): Yes, there are four other towns that meet the definition in the bill.

REP. WINKLER (56TH): Okay. And at the end of -- if there’s no sunset on the bill that I can see so that in the future when a historic building is vacant for ten years, it will automatically come in under this bill?

REP. JOHNSON (49TH): Well, you’d have to have more than one, just more than the 10-year vacancy. You’d also have to -- it would have to be located in opportunities then, which is a relatively new opportunity that has been, no pun intended, but an opportunity that is something that was put in the latest tax code changes that would put in at the federal level and some of the towns have taken advantage of that and they have applied for opportunities in tax credits, so there may be conflicts between the opportunities on tax credits and the historic tax credits in how they’re used in terms of how they’re timed, so it would have to be there. It would have to be a distressed municipality, it would have to be opportunity zoned tax credit designation, and it would have to be less than 30,000 people, so those are the standards that you’d have to have.

So there’s another historic district in another part of my town that this would not apply to because it’s
not an opportunity zoned tax credit area, so those things would have to all be in play before this law would apply.

REP. WINKLER (56TH): Would you know if any of the other four towns have opportunity zones?

REP. JOHNSON (49TH): No, but I know they’ve been distressed municipalities because it’s relatively new and towns are just this year have been applying for those tax credits as well, so I’m not sure whether or not it would be an opportunity zone in those other four towns.

REP. WINKLER (56TH): And final question, I can’t picture how tax credits for it or hold up a development. Could you explain that to me?

REP. JOHNSON (49TH): So in this circumstance that I have, the situation is totally private. It’s a private entity. They do not want to have to apply for the tax credits. They just want to do the development and in other circumstances where tax credits might be applicable where the developer might want to do this sort of thing, that wouldn’t – – they would not be included in this circumstance, so it’s only where you have a private entity trying to do a private development and in this case, what happened is a private developer came, they wanted to develop these two places right in the middle of our Main Street and they created a situation where all of a sudden, the State Historic Preservation Office came in and wanted to say well, you can’t demolish these buildings and they went and they did a study, which was really a problematic study because the people who did the recommendations didn’t really understand what they were looking at.
So what we had was, for example, one of the persons that did a presentation in my town, real estate historic preservation office, showed a building that was just recently made to look historic, but it had only been made to look historic in the last ten years and then they gave that as an example of historic downtown Willimantac, which was stunning to me that they would do that. That kind of blew their credibility, at least in my mind and many of the minds of the people from my community that they really didn’t have an understanding of what they were looking at and they certainly didn’t understand what they were doing in terms of the recommendations that they made for the -- for the chance to develop these properties without demolishing them.

So they came up with a figure of $11 million dollars to do the restoration for these two buildings, one of which is crumbling into the police/fire station, and the police and fire chief are very, very worried that the Hotel Hooker will fall in on the police/fire complex and the other -- so that’s a wood frame type of a building, and the other one is totally cement, the one that was Eastern Connecticut State University dormitory that was closed because the state felt it didn’t have the money to do the restoration because it’s a solid concrete building that is lead, asbestos, mold, and it’s just been sitting there since about '76, '78 is when they closed it and like I said, they used it for storage, they used it for a small office on the first floor, but that’s all they did with it and then they haven’t used it for even the last ten years for any of that and we’ve really struggled with those two things that was under the state surplus property list and it just, nothing has moved.
So what happens is, a couple of people in town who have some resources are very interested in our -- in developing our Main Street bought the properties and hope to move the properties that way because the state wasn’t moving them and that’s where we are -- and then the State Historic Preservation Office came in and to make a -- to try and cut this short, the $11 million dollars they said it was about $8 or $10 million dollars 20 years ago when the state, or 40 years or so ago, when the state said no, we’re not going to use the Hale building as a dormitory anymore, so that was 40 years ago they said $8 million dollars just for the Hale building and to try and restore crumbling Hooker building right next door to it would have been even more, so I think that they’re figures were completely off base. Their presentation seemed to be inaccurate, and I have concerns now about how they operate, so I mean, while this is a limited scope type of recommendation, which I very much appreciate, the fact is that I think how they are reviewing the properties leaves a lot to be desired.

They are not the experts that seem to claim to have been and I’m hoping to help out with that and maybe have them some sensitivity about what goes on in distress municipalities and how hard it has been for us to do this work and to bring a tax base back and do economic development that will help the whole state.

REP. WINKLER (56TH): Thank you. Thank you, Mr. Chairperson.

REP. FOX (148TH): Thank you, Representative. Are there any further questions or comments? Senator Flexer.
SEN. FLEXER (29TH): Thank you, Mr. Chair. Good afternoon, Representative.

REP. JOHNSON (49TH): Good afternoon.

SEN. FLEXER (29TH): Could you talk to us a little bit about what the process has been with this historic preservation council in terms of the meetings that they have in the community. You talked about having some concerns with the experts that they brought in and their actual knowledge of what’s historic and what’s not in Willimantic? Can you tell us about that process and the kinds of meetings that they had?

REP. JOHNSON (49TH): Sure. Thank you so much for the question, Senator Flexer. I was kind of shocked a little bit when we found out that the first thing is when we were able to obtain resources for our parking garage that all of a sudden the State Historic Preservation Office came in and wanted to have some say in what happened to the rest of Main Street based on the money that we received, so I had a meeting with them the other day and one of the things they do is they review all the bonding commission money and if any of the money is located in the historic area, then they take a look at that to see whether or not they have an interest in addressing any of the historic properties, so that’s the first thing.

So they were -- they brought this to the Attorney General’s Office when the money was allowed by the governor and then the Attorney General’s Office said no, this isn’t anything that you should be concerned with at this time because this does not include any of the buildings that your -- that are part of the historic Main Street. So then shortly after that, a
few months later, there was an offer made on the building, the buildings were sold to a private -- from one private entity to another private entity and even before the closing on these buildings, the State Historic Preservation Office came in and tried to interject itself before the sale. It held up the sale of the buildings and we were concerned that because of the holdup of the sale of the buildings that, in fact, that these properties would not be developed, but the fact is that the town has worked very hard to make sure that the Attorney General’s Office understands that the situation is and I submitted legislation working on this as well and so what happened is the developer did finally close in February and with the hope that the State Historic Preservation Office would not be involved.

The State Historic Preservation Office did receive a petition from out-of-town people and from some people in town, but they also received a petition from people in town that have businesses and live near these buildings as well that said please do not interfere with the development that is proposed by the new developer, the persons that just purchased the downtown buildings, and so right now, because they voted when they came to town to have this hearing, they voted to move this process, not just from going through the State Historic Preservation Council, but also then to the Attorney General’s Office and that’s where it is right now. So we’re very, very concerned that what will happen is that if this becomes too long a process that maybe the buildings will be flipped again or maybe this developer will just let them go and try and sell them to somebody else.
But the ultimate thing, the ultimate problem, is that if that is what happens, if this development does not occur, then I don’t -- I think it will put a really cold damper on whether or not we’re going to be able to anything else with our downtown because nobody else is going to want to come and go through this process, especially because when you take a look at the rate of return in a distressed municipality, you’re going to use the same cost of materials to do development in a municipality that is flourishing, like, you know, that has lots of resources. They are going to get a fabulous return on that development for the same cost that you would get in a distressed municipality. You’re not going to get the rate of return on your investment if you are investing in a distressed municipality compared to some place like Greenwich.

SEN. FLEXER (29TH): The process that the -- Is it the Historic Preservation Council, that had a hearing in town. Correct?

REP. JOHNSON (49TH): That’s correct.

SEN. FLEXER (29TH): Was a hearing like the one we’re having here today?

REP. JOHNSON (49TH): Well, yes, but they left. They didn’t let everybody testify unlike what we do here in the legislature. They decided to -- They started the hearing around I think it was 10 or 11 in the morning and they left at 1 and so there are a large number of people left to provide testimony and they did not have a chance to do that and then they just -- so then they voted to -- they closed the hearing and then voted to go to the attorney general and they did that all in a couple of hours with
about, I don’t know, maybe 50 people left to testify, something like that.

SEN. FLEXER (29TH): Do their meetings always have a time limit, do you know?

REP. JOHNSON (49TH): No, I don’t know. My familiarity with this has just been my concern brought to me by my town to try and address the issue and also the town has -- the council had taken a vote to try and stop SHPO from being involved with our town, so they’ve also done a resolution to try and stop SHPO.

SEN. FLEXER (29TH): And so it’s your estimation that at that meeting that they had was supposed to be open to the public, that 50 people were not given the right to say their piece about this issue?

REP. JOHNSON (49TH): That’s right.

SEN. FLEXER (29TH): And they made a decision right then and there?

REP. JOHNSON (49TH): Exactly, they made a decision right there and, you know, they thought that, you know, we were pleased, the town was pleased, that SHPO came to hear everybody and then for them to shut down the meeting after a couple of hours was kind of shocking, so that was a very, very -- from our perspective here, very odd to shut down a meeting like that.

SEN. FLEXER (29TH): Thank you. Thank you for your testimony. Thank you, Mr. Chair.

REP. JOHNSON (49TH): Thank you so much, Senator.
REP. FOX (148TH): Are there any further questions or comments? Thank you for your testimony today. I appreciate you being here.

REP. JOHNSON (49TH): Thank you so much. Thank you for your work. Thank you.

REP. FOX (148TH): Up next Luther Weeks followed by Senator Matt Lesser.

LUTHER WEEKS: Chairs and members of the committee, my name is Luther Weeks, executive director of Connecticut Voters Count, a certified moderator, and a computer scientist. Today I have submitted five pieces of testimony on six bills. My remarks will summarize some of those bills. Whenever one undertakes changing existing election law, especially weakening an aspect of it, one must thoroughly understand why the current law is in place. These bills would cause serious consequences based on their interaction with current law. I recognize for the most part that they are well intended.

I oppose H.B. 6063. It would allow two or more absentee ballots and inner envelopes to be returned in one outer envelope. With the potential for two or more inner envelope in the same outer envelope, officials could only speculate how many are in an envelope and whose ballots are inside. This would preclude the legally required tracking of a return of absentee ballots, recording of returned absentee ballots on checkoff lists, preventing the detection of double voting and uncovering voting fraud.

I oppose S.B. 268 and H.B. 6048. They are inconsistent with election-day registration law and a wasteful, unfunded mandate aimed at solving the
mythical, all but nonexistent problem of voter fraud. Notice I say voting fraud some places and voter fraud in other places. It would require official checkers in EDR locations and authorize challenges in unofficial checkers in such locations. The problem is there are no checklists in the EDR locations. What would they do beyond collect a check? Section 1K includes an impossible demand required that the Secretary of State create a system to check off a voter if a voter is registered and voted in another state. In effect, it would make all EDR ballots provisional with no procedures for counting or not counting them.

I support the EDR section of H.B. 7160 and oppose the section providing a program for high school and college students to receive credit for volunteer service on election day in polling places. I do enthusiastically support the current law that allows 16 and 17-year-olds to serve as paid officials on election day. However, I believe that all poll workers should be paid or paid officials. I’m concerned that volunteers recruited by faculty for credit rather than chosen by registrars may not be fully motivated, that we may not be ready to hold volunteers as young as 13 to account. These concerns are well justified by the recent experience that the Committee on Contested Elections did not subpoena the most critical official in Stratford, likely because she was 16 years old.

H.B. 7392, I’d like to -- my comments earlier, one is opposing that and in fact, as the leader of the citizen recount in Bridgeport in 2010, we were able to uncover massive errors and possible fraud in the accounting for the voters that allegedly voted during that election only because we had access to
the voter information. I’ll just say in some districts, there are many more ballots than voter checkoff, in other districts there are many more voters checked off than ballots, and in some cases the moderator’s return had the incorrect number of voters checked off. It had a number that matched the number of ballots, but it was incorrect.

REP. FOX (148TH): Thank you. Are there any questions or comments for Mr. Weeks? Just a quick question for you just to clarify, you’re in 7160, you’re opposed to the idea of students getting credit for volunteering on election day, is that correct?

LUTHER WEEKS: I’m opposed to that because I’ve had experience with student volunteers in other programs and some of them are well motivated, but some of them are not, they’re just there to get some credit, their parents think it’s a good idea to get into college. An election, you know, a polling place is serious business. You know, as officials, you know, we’re pledged to follow the law and subject to penalty in following the law. I worry that we wouldn’t hold 13-year-olds to account and, you know, as an election official, you know, it puts me in a tough position if I’m running a polling place and I have to supervise people that aren’t officials or that I know are never going to be held for account if they, you know, make errors or fraud. Maybe if they can’t be brought in and testify and maybe not even talk to the SEEC or anyone, you know, it’s a tough situation.

I’m all for, you know, training students in elections and other stuff, but would we have a bill to have high school students be trained in how to do
surgery and go into the hospital and do surgery? I don’t think so. To be police officers and, you know, pretend to be police officers or, your actually do police functions at 13 years old or even 16 years old. That’s my concern. I don’t want to sound Draconian, I like the system we have, now it’s 16 and 17 year olds in a polling place, I promoted that. I’ve seen it work well. I, you know, kept trying to get my town to do it for years and years and years when they were complaining there weren’t enough officials. When we got new registrars a couple of years ago, they started doing it to good success, but those are paid, sworn individuals.

REP. FOX (148TH): Are you currently a moderator, you said?

LUTHER WEEKS: Yes.

REP. FOX (148TH): How long have you been a moderator?

LUTHER WEEKS: Let’s see, 2008 I first took the moderator training, so I have been a moderator since 2008. Twice I ran election-day registration, five times I ran central absentee ballot counting, and about eight or nine times I’ve been in a polling place, sometimes as a moderator, sometimes as an assistant registrar.

REP. FOX (148TH): Okay, thank you. Any further questions or comments for Mr. Weeks? Thank you for your time and testimony today. I appreciate you being here.

LUTHER WEEKS: Thank you.

REP. FOX (148TH): Up next, I understand that Senator Matt Lesser will be here briefly, so Michael
Michel Brandi, the executive director and general counsel for the State Elections Enforcement Commission.
I’ve submitted some more detailed written testimony on four bills we addressed today, but in light of the many bills you have, I’ll try to keep this brief. First, we must address House Bill 7386, AN ACT CONCERNING THE DEPARTMENT OF ADMINISTRATIVE SERVICES AND CHANGES TO AFFIRMATION, AFFIDAVIT, AND CERTIFICATION REQUIREMENTS FOR LARGE STATE CONTRACTS. The commission strongly opposes this bill as drafted.

It will substantially weaken both compliance with and enforcing of the state contractor provision. Our administration and enforcement of the limits on state contractors will be severely damaged if the language currently before this committee is adopted. Currently, the state contractor provisions in the campaign finance statutes and an executive order signed by Governors Rell and Malloy require each state agency and quasi-public agency to obtain affidavits in disclosing certain information from state contractors and prospective state contractors. This is called OPM Ethics Form 1. This may sound like a minor requirement, but I assure you it’s not.

Having a state contractor have to identify their principles and review their own prior contributions serves several very important purposes. First, it is an action that must -- they must affirmatively
take that makes them aware that the state contractor contribution ban is real and taken seriously. This really can’t be emphasized enough. The more than any acknowledgement written or otherwise of some boiler point notice provisions or any paragraph buried deep in the body of a contract informs them about Connecticut’s no-nonsense attitude on corruption.

It is a statement of the culture that we are now part of and are being asked to participate in. next, it makes them have to affirmatively identify who the principles are at that company who will be affected by the state contract and forces those people to identify their own contributions. This puts them on notice as well and putting all these principles of business on actual notice of the state contractor contribution and solicitation ban, it makes them much less likely to accidentally violate it and put their contract in jeopardy. When contractors get this affidavit, it frequently opens their eyes. First, our compliance staff receives regular calls from individuals who are completing OPM Ethics Form 1, which currently contains the certifications concerning campaign contributions. These calls help us to educate the callers as to the parameters of the state contractors contribution and solicitation provisions and also helps callers determine whether they are principles of state contractors or prospective state contractors covered by the provisions.

In addition, the current system has resulted in numerous self-reported complaints where principles who are completing the form realize that they have mistakenly made an unlawful contribution in the past and are able to self-report their past actions to
our agency. This allows the commission to find mitigating circumstances or not and allows the contractor to manage the risk. As a result, more state contractors and prospective state contractors are aware of the law and they comply. We understand the need to streamline the contracting process and eliminate paperwork and make Connecticut more business friendly. We support these goals, but sometimes it is necessary to pause in the middle of a process to emphasize something that is worth emphasizing, that Connecticut strives to be a zero corruption state is worth emphasizing.

In our experience, no one appreciates that more than the people in businesses with state contracts who call us expressing relief that they don’t have to play that game; eliminating these affidavits signals that we’re backsliding to the same pay-to-play culture that this legislature and past two governors worked so hard to eradicate. We understand that this may not have been the intention of the bill, but it is an unintended consequence. We stand ready to help the commissioner of DAS who proposed this bill and the legislature to craft a solution and preserve this important and successful piece of our campaign finance system.

The commission also opposes House Bill 7392, AN ACT CONCERNING VOTER PRIVACY. As drafted, the bill prohibits the Secretary of State or a registrar of voters from disclosing voter registration information to anyone except a candidate, candidate committee, or political committee. It is quite broad and would appear to prevent the State Elections Enforcement Commission from access to information that it uses during investigations and for the Citizens’ Election Program’s grant application
process. While the information may be available through other means, such methods will be slower and more costly. We therefore request that the State Elections Enforcement Commission be exempted from the application of this statute entirely.

There are also two bills supported by the commission today on the agenda. The commission believes that concept in House Bill No. 5823, AN ACT CONCERNING CAMPAIGN CONSULTANTS AND THE USE OF FUNDS UNDER THE CITIZENS ELECTION PROGRAM, would be an excellent addition to House Bill 7310, excuse me, 7210, AN ACT CONCERNING CAMPAIGN CONSULTANTS AND COORDINATION, a bill which contains language proposed by our commission. The language in House Bill 7310 also appears in House Bill 1043, AN ACT CONCERNING SOCIAL MEDIA PLATFORMS AND CAMPAIGN FINANCE. All three bills address the lack of disclosure from consultants about what they are charging and how they spend the money, money that often comes from the Citizen Election Program, public money.

Campaign treasurers are frequently caught between a rock and hard place when the consultants fail to provide the information that the treasurers need to comply with the law. House Bill 7210 and 1043 would make it clear what information is to be provided by consultants to treasurers and make it possible to hold noncompliant consultants liable. The bill before your hearing today, House Bill 5823, would require consultants to register with the Commission and file an affidavit of intent to abide by the CEP spending limits. This requirement would give notice and serve as important training for consultants, as well as assisting with the enforcement tools provided for in House Bill 7210 and 1043. We stand
ready to work with the legislature on the language of such an affidavit.

Senate Bill No. 642, AN ACT CONCERNING SOCIAL MEDIA PLATFORMS AND CAMPAIGN FINANCE, addresses campaign finance disclosure and social media by requiring online platforms to make available for public inspection certain political advertisements and provide to the State Elections Enforcement Commission contact information for a single point of contact at such online platforms who is responsible for the sale of the advertisements on such online platforms. The Commission supports addressing the transparency of social media advertising, but does not believe this bill goes far enough. We believe that transparency and effective, efficient disclosure of social media is of utmost importance to the healthy function of our democracy.

House Bills 7329 and 1043, which were before this committee for public hearing on March 13th, also addressed campaign disclosure and social media. They are based on proposed Federal Honest Ads Act legislation, re-introduced in 2019 as House Resolution 1, which was recently passed the United States House of Representatives, and are intended to prohibit foreign business’s funding of independent expenditures in Connecticut, as well as require online platforms to disclose who are buying political ads on social media. We urge that the legislature consider the fuller more complete approach put forward in House Bills 7329 and 1043.

We urge that if the legislature does not address dark money and the social media this session, then a working group, including designees from our commission, be formed to address these issues. Such
a committee could also consider concerns raised in House Bill 5815, AN ACT CONCERNING POLITICAL ADVERTISING, which involves altered or fake images. So I thank you for this opportunity to present testimony and I’m ready to answer any questions you might have.

REP. FOX (148TH): Thank you, Mr. Brandi. Any questions or comments for Mr. Brandi? Representative Winkler.

REP. WINKLER (56TH): Thank you for your testimony. In 7385, how did 7385 eliminate the affidavits required for the information for OPM Ethics Form 1?

MICHAEL BRANDI: Our understanding is that as this process went forward with DAS, they’re trying to streamline, we understand that, but the language in the bill, it eliminates basically the excess affidavit. These are one of the seven affidavits, I think they were referenced earlier, that are provided for state -- prospective state contractors when they’re bidding on projects. It’s provided to them to make sure that they fill these out appropriately so that we have the information.

REP. WINKLER (56TH): So are there brackets around those words in the bill? How did they eliminate the requirement?

MICHAEL BRANDI: It’s by -- There are -- I can get the bill and kind of go through it with you, but it’s there are different pieces of this requirement. Part of is also in the executive orders that were issued by Governor Rell and then subsequently by Governor Malloy, which pose the formation of this form into the language of the bill. When they looked at just the strict language of the statute,
it didn’t -- it didn’t include the language that’s also in the executive order, which requires that this form be designed and included as part of the package, so that’s where there might have been some disconnect when DAS originally proposed the bill.

REP. WINKLER (56TH): Thank you, Mr. Chairperson.

REP. FOX (148TH): Are there any further questions or comments? Just a quick question if I can, the -- in terms of issues on the horizon for SEEC, my estimation, and I can be mistaken, one of the major issues, evolving issues, are dark money, foreign influence, but then also social media advertising. Would that be a fair --

MICHAEL BRANDI: Absolutely. That’s an issue for enforcement agencies nationwide.

REP. FOX (148TH): Okay. And are there any other means by which states, other states, are addressing such media advertising?

MICHAEL BRANDI: We’re kind of on the forefront of this in terms of state activities and state enforcement laws and so it’s something that continues as new forms of social media and new methods of utilizing social media are continually explored and utilized in campaigns. It’s bringing out new issues for us all the time, so we’re trying to always make sure that the law, in order to allow for sufficient transparency and disclosure, is, you know, properly identifies these issues and allows us to enforce the law.

REP. FOX (148TH): Okay. In terms of House Bill 5823, the campaign consultants’ bill, can you just give me some background information? Currently, how
does SEEC address campaign consultants? Is there a way to, I know not control, but keep an eye on them or maintain them in a sense?

MICHAEL BRANDI: I’d say it’s difficult because here’s the problem, the law as it currently sits allows us to require treasurers to disclose secondary pays, so quite often what happens is consultants who are employed by the campaigns are not providing the information on those secondary payees to the treasurers. Right now, the way the law sits is that we have authority, of course, to require that secondary payee information, but the only method right now that we have to enforce that is to go after the treasurers for failure to report that information and we have campaigns that are spending tens of thousands of dollars of public money on consultants and are not getting the appropriate breakdown and disclosure of secondary payees, so what the bills would do, and again, kind of a combination of the two bills, one is that the suggestion of Representative France, which is getting a disclosure form, kind of a notification up front, by a consultant that they need to abide by the rules.

On the second piece which is really what’s in our bill, which is giving us that authority that if a consultant who engages in this kind of political activity, if that consultant fails to give the treasurers the appropriate information and they’ve again requested this on numerous occasions but have -- they’re just refusing to give that information, it would allow the agency to directly enforce against those consultants for violating the law.
REP. FOX (148TH): Okay. Currently, does SEEC have any way of getting a database for where these consultants are and can you track them or do you require candidates or campaigns to identify who their consultants are?

MICHAEL BRANDI: The candidates in campaigns are required to have a contract for anything over $100 dollars, so if you’re employing a consultant in your campaign, there is disclosure. There’s a contract that you would have with the individual or his or her company. We don’t keep an active database, although based on our audits and all of the information that we currently have based on disclosures, we have a, I guess, you know, a running list of basically individuals or companies that are involved in the consultancy businesses that we -- so we know the names, we know what businesses are out there and engaging in this, but we don’t have a formal disclosure list. There is nothing that, at the present time, without this passage by -- with Representative France’s recommendation here, that’s the only way we would have actually a running list of consultants and entities that would -- are formally engaged in the process.

REP. FOX (148TH): And without the passage of this legislation, the treasurers are the ones that are ultimately on the hook?

MICHAEL BRANDI: That’s the problem. I mean, we’ve had multiple, multiple situations where treasurers have contacted our agency and are frustrated. They’re frustrated because they’re trying to get the information that they know they have to report, but they can’t get it out of a consultant who insists that it’s proprietary information and they’re not
going to give it, so at this point -- you know, so they’ve made multiple attempts to try to get the information, they're being stonewalled, what this bill would do would be they could then contact us and turn it over to us and we would then have an enforcement authority to at least get that information provided to the treasurer so they can make their disclosures, but also sanction those consultants if they fail to abide by the disclosure laws.

REP. FOX (148TH): Thank you very much. Any other questions or comments? Representative Haddad.

REP. HADDAD (54TH): Thank you. I appreciate your testimony and I think I understand what you’re trying to get at with 5823, but I was just reading the language of the bill, do we have anywhere in state statute the specific definition of consultant?

MICHAEL BRANDI: In our bills, there are -- the ones that we’ve proposed that are -- it’s in 7210. There are specific definitions in those bills for consultants and vendors and subvendors that we’ve tried to -- the combination of all these bills would make for a much better package. I certainly agree with Representative France’s approach, which is trying to get that disclosure and that certification up front, but the real enforcement authority and the real regulatory authority really comes from defining well what those -- what those entities are and making sure they're also, again, we’re provided with that direct authority to sanction bad behavior.

REP. HADDAD (54TH): Right, and so -- but when I’m looking at this specific bill, it defines -- it indicates that a consultant is -- the definition is
somewhere in Section 9-607, Subparagraph B, Subsection 2, Subsection G?

MICHAEL BRANDI: Yes.

REP. HADDAD (54TH): And I’m trying to figure out, is that the part that says, tell me if this sounds right, campaign or committee services of attorneys, accountants, consultants, or other professional purposes for campaign activities, etc., etc., is that what we’re referring to as the definition?

MICHAEL BRANDI: It’s -- That’s the provision that requires those types of services to be subject to a contract, so there are in 7210 and in 1043, the other two bills, they actually have definitional sections which set out in more -- in clearer language exactly what constitutes a consultant or a vendor or a subvendor so that we can make sure that we have an even application of the law.

REP. HADDAD (54TH): Right. And so just as an example, a printer who does a lot of printing for a campaign, but also might design the mail pieces, print the mail piece, and mail the mail piece, would be one of the consultants that we’re talking about?

MICHAEL BRANDI: If you have design in there and that person is engaged in kind of strategic design of mail pieces, that would constitute consultant, absolutely. If you have somebody, if you going to XYZ print shop and their business is simply to print your mail or print your signs, that’s considered more of a vendor, so those kind of things are defined in our bills, the other two bills, so that it makes it very clear as to what’s required for a consulting contract and what services are under contract versus something that’s simply more of a --
REP. HADDAD (54TH): So you’re saying that printing and mailing wouldn’t fall under this legislation, but designing and printing and mailing would?

MICHAEL BRANDI: The -- Okay, so design. If you have somebody who’s involved in the design of your mailers and the design of your messaging and all that, that’s more of a consultancy feature.

REP. HADDAD (54TH): Does it matter if they’re -- if you’re writing all the words and they’re just laying it out?

MICHAEL BRANDI: Well, if it’s a pure layout of just you’re putting into a print shop itself and the print shop is then setting up the face of the mailers and you’re talking about what a true print shop function is, it’s not consultancy, probably not. I think if you again look at the definitions that are provided in Bill 1043, it lays those out because we’re not worried, as we always talk about, we’re not worried about where Staples gets its paper, but what we are worried about is when a consultant is involved in the strategic design of something, that has to be under a contract, so -- and that’s set out clearly in the current statute as something that’s over $100 dollars and would require an agreement between the parties. The difference to us is something that’s a pure vendor and those definitions, again, are laid out in Bill 1043, so that somebody that is going to a strict print shop, it’s a brick and mortar print shop somewhere, that’s a vendor, so that’s a straight out disclosure report of the vendor amount.

REP. HADDAD (54TH): All right, and very briefly I guess, what specifically are you worried about that consultant might be doing that a vendor wouldn’t do?
I mean, they both have costs, they both have employees, they both pay bills, and they’re both using public money?

MICHAEL BRANDI: The vendors that we’re talking about our strict, you know, services for let’s say printing your mailer, okay?

REP. HADDAD (54TH): Do you think that there might not be profiteering involved in the printing of mail pieces, but there might be profiteering involved --

MICHAEL BRANDI: Oh, absolutely.

REP. HADDAD (54TH): -- in the consulting of campaign services?

MICHAEL BRANDI: We’ve seen consultancy services vary and this is based on our analysis of multiple years now of audits of campaigns where we have seen and the ones we’re most concerned about are what we call campaign in a box, where a candidate effectively gives 75 to 90 percent of their campaign grant directly to a consultant and that consultant is then contracted to provide all the services under it.

REP. HADDAD (54TH): I’m not arguing about whether or not you should be concerned about that, I’m wondering why you’re not concerned about vendors.

MICHAEL BRANDI: We are, but there’s a direct link back to a vendor for a specific service and those, again, those vendors are defined in this bill, so if you have a print shop and the print shop is providing you with a thousand copies of a certain mailer, there’s usually invoicing directly of that and you can see the cost per mailer. It’s not a consultancy that’s going on with it that might
result in, you know, profit on top of the invoice if it’s directly to a mail house, so those are the things that we have examined as part of the audit process and what we’re really concerned with is consultants who are trying to adopt and become all-in-one shops where they’re supposedly providing mail house services where they’re doing the design services, where they’re also doing everything from canvassing on down and they’re not disclosing what they’re spending that actually money on. It’s basically one lump sum.

REP. HADDAD (54TH): Thank you.

REP. FOX (148TH): Thank you, Representative. Are there any further questions or comments? Representative France.

REP. FRANCE (42ND): Thank you, Mr. Chairman. Thank you for your testimony today and the description. I just want to -- so just to go back to the question from Representative Haddad about the mail vendor versus let’s say -- the mail vendor is generally contracted by the campaign directly and you get a bill and then they pay it, it shows up on their disclosure form. I think the issue when you deal with consultants is that you’re paying the money to the consultants and they’re spending the money, but what do they spend it on is the challenge.

MICHAEL BRANDI: Right.

REP. FRANCE (42ND): There’s effectively a firewall between the campaign and the consultant and where the money went beyond that. Is that a correct assessment?
MICHAEL BRANDI: Yes, there’s a lack of detailed information that often goes on in terms of what they're paying for, how they're paying for it when you're dealing with again, money that is flowing through the consultant for those services. If you're spending money at a local print shop, you have a receipt from that print shop that you can provide that can be disclosed. It shows the actual number of mailers, the cost per mailer, and there’s information that the treasurer can then report directly on their C30. When it’s something that goes through a consultant, a lot of times those costs can be hidden or moved around and that’s our concern and then also, the treasurer who is responsible for paying all expenses doesn’t necessarily know what to report on their C30 when that information in detail isn’t given to them in detail by the consultant and often at times that happens with things like canvassing where we don’t know where we need to make sure that it’s not, for example, the candidate’s spouse that’s being paid to do canvassing, but it’s hidden under a broad of rubric of canvassing services versus the individual names and who is being paid for those services, which is a secondary payee requirement under current law.

REP. FRANCE (42ND): Thank you for that. A shift to 642 and social media, the one -- the one question or the concern I have is how would we in the state of Connecticut regulate that since there is longstanding law and court case that you don’t regulate the internet per se and so we’ll use Facebook as an example. Their corporate office is not in Connecticut, so how would you propose that the state of Connecticut would mandate to a company
that doesn’t exist here and then how would they differentiate their product across essentially a state line with the internet when it’s been longstanding practice that the internet is not regulated in that way state by state and it’s at the federal level for those states or how would you propose doing that?

MICHAEL BRANDI: I think what’s in this bill and what needs to be studied a little more is exactly the disclosure regime that has to be put in place. We put forward bills previously to talk about this because a lot of times, we -- nobody can track some of the ads that are used on Facebook and other social media because they’re targeting certain neighborhoods, they’re targeting certain voters. We don’t know if those bills have attributions, we don’t know if the those advertisements have the proper attributions, we don’t know if they've even been paid or where they've been paid for, so coming up with a regime that it’s a disclosure element here and a disclosure regime to make sure that there is means by which the public can see who’s paying for these ads and where these ads are coming from we think is extremely important because that’s where kind of campaigns are going to. They’re not spending as much, if you look at it nationwide, as much on direct mail and, you know, traditional sources of campaign information, it’s morphing more of course into the internet, into social media, and we have to be able to track in some way that information for the public. The public deserves to know who is paying for those ads and to have some means for us to produce that on our website or some other means or some other source.
REP. FRANCE (42ND): And I guess I’ll point out that Facebook has taken -- when they determine what’s political, what’s not. You have to go through an application process; I can’t speak for the other social media platforms. I still go back to I’m concerned that the state is attempting to enforce on a company that doesn’t -- isn’t domicile in the state and doesn’t solely operate within the state and how would they, you know, assume all 50 states came up with 50 different ways to do it, there would be no way to effectively manage that and what authority would the state have to mandate to a Facebook or Pinterest or any other social media platform to comply with state law when their roadmap, if you will, is not confined by the state?

MICHAEL BRANDI: I mean, first I think that having those companies police themselves is always a bad idea because they’re defining what they’re going to police and they just don’t do it and that’s come through with -- we’ve seen federal and congressional hearings with this issue of, you know, their failure to basically police anything through those entities. There are entities that are doing business in the state of Connecticut, so the obligation of any business doing -- any entity doing business in the state of Connecticut and we’re not asking for much here. We’re asking for simple disclosure when they’re involved in the political process. They’re getting paid by political campaigns and what we’re seeking through most of these initiatives is simply to get information so the public can be advised as to where these advertisements are coming from, are they being properly paid.

I mean, you have an obligation to make sure there’s an attribution on your mailers and it’s the same
thing for that popup ad that comes up on Facebook or on Instagram or any other social media. Those requirements are still there, but the problem is to be able to police them and we can’t police them when nobody can see them other than in those targeted audiences that they’re sending them to. So there is a level here of responsibility by the company which is doing business in the state of Connecticut to make sure that they’re following disclosure rules like any other business would.

Any other business doing business in Connecticut, whether they’re in 50 states, 25 states, they still have an obligation to follow Connecticut law if they’re here. So all we’re saying is that this is – that the logical extension and simple disclosure is what we’re looking at here to make sure the public knows what’s being said.

REP. FRANCE (42ND): All right. Thank you very much. Thank you, Mr. Chairman.

REP. FOX (148TH): Thank you, Representative. Are there any further questions or comments? Thank you for your time and testimony, Mr. Brandi. Have a nice evening.

MICHAEL BRANDI: Thank you.

REP. FOX (148TH): Up next, Dan McInerney, followed by Mary Falvey. Good afternoon.

DAN MCINERNEY: Good afternoon, Representative Fox, members of the Government Administration and Election Committee. My name is Daniel McInerney and I am submitting testimony on behalf of the Connecticut Chapter of National Electrical Contractors Association (NECA) and the International
Brotherhood of Electrical Workers (IBEW) in opposition to Senate Bill 1106, AN ACT CONCERNING STATE CONTRACTS AND THE USE OF APPRENTICES ON LARGE CONSTRUCTION PROJECTS. The Connecticut Chapter NECA represents more than 100 electrical contractors of various sizes from small contractors of a few employees to large contractors employing more than 500 employees. The International Brotherhood of Electrical Workers represents thousands of electricians in this state; together we are a collaboration of management and labor working with a highly skilled workforce that prides itself on safety and training in a constantly evolving industry with cutting-edge technology.

We follow and comply with the hiring ratios set forth in Section 20-332b of the general statutes, hiring ratios for apprentices, journeymen, and contractors for electrical, plumbing, heating, piping and cooling, sprinkler fitting, and sheet metal work. We strictly adhere to these ratios on all projects regardless of what dollar size those projects are. We also check to make sure that other electrical contractors follow the ratio on public work projects by obtaining the certified payroll forms required by Section 31-53 of the general statutes. The licensed trades in Connecticut are already required to follow rules for the use of apprentices and that is why we are opposed to this bill. Thank you for the opportunity to give testimony. I’ll answer any questions of you have them.

REP. FOX (148TH): Thank you. Are there any questions or comments? Representative Winkler.
REP. WINKLER (56TH): There seemed to be steps in the number of, you know, journeymen to -- it seems to go in steps of three. Is there a rationale behind that?

DAN MCINERNEY: That is -- Yes, I don’t know where the rationale became -- you’d like to keep it at a small ratio because the idea is to teach the apprentice on the job and watch out for his safety, especially larger projects. All projects when it comes to construction can be dangerous, but the bill before you is a different ratio than what we follow. Ours is a little -- Ours is a three to one ratio. So you have -- it’s one apprentice for one electrician for the first three and then it follows a three to one ratio after that.

REP. WINKLER (56TH): Right. And in some small operations, putting on that one additional apprentice is pretty expensive. I wonder if there would be any way to smooth that out a little bit so it didn’t jump three every time?

DAN MCINERNEY: I’m not following you on that one, Representative.

REP. WINKLER (56TH): Okay. Let’s go up, so one, two, three, okay, so four, how many?

DAN MCINERNEY: Six.

REP. WINKLER (56TH): And five?

DAN MCINERNEY: Would be nine. Actually, I have it right in front of me, so, because it does get confusing.
REP. WINKLER (56TH): So I’m just saying, at some point if you want to add one more apprentice, you have to hire three more --

DAN MCINERNEY: Journeymen, yes.

REP. WINKLER (56TH): What if we just kept it one to one the whole way?

DAN MCINERNEY: Well, we’d love to see that.

REP. WINKLER (56TH): I’m sure, but what if you didn’t jump to three every time?

DAN MCINERNEY: Well, then, the problem with that is then you’d flood the job with apprentices and not, you know, not the journeymen. Now the journeymen would wind up out of work, so it’s kind of a fine balance to, you know, protect the journeymen also and to try the apprentice on the job.

REP. WINKLER (56TH): But you can see, at least, where the smaller operations are complaining that they have to -- one more apprentice means three more journeymen and, you know, we just need that extra guy?

DAN MCINERNEY: Yeah, and, you know, quite honestly that comes up every year and there’s always a committee that is set up to deal that.

REP. WINKLER (56TH): Got you, thank you. Thank you, Mr. Chair.

REP. FOX (148TH): Thank you, Representative. Are there any further questions or comments? Sir, can you just quickly give me a spectrum of the major differences between a journeyman and an apprentice?
DAN MCINERNEY: A journeyman has done an apprenticeship program and for the electrical industry, it’s a -- the state requires four years, 8,000 hours of on-the-job training before he can sit to take the test for a journeyman’s license.

REP. FOX (148TH): Thank you. Any further questions or comments? Thank you for your testimony today. I appreciate your patience. Have a nice evening.

DAN MCINERNEY: Thank you.


MARY FALVEY: Good afternoon, Senator Flexer, Representative Fox, and members of the committee. My name is Mary Falvey. I am the executive director of the Hartford Preservation Alliance and I am here today before you as president of Connecticut Preservation Action, which is a coalition of organizations and individual members that advocate for the preservation of Connecticut’s unique historic character and I am here in opposition to Senate Bill 1107, Sections 2 through 5. For over 35 years, we have, with the Connecticut Environmental Protection Act, recognized that our historic and cultural resources are just as worthy of our protection as our natural resources. We are concerned that passage of this legislation would send a dangerous precedent to opening up the Connecticut Environmental Protection Act to other exemptions for other instances.

We’d also like to clarify that any time state funds are used, the state is required to assess the impact that those funds would have on natural and cultural assets to ensure that those funds aren’t used for
the willful destruction that could be avoided of those assets. We recently here in Hartford had a case where two buildings in a historic district were slated for demolition using state bonding money and they were allowed to go forward and do the demolition because it wasn’t prudent or feasible to keep them and it was determined to be in the public good. The exemptions that are trying to be made are for -- the act never says that demolition is totally forbidden. It’s unreasonable destruction that we’re trying to avoid.

Also to let you realize that health and safety codes always, always trump preservation regulations. If a building is a public danger, demolition is always recommended. We never stand to avoid that. It’s just not possible.

Our distressed municipalities are already burdened with the legacy of failed developments. We just like you to consider the two block area just over by Union Station not far from us here. Each and every open surface parking lot that you see in that neighborhood is a failed development scheme that a developer came in and required the demolition of an historic building. Contrast that to the invigorating development currently happening in the same area, all of them involving the rehabilitation of historic buildings. Connecticut Preservation Action respectfully requests that Sections 2 through 5 not be favorably voted out of this committee. Thank you.

REP. FOX (148TH): Thank you, Ms. Falvey, for your testimony. Are there any questions or comments? Representative Winkler.
REP. WINKLER (56TH): I was reading the statute and if I understand it correctly, alter includes demolish?

MARY FALVEY: Correct.

REP. WINKLER (56TH): Thank you, Mr. Chair. Are there any further questions or comments. Thank you for your testimony today. I appreciate you being here. Have a nice day.

MARY FALVEY: Thank you.

REP. FOX (148TH): Next, Senator Matt Lesser. Good evening, Senator, good to see you.

SEN. LESSER (9TH): Good afternoon, Representative Fox, Senator Flexer, Ranking Member France, Representative Winkler, and Representative Mastrofrancesco, and members of the GAE Committee. I’m here to testify in support of Senate Bill 642 concerning social media platforms. I think we all have an increased appreciation for the role that digital social media platforms have in our elections. The bill seeks to impose a number of changes. One, to track advertisements targeting state elections, two, to provide single points of contact, but the most important thing is about the 90-day window prior to an election when we’ve discovered that these platforms have an enormous amount of influence and what this bill seeks to do is require that these platforms treat candidates in a neutral way so that they are not promoting or demoting one particular candidate in an election at the expense of others.

I think promoting that neutrality is important. I think when you don’t do that, you may be finding
yourself in a circumstance where a company is making a donation inadvertently to a candidate and I think this clarifies that and it strives to make sure that these platforms are treating candidates neutrally. I’m also in support of some of the provisions pertaining to automatic voter registration and early voting, but I wanted to confine my remarks to the social media platform bill because others have not testified on that and I appreciate any questions. I look forward to working with the committee on this bill.


REP. FRANCE (42ND): Thank you, Mr. Chairman. Thank you, Senator, for coming forward to testify. I ask you the same question I asked Mr. Brandi which was how do you see enforcement of that at a state level given that the social media platforms live on the internet which is not regulated state by state, so if we pass a law in Connecticut and they choose not to comply fully or not comply at all, how would you see that being enforced by the state?

SEN. LESSER (9TH): Well, I think we would work with the State Elections Enforcement Commission to do so. The bill only applies itself to certain very large websites, platforms, and I think we could work with the committee to figure out how to tailor it to make sure that we’re not going after some mom and pop website in Fiji, but we’re really focused on, you know, the websites that we’re all familiar with, the Facebooks and the Googles, and figure out what kind of tools we have to make sure that, you know, you or another candidate don’t have yourself inadvertently
hurt by some sort of tweak to an algorithm in a very short window prior to the election and I don’t want to speak to the fact that this is a fast developing space and I don’t think that this committee or really any committee in this legislature wants to come out and regulate the internet.

That’s what we’re talking about here, but I think we have to recognize that tweaks to algorithms in a window just prior to an election can have an enormous impact on the outcome of that election and whether it’s in one direction or another or simply inadvertent, and I think we need to have some level of scrutiny over that process and I think that light touch approach is what this bill seeks to do rather than have some sort of heavy, you know, regulatory regime I think we’re not equipped to deal with as a state.

REP. FRANCE (42ND): And I appreciate the intent and I do appreciate the potential, negative outcome on either candidate, that happens. Unfortunately what you describe is tweaking an algorithm likely you wouldn’t even know and there would be no way to know and certainly a disclosure makes sense, but once again, I don’t know and I’m concerned that we’re enacting a law that the state really has no authority of method to go and I understand working with SEEC because they're the ones who oversee our elections, but I’m not certain that the Facebooks and Googles of the world, those platforms, are beholden to the state of Connecticut to change and even if -- and if they didn’t, what authority the state would have since it’s, you know, my understanding that for a long time these platforms that ride on the internet are not bound by state boundaries, the interstate commerce and those types
of things. So that’s my concern, trying to enforce the law, I understand the intent, and I didn’t know if you had any further thoughts on that.

SEN. LESSER (9TH): Yeah, I would -- I would -- I don’t think there’s any -- I’m not aware of any provision of federal law that would preempt us from doing it -- from enforcing state elections laws on online platforms. I think -- I think we have absolute power to do that. I don’t think anyone’s alleging that we don’t have the power to do that. I understand it’s difficult to enforce Connecticut laws on companies that aren’t -- don’t have a nexus in Connecticut. I think we could do that. I don’t think it’s particularly onerous. I think the specific way that -- at least we tried to draft a statute working with a committee, was in a way that has a real light touch approach, where we’re not coming in and saying we want Google to appear every week in front of the State Elections Enforcement Commission, but we’re really trying to create a window just prior to the election, whether it’s 90 days or some other time, where we’re going to allow additional scrutiny of over-tweaked algorithms, so, you know, right now we’re not -- we’re not near an election right now. We’re in March, but -- March of a non-election year at least for those of us in state office and right now, you know, Google or Facebook under this bill can do whatever they want. It’s really a very narrow window. I’ll point -- In my case in this last election cycle, Facebook made a change, it rolled out a feature literally the weekend prior to the election and if that happened and had worked out in a way that benefitted one candidate but not another, you could very easily -- I think you can imagine, Representative France, you
could see that actually skewing the effects of this cycle and I think we need to put these companies on notice that we have an additional level of scrutiny that we’re applying to them and we could, you know, subject to a complaint, say that there might have been a campaign contribution there.

REP. FRANCE (42ND): All right, thank you very much. Thank you, Mr. Chairman.

REP. FOX (148TH): Thank you, Representative. Are there any further questions or comments? Senator, can I ask -- oh, please, go ahead.

REP. MASTROFRANCESCO (80TH): Thank you, Mr. Chairman. Thank you, Senator Lesser. I appreciate your comments. Would you mind giving me an example of, I guess you were talking about the algorithm, can you just kind of give me example of how the whole thing would work, would you mind?

SEN. LESSER (9TH): Sure, so Representative Mastrofrancesco, I imagine you have a Facebook account, I have a Facebook account. Imagine where in a world in which we’re competitors in an election, we both post the same things online and hopefully Facebook is treating those two accounts somewhat neutrally, right, you know, we have a certain number of followers, people see that. If they make a change to their algorithm in some respect so that yours -- your page is either shown to a lot more people or a lot fewer people just prior to an election relative to mine, that could be problematic for you or beneficial to you depending on what Facebook wants and I think that, you know, if you’re buying ads, that’s one thing, but if it’s just about them making a judgment about trying to do citizen engagement, that’s another and I just want
to say, as far as I know, Facebook isn’t doing this. I don’t think they’re putting their thumb on your scale to benefit one candidate or another, or I don’t -- I’m not aware of any reason to think that. In my particular case, I think they rolled out a feature that was a particular buggy way.

It wasn’t intended to benefit one candidate or another, but it had the effect of doing that because they rolled out a feature that had a large number of bugs just prior to an election and in that case, if one candidate is able to take advantage of something and they are able to get their message out and the other candidate isn’t, you could have a situation where you really have, even inadvertently, put your finger on the scale in a way I think could be damaging and I want to separate that sort of organic -- you know, I’m posting something, you know, my followers will either find it or not, I want to say that is very different from the kind of online advertising that, you know, I think is a sort of separate silo where, you know, presumably you spend $100 dollars, you spent $200 dollars, the amount of money that you spend is directly proportional to the number of people who view it.

REP. MASTROFRANCESCO (80TH): So are you talking more of a key word, key words, or is it in a content of an ad that’s put up or, you know, you post on Facebook, you know, we don’t know whether or not -- but Facebook seems to have a lot of control of who is going to see that, is that basically on key words or the content of what you're putting up? Do you know?

SEN. LESSER (9TH): I think the -- I mean, the ways in which they could, you know, that company or any
other company, I don’t -- this bill is certainly not limited to Facebook, but to any online platform covered by this bill, to tweak an algorithm is pretty -- there are lots of way they could tweak that algorithm. I can talk to the specific case that I witnessed, but I could also speak or imagine other circumstances that are quite a bit different. I think the concept is that, you know, regardless of whether you're a Democrat or Republican, we would hope that they would treat all candidates basically the same and if they don’t, then that’s a question of whether or not that is inadvertently a contribution.

REP. MASTROFRANCESCO (80TH): Right, I agree. Well, thank you for clarifying that. I appreciate it. Thank you, Mr. Chairman. Senator, just a quick question, the Section 32, the definition of online platform that’s provided, there’s two thresholds, one is 400,000 visitors and the other is I think revenue from advertising in excess of $1,000 dollars, where are those two numbers from, do you know?

SEN. LESSER (9TH): That’s a good question, Chairman Fox. I think that came from an old bill that SEEC had proposed. I think that’s where that definition was recycled from and I can’t speak to the specific metrics, but I think that was the genesis of that particular.

REP. FOX (148TH): Thank you. Any further questions or comments? Thank you for your time and testimony. I appreciate you being here.

SEN. LESSER (9TH): Thank you very much.
REP. FOX (148TH): Up next, Mark Bernacki and Antoinette Spinelli. They are followed by Essie Labrot and Deb Denette.

MARK BERNACKI: Good afternoon, Chairs Flexer, Fox, and distinguished members of the GAE. My name is Mark Bernacki. I’m the town clerk City of New Britain. With me is Antoinette Spinelli, file clerk of Waterbury. We’re here to speak on a couple of items before you. You all have our written testimony. The first one is Bill 5816 concerning absentee ballots. CTCA supports the redesign of the absentee ballot envelope. CTCA has previously testified under current law approximately 5 percent of absentee ballot voters are disenfranchised when their ballots are rejected for various reasons, such as failure to place a ballot in the inner enveloped, failure to sign inner envelope, putting two inner ballots into one outer envelope, over-voting or late arrival of the ballot. CTCA is committed to ensuring the integrity and efficiency of our elections.

CTCA would strongly suggest that this legislation be amended to form a working group or legislative task force to review the current absentee ballot process and make recommendation for improvements to be considered in the 2020 legislative session.

The second bill was H.B. 6063, AN ACT CONCERNING CHANGES TO THE ABSENTEE BALLOT. CTCA is in strong support of Section 1 and 6 only. Sections 1 deals with where an electorate can electronically submit the absentee ballot application to the town clerk for an absentee ballot and then also have to submit the original signed wet copy, as we call it, to the town clerk. Current law says that the vote will be
invalidated if they do not do that. We want to mimic basically how we provide absentee ballots to the military through the federal postcard application. CTCA also strongly supports Section 6, where a working committee consisting of the Secretary of State, CTCA, and ROVAC is formed to discuss all matters relating to elections, in particular in sharing the transparency and integrity of our elections that deal with absentee ballots.

CTCA is in strong opposition to Sections 2 through 6, which would allow for the multiple sealed inner envelopes and one outer envelope that is designed for one elector only and I think Mr. Weeks also testified on this previous to us. With that, I’ll turn it over to our president, Antoinette Spinelli.

ANTOINETTE SPINELLI: Yes, we are, as Mark said, we are in favor of going to one envelope for the voter’s sake. Most of the absentee ballot rejections are due to the voters not signing that --

REP. FOX (148TH): Could you please identify yourself for the record?

ANTOINETTE SPINELLI: Antoinette Spinelli.

REP. FOX (148TH): Thank you.

ANTOINETTE SPINELLI: So we are in favor of that. We are opposed to allowing two ballots in the same envelope for the reasons that Mark Bernacki and Luther Weeks had stated previously.

REP. FOX (148TH): Thank you. Are there any questions or comments? Representative France.

REP. FRANCE (42ND): I just have one question. There’s been a lot of discussion about the I think
the 11 different criteria that absentee ballots can be rejected under -- do you have a sense for, besides the wet signature probably being the most, but what the, even though they don’t keep data on this directly, do you have any sense from the town clerks on which -- what the most frequent violation is? Is it the two in one envelope? Is it one or the other criteria? Do you have any sense of that?

MARK BERNACKI: Yeah, we did a survey amongst as many town clerks as we possibly can get. About 5 percent of all absentee ballots are rejected for one form or another. The biggest reasons why is that the elector does not sign the inner envelope which has the affidavit on it attesting that they are the true person who is supposed to be casting the ballot. There are instances where they don’t include the inner envelope; they just put the ballot in the outer envelope. There have been instances where multiple and multiple inner envelopes are put into one outer envelope and one of the bigger ones is the US Postage system where we’re getting absentee ballots back after the election even though they may be postmarked prior to the election and with the consolidation of many of the processing centers across the country, I know in the southwest section of the state of Connecticut, a lot of the ballot applications and actual ballots actually go to New York City to be processed and then brought back to the state which can take five or more days to actually get back to us to have that vote counted.

REP. FRANCE (42ND): And I thank you for that. There are some things we should do there because the biggest thing is those that have been disenfranchised in absentee ballots have probably
been disenfranchised every year because they go the same thing and there’s no feedback loop to the people that submit the absentee ballots, so they never know that they’ve done it wrong and they think their votes being counted, so I certainly would entertain, you know, looking at the most common faults that there are and try and rectify those in the best way possible. Thank you.

MARK BERNACKI: Thank you.

REP. FOX (148TH): Are there any further questions or comments? Thank you for your testimony today. I appreciate you being here.

MARK BERNACKI: Thank you.

REP. FOX (148TH): Up next Essie Labrot and Deb Denette, followed by Dave Glidden and Travis Woodward. Good afternoon.

ESSIE LABROT: Good afternoon. My name is Essie Labrot. I’m the West Hartford Town Clerk. Deb Denette had to leave for business purposes, so she’s unable to be here. Good afternoon, Senator Flexer, Representative Fox, Senator Sampson, Representative France, and the members of the GAE Committee and thank you for the opportunity to testify. We are testifying in support of S.B. 1102, revising certain absentee voting statutes, and we are certainly in support of redacting the information -- not redacting, but removing the information regarding during all hours of voting. We also would like to offer a recommendation that there be an addition in there to allow caregivers as a reason for voting by absentee. Every election, there’s people that come to the office that they could be mothers of newborns, caregivers of children with special needs
or the handicapped or the elderly and we believe this would be really beneficial to include them in the list of reasons.

The second bill that we are in support of is S.J. 14, the constitutional amendment to permit early voting. Our association has been in support of early voting by tabulator and in person for a lot of the reasons my colleagues have spoken about, but just to give you a little rundown on some numbers, when we say the 5 percent number that are not counted due to being late or being rejected, that number translates to over 4,000 ballots in a state election. For example, Fairfield County alone had 1,600 ballots not counted because they were either received late or rejected and in addition to people not filling out the ballot properly in the envelope, we get, once the ballots go through the tabulator, there are a number of over votes where if you're a person at a polling place, the ballot will be kicked out, but with a ballot by mail, we don’t have an option to fix that at that point. So thank you very much and if you have any questions, I’d be happy to answer.

REP. FOX (148TH): Thank you for your testimony. Any questions or comments from the committee?
Representative France.

REP. FRANCE (42ND): Thank you, Mr. Chairman. Thank you for your testimony. Just one question, how -- I guess how burdensome, let’s put it that way, for -- would it be for the clerks to be able to characterize the rejected ballots to be able to give data on the most significant ones and then maybe give us some opportunities to remedy those particular things and identify that?
ESSIE LABROT: I think one of the suggestions of reducing the number of envelopes is helpful and that we could do a survey and try to break it down, but it’s pretty divided between the signature and not putting the envelope in at all, but then when you add in the ballots not counted, they were rejected because it was at election night at the counting, you know, we could get those as well, but it would be done the day of the election and it would be done by those that count the ballots. We could spare the ones that we’re actually removing. Now keep in mind, like in my town, we counted over 3,000 last year on election night. If you’re going to have the counters opening up two separate envelopes then trying to decide well, this one doesn’t have a signature, we’ve got to write this over here, this one didn’t go through the, you know, it would extend the counting process on the end of night, which I know you don’t want that either.

REP. FRANCE (42ND): All right. Thank you very much. Thank you, Mr. Chair.

REP. FOX (148TH): Thank you, Representative. Any further questions or comments? Thank you for your testimony today. I appreciate you being here. Have a nice day. Up next, Dave Glidden followed by Travis Woodward followed by Rick Melita. Good afternoon.

DAVE GLIDDEN: Good afternoon, Senator Flexer, Representative Fox, and members of the GAE Committee. My name is Dave Glidden and I’m the Executive Director of CSEA SEIU Local 2001, which is a labor union representing thousands of Connecticut workers in both the public and private sector. I come before you today to offer testimony in
opposition to Senate Bill No. 878, AN ACT ENHANCEING PUBLIC/PRIVATE PARTNERSHIPS. As I understand it, Senate Bill 878 seeks to strip out from current law all of the existing limits, transparency, and due diligence relating to the state’s use of P3s.

Rudimentary research into P3s reveals that they can be either quite successful or they can be costly failures with long-lasting negative impact. Of course, there are many factors that determine the fate of a P3 project, but one thing is clear. P3 projects that are not properly vetted or scrutinized, that don’t have requisite government oversight, are far more likely to land in that second category of long-lasting failure. In short, special care should always be taken to ensure that a proposed P3 contract is cost effective and not laden with tricky provisions that benefit the private entity and leave the public exposed, vulnerable, or generally on the short end.

Current law provides for that special care, but this bill seeks to remove it all. Our state already owns a deeply flawed record when it comes to contracting. CSEA members who work for the state regularly witness immense waste through unwise contracting. We know from DOT evaluations that savings from 46 percent to 63 percent could be achieved if more inspection work was done in-house by state employees. And, in 2018, the Contracting Standards Board concluded that the vast majority of contracts never undergo any form of competitive bidding and that approximately $260 million dollars per year could be saved simply by adding this common sense process.
Of course, the darkest chapter of our state’s failure to do contracting in a smart and transparent way involves a notorious former governor who was sent to federal prison over his corrupt dealings with the private sector. Since those days, the state has made some key strides to improve how business is conducted. By creating the Contracting Standards Board, the Connecticut General Assembly took a major step toward transparent, accountable, and above all wise, contracting. As I’ve indicated, there is still a great deal of room for improvement. This proposed legislation, which would exempt P3s from the Contracting Standards Board scrutiny, would be a major step backward. Finally, I want to encourage you to review the testimony submitted by In the Public Interest. They are experts in the use of P3s and their testimony includes several suggestions for improving this bill, as well as providing crucial benchmarks for what needs to be in any functioning P3 program. Thank you very much. How about that timing?

REP. FOX (148TH): Perfect timing. That was fantastic. Any questions or comments? Thank you for your testimony. I appreciate that. Thanks for being here. Next Travis Woodward followed by Rick Melita. Good afternoon.

TRAVIS WOODWARD: Good afternoon, Senator Flexer, Representative Fox, and members of the Government Administration and Elections Committee, my name is Travis Woodward. I am an engineer with the Department of Transportation and I’m also the president of the CSEA SEIU Local 2001 P-4 bargaining unit. I’m here testifying today against Senate Bill 878 regarding public/private partnerships. Public/private partnerships or 3Ps are often sold to us as
a fix to our crumbling infrastructure, a way to boost economic growth, or a way to shift public risk to a private contractor.

The reality is that when considering public versus public-private partnerships, always remember, it’s either the taxpayers pay or the taxpayers pay. Instead of contracting out an individual project as we do now, a 3P sells state assets to be administered by for-profit contractors. If loose 3P language exists like the current proposed language changes would make in S.B. 878, private contractors could assume quasi-governmental status and will place profits over the needs of the people. When a 3P Projects fail, they fail miserably and the public is left holding the bag. Often this debt is handed off to the next generation of taxpayers. The only way public-private partnerships work is with public trust and transparency.

Probably the most scandalous example of 3Ps gone wrong is Texas Highway 130. This 50-year P3 was signed in 2006 and tasked with maintaining a 41-mile stretch of highway between Austin and San Antonio. Within eight years of the company’s lease, the road is in desperate need of repair and lack of oversight has caused nearby homes to flood. Although many of the companies involved made a lot of money with this deal, the private consortium that won the project itself filed for bankruptcy with $1.6 billion dollars in debt. Throughout the bidding process, they were allowed to make their own traffic projections. Even after the company took control of the highway, this information was considered proprietary information and never available to the public.
Senate Bill 878 as written strips the requirements of 4e-16, an important cost analysis safeguard put in place to prevent transparency issues like the Texas Highway 130 -- like that disaster. Before we sell off state assets to the lowest bidder, let’s make sure we are getting exactly what we are asking for. I’d be happy to answer any questions.

REP. FOX (148TH): Thank you for your testimony, Mr. Woodward. Any questions for Mr. Woodward? Thank you for being here today. I appreciate your time and patience.

TRAVIS WOODWARD: Thank you.

REP. FOX (148TH): Have a nice day. Rick Melita followed by Michael Emery followed by Marc Okan. Good afternoon, good to see you again.

RICK MELITA: Good afternoon, members of the committee. My name is Rick Melita and I’m the director of the Connecticut Service Employees International Union State Council. SEIU represents over 60,000 members in Connecticut, including thousands of state employees. I’m here to speak very briefly about Senate Bill 24, which would improve automatic voter registration and as a way to enhance our democracy, but of my time I’d like to spend talking about opposing Senate Bill 878, AN ACT ENHANCING PUBLIC/PRIVATE PARTNERSHIPS.

Public/private partnership schemes without sufficient scrutiny have a track record of not providing the promise bang for the buck and often end up costing taxpayers much more for much less deliverable goods.

Here’s some examples; from the auditor from the Province of Ontario, they found that for 74
infrastructure projects where Infrastructure Ontario concluded that the private sector project delivery would be more cost effective, they noted that the tangible cost, such as construction, financing, legal services, engineering services, and project management services were estimated to be nearly $8 billion dollars, and I know it’s Canadian money, but it’s still $8 billion dollars in higher costs than if it had been done — contracted out and managed by public sector. Also in Canada, the public/private partnership in British Columbia where two prominent forensic accountants reviewed four British Columbian P3 projects and found that the cost between a publically delivered project and a P3 could be substantial and the methodology used to justify the P3 were biased in favor of the P3 advocates.

In 2018, with more available data, these conclusions still stood that few P3s showed value for the money spent. It’s just not Connecticut — excuse me, it’s just not Canadians who get overcharged. Here in the United States, California has several costly P3 nightmares outlined in the attached and apply named article Public/Private Partnerships are an Industry Gimmick that Don’t Serve the Public Well, including bankruptcies, taxpayer dollars, and cost overruns. Former secretary of OPM, William Cibes, wrote in the Connecticut Mirror, "no matter how much a P3 is gussied up, at its heart is a loan that must be repaid with interest. Since a private entity’s financing will not be tax exempt, that fact alone undercuts the use of a P3 to finance a project.”

He goes on to note that without thorough vetting of a P3 project, taxpayers can be on the hook for much more money than just higher financing costs. He cites the catastrophically bad deal in Chicago where
they sold their parking meters to a hedge fund. Little noticed items tucked into that agreement ended up costing Chicago taxpayers $27 million dollars in 2012 alone. That was fast. I’d just like to take one second more to talk about transparency. This bill would strip away a great deal of transparency and decision-making process and oversight and give it to the sole discretion of the administration and, you know, in New Haven, we’ve had ongoing issues with a parking garage that the state wants to develop one way and the city wants to develop it in another way and, you know, this current administration has pumped the brakes on that project, but a future administration can declare it as a P3, move forward without really taking into account the desires of the city that is going to be living with that project.

So in conclusion, it’s unclear what projects the administration wishes to pursue that it cannot undertake under current statute. It’s unclear how we’re removing oversight and transparency is beneficial to taxpayers and it’s unclear having hedge funds borrow money to fund these projects and add their overhead and profits costs to the transaction provides more deliverable products at a cheaper cost to taxpayers. It’s unclear why we need S.B. 878. Thank you.

REP. FOX (148TH): Thank you very much. Any questions or comments? Thank you for your testimony today. I appreciate you being here. Have a nice day.

RICK MELITA: Thank you for your time.

REP. FOX (148TH): Up next, I have Mike Emery followed by Marc Okan.
MICHAEL EMERY: Good afternoon, everyone, Chairman Fox, distinguished committee members. My name is Michael William Emery. I was raised in Darien and currently live in Concord, Massachusetts. This is my first testimony, so thank you for bearing with me. It’s an emotional subject, so I’ll do the best I can. I’m here to support Raised Bill 1091, designating July 30th each year to be USS Indianapolis Day. You all have my written testimony that was delivered electronically. I am an honorary USS Indianapolis survivor; I serve the USS Indianapolis Survivors organization and the USS Indianapolis Legacy organization. I am the nephew and namesake of William Friend Emery, Seaman First Class, Quartermaster Striker, Navigation Division, USS Indianapolis CA-35, Missing in Action, Lost at Sea, gone but never forgotten.

The USS Indianapolis had a historic 13-year military career, ten battle stars, including Hiroshima and Okinawa. President Truman chose the Indy for a top secret mission to deliver parts of the atomic bomb to the island of Tinian, where they dropped Little Boy on the city of Hiroshima. After Nagasaki was bombed, Japan surrendered, which saved millions of lives on both sides from the planned invasion on the island of Japan. Sadly and tragically, two weeks before the war ended, the Indy was torpedoed and sunk in 12 minutes on July 30, 1945. Three hundred men went down with the ship, including Uncle Bill. His death has haunted my family for 74 years. Nine hundred men went in the water and only 316 came out alive four and a half days later when they were accidentally discovered by plane. Most of the Indy boys died from injuries, including flash burns, hypothermia, starvation, going mad from
drinking salt water, and as the sheriff in the movie Jaws, shark attacks.

My grandfather, Lieutenant Commander John Colvin Emery, who pulled his navy strings to get his beloved son on the Indianapolis because it was dry docked at Mare Island in Vallejo, California, after getting hit by kamikaze during Okinawa Gunto operation. He wrote in a family letter about torture he discovered while the boys were in the water. He wrote to his parents and said if you had a choice about how a son would have to die, he would much rather Bill go down with the ship. There were ten men from Connecticut that served on the Indy; Lieutenant (Reverend) Thomas M. Conway from Waterbury, William Friend Emery from New Canaan, Frederick Harrison from Waterbury, Lieutenant (Doctor) Lewis A. Haynes from Fairfield, Clarence Hicks from Enfield, Robert Allan Keeney from Wethersfield, Captain Charles B. McVay from Morris, William C. Quealy from Willimantic, Nicolo Toce from New Haven, and Robert Taft Whitman from Greenwich.

Captain McVay and Dr. Lewis Haynes were the only survivors of the USS Indianapolis. In conclusion, we have a rare opportunity to remind all Connecticut residents and teach all Connecticut students about the USS Indianapolis since her story is not in any history books. We are blessed with the freedoms we have today that were paid for by the ultimate sacrifice of 879 of Indy’s 1,095 final sailing crew, the largest naval disaster in U.S. military history. Freedom is not free. As a Gold Star family, we support S.B. 1091, AN ACT DESIGNATING VARIOUS DAYS AND WEEKS. We support the proclamation beginning on line 51 of the bill that designates July 30th of each year to be USS Indianapolis CA-35 day.
I’ve brought with me my beloved uncle’s Purple Heart, his last letter from the ship, two super eight videos that I have on my cell phone, a handwritten note from Captain McVay to my grandfather. Captain McVay committed suicide in 1968 because he was blamed for the sinking of the Indianapolis and it was not his fault. I actually went to high school at Avon Old Farms. Two boys I met there, their grandmother was married to Captain McVay. I brought also other personal information to illuminate who my uncle and namesake was. Thank you for listening. If I can answer any questions, feel free.

REP. FOX (148TH): Thank you for your testimony. Any questions or comments? Representative France.

REP. FRANCE (42ND): Thank you for being here and advocating for this day and sharing your story and your family’s connection to it. Another interesting tidbit of that mission, why there were “accidentally” found is they really didn’t know where they were and one of the things that came out of that was reporting requirements, to maintain what they call the position of intended movement or PIM and so it’s another lesson that came out of that, as well as others at that time, but thank you for coming here and thank you for sharing your family’s history.

MICHAEL EMERY: Thank you for your service.

REP. FOX (148TH): Are there any further questions or comments? I read the book, it was a fascinating read, and I thank you for sharing the story with us this evening and for bringing all the things you brought with you. How old was your uncle?
MICHAEL EMERY: My uncle was 19 years old in two months.

REP. FOX (148TH): When did he enlist, what age?

MICHAEL EMERY: He enlisted when he graduated from New Canaan High School in May of 1944. His father, my grandfather, was stationed on the West Coast. The Indy was based at Mare Island since it had kamikaze damage and so my grandmother, who lost another son five years before that, Stephen Gray Emery, he was only five years old, of spinal meningitis, told her husband do not put my son in harm’s way, so my grandfather being in the navy pulled all his navy strings to find that perfect ship that had the least likely to seeing any action and he found the perfect ship, ten battle stars, flagship of Admiral Spruance, FDR Ship of State, a proud ship, and it was in dry dock because of that kamikaze damage. Bill could come home on weekend leaves since they were in Mare Valley and he was based in Vallejo. I would have chosen the same ship. Unfortunately, fate had other plans.

REP. FOX (148TH): Thank you very much for sharing your story this evening and for your family’s dedication to our country. I appreciate it. Any further comments or questions? Representative Mastrofrancesco.

REP. MASTROFRANCESCO (80TH): Thank you, Mr. Chairman. I just want to thank you very much for sharing your family’s story with us. You know, there’s so much history out there that people don’t realize in what our men and women have done for this country to get where we are today and I really think it’s an honor that you came here to tell your story today. There’s just so much to learn and I hope
everybody just takes a moment to think about it and listen to these stories. I just think they’re wonderful. Thank you very much.

MICHAEL EMERY: Thank you very much.

REP. FOX (148TH): Anything further from the committee? Thank you again for your time and testimony. I appreciate your patience with the committee today. Up next is Marc Okan followed by David Jarvis. Good afternoon.

MARC OKAN: Good afternoon, Representative Fox and Senator Flexer and the GAE Committee. My name is Marc Okan. I’m a representative of the New England Regional Council of Carpenters and I’m here to speak in support of Senate Bill 1106, AN ACT CONCERNING STATE CONTRACTS AND USE OF APPRENTICES ON LARGE CONSTRUCTION PROJECTS. This act as put forward has a complete flaw. In listening today, I don’t think any act before it doesn’t have flaws, but this act’s intention is to put more apprentices out to work. I participate and work a lot with the Connecticut Technical High School program and work the carpentry programs that come from there. One of the biggest problems that we have is the students, once they get to graduate, there is not as many opportunity for apprenticeship as we would like to see.

Currently, you have 16 technical high schools and of that, a max of 18 kids graduate each year. We would like to see on projects over $10 million dollars a requirement to hire apprentices. Right now, there’s not a requirement to hire apprentices from a non-licensed trade. As you heard earlier, the licensed trades have a board that comes together and they set requirements, ratios, and talk about that unlicensed trades or non-licensed trades do not have such a
requirement. We all participate in the same ratio requirements as far as one to one on prevailing wage projects, but have nothing asking and demanding contractors to say hey, you know what, you need to train the next generation of the workforce. That’s really what it’s about.

As of right now, we have projects like Grasso Tech, $130 million dollar technical high school which is being built, and there’s probably four apprentices on the entire project from the non-licensed trades. So we feel that it would be beneficial not only to the state, but also to the program to allow or to enforce more apprenticeships out there. Section F requires a 30 percent graduation rate or completion rate on or after January 22nd, the reason being is apprentices tend to get stuck with some companies. They don’t ever move them forward, so they get stuck at a lower rate, so the whole process of an apprenticeship is the more you know, the more money you earn, so someone who just is starting out earns a 50 percent rate of what a journeyman would make and then as they learn more, they’re worth more money, more time in the field, more education.

What happens with some contractors who are unscrupulous will leave a person at 50 percent when they never move them along, they never graduate them so they never become a journeyman or a journeyperson. So we feel that projects over $10 million dollars with this ratio, it wouldn’t be a burden onto the subcontractors. It would allow them to have that flexibility on smaller projects, but on larger projects, it allows them to add for every five hours of a journeyman one hour of an apprentice and that time does not include weekends and it doesn’t include hours of overtime, so when there’s a
crunch on project, it won’t inhibit the actual project. So moving forward, I appreciate your time. I’ll be happy to take any questions.

REP. FOX (148TH): Thank you for your testimony. Any questions or comments? Representative Winkler.

REP. WINKLER (56TH): So for the journeymen, how much of a change will this be?

MARC OKAN: Not too much because a lot of times, journeymen work in partners or journeypersons work in partners, so it would really just be a helping hand to be on the job. It wouldn’t really, you know, in my opinion, a business agent, carpenters’ union, adversely affect the journeyperson. It would give them someone to train, keep paying, you know, keep the trade going forward.

REP. WINKLER (56TH): Okay, but from their perspective, it might be that there will be more apprentices but fewer journeymen on the site?

MARC OKAN: It’s a possibility, but that’s why we went with the one to five ratio just because you have to create the opening somewhere, so right now we have kids graduating from technical high school and they don’t have an opinion to go somewhere, so if we create some sort of an opening, it allows them to apply and go work for a company, union or nonunion, it doesn’t really matter because it’s actually support -- we have support from an open shop contractor who has an apprenticeship program. This is really about education and it’s really about training the workforce going forward and most of the time, our journeyperson, they agree that they need to train the next generation of the workforce.
REP. WINKLER (56TH): And the unscrupulous people, what do they do, just fail to register the hours they’ve been on the job?

MARC OKAN: So what happens is every, it depends on the trade, but say every 1,000 hours, you would get a 5 percent or 10 percent increase. They just wouldn’t register them to the next level, so it all has to do with state registration so they wouldn’t put in the paperwork and say Representative Winkler went up to a 60 percent apprentice, so they would keep that person at 50 percent and -- or they would pass them from contractor to contractor and not necessarily give them the increase necessary.

REP. WINKLER (56TH): And the state really doesn’t have the eyes to watch that kind of thing?

MARC OKAN: It doesn’t because there’s -- right now, there’s a function in place so if I’m an apprentice for ABC contractor and then I go work for XYZ contractor, I have to re-register with a different program instead of having -- being a registered apprentice in the state that would allow me to work for any contractor, I have to register under specific programs, so they would not push them along and/or not graduate them.

REP. WINKLER (56TH): Thank you. Thank you, Mr. Chairperson.

REP. FOX (148TH): Thank you, Representative. Any further questions or comments? Thank you for your testimony. I appreciate you being here.

DAVID JARVIS: Good afternoon, Senator Flexer, Representative Fox, and fellow committee members. It’s good to see you again. I thank you for giving us the opportunity to speak on this bill today. I am also a representative with the carpenter’s, but previous to that I am a tech school graduate who graduated from a state certified apprenticeship program. I did three years in the apprenticeship program. Because I went to tech school, I was given 10 percent of one year credit, so it sped up my career to allow me to obtain journeymanship faster and so the intent of this bill, and you’ll hear some of our colleagues from the other trades speak later, is to try to help there be an opening for the non-licensed but skilled trades that are out there, the mason, the iron worker, those that have apprenticeships, those that have a need going forward where they’re seeing their workforce grow in age and are considering retirement.

So this is to hook economy and education together, where if we as taxpayers are going to continue to fund tech school expansions, remodeling them, which I’m fully in favor of, let’s help secure future work for the future generation. Without the skills and without the opportunity, how will they learn the trade and sometimes the good contractors open shop or union shop, they’re put at a disadvantage because they’re trying to invest, but everything you invest in their future, it comes at some kind of cost. So if every contractor was committed to apprenticeship, they’d be bidding the same way, they’d have the same requirement, and if they’re going to bid into the prevailing wage market, they’re going to bid it knowing that they’re training the workforce for
tomorrow. They know they have to have the one to five ratio for apprenticeship.

We are open to some of the language changes in our written testimony. We’ll define some of those things, but one of the big things is at this point in order to help this field trade, we’d have to exclude the licensed trade because they kind of have their own thing already set up and we don’t want to overstep or get involved. If they’re comfortable with that, we want to work towards the unlicensed skilled trades to have an opportunity because we need the future workforce as well. I submitted a copy of a testimony from Network Interiors, which is a woman-owned interior drywall contractor, who has an apprenticeship that’s registered that graduate people that is support of the general concept of the bill and thinks it’s a great idea.

As we’ve been talking with people, there’s some tweaks that can be looked at, maybe the percentages or the ratios or rewording it a little differently, but there is a general acceptance of trying to find a way to include the next generation of the apprentice piece in any prevailing wage project, so that’s kind of my snapshot of Bill 1106.

REP. FOX (148TH): Thank you, Mr. Jarvis. Any questions or comments? Representative Winkler.

REP. WINKLER (56TH): Just so we understand, there can be apprenticeship programs in both licensed and unlicensed trades?

DAVID JARVIS: That is correct.

REP. WINKLER (56TH): And a carpenter is an unlicensed trade?
DAVID JARVIS: Correct.

REP. WINKLER (56TH): Drywall, roofer?

DAVID JARVIS: All unlicensed, but skilled, iron worker, mason.

REP. WINKLER (56TH): Iron worker, fabricator?

DAVID JARVIS: It would depend on what they're fabricating, but your laborers also.

REP. WINKLER (56TH): And the skilled trades would be electrical, plumbing?

DAVID JARVIS: Well, we would submit that we're all skilled.

REP. WINKLER (56TH): I apologize, the licensed trade.

DAVID JARVIS: The licensed trade, would be the electrician, the plumber, and the HVAC guys.

REP. WINKLER (56TH): All right. So technically anybody can take a hammer, go on the roof and be a carpenter, you should maybe look for the people who have been through the training?

DAVID JARVIS: Yes.

REP. WINKLER (56TH): All righty. Thank you, Mr. Chair.

REP. FOX (148TH): Thank you, Representative. Any further questions or comments? Thank you for testimony. I appreciate it.

DAVID JARVIS: Thank you, take care.
SARA BRONIN: Good afternoon. So thank you, Senator Flexer, thank you, Representative Fox and all the members of this committee. I am here to testify in opposition to Section 2 of Senate Bill 1107 and I’ll talk fairly quickly. Just a brief intro, I am a professor at UConn Law School. I’ve written two books on historic preservation law. I’m an architect and the chair for the Connecticut Trust for Historic Preservation, and advisor to the National Trust for Historic Preservation and probably most relevant for these purposes, a consultant on real development projects that have revived historic properties, including a couple in the state. I’m opposed to this bill because it is an unnecessary erosion of the Connecticut Environmental Protection Act, CEPA, as you all know very well. In both of my books on historic preservation law, I and my co-authors have identified CEPA as really a leader among states in establishing protections for not only our natural environment, but of course also in our case, our historic properties.

Conn residents want to keep it this way. People move here because of our quality of life which is protected by our laws, chief among them CEPA, that guard our natural and built environments. In preparing my testimony today, I couldn’t help but think about something Justice Blackmun wrote when he disagreed with a Supreme Court majority opinion; “Today the Court launches a missile to kill a mouse.” Section 2 of Senate Bill 1107 is a missile launched at two historic hotels that sit at the
heart of historic Willimantic. Rather than make a sweeping change to CEPA, I would suggest other alternatives to addressing the immediate issue and bringing muchneeded economic development to Willimantic. The first is obvious; the rehab of the Hale and Hooker Hotel by the developer who already owns the property. A team of ready and willing advisors, including the Connecticut Trust and its highly respected and capable Circuit Riders, have offered assistance in deploying tax credits, low-interest loans, grants, and other financing for this building. From what we understand, the developer who owns these hotels hasn’t developed anything in Connecticut before and just bought this property a few weeks ago.

Perhaps he does not realize that the federal rehabilitation tax credit would give him a rebate of 20 percent of his costs and that Connecticut’s tax credit will help with another 25 percent. Rehab also costs less than new construction and of course, employs more workers. With some help bringing them to the table, we could show him how he can get a project with a solid return while still preserving places people care about. In fact, we understand that 750 people, probably more people, who have signed a petition in support of keeping historic Main Street intact. We know developers can use these tools, because they’ve done it in distressed communities around our state, often with the help and guidance of the Connecticut Trust.

Going through the list of state tax credit projects, which I did just a few minutes ago, 62 of the 92 state tax credit projects are in distressed municipalities. On the federal side over the past few years, 93 projects in distressed municipalities
have used federal tax credits and just 12 have used them that are not in distressed municipalities. A prime example sits just down the road from Willimantic, in Norwich, where the Wauregan Hotel was rehabbed after people said it couldn’t be done. I have some more comments about a land swap and perhaps a better systemic change lifting this cap on the state’s historic tax credits, but of course, I’m out of time. Thank you.

REP. FOX (148TH): Any questions or comments? Can I ask a quick question? You just noted the change on the historic tax credit you didn’t get to, could you just --

SARA BRONIN: What I was going to say is, you know, I think one of the challenges in place like Willimantic and I know Representative Johnson addressed it in her testimony this morning is that sometimes developers don’t see how their access to historic tax credits and whether they feel like they can use it to close a gap, especially in the smaller towns, I guess, you might say, but an expansion of the historic preservation tax credit program is to make it, you know, even extending the carrot to places like Willimantic beyond those distressed municipalities that are already using these tax credits would be great from our perspective.

I mean, some of the other places that would be affected by this bill and so many, for example, could benefit, too, from an additional carrot on the historic tax credit program, the Connecticut Trust is all in favor of promoting additional development in distressed places. In fact as you just saw, that’s where most of the public investment goes. So if it needs to be expanded to help encourage
preservation in places like Willimantic, I think that would be a great outcome here, but again, I think that this particular -- the way that it’s written, you know, chipping away at CEPA is just not something we should -- we should promote here. There has to be other ways and I think we’ve seen many other communities around the state that there are other ways.

REP. FOX (148TH): Thank you. Any further questions or comments? Thank you for your testimony this evening. Up next, I have Jiff Martin followed by Tim Phelan followed by Jean King.

JIFF MARTIN: Good afternoon. My name is Jiff Martin of Mansfield, Connecticut. I’ve already submitted testimony. Thank you, Chairs, for time to testify. I’m here to testify in support of S.B. 252, AN ACT CONCERNING THE CONNECTICUT FOOD POLICY COUNCIL. I’m here because I just wanted to highlight a couple of details about this. The original statute creating the Food Policy Council was created in 1997. It was the first in this nation, which was really spectacular and many other states have copied us since, but we also didn’t have an opportunity to learn from our mistakes and so this -- the language for this particular bill would require a much needed update to the language of the original statute.

One of those updates would be adding four more state agencies to the council, including Department of Consumer Protection, Department of Economic and Community Development, Department of Energy and Environmental Protection, and the University of Connecticut. It would also expand membership to include eight members of the public that represent
what we now have and didn’t have 12 years ago local, regional, statewide councils, commissions, and networks that are committed to food policy such as the Bridgeport Food Policy Council or the New Haven Food Policy Council or the New London County Food Policy Council or the Connecticut Food Justice Network. Those did not exist and so this is a wonderful opportunity to revitalize the council by the addition of membership from those such organizations.

And we’ll also add two members, one which is an agricultural producer and one which is a representative of an anti-hunger organization. So again, this is an update to a 1997 statutory language. It will emphasize interagency collaboration and communication. It will also not list things that it’s supposed to work on, such as working on food waste or farm to school, but rather will emphasize the opportunity under a broad umbrella to work on food issues and nutrition issues. Finally, I wanted to point out that in the past few years, let’s say four or five years, states in New England have been energized by approaches such as food system planning or food policy councils, Massachusetts and Rhode Island in particular, have recently enacted new legislation creating the Massachusetts Food Policy Council and then there’s the Rhode Island Interagency Council on Nutrition.

So this is, again, something that will just update and hopefully revitalize a council that has really struggled for a decade or more to remain relevant. Thank you. If you have any questions, I’d be happy to answer.
REP. FOX (148TH): Thank you very much. Any questions or questions? Representative Mastrofrancesco.

REP. MASTROFRANCESCO (80TH): Thank you, Mr. Chair. Thank you very much for your testimony. I’m just curious, it looks like this bill is really just changing the makeup of the council, is that correct? Of who’s on the Food Policy Council?

JIFF MARTIN: I would say that it does do that, but in a pretty, I don’t want to say a radical way, but an exciting way because of the existence of these other city councils and county councils that will now have a seat at the table, so that would really change the work of the council.

REP. MASTROFRANCESCO (80TH): Okay. And I guess I was looking back on some of the notes from the council’s minutes and meetings that they’ve had every month and there was some concerns on the language?

JIFF MARTIN: Yes, and --

REP. MASTROFRANCESCO (80TH): I just wanted to know what those were and did they get resolved?

JIFF MARTIN: Yes. As I understand it, some of their concerns were wanting to retain original statutory language, so their concerns were in response to an earlier draft language, not this language and so they were concerned about maintaining things such as the ability to raise money, the ability to replace vacancies, and so those things were retained in this bill that you have in front of you, those changes were kept.
REP. MASTROFRANCESCO (80TH): Okay, perfect. I just want to make sure their concerns were addressed. I was even looking at the March 14th meeting and I guess there was a discussion and they had, you know, they had mentioned what would impact them and it was just strengthening --

JIFF MARTIN: I appreciate that you looked into that. Thank you.

REP. MASTROFRANCESCO (80TH): But I just wanted to make sure that your concerns were addressed and everything is good.

JIFF MARTIN: I believe they've been addressed.

REP. MASTROFRANCESCO (80TH): Thank you very much. I appreciate your testimony.

JIFF MARTIN: Thank you.

REP. MASTROFRANCESCO (80TH): Thanks.

REP. FOX (148TH): Any further questions or comments? Thank you for your testimony this evening. I appreciate you being here. Tim Phelan followed by Jean King.

TIM PHELAN: Good afternoon, Senator Flexer, Representative Fox, members of the GAE Committee, Representative Winkler. I’m Tim Phelan, president of the Connecticut Retail Merchants Association. As you may know, CRMA is a statewide trade association representing some of the world’s largest retailers and the state’s main street merchants. I have submitted written testimony and I think I’ve also given to the clerk -- I’ve also submitted my testimony online as well, so I’ll just briefly summarize that. I’m here today in opposition to
Senate Bill 1108, AN ACT CONCERNING CONSUMER PRIVACY. As it relates to the core issue and intent of Senate Bill 1108, let me be perfectly clear; protecting consumer privacy is one of the highest priorities of any retail business, large or small.

Retailers in Connecticut and nationwide have a long history of thoughtfully and responsibly nurturing customer relationships and meeting consumer expectations for high quality services, whether they're offering goods online or in-store, retailers use customer data to provide personalized experiences that customers value. Retailers know that establishing long-term relationships with their customers requires more than just providing the merchandise they want at prices they are willing to pay. Successful retailers earn their customers' trust and provide a positive shopping experience, either thru sales online or in person so that consumers will continue to shop with them, time and again.

Customers, in turn, expect retailers to process data responsibly and seamlessly when they are shopping. To meet these high customer expectations, retailers invest heavily in technology and spend years developing appropriate methods to comply with state, federal, and global protection regulations in ways that further their customer relationships and do not frustrate them; a critical element of establishing that trusted relationship lies in retailers acting as reliable stewards of the information their customers share with them when shopping. In short, retailers use consumer data for the principle purpose of serving their customer as they wish to be served.
In our review of the language of Senate Bill 1108, it’s clear to us that this bill is nearly identical to a bill that was nearly identical to a bill that was passed by the California General Assembly in 2008. That bill passed without extensive debate by their legislature or input from stakeholders such as retailers. The result is that those stakeholders have new and unreasonable burdens that will be placed on them, which has left them scrambling to deal with the unintended consequences prior to the effective date of 2020. The many unintended negative consequences of the law has led California policymakers to work on amendments to that law right now. The retail community is working with lawmakers in California, along with the California Attorney General, on those modifications. All of this in an attempt to make sure that the intended outcomes of the bill are resolved.

If I can, Mr. Chairman, I’ll just very briefly wrap up, because the issue of data privacy is so critical to retailers and all businesses and certainly to customers as well, we urge this committee not to move forward with this bill. Additionally, we strongly urge the committee not to move forward with this bill because this issue, data privacy, in the internet era is one that knows no state border and while I understand no state legislator likes to hear this, we do feel quite strongly that in this policy area, congressional action is needed. A state by state approach to internet privacy issues, like those addressed in Senate Bill 1108 and those that are still being debated and worked on in California we believe are best dealt with in Congress.

A uniform national privacy standard is needed, not a state by state approach and in closing, we want to
thank the committee providing the time to testify and understand your strong desire to pass this time of legislation, however, we hope that you will consider the negative impacts that this type of legislation will have on retail businesses and our customers. Thank you very much.

REP. FOX (148TH): Any questions or comments?
Representative Winkler.

REP. WINKLER (56TH): Thank you for your testimony. So what if we dropped all the privacy and we just said that you had to tell people when they asked what information you had on them?

TIM PHELAN: So that is a simple question to a rather complex answer situation. I mean, what you're asking for asks, presumes, some outcomes that a customer may not necessarily like and I think it’s more of a question we’d have to sort of get into a little bit more. I mean, there are tremendous benefits that businesses and retailers offer to customers with a relationship via the internet and to simply say I don’t want to you to do this or I want you to do this may lead to unintended consequences that not even the consumer at the time may release they're entering into, so with all due respect, I don’t think it’s as simple as I don’t want you to share this with me anymore because once you realize what that means, it may not be the outcome you're looking for.

REP. WINKLER (56TH): Let me try this, most people think that industry knows almost everything about them. They think that they're an open book, the cookies and this and that and the other thing, the directories and the data brokers and the collections and everything else, most people think that
businesses know quite a bit about them and just using CT Van, I know quite a bit about people. So if you were to actually tell them what you did have, what negative consequence do you foresee?

TIM PHELAN: Well, I -- That’s a good question. I’m not really sure what you're trying to get at, like what would you like me to provide to them that you don’t think that they already know we have. For instance, you’re a customer of mine as a retailer. I already know you're a customer, so presumably I already have your vital information. We’ve already reached the sort of the threshold that says you’re going to shop with me on line and I’m going to ask for certain information and you're going to give me that information, so at what point, you know, do you -- where are we going with this relationship?

REP. WINKLER (56TH): I’m just saying that maybe people are curious what you have on them and they would just like the opportunity to see. Did you buy data from a broker, do you know what organizations belong to, do you target them with advertising based on the data you have, so all they want to know is how much do you know about them.

TIM PHELAN: Well, I would suggest, Representative Winkler, in the spirit of good customer relation, if a customer were to call one of the retail companies that I represent, that I am sure that they would probably get to the point where they would be able to exchange that information, have that conversation. They would also -- I would also argue that most of the members that we represent that do business via the internet and online sales probably have privacy policies that are posted on their
websites that consumers can go and review and look at.

REP. WINKLER (56TH): I’m not even talking privacy here. All I’m talking about is disclosure to the individual human adult what information you have on them.

TIM PHELAN: So my --

REP. WINKLER (56TH): Just to satisfy curiosity.

TIM PHELAN: Yes, there’s -- I’m not trying to be flippant about it because I’m not because I understand this is an important issue, what’s to prevent you from contacting me, calling me, and saying hey, I’m a good customer of yours and you’ve been a good -- we’ve got a good relationship. I’m curious, what do you have on me. Why do we need a law to do that?

REP. WINKLER (56TH): Unless you're required. Okay, let’s say I’m a retailer and let’s say I bought some information from a broker and I know religious affiliation and I know gun club membership and I know a whole bunch of stuff, which you know, the people who put together our CT Van list know also, and -- so I contact you and say hey, you know, we’re buddies, send me the information you have on me. Well, I might, if I’m not required to give that information, I might pare it down a little. I mean, I don’t want them to think I’m Big Brother. You know, I might know a lot about them that they don’t know I know and I may feel a little uncomfortable letting them know, so I’m going to pare it down. There’s nothing against it and I’m doing it out of the goodness of my heart because I don’t want them to feel paranoid and I’m not even using a lot of the
information I got, so I’m going to pare it down and then soften the blow and some people might not want the blow softened. They might want to know exactly what you have on them, so I’m just saying, unless it’s required, it might not be complete. Anyway.

TIM PHELAN: Anyway.

REP. WINKLER (56TH): That wasn’t a question.

TIM PHELAN: No, I know. I don’t, I mean, there’s a lot -- that’s a loaded --

REP. WINKLER (56TH): Yes. Thank you, Mr. Chair.

REP. FOX (148TH): Are there any further questions for Mr. Phelan. Thank you for your testimony today. Thank you for your time.

TIM PHELAN: Okay.


JEAN KING: Hello, Senator Flexer, Representative Fox, committee members. You’ve all hung in here a long time, too. Thank you. My name is Jean King. I live in Watertown, Connecticut, and I have been a working on public policy issues and food policy for a long time. From 2000 to 2008, I was the consultant to the Connecticut Food Policy Council in its first years of work and I’m here to support S.B. 252, AN ACT CONCERNING THE FOOD POLICY COUNCIL that can help make this important group more effective in its work to address food security issues for our state.

Connecticut was the first state in the nation, you’ve heard this, to establish a food policy council. Today there is at least one food policy council in 47 states and 247 different councils
across the country. In my printed testimony, I put a link in that to report on a lot of different things about food policy councils if you’d like to find them. It is time for us to upgrade our council to continue to do the most effective work for food policy in Connecticut. From the beginning, we worked across departmental boundaries to identify ways to collaborate, to break bureaucratic barriers, particularly among state agencies, to accomplish the goal of food security for all Connecticut residents.

And from the beginning, we recognized that we had to bring a lot more people to the table than the original legislation designated. The Departments of Consumer Protection, Energy and Environment, and Economic Development are just some of those who should be part of our work and often they were at the table as advisors, but not as voting members. We often had many more people at the table who were not voting members. So this new legislation brings those departments and others to the council.

And another major lesson learned over the years is the importance of bringing together those working across the state at the local levels on these issues and sharing our information and progress. Connecticut now has many local councils and organizations working across the state and the Food Policy Council has tried to bring them into their work over the past years. Now is the right time to formalize that in a revitalized state council.

Thank you. I also would like to testify on one other bill. I’d like to speak in opposition to S.B. 1107. You’ve heard good testimony from Sara Bronin and Mary Falvey. I am the chair in Watertown of the Watertown Historic District Commission and I’ve worked for many years just as a private citizen
supporting historic preservation in our state. Watertown’s a small town, probably about the same size as Willimantic, I guess, but not quite distressed, but we could distressed if we didn’t work at it.

This bill could set a bad precedent for dealing with the issues of a small community trying to deal with historic preservation. I fear that in working in my community, someone would say oh, maybe we don’t really have to do that, we don’t have to save that building, we don’t have to do this, we’ll just -- so I would urge you not to support that bill.


REP. MASTROFRANCESCO (80TH): Thank you, Mr. Chairman. Thank you very much for your testimony. Just a quick question, does the Connecticut Food Policy Council receive funding through the state? I know at one time they were given like $25,000 dollars and it was --

JEAN KING: I no longer work for them. I would just tell you as a private citizen yes, there is funding allocated to the Community Investment Act legislation that you all know about, I’m sure, and there was $25,000 dollars allocated each year. That allocation goes through the Department of Agriculture. They have not seen fit to spend that money, so it isn’t a matter of not having financial resources. The resources are, as I understand it, for several years are still there in the CIA account.
REP. MASTROFRANCESCO (80TH): Okay, it’s there if they need it?

JEAN KING: Yes.

REP. MASTROFRANCESCO (80TH): Okay, that’s what I wanted to know. Thank you very much for your testimony and coming today.

REP. FOX (148TH): Thank you very much. Up next Kellie Steeves and Diana Leonardi, followed by Sam Oliker-Friedland.

KELLIE STEEVES: Good evening.

REP. FOX (148TH): Good evening. Thank you for your patience.

KELLIE STEEVES: Thank you for hearing us today. My name is Kellie Steeves. I’m a school owner of Oxford Academy of Hair Design located in Seymour, Connecticut, and I’m here today to testify in opposition to Bill 6742, AN ACT CONCERNING HUMAN TRAFFICKING AND STATE CONTRACTS AND THE LICENSING OF ESTHETICIANS, NAIL TECHS, AND EYE LASH TECHNICIANS.

I am in support of a licensure, but the way the bill is currently written is not beneficial to Connecticut’s future professionals in esthetics, nail tech, or eye lashes. This bill essentially takes all that education that’s needed for success in this beauty industry and puts it in the hands of salons and spas that may not have received the proper education themselves, especially with sanitation, anatomy, infection and diseases and many other conditions.

Schools meet accreditation requirements, state and local health requirements, the State of Connecticut Office of Higher Learning requirements, the US
Department of Education federal guidelines which consist of yearly financial and compliance audits requiring school owner trainings along with 12 hours of required yearly instructor training. This is all to ensure the proper training, sanitation, placement compliance, and even that our students are paying our loans back. We are required to ensure that our students are not only working, but that they are making gainful employment and able to pay those loans back.

We are willing to work with Representative Gilchrest on a new bill, but the way this bill reads currently with trafficking and the hours and the hours being able to be done in any which way, there would be no regulation, no oversight, no one to ensure that these individuals who are coming over state lines and just being trained and now they're paying money to be trained and there’s not even any type of requirement on ID. The only thing they're requiring is a high school diploma, which I can find online today.

There’s just no oversight here and this industry is dangerous. I mean, you're talking eye lash extensions where you're going to touch the eye and manipulations during massage, all of this needs to be trained under the supervision of instructors, not in a setting where there’s customers coming in, so I’m in agreement with licensure, but it needs to be a new bill that’s written correctly and it needs to have a curriculum with specific hours and benchmarks that need to be reached and it needs to be affordable to students that can apply for financial aid through accredited schools and I will turn it over to another school owner.
DIANA LEONARDI: Good evening. My name is Diana Leonardi and I’m the owner of Branford Academy of Hair and Cosmetology. I support the pathways of opportunity, however, not at the expense of public risk. Respectfully, we all submit and put our trust in state licensing with its oversight. The academic leniency which this bill will provide is alarming, similar to unethical admission practices. Lowering academic requirements to increase participation is a slippery slope. My concerns are public health, consumer expectations, protection, and the vital role classrooms and practical experiences provided. The fast track to individuals through this bill is just a lowered academic standard.

REP. FOX (148TH): You can continue to go.

DIANA LEONARDI: Any and all people and persons who would like to need to follow the same regulations to educate the public as set forth from the Office of Higher Education and approved by the Office of Higher Education. In closing, I’m opposed to this bill as is. With my 36 years of experience in this industry, I have seen the goal posts being lowered. We must act responsibly that public health, consumer welfare, and protection is secured. Thank you for taking the time to hear my testimony.

REP. FOX (148TH): Thank you for your testimony. Any questions or comments? Representative Mastrofrancesco.

REP. MASTROFRANCESCO (80TH): Thank you, Mr. Chairman. I thank you for your patience today, I know it’s been a long day, and for coming out and thank you for your testimony. Just a quick question, if a licensure was a mandate through the
state of Connecticut, would it change your curriculum?

DIANA LEONARDI: No.

REP. MASTROFRANESCO (80TH): You could use the same curriculum? The state would not be able to -- Can they mandate exactly what is taught?

DIANA LEONARDI: Yes.

REP. MASTROFRANESCO (80TH): And how?

DIANA LEONARDI: Yes, the state should.

KELLIE STEEVES: One of the problems with the bill is they grouped three of these trades in. In esthetics, currently we both carry -- we have separate schools and we have it for the same hours, 600 hours, but the nail tech and the eye lash the hours are way off.

REP. MASTROFRANESCO (80TH): Right, so there’s a different curriculum for each one?

KELLIE STEEVES: For each program, right.

REP. MASTROFRANESCO (80TH): For each program. So the program that you have right now, if this became law, would you be able to maintain the exact same program that you have in your curriculum?

KELLIE STEEVES: Only esthetics.

REP. MASTROFRANESCO (80TH): Only the esthetic part?

KELLIE STEEVES: Right. That’s the only one that’s viable under the training of students being supervised by instructors. They have to learn on clients, but it needs to be with an instructor.
When you’re in a situation where, for example, a spa and they're learning just next to somebody and like okay, now you do it, but they're still working on -- they're not having that separate schooling with somebody watching them and that’s the issue with this.

DIANA LEONARDI: And inside of our schools, we are pro secondary education. We teach in theory, we test in theory, we practice in practical, we test in practical, and after that point and only after that point are any of our students able to perform that service on a guest.

KELLIE STEEVES: And this is dangerous to leave it the hands of the non-instructors that are also working on clients while they're teaching.

REP. MASTROFRANCESCO (80TH): Right, so get the esthetician part of it. How about on the nail, the nail part?

DIANA LEONARDI: Same thing.

REP. MASTROFRANCESCO (80TH): Same thing, because a lot of people come from these other places, they -- I don’t know how they learn how to do nails, so I was just curious what the process is.

DIANA LEONARDI: And even with eye lashes, I teach an eye lash extension class and I will only teach one-on-one or one-on-two, I will never take more than two people in a classroom. It’s just too dangerous.

REP. MASTROFRANCESCO (80TH): And you teach nails there, too?

DIANA LEONARDI: Yes.
REP. MASTROFRANCESCO (80TH): Is there a separate course for the nails or is it all encompassed into one curriculum, one program? Can somebody come in and just take a nail course, they want to do nails?

DIANA LEONARDI: Yes, they can.

REP. MASTROFRANCESCO (80TH): And what is the typical cost on a nail course class?

DIANA LEONARDI: About $2,600 dollars for a 100-hour program.

REP. MASTROFRANCESCO (80TH): And it’s 100 hours?

DIANA LEONARDI: Yes, that includes the kit and the registration fee.

REP. MASTROFRANCESCO (80TH): Okay. How much did you say it was, $2,000 dollars?

DIANA LEONARDI: Approximately $2,600 dollars.

REP. MASTROFRANCESCO (80TH): For 100 hours?

DIANA LEONARDI: Correct.

REP. MASTROFRANCESCO (80TH): Okay. Thank you very much.

DIANA LEONARDI: Thank you.

REP. FOX (148TH): Representative Winkler.

REP. WINKLER (56TH): So you think a 100-hour program is sufficient for nails?

DIANA LEONARDI: Yes.

REP. WINKLER (56TH): I think the bill’s got what, 200? I think it is.

DIANA LEONARDI: For nails, it was 300.
REP. WINKLER (56TH): Three hundred for nails?

DIANA LEONARDI: Three.

REP. WINKLER (56TH): Two hundred for eyes.

DIANA LEONARDI: Correct.

REP. WINKLER (56TH): And how long do you think eyes should take?

DIANA LEONARDI: Approximately 25 hours in school.

REP. WINKLER (56TH): Twenty-five for eyes and 100 for nails?

DIANA LEONARDI: Correct.

REP. WINKLER (56TH): Obviously I don’t know what’s involved.

DIANA LEONARDI: And $600 dollars for esthetic.

REP. WINKLER (56TH): I just, you know, I would have thought the other way around almost.

DIANA LEONARDI: The only hours that were correct were the 600 were correct.

REP. WINKLER (56TH): Okay. So they pay you for school and in essence, you find people for them to work on, but they're not working, they're learning, they're in school?

DIANA LEONARDI: Correct, and inside of our clinic, and it’s mandated that we have this and we let the general public know, that all services are performed on students supervised by licensed instructors.

REP. WINKLER (56TH): We used to or we probably still do it at the dental clinic at UConn, you can
get really inexpensive care if you let the students work on you.

DIANA LEONARDI: Correct, same thing.

REP. WINKLER (56TH): But they’re on a very short leash as far as being supervised. So a person who’s actually learning on the job, that’s possible now, right, that you can walk into a nail salon and say I’d like to learn and they can teach you there?

DIANA LEONARDI: And how would that person learn about sanitation, decontamination, bacteriology --

REP. WINKLER (56TH): I understand, I understand. All I’m trying to do is -- They would get paid for doing the work if they were learning on the job. In other words, they get minimum wage or whatever it is, while they were learning?

DIANA LEONARDI: If it was an apprenticeship program?

REP. WINKLER (56TH): Yes.

DIANA LEONARDI: Yes.

REP. WINKLER (56TH): Okay, thank you. I’m just trying to understand. No criticism, involved. Thank you.

DIANA LEONARDI: Thank you.

REP. WINKLER (56TH): Thank you, Mr. Chair.

REP. FOX (148TH): Any further questions?

Representative Blumenthal.

REP. BLUMENTHAL (147TH): Thank you, Mr. Chair, and thank you for your testimony. I was just wondering if there were any other state licensure regimes that
you would consider a model that you would like us --
you think would be good to adopt?

DIANA LEONARDI: Massachusetts.

REP. BLUMENTHAL (147TH): Thank you.

REP. FOX (148TH): Thank you, Representative. How
big is your school, out of curiosity?

DIANA LEONARDI: Square footage or student wise?

REP. FOX (148TH): Student wise.

DIANA LEONARDI: I have 100 students.

KELLIE STEEVES: About 90 students.

REP. FOX (148TH): Is that fairly consistent?

DIANA LEONARDI: Yes.

KELLIE STEEVES: Yes.

REP. FOX (148TH): And how long would a course last
for, like a nail course or a --

KELLIE STEEVES: My major courses, cosmetology it’s
year. My esthetics course is 600 hours, it’s five
months, and they're working in the field, and my
makeup course, which isn’t in discussion, is 50
hours and she has some more programs.

DIANA LEONARDI: Like I said, my eye lash class,
individual eye lash extensions is 25 hours. My nail
class is 100 hours. They meet twice a month, excuse
me, twice a week and it usually takes about six
weeks to complete the course.

REP. FOX (148TH): Thank you very much. Any further
questions or comments? Thank you for your time and
testimony. I appreciate you being here. Thank you.
DIANA LEONARDI: Thank you. Have a good evening.

REP. FOX (148TH): Next I have Sam Oliker-Friedland, followed by Hillary Long, followed by Dee Doolittle.

SAM OLIKER-FRIEDLAND: Good evening. My name is Sam Oliker-Friedland. I’m the chief council for the Center for Secure and Modern Elections and I’m here to talk about automatic voter registration. Given the hour, I will do so as briefly as possible. I know that everyone in this room and everyone in this state cares deeply about the integrity and inclusiveness of our election system and key to that is making sure that voter registration rolls are accurate, complete, and secure. The best way to do that is by enacting automatic voter registration as 16 states and the District of Columbia have already done.

Automatic voter registration takes a transaction that eligible citizens are already having with a government agency such as applying for a new driver’s license at the DMV and automatically registers those people to vote, transmitting their information to in this case, the town registrars of voters who then add them to the rolls. They are subsequently given an opportunity to opt out, of course, but this model ensures that as many eligible citizens as possible in the state that are registered to vote, that only those eligible citizens are registered to vote, and that folks remain registered as they move around the state and are updated -- and their registrations are updated to their current address.

The Secretary of the State has taken a key first step here by establishing an electronic transfer of information between the Secretary of State’s voter
registration system and the DMV, so now it’s the legislature’s turn to take the next step, make that system permanent, truly automatic, and extend that system to other state agencies beyond the DMV. This will ensure, again, that this state’s voter rolls are like your neighbors, complete, accurate, and secure, make sure every eligible citizen has the opportunity to participate in the process, and that folks have the opportunity to have their registrations updated to their current address. This not only accomplishes those purposes, but does so in actually a way that saves the DMV and registrars and voters significant amounts of money by making this process electronic.

We actually -- We have a study out of Arizona that was very powerful that showed that an average processing a paper voter registration form costs about 84 cents, whereas processing an electronic voter registration form will cost only approximately 4 cents. This has been an incredibly powerful policy, not only because it increases the number of eligible voters that are registered to vote, but makes government run more efficiently and we strongly encourage Connecticut to join their neighbors, such as Massachusetts, to enact this policy. I apologize for rushing through my testimony, but I wanted to save time and I welcome any questions you might have.

REP. FOX (148TH): Thank you for your testimony. Questions or comments? I had a quick question if I can, in other states surrounding Connecticut, how, for instance, if I were to register to vote and I was a felon, I wouldn’t be -- in Connecticut, I would not be allowed to vote. How do other states address that as through their registration method?
SAM OLiker-FRIEDLAND: There are several ways to handle that. I mean, one bill that I understand might be making its way through the legislature right now would actually allow folks who are on parole to vote, so in Oregon, which is the pioneer of this model, you are disenfranchised while you're in prison for a felony and are re-enfranchised when you leave prison, which is I believe is what this bill is making its way through would lead to the system being in Connecticut. That solves the problem by itself because folks who are going into the DMV are obviously not currently incarcerated and thus would be eligible to vote.

Otherwise, states just process these are they process their normal voter registration applications, so the registrar of voters will do a check against lists of folks who are disenfranchised. If you're disenfranchised, you're just simply not added to the rolls.

REP. FOX (148TH): So each -- So you would have some cross reference with another system to indicate whether or not the individual is a felon or does not have the right to vote?

SAM OLiker-FRIEDLAND: Again, if the current system remains and folks are ineligible or if they're on parole, which is the only way in which this would be an issue at all, that could be handled by the agencies, it could be handled by the Secretary of State, it could be handled by the registrar of voters. It’s just that some agency that touches this application would need to do that eligibility check.

REP. FOX (148TH): And how do the other states deal with -- not currently with Connecticut, but let’s
say I move to Oregon, I register automatically versus -- how -- does Oregon notify Connecticut? How does that process work?

SAM OLIKER-FRIEDLAND: Theoretically yes, Oregon notifies Connecticut or Connecticut notifies Oregon. Because that doesn’t always happen, there’s actually interstate -- an interstate data sharing consortium called ERIC that Connecticut is already a part of, so Connecticut actually already knows when someone moves from Connecticut to another state. Connecticut is notified through ERIC and then that person through the ERIC process is removed from the Connecticut voter rolls, so that would be sort of separate from automatic voter registration and is generally already happening in Connecticut.

REP. FOX (148TH): And is ERIC -- Are all 50 states a member of ERIC?

SAM OLIKER-FRIEDLAND: Sorry?

REP. FOX (148TH): Are all 50 states a member of ERIC?

SAM OLIKER-FRIEDLAND: Not all 50 states. I don’t have the number with me, I apologize, but for those states that are not members of ERIC, you would be so relying on that sort of older manual process or other list maintenance processes which would include, for example, the National Change of Address database, which the Secretary of the State uses to identify voters who have moved from Connecticut to other states.

REP. FOX (148TH): Understood. Just one final question, Section 4 of the proposed bill has to deal with higher education. Is that a new concept
because the way I read it is if an applicant that qualifies for admission to an electronic system is automatically admitted -- is that a relatively new concept, are you aware?

SAM OLIKER-FRIEDLAND: To my knowledge, it is a relatively new concept. I believe it’s working its way through other legislatures at this point, but I am not aware of a legislature that’s enacted that process. That said, it should work very similarly to the way this works at other agencies to the extent that they have information about U.S. citizenship. That can happen fully automatically just like it can at the DMV. To the extent that a college or university does not have that information about U.S. citizenship, it can be an opt-in process for U.S. citizens, but still be transmitted and automated in an electronic way that makes the process easy for both the agency and the registrars and the voters.

REP. FOX (148TH): Great. Thank you very much. Any other questions or comments? Thank you for your testimony today. I appreciate you being here.

SAM OLIKER-FRIEDLAND: Thank you very much.


HILLARY LONG: Hello, Representative Fox and distinguished members of the GAE Committee. Thank you so much for your time today and thank you even more so for putting voter privacy for the residents and citizens and voters of Connecticut under the GAE Committee’s purview for discussion today. I established CT Voter Privacy dot org at the request of many voters who I saw on Election Day 2018, that
all were very upset when they heard that their voter information was public and the state of Connecticut was responsible for selling their personal data. Their personal data includes their name, their phone number, their address, their age, including their exact birth date, as well as their political party and those voters felt very much violated by the fact that the state was selling their information and they weren’t informed of that when they registered to vote and they weren’t informed of that when they went to vote and many of them complained that they had many situations that were not positive for them as citizens and residents in the state of Connecticut because their data was being sold and available on the internet.

Since December of 2018, after I spoke to the Secretary of State’s Office and they informed that they have received thousands of phone calls regarding the sale and publication of voter data on the internet, I established a website and was then contacted by people across the state in all of your districts about concerns over their data being sold and they urged me to come here today to testify. I took the day off work, someone else pick my kids up from school, and I am here to answer your questions and hopefully give you some insights into the concerns of your constituents.

So because data is being sold by the state of Connecticut, residents are in the position of being discriminated against because of their age and being discriminated against because of their political party. They’re also targeted, harassed, bullied, and doxed if they do something that someone that they know doesn’t like and their information is available on the internet, they’re able to be
targeted at their homes and they’re able to be called on their phones and in conversations with law enforcement, we’ve had several law enforcement folks indicate that it is a problem for them because it is not until someone actually files a suit for people to not -- I forget the word, but not to stalk them, they’re unable to take any action.

So the state of Connecticut currently does have legislation where when someone is being stalked, their address can be help private, but until that point that that is actually recorded, people can be stalked at their address and on their phone. Additionally, we have voters who had fraud and many voters complain of solicitation, both via mail and on the phone. And lastly, we just heard from several people today, including both gentlemen who came up before, the importance of allowing people and encouraging people to vote. Of the registrars across the state, all confirmed that they have voters who have taken their names off the registration and will not vote because they want to keep their information private. So I will -- I know that I went over time, so I will stop and see if there’s any questions and I just want to thank you all again for bringing this to public hearing. We all really appreciate it.

REP. FOX (148TH): Thank you, Ms. Long, for your patience today with our process. I greatly appreciate you being here. Are there any questions or comments? Representative Blumenthal.

REP. BLUMENTHAL (147TH): Thank you, Mr. Chair, and thank you, Ms. Long for speaking with the process today. I had a couple questions, so first you mentioned that you had spoken with some voters about
their dissatisfaction with the current state of affairs and I was wondering if you could tell us examples, any stories or complaints you’ve heard about how things are going right now.

HILLARY LONG: Sure. Just today when I was talking to someone about coming here to testify, a gentleman told me that his grandfather ended up being the victim of wire fraud, $5,000 dollars, because someone called him with information about his birth date and pretended to be his granddaughter and then subsequently lost $5,000 dollars. He went to Western Union and thought it was his granddaughter. We’ve had other people, I work in the technology field, so I have personal experience where I’ve given -- been asked to give references for people who are applying for jobs and they’re not even given an opportunity to have an interview if they’re from the state of Connecticut, yet their peers who are from other parts of the country are given interviews with equivalent levels of experience and that has to do with the fact that they believe that they're over the age of 40 and that they’ve been age discriminated against.

We have one lady who I believe submitted testimony electronically, an architect, who -- talked to me about the fact that she had lost several bids because she was a registered either a Republican or Democrat and the people that she was going to win business from -- held the opposite political party, so a whole slew of stories about folks who feel that they cannot succeed successfully in society when their personal rights are being violated and they're unable to maintain their privacy.
REP. BLUMENTHAL (147TH): Thank you and through you, Mr. Chairman, how does our regime compare to other states in the country? Do other states have the voter databases available commercially or otherwise?

HILLARY LONG: So Connecticut, as I submitted in testimony, Connecticut is the only state in the country. All other 49 states prohibit the sale of voter registration data for commercial purposes and the neighboring states of New Haven and Massachusetts and Maine, as I indicated in the testimony, there’s no public access to voter registration information. I also included a photograph where Senator Blumenthal tweeted -- Senator Blumenthal who represents Connecticut in Washington DC, tweeted the need for privacy protection for all Americans as being paramount and that in response to California’s recent Consumer Privacy Act where they passed legislation pertaining specifically to data and what can be made available on the internet and to others.

REP. BLUMENTHAL (147TH): Thank you and through you, Mr. Chairman, so just to be clear, there are other states that while they don’t have their databases available for commercial use, they may be available in some other way?

HILLARY LONG: In the same way that the state of Connecticut is suggesting through the legislation, H.B. 7392. Many of the other states that allow the sale of data related to voter registration information, it aimed at ensuring that the election process is secure, so to politicians and political parties and those that are part of the election process, keeping that election process solid and ensuring that people who need to have that
information have it available, but preventing somebody in China or Russia or Thailand from taking your information and committing identity fraud against you, so very similar to the legislation that’s being put forth.

REP. BLUMENTHAL (147TH): Thank you and one last question, thank you for your indulgence, Mr. Chair. I take it that those other states are not experiencing the problems that you’ve heard about here in Connecticut?

HILLARY LONG: I know that compared to residents, for instance in Massachusetts, Connecticut residents have had a significant hardship, specifically in the area of being able to be employed and the various different states and we’ve had a lot of complaints. We’ve had many, many people and so many people were even scared just to put in their testimony electronically because the testimony that I submitted today is then available as public record indefinitely and so I had many people who had, you know, called me on the phone and said I just don’t feel comfortable submitting testimony because t’s going to be available, you know, in infinity and so it’s a very serious problem and without privacy, we don’t have a democracy that works and so I implore you all to consider this. I so appreciate that you created the bill, H.B. 7392, and you gave it a public hearing and I really hope -- it’s a completely bipartisan issue. I really hope you all support it.

REP. BLUMENTHAL (147TH): Thank you, Ms. Long. Thank you, Mr. Chair.

REP. FOX (148TH): Are there any further questions or comments? Representative Winkler.
REP. WINKLER (56TH): Yes, thank you for your testimony. Were you here when the State Elections Enforcement Commission testified?

HILLARY LONG: I was here when Mr. Saviano testified earlier today, yes.

REP. WINKLER (56TH): He stated that the bill as it’s written now would hamper SEEC and its ability to do its job. Would you have an objection to SEEC being able to access voter data?

HILLARY LONG: Not at all, sir.

REP. WINKLER (56TH): Okay. And you know that if you give the parties access to the information, they’re going to turn it over to a third party vendor to produce the kinds of lists that we use for mailings and door to door and things of that sort. You have no objection to that?

HILLARY LONG: I don’t because the way that the language was written, it was written so that when the information was provided to a third party that they were then responsible for the ownership of that data and they then become a steward, so as I submitted in my written testimony, when we take individuals personal information and we own that data as the state of Connecticut does, they have to act in a steward fashion, so that would be in a way that they would be the stewards of the data and they would correctly and appropriately disseminate the information only to those on a need-to-know basis.

REP. WINKLER (56TH): Okay. And why would somebody be afraid to testify that they would like their data kept confidential? That would seem to me to be a
majority viewpoint that nobody would be punished for?

HILLARY LONG: You would think so, sir, but in this day and age, everyone’s concerned. I was concerned. I would not have come here today unless my husband insisted that he did.

REP. WINKLER (56TH): Okay. Who would get somebody for asking that their data be confidential?

HILLARY LONG: That’s a great question, sir. You heard significant testimony today, especially around the areas of some of the big tech companies out of Silicon Valley, including Facebook and Google and you’re, as a state legislator, considering all kinds of legislation about how to create state legislation that corresponds with federal legislation and how it can work as technology changes over time, so although it doesn’t seem completely obvious and transparent to a layperson why anybody would have a problem with somebody selling data or making it easily available -- In fact, there’s a lot of people that would be very upset and would be very upset if the state of Connecticut passes legislation and/or they voice their opinion against the sharing of the FOIA, sharing of information as you heard from the media folks that were here earlier.

Media folks want to have their information readily available, so think of a situation where I come in and they know that I’m the one who’s a proponent for this particular bill and I gave my testimony today and then I go apply for a job at the newspaper where the gentleman is the editor that was sitting here today. I don’t think that he would even consider me as a candidate given the fact that I’m so against, you know, what he discussed earlier. So there’s an
example where it doesn’t seem obvious that somebody would not necessarily come forward and testify because it does seem like a universal need, but in fact there are people who clearly feel that the data should still be available, even though someone like me clearly feels that personal data and personal and private and no one should have access to it unless I give them that ability to have access to it.

REP. WINKLER (56TH): And through you, Mr. Chair, so if the political party got the data and let’s say was careless with it and some campaign aid managed to walk out with the file on their thumb drive, then there’d be a cause of action against the political party for mishandling the data?

HILLARY LONG: That’s correct and in addition, sir, in my written testimony that I provided, as well as written testimony that you receive from others, there is a request to enhance the language in H.B. 7392 to stipulate what the -- what the repercussions would be if somebody transgressed in terms of providing that data in an illegal fashion.

REP. WINKLER (56TH): Okay. Thank you, Mr. Chair.

REP. FOX (148TH): Are any further questions or comments? I just have a quick question, what do you say to the person who says, you know, this day and age, information is already out there, everything’s there, what’s this going to do, they know who I am anyway, the internet’s the internet, all of the information is there, how do you respond to that?

HILLARY LONG: I so appreciate you asking me that, sir. When I heard Mr. Saviano today and an exchange earlier with someone on the committee regarding why is it necessary -- why voter registration data
should be no longer sold and available for commercial use, so I appreciate you asking me the question so I can address it appropriately. The analogy, sir, is this. Would you tell somebody who has the car parked in the parking lot that they should no longer lock their car because someone could break into it? Would you tell homeowners they shouldn’t have a security system or they shouldn’t lock their doors? Would you teach children not to open the door if a stranger comes because they could come in anyway, I mean, the idea that we can steal or the data can be hacked is exactly the same as our homes being robbed or our cars being broken into. Just because there’s an opportunity to do that doesn’t mean you leave the door open for nefarious and bad actors and so that’s the fundamental reason why it is so critical that we as a state and as constituents and as voters understand that we need legislation, we need the state of Connecticut to not leave the door open to anybody on the globe that has a Smart phone or a computer to accessing our own personal data and information.


REP. WINKLER (56TH): Something I forgot. The word sold, which state, to your knowledge, gets the most money for selling its voter data?

HILLARY LONG: I believe, sir, it’s Arizona. I believe they get over $25,000 dollars for voter registration data.

REP. WINKLER (56TH): What does the state of Connecticut get?

HILLARY LONG: I believe it’s $360 dollars, sir.
REP. WINKLER (56TH): So we’re not selling voter data for profit. We’re kind of covering the cost of the Secretary of State to maintain the list. I just don’t want anybody to think that this is a profit center for the state of Connecticut and we’re maintaining it for that purpose. Would you agree with that?

HILLARY LONG: I can’t answer, sir, because I don’t know what the costs are associated with the state of Connecticut’s maintenance of the voter registration data and their ability to sell it to others, so I feel uncomfortable commenting.

REP. WINKLER (56TH): Okay. Do you think the data is valuable enough that we could probably get more than $360 dollars for it if we were really into raising money?

HILLARY LONG: I think the data is extremely valuable, sir. I think there’s really no price on personal data.

REP. WINKLER (56TH): Thank you. Thank you, Mr. Chair.

REP. FOX (148TH): Anything further from the committee? Thank you for your testimony. I appreciate your patience.

HILLARY LONG: And I appreciate you all being here. It was a long day, so thank you very much.


MEGAN HOURIGAN: Good evening, established committee members. My name is Meg Hourigan. I’m the coordinator for the Connecticut Food System Alliance
and I staff the Hartford Advisory Commission on Food Policy. I’m here today to testify in support of S.B. 252 to improve food security, conserve farmland, and ensure the viability of farming, foster food and farm-related economic development, and protect our lands and waters. Connecticut needs a diverse and experienced body advising on food policy to our elected officials.

The changes to this bill expand representation of state agencies and local food commissions and networks in a unique space where local practitioners, such as food bank staff, nutritionists, and farmers can connect and work closely with the state agencies that most directly relate to food policy. This includes the Department of Agriculture and through this change would include the Department of Consumer Protection. Our local food policy councils exist throughout the state in such diverse communities as Hartford, Windham, New London County, and Stamford. They serve as conveners in our communities who connect, for example, composters to local universities to reduce campus food waste and serve as experts on food issues for their local elected officials. These are voices that must be heard at the state level if we hope to address economic and climate change challenges in our food system.

S.B. 252 would integrate local action with state-level policy-making so Connecticut can develop food policy at a level that matches the complexity of our food system from the production and import of food to the consumption and disposal of food. Please pass S.B. 252 to improve our state's food policy landscape and strengthen the Connecticut Food Policy Council. Thank you.
REP. FOX (148TH): Thank you, Ms. Hourigan. Any question or comments? Quick question, did you say you currently sit on the Food Policy Council? I’m a staff person for the City of Hartford Advisory Commission on Food Policy, so I don’t have a commission seat, but I do the staffing for it.

REP. FOX (148TH): And how often do they meet?

MEGAN HOURIGAN: Once a month.

REP. FOX (148TH): And how active are they? Are they a relatively engaged group more or less?

MEGAN HOURIGAN: In terms of food policy commissions in Hartford, where one of the most active food policy commissions, we have met -- we meet usually 11 months out of the year, producing a report every year, and there are five active working groups.

REP. FOX (148TH): Thank you. What were some of the issues you dealt with the most in your recent meeting or items discussed?

MEGAN HOURIGAN: At the most recent meeting --

REP. FOX (148TH): Or any recent meeting, just to get a general idea.

MEGAN HOURIGAN: Yeah, some of the things we discuss are food waste. We’re working on convening businesses in the downtown area of Hartford, for example, to discuss what are the barriers to reducing food waste at your restaurant. That’s one example. Another example is convening the different farmers markets throughout Hartford so that they have coordinated branding and are reaching more diverse communities in Hartford so that people with lower access to food know that they can use federal
nutrition program, like SNAP, at the farmers market and can access fresh, healthy food.

REP. FOX (148TH): And do you work with the local food banks as well?

MEGAN HOURIGAN: Yes, Food Share sits on the Hartford Advisory Commission on Food Policy.

REP. FOX (148TH): All right. Any other further questions or comments? Thank you for your testimony. I appreciate your patience today.

MEGAN HOURIGAN: Thank you.

REP. FOX (148TH): Have a nice day. Up next I have Gary Olmstead. He left. Randy Collins followed by Michael Cervellino. Good evening, Randy.

RANDY COLLINS: Good evening, members of the GAE Committee. My name is Randy Collins, an advocacy manager for the Connecticut Conference of Municipality. CCM is Connecticut’s statewide association of towns and cities and we now represent all of 169 towns and cities in the state of Connecticut. I’m here today to oppose Senate Bill 1095, AN ACT CREATING A CODE OF ETHICS FOR MUNICIPAL OFFICIALS. This bill mandates that every town adopt a municipal ethics code for their municipal officials, employees, board, and commission members. CCM has consistently opposed a single statewide ethics code for municipal officials, but please don’t misunderstand. Currently, at least 132 municipalities have adopted municipality ethics code of varying degrees, but the one that we have before us, while not a strict single mandated code, it does contain about eight fairly prescriptive provisions,
which can have different, you know, different challenges for different communities.

We’ve always maintained that different communities should be able to adopt an ethics code that works for their town. Smaller towns might have different issues in terms of gathering volunteers, commission members. Some of the nepotism clauses saying you can’t hire anybody you’d be a direct supervisor of, so if you worked for a local park and rec department, would that preclude you from hiring your daughter as a summer camp counselor. These are some of the issues that we have. This particular bill says if you don’t adopt all -- I think you have until 2020 to adopt different methodologies or, you know, bring your code up to speed, those are costly and it’s, you know, for numerous towns, it’s going to be an ordinance change, a charter revision, that’s legal fees or, as I said, your community has something that’s working for you.

CCM has continued to be very active. We have met. I met with the Office of State Ethics on this issue. I think it was probably about over a year ago. Sat down, provided an almost 300-page municipality ethics tool kit that we provided to our members that we completed in 2015 and talked about some of these issues. I hadn’t heard back until the bill came up on Thursday, so it’s been a little bit of a tight time to see where we are in terms of, as I said, that 132 members, that was in 2015. I don’t know where we are today, but I know a number was still adopting. So we look forward to working with the Office of State Ethics. We do agree every town should have a municipal ethics policy. We would rather work with those towns that are still
outstanding that impose a one size fits all model. Thank you and I’d be happy to answer any questions.

REP. FOX (148TH): Thank you, Mr. Collins. Any questions or comments? Representative Winkler.

REP. WINKLER (56TH): Could you forward to us the ethics tool kit you mentioned?

RANDY COLLINS: Certainly.

REP. WINKLER (56TH): Thank you. Thank you, Mr. Chair. Anything further? Representative France.

REP. FRANCE (42ND): Thank you for coming and sharing the perspective of CCM on this issue. The question I have is the -- is it safe to characterize the 37 or so towns that do not have a code of ethics are probably the smaller towns that really haven’t had to deal with ethics issues in their town based on what you know?

RANDY COLLINS: As I said, the last time we surveyed was 2015, so there were a few that were still working and more were moving in that direction, but even looking on the list, the largest one that I saw, you know, maybe East Granby, Goshen, Killingworth, as I said, maybe Marlboro. You’re looking at relatively small towns, but as I said, any of the larger communities all have either, you know, within their employee procedure manuals, charter ordinance, a lot of them not only have, you know, ethics provisions, but ethics -- I was talking to the first selectmen from Ridgefield and Wethersfield as well today, yep we have an ethics code and we have an ethics commission to handle complaints, so, you know, we think we’d be better
off, as I said, working with OSE to say hey, these towns are still outstanding.

Why don’t we reach out together? We have, over the last four years, CCM has done ten ethics training compliance. We have four scheduled for this year. Every other year we do two for newly elected officials within a town, you know, it’s free of charge to any newly elected municipal official, board of finance and these are part of the procedures that we do. I think that would be the easier way to go and say look, there’s a lot of good models out there, take the one that works for yours. What works for Hartford might not work for, you know, Bozrah just because of the boards and the members and how they’re, you know, how they’re made up, but as I said, I think no one disagrees that, you know, we all want a good municipal ethics policy, but let’s do something that we can afford and if a town has a model that is working for it, why are you going to make them spend money they don’t have to fit a different box.

REP. FRANCE (42ND): Thank you for that explanation and what I see in, you know, my time serving locally is most of the time, an ordinance comes, whether it be an ethics issue or ethics policy or something else because something happens in the town and they want to put a policy in place and I would argue if you put an ethics policy in place, if you’ve never had an ethics violation within your town, the first one is probably not going to comply with something that’s in there and you’re probably going to have to adapt it because that’s generally how these ordinances and policies come about is to respond to a situation that you now realize you don’t have policy to deal with and you want to and I think
you’re right, I think it’s better to work locally. It certainly sounds like CCM has this book or this handbook process as well as the training process, so I think that’s probably a more prudent way and I encourage you to continue to encourage the towns that haven’t put these in place to understand the importance of not waiting until the ethics violation happens to have a policy in place that they think works for them. Thank you.

REP. FOX (148TH): Thank you, Representative. Is there anything further? I have just two quick questions, do you know what the towns do that don’t have ethics code right now? Any ideas?

RANDY COLLINS: I do not. As I said, this was -- I started working on this over the weekend as the bill came out a little bit later. You know, the last time this bill came up, which might have been 2015 which was before I was lucky enough to cover this committee, but it certainly, as I said, knowing where the list is right now, I could look into that and get you a few examples from some of those that we see that are outstanding, what are the procedures and policies in place.

REP. FOX (148TH): And just generally speaking, when I look at the ideas proposed and the model of the -- for municipal code, the ideas that are in this are not necessarily outrageous; one on nepotism, one of conflict of interest, one on -- there’s immediate family members contracting with a member of a municipality, they’re not outrageous concepts in practice I don’t think. They seem to be fairly general in terms when you speak about ethics codes.

RANDY COLLINS: I think, as I said, I mean, you go through the eighth, there’s some post-employment
benefit, you know, if you work on a commission or a board, you can’t represent, you know, you can’t represent anybody before any other board or commission and in smaller towns, are you going to preclude people from wanting to serve, you know, on my -- you know, I served on my local veteran board, my local veteran’s commission. Now if I was an attorney, I’d say would this preclude me from doing any other work according to how that is written. Who would deem if your statute is in compliance with this?

Those are some of the other questions that we -- again, we haven’t set down with the Office of State Ethics and say what does this mean? Who would deem us to be in compliance with these sections? Who would deem us -- What if we’re not in compliance? What is -- What’s the other side of that question? As I said, it was -- to catch -- we’ve had, you know, as I said, OSE called in last year and we had a nice -- I spent a couple of hours, hour and half, two hours really talking over some of these issues and providing a lot of information. To kind of get blindsided on a Thursday, well, it’s a big bill. Usually we would have appreciated a heads up of this is what we’re thinking about. Usually we can work through a lot of issues rather than make it a little bit more adversarial and like I said, if they posted this is what your model ordinance should look like, this is what you should adopt, like I said, I think we could probably work with -- collectively with those remaining towns and say hey, you know what, let’s start working off of this, but if you’re -- if you have an ethics, you know, this is what works for my town, it might not work for yours based on, like I said, representative town meetings or selectmen
type, town manager, it -- as I said, towns will adopt what works for their community.

We’ve always kind of been that way and quite frankly, does the Office of State Ethics really have the resources to go out, you know, and review 169 -- does this cover board of education? I don’t think so, that’s 60 to 80 percent of our municipal budget. I just say before we drop a, you know, mandate that every municipality will meet a standard, you know, that we have a little bit conversation about it.

REP. FOX (148TH): Thank you very much. Any further questions or comments? Thank you for your time today. I appreciate it.

RANDY COLLINS: Thank you. Have a good evening.


MICHAEL CERVELLINO: Good afternoon. It’s been a long day. Michael Cervellino. I own and operate Belle Academy of Cosmetology and I’m here to talk about Bill No. 7042. You know, we’ve heard an awful lot about it today and I don’t want to repeat everybody else. My friend, Gary, you called 54, he had to leave. Gary is the largest owner/operator cosmetology schools in Connecticut. He has one in Waterbury, one in Hartford, one in Ansonia. He’s opening one in Willimantic and in Meriden. He’s effectively taken over the defunct ones from Marinello from five years ago, so Gary could not be here with us. He had to leave. Myself, I own a school in Waterbury. I’ve been there ten years since 2009. I’m one of ten Title IV schools left in Connecticut. In 2015, there were 120 schools in Connecticut. There’s only ten left. You met two
owner/operators that were here before. Ten Title IV and Title IV means we give out Pell grants and student loans. We are fully accredited.

We have seven entities that we answer to, okay. I speak before this commission in opposition to Bill No. 6742, AN ACT CONCERNING HUMAN TRAFFICKING AND STATE CONTRACTS AND LICENSING OF ESTHETICIANS, NAIL TECHNICIANS, AND EYE LASH TECHNICIANS. For the past few months, I’ve been working better to understand the issue of licensing estheticians, nail technicians, and lash technicians. It is my position that some form of licensing should be reached, but the way in which this bill is enacted, it’s looking to go about -- this is not advantageous to the cosmetology schools. Belle Academy is fully accredited by the National Accreditation Commission of the Arts and Sciences, NACCAS, which is a nationally recognized accreditation agency. They are the only ones currently that accredit cosmetology schools across the United States, esthetic schools and nail schools.

I employ seven people and this would put in jeopardy my business and their jobs. I’m one of two schools in the state of Connecticut that actually teaches nails and I know nails have been brought up a lot and we’re going to do some education today on nails. I’m all for free enterprise in America, but the things we have to do, we have to do it the right way. For the past ten years, I’ve taught nail technicians, lashes, and esthetics. To place the education standards in the state to people who have been practicing continuously in the state for two years is a hazard. It’s hazardous and dangerous to the potential students and the customers. Over the last few months, I heard that the industry has had a
problem with unlicensed individuals performing services in our state. I’ve also heard customer health issues in our state, the individuals becoming infected poor habits and techniques by nail technicians, esthetic and eye lash technicians.

In my opinion, these issues were used to create fear amongst the consumers in our state. Out of the millions of people who get their nails, eye lashes, and esthetic skin care, facials done every day, how many have become affected. It’s less than 0.00001 percent, okay? And who is to say these people don’t have a formal -- any formal training. Furthermore Bill No. 6742 does not address the concerns of the public health issue and it sounds like this bill would provide a back door to allow individuals to teach nail technician, esthetic, and eye lash classes in their salons. How does this help protect the consumer and it will -- all it will do is allow people to spread their bad practices in the industry. Representative Winkler, you brought up something about -- and I’m going to call it an apprenticeship.

REP. FOX (148TH): Please summarize your comments, sir.

MICHAEL CERVELLINO: I’m sorry?

REP. FOX (148TH): Please summarize your comments.

MICHAEL CERVELLINO: Two seconds, the state of Connecticut in 2013 enacted the barbering apprenticeship, 2,000 hours. No one to my knowledge has graduated from a barbering apprenticeship in the state of Connecticut sitting with a licensed barber. In 2015, the state of Connecticut enacted a cosmetology apprenticeship, 3,000 hours. To my
knowledge, speaking with Larry over at the Department of Labor, there has -- no one has graduated from these apprenticeship programs. We can not put apprenticeship programs there. This is the nail book. You’re talking about 600 hours. What are we going to do for 600 hours? This is the only curriculum available. I teach it for the past ten years for 100 hours and that’s where we need to be, at 100 hours for that program.

REP. FOX (148TH): Thank you for your testimony, sir. Any questions or comments? Representative Winkler.

REP. WINKLER (56TH): Can a person walk into a salon and say they want to do nails and can somebody there teach them to do nails on the job?

MICHAEL CERVELLINO: Legally, no.

REP. WINKLER (56TH): Okay. The legislation says 200 hours for nails as opposed to 600, at least that’s the way I read it.

MICHAEL CERVELLINO: It’s three, I believe. I believe it’s three. Eye lashes was two, three hundred for nails.

REP. WINKLER (56TH): And you said 600 when you held up the nails book.

MICHAEL CERVELLINO: Esthetics 600.

REP. WINKLER (56TH): Right.

MICHAEL CERVELLINO: Do I teach it for 100, this is the book, but in the bill it is for 300 hours.

REP. WINKLER (56TH): Okay, just wanted to make that clear. So I think earlier we were told 200 for
nails and 100 for eyes was more reasonable. What do you think?

MICHAEL CERVELLINO: I believe Ms. Diana and my other colleagues said 25 for eye lashes, 100 for nails, and 600 for esthetics.

REP. WINKLER (56TH): My memory is different. I’ll check it though. Thank you, Mr. Chair.

REP. FOX (148TH): Anything further? Representative France.

REP. FRANCE (42ND): Thank you, Mr. Chairman. So in your testimony, if I remember the numbers correctly, you said they went from about 110 schools, 120 schools, down to ten. What do you see as what drove that in such a short period of time?

MICHAEL CERVELLINO: The Office of Higher Education compliance. In 2014, the Governor Malloy put in the restrictions that we all have to answer to the Office of Higher Education. There were schools like Representative Winkler said that they were a salon and they would go in and they would teach them. They had no compliance, no curriculum, no education.

You cannot just teach a 1500 hour program by mom teaching your daughter how to do it and pass a state board, so with the Office of Higher Education coming in in 2015, we had to submit and the documentation that we had to submit to the Office of Higher Education to get approved, we were approved by seven separate entities in the state of Connecticut, plus NACCAS, plus Title IV funding out of Boston and New York. They come and visit us. We are -- We have to submit to four inspections a year of student files and a two-day program where they come in and they sit in our classes and watch our curriculum. It’s
to make sure that our students are learning the correct stuff and then we send our students up for state boards, plus when they're done, they have to get a job in the industry and pay back those student loans in this industry. They cannot get a cosmetology license and then go work at Walmart and pay back the student loans. I will lose my accreditation, not just my cosmetology, but barbering, cosmetology, and any other classes that I choose to add to that program. I’ll be out of business. So will these ten schools, they're full accredited.

REP. FRANCE (42ND): So based on that, I’m not certain I understand -- do you see it as a positive that the Office of Higher Education had oversight, that the 100 plus schools that fell out were not compliant with what they should have been doing and that’s why they went out of business, is that your -

MICHAEL CERVELLINO: It weeded out all of the schools that were not doing what they were supposed to do, absolutely.

REP. FRANCE (42ND): And so this bill, how would it affect cosmetology schools like yourself as it’s currently worded? What would be the impact?

MICHAEL CERVELLINO: I would never be able to offer a nail class again and esthetics class and eye lash class and makeup class because now you can walk into a salon and anyone with two years’ experience can now teach them.

REP. FRANCE (42ND): And you brought up the number of hours, certainly if you’re recommending 25 and 100 versus 200 and 300, that’s eight times and three times the cost, which you see those increased hours
as a barrier to individuals who would want to enter into that field?

MICHAEL CERVELLINO: Absolutely. My 100-hour program is about $3,200 dollars. Multiply that by three, you’re at $9,500 dollars. The average person cannot afford $9,500 dollars to go for a nail class. It’s not going to happen.

REP. FRANCE (42ND): And to your point, when you offer Pell grants and my recollection of Pell grants is they are not substantial enough to offset a $9,000 dollar cost, but they would be more helpful to offset a $3,000 dollar cost.

MICHAEL CERVELLINO: The problem with that is a Pell grant can only be given on a 600-hour program. That’s why you see esthetics nationwide as 600 hours. I teach it for 100. That’s what I teach it for. I don’t have that one accredited. It’s 4,000 bucks. Every eight weeks we graduate ten new estheticians with the same curriculum, same books, same everything. There’s no need for it to be 600 hours. It’s only there because the minimum requirement for Title IV funding is 600 hours. We could do a class on pens and they will give you a Pell grant student loan, but the minimum requirement is 600 hours. That’s why I keep mine at 100. I keep my lash classes at 25. I keep my esthetics class at 100.

REP. FRANCE (42ND): Thank you very much, sir. Thank you for your testimony. Thank you, Mr. Chairman.

REP. FOX (148TH): Any questions or comments? Thank you for your testimony today. I appreciate you
being here. You have a good evening. Up next, I have Jean Desmet and Jane Montanaro. Good evening.

JEAN DESMET: We actually signed up separately. Can we testify separately?

REP. FOX (148TH): Sure, I have to together, but that’s fine.

JEAN DESMET: Okay, that’s fine, all right. Thank you. Hi, thank you for your time and for staying so late. I really appreciate it, Co-Chair Fox, Ranking Member France, and Representative Winkler and Blumenthal. I’m here to testify against the changes to the general statutes proposed in RB 1107, Section 2, which eliminates the protections for historic buildings.

REP. FOX (148TH): Could you say your name for the record, please?

JEAN DESMET: Oh, I’m sorry, Jean Desmet. I’m going to tell you, I saw one of these young kids use their computer to do this, so I’m trying. I’m in trouble. So I’m Jean Desmet. I’m a former first selectman in the town of Windham and I started the petition which asks SHPO to intervene to discover whether or not we could save the historic buildings in Willimantic that are being condemned perhaps. I could argue with Representative Johnson facts simply stated neither of those hotels have been condemned because they are structurally sound and they are empty only because the owners, which is often the state, chose not to sell them and not to put people in them, but they were used for office and storage space because they are sound.
There are currently developers interested in purchasing and reusing those buildings right now. Representative Johnson’s logic escaped me. Distressed municipalities need historic tax credits as much or more than any other town. They’re used by developers frequently in all of the towns which would be affected by this legislation, which include Ansonia, New London, Windham, and Putnam. In Windham, tax credits were used for historic space, the Mills, 560 Main, ended up being used for the Hurley Building, and they're easily combined with the Opportunity Zone Tax Credits, this language that encourages that combination. The proposed arbitrary ten-year limit on building that have been empty will encourage negligent owners to just wait ten years and then demolish them and it might have condemned Willimantic and everybody’s favorite bar, the Willimantic Brewing Company, which was empty for 30 years and we all heard how it could never be reused.

Willimantic lost an estimated 75 percent of our historic downtown buildings in the 70’s when we went through urban revitalization and we’re just trying to protect what’s left. CEPA protection is a good law and it applies to all the towns and it should. It’s bad legislation to change statutes just to condemn two buildings. Let us go through the CEPA for the whole process here with SHPO and I encourage you to ask me questions like who is this so-called developer, what really happened at the SHPO hearing, how many historic buildings might be affected, what’s an opportunity zone, what’s the environmental impact of demolition versus new and my apologies finally to the towns who would be adversely affected by this legislation and to SHPO and the Connecticut Trust and everyone else who appreciates the value of
our history and our stark buildings. It’s causing a lot of pain and I hope, I hope this doesn’t pass. Thank you.

REP. FOX (148TH): Thank you, Ms. Desmet. Is that how you pronounce it, Desmet?

JEAN DESMET: Is that what?

REP. FOX (148TH): How you pronounce your name?

JEAN DESMET: Let’s not get into that. It’s -- I pronounce it Desmet because that’s how I grew up in Belgium. It’s Desmet apparently we’ve learned.

REP. FOX (148TH): Thank you. Any questions or comments? Representative Winkler.

REP. WINKLER (56TH): Did you say four or five towns?

JEAN DESMET: Well, Representative Johnson said four and we were able to find four. There might be a fifth one which is -- I don’t know if it has an opportunity zone in it, though.

REP. WINKLER (56TH): What town would that be?

JEAN DESMET: I think Sprague or maybe -- I don’t know if that has an opportunity zone. I think Representative Johnson said four and people at SHPO looked it up and I know Putnam and Windham are.

REP. WINKLER (56TH): So this law -- through you, Mr. Chair, so this law would require or no, I’m sorry, would allow that if you had an opportunity zone and you had a historic building in one of these opportunity zones that once it was vacant for ten years, you could alter it which includes a demolish?

JEAN DESMET: Right.
REP. WINKLER (56TH): Thank you. Thank you, Mr. Chair.

REP. FOX (148TH): Are there any further questions or comments? Representative France.

REP. FRANCE (42ND): Thank you, Mr. Chairman. It’s interesting you bring up Willimantic as I was a student at Eastern in the organizational management curriculum and one of the classes I took at the time that I was there, they were dealing with three buildings, the Nathan Lester House, the Hooker Hotel, and the YMCA building on Main Street and two of my classmates and I got involved in that process working with the council and realized a bunch of things that were creating some of the problems, not the least of which was actually a soup kitchen that was on Main Street and the individual who had brought to that, it was actually a donated building and so there are other causes of that, but since then, things have turned around and it’s my understanding, they were vacant for longer than ten years and the town was very -- so I share your concern with that and that sometimes the appearance or the statements that it will never be used for anything else are not founded, it’s just waiting for the right opportunity.

But the question I have is, is the -- what was the process, not giving necessarily the specific developer, but, you know, how is it that you can tell me your -- well, not you, but somebody can come here and have a lack of understanding that there is development desired to be done on a building thinking it’s not there. How does that happen with this particular case? You talk about there’s developer waiting for this this building to --
JEAN DESMET: Okay, I think I’ve got the drift of that. Almost ten years ago, a little less than ten years ago, CHFA owned the buildings and then they put them up for sale and a private owner purchased them, really intending, I think, to develop them, but they aren’t developers and so they really just kind of sat on them for many years. I didn’t know they were for sale. A lot of people didn’t know they were for sale. Apparently they put them on the market about two years ago and as the developer testified at a public hearing, some of the nonprofits who looked at it wanted -- they said they needed just a couple years to get the tax credit funding in place before they could actually purchase the buildings and they said well, that’s too long to wait, we don’t wait the two years, and so they chose to -- they found -- so the town of Windham is in an opportunity zone and that allowed us to look for different developers and look for different funding and the town found this developer, this -- he’s not a developer, he’s a funder collecting money for tax credit funding from capital gains and so he does not do historic rehabilitation.

He also -- I don’t know what he does because we haven’t found any evidence of any development on him, but for some reason and I don’t know the reason, the town pinpointed these buildings as something they wanted down, so the proposal from the funder -- there’s actually a plan that the town drew up before they even found him, which I guess is a good idea. They probably proposed -- put it out there here’s what we want to do, it’s 350 units of housing on a lot of empty parking lots in town and demolition of these two buildings is included in that.
Since that time, we’ve heard -- that was supposed to be $40 million dollars in development, now it’s $80 million dollars is the development. We haven’t seen any drawings. The developer was at the SHPO hearing and he had a very, very preliminary sketch of what he might want to put on these lots that he’s going to develop on. They weren’t even up to zoning codes, so it’s all kind of sketchy, but basically the owners finally sold the building to this funder at the end of January. We acted before that because we knew that if the demolition permits went out, the town is going to want it demolished and they would approve it as soon as possible, so we’re trying to say that the buildings are structurally sound and can be saved.

REP. FRANCE (42ND): Thank you for that background. So basically what I -- if I summed up, you don’t see that this bill is necessary at all and that towns have within existing statute an existing process the ability to rehabilitate buildings, make use of buildings, find alternative uses at the local level and you see that as viable without any additional statutory change?

JEAN DESMET: There’s no statutory change necessary, I absolutely agree. The current process is that if someone wants to develop -- or demolish buildings, we can challenge that and say is there a viable alternative, are the buildings structurally sound, so we’d like to have that process in place to be able to challenge it and we’re in the middle of that right now and just let it go forward and there’s no reason to change it.

REP. FRANCE (42ND): All right. Thank you very much. Thank you, Mr. Chairman.
REP. FOX (148TH): Thank you, Representative. Any further questions or comments? Thank you for our testimony today. I appreciate you being here.

JEAN DESMET: Thank you very much.

REP. FOX (148TH): Have a nice evening. Next, Jane Montanaro. I may have mispronounced your last name, I apologize.

JANE MONTANARO: Good evening, Representative Fox, Representative Winkler, Representative France, and Representative Blumenthal. Thank you for the opportunity to testify today. I am Jane Montanaro, the executive director of the Connecticut Trust for Historic Preservation. The Connecticut Trust is a statewide nonprofit historic preservation organization that works cooperatively with state agencies, municipalities, local groups, developers, and individuals to preserve, protect, and promote the unique character and economic vitality of our communities. We are a leading private preservation group with more than 100,000 statewide members -- with more than 1,100 statewide members and we are statutory partners with the State Historic Preservation Office.

My testimony is in opposition to Section 2 of Senate Bill 1107. A version of this section of the bill has already been raised during the legislative session as House Bill No. 6552, AN ACT CONCERNING EXEMPTIONS FOR CERTAIN HISTORIC PRESERVATION REQUIREMENTS and received a public hearing before the Planning and Development Committee on February 13th, where it received resounding statewide opposition. Both of these bills rise from a preservation issue in one Connecticut community, Willimantic. For several months now, the
Connecticut Trust has been working with a local group of preservationists in that town who are concerned about the potential demolition of the Hale and Hooker Hotels, located in the Main Street historic district, a National Register historic district in Willimantic. Properties within the district are afforded some protections under the Connecticut Environmental Protection Act, an act which holds the integrity of our architectural heritage as precious and necessary as clean air and water.

These protections will be adversely affected by this bill, not only in Willimantic, but statewide. The Connecticut Environmental Protection Act, CEPA, allows for the careful consideration of prudent and feasible alternatives to demolition of historic assets within a National Register district, thus providing the necessary time out before the irrevocable act of demolition can take place. The intervention of the Attorney General under CEPA may be the only vehicle that brings all interested parties together to consider these options. By exempted certain distressed municipalities from these preservation protections, this bill puts those communities at an even greater economic disadvantage, erodes the unique character and heritage of those areas, and silencing the voices of those who live there.

Historic preservation is a proven economic driver. In the last decade, historic preservation has supported more than 6,000 jobs locally, grown the economy by half a billion dollars, and put 83 cents for every dollar into the hands of workers. Experience has shown that sites that are hastily cleared to make way for new construction often sit
sallow for many years, further deteriorating the economics of the area. All preservation is local and planning, stewardship, and advocacy of our cities and towns. It is locals that identify the historic resources that define their community and they work together to create historic districts, to ensure the character of their community is protected. In creating historic districts, residents are saying these places matter to them. This bill undermines the planning efforts of communities across the state and robs residents of their say.

REP. FOX (148TH): Thank you for your testimony. I appreciate you being here. Are there any questions or comments? Representative France.

REP. FRANCE (42ND): Just one comment, thank you for your testimony. It’s interesting that you mention the two hotels, the Nathan Hale and the Hooker Hotel, where 15 years ago I was at Eastern and I will tell you my driving through now that that Main Street has revitalized, you know, when I look at -- I remember the many, many empty houses or empty store fronts that were there, they’re no longer empty and I will also state that the interesting thing was the board of selectmen panel that was created at that time already knew the answer when they were formed and through the actions of the three members which were graduate students who implemented a methodology we learned at our Master’s degree, opened up the eyes of these individuals to see a different solution and I think there’s been restoration there.

And I would encourage you to continue to push for that and continue to the revitalization because like
I said, that street was -- I think it was the third interview we did as part of that process, one of the members of this committee realized that this food bank, should have been a donated building was on Main Street, and encouraging the homeless to come out where they were and they found that actually moving it to the neighborhoods that they actually lived in instead of bringing them to Main Street was a potential cause of some of the distress that the community had 15 to 20 years ago, so it’s interesting that that has come full circle and we’re where we are today, so I encourage you to continue to advocate for the restoration of these buildings and finding a purpose for them going forward. Thank you.

JANE MONTANARO: Thank you.

REP. FOX (148TH): Any further questions or comments? Thank you for your testimony. I appreciate you being here tonight.

JANE MONTANARO: Thank you.


REBECCA MICHLIN: Representative Fox, Representative France, and other members that left standing of the GAE Committee, thank you for allowing this discussion today Committee Bill 5041, AN ACT CONCERNING MAJOR PARTY CONVENTIONS. My name is Rebecca Michlin and I’m the executive director of the Connecticut Republican Party. Our chairman, JR Romano, was here a little earlier today, but he had to leave on party business, so you can cross his name off the list next. You heard earlier today
from Representative O’Neill when he spoke about the legal and case precedent of convention processes across the country and I’m going to touch upon the logistics and the financial side of where we sit. So to start, I’m going to walk through our process and cost, which can go way longer than two minutes, but I promise, I will Spark Note.

Our site selection started roughly this time in 2017 and based on the number of delegates, the number of candidates, and other anticipated attendees, there were only three venues in the state of Connecticut that could accommodate our needs; those were Foxwoods, Mohegan Sun, and the Connecticut Convention Center. We presented our State Central Committee with all three of these venues and they chose and voted on Foxwoods due to the cost and other amenities provided. Roughly the cost of the convention was about $65,000 dollars and that included the venue space for two days, AV, badges, notices, and all other convention related items, such as signs and things like that.

Party costs are one thing, but delegate costs are a whole other kettle of fish and I would be remiss to all of our party members not to mention those. For example, Joan from Washington had a two-hour drive, so she opted for a hotel room with the anticipated late nights that we were going to have and the early morning sessions. As a result, she needed to feed herself and her costs all in for the weekend was nearly $1,200 dollars and that was, unfortunately, the normal cost, not the exception. Allowing the party to choose whether or not to have a convention will allow them to determine how they feel is best to endorse candidates, taking into account financial and logistical considerations for both the whole of
the party and its individual members. So with that, I will happily take questions.

REP. FOX (148TH): Thank you very much. Are there any questions or comments? Representative France.

REP. FRANCE (42ND): And full disclosure, I was part of the party, so I was there when we had this discussion. It’s interesting, one of the party tried to reduce the cost by reducing the number of delegates and the State Central Committee voted against that, which incurred the greater cost. Besides the logistical reasons and the cost, what do you see is the benefit to the party itself or not having a convention and going straight to a -- potentially just going straight to a primary?

REBECCA MICHLIN: Yeah, in my written submitted testimony, I talk a little bit about how two of our candidates for governor were number two and number three in Connecticut’s history to petition onto the ballot for statewide ballot access and they proved that you don’t necessarily need a convention, a nominating convention, for 15 percent of the vote to qualify to be on the ballot, so as a result, a lot of the party members who were present at the convention got upset after the primary because they felt that it was a waste of their time and a waste of their money, so in order to kind of have a larger base of support for our candidates moving forward, there’s a big push for just a direct primary.

I mean, in other states, in Virginia for example, they do these convention processes specifically for endorsement and not ballot access, so you know, that’s another consideration that you may -- the committee may discuss.
REP. FRANCE (42ND): Thank you very much. Thank you, Mr. Chairman.

REP. FOX (148TH): Any further questions or comments? I have two quick questions. I’m kind of playing the devil’s advocate, what do you say to someone who states, you know, this prevents an opportunity to be fully vetted to get rid of the conventions?

REBECCA MICHLIN: Well, I would argue that in many respects, the convention can be seen as a smoke-filled back room for party insiders, so candidates, whether they’re CEP candidates or whether they’re a self-funding candidate, in the convention process they only have to talk to, I don’t know, 1,200 people in order to either be the party endorsed candidate or to be -- to have ballot access, so by going direct to primary for the signature ballot access would provide a larger platform and a larger base of support for people -- for candidates running statewide.

REP. FOX (148TH): And the second devil’s advocate type question, what do you say to those who don’t view it as smoke-filled back rooms? There are members of your party and my party who enjoy the process, they enjoy the weekend and they live for it, they think it’s kind of part of the fun, the excitement, how do you -- what do you say to these members of the parties who may not have the opportunity?

REBECCA MICHLIN: Absolutely. I would say this bill doesn’t completely eradicate the state convention process and members of your state central committee and members of my state central committee are elected to have the best interest of the party.
They kind of vote in favor and create policies that are in favor of the best interest to elect Republicans and Democrats, so if the members of those parties really felt that in the best interest of the party to elect Republicans would be to remove the convention, I think, you know, there would be some pushback, but if we elected a Republican governor, they would say okay.

REP. FOX (148TH): Thank you very much. Any other questions or comments? Thank you for your testimony. I appreciate your patience.

REBECCA MICHLIN: Thank you.


ANDREA DOYLE: My name is Andrea Doyle and I’m here in support of Bill 6742. I’m a nail professional since 1995. I’ve been a salon owner since 2002, national manufacturer nail technology educator since 2011, and a consultant for East Shore District Health Department since 2014. As a national manufacturer educator, I have seen evidence of human trafficking in my visits to various Connecticut nail salons. Partly due to what they are charging proves the inability to pay employees minimum wage and because what I -- and because when I pay them a visit to verify that they are still using specific manufactured products, they have kicked me out probably because they are hiding something and sometimes I’ve witnessed all employees sneak out back doors, leaving clients still in chairs wondering where their nail technician went.

Licensures that require proper education will greatly eradicate human trafficking, especially if
said license has the educated professionals picture on it so at time of inspection, identification will be clear as to who is educated and able to work in Connecticut salons. Not having a license -- Not having licensure has allowed human trafficking to conduct illegal business under the radar.

I have sat in and been invited to meetings for the Connecticut Environmental Health Association and they have mentioned in their meetings that they have found evidence of prostitution in their inspections and I know one of them has sent you testimony, so I’m sure -- I don’t know if they’re speaking on that, but I know in meetings that they on that. And now as a salon owner and nail technician, having licensed nail technicians will help to identify new hires as educated and ready to work and the ability to purchase regulated professional products. Most distributor manufacturers require proof of licensure to be able to purchase professional regulated products or to take their continuing education and to attend a trade show, which most nail technicians get free education at a trade show.

Not having a license in this state and being the only state without licensure is embarrassing for me because I travel a lot to attend industry events, all of which are out of state and while jumping through hoops to prove myself to be able to attend, I always get the comment, oh, you’re that state. Now being a national manufacturer educator has helped me to be able to attend such events, but the average nail technician may not. Therefore, the ability for more knowledge remains unattainable. For no licensure, it makes education for nail techs optional or unobtainable, which is completely unacceptable. With all this being said, with
licensure, we need to raise a state of curriculum in this state. When I teach my continuing education classes, it is very disappointing to continually have to explain basic nail technology, sanitation, and product chemistry that should have been taught before nail technicians should ever touch the public. I have had students that approached me in many instances that the teachers in Connecticut cosmetology schools are not -- are also teaching wrong and harmful information. This also needs to be addressed.

And you might be asking since I’m a nail professional in Connecticut and wondering how I got my education and again, looking out from the school telling me that isopropyl alcohol will clean everything and my mom being a nurse, I knew then I needed to look for other education, so I went on my own, traveling to other states and getting education piece by piece for over probably 24 years and being in this business as a national educator, I had mentors that are scientists, oh, what do you call it, I’m sorry, I’m getting nervous, scientists and -- I’m sorry, chemists, scientists and nail industry textbook authors who have been my mentors and friends and I’ve learned a lot from them, so I thank them because the Connecticut education is extremely lacking, to say the least. Thank you for your time.

REP. FOX (148TH): Thank you for your testimony. Questions or comments? Representative Blumenthal.

REP. BLUMENTHAL (147TH): Thank you, Mr. Chair, and thank you for your testimony. I asked this question to some other folks earlier, I was just asking them which, if any, states do you think should be a model for -- in terms of licensure regimes?
ANDREA DOYLE: I would say like New York and New Hampshire.

REP. BLUMENTHAL (147TH): Thank you, Ma’am, and thank you, Mr. Chair.

REP. FOX (148TH): Thank you. If could just ask a quick question following up on a lot of questions Representative Winkler had earlier, if I wanted to become a nail technician, so I walk into your salon, ask for a job or ask for training and then get it from you or from someone else in your salon right now today?

ANDREA DOYLE: I could educate, but I’m not accredited in any way and some of these schools are accredited and they're still teaching things wrong and me, personally, would I hire you without any education? No.

REP. FOX (148TH): Thank you.

ANDREA DOYLE: You’re welcome.


TINA GILBERT: Thank you, committee members, for taking the time for allowing us to speak today. Kate would have been here in favor of Bill 6742 for licensure of nail technicians, estheticians, and eye lash artists. As a esthetician for over six years --

REP. FOX (148TH): Could you give us your name, please?

TINA GILBERT: My name is Tina Gilbert.
REPRESENTATIVE FOX (148TH): Thank you, Ms. Gilbert.

TINA GILBERT: You’re welcome. As an esthetician for over six years in the state of Connecticut, I strongly stand behind this bill. Education is power, education -- Sorry, I’m trying to get to her -- Education is power, education is passion, education is knowledge, education is everything. Without the proper amount education, I would not have been able to advise a client to go to his dermatologist for a concerned area, which was found to be skin cancer. Without the proper amount of education, I would not have known to advise a fellow colleague who did not have proper education not to treat a MRSA client. Without the proper amount of education, I would not know what is and is not safe or recommend products for an pregnant woman. Without the proper amount of education, I would not know how to keep my tools, area and self properly sanitized, disinfected, and safe.

Without the proper amount of education, I would not know what is within my scope of expertise, certification and laws. Without the proper amount of education I would not have the respect, passion and skills that I have today to successfully own my own skincare studio. Six hundred hours of theory and hands-on education I feel is a minimum amount of hours needed for estheticians focusing solely on skin care, waxing, skin anatomy, protocols, services, ingredients, sanitation, contraindications, regulations, business knowledge, how to succeed and keep ourselves and our clients safe and healthy.

I have school loans, a family, a home, a career, a business. My education to be a certified
esthetician in 2012 to 2013 was $9,600 dollars. That was for 600 hours. Now there are schools with much less hours -- fewer hours that do not teach everything I was taught, which I feel is robbery of money, in all honesty. There is a school in Connecticut that charges $4,000 dollars for a 100-hour program. The program I was taught at spent a measly 100 hours on safety, sanitation, and contraindications. During my 600-hour program, the up-to-date state regulations were taught. Now in the state of Connecticut, dermaplaning and micro-needling is legally only done by registered nurses, APRNs, and physicians. These services are taught at schools in Connecticut to individuals that only sign up for the 100-hour esthetics program.

Proper regulations, safety, guidelines, protocols and laws, additional skin anatomy, services, techniques, and ingredients cannot be successfully taught in 100 hours. It barely can be taught in 600 hours. I am passionately in love with my career and continue my education constantly on my own will. I have personally witnessed firsthand what can happen when a person who calls themselves an esthetician does not have the proper education. I have seen firsthand clients get hurt, burned, and scarred by misuse of tools, treatments, and unsanitary situations. Please pass this bill to insure the safety of all Connecticut residents and other individuals who vacation and visit our beautiful state. Pass this bill to insure the knowledge and education to our professional estheticians, nail technicians, and eye lash technicians who deserve and work for the respect of our career. I did speak with Kate regarding possible amendments to the bill regarding language that would allow primarily anyone
to apprentice and she agreed that -- with her testimony would require amendments.

REP. FOX (148TH): Thank you. That was her testimony or your testimony?

TINA GILBERT: That was her testimony and I read through that pretty quickly.

REP. FOX (148TH): Are you a technician as well?

TINA GILBERT: I am not. I’m owner, a business owner, of an import company that imports cosmetics and we sell to the salon industry and teach to the salon industry.

REP. FOX (148TH): Great. Would you like to provide testimony now as opposed to coming back or do you have testimony?

TINA GILBERT: Do I have the opportunity?

REP. FOX (148TH): Sure, might as well.

TINA GILBERT: Okay. Sorry to anyone who was before me. Thank you for the opportunity. My name, as I mentioned earlier, is Tina Gilbert and I am here in support of the House Bill 6742 for the purposes requiring licensing for nail technicians, estheticians and eye lash enhancement, but only with amendments to certain specifics to the bill’s language. As mentioned, I am co-owner of a cosmetics import company. I am based in Deep River and we sell primarily to the salon industry and we train professionals on products and I work with podiatrists and industry professionals all around the country. We sell to all around the country plus Puerto Rico and Mexico.
The larger professional beauty industry is regulated by each state except for the state of Connecticut, not 19 as was earlier noted, and this is to protect consumers from harm and the spread of infectious diseases, and it’s also for the technicians themselves. Since 1999, during that time, there were four states that were not licensed. That was Connecticut, Nebraska, Alaska, and Utah. The latter three have all since licensed and you can find this current licensing information so that it is clear on cosmetology-license dot com. It has all the updated info.

Occupational licensing of nail technicians and estheticians plays an important role in protecting consumers and ensuring quality safe services. Regarding earlier testimony, I too share concerns with some of the wording the bill, particularly that which would not require education and testing through approved schools. These sections would have to be amended.

According to the state of Connecticut, training in nail technology or esthetics is considered post-secondary education. To offer these programs as a school, you have to go through a very rigorous approval process with the office of higher education, an important process that ensures the financial safety of students. The recommended 300 hours for the nail technology program and 600 hours for the esthetics program is about average of all those of the other 49 states, okay, so it’s not just some made-up number, there’s a reason for it. And from a nail technology standpoint, 300 hours in my opinion is bare minimum. I work with nail technicians and I have done so for nine years.
Massachusetts that was earlier referenced is 100-hour requirement and my professional clients and nail trainers from Massachusetts think that’s grossly insufficient. Further for nail technology, Vermont is 400, New Hampshire is 300, Rhode Island is 300, and comparatively, the great state of Tennessee requires 600 hours for nail technology with 150 hours alone dedicated to sterilization, sanitation, ethics, and bacteriology. That’s 50 hours more than what the two school owners here were offering, which I appreciate what they do because in a state that isn’t licensed, you run risks of not having anyone in your class.

And then regarding reciprocation, somebody had mentioned that earlier, a student here who has money on a 100-hour program cannot work in any other neighboring state but Massachusetts. The reciprocation must be with the same number of hours. Massachusetts is the only one. Rhode Island is 300 and that’s the closest we have down in the south. So this is not about a road block to discourage competition or create barriers to entry. Occupational licensing is not a regulatory scheme, it is a necessity to ensure public health and safety and the rights of workers in this state. Licensing validates these professions. Unlicensed and uneducated practitioners can and do inflict serious harm.

I’m not going to go into all that, but we’re talking Super Glue on eye lashes, okay? This is what people use, so at minimum, that’s frightening. It puts people -- consumers at risk for the spread of infectious diseases, fungal staph infections, Hep B, Hep C, HIV. My own mother nearly died of a pedicure, therefore I’m a serious activist.
Regarding human trafficking, it is well documented that it exists in all nail salons, whether for cheap labor or sex, it exists all over the country, okay, and with all due respect, I think it’s dangerous to believe that it does not happen here in Connecticut, but that being said, that component of the bill should not overshadow the need for education and licensing in this state. There are ways to address suspect human trafficking components in the industry, however large or small it is.

Some states, like Ohio and California, are now adding required continuing education hours that center around the education of human trafficking in the industry, so they recognize it, but in general, strong oversight by the local health districts will help curb this abhorrent behavior plus address serious public health concerns and labor violations. Thank you.

REP. FOX (148TH): Thank you. Any questions or comments? Thank you very much for your testimony today. I appreciate your patience.

TINA GILBERT: Thank you. And by the way, I do have a map here which shows all of the 50 states and all of the hours required in licensing for the 50 states and the only one in red here which requires zero is Connecticut, so if anyone would like to have it.


STEVE DONEN: Good evening. Representative Fox, Representative France, Representative Winkler, Representative Blumenthal, members of the committee, my name is Steve Donen. I’m a resident of Cromwell,
Connecticut. I’m here to oppose H.B. 7392, AN ACT CONCERNING VOTER PRIVACY. You should have a copy of my remarks. I’ll try and summarize them a little bit and maybe have time to mention a few points to respond to other comments I heard earlier today. For thirty years, I have been the owner and president of S D Associates, a small business in Hartford that provides a wide range of computer-related products and services to agencies of local, state and federal government, nonprofit organizations and political campaigns.

Among the services we provide are the development and enhancement of voter files in various states, including Connecticut. We improve the quality of addresses on these files using sophisticated mailing software and then enhance these files with such information as telephone numbers, ethnic and gender codes and additional voter history to make this information more valuable to candidates and committees. We then produce mailing lists and telephone lists for candidates and committees and work with other companies in Connecticut and across the country that design and produce direct mail, make calls to voters and conduct polls.

I’ve hired numerous computer programmers over the years as well as dozens of Connecticut high school and college students that have conducted research and keypunched information on voter history. First, let me quickly call to your attention that although I was unable to attend the committee’s public hearing on March 13th, I did submit testimony, which is online, expressing my concerns about the provisions in H.B. 7321 that limited disclosure just of part of the date of birth. That was one of Secretary Merrill’s bills, which obviously is her
position on this whole issue of non-restriction to access this year.

As you know, this bill goes much farther, restricting anyone other than candidates and political committees from acquiring voter registration information. The four reasons I would argue you should oppose this bill is number one, it’s inconsistent with Connecticut’s tradition of open government and full access to public records under our state’s FOIA Act. A second reason for opposing this bill is that it does not solve the problem of identity theft that most studies say the source of identity theft has been primarily credit card numbers and Social Security numbers, not dates of birth that are included on voter files and I would also mention dates of birth are available from a lot of sources, including people’s individual Facebook pages.

Third, access to this information should not be restricted because there is no expectation of privacy with voter information because voters submit their names, addresses, preferred party affiliation and dates of birth when they register to vote. They know that information is available to the public just as they know that information on their homes is available in the local tax office and their telephone numbers are listed in local directories.

My fourth reason, I’ll just summarize that obviously it would make it much more difficult to do the work we do with dozens of local businesses around the state, such as printers to meet the needs of our clients, but it would also be -- one of the things not covered by the language in this bill is it would make it impossible to work with special interest
groups here in Hartford or Washington who are working to advocate for their issues as part of the governmental process which they're entitled to do under the free speech clause of the First Amendment.

And finally, I just want to remind committee members that a similar bill introduced last year, that was the Secretary of State’s bill, was opposed by both sides of the aisle in this committee for many of the reasons I indicated and it was gutted totally in restricting access to the month and date of birth and that bill died on the House calendar at the end of the session. In conclusion, I hope you reject this bill again this year. I mentioned last year the challenges and high costs that small business face in Connecticut. This bill would put me out of business. Thank you for your attention and time today.

REP. FOX (148TH): Thank you very much. Are there any questions or Mr. Donen?

STEVE DONEN: If I could just mention real quickly, Mr. Chairman, I would say that the FOIA done last year when this bill was up from the Secretary of State’s Office, every individual and entity that bought this list over a three-year period, 90 percent of the names on it were organizations and companies that I knew were either competitors nationally had a legitimate use and clearly were using stuff for political purposes. They were governmental agencies, political science departments, and pollsters that were doing some kinds of surveys and social survey research and, you know, there hasn’t been a problem in here that this bill or any other addresses and the one example I keep hearing all the time is the one person who took
this and put this online, which is now there forever, and if you wanted to do one small thing rather than this bill would restrict the access, you could say anybody who uses this information for anything, you know, putting it online inappropriately is subject to some kind of fine or misdemeanor or worse and that would be a solution to some of the concerns I’ve heard in the earlier testimony.

REP. FOX (148TH): Thank you very much for your testimony. I appreciate your time.

STEVE DONEN: Thank you, Senator Flexer, also for your time this evening.

REP. FOX (148TH): Next up, James Bellano.

JAMES BELLANO: Good evening, Senator Flexer, Representative Fox, members of the committee. Thanks for staying late here tonight. My name is Jim Bellano. I’m the economic development director for the town of Windham and I’m here to speak in support of S.B. 1107, in particular the legislative change to Section 2. I think this legislative change is necessary, particularly with regard to private money developments in opportunity zones. The current historical preservation process is extremely arbitrary, subjective, and myopic with regard to that particular private money development. To put this in perspective, there are 25 distressed municipalities in Connecticut, 16 of them have opportunity zones overlaying them. Four of them have under 30,000 in population, which is the effect of this bill.

In addition, it only applies where buildings have been vacant and undevelopable for ten years or more
and as I understand it, it only involves private money development. I keep hearing about tax credits and state historic tax credits, that’s the policy part of CEPA, but we’re talking about the protection act part of CEPA, 22A-19A, we’re not talking about state money, we’re talking about private money here. I think opportunity zones are the key. The governor and the new DECD commissioner-designee have talked about opportunity zones as a way of infusing private money into distressed municipalities.

I went to a symposium last week on historic restoration here in Hartford. The president of the National Historic Trust Corporation gave a presentation on the limitations of historic preservation investment with opportunity zones. The point of her slide was opportunity zones, as they stand now, have very quick timing on their investments because it’s about unrealized capital gains. Anyone familiar with historic preservation process knows it’s extremely time-consuming, it’s uncertain, you may go years and maybe get those credits, maybe get CHFA money, or bond money, so it’s uncertain.

The two, as the stand now, don’t mix, so the answer the historic preservation committee is giving to oppose this exception doesn’t even work within the opportunity zone, those fundings as they stand don’t mesh very well.

In Windham, our historic district was designated in 1982. We had 45 contributing buildings at the time and that’s what the historic register says. We have 44 today, one burned down about 15 or 20 years ago, and I think the myopic part of it is, this is the historic district. If these two buildings come down
and go to 42, the whole historic district will be revitalized. It will be feet on the street, it’s the exactly what the Main Street and the National Main Street Center talk about. These two buildings, one was abandoned in ’78 as a dormitory by the state of Connecticut. Why? Because the costs were too high and the deteriorative condition of the building.

The other building, the Hooker Hotel was the center of illicit activity, prostitution, drugs. It’s the monument to heroin town, which we’re trying to shed that reputation. So maybe from the trust position, one building is 120 years old, one is 90 years old, to save them, we’re saying what history are you looking at? So I thank you for your time and I’d be happy to take any questions.

REP. FOX (148TH): Thank you very much. Any questions or comments? Representative Winkler.

REP. WINKLER (56TH): Would you be opposed, through the Chair, would you be opposed to a sunset provision? One of my concerns is that we -- any historic building in an opportunity zone in any of these four towns which have been vacant for ten years, forever under the current legislation, could be demolished and writing that sort of check just gives me pause, so I was wondering if you’d be opposed to some sort of sunset where after a certain period of time, the bill expired, if you will, and you’d have to -- or somebody would have to come back to us if they wanted to demolish some more historic buildings?

JAMES BELLANO: That might be a reasonable approach to sunset it and say how is this bill done after a certain amount of time and have we damaged anything.
Again, I think, you know, the distinction here is and my understanding is that when somebody takes historic tax credits, they fall under the policy part of CEPA and SHPO and the historic process is still engaged. This is a private money development and so are you saying despite the fact that it’s private money, you’re not taking state money, we’re still going to tell you how to build your building. I don’t know if that’s it, but I have no issue with sun setting, taking a look at it after a certain number of years.

REP. WINKLER (56TH): I’m just saying that it’s still a historic building.

JAMES BELLANO: Sure.

REP. WINKLER (56TH): Thank you, Mr. Chair.

REP. FOX (148TH): Any further questions or comments? Thank you for your testimony. I appreciate your patience.

JAMES BELLANO: Thank you.

REP. FOX (148TH): Is there anyone else here who wishes to testify who has not yet had the chance to be heard? Going once, going twice, the public hearing is closed. Thank you for everything.