The House of Representatives was called to order at 11:00 o'clock a.m., Speaker Joe Aresimowicz in the Chair.

Speaker Aresimowicz (30th):  

[Gavel] Will the House please come to order. Will Members, staff and guest please stand and direct your attention to the dais where my best friend, Father Jacobs will lead us in prayer.  

Deputy Chaplain Reverend Jacobs:  

Let us pray. God, Your House of Representatives continues to convene on behalf of the people of Connecticut. They do not do this alone, but acknowledging Your abiding presence, they continue to seek Your wisdom and Your guidance in doing what is the right thing for all of God's people. Amen.
Was I too short, Speaker. [Laughter] [Applause]

SPEAKER ARESIMOWICZ (30TH):

We’re doing something a little bit special with the Pledge today. So as we’re getting ready if I could have Representative Horn come join me on the dais. We have a Color Guard that is going to present the Colors and then Representative Horn will lead us in the Pledge facing the Color Guard.

REP. HORN (64TH):

(ALL) I pledge Allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God indivisible with Liberty and Justice for all.

SPEAKER ARESIMOWICZ (30TH):

Representative Boyd of the 50th District, sir you have the floor.

REP. BOYD (50TH):

Good morning, Mr. Speaker.

SPEAKER ARESIMOWICZ (30TH):

Good morning, sir.

REP. BOYD (50TH):
I rise for the purpose of an introduction.

SPEAKER ARESIMOWICZ (30TH):

Please proceed.

REP. BOYD (50TH):

Thank you, Mr. Speaker. Representative McGorty and myself on behalf of the Legislative Fire EMS Caucus, want to welcome everybody to Fire Service Day and particularly want to thank Hartford Fire Department for providing our Color Guard today and please give a very warm welcome to all the Chief and representative from the Connecticut State Fire Fighters Association who could be here with us today on the Capital. So welcome, thank you for what you do. [Applause]. Today down in the North Lobby will be a change to speak with our members of the fire service on legislative initiatives. I’m told there will be ice cream down there with is always a legislative favorite and a change to talk about things that are really important to the men and women who are our first responders. Mr. McGorty.

REP. MC GORTY (122ND):
Good morning, Mr. Speaker. I do want to thank my Co-Chair for Fire EMS Caucus and all the members of the fire service that have been here throughout the year to help us at our caucus and help us with the legislation to make a safer Connecticut. I want to thank everybody for coming up today and everybody enjoy the ice cream, it’s gonna be great. Thank you. [Applause]

REP. BOYD (50TH):

Thank you, Mr. Speaker.

SPEAKER ARESIMOWICZ (30TH):

Thank you very much, sir. The distinguished Minority Leader, Representative Klarides of the 114th, madam you have the floor.

REP. KLARIDES (114TH):

Thank you, Mr. Speaker. I want to thank our Co-Chairs for the great work they do in the Fire and EMS Caucus and welcome all our wonderful first responders here today. Thank you for what you do saving our lives and a special welcome to Chuck Stankyo from our amazing Paugassett Hook and Ladder
Company No. 4 in Derby who were ride on and with on the Parade on Memorial Day, 20 years now for me, and you know, less for some of my colleagues but we are proud to be part of your group. We are proud to have you here and we thank you every day for what you do. [Applause]

SPEAKER ARESIMOWICZ (30TH):

Representative Klarides, I know your sister was with you and we also have Representative Rochelle and before that was Representative Gentile and I’ve heard interesting stories over the years about that parade. Yeah, okay. Representative Ritter of the 1st District, sir you have the floor.

REP. RITTER (1ST):

Mr. Speaker I want to echo the Minority Leader’s comments and welcome everybody here to the Capital today, particularly I saw the Hartford Fire Department who lead us in the Pledge of Allegiance. We appreciate your service to our State, the hard work you do every day, the men and women of all the fire departments both voluntary and non-voluntary.
It is one of the great traditions of Connecticut of how many towns are run by volunteer fire departments. So again we appreciate your service. We hope you enjoy today. I hope there is a good reception for 'ya and again thanks for being here today. Mr. Speaker, thank you. [Applause]

SPEAKER ARESIMOWICZ (30TH):

And in a true plug in Betty Boukus fashion, I will remind everybody that our municipalities save a great deal of money by having volunteer firefighters, those volunteer firefighters also require training and we’ve been really pushing for it with our fire schools and getting 'em updated. There are still some more to do so I would urge very legislator to contact the Governor’s office and let him know it is a priority of this entire Chamber to make sure our brave men and women have the training they need to provide our towns and our people the safety they need. So, gentlemen thank you. [Applause]

Are there any other announcements or
introductions? Representative Cheeseman of the 37th.

REP. CHEESEMAN (37TH):

Thank you very much, Mr. Speaker. And I want to join everyone in the Chamber in welcoming our brave first responders. I’m very thrilled to have with me today Ed Waido former Chief of the Flanders Fire Department and a 50-year career firefighter and an all-around great guy. I also have with me, and not from my district, but a great supporter of the Children’s Museum Christine Wallace, she and her mother are the owners of Shipman’s Fire Equipment and I think that everyone who works in the fire departments knows of them. And Shipman’s flying my Children’s Museum hat, donated a three-quarter size fire engine cab to the museum with a siren and lights that work so all of you would be firefighters out here. I might turn a blind-eye not being a child if you want to come ride it. So if the Chamber could give these two wonderful people their usual warm welcome, I would be very grateful.
[Applause]

SPEAKER ARESIMOWICZ (30TH):

Thank you very much, madam. Representative Gibson of the 15th for an announcement or an introduction.

REP. GIBSON (15TH):

Good morning, Mr. Speaker.

SPEAKER ARESIMOWICZ (30TH):

Good morning, sir.

REP. GIBSON (15TH):

How are you today, sir.

SPEAKER ARESIMOWICZ (30TH):

I see some familiar face for me in the Chamber, I’m guessing you’ve got an introduction?

REP. GIBSON (15TH):

Mr. Speaker, I rise in purpose of introduction. Yes, a couple of these young athletes actually know you. I come to introduce and to ask my colleagues to welcome members of the Bloomfield High School Athletic Program. These young student athletes lead by Athletic Director, Ms. Tammy Schondelmayer, Head
Girls Track Coach Anne Burrows, Head Boys Track Coach Garfield White and Assistant Football Coach and Coach Maurice Calenda have done something that is tremendous. Not only are they great student athletes who constantly make the Honor Roll and strive academically they have won state championships, the girls team has won ten consecutive Class S Championships, the boys team has won numerous and has just won the Indoor Class Championship and the boy’s football team, who had an outstanding record, won the Class S State Championship this year. However, their perfect record was foiled by one of our friend’s here in the Chamber who coaches for Berlin High School [Laughter], you Mr. Speaker.

SPEAKER ARESIMOWICZ (30TH):

Representative Gibson, in all fairness I went on to become their biggest fan and I told the team and the coaches at the Championship Breakfast that I knew they were gonna win a State Championship and I’d be celebrating with ‘em, classy kids, classy
coach. It may be the one blemish but it was my benefit to get to know them. [Cheers] [Applause] And Representative Gibson, you know, right back the next year we place each other, we’ll be right back to goin at it, so just for the record.

REP. GIBSON (15TH):

Boys ya hear that. We’ll see them in Berlin. [Laughter] Thank you, Mr. Speaker.

SPEAKER ARESIMOWICZ (30TH):

Thank you very much, sir. Are there any other announcements or introductions? Representative Case of the 63rd District, sir you have the floor.

REP. CASE (63RD):

Thank you, Mr. Speaker. For a point of introduction, please.

SPEAKER ARESIMOWICZ (30TH):

Please proceed.

REP. CASE (63RD):

Through you, Mr. Speaker.

It’s a honor for me to have with me, Mr. Richard Winn, retired from the West Hartford Fire
Department as the Assistant Chief and now is the Director and running the up and newest fire training school in the Northwest Corner, happens to be in the 63rd District, we are very proud and for anybody who wants to see a start of the art school and a man who can run a great program, we service over 1,000 square miles in the Northwest corner and I just want to give Rich a round of applause for getting that school off the ground and it’s up and running.

Thank you, Mr. Speaker.

SPEAKER ARESIMOWICZ (30TH): Thank you very much.

[Applause] Representative Devlin of the 134th, madam you have the floor.

REP. DEVLIN (134TH):

Good morning, Mr. Speaker.

SPEAKER ARESIMOWICZ (30TH):

Good morning, madam.

REP. DEVLIN (134TH):

Thank you. I first of all would just like to also extend my thanks to everybody here in terms of first responders that protect us but I am here to
recognize also the fine Chief of the Fire Department of the Town of Fairfield, Dennis McCarthy. Chief McCarthy joined us in 2015 after serving in Norwalk. Fairfield is one of the homes of a fabulous regional fire training school and we are really proud of our Chief who was recently inducted into the Connecticut State Firefighters Hall of Fame. So, welcome Chief. [Applause]

SPEAKER ARESIMOWICZ (30TH):

That’s a pretty cool accomplishment, Chief. Congratulations. [Applause]. Representative Yaccarino of the 87th. Sir, you have the floor.

REP. YACCARINO (87TH):

Thank you, Mr. Speaker and good morning, great to see you up there. Before I introduce my Chief I would like to thank all the firefighters, first responders what you do for us every day, men and women you’re so great so thank you so much. But with me is North Haven’s Fire Chief who was a volunteer and is now a career fire chief, one of the youngest chiefs in Connecticut, Paul Januszewski
does a great job with our career firefighters and our volunteer firefighters so I would like you to give him a warm welcome. Thank you.

SPEAKER ARESIMOWICZ (30TH):

Thank you for what you do, Chief. [Applause]

Representative Wilson Pheanious of the 53rd, madam you have the floor.

REP. WILSON PHEANIOS (53RD):

Yes, good morning. I am rising to bring to people’s attention that at the foot of the stairs there is a booth for the Fatherhood Initiative of Connecticut. Many of you in this Chamber may remember John Martinez. John Martinez, many years ago, started the Connecticut Fatherhood Initiative and it is still going very strong. As Father’s Day approaches, I want people to recognize that they have the opportunity to go down there, make a little video about just how important their father was to them and how important men are in the lives of their children and of everyone. So I hope people will take the opportunity to go down, see the folks at
DSS from the Fatherhood Initiative, make a little video, thank you dad, your uncle, the men that stood up for you and I also want to say, thank you very much to the firemen who protect us every day. I know many of you men are fathers, as Father’s Day approaches, I hope someone will be remembering you. So thank you very much for this opportunity. Good morning. [Applause]

SPEAKER ARESIMOWICZ (30TH):

Thank you very much, madam. Representative Wilson of the 66th, sir you have the floor. Quite crowded in over there aren’t you Representative?

REP. D. WILSON (66TH):

Thank you, Mr. Speaker. And as you can tell my voice is worse today than it was yesterday but hopefully I’ll make it through the day. I have the pleasure this morning of having with me the Chief of the Litchfield Fire Department who served as the Grand Marshall in this year’s Memorial Day Parade in Litchfield and he is also a recent inductee of the Connecticut Firefighters Hall of Fame Chief Jim
Kosher. Hope we will all give him a great welcome.

[Applause] Thank you.

SPEAKER ARESIMOWICZ (30TH):

Representative Dauphinois of the 44th, madam you have the floor.

REP. DAUPHINAIS (44TH):

Thank you, Mr. Speaker. A special thank you to all the first responders and fire departments here today. We especially appreciate what you do every day putting your lives on the line for us. Representative Hayes and I would like to introduce to you our Fire Chief from the Dayville Fire Company Keven Ide. He was proud to tell me that 40 percent of their force are women. So he was very proud to share that. So thank you for coming here and give him a special hand. Thank you.

SPEAKER ARESIMOWICZ (30TH):

Absolutely. [Applause]

REP. DAUPHINAIS (44TH):

And I just like to turn this over

Representative Lanoue is going to introduce our
Moosup Fire Department Chief.

REP. LANOUE (45TH):

Thank you, Mr. Speaker. I’m proud to introduce Chief Heon from the Moosup Fire Department. They proudly represent both, they serve the people in our district, my district as well as Representative Dauphinais. To that beautiful group of people who are running into the buildings, running into the homes when other people are running out. Chief thank you so much for keeping us safe, we appreciate it. You guys are fantastic and again I want to thank all the first responders for being here today and doing everything you do every single day. God bless you all.

SPEAKER ARESIMOWICZ (30TH):

Thank you, sir. [Applause] The chief with the high percentage of women that you have in your fire department, I think you figured out what we figured out in the Chamber, the more women we have the better the organization so keep up the great work. [Applause]. Representative Betts I see you have
Representative Pavalock D'Amato next to you too, so you have the floor.

REP. PAVALOCK-D'AMATO (77TH):

This is short. [Laughter] Thank you. Thank you, Mr. Speaker. I along with Representative Betts and Representative Ziogas want to welcome from Bristol Chief Jay Kolakoski and again we want to thank him and the entire department and everybody for coming today and also like Ann said, for keeping us safe and for everything you do for our communities. So thank you very much. [Applause]

SPEAKER ARESIMOWICZ (30TH):

Thank you very much, Chief. [Applause]

Representative Zupkus you have the floor, madam.

REP. ZUPKUS (89TH):

Through you, Mr. Speaker. I would just like to thank all of you for protecting and serving us. I would, not to be a downer, but in Prospect we just lost our Fire Chief, Keith Griffin and some of you may know him and so I just wanted to recognize him because he has been a cornerstone for the fire
department and in Prospect also. So in his honor, thank you for doing everything that you do every day. [Applause]

SPEAKER ARESIMOWICZ (30TH):

Thank you, madam. Representative Michel of the 146th, sir you have the floor.

REP. MICHEL (146TH):

Thank you, Mr. Speaker. I rise to make a comment.

SPEAKER ARESIMOWICZ (30TH):

First of all Happy First Responders Day and I want also echo my colleagues thoughts which is to thank all the firemen for risking their lives to protect others and I too was a fire, a volunteer fireman so thank you again and thanks for everything that you do. [Applause]

SPEAKER ARESIMOWICZ (30TH):

Thank you very much, sir. Representative Johnson of the 49th District, you have the floor, madam.

REP. JOHNSON (49TH):
Thank you, Mr. Speaker. And I first of all want to thank all the firefighters and first responders for the great work that they do. I know in my community we have wonderful people who are doing great work saving our people and saving our buildings every single day. So for purposes of introduction, Mr. Speaker I would like to introduce our Chief, our Fire Chief of the Willimantic Fire Department, Chief Scribner. Please give him a very warm welcome, he does fabulous work. [Applause].

SPEAKER ARESIMOWICZ (30TH):

Thank you very much, madam. Representative Klarides of the 114th, madam you have the floor.

REP. KLARIDES (114TH):

Thank you, Mr. Speaker. For purposes of an introduction. This morning we are very lucky to have all our firefighters so we are starting out the day happy, hopefully you and I can continue that day in a happy mode, I can’t guarantee it but I’ll try my best. [Laughter] We have another special person here visiting us today. Anybody who knows sports or
listens to spots or now listens to morning radio
knows this very special person and friend of our Joe
D’Ambrosio who is up there. Joe D, let’s give him a
big round of applause. [Applause].

SPEAKER ARESIMOWICZ (30TH):

It’s good to see you up there, Joe. I’m a
little nervous about this, he’s looking down on me.
[Laughter] Are there any other announcements or
introductions? Again thank all the first
responders, we really appreciate you comin up and I
hope everyone can get a chance to get downstairs.
Chamber will stand-at-ease. [Gavel]

[Gavel] House come back to order. Mr. Clerk
is there any business on your desk, sir?

CLERK:

Yes, Mr. Speaker. The only business I have is
the daily calendar.

SPEAKER ARESIMOWICZ (30TH):

Well, we gonna need that so I’m glad you have
it. Will the Clerk please call House Calendar No.
72.
CLERK:


SPEAKER ARESIMOWICZ (30TH):

Representative Steinberg of the 136th, you have the floor.

REP. STEINBERG (136TH):

Thank you, Mr. Speaker. I move for Acceptance of the Joint Committee’s Favorable Report and Passage of the Bill.

SPEAKER ARESIMOWICZ (30TH):

Question before the Chamber is on Acceptance of the Joint Committee’s Favorable Report and Passage of the Bill. Representative Steinberg.

REP. STEINBERG (136TH):

Mr. Speaker when we are talking about gun violence, when we’re talking about the opioid epidemic, when we’re talking about teen suicide sooner or later we found ourselves talking about
mental health issues. We know we don’t spend enough on mental health here in the State of Connecticut that is why the mental health parity is so important to us but there are many things that we can do to help address mental health issues in the State of Connecticut. This Bill is one of them. It has been a longtime coming and I am glad we finally have the Bill before us. Art therapists play an important role in helping all sorts of people get through a variety of issues. So this is a group that like many others have not to this point been licensed and this Bill would finally license our art therapists. They had been through the Scope of Practice Review and we’re finally ready to acknowledge that only licensed art therapists can operate under that name.

Mr. Speaker, the Clerk is in possession of an Amendment LCO 9218. I would ask the Clerk to please call the Amendment and that I be grated leave of the Chamber to summarize.

DEP. SPEAKER BUTLER (72ND):

Will the Clerk please call LCO No. 9218 which
will be designated House Amendment Schedule “A”.

CLERK:

House Amendment Schedule “A” LCO No. 9218 offered by Representative Steinberg.

DEP. SPEAKER BUTLER (72ND):

The Representative seeks leave of the Chamber to summarize the Amendment. Is there any objection to summarization? Is there any objection? Hearing none, Representative Steinberg you have the floor, sir.

REP. STEINBERG (136TH):

Thank you, Mr. Speaker. The Amendment is pretty simple. It makes a couple of minor technical changes. The one important aspect is that it removes DPH for responsibility for identifying the appropriate programs because there are other bodies here in the United States that can serve that roll rather than DPH. I move adoption.

DEP. SPEAKER BUTLER (72ND):

The Question before the Chamber is adoption of the House Amendment Schedule “A”. Will you remark
on the Amendment? Representative Steinberg.

REP. STEINBERG (136TH):

I’m fine.

DEP. SPEAKER BUTLER (72ND):

Representative Petite from the 22nd.

REP. PETIT (22ND):

Thank you, Mr. Speaker. I’ll hold the comments and questions to the Bill. Thank you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Yaccarino. No, okay.

Representative O’Dea you have the floor, sir.

REP. O’DEA (125TH):

Thank you very much, Mr. Speaker. Just a brief question on the Amendment to the proponent if I may? Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Please proceed.

REP. O’DEA (125TH):

I apologize I haven’t had a chance to go through this Amendment but in briefly could you just describe what the Amendment does to the underlying
Bill?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Steinberg.

REP. STEINBERG (136TH):

Thank you, Mr. Speaker, I would be glad to for the good Representative’s benefit. It does make a roughly three different technical changes omitting a few words that were not needed on line 38 eliminating a couple of other lines and renumbering but the important provisions are lines 46 through 55 and the really, the critical part is that it removes DHP from the direct responsibility of being the certifying authority. They will do the licensing but there are national organizations that are managing art therapists already. It’s taken a few years actually for those organization to be identified and this is why this Bill is now timely because the appropriate safeguards are now in place to make sure that when we license art therapists that they will be appropriately accredited.
Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative O’Dea.

REP. O'DEA (125TH):

Thank you very much to the proponent for that explanation. So this is going to alleviate some burdens that was on DPH now because they are national recognized and DPH does not have to go through that process. Is that correct?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Steinberg.

REP. STEINBERG (136TH):

Thank you, Mr. Speaker. Yes this is an issue we had broadly with many of our agencies. We put a lot of responsibility on them and this instance DPH not only needs the resources to administer a licensing program but they are very careful to make sure if there is a national organization that is better suited for the accreditation then they are recognized rather than having DPH do it themselves.
Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative O'Dea.

REP. O'DEA (125TH):

Thank you very much, Mr. Speaker and I thank the good proponent of this Amendment. I’ll reserve my remaining remarks, lengthy remarks once the Amendment is adopted. Thank you very much, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Klarides-Ditria. Will you remark further on the Amendment? Will you remark further on the Amendment? If not, I will try your minds. All those in favor signify by saying, aye.

REPRESENTATIVES:

Aye.

DEP. SPEAKER BUTLER (72ND):

Opposed, nay. The ayes have it. The Amendment is adopted. [Gavel] Will you remark further on the Bill as Amended? Representative Petit.

REP. PETIT (22ND):
Thank you, Mr. Speaker.

Through you.

To the Chairman of Public Health. The Amendment that we just passed is written, I assume removes any significant fiscal note from this Bill.

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Steinberg.

REP. STEINBERG (136TH):

Thank you, Mr. Speaker. It does have a fiscal note but I should add that we worked with Appropriations to make sure that the funding required for the staffing, not only for this licensing program but several other programs that we’ve talked about or will be talking about before session is over. That is all covered under that same fiscal note. I would add, I think we are getting tremendous value out of DPH for their ability now to handle licensing and certifications of programs we’re talked about for years and we will now, finally be able to include as well.
Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Petit.

REP. PETIT (22ND):

Thank you, Mr. Speaker.

Through you, Mr. Speaker.

There were some concerns raised during Public Hearing and during discussion about people providing using art in various formats in nursing facilities, in hospitals, etc. How does this Bill.

Through you, Mr. Speaker.

Effect people doing those types of activities that are not licensed art therapists?

DEP. SPEAKER BUTLER (72ND):

Representative Steinberg.

REP. STEINBERG (136TH):

Thank you, Mr. Speaker. I think that good Representative is really focused on the crux of the matter which is art therapy can mean many different things in many different settings but what’s important is that the person describing themselves
as an art therapist or after this Bill is passed, a licensed art therapist, has the appropriate background and experience and that has been a lot of our focus, a lot of our conversation when we’ve talked about the accrediting agency was to establish an effective standard. We would not seek to license our therapists unless we were confident that we were establishing a standard that was reasonable of competency, for professionalism and that those that would describe themselves as performing art therapy but who have not gone through the requisite education and training would not be doing so. So this is really an important matter. We do this for a variety of Bills. We talked about the title of social workers this session and it comes up every couple, three years that we have another group that actually demands, requests of us that we certify them or that they create a license to assure that those who are operating are doing so in a professional ethical manner and they can differentiate between those that are doing that and
those that are not. I think the most important thing I can say is that we put the applicant for licensure through a Scope of Review, Scope of Practice Review such that DPH has an opportunity to consider the merits of licensure before legislature typically would take up such a measure.

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Petit.

REP. PETIT (22ND):

Thank you, Mr. Speaker.

Through you.

Does the Chairman of Public Health know what the licensing fee will be and whether it will be a yearly or every two or three year fee?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Steinberg.

REP. STEINBERG (136TH):

Thank you, Mr. Speaker. I knew that once. Let me, could we have a brief timeout, Mr. Speaker?
DEP. SPEAKER BUTLER (72ND):

The Chamber will stand-at-ease.

REP. STEINBERG (136TH):

Mr. Speaker, I am not prepared to provide the good Representative an answer.

DEP. SPEAKER BUTLER (72ND):

The Chamber will come back to order.

REP. STEINBERG (136TH):

Thank you, Mr. Speaker. I will refer to the good Representative to lines 75, 75, 77 of the Amended Bill where it indicates the “Licenses issued under this section shall be renewed annually” and renewal fee “shall be one hundred ninety dollars.”

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Petit.

REP. PETIT (22ND):

Thank you, Mr. Speaker. And finally can the Chairman of Public Health let the Chamber know what the requirements for this will be? Will this be a college degree, a master’s degree, a doctoral degree
what type of training will be required for people to go forward and be licensed in this specific area?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Steinberg.

REP. STEINBERG (136TH):

Thank you, Mr. Speaker. And to amplify further on my former answer they also need to apply for the license and even though the good Representative didn’t ask me that, I’m gonna answer it anyway and the application fee for that is $315 dollars. So that really represents the full obligation they need to maintain certification. To answer the good Representative’s question about educational requirements, they have to be able to indicate “graduate degree in art therapy or a related field from an accredited institution of higher education, and they are currently holding a credential or certification as an art therapist from the Art Therapy Credentials Board”, the afore eluded to credentialing agency for which we defer on matters
of expertise.

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Petit.

REP. PETIT (22ND):

Thank you, Mr. Speaker.

And through you.

A more general philosophical question, we have dealt with certainly in Committee and on the Floor a number of Bills dealing with posttraumatic stress and I wondered if the good Chairman could comment on the applicability of this type of therapy in that arena since we have considered it for a number of our first responders?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Steinberg.

REP. STEINBERG (136TH):

Thank you, Mr. Speaker. I really appreciate the question from the Representative. It is really remarkable the various ways that art therapy can
help a wide range of people whether they are young, whether they are old, whether they’ve had a specific trauma, whether they’ve had ongoing illnesses art therapy is practiced today is remarkable. It affords individuals an appropriate outlet perhaps where they can express themselves or their angst that their trauma in other ways. Art therapy remarkably seems to be very effective in a variety of guises and the good Representative brought up posttraumatic stress syndrome and indeed that has been used successfully on many occasions for those who suffer from that and is often sort of the initial step to a real breakthrough.

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Petit.

REP. PETIT (22ND):

Thank you, Mr. Speaker. I guess one more, my apologies. The Bill speaks to certain exemptions for providers in this area. Can the Chairman enumerate people doing what types of work with
patients/clients would be exempted from this Bill?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Steinberg.

REP. STEINBERG (136TH):

Thank you. If I understand the Representative’s question correctly we do make a distinction and these provisions would not actually apply to a person who provides art therapy while acting within the Scope of Practice of the person’s license in training provided the person does not hold himself or herself out to the public as an art therapist or after the Bill passes a licensed art therapist. It’s not as if we’re trying to inhibit the use of some therapy practices by other practitioners but that if you are going to describe yourself as an art therapist you have to go on through the required provisions in this Bill.

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Petit.
REP. PETIT (22ND):

Thank you for that. So in essence as I understand it going back to one of my earlier questions if a hospital or nursing facility is having a painting class or sculpture of mixed media event as long as they do not advertise in the facility or outside the facility that they are providing art therapy per se that would still be an allowed activity, many facilities do this on a regular basis.

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Steinberg.

REP. STEINBERG (136TH):

Thank you, Mr. Speaker. Yes, the Representative has that right. As we did with so many different areas, the purpose of licensing is also to create a clear line of who meets that standard and who doesn’t. So it’s that public presentation of credential that we find so important and that is why our therapists have actually asked
us to create this licensing category, they are proud of their training, they are proud of their expertise and they want to assure those who go by that title are worthy and able to provide the full scope of services that a licensed art therapist would provide.

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Petit.

REP. PETIT (22ND):

Thank you, Mr. Speaker. That’s all I have for questions, I think this Bill serve a good purpose as the Chairman has noted this has been apparently floating around the Building for close to a decade, I’ve heard about it for the past three session as well so its involved collaboration through many, many people and been through many different iterations and I think it is a good form that is not going to cost the State money and actually have a positive fiscal note and may allow facilities that are using different forms of art, if you will, to
help patients that continue to do so but will implement appropriate licensing for people who are doing this therapeutically and billing for those services. So I thank the good Chairman for his persistent work on this issue and thank you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Klarides-Ditria, you have the floor, ma’am.

REP. KLARIDES-DITRIA (105TH):

Thank you, Mr. Speaker. I have a few questions for the proponent of the Bill.

DEP. SPEAKER BUTLER (72ND):

Please proceed.

REP. KLARIDES-DITRIA (105TH):

Through you, Mr. Speaker.

For clarification for my colleagues can you explain to us and give some examples of what art therapy is?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):
Representative Steinberg.

REP. STEINBERG (136TH):

I really appreciate the question because it is too easy to be dismissed as art therapy as being an actual discipline but those who have actually studied what art therapists to recognize, you know, we’re all wired differently and we have differently leaning modalities but there are also many of us who are not necessarily verbal or able to express feelings of trauma or other mental health concerns verbally and remarkably art therapy provides a means by which for those who might not be comfortable expressing themselves in other fashion have a means of expression. And it’s not necessarily a standalone or replacement for other mental health therapies, they often work in collaboration with other mental health professional but these art therapists have a broad toolbox of different ways in which they can assist someone to express themselves to deal with their stress, to deal with their trauma in a constructive fashion and often lead to a
breakthrough which had been achieved via other means.

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Klarides-Ditria.

REP. KLARIDES-DITRIA (105TH):

Can you tell us or give us examples of those tools in the toolbox?

Through you.

DEP. SPEAKER BUTLER (72ND):

Representative Steinberg.

REP. STEINBERG (136TH):

Thank you, Mr. Speaker.  I can’t claim to be an expert on the whole toolbox but I will say that often times it is through the use of having the indivual being treated creating art through whatever modality they find most comfortable is the form of expression that can’t be achieved through other means.  So encouraging and individual to express themselves perhaps on the specific issue they have or trauma or just how they are feeling at any given
point often is an incredibly valuable form of expression which helps initiate a dialogue that will lead to therapy and recovery. So it is something that has been tried a variety of ways, these art therapists I would imagine work in a variety of media, a variety of modalities that they find would help that individual best express what they are feeling, what they are thinking but as you might imagine, it is the wide world of art which is at their fingertips and they apply it, having had a lot of experience in what works and what doesn’t. But everybody is a little different and sometimes it takes a little trial and error to help somebody express themselves appropriately.

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Klarides-Ditria.

REP. KLARIDES-DITRIA (105TH):

Through you, Mr. Speaker.

Is there an increased need for art therapists in Connecticut?
Through you.

DEP. SPEAKER BUTLER (72ND):

Representative Steinberg

REP. STEINBERG (136TH):

Thank you, Mr. Speaker. My understanding is with a lot of issues related to healthcare access in this State in some areas we have adequate resource in art therapy and other areas not as much. This Bill is really more about licensing those art therapists who have gone through the extra step of getting the appropriate education, of getting the accreditation such that they are recognized, acknowledged and appreciated for their expertise and it is really more about that than it is necessarily about access or supply of our therapist.

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Klarides-Ditria.

REP. KLARIDES-DITRIA (105TH):

Through you, Mr. Speaker.

Is art therapy currently the only non-licensed
mental health profession in Connecticut?

Through you.

DEP. SPEAKER BUTLER (72ND):

Representative Steinberg

REP. STEINBERG (136TH):

Thank you, Mr. Speaker. I can’t speak for certainty but I imagine there are other mental health related functions out there which are not licensed currently and in fact we may have another Bill this session that talks about marital and family therapist and their licensing’s, so I think the good Representative’s is pertinent in the sense that because mental health is such a big issue not only here in Connecticut but across the country. We are looking for a variety of means by which we can address this huge problem and there are a number of different experienced individuals who can be part of that panoply of care that we’re seeking and to the point of the good Representative’s question I’m sure there will be other areas in which we will choose to license or certify in a manner to assure the quality
of their care as well.

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Klarides-Ditria.

REP. KLRIDES-DITRIA (105TH):

Thank you, Mr. Speaker. And thank you to the proponent of the Bill for the clarification. I think this legislation provides a unique skill and talent which serves to greatly improve the quality of life for people facing various struggles here in the State of Connecticut so I encourage my fellow legislators in the Chamber to support and adopt this legislation. It’s a good Bill and it ought to pass. Thank you.

DEP. SPEAKER BUTLER (72ND):

Representative Bolinsky. You have the floor, sir.

REP. BOLINSKY (106TH):

Thank you, Mr. Speaker. I’d just like to start my comments.

Through you.
By thanking the Chairs of the Public Health Committee and the Department of Public Health for their work over the past three years in moving this Bill to a vote and hopefully passage today.

Through you, Mr. Speaker.

A quick question for the proponent of the Bill.

DEP. SPEAKER BUTLER (72ND):

Please proceed, sir.

REP. BOLINSKY (106TH):

On this Bill itself with passage, will there be a negative fiscal impact versus, you know, what might be the income that comes in from the licenses when all is said and done?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Steinberg.

REP. STEINBERG (136TH):

Thank you, Mr. Speaker. And I thank the Representative for the question it is important in that we project based upon the number of art therapists that we believe will apply for licensure
that the revenue generated through applications and fees should probably actually exceed the cost of administering the program. So even though it has a fiscal note in terms of the resources it requires at DPH this is something that will not in the end cost the State of Connecticut and indeed will benefit from it. And before I hand back to the Speaker I would be remiss if I do not acknowledge the hard work of Representative Bolinsky on this. He’s demonstrated remarkable perseverance and even more importantly patience as year after year we’ve struggled to bring this Bill forward. He was patient while we went through a Scope of Practices Review. He was patient while we found the resources and I am very hopeful that this will pass with bipartisan support and I want to thank Representative Bolinsky for staying with this and I hope today is the day it will finally happen.

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Bolinsky.
REP. BOLINSKY (106TH):

Through you, Mr. Speaker.

Thank you so much for your kind words Chairman of the Public Health Committee, Representative Steinberg. I thank you for your persistence in understanding what everyone in this Chamber should understand about this Bill. This is one of the Bills that comes before us that is just a nice Bill. The whole concept of art therapy is to open deeply recessed parts of the mind and reach people that have very, very serious repressed issues that could have responded or that could have resulted from trauma or might be deeper mental health issues. But it happens to be a remarkable way to reach through ailments such as Alzheimer’s and dementia to get at lower deeper problems. But my first introduction to the Bill came in the aftermath of the Sandy Hook School massacre which of course affected my town very, very deeply and that is where I learned that we could help children with memories that were unspeakable and provide help so, a very good Bill. A
very good, you know, subdivision of mental health and a different way of creating better people that are able to rise up and conquer their challenges to be a productive member of society. So I implore all of my colleagues to give this a yea vote and let’s pass it to the Senate and finish the job that we started three years ago. So thank you very, very much Mr. Speaker and again to Representative Steinberg thank you very, much, bless you.

DEP. SPEAKER BUTLER (72ND):

Thank you, sir. Representative Mastrofrancesco, you have the floor, ma’am.

REP. MASTROFRANCESCO (80TH):

Thank you, Mr. Speaker. Mr. Speaker I rise as I have questions for the proponent of the Bill.

DEP. SPEAKER BUTLER (72ND):

Please proceed.

REP. MASTROFRANCESCO (80TH):

Thank you very much. Just a couple of questions for clarification. In the Bill on lines 84 and 85 it says that they can have a degree in art
therapy or related fields. Can you just kind of give me an example of another related field that would accommodate that?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Steinberg

REP. STEINBERG (136TH):

Thank you, Mr. Speaker. It is a good question. I cannot describe the curriculum or the degree that would be appropriate. Obviously art would have to be involved and certainly you would assume some understanding of psychology and mental health would be critical. I don’t have a specific example for the good Representative of something that would qualify but that is why the accrediting agency, accrediting board is so important. They have the expertise to determine what meets the standard for appropriate expertise and even if it isn’t explicitly and art therapy degree, they would be familiar with programs that meet those criteria.

Through you, Mr. Speaker.
DEP. SPEAKER BUTLER (72ND):

Representative Mastrofrancesco.

REP. MASTROFRANCESCO (80TH):

Thank you.

Through you, Mr. Speaker.

Thank you for that answer. Just for clarification there is a section in there that says the Commissioner of Public Hearing can take disciplinary action against an art therapist for the following reasons and one of them is “physical, mental or emotional illness or disorder resulting in the inability to perform to the accepted standards of professions” and I just need clarification on that because when I read that art therapy is very good for people as Representative Bolinsky mentioned Especially people with Alzheimer’s and dementia and they express their selves in different ways so I am just curious as to what type of disciplinary action would be taken to that?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):
Representative Steinberg.

REP. STEINBERG (136TH):

Thank you, Mr. Speaker. That’s a good question. I’m not an expert on disciplinary actions against healthcare practitioners in a variety of fields. But I think the good Representative would understand that we put tremendous responsibility on those who take care of those with mental health issues and I believe that the language you find here is fairly common when you are trying to assure that a practitioner who has taken on that responsibility is safe to do so, I guess is the vest way of putting it. And this requirement that that person is of themselves competent in a variety of manners is very critical for the delivery of healthcare. So I don’t think this is necessarily an unusual reference here in terms of disciplinary actions, it is something that we would expect that if they are not able to perform their services competently or, you know, appropriately that they would be subject to disciplinary action.
Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Mastrofrancesco.

REP. MASTROFRANCESCO (80TH):

Thank you.

And through you, Mr. Speaker.

I noticed in here that if they do not conform or they are charged for falsifying that they are licensed therapists it would be consider a Class-D felony. Has there been complaints or any complaints to the State of Connecticut on this issue?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Steinberg.

REP. STEINBERG (136TH):

Thank you, Mr. Speaker. Since we have yet to create the licensing category for our therapists there certainly would not have been any complaints to this time but again this is fairly standard language for practitioners that if they misrepresents themselves in a variety of way, I
believe a Class-D felony is a pretty standard and modest response.

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Mastrofrancesco.

REP. MASTROFRANCESCO (80TH):

Thank you.

Through you, Mr. Speaker.

Is there any language in this Bill that states the type of instruction that somebody must have or the hours that are required for art therapists?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Steinberg.

REP. STEINBERG (136TH):

I is a very good question. Thank you, Mr. Speaker. It is a conversation we had in past years. We wanted to make sure there was an effective standard. The good news is that with the accreditation of board in this instance which didn’t exist some years ago or wasn’t recognized, we are
able to put our trust in those who are national experts on this and it’s stated, you either have to have an explicit degree in art therapy or something that board finds comparable. They are the ones who have been monitoring this sort of the state of the art of art therapy across the nation and even though I may not know myself exactly what goes into an art therapy degree, we’ve been assured that it is rigorous and that’s why we felt comfortable creating a licenser category in this instance.

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Mastrofrancesco.

REP. MASTROFRANCESCO (80TH):

Thank you. And thank the Representative.

Thank you, Representative for answering my questions. You know, I gotta admit when I first read the heading for the Bill it said, “A ACT REQUIRING LICENCING OF ART THERAPISTS” and I said, Oh boy we’re going after people who do tattoos, [Laughter] cause who knows, what goes on in here we
could all anything, we can make up names for anything. But anyway I appreciate you answering my questions, you know, art therapy is very, very important especially for people with Alzheimer’s and dementia, for people to express their emotions it is critical for them to communicate and boy if they can have any relief from art therapy it is a wonderful, wonderful thing. I think it’s a great Bill, again thank you for answering by questions and I urge my colleagues to please support this. Thank you.

DEP. SPEAKER BUTLER (72ND):

    thank you, ma’am. Representative McCarty you have the floor, ma’am.

REP. MC CARTY (38TH):

    Good morning, thank you, Mr. Speaker. I would just like to rise to make a comment that I am very much in favor of the licensure process for art therapists and they do undergo a very rigorous plan of study with over 725 hours of training. These are clinically trained artists and they will work in the mental health field to help many, many individuals
who have suffered from depression and trauma that through art they are really able to express themselves. But I just have one very quick question to the very good Chair of Public Health.

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Steinberg.

REP. MC CARTY (38TH):

Thank you. My only question is that I know we’ve been looking at insurance for mental health parity and that is an important factor. I’m wondering would an art therapist, would the services be applicable to both public and private insurance?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Steinberg.

REP. STEINBERG (136TH):

Thank you, Mr. Speaker. First of all I want to thank the good Representative for putting additional focus on mental health parity. It is something that we as a legislature have a responsibility to pursue
in conjunction with the insurance companies to insure that what is a large and growing problem in our State is addressed appropriately. I am not an expert obviously on insurance programs, I do believe a number of private programs do cover art therapy and I am not sure exactly within the various public programs whether or not they would be covered. But art therapy has been around for some time now and I would venture to guess that probably they are covered in some instances.

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative McCarty.

REP. MC CARTY (38TH):

Yes, thank you for that answer and if I may just one more very quick question. Could the good Chairman mention to the Chamber if we have a university here in Connecticut that would train for art therapy?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):
Representative Steinberg.

REP. STEINBERG (136TH):

Thank you, Mr. Speaker. I find myself periodically in session having this answer. I don’t know.

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative McCarty.

REP. MC CARTY (38TH):

Thank you, I think I heard that was not sure if we had a university here that offers therapy training program, is that correct?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Steinberg.

REP. STEINBERG (136TH):

Thank you, the good Representative has found yet again a gap in my knowledge and I do not know specifically. I would certainly hope we would have a program in the State of Connecticut that offers art therapy but if we don’t have one it’s about time
we get one.

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative McCarty.

REP. MC CARTY (38TH):

Yes, thank you Mr. Speaker. I do think we have some program but I certain agree wholeheartedly with the Chairman that I think it is an area that we will continue to work on and I thank him very much for all his work and the Public Health, this is an excellent Bill. Thank you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Thank you. Will you remark further? Will you remark further on the Bill as Amended? If not will Staff and guests please come to the Well of the House. Will the Members please take your seats, the machine will be open. [Ringing]

CLERK:

The House of Representatives is voting by roll, Members to the Chamber. The House of Representatives is voting by roll, Members to the
HOUSE OF REPRESENTATIVES

May 29, 2019

Chamber.

SPEAKER ARESIMOWICZ (30TH):

Have all members voted? If all the members have voted please check the board to ensure that your vote has been properly cast. If all members have voted, the machine will be locked the Clerk will take a tally.

And the Clerk will announce the tally.

CLERK:

House Bill No. 5444 as Amended by House "A"

- Total Number Voting: 139
- Necessary for Passage: 70
- Those voting Yea: 138
- Those voting Nay: 1
- Absent not voting: 12

SPEAKER ARESIMOWICZ (30TH):

The Bill as Amended passes. [Gavel] Are there any announcements or introductions? Representative Mastrofrancesco of 80th District, madam you have the floor.

REP. MASTROFRANCESCO (80TH):
Thank you very much, Mr. Speaker. Mr. Speaker I rise today for the purpose of an introduction.

SPEAKER ARESIMOWICZ (30TH):

Please proceed, madam.

REP. MASTROFRANCESCO (80TH):

Thank you very much. I would like to welcome some from the greatest town in the State of Connecticut.

SPEAKER ARESIMOWICZ (30TH):

That’s got to Southington, right?

REP. MASTROFRANCESCO (80TH):

Well, Wolcott and Southington.

SPEAKER ARESIMOWICZ (30TH):

Oh, okay.

REP. MASTROFRANCESCO (80TH):

But my class of Wolcott is here today. So this is our fifth grade class from Frisbie School and I want to welcome them all to the State Capital today, hope they enjoy their day. They are being chaperoned by their great teachers, Ms. Amy Steward and Carolyn Barnett. I want to thank them personally
for taking the time to bring the students here as well as the parents so everyone please enjoy your today. It is an experienced that you will never forget and I hope everyone here in the Chamber can please give them a very warm welcome. Thank you.

[Applause]

SPEAKER ARESIMOWICZ (30TH):

Welcome to our Chamber and I hope you enjoy your day. Representative Sanchez of the 25th, sir you have the floor.

REP. SANCHEZ (25TH):

Thank you, Mr. Speaker. I just wanted to remind the Education Committee that we will be having a photo in the Hall of the Flags at 12:30.

SPEAKER ARESIMOWICZ (30TH):

Education photo, Hall of the Flags 12:30.

Thank you very much, Representative. Representative McGee.

REP. MCGEE (5TH):

Thank you, Mr. Speaker. I to stand for the purpose of an announcement.
SPEAKER ARESIMOWICZ (30TH):

Please proceed.

REP. MCGEE (5TH):

Representative Bobby Sanchez reminded me that the Housing Committee will also have our photo, same please at 12:40 so hopefully it doesn’t take too long to take pictures. Again, Housing Committee at 12:40 Hall of Flags.

SPEAKER ARESIMOWICZ (30TH):

Representative McGee, I believe the Majority Leader, the Minority Leader an myself are all ex-officio members of these Committees, we can photobomb ‘em, right? [Laughter]

REP. MCGEE (5TH):

As long as it is a selfie.

SPEAKER ARESIMOWICZ (30TH):

Thank you very much, Representative.

Representative Porter of the 94th, madam you have the floor.

REP. PORTER (94TH):

Good afternoon, Mr. Speaker.
SPEAKER ARESIMOWICZ (30TH):

Good afternoon, madam.

REP. PORTER (94TH):

I’m being corrected by my Vice-Chair so I won’t say it’s today at one but it actually tomorrow at one we will be the Labor and Public Employee Committee having our photo done in the Hall of Flags as well. Thank you, Mr. Speaker.

SPEAKER ARESIMOWICZ (30TH):

Thank you very much, madam. Representative Zupkus. You have the floor, madam.

REP. ZUPKUS (89TH):

Thank you, Mr. Speaker. I would just like to remind everyone that dress-down Friday is coming up in a couple of days and lady in the beautiful pink jacket over there, Kathy Abercrombie is collecting money also. So for everybody in this Chamber, the Galley, out in the hallway we encourage you $5.00 dollars to dress down or $10.00 to dress up for Home for the Brave. Thank you.

SPEAKER ARESIMOWICZ (30TH):
Representative as you also know we have a very large freshman class and I overheard a discussion what was appropriate dress-down wear so can they both confer with you and Representative Abercrombie on that? Okay, thank you, madam. Representative Ferraro of the 117th.

REP. FERRARO (117TH):

Thank you, Mr. Speaker. And I rise for purpose of announcement.

SPEAKER ARESIMOWICZ (30TH):

Please proceed, sir.

REP. FERRARO (117TH):

Sir, I have with me Representative Cathy Kennedy and Matt Schwartz who is one of our messengers here in the General Assembly and today is his birthday.

SPEAKER ARESIMOWICZ (30TH):

I saw that on Facebook this morning.

REP. FERRARO (117TH):

We would love to give him a good round of applause for a very special day. [Applause]
SPEAKER ARESIMOWICZ (30TH):

Happy Birthday, sir. Representative Johnson of the 49th District, madam you now have the floor.

REP. JOHNSON (49TH):

Thank you, Mr. Speaker. For purposes of an introduction.

SPEAKER ARESIMOWICZ (30TH):

Please proceed.

REP. JOHNSON (49TH):

Thank you, Mr. Speaker. Today I am incredibly honored to have with me two wonderful people, the great artists who did the work in the hall in the concourse Bill Dougel and please give him a warm welcome [Applause] and also here to my left I have Brian Cohen who is the creator of Positive Expression who actually brought all kinds of artists from Eastern Connecticut together and with that I have a Citation from all the people who are recognized by these wonderful artists and this great group in Eastern Connecticut and I was so heartened to see people from Eastern Connecticut recognize
people doing work for people all over the State of Connecticut and bringing us together with Positive Expressions especially during this time, right near the end of session. So I am very, very thrilled to be here and this is from our Speaker Aresimowicz, also Senator Klarides, Representative Klarides the Minority Leader, also from Kathleen McCarty, Representative McCarty, Senator Marty Looney, Senator Formica and also Representative Currey, Representative Ackert, Representative Mitch Bolinsky and of course Senator Leonard Fasano. So please, this is all because of the great work and the recognition that has gone on for all these leaders who have been recognized by these great artists and also I just wanted to make sure that everyone knew that our artist Bill Dougel doesn’t just to paintings and drawings he also write music. One of the things I’ve been using on my show is the Mill Maid Serenade and it gives a history of the Windom area with all different kinds of songs that were written by Mr. Dougel here. So thank you, so much
for taking the time to recognize these great folks and one more great welcoming applause. Thank you very much. [Applause]

SPEAKER ARESIMOWICZ (30TH):

Chamber will stand-at-ease.

DEP. SPEAKER BUTLER (72ND):

The Chamber will come back to Order. [Gavel]

Will the Clerk please call Calendar No. 575.

CLERK:


DEP. SPEAKER BUTLER (72ND):

Representative Fox, you have the floor, sir.

REP. FOX (148TH):

Thank you, Mr. Speaker. I move for Acceptance of the Joint Committee's Favorable Report and Passage of the Bill in concurrence with the Senate.
DEP. SPEAKER BUTLER (72ND):

The Question is Acceptance of the Joint Committee's Favorable Report and Passage of the Bill. Representative Fox, you have the floor.

REP. FOX (148TH):

Thank you, Mr. Speaker. The Bill establishes a reward program for State employees who make a suggestion that concerns an alleged gross waste of funds in their employee state agency and the sensibility implanted by that agency. The first portion of the Bill lines one through 18 broad definitions of broad terms found in the Bill. Lines 19 through 24 provides the standards of potential savings suggested by the State employee. Lines 25 through 35 establishes the statutory structure of the program. Lines 36 through 59 outline the possible payment structure. Lines 63 through 83 are very important. This section identifies the areas that are not eligible for an award. Lines 84 and 85 in my opinion are equally as important as they indicate that any suggestions made
under this Bill are public records and available through the FOIA process. Mr. Speaker is the Clerk is in possession of Amendment LCO 8454. I would ask the Clerk to please call the Amendment and that I be grated leave of the Chamber to summarize.

DEP. SPEAKER BUTLER (72ND):

Will the Clerk please call LCO No. 8454 which has be designated as Senate Amendment Schedule “A”.

CLERK:

Senate Amendment Schedule “A” LCO No. 8454 offered by Senator Looney, Senator Duff, etal.

DEP. SPEAKER BUTLER (72ND):

Representative seeks leave of the Chamber to summarize the Amendment. Is there objection to the summarization? Is there objection? Hearing none, Representative Fox, you have the floor. You may proceed with summarization.

REP. FOX (148TH):

Thank you, Mr. Speaker. The Amendment, the bipartisan Amendment that adds suggests that are ineligible to include as being “a practice that is
an alleged gross waster of funds that the suggesting employee participated in” expends a list identifying the practices that cannot be used to participate in the program. I move adoption.

DEP. SPEAKER BUTLER (72ND):

The Question before the Chamber is Adoption of Senate Amendment Schedule “A”. Will you remark on the Amendment? Representative Fox.

REP. FOX (148TH):

I move adoption, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Will you remark further? Will you remark further on the Amendment before us? If not, I will try your minds. All those in favor signify by saying aye.

REPRESENTATIVES:

Aye.

DEP. SPEAKER BUTLER (72ND):

All those opposed, nay. The ayes have it. The Amendment is adopted. [Gavel] Will you remark further on the Bill as Amended? Representative Fox.
REP. FOX (148TH):

Thank you, Mr. Speaker. Just a few final concluding remarks on the Bill. Initially the state auditor submitted testimony in opposition to many parts of the Bill, the original Bill. They have since in light of the revised Bill and the Amendment, they have since come out to support the Bill as it currently stands. Bill has potential savings to the State of Connecticut, net savings. Before I conclude my remarks, I want to thank Senator Will Haskell for his efforts on this Bill as well as Representative Garibay for diligence and effort in working through the process, it was much appreciated and I hope we will move it up.

DEP. SPEAKER BUTLER (72ND):

Representative Davis. Representative France, you have the floor, sir.

REP. FRANCE (42ND):

Thank you, Mr. Speaker. And just a few questions.

Through you.
To the proponent.

DEP. SPEAKER BUTLER (72ND):

Please proceed.

REP. FRANCE (42ND):

Thank you, Mr. Speaker. First as I am looking at the Bill, going to the end, we have the repeal of Section, lines 86-87, repeal of Section 5-263a which is the current suggestion awards program and.

Through you, Mr. Speaker.

I am wondering why we didn’t amend that section of statute instead of repealing it and creating a new section of statute?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Fox.

REP. FOX (148TH):

Thank you, Mr. Speaker. Thank you, Representative for the question, an issue he and I had discussed before today’s presentation of the Bill and I don’t know the answer to that. I know the underlying 5-263a as being repealed was also
originally replaced and I think the original suggestion type but I don’t know the answer to that question, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative France.

REP. FRANCE (42ND):

And I thank you for the answer and I do understand that one of my concerns here is that if we look at the original suggestion awards program under the original 5-263a in 1967 once you repeal a section of Statute essentially legislative history is lost, we lose the background on where a program started from and so when we repeal this section of statute the legislative history since, you know, 1993, when the current suggestion program will be lose to the people looking for it as we’ll start as if the program didn’t exist before there was no history on it. I would have much preferred to do it that way, but I’ll move on from that. And in keeping with that, I did look up on OPM website I could find no indication of where this program is,
how to apply for it, what the parameters are so I’m not certain that the program isn’t currently as exists was as effective as it might have been.

As we move forward the one thing that I see in her starting in Section or line 19 through 35 this section talks about the State employees and how they make a suggestion, it talks about state agency coordinator.

Through you, Mr. Speaker.

Is there currently under the existing program a state agency coordinator that manages the existing program?

DEP. SPEAKER BUTLER (72ND):

Representative.

REP. FOX (148TH):

Thank you, Mr. Speaker. And again I don’t know the answer to that question. I know the manner in which this process established, creates a new program so creates a new state agency coordinator through the program.

Through you, Mr. Speaker.
DEP. SPEAKER BUTLER (72ND):

Representative France.

REP. FRANCE (42ND):

Thank you for that. And looking back at what we have available in front of us here, the legislative history, the current awards program, just assigns through a state agency the responsibility to enact it, it does not, clearly looking at it in a sense it appears what we are doing by this as opposed to having a regulatory program under the OPD, Office of Policy Management we are now creating a statutory program which would have more rigor and greater control by the legislature. But as we move on to and further down that section line 31 where it gives the responsibly for this “suggestion coordinator shall review any suggestion received and determine whether the suggestion is eligible for consideration.”

Through you, Mr. Speaker. What are the criteria for “establish whether the suggestion is eligible for consideration?”
DEP. SPEAKER BUTLER (72ND):

Representative Fox.

REP. FOX (148TH):

Thank you, Mr. Speaker. I would refer back up to lines 19 through 24 I believe which outlines who can make a suggestion, what it can concern that is “subsequently implemented by the agency, and (3) that results in cost savings.”

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative France.

REP. FRANCE (42ND):

Thank you for that and I certainly see where, you know, these are the things that the program envisions and employees submitting suggestions under and what the criteria might be. It’s really to me, looking at this Statue that we are now putting empowering the individual who is now the designated coordinator for a state agency essentially the power to decide on their own whether it is eligible for consideration or not and I don’t see anywhere in
here where the criteria for that decision is. Is
the good proponent aware of somewhere else we might
find what that criteria might be where that
coordinator can make that decisions?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Fox.

REP. FOX (148TH):

Thank you, Mr. Speaker. I thank the
Representative for the question. I may refer him
back to the definitions in lines 11 through 14 and
lines 15 through 18 which identify what is a “Gross
waste of funds” and “gross mismanagement”
potentially identifying further eligibility for
things that available through this Bill.

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative France.

REP. FRANCE (42ND):

Thank you for that answer. So if I understand
correctly it is the proponent’s vision if this Bill
becomes law that anything that would be a “gross waste of funds” or “gross mismanagement” would be deemed to be eligible for consideration. Is that true?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Fox.

REP. FOX (148TH):

Through you, Mr. Speaker.

That is true so long as they do not come under the exclusions in line 60 through the end.

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative France.

REP. FRANCE (42ND):

Thank you for that. Now establishing the suggestion coordinator are we envisioning this to be more of a collateral duty of an existing employee or are we envisioning that each agency is going to hire a new employee to oversee this program fulltime?

Through you, Mr. Speaker.
DEP. SPEAKER BUTLER (72ND):

Representative Fox.

REP. FOX (148TH):

Thank you, Mr. Speaker.
Through you.
I believe it is a current employee.
Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative France.

REP. FRANCE (42ND):

Thank you for that. That is indicative since there is no fiscal note. It doesn’t appear that there would be a need for additional employee to cover this, it would be a collateral duty along with an existing employee. So we move on to the Section that starts line 36, subsection (c) “If the agency implements the employee's suggestion, not later than a calendar year after such implementation, the agency shall determine the cost savings” why the time length frame of a calendar year?

Through you, Mr. Speaker.
DEP. SPEAKER BUTLER (72ND):

Representative Fox.

REP. FOX (148TH):

Through you, Mr. Speaker.

I believe that is done just to allow the process to pay itself out and allow the suggestion to be made and the determination to be made.

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative France.

REP. FRANCE (42ND):

And in that year that I would imagine the suggestion has been implemented, the agency would be responsible to capture what savings there are to document that, the cost savings that are directly attributable to such implementation as it states and “submits it’s calculation of the Auditors” one of the concerns the auditors raised in their testimony was how would they measure these savings, what standard they would measure it against. Have we determined that the auditors have rectified that
question and they’ve determined what their standard would be for that?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Fox.

REP. FOX (148TH):

Thank you, Mr. Speaker. I thank the Representative for the question. I spoke with the auditors this morning and they tell me that the Bill in is, they support the Bill in its current form.

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative France.

REP. FRANCE (42ND):

Thank you for that and I would assume that since other States have similar programs the auditors have looked at how the auditors in those states, or the oversight in those states have run and how they’ve satisfied themselves that they have a process to follow. So further on in line 43 we’ve established a maximum benefit to the employee making
the suggestion of “five percent.”

Through you, Mr. Speaker.

What is the rationale for that amount of benefit to the employee?

DEP. SPEAKER BUTLER (72ND):

Representative Fox.

REP. FOX (148TH):

Through you, Mr. Speaker.

My understanding and recalling the discussions ongoing with the Bill that they need to cap it at something so they decided five percent so that it derive some benefit to the State and some benefit to the employee.

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative France.

REP. FRANCE (42ND):

And in looking. Thank you for that answer.

And in looking at what other states have implemented is it in line with what other states have done, so I would assume that part of the decision point was
looking at how these similar programs have been implemented in other states. And following along line 46 and 47 similar thing, the maximum would not “exceed ten thousand dollars” is also in alignment with what I found in other programs across the country that states have implemented. So now moving on to lines 51 to 55 that “If an employee retires or leaves state service after making a suggestion” there is a process to capture that if the “employee is deceased, the award shall be made to such deceased employee's estate.”

Through you, Mr. Speaker.

What would be the process for I guess maintaining knowledge of where that employee is getting the money to the employee or to his or her estate?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Fox.

REP. FOX (148TH):

Thank you, Mr. Speaker. I presume that the
process will be just the records on file.

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative France.

REP. FRANCE (42ND):

I thank you for that. I thank you for the time the proponent going through the Bill and just kind of discuss the questions that came up and clarification from the Public Hearing process and I would recommend my fellow colleagues in the room support the Bill. Thank you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Thank you, Representative. Representative Davis the distinguished colleague from the East to the river, you have the floor, sir.

REP. DAVIS (57TH):

Thank you, Mr. Speaker. It is always a please to see a fellow Eastern Connecticut Cutter up on the Speaker’s dais.

DEPUTY SPEAKER RYAN (139TH):

Thank you.
REP. DAVIS (57TH):

Mr. Speaker if I may I have a few questions to the proponent of the Bill.

DEPUTY SPEAKER RYAN (139TH):

Please proceed, sir.

REP. DAVIS (57TH):

Thank you, Mr. Speaker. I see in this Bill that we would be offering a lumpsum payment to a state employee for making a suggestion for savings. Through you, Mr. Speaker.

Is this something that would have to be collectively bargained?

DEPUTY SPEAKER RYAN (139TH):

Representative Fox.

REP. FOX (148TH):

Through you, Mr. Speaker.

Give me one moment, I believe that in reading the Bill analysis and some of the testimony prior to this, I believe the answer is no. Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN (139TH):
Representative Davis.

REP. DAVIS (57TH):

Thank you, Mr. Speaker. I don’t want to belabor the point but it seems to me like any kind of payment to state employees at least with the way we’ve been voting on these contracts, is that we have a situation where we are making a payment to an employee so I would think that it would probably have to be collectively bargained. But I did notice that in lines 71 through 72 the Bill specifically prohibits state employees from making any suggesting from savings that could be collectively bargained. Is that correct?

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN (139TH):

Representative Fox.

REP. FOX (148TH):

That is correct. Item (9) is subsection (f) line 71-72 provides that any items that are ineligible are “suggestions concerning any matter subject to collective bargaining.”
Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN (139TH):

Representative Davis.

REP. DAVIS (57TH):

Thank you, Mr. Speaker. And why would be prohibit a state employee from making any suggestions that could potentially save the State of Connecticut more than ten thousand dollars and that are actionable that are subject to collective bargaining?

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN (139TH):

Representative Fox.

REP. FOX (148TH):

Through you, Mr. Speaker.

I thank the Representative for the question. I believe the idea being that they want to identify certain payments that were ineligible and this being one of them.

Through you, Mr. Speaker.
Representative Davis.

REP. DAVIS (57TH):

Thank you, Mr. Speaker. And why would that suggestion be something that we want to make ineligible? Would we not want to maximize this amount of savings that we could try to procure for the State of Connecticut?

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN (139TH):

Representative Fox.

REP. FOX (148TH):

Through you, Mr. Speaker.

I believe because those items are subject to collective bargaining and if I recall that the collective bargaining issues were left out of this.

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN (139TH):

Representative Davis.

REP. DAVIS (57TH):

Thank you, Mr. Speaker. And under the 2011 CBAC agreement that has been extended two times, was
there not a suggestion box that was included within that CBAC agreement, I believe to the tune of about $100 million dollars?

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN (139TH):

Representative Fox.

REP. FOX (148TH):

I do believe there was.

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN (139TH):

Representative Davis.

REP. DAVIS (57TH):

Thank you, Mr. Speaker. And would the suggestions made by the State employees fall under that suggestion box that was included in that collectively bargained agreement?

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN (139TH):

Representative Fox.

REP. FOX (148TH):

Through you, Mr. Speaker.
I don’t know the answer to that question.

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN (139TH):

Representative Davis.

REP. DAVIS (57TH):

Thank you, Mr. Speaker. I stand in support of the Bill, a bit reluctantly only because not that I don’t believe that these employees should be making these recommendations in fact I very much think they should, I’m not sure if we need to be necessary incentivizing it through dollars but it should be just normal practice that if an employee of any company anywhere, comes across a way to save money for their employer I would think it would behoove them to make that recommendation to their employer and for that employer to act upon it. And I did notice that any kind of management finds any of these savings would be prohibited from getting one of these bonuses, one of these lumpsum payments for making that recommendation perhaps because that is in fact their job is to find this savings on a daily
basis. So, I’ll support the Bill here today as I do think it is a laudable goal for us to try to save money as much as possible but I certainly hope that individuals that are working for the State of Connecticut would make those recommendations and that those employers, those members of management in this case were specifically setting up a coordinator in each department would have already been acting on these suggestions and already saving the State of Connecticut significant amounts of money and ultimately I think the Bill will do good but I wish we didn’t need it. I wish we would be able to move forward with just making these suggestions and acting on them to save money for the State of Connecticut. Thank you, Mr. Speaker.

DEPUTY SPEAKER RYAN (139TH):

Thank you, sir. Representative Zullo of the 99th, sir you have the floor.

REP. ZULLO (99TH):

Thank you, Mr. Speaker.

I just rise with a couple of quick questions if
DEPUTY SPEAKER RYAN (139TH):

Please proceed.

REP. ZULLO (99TH):

Mr. Speaker can the proponent please clarify whether or not elected officials such as Representative or Members of Senate qualify as state employees under this proposal?

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN (139TH):

Representative Fox.

REP. FOX (148TH):

I thank the Representative for the question. The state employees are defined in lines three through six means any employee in the executive, legislative or judicial branch of state government, including employees in the classified and unclassified service and full-time and part-time employees” I would presume we would be.

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN (139TH):
Representative Zullo.

REP. ZULLO (99TH):

So with that clarification and again I know we don’t negotiate Bills on the Floor necessarily but it would be my suggestion that we perhaps we revise this to exclude elected officials. I just think that our duty as elected officials are to find efficiencies in government our to find cost savings and I think that giving a reward for us to do our jobs that we already get paid for is a bit incongruent with what we are elected to do and so that would be a friendly suggestion because again I do know that the Appellate Court has ruled that elected official are employees and I think that is a little bit of again, I think that is incongruent with what our duties are as elected officials.

Thank you very much.

DEPUTY SPEAKER RYAN (139TH):

Thank you, Representative. Representative Mastrofrancesco of the 80th, ma’am you have the floor.
REP. MASTROFRANCESCO (80TH):

Thank you, Mr. Speaker. Mr. Speaker I rise to have questions for the proponent of the Bill.

DEPUTY SPEAKER RYAN (139TH):

Please proceed.

REP. MASTROFRANCESCO (80TH):

Thank you, Mr. Speaker.

And through you Mr. Speaker.

Can you tell me if, I understand there is a five percent savings that will be awarded to the employee is that correct?

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN (139TH):

Representative Fox.

REP. FOX (148TH):

Through you, Mr. Speaker.

They would award five percent of the estimated savings. So five percent of the state agency's estimated cost savings.

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN (139TH):
Representative Mastrofrancesco.

REP. MASTROFRANCESCO (80TH):

Thank you.
And through you, Mr. Speaker.
So if they found a savings of let’s say $100,000 dollars that the State could save on something they would be awarded $5,000 dollars?
Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN (139TH):

Representative Fox.

REP. FOX (148TH):

Thank you, Representative for the question. Math is not my strong suit but I believe the answer is yes.
Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN (139TH):

Representative Mastrofrancesco.

REP. MASTROFRANCESCO (80TH):

Thank you.
And through you, Mr. Speaker.
Is that payment made through a stipend or is it
attached to their wages?

Through you.

DEPUTY SPEAKER RYAN (139TH):

Representative Fox.

REP. FOX (148TH):

Through you, Mr. Speaker.

I believe the answer to that question is through a stipend.

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN (139TH):

Representative Mastrofrancesco.

REP. MASTROFRANCESCO (80TH):

Thank you.

And through you, Mr. Speaker.

So if it’s a stipend it would not be included in their pension calculations?

Through you.

DEPUTY SPEAKER RYAN (139TH):

Representative Fox.

REP. FOX (148TH):

Through you, Mr. Speaker.
I believe that is correct.
Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN (139TH):
Representative Mastrofrancesco.

REP. MASTROFRANCESCO (80TH):
Thank you. And I heard the debate before about quickly about this has to be negotiated through collective bargaining for an employee to participate. Is that correct?
Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN (139TH):
Representative Fox.

REP. FOX (148TH):
Did she say not to be included, Mr. Speaker just to clarify?

DEPUTY SPEAKER RYAN (139TH):
Representative Mastrofrancesco.

REP. MASTROFRANCESCO (80TH):
Thank you.
Through you.
I’m just curious does this have to be
negotiated through collective bargaining.

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN (139TH):

Representative Fox.

REP. FOX (148TH):

Thank you, Mr. Speaker.
I believe the answer is no.

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN (139TH):

Representative Mastrofrancesco.

REP. MASTROFRANCESCO (80TH):

Thank you.
And through you, Mr. Speaker.
Could we anticipate a problem with collective bargaining with the unions that there may be one employee that is making more money that the other employee through this program?

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN (139TH):

Representative Fox.

REP. FOX (148TH):
Through you, Mr. Speaker.

I don’t honestly know the answer to that in light of the fact that I am not sure what we can anticipate without being coy, I don’t know whether or not we can anticipate how one employee will react.

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN (139TH):

Representative Mastrofrancesco.

REP. MASTROFRANCESCO (80TH):

And through you on lines 11 and 12 "Gross waste of funds" means more than a merely debatable expenditure that is significant.

Through you, Mr. Speaker.

Can you explain to me what debatable expenditure and significant is?

Through you.

DEPUTY SPEAKER RYAN (139TH):

Representative Fox.

REP. FOX (148TH):

Through you, Mr. Speaker.
I will try. The phrase continues, “significantly out of proportion” so that the phrase continues merely debatable expenditure that is significantly out of proportion to government and includes but is reasonably expected to accrue to the government and includes, but is not limited to, gross mismanagement.

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN (139TH):

Representative Mastrofrancesco.

REP. MASTROFRANCESCO (80TH):

Thank you.

And through you, Mr. Speaker.

On lines 15 though 18 it talks about “gross mismanagement” and who determines or what is considered gross mismanagement and what defines that?

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN (139TH):

Representative Fox.

REP. FOX (148TH):
Through you, Mr. Speaker.

My understanding of the process is further down, lines 19 through 35 in particular lines I believe 27 through 35, identify the process by which the analysis will be undertaken.

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN (139TH):

Representative Mastrofrancesco.

REP. MASTROFRANCESCO (80TH):

Thank you.

So through you, Mr. Speaker.

I mean gross mismanagement could be an opinion, who are we to say what is gross mismanagement? There is nothing exactly defined. The employees that are getting the benefit from this program are not behind the scenes, don’t really know what is going on in the department because they are on with their daily lives doing their daily job. And they may see something, maybe it’s a new vehicle that they see that the State purchased and they may in their minds say, well I have somebody that probably
could have bought it cheaper. How do they know what to report? Do they have access to all the records within that department to determine if that was gross mismanagement or if there could be a savings on something or just an opinion where, hey I know somebody, I can certainly get that at a lower cost?

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN (139TH):

Representative Fox.

REP. FOX (148TH):

Through you, Mr. Speaker.

Mr. Speaker I appreciate the Representative’s question. The gross mismanagement is defined in lines 15 through 18 defines exactly what is meant by gross mismanagement under the Bill, the process by which that will then be determined is that in lines 26 through 35 how the suggestion must be submitted, the oversight that must be taken to determine whether or not there was gross waste or gross mismanagement and then be submitted further to the executive head of the state agency as needed for
consideration.

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN (139TH):

Representative Mastrofrancesco.

REP. MASTROFRANCESCO (80TH):

Thank you.

And Through you, Mr. Speaker.

I guess I’m just concerned, confused on a suggestion that they could make. How can any employee make any suggestion to their department on ways to certainly maybe save the State money and that be a claim or so forth?

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN (139TH):

Representative Fox.

REP. FOX (148TH):

Through you, Mr. Speaker.

And I’m curious, is the Representative asking the procedure by which an individual may make it.

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN (139TH):
Representative Mastrofrancesco can you clarify what you are asking?

REP. MASTROFRANCESCO (80TH):

I’m sorry, I guess I’m.

Through you, Mr. Speaker.

I want to know what the process is for making a claim to this program.

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN (139TH):

Representative Fox.

REP. FOX (148TH):

Thank you, Mr. Speaker.

The process beings online, roughly line 24 to 26 and goes down to line 35. So they may, down lines 28 and 29, “a written suggestion to the agency's state agency suggestion coordinator concerning an alleged gross waste of funds. The state agency suggestion coordinator shall review any suggestion received to determine whether the suggestion is eligible for consideration.”

Through you, Mr. Speaker.
DEPUTY SPEAKER RYAN (139TH):
    Representative Mastrofrancesco.

REP. MASTROFRANCESCO (80TH):
    Thank you.
    And through you, Mr. Speaker.
    I see the lines in there on line 30 it says, 
    “an alleged gross waste of funds.” Who and what is 
determined or an amount is determined as a “gross 
waste of funds?”
    Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN (139TH):
    Representative Fox.

REP. FOX (148TH):
    Thank you, Mr. Speaker.
    I thank the Representative for the question. I 
refer back to the lines 11 to 14 which defines 
“gross waste of funds.”
    Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN (139TH):
    Representative Mastrofrancesco.

REP. MASTROFRANCESCO (80TH):
[Laughs] Thank you.

Through you, Mr. Speaker.

I guess I was just looking for something more definitive. I mean a gross waste of funds is a debatable expenditure, it doesn’t give any dollar amount. There is no doubt, there is no doubt that there is a tremendous amount of waste going on in the State of Connecticut. I think that probably everybody in his room, or most people in this room would agree to that. My concern with this is one, the auditors of public accountants audit departments all the time. They do a phenomenal job and when I read the reports they give suggestions on ways to correct the inefficiencies within the department and then the next time I read the report for the same department, there is always, many times there is language in there that says that they have given suggestions and they haven’t been taken. So there is no doubt that there is waste going on in this State and that certainly we can do better. My concern with this is as an employee for the State of
Connecticut and as management employees, I consider this to be your job that we should not have to be paying extra money out to an employee who is already getting paid to work on a daily basis to report any waste. I think it should be a natural reaction because you love our State, you want to save our State and it’s certainly beneficial to you that we should not have to be paying them extra to do this work. And on the other hand, it there is a management employee there that does see the waste and is not doing anything about it, well then I think that other actions should be taken and they should be disciplined or talked to or something needs to happen. In the private industry management, they will just take care of it. They find ways to save money within their department because they know what’s better for their job. The more money that they can save for the company the better off it is. And certainly those savings always trickle down to the employees. That is my concern. The other concern I have in here is, you
know, you’ll have people, employees technically you can make a part-time job out of this. Just think about it, getting five percent of any money that you save. So if $500,00 dollars savings I can make myself $5,000 dollars. If I find ten inefficiencies in the course of a year, I can make a lot of money. It would actually be another job. The other real concern to this is the legislators can do this. This is our job, this is what we’re elected to do so what this Bill is telling me that anybody in this room could look for waste, fraud and abuse in the State of Connecticut which we all know exists and we could all find very easily and start inundating the auditors of public accountants with insufficiencies to find it and everybody in this room could be, well now we’d have another part-time job. It’s a pretty lucrative business. My theory is that this should be handled within the auditors of public accountants, they do a good job. If it is not being taken care of within that department, that department should be held accountable. We should
not have to pay people extra money to do a job that quite honestly they already should be doing. Those are my concerns, Mr. Speaker. I don’t have any further questions but based on those comments, I could not support this Bill today. I understand the goal. We want to do everything that we can to save money but I think it should be, this is not the way certainly to do it. Thank you, Mr. Speaker.

DEPUTY SPEAKER RYAN (139TH):

  Thank you, Representative. Representative Ackert of the 8th, sir you have the floor.

REP. ACKERT (8TH):

  Thank you, Mr. Speaker. I appreciate the good dialogue that has taken place was I was able to check off half of my questions.

  But through you, Mr. Speaker.

  To the good gentleman. Is there a way to find in the savings that have been accrued since the inception of this Statute and the payouts that we have had for the employees?

  Through you, Mr. Speaker.
DEPUTY SPEAKER RYAN (139TH):

Representative Fox.

REP. FOX (148TH):

Thank you.

Through you, Mr. Speaker.

Is the Representative referring to the program referred in lines 86-85 section 263(a) that is being repealed?

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN (139TH):

Representative Ackert.

REP. ACKERT (8TH):

Thank you, Mr. Speaker. And is that the current law that was, that this, I should say replaces, Mr. Speaker.

DEPUTY SPEAKER RYAN (139TH):

Representative Fox.

REP. FOX (148TH):

That is my understanding and the answer to the question is I do not have that information.

Through you, Mr. Speaker.
DEPUTY SPEAKER RYAN (139TH):

Representative Ackert.

REP. ACKERT (8TH):

Thank you, Mr. Speaker. It wasn’t the dollar amount, just I’ll go on and look. I was just curious as to what we can actually find that we have done in the past with this program. So I’ll take as see if I can do a little research myself on that. I didn’t know if the good gentleman had that information...

You know, in the past I’ve had people that work in the state departments have actually come to me and said, to me directly, and said, “Tim I could save this State millions,” literally millions but I’m concerned about reporting it because my potential job loss and concern about in a way about almost being what he would call, I don’t want to call it a whistleblower, but someone that, you know, felt that his management would not be approve that. So is there any protections for an individual that would offer that type of savings without having to
go to this individual or the department head? Is there a way they could go directly a place that might not be concerned about losing their job?

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN (139TH):

Excuse me, Representative Akert. Oh, excuse me again, Representative Fox one more time.

REP. FOX (148TH):

Thank you, Mr. Speaker.

And through you.

The individual, the Representative, the fine Representative I presume is asking is there another process by which outside of this program, if passed, an individual could submit such a claim?

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN (139TH):

Representative Ackert.

REP. ACKERT (8TH):

Thank you, Mr. Speaker.

And no, within this program but it would be within the program but my concern is and just
recently somebody brought a concern to me and said he knows of a way to save the State millions of dollars, in the IT area, but he did not want to directly bring that out cause he was concerned about his employment. He would have to bring it to somebody within the department by the way this reads or department head. So is there another way to pre-provide that suggestion, maybe not to look for the award but to get it out rather than try to create a law for it or something?

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN (139TH):

Representative Fox.

REP. FOX (148TH):

Through you, Mr. Speaker.

As drafted this Bill does not provide the means by which the Representative is seeking. It provides a rewards program for lack of better words for individuals who submit a claim, so I don’t see there being any language, although a good idea, I don’t see any language that would alleviate the
Representative’s concerns. I will say for what it’s worth, any suggestion made will be a public record. I’m not sure that would be in terms of protection, in terms of if an individual is seeking to be potentially risks, is fearful of being reprimanded for making a suggestion, all suggestions and action thereafter will be discoverable through FOIA.

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN (139TH):

Representative Ackert.

REP. ACKERT (8TH):

Thank you, Mr. Speaker. And I think a similar question might have been asked because, you know, in a high-tech world what happens in the high tech world sometimes, technology replaces individuals and our employees. So if, and I’m not sure how this would work in this case, if an individual said, hey if we went to this technology, you know, go to the cloud or something, I don’t need all these mainframes, I don’t need all these pieces of hardware, so if displacing jobs, you know, and that
I know we can’t do that with the existing contracts that we have, how would that play, you know, I am, we go to this technology but my savings is, you know, 20 employees. Would that be something that would be considered in this program?

Through you, Mr. Speaker. {Laughter} Good to see you there.

DEP. SPEAKER BUTLER (72ND):

Good to see you too, sir. Representative Fox. Representative Fox.

Thank you, Mr. Speaker. Thank the good Representative for the question. On response I would really rely back to the definition section there of the underlying Bill, lines 11 through 14 which identify gross waste of funds, lines 15 though 18 which identify gross management so if the cutting back of employees in the manner by which the Representative suggests would be deemed to be a gross mismanagement or gross waste of funds then I presume that would be in line with the Statute.

Through you, Mr. Speaker.
DEP. SPEAKER BUTLER (72ND):

Representative Ackert.

REP. ACKERT (8TH):

Thank you, Mr. Speaker. And I thank the good gentleman and that does make sense, I couldn’t imagine that being the gross mismanagement that is a good point. Thank you to the good gentleman. I do, there are some people out there that want to provide good suggestions out there. I don’t think they are thinking of an award; I really think they are thinking about the State of Connecticut and the taxpayers. You know, I would almost like to see us expand this kind of reward program, maybe not to this level of cost, to private sector individuals. You know, I know a couple of years ago we had, I’m probably dating myself, it might have been a number of years ago, we had a Bill that came before us to allocated $1.5 million dollars for the reflection of signs on the highways and byways of the State of Connecticut and I cracked up. I go, listen you know what you could do, you can just put out a little,
you know, thing on Facebook or whatever and say, hey anybody see a sign that it is nonreflective, let us know, we’ll put you in a lottery for I don’t know a gift certificate someplace and we probably would have saved about $1.4 million dollars if we had done that. So it is an interesting issue, do have some concerns, you know, with it in itself. I think that we as employees should do the best that we can to help our companies and the State of Connecticut in this case. So I will listen to further dialogue but I thank the good gentleman for his answers and this dialogue that we’ve had today. Thank you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

    Representative Wilson Pheanious.

REP. WILSON PHEANIOUS (53RD):

    Thank you. I rise in support of this Bill because I understand the work of State employees is a difficult job and I think that there are many times when people that are very close to the workbench that can spot a problem, can spot a better
way of serving, can spot a different way of doing something that can save the State money. And I think that, a lot of times in a bureaucracy it is difficulty for those ideas to come forward because in a bureaucracy you essentially follow the rules, do what you’re told, you come along and you do things because that’s the way they’ve always been done. You don’t, you aren’t incented in a bureaucratic structure to make the kids of suggestions that can improve service. Yet the people who are very close to the workbench are often know exactly how to save money, what to do, what sequence to do things in that can make a savings. I guess I don’t see, although I recognize it, we don’t have a lot of money in this State so the, or right now at least, so the ability to make such an award we do have to, you know, perhaps be concerned about. But I just want to say that do incent any employee, whether it is a State employee or anyone else to identify a good idea, that can improve service, improve efficiency, improve accountability I think
that it is something that we should strive to do. And I think that people want to do a good job and they want to be recognized for the good job that they do and certainly you can make the statement that everybody ought to do all they can to improve State efficiency and save the State money and yet, they ought but having the opportunity to be recognized, to be able to say that I save this money, I had this idea. I think that that makes people invest in their work. I think that it makes people improve the energy that they put into their job because they feel appreciated and they recognize that even though they may be the lowest person on the totem pole working close to the workbench that they can have an idea that can change the way a large bureaucracy functions and save the State of Connecticut money and for that reason I think that it’s a good Bill and a good idea and I support it for those reasons. Thank you.

DEP. SPEAKER BUTLER (72ND):

    Representative Lavielle.
REP. LAVIELLE (143RD):

Yes Thank you, Mr. Speaker. I’m sorry I thought was next down on the list. Excuse me. So, Mr. Speaker I have a few questions please for the proponent.

DEP. SPEAKER BUTLER (72ND):

Please proceed.

REP. LAVIELLE (143RD):

Thank you very much. I have a number actually of them. I know that Representative, the good Representative from Ellington, next to me, here already discussed the suggestion box and I believe that Representative France may have mentioned the one that we currently have in Statute which is I believe Statute, its 5-263(a) is that correct?

Through you.

DEP. SPEAKER BUTLER (72ND):

Representative Fox.

REP. FOX (148TH):

I apologize, Representative if she could please repeat the question, I’m sorry.
Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Lavielle.

REP. LAVIELLE (143RD):

Thank you, Mr. Speaker. It was a short question, I believe that the Statute that exists for the awards program we currently have is Statute 5-263(a). Is that correct?

DEP. SPEAKER BUTLER (72ND):

Representative Fox.

REP. FOX (148TH):

Through you, Mr. Speaker.

I believe that is correct.

Trough you.

DEP. SPEAKER BUTLER (72ND):

Representative Lavielle.

REP. LABRIOLA (131ST):

Thank you and I know that Statute from their conversation, I know it goes back several years. Have we had any activity under that Statute?

Through you.
DEP. SPEAKER BUTLER (72ND):

Representative Fox.

REP. FOX (148TH):

Through you, Mr. Speaker.

I am not aware of any activity. That does not mean there has not been any.

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Lavielle.

REP. LAVIELLE (143RD):

Do we know if there was any communication about the program to employees throughout State government to let them know that exists?

Through you.

DEP. SPEAKER BUTLER (72ND):

Representative Fox.

REP. FOX (148TH):

Through you, Mr. Speaker.

I presume the Representative is asking about the current program, 5-263(a) and I don’t know.

Through you, Mr. Speaker.
Representative Lavielle.

And of the, I know that the auditors in their testimony mentioned that they had well over 100, in fact they had 134 whistleblower complaints in 2018. Were any of those, were any of those made within the context of the existing statutory under 5-263(a)?

Through you.

Representative Fox.

Through you, Mr. Speaker. I am not aware.

Through you, Mr. Speaker.

This Bill, am I correct, proposes to repeal 5-263(a). Is that correct?
Representative Fox.

REP. FOX (148TH):

Through you, Mr. Speaker.

Line 86, that is correct.

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Lavielle.

REP. LAVIELLE (143RD):

Yet, if I understand what the good Representative is saying, that we don’t know anything about the success or failure or oblivion into which that Statute may have vaporized, we don’t know anything about whether it has worked or not?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Fox.

REP. FOX (148TH):

Through you, Mr. Speaker.

That is correct. I don’t know.

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):
Representative Lavielle.

REP. LAVIELLE (143RD):

That is somewhat concerning to me and through no fault of the good Chair GAE it just seems to be the way that things are and I find it extraordinarily odd that we would suddenly want to repeal and existing Statute when we don’t even know if the means have been given to those responsible to see to it that it’s followed correctly and that people know about it and that the program could work or could not work but rather than investigating that we’re, we’ve decided to move ahead with a new Statute. I’m perplexed by that but that’s not all. You know, then we have the other precedent about the suggestion box which no one seems to know what happened to either and so these programs obviously were not given the means to succeed it sounds like. But in any case, moving to another area. Is it allowed under the proposal in this Bill for a state employee to make a suggestion about savings that is not in, that does not concern the agency in which
that employee works?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Fox.

REP. FOX (148TH):

Through you, Mr. Speaker.

It is a very good question by the Representative and I believe that the agency as drafted, the employee may make a suggestion, a written suggestion to the agency, state agency coordinator so my understanding that will be made to the, if I am an employee of the DMV the suggestions will be confined to those within the DMV.

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Lavielle.

REP. LAVIELLE (143RD):

And more particularly in lines 68 to 83, there is quite a lot of detail about the kinds of suggestions that cannot be made for savings under the program. I would like to ask what sorts of
suggestions, if the good, Chair would have some examples for us of suggestions that can be made under the program that just hypothetical examples, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Fox.

REP. FOX (148TH):

Thank you, Mr. Speaker. I appreciate the question. The types of suggestions that can be made are those that are deemed to be infractions of alleged gross “waste of funds” or related to “gross mismanagement.”

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Lavielle.

REP. LAVIELLE (143RD):

I’m sorry could I ask the Representative to repeat his answer? Thank you.

DEP. SPEAKER BUTLER (72ND):

Representative Fox.

REP. FOX (148TH):
Of course. Thank you, Representative for the question. My understanding is the types of suggestions that we made are those that can be defined as a “gross waste of funds” in lines 11 through 14 or “gross mismanagement” as outlined in line 15 through 18.

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Lavielle.

REP. LAVIELLE (143RD):

I’ll look at those lines, if you give me just one moment. Could the, these are, I thank the Representative for his answer but these are sort of general characteristics of a situation that might exist but is there sort of a like more concretely what might, what sort of situation as we could describe it concretely, might someone identify?

Through you.

DEP. SPEAKER BUTLER (72ND):

Representative Fox.

REP. FOX (148TH):
Thank you, Mr. Speaker and I apologize for being, or appearing to be somewhat vague, but I will just say that referring back to the definition of “gross waste of funds” and “gross mismanagement” if it helps, to further identify, I don’t necessarily have a hypothetical at the moment. But help identify the items that are not eligible to narrow down what may or not be in lines 60 through 83 that may provide the Representative with some further information as to what it eligible.

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Lavielle.

REP. LAVIELLE (143RD):

Right, that was actually what I was referring to in terms of what could not be eligible and, you know, I’m thinking if there’s a vendor contract that has never been the subject of an RFP and employee figures out that another company, another vendor might be able to provide the service much cheaply that would be possible, that would be the sort of
thing that would be eligible?

   Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

   Representative Fox.

REP. FOX (148TH):

   Through you, Mr. Speaker.

   I am currently reviewing the items that are not eligible and I believe that the hypothetical provided by the Representative may not within those, so I believe it might be a correct hypothetical.

   Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

   Representative Lavielle.

REP. LAVIELLE (143RD):

   Thank you very much, it’s, you know, we’re. I’d like to see the Bill be a little bit less vague on this subject but the final, the final question that I would have for the Representative is I believe that Representative Zullo asked before but I didn’t hear the answer are legislators allowed to participate in this program?
Through you.

DEP. SPEAKER BUTLER (72ND):

Representative Fox.

REP. FOX (148TH):

Through you, Mr. Speaker.

My reading of the Bill as outlined in lines 3 through 6 includes legislators.

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Lavielle.

REP. LAVIELLE (143RD):

Thank you and I thank the good Chair of GIE for his answers. I don’t have any more questions to give him a little relief. I am uncomfortable with the Bill. I am uncomfortable with it because it almost, it seems gratuitous. We have a Statute that offers something very close to this except that it’s under theegis of OPM rather than the legislature. It doesn’t seem to have been well-communicated. We haven’t had a lot of activity under it. We don’t know if it works. If we had had a very active
communication about and no one was finding savings or people were not getting appropriate guidance, that would be one thing but it is as though it just sat there in obscurity for all these years and nothing has happened and now somebody has decided that, hey, let’s just move somewhere else so another Bill can get passed. That’s exactly what it sounds like. I don’t know if that’s the truth but, you know, it’s gratuitous and the other thing is the idea that legislators whose job it is to actually define the State budget and vote on it, find ways to save money, that’s what we’re here for. It’s what we are elected to do. And this is an offer for that same State that we’re gonna try and save money for, to give us personally some of their money, that’s ridiculous. It’s not just a little strange, it’s ridiculous. And that is allowed under this Bill. So I just can’t, I think we are perfectly fine with the Statute that we have. But yes, let’s take it and let’s market it, let’s make sure that the State employees know about it. That is not gonna cost us
any money either, just like this doesn’t, except for the money we have to give out in awards. So, I won’t be supporting the Bill, Mr. Speaker and I thank the good Representative for his time and his indulgence. Thank you very much.

DEP. SPEAKER BUTLER (72ND):

Thank you. Representative Yaccarino.

REP. YACCARINO (87TH):

Thank you, Mr. Speaker. Good to see you up here. Interesting concept here. I think competition is good so I just have a couple of questions to the good Chair of GA please.

Through you.

DEP. SPEAKER BUTLER (72ND):

Please proceed.

REP. YACCARINO (87TH):

Thank you, Mr. Speaker. So to the good Chair of GA while if this was to pass and I think it will pass, each department will then manager or department head have a meeting on this and set the criteria as far as what their budget is, what their
policy is and how would you determine to have cost savings?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Fox.

REP. FOX (148TH):

Through you, Mr. Speaker.

I thank the Representative for the question. The question I believe is two parts, the first being how will we determine cost savings and the second part being how will the process be established.

I’ll answer the second question first. The policy will be established as identified in lines I believe it’s 24 pretty much through will “designate an existing employee within the agency to serve as the state agency suggestion coordinator” and then it goes down to identify what the state agency coordinators responsibilities and obligations are.

In terms of the first question, which I’ll answer second is somewhat confusing, the cost savings will be dictated by the savings that are reported in the
sense that if I make a suggestion that there is a certain practice by a state agency that I believe is wasting extra number of funds and does not come within one of the items that is ineligible for the program, and turns out that after the auditors review this suggestion that if there is a deemed savings outlined in lines 36 though 40 those cost savings will be identified and that’s where the savings comes.

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Yaccarino.

REP. YACCARINO (87TH):

Thank you. Thank you for that answer. Like I said, I think competition is good and private industry, in private business we do this. You have a quarterly or yearly if you meet those goals and you get a bonus. It is different in state government because state government is not in the business to make money but it is good to have, give people pride or incentives to do a better job. I
think that should come naturally but I think either a vacation or extra pay, as long as you are having true savings, could be laudable, it could work. I would hope that if this was to pass, it would be monitored closely though the auditor’s agency and that men and women that work for the state have the sense of pride when they do something and then maybe they could share, eventually I would like to see each department maybe getting a bonus or a week, or some time off but it’s got to be closely monitored. At the end of the day it’s the taxpayers that pay for all this and we should remember that. That is the difference between State government and private business, private business you either make money or you lose money. In state government it’s not in the business to make money but it is to provide services and care and other services. I think this might work but I just wanted to flush the question out about how it would work and were the bonuses. But what I would like to see eventually like I said, to go to almost competition with each department but a
healthy competition and that makes people, gives people pride to work harder and you feel better about yourself. So that’s really all I have to say. I’ll listen to further debate and thank the good Chair and the Speaker. Thank you.

DEP. SPEAKER BUTLER (72ND):

Thank you, sir. Representative Dathan, you have the floor, ma’am.

REP. DATHAN (142ND):

Thank you very much, Mr. Speaker. And I just wanted to say thank you to the GAE Committee for taking this up. I have been a CFO of companies for 15 years and sometimes there is a CFO you may not know the details of what the boots on the ground know because you are not that close to the details. We as a legislature don’t know the details because we are not that close to some of the things that are happening within our agencies. This is an opportunity for employees to take initiative and to really find ways that we can be more efficient and I am really surprised that we are sitting here having
this discussion in the budgetary state we’re in that we are not enabling our employees to be able to go find cost savings and to communicate this. I just find it really shocking that we have to sit here and have this long discussion. So thank you very much, I’m in strong support. I just signed on as a Co-Sponsor.

DEP. SPEAKER BUTLER (72ND):

Thank you, ma’am. Will you remark further on the Bill as Amended? The distinguished Representative from the 1st District, Representative Ritter, you have the floor, sir.

REP. RITTER (1ST):

Thank you, Mr. Speaker. And I got an email this morning from a colleague of ours who is doing well and she sent me actually about 13 emails this morning, Representative Garibay worked very hard on this Bill and she said, if you could find some time today to give this a go. And then I found out that Senator Haskell is on it and everyone loves Will Haskell so that made it even easier to do that. But
when Representative Garibay reached out, we want to let you know we’re thinking about you, we love you and we appreciate all your advocacy on behalf of your town even while you are away from us for a few days and I am glad this will pass today. Thank you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Thank you, Representative. Will you remark further on the Bill as Amended? If not will Staff and guests please come to the Well of the House. Will the Members please take your seats, the machine will be open. [Ringing]

CLERK:

The House of Representatives is voting by roll, Members to the Chamber. The House of Representatives is voting by roll, Members to the Chamber.

DEP. SPEAKER BUTLER (72ND):

Have all members voted? Have all members voted? Will the members please check the board to determine if your vote is properly cast. If all
members have voted, the machine will be locked and the Clerk will take a tally.

The Clerk will please announce the tally.

CLERK:

Senate Bill 682 as Amended by Senate “A” in concurrence with the Senate.

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DEP. SPEAKER BUTLER (72ND):

The Bill as Amended is passed. [Gavel] Are there any announcements or introductions? Representative Wilson, you have the floor, sir.

REP. D. WILSON (66TH):

Thank you, Mr. Speaker. I think we heard a famous quote one time about it goes something like this, “Speak softly but carry a big stick.” So I guess I’ve been thinking about that today and I am really happy to have here today members of the
Connecticut National Association of Insurance and Financial Advisers. They are here trying to connect with Members of this Chamber and Members upstairs to talk about Bill that are important to the insurance and financial palling industry. They are here in the Well of the House, if I could get you all to stand please. [Applause] These folks are working hard for us across the State of Connecticut every single day. Thank you very much.

DEP. SPEAKER BUTLER (72ND):

Representative Dillon.

REP. DILLON (92ND):

Through you, Mr. Speaker. Regrettably I was outside the Chamber at the time of the last vote and I would just like to inform the Chamber that had I been present I would have voted on the wasteful spending Bill in the affirmative.

DEP. SPEAKER BUTLER (72ND):

The transcript will note. Representative Zupkus.

REP. ZUPKUS (89TH):
Thank you, Mr. Speaker. Mr. Speaker I rise for an introduction, please.

DEP. SPEAKER BUTLER (72ND):

Please proceed, ma’am.

REP. ZUPKUS (89TH):

Thank you. I would like to introduce the Chamber to some folks that I work with at Best Buddies Mike Wieliczka, Adya Plourde and Sam Slade. I would like to give a little extra recognition to Captain Sam Slade. Sam is being deployed tomorrow out of country to serve our Country and we are very grateful for what you do Sam in fighting for our Freedom, so thank you. [Applause].

DEP. SPEAKER BUTLER (72ND):

Thank you very much and we all wish you a safe deployment. Representative O’Dea.

REP. O'DEA (125TH):

Thank you, Mr. Speaker. I rise for the purpose of an introduction, if I may?

DEP. SPEAKER BUTLER (72ND):

Please proceed, sir.
REP. O'DEA (125TH):

Thank you, Mr. Speaker. With me here is Mack Dean, he has just finished his freshman year at Trinity, played Lacrosse and Trinity for the first time in eight years got to the NESCAC playoffs. They weren’t successful this year but we’re looking forward to good things to come. Mack is good friends with my son and my daughter, played Lacrosse at McCain High School, three years state champs. I would ask my colleagues to give him a warm welcome here in the Chamber. [Applause].

DEP. SPEAKER BUTLER (72ND):

Thank you. We hope that you enjoy your stay in the Chamber. The Chamber will stand-at-ease please.

The House will come back to Order. Are there any other announcements or introductions?

Representative Rosario.

REP. ROSARIO (128TH):

Thank you. Thank you, Mr. Speaker. I rise for the purpose of an announcement.

DEP. SPEAKER BUTLER (72ND):
Please proceed, sir.

REP. ROSARIO (128TH):

Thank you, Mr. Speaker. Today is Puerto Rican Day at the Capital. At 2:30 there will be a panel and some information over at the legislative office buildings so if you are Puerto Rican or Puerto Rican at heart, please join us today at 2:30 at the LOB. Thank you so much.

DEP. SPEAKER BUTLER (72ND):

Thank you, sir. Will the Clerk please call Calendar No 622.

CLERK:


DEP. SPEAKER BUTLER (72ND):

Representative Rojas, you have the floor, sir.
REP. ROJAS (9TH):

Thank you, Mr. Speaker, I move for Acceptance of the Joint Committee's Favorable Report and Passage of the Bill.

DEP. SPEAKER BUTLER (72ND):

The Question is Acceptance of the Joint Committee's Favorable Report and Passage of the Bill. Representative Rojas you have the floor.

REP. ROJAS (9TH):

Thank you, Mr. Speaker. The Clerk is in possession of an Amendment LCO 9967. I would ask the Clerk to please call the Amendment and that I be granted leave of the Chamber to summarize.

DEP. SPEAKER BUTLER (72ND):

Will the Clerk please call LCO No. 9967 which will be designated House Amendment Schedule “A”.

CLERK:

House Amendment Schedule “A” LCO No. 9967 offered by Representative Rojas, Senator Fonfara.

DEP. SPEAKER BUTLER (72ND):

Representative seeks leave of the Chamber to
summarize the Amendment. Is there objection to summarization? Is there objection? Hearing none, Representative Rojas you may proceed with summarization.

REP. ROJAS (9TH):

Thank you, Mr. Speaker. What this Amendment does it provides some additional guidance to municipalities that look to establish a stormwater authority in terms of how they do their budget, what they are allowed to spend the revenue that they raise from the fee that they may levy. Also related to the enterprise zone, it makes a change that essentially says that if a municipality is going to exempt themselves from the enterprise zone program, they cannot reapply to the program for five years. I move adoption.

DEP. SPEAKER BUTLER (72ND):

The Question before the Chamber is adoption of House Amendment Schedule “A”. Will you remark on the Amendment? Representative Davis, you have the floor, sir.
REP. DAVIS (57TH):

Thank you, Mr. Speaker. And if I may a few questions to the proponent of the Amendment?

DEP. SPEAKER BUTLER (72ND):

Please proceed.

REP. DAVIS (57TH):

Thank you, Mr. Speaker. The kind gentleman mentioned that there was a few potentially positive changes that have been proposed in this Amendment to the underlying Bill.

And through you, Mr. Speaker.

With the stormwater authority that anytime a stormwater authority was to be created would have to be approved and be created by the legislative body of that municipality. Is that correct?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Rojas.

REP. ROJAS (9TH):

Through you, Mr. Speaker.

Correct.
DEP. SPEAKER BUTLER (72ND):

Representative Davis.

REP. DAVIS (57TH):

Thank you, Mr. Speaker.

In the Amendment in lines 20-32 outlines how that stormwater authority’s budget and fee structure would be approved and.

Through you, Mr. Speaker.

The budget would have to be reviewed and approved by the legislative body of each municipality, is that correct?

DEP. SPEAKER BUTLER (72ND):

Representative Rojas.

REP. ROJAS (9TH):

Through you, Mr. Speaker.

That is correct and also requires that the stormwater authority has to present the budget and they can only raise enough revenue to cover what exactly is presented in that budget to the legislative body.

Through you, Mr. Speaker.
DEP. SPEAKER BUTLER (72ND):

Representative Davis.

REP. DAVIS (57TH):

Thank you, Mr. Speaker. And additionally the stormwater authority could also recommend fees that are less than their total costs, is that correct?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Rojas.

REP. ROJAS (9TH):

Through you, Mr. Speaker.

That is correct.

DEP. SPEAKER BUTLER (72ND):

Representative Davis.

REP. DAVIS (57TH):

Thank you, Mr. Speaker. And the municipalities they can choose to create one of these or choose not to create one of these, is that correct?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Rojas.
REP. ROJAS (9TH):

That is correct, Mr. Speaker. This is enabling legislation for municipalities that want to seek a way to cover some of the costs that are now mandated by the Federal Government to manage stormwater.

Through you.

DEP. SPEAKER BUTLER (72ND):

Representative Davis.

REP. DAVIS (57TH):

Thank you, Mr. Speaker. And under this Amendment I notice that there is going now be some exceptions as to what type of property could be assessed this fee.

Through you, Mr. Speaker.

Is it true that farm, forest land, open space land would not be subject to the stormwater authority’s fees?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Rojas.

REP. ROJAS (9TH):
Through you, Mr. Speaker.
Correct.

DEP. SPEAKER BUTLER (72ND):
Representative Davis.

REP. DAVIS (57TH):
Thank you, Mr. Speaker. And would towns or the State itself be exempt from the fees?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):
Representative Rojas.

REP. ROJAS (9TH):
Certainly I don’t know that the town would just incur the cost of having to implement the program so they wouldn’t necessarily charge themselves but certainly State and Federal properties do not fall under the permit.

Through you.

DEP. SPEAKER BUTLER (72ND):
Representative Davis.

REP. DAVIS (57TH):
Thank you, Mr. Speaker. And would hospitals, colleges, universities other entities that are currently exempt from property taxes would they potentially be charged this fee as well?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Rojas.

REP. ROJAS (9TH):

Through you, Mr. Speaker.

Yes.

DEP. SPEAKER BUTLER (72ND):

Representative Davis.

REP. DAVIS (57TH):

Thank you, Mr. Speaker. Could a municipality choose not to apply a fee to those entities?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Rojas.

REP. ROJAS (9TH):

Through you, Mr. Speaker.

Correct.
DEP. SPEAKER BUTLER (72ND):

Representative Davis.

REP. DAVIS (57TH):

Thank you, Mr. Speaker. So the only things that would be prohibited through Statute would be open space, farmland and the alike but the municipality could ultimately choose to put it on other ones or they could choose not to? Is that correct?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Rojas.

REP. ROJAS (9TH):

Through you, Mr. Speaker.

Correct.

DEP. SPEAKER BUTLER (72ND):

Representative Davis.

REP. DAVIS (57TH):

Thank you, Mr. Speaker. In the Amendment as well we are changing the section of the Bill dealing with enterprise zones and as the kind gentleman
mentioned if a town under the underlying Bill were to follow the procedure about opting out of an enterprise zone, they would be prohibited from reapplying to become an enterprise zone for five years or could they opt to just go back to being an enterprise zone after five years?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Rojas.

REP. ROJAS (9TH):

Through you, Mr. Speaker.

They would have to wait five years to apply to be designated as an enterprise zone again.

Through you.

DEP. SPEAKER BUTLER (72ND):

Representative Davis.

REP. DAVIS (57TH):

Thank you, Mr. Speaker. I do see at the end of the Amendment that they would have to seek the approval of the Commissioner of Economic and Community Development to be re-designated as an
enterprise zone. Is that correct?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Rojas.

REP. ROJAS (9TH):

Through you, Mr. Speaker.

That is correct.

DEP. SPEAKER BUTLER (72ND):

Representative Davis.

REP. DAVIS (57TH):

Thank you, Mr. Speaker. I stand in support of the Amendment. I’ll reserve the rest of my comments for the underlying Bill. Thank you.

DEP. SPEAKER BUTLER (72ND):

Will you remark further? Will you remark further on the Amendment before us? If not, I will try your minds. All those in favor, please signify by saying, aye.

REPRESENTATIVES:

Aye.

DEP. SPEAKER BUTLER (72ND):
All those opposed, nay. The ayes have it. The Amendment is adopted. [Gavel] Will you remark further on the Bill as Amended? Representative Davis.

REP. DAVIS (57TH):

Thank you, Mr. Speaker.

Through you.

A couple of questions to the proponent of the Bill.

DEP. SPEAKER BUTLER (72ND):

Please proceed.

REP. DAVIS (57TH):

Thank you, Mr. Speaker. And now the Bill as amended if the kind gentleman could explain the costs that are associated with stormwater authorities where creating the ability for these towns to be able to set up these separate, lack of another word, taxing districts, separate authorities to be able to issue fees and what are some of those costs that are now borne by a great deal of the municipalities across our State?
Through you.

DEP. SPEAKER BUTLER (72ND):

Representative Rojas.

REP. ROJAS (9TH):

Through you, Mr. Speaker. Some of it can be capital equipment under the permit, municipalities are required to sweep all of their streets at least one a year. They are also required to vacuum out all of their catch basins so for example in East Hartford, there are 902 catch basins in East Hartford, I mean it takes about 15 months to actually vacuum all those catch basins out so depending on the size of the town a municipality, there are additional requirements like that, there is a lot of monitoring that has to go for water outfalls that go into a waterway. They have to look for illicit discharges that are going into our waterways either from towns in terms of how they manage their pesticide use on fields to private companies that perhaps deal with oil and gas that might result in runoff into our waterway. There is
a responsibility on the part of the municipality to educate the public about the responsibilities they all have in reducing the amount of stormwater runoff that goes into our sewer system which ends up in our waterways.

Through you.

DEP. SPEAKER BUTLER (72ND):

Representative Davis.

REP. DAVIS (57TH):

Thank you, Mr. Speaker and would the kind gentleman please discuss some of the cost that this mandate has put onto certain municipalities in the State.

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Rojas.

REP. ROJAS (9TH):

Through you, Mr. Speaker. If he could just repeat the question.

DEP. SPEAKER BUTLER (72ND):

Representative Davis.
REP. DAVIS (57TH):

Thank you, Mr. Speaker. Would the kind Chairman of the Finance Committee explain some of the costs that are now being mandated by the Federal Government on the municipalities to meet the obligations of these stormwater permits.

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Rojas.

REP. ROJAS (9TH):

Through you, Mr. Speaker.

Some of the examples that we have gotten already is the Community of Stonington has already spent approximately $500,000 dollars in terms of mapping their town to see where their impervious services are located. There is equipment that has had to be purchased. Some communities have had to bring on additional personnel. When I spoke previously about the need to vacuum out all our catch basins that has required additional personnel if their existing public work department isn’t able
to cover that responsibility. The education piece is probably less costly, one but certainly I think it is mostly capital equipment and then the monitoring in compliance.

Through you.

DEP. SPEAKER BUTLER (72ND):

Representative Davis.

REP. DAVIS (57TH):

Thank you, Mr. Speaker. And under the Amendment that we received or that was just adopted, just now, they would only be able to recoup the costs of the costs for that fiscal year, they wouldn’t be able to go back and collect any of the costs for what has already been done to meet the obligations of this permit, is that correct?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Rojas.

REP. ROJAS (9TH):

Through you, Mr. Speaker.

That is correct.
DEP. SPEAKER BUTLER (72ND):

Representative Davis.

REP. DAVIS (57TH):

Thank you, Mr. Speaker. So as Amended the Bill limits it to just the ongoing sort of operating costs that are associated with meeting the obligations of this permit. Is that correct?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Rojas.

REP. ROJAS (9TH):

Through you, Mr. Speaker.

That’s correct.

DEP. SPEAKER BUTLER (72ND):

Representative Davis.

REP. DAVIS (57TH):

Thank you, Mr. Speaker. And the way that the Bill is drafted, is it open that an authority could place a fee on all property owners across the town or is, except for those few exceptions, that we discussed during the Amendment or is it, does it
require them to only apply to those who cause stormwater runoff?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Rojas.

REP. ROJAS (9TH):

To the extent that a property has an impervious surface which could be a roof, which could be a pool, which could be a sidewalk, which could be a driveway, if they have any of those types of impervious services, they could be levied a fee.

Through you.

DEP. SPEAKER BUTLER (72ND):

Representative Davis.

REP. DAVIS (57TH):

Thank you, Mr. Speaker. And under the language of the Bill with the authority be required to do it as like a flat fee or would they be able to determine the fee based on the amount of impervious surface that creates the stormwater?

Through you, Mr. Speaker.
DEP. SPEAKER BUTLER (72ND):

Representative Rojas.

REP. ROJAS (9TH):

Through you, Mr. Speaker.

That option is left to the municipality. For the one community that has implemented it, they went with a flat fee. There is some guidance from the Environmental Protection Agency that does suggest that if a municipality is going to levy a fee that it has to be equitable that it can be based on the amount of stormwater that a particular property does cause.

Through you.

DEP. SPEAKER BUTLER (72ND):

Representative Davis.

REP. DAVIS (57TH):

Thank you, Mr. Speaker. So under the Federal Guidelines they wouldn’t be able to like specifically target certain property owners and change them an overabundance of the costs for the stormwater, it has to be some sort of equitable
distribution of the actual costs and the fees that are levied. Is that correct?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Rojas.

REP. ROJAS (9TH):

Through you, Mr. Speaker.

That is correct.

DEP. SPEAKER BUTLER (72ND):

Representative Davis.

REP. DAVIS (57TH):

Thank you, Mr. Speaker. In the language of the Amendment as well if somebody feels as if they are being overcharged that they have been levied this fee that perhaps is outside of being equitable, is there a process for them to be able to challenge that fee and perhaps go to a board of assessment, appeals or something of this similar in each town.

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Rojas.
REP. ROJAS (9TH):

Through you, Mr. Speaker.

That is correct. Lines 41 to 45 allows an individual property owner if they feel that are grieved to make an appeal to their board of assessment appeals.

Through you.

DEP. SPEAKER BUTLER (72ND):

Representative Davis.

REP. DAVIS (57TH):

Thank you, Mr. Speaker and I thank the kind Chairman for his answers. Mr. Speaker this is an issue that is impacting I think about 122 towns currently in the State of Connecticut right now. The costs range greatly between small municipalities and large municipalities, some of them have incurred $500,000 dollars as the kind Chairman said some over a million dollars, ones less than $100,000 dollars. So in my opinion this may not be a solution for every community, I think most communities probably will end up having to have those costs wrapped into
the property taxes, it will be easier for them to do it that way rather than issuing a separate tax bill or fee to each one of these individual property owners in the town. So I think that although I have some reservations about the ability of municipalities to set their own fees and issue new ones I think the way that this amendment was drafted ultimately is part of the Bill was done in a way that really limits the ability for abuse by a municipality to go after certain businesses or property owners and makes it so that is done only on the cost they are incurring that year to do the specific issues that are required under the Federal Government Permit and for those reasons I’ll be supporting it. There is also two other sections of this Bill that I think are very positive ones, one in which we are now going to be looking at those municipalities that have over 50 percent of their land is state forest, and we’d be looking at doing a study to figure out if there is a way that maybe we can change the pilot formula for those specific
municipalities that are essentially unable to, unable to tax much of the property within their town because it is a state forest and gives an opportunity for those municipalities perhaps to get a larger reimbursement going forward in the out years after that report is received by the legislature. And additionally we have heard for many years about issues with enterprise zones in municipalities that initially wanted to be in them and found out that maybe this isn’t as beneficial to their municipality as they originally believed it could be, so this gives them the option to opt out of that going forward, they would still have to offer those incentives to those businesses that are currently operating in those towns but going forward they would be able to opt out and they would have to do it very carefully because under the Amendment that we just passed they would be limited to only doing it for five years, they would have to wait five years before they can get back in and try to take advantage of that. So I’m not sure how many
municipalities will actually do this, but at least we are giving them the option in lifting that mandate that enterprise zones that are actually on these municipalities. So for those reasons, Mr. Speaker I will be supporting the Bill here today. Thank you.

DEP. SPEAKER BUTLER (72ND):

Thank you, sir. Representative Lanoue, you have the floor, sir.

REP. LANOUE (45TH):

Thank you, Mr. Speaker. I rise today in support of HB 7408 particularly for Section No. 2. You know today being First Responder Day here at the Capital we got to meet some of the finest among us, our first responders, our firefighters who do fantastic outstanding work, saves lives every single day. There is one town in my district where they absolutely have a sterling silver example of how wonderful we are, that is in the Town of Voluntown, Connecticut in my district, it is a volunteer fire department, it is called Voluntown because it was
based on volunteers. It was founded on volunteers and we have one of the best natural resources in the State in that town and that is the Pachaug State Forest. And many of the members of this Chamber have visited and vacationed that the forest, many of our constituents from around the State have come to Voluntown and experienced the Forest and Pachaug Pond and we’ve welcomed with open arms to continue to come. However, it puts a big burden on our first responders. They have a difficult enough job as it is in addition to that the first responders in Voluntown they respond to hikers that are lost, they respond to overdoses, biking and ATV accidents, stranded boaters, fires that may occur in the forest through campfires and whatnot and they have to respond with many different radial ways beyond just a conventional fire and there is no such thing as a conventional fire. But this is even an additional burden such rigorous terrain and I think the time has come where we need to reassess the pilot formula of payment in lieu of taxes that is given to
specifically to the Town of Voluntown and like towns that have the split where the State owns over 50 percent of the landmass. In Voluntown the State owns 66 percent of the landmass. I was raised, if you own, 66 percent of anything you have 66 percent of the responsibility. The Town is only given $175,000 dollars by the State annually. I think the time has come to reassess that to make sure the town has the appropriate resources to respond to a lot of these great incidents that face them, the overwhelming burden that they have, we need to support these great men and women of the fire department and first responders that not only are they responding to people in the Town of Voluntown but they are responding to all the many, many state residents from around the State that visit in the forest. So I am very happy that we are going to be having this study where the Secretary of OPM will evaluate the formulas and get back to us by January. I welcome that study and I rise today again in support of this Bill and will encourage all my
colleagues to follow suite. Thank you very much.

DEP. SPEAKER BUTLER (72ND):

Thank you, sir. Will you remark further on the Bill as Amended? If not will the Staff and guests please come to the Well of the House. Will the Members please take your seats, the machine will be open. [Ringing]

CLERK:

The House of Representatives is voting by roll, Members to the Chamber. The House of Representatives is voting by roll, Members to the Chamber.

DEP. SPEAKER BUTLER (72ND):

Have all members voted? Have all members voted? Will the members please check the board to determine if your vote is properly cast. If all the members have voted, the machine will be locked, the Clerk will take a tally.

The Clerk will please announce the tally.

CLERK:

House Bill No. 7408 as Amended by House “A”
Total Number Voting        145
Necessary for Passage      73
Those voting Yea           136
Those voting Nay           9
Absent not voting          6

DEP. SPEAKER BUTLER (72ND):

The Bill as Amended is passed. [Gavel] Will the Clerk please call Calendar No. 620.

CLERK:


DEP. SPEAKER BUTLER (72ND):

Representative Stafstrom, you have the floor, sir.

REP. STAFSTROM (129TH):

Thank you, Mr. Speaker. Mr. Speaker, I move for Acceptance of the Joint Committee's Favorable
Report and Passage of the Bill in concurrence with the Senate.

DEP. SPEAKER BUTLER (72ND):

The Question before the Chamber is on Acceptance of the Joint Committee's Favorable Report and Passage of the Bill. Representative Stafstrom you have the floor, sir.

REP. STAFSTROM (129TH):

Thank you, Mr. Speaker. Mrs. Speaker this is a relatively straight forward Bill that simply requires that the Commissioner of Corrections insure that the Department’s policy for reimbursement of municipal ambulance services is at the same rate as the reimbursement rate for nonmunicipal for profit ambulance providers when an inmate is transferred to a hospital by a municipal ambulance provider. I urge support for the Bill.

DEP. SPEAKER BUTLER (72ND):

Representative Rebimbas. You have the floor, ma’am.

REP. REBIMBAS (70TH):
Thank you, Mr. Speaker. Mr. Speaker I rise in support of the proposal before us for all the good reasons that the good Chairman had indicated. I just wanted to add that this certainly is a proposal that is supported by CCM and that there should be parity between the reimbursement and for the transportation of an inmate in a facility and this is also for transportation not only is the individual potentially getting medical attention but also for other types of transportation to a medical facility. So I do think that a municipally operated ambulance company should certainly again have parity with a for profit company and that hasn’t occurred in the past. The Commissioner of Correction will have until October 1, 2019 in order to put forward the details regarding that so this is a good Bill and I encourage my colleagues to support it.

DEP. SPEAKER BUTLER (72ND):

Will you remark further on the Bill? Representative Case you have the floor, sir.

REP. CASE (63RD):
Thank you, Mr. Speaker. Just a quick question reading through the Bill. I do agree with the Bill and do agree with the nonprofits ambulance associations but.

Through you.

To the speaker or to the good gentleman on the Bill.

DEP. SPEAKER BUTLER (72ND):

Please proceed.

REP. CASE (63RD):

Through you.

It does state that here is no fiscal note but if we are going to be adding a cost on because we are going to be paying a same price or at the same level to the municipal ambulance companies how would there be no fiscal note attached to this?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Stafstrom.

REP. STAFSTROM (129TH):

Through you, Mr. Speaker.
I guess that would be an excellent question for Office of Fiscal Analysis and the Department of Corrections. My understanding though is simply an update to policy so they presumably it’s the same pool and renegotiation of the contracts but certainly it’s my expectation that this fiscal note was crafted with the input of the Department and they are of the opinion I would assume based on the fiscal note that they can do this without any additional cost.

Through you.

DEP. SPEAKER BUTLER (72ND):

Representative Case.

REP. CASE (63RD):

Through you, Mr. Speaker and I do support the Bill and I do support our good nonprofit ambulance associations. My concern is that if we are not paying them now, but we’re gonna be paying them, somewhere the money’s got to come. So I guess I will support this and hopefully we can figure out the payment on this Bill at a later date. I usually
don’t like to do those things until I see the fiscal note and see where it is in the budget but it is only fair that if one gets paid the other should too. So Thank you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Will you remark further? Will you remark further on the Bill? If not will the Staff and guests please come to the Well of the House. Will the Members please take your seats, the machine will be open. [Ringing] Please make sure you vote, I accidentally locked the machine. We are going to give you a chance to vote.

CLERK:

The House of Representatives is voting by roll, Members to the Chamber. The House of Representatives is voting by roll, Members to the Chamber.

DEP. SPEAKER BUTLER (72ND):

Have all members voted? Have all members voted? Will the members please check the board to determine if your vote is properly cast. If all
members have voted, the machine will be locked and the Clerk will take a tally.

The Clerk will please announce the tally.

CLERK:

Senate Bill No. 1114 in concurrence with the Senate.

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DEP. SPEAKER BUTLER (72ND):

The Bill passes in concurrence with the Senate.

[Gavel] The Clerk will please call Calendar No. 325.

CLERK:

On Page 21, House Calendar 325, Substitute House Bill No. 7299 AN ACT MAKING CHANGES TO DEPARTMENT OF CONSUMER PROTECTION ENFORCEMENT STATUTES. Favorable Report of the Joint Standing Committee on General Law.
DEP. SPEAKER BUTLER (72ND):

   Representative D’Agostino.

REP. D'AGOSTINO (91ST):

   Thank you, Mr. Speaker and good afternoon. I move for Acceptance of the Joint Committee's Favorable Report and Passage of the Bill.

DEP. SPEAKER BUTLER (72ND):

   Representative Smith see you rise.

REP. SMITH (108TH):

   Thank you, Mr. Speaker. I rise to let the Chamber know that I may have a conflict with this Bill. There is a certain section in this Bill that I may have a conflict with so in the course of being conservative in due course I am goin to step out of the Chamber if you don’t mind.

DEP. SPEAKER BUTLER (72ND):

   The Chamber will be at ease.

   The Chamber will come back to Order.

Representative D’Agostino you have the floor, sir.

REP. D'AGOSTINO (91ST):

   Thank you, Mr. Speaker. So my understanding
this where we left off last night with Amendments to this Bill. This is the DCP, Department of Consumer Protection Agency Bill, various technical changes with respect to architects, pharmacies, etc. We amended the Bill last night so the Bill as Amended is on the Board. Those were the wholesale Amendments that I discussed with the Ranking Member Cheeseman with respect to architects, etc., striking the mobile fuel carriers, etc. So that Bill as Amended is on the Board and then we have a new Amendment coming and this Amendment will deal with the issue we discussed last night with respect to the fines imposed by the Department and I think I can call the Amendment. I would ask the Clerk to please call Amendment LCO No. 9897. I would ask the Clerk to please call the Amendment and that I be granted leave of the Chamber to summarize.

DEP. SPEAKER BUTLER (72ND):

Will the Clerk please call LCO No. 9897 which will be designated House Amendment Schedule “B”. The Chamber will stand-at-ease.
Will the Clerk please call LCO No. 9897 which will be designed House Amendment Schedule “C”.

CLERK:

House Amendment Schedule “C” LCO No. 9897 offered by Representative Ackert, Representative D’Agostino, Representative Cheeseman.

DEP. SPEAKER BUTLER (72ND):

Representative D’Agostino.

REP. D'AGOSTINO (91ST):

Thank you, Mr. Speaker. So this is the Amendment we discussed and negotiated on the Floor last night that would increase the fines up to $500.00 dollars for a violation but it does excuse the first offense as a non-fineable offense, that is the compromise we reached last night. I’d ask everybody to support that Amendment.

DEP. SPEAKER BUTLER (72ND):

Representative Cheeseman, you have the floor, ma’am.

REP. CHEESEMAN (37TH):

Thank you, Mr. Speaker. I want to thank the
Chair for his explanation of the underlying Bill as Amended and accepting this Amendment which is permissive in terms of the amount of the fine but does remove that penalty for first-time offenders. I think both Representative Ackert and Representative Lopes did a good job of explaining how this might be disproportionally affect someone who was not a repeat offender but through an honest mistake. So I would urge everyone one to support this Amendment to the Bill.

DEP. SPEAKER BUTLER (72ND):

Will you remark further? Will you remark further on the Amendment before us? If not, I will try your minds. A little late on the draw there, sir. [Laughter] Representative Ackert, you have the floor.

REP. ACKERT (8TH):

Sometimes less words is better, Mr. Speaker. I thank the good Chairman and the Ranking Members for their openness to this piece of legislation and it’s a good Amendment and ought to pass. Thank you, Mr.
Speaker.

DEP. SPEAKER BUTLER (72ND):

Thank you, sir. Will you remark further on the Amendment before us? If not, I will try your minds. All those in favor signify by saying aye.

REPRESENTATIVES:

Aye.

DEP. SPEAKER BUTLER (72ND):

And opposed, nay. The ayes have it. The Amendment is adopted. [Gavel] Will you remark further on the Bill as Amended? If not will the Staff and guests please come to the Well of the House. Will the Members please take your seats, the machine will be open. [Ringing]

CLERK:

The House of Representatives is voting by roll, Members to the Chamber. The House of Representatives is voting by roll, Members to the Chamber.

DEP. SPEAKER BUTLER (72ND):

Have all members voted? Have all members
voted? Will the members please check the board to determine if your vote is properly cast. If all members have voted, the machine will be locked and the Clerk will take a tally.

The Clerk will please announce the tally.

**CLERK:**

House Bill No. 7299 as Amended by House “A” and “C”

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**DEP. SPEAKER BUTLER (72ND):**

The Bill as Amended is passed [Gavel] Are there any introductions or announcements?

Representative Fusco.

**REP. FUSCO (81ST):**

Thank you, Mr. Speaker. I rise for the purpose of an introduction.

**DEP. SPEAKER BUTLER (72ND):**
Please proceed, sir.

REP. FUSCO (81ST):

Thank you, Mr. Speaker. I am joined here by my Colleagues Mastrofrancesco and Senator Sampson and we have with us today at the Capital visiting the third-grade class from Thalberg School in the wonderful town of Southington. [Applause] Thalberg is actually part of the 30th Assembly District and I think I will leave you two to figure out who belongs to that District so, I appreciate you giving ‘em all a round welcome. Thank you.

DEP. SPEAKER BUTLER (72ND):

Thank you, sir and we hope that they enjoy their visit. Representative Reyes. Just a moment, sir. [Gavel] [Gavel] Can we?

REP. REYES (75th):

Good afternoon, Mr. Speaker. I rise for the purpose of an announcement. The Puerto Rican Day Celebration will start at 2:30 over in 2B and this evening at 4:45 p.m. the Puerto Rican Day Gala will start downstairs at 4:45.
DEP. SPEAKER BUTLER (72ND):

Excuse me, Representative. [Gavel] [Gavel] If I can’t hear, I’m sure there’s a few other people who can’t hear this announcement. Representative Reyes would you care to start over and make your announcement please?

REP. REYES (75th):

Mr. Speaker, the Puerto Rican Day Celebration will start at 2:30 p.m. over in 2B now and the celebration downstairs will be at 4:45 p.m. and everyone is invited. Thank you.

DEP. SPEAKER BUTLER (72ND):

Thank you, sir. Representative Ritter.

REP. RITTER (1ST):

Mr. Speaker I move that we suspend our rules for the immediate consideration of Calendar 670. Thank you.

DEP. SPEAKER BUTLER (72ND):

Seeing no objection, so ordered. [Gavel] Will the Clerk please call House Resolution 34.

CLERK:

DEP. SPEAKER BUTLER (72ND):

   Representative D’Agostino, you have the floor, sir.

REP. D'AGOSTINO (91ST):

   Thank you, Mr. Speaker. I move for Acceptance of the House Committee's Favorable Report and Passage of the Resolution.

DEP. SPEAKER BUTLER (72ND):

   Question before the Chamber is on Acceptance of the Joint Committees Favorable Report and Adoption of the Resolution. Representative D’Agostino, you have the floor.

REP. D'AGOSTINO (91ST):

   Thank you, Mr. Speaker. We’ve done a number of
contracts this session, this is I believe that last one we will do this session. It is a little different that the ones we’ve done previously so let me just take a minute to explain it. This is a Memorandum of Understanding with our family childcare providers. These are the thousands of individuals that basically administer the Care4Kids Program in the State of Connecticut caring for low income children either through individual providers who are family members or through licensed providers, I’ll explain that a little further as well. But the important to keep in mind is this is not a CBAC contract. The other ones we’ve done have been CBAC agreements, this is not. So while these employees have the ability to negotiate wage and hour that is it aside from some additional working conditions that they are able to negotiate. They do not get state retirement benefits; they do not get state health care benefits. They are solely employees that administer the Care4Kids Program. Most of them make less than minimum wage, some of
them make a bit more but we’re still only talking
about on average maybe $6,000 dollars per year for
the folks who make below minimum wage and about
$24,000 dollars a year for those who do provide
services in a more structured home environment with
several more children. So we are not talking about
state employees like we’ve spoken about previously
even though these folks do get to negotiate,
collectively bargain their wage and hour.

Just briefly the way this program works, again,
it is different than our other state employees.
There is Federal money that comes in and State money
that comes in for these childcare programs. The
State is reimbursed for roughly half of our costs by
the Federal Government. That money is then sent
down through an administrator and in this case it is
the United Way that administers the Care4Kids
Program and then they pay these providers, there’s
two types of providers, the licensed ones and the
non-licensed ones, the non-licensed ones that
shorthand there’s still a ton of regulations that
regulate their work, they have to go through background checks, they have to go through finance checks, etc. and so it is administered by the United Way, these thousands of providers provide these childcare services for low income families and individuals in the State of Connecticut all of whom have to meet financial requirements and financial checks just like other social services in the State before they are approved for those services and that’s how the flow works. If that sounds familiar to some of us who were here last year, it is very similar to the structure for the personal care attendant contract that we did last year, again with Federal and State money flowing through an administrator, paid to the providers to provide these services for low income individuals in this case childcare in the State of Connecticut. It is not a unique program, every state in the country has it. In our case it is called the Care4Kids Program which I think most people are familiar with. So what this Amendment does, excuse me, this Resolution
does is it adopts a Memorandum of Understanding with these workers who were able to unionize and they have been only able to unionize since 2013, it includes some wage increases for those who are on the licensed side and a wage increase for those on the unlicensed side that is tied to the minimum wage, a 1.25 percent increase for them, a 2.5 or so increase for the others. It’s got a net cost over time, over the next three years of about $630,000 dollars in fiscal 19, $2.6 million in fiscal 20, $5 million in fiscal 21 and $8 million in fiscal 22. That’s over the course of the contract, again that is in addition to the amounts that we spend for the administration of this program, again a large chunk of which is funded by Federal dollars and it is fully funded in the upcoming budget. This program has been funded for a long time; the collective bargaining aspect is new. But we have been doing this program in its precursor for some odd 30 years and it’s obviously a terrific program, it lets people work and have childcare either through a
family member who is paid below minimum wage or through these other professionals who operate on a more of a home basis. Think of it as economic development that way so people don’t have to worry about childcare or their job, they can have somebody to do childcare, again you have to meet strict income requirements, strict requirements to be a provider, it’s a terrific, it’s the last one we’re gonna do and I hope everybody will support it.

DEP. SPEAKER BUTLER (72ND):

Great. Representative Lavielle. You have the floor, ma’am.

REP. LAVIELLE (143RD):

Thank you very much, Mr. Speaker. Good afternoon again.

DEP. SPEAKER BUTLER (72ND):

Good afternoon to you.

REP. LAVIELLE (143RD):

So I have a few questions for the proponent. Please proceed, ma’am.
Thank you very much, Mr. Speaker. My first one is not properly concerning this contract but the Representative has said this is the last one we will have this session. I heard we had three more, we’re not having them.

Through you.

DEP. SPEAKER BUTLER (72ND):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Don’t hold me to it, Mr. Speaker.

Through you.

DEP. SPEAKER BUTLER (72ND):

Representative Lavielle.

REP. LAVIELLE (143RD):

Okay, I’ll let him off that one. I was just curious that this the first time I’d heard that. Okay, so there is, I appreciate the Representative going through some of that explanation on the Care4Kids program. Let me state for the record that I think it is an excellent program because it’s goal in life is to get people off the program, which is
pretty unique, it allows people to go to school. We actually passed a Bill not too long-ago allowing people to go to school, not just go to work, so that they could become more qualified and earn more money. It takes care of people’s kids while they are not in school, while they are too young to go to school, gives people that flexibility so they can do better and either when they do better or when their kids age out, they get kicked out of the program because the programs help them achieve and so I think its an excellent program.

Now one of the things that we’ve discussed in Appropriations and also which the Representative mentioned is what these people, these individuals who are providing services under Care4Kids what they earn. And I want to qualify that a bit. The program wasn’t set up for them to earn the way we think of earning, and I’ll explain that. When it was established, in Connecticut, and this was one of the original provisions, what that provision required was that each provider would receive under the
program per hour as a floor, the base, one-third of the minimum wage. Note, not the minimum wage, but a third of the minimum wage. They could not earn less than that. But I don’t think anyone would ever propose that if someone were receiving a third of the minimum wage that was intended to be what is termed a living wage. It is one-third of the minimum wage. So that is the base upon which the program is built and then it goes higher as we choose. So one of the, one of the things that it is important to understand is where the increase in the minimum wage that is going to happen fits into all of this. So my questions, I want to start there, if I may. Are the individuals under the program, well when they receive, when the next increase in the minimum wage goes into effect, the one that has just passed, are increases that they will get per hour in consequence factored into the cost that we seen in the fiscal note which the Representative sited just a little while ago?

Through you.
Representative D'Agostino.

Through you, Mr. Speaker.

Yes they are, that’s and just to sort of give a further background on that as the Representative mentioned, the tie-in to the minimum wage, the third, has always been a part of this contract. So that is really not a new concept obviously, what I hesitate to even call new, it’s if there are increases to the minimum wage, there is an attendant obviously cost to that but that has always been part of this as the Representative mentioned that’s tied to the minimum wage. Of course, the minimum wage has not always been static, it has gone up before and so there has always been that sort of attendant increase because it’s tied to the one-third of the minimum wage. So that is costed out here, the upcoming anticipated costs are part of the future anticipated costs of the contract.

Through you.
DEP. SPEAKER BUTLER (72ND):

Representative Lavielle.

REP. LAVIELLE (143RD):

Thank you. And that is exactly what I had understood this was always part of the program. The one-third of the minimum wage part is not new under this contract. But it’s there and since we know we have planned increased in the minimum wage we will see regardless of these percentage increases, that come in under the contract we will see corresponding increases every year due to the minimum wage and also I would point out because of the way that the minimum wage Bill is written with indexed increases every year, unless the legislature acts to cancel them, for evermore after, we get the fifteen. So we will be seeing those and, you know, into the future indefinitely. So the increases that the Representative described, yearly under the contract 2.5 percent or 1.25 percent depending on whether we’re talking licensed or unlicensed, those come, those are calculated on top of what the payment is
having factored in the minimum wage increase? Is that correct?

DEP. SPEAKER BUTLER (72ND):

Representative D’Agostino.

REP. D'AGOSTINO (91ST):

Through you, Mr. Speaker.

Yes and who we are primarily talking about here are the unlicensed providers and again I want to be clear when I use that term, it is sort of shorthand but these folks are reviewed and regulated, it is not the wild, wild west. They just simply don’t have the same for example level of background and education that the “licensed” providers do and they provide services in a different setting. Typically they are family members but and it is those unlicensed providers who are the bulk of the providers. They are the ones who are strictly paid on that one-third minimum wage basis which is going up as the Representative indicated and then for fiscal years I think it is 20 and 21 they is a 1.25 increase on top of that, so it’s those two pieces
that account for the bulk of the incremental costs here because there is more of these unlicensed providers and it is both of those two factors together.

Through you.

DEP. SPEAKER BUTLER (72ND):

Representative Lavielle.

REP. LAVIELLE (143RD):

Thank you and while we’re there, could the Representative tell us how many individuals come in under this contract and how many are licensed and how many are unlicensed?

Through you.

DEP. SPEAKER BUTLER (72ND):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

And it is a great question because it does, let me just put on the record this. The unlicensed number fluctuates wildly because of the requirement, because this is temporary as the Representative described. You know, you need some help, you got a
job, you’ve got your family member who is qualified for this program and so there is a heck of a lot of turnover on the unlicensed providers as of the date of the OFA analysis there were approximately 2,014 members in the unit, 2,192 of whom were the unlicensed providers.

Through you.

DEP. SPEAKER BUTLER (72ND):

Representative Lavielle.

REP. LAVIELLE (143RD):

And I assume that would give us 722 who are licensed? Is that correct?

REP. D'AGOSTINO (91ST):

Through you, Mr. Speaker.

I’m sorry.

DEP. SPEAKER BUTLER (72ND):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Yes, through you, Mr. Speaker.

She promised me there was going to be no more math, but she keeps doing it to me. I will defer it
to her and OFA which the number I have is 722.

Through you.

DEP. SPEAKER BUTLER (72ND):

Representative Lavielle.

REP. LAVIELLE (143RD):

I was counting on both of us having the same document. So, thank you. So, in the case of unlicensed providers are there special, what are the special requirements that you have if you want to be a provider funded under this program without having a license?

Through you.

DEP. SPEAKER BUTLER (72ND):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you, Mr. Speaker.

And again it really is that nomenclature issue but there are specific requirements and there is a stack of regulations that you have to follow but in some for the “unlicensed providers” you have to pass a background check, everybody in your home has to
pass a background check. You can only care for up to three children at a time, that’s expanded up to six and potentially nine for the licensed providers. The Office of Early Childhood or DSS they can come into your house at anytime to inspect. You have to keep reapplying, its not that once you’re qualified you are continually qualified, every time you go through the reevaluation you have to keep getting, going through that process and importantly it can only be, the only people who can be “unlicensed providers” are direct family members. So single mother, working two jobs, needs help with her kids, my mom lives with me, or my mom is next door, she’s working a job as well but she’s got some time to help care for the kids while I’m on a nightshift for example, she can qualify is she meets all those requirements as a “unlicensed provider”, get the one-third minimum wage only for the hours that are approved. It’s not just the wholesale, all hours that you’re out, the single mom is out working, its only for the hours that the administration of the
program approves and that direct family member, a mother, a father, a brother, even a sibling who lives outside of the house, not one who lives in the house can qualify provided they meet all those other background check requirements and be an “unlicensed provider” but those are the only people who can be unlicensed providers.

Through you.

DEP. SPEAKER BUTLER (72ND):

Representative Lavielle.

REP. LAVIELLE (143RD):

Thank you and that is what I particularly looking for was the requirement that they be family members. And so if I had a child and needed childcare I couldn’t ask Representative D’Agostino to be a provider, it wouldn’t work and so that is important because these are, these could be people who take care of a child at other hours as well but these are requirements for being funded with the status that we might, that we would be using to grand funding under this program. The annualized
cost for the program given the same, given the number of providers that are being estimated, let’s say it stays the same going forward after 2022 would be how much?

Through you.

DEP. SPEAKER BUTLER (72ND):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you, Mr. Speaker.

Again all things being equal and the contract will be up again in that year and there could be a number of changes but all things being equal about $7 million dollars annually.

Through you.

DEP. SPEAKER BUTLER (72ND):

Representative Lavielle.

REP. LAVIELLE (143RD):

Thank you, Mr. Speaker. And so just a few other details about the contract. I understand there are few differentials in how the funding rate is set. First off, I believe that the way that this
works is that it is not the provider who, the provider qualifies to be eligible for being accepted under the program but the actual funding is awarded, is it not, on the basis of the resources available to the family of the child for whom it is seeking care. Is this correct?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Thank you. Representative D’Agostino.

REP. D'AGOSTINO (91ST):

Thank you, Mr. Speaker. Yes, that is correct. In the first instance there is income verification in order to qualify and that is anybody in the household in the direct family so if it is a married household both spouses the combined income has to qualify, it can’t just be one who is under the poverty threshold and there are different thresholds but it is the same as many of our social services programs and this instances there is income verification that is the preliminary threshold that you have to meet in order to qualify to even get
access to the program.

Through you.

DEP. SPEAKER BUTLER (72ND):

Representative Lavielle.

REP. LAVIELLE (143RD):

Well are, is the Representative speaking there of the family of the child, the actual parents of the child who are seeking childcare. It is they who have to apply for the funding for that child’s care and then that funding is paid to the provider who is going to take care of the child. Is this correct, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you, Mr. Speaker.

Yes, the immediate family or if there is a guardian, the guardian has to apply, qualify financially then this is all through the administrator which in this case is United Way, they’re approved, they are given access to a list of
providers or if they have one in mind, i.e. a direct family member for the unlicensed side then the provider has to be approved and then so when all those boxes are checked, then ultimately after everybody qualifies both the family on the income side and the provider on the background check and other requirements side, then yes, the provider is then paid through the administrator directly for the service and depending on where you are on the licensed or unlicensed side but that is exactly how it works.

Through you.

DEP. SPEAKER BUTLER (72ND):

Representative Lavielle.

REP. LAVIELLE (143RD):

Thank you, so we have established then it is not the provider who must prove financial need it is the family of the child that proves financial need in order to get the funding.

Through you.

DEP. SPEAKER BUTLER (72ND):
Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you.

Correct.

DEP. SPEAKER BUTLER (72ND):

Representative Lavielle.

REP. LAVIELLE (143RD):

Thank you, Mr. Speaker. So, I notice that there is for example a 15 percent increase in the rate paid to the provider if a child or children under that provider’s care has special needs. Is that correct, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you, Mr. Speaker.

That is correct. You typically see that on the licensed side sometimes on the unlicensed side and there is a host of regs with respect to determination of special needs status, but yes there is a 15 percent differential, i.e. increase if the
child has special needs.

Through you.

DEP. SPEAKER BUTLER (72ND):

Representative Lavielle.

REP. LAVIELLE (143RD):

But I also believe that that provision was already in effect and that is not new through this contract. Is that correct?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you.

Correct, that is a carryover.

DEP. SPEAKER BUTLER (72ND):

Representative Lavielle.

REP. LAVIELLE (143RD):

Very good, so that doesn’t change and in fact the children with special needs may also be receiving funding for childcare from other sources and nothing prevents the provider from accepting
funding from those sources as well to care for that child. Is that correct?

Mr. Speaker, through you.

DEP. SPEAKER BUTLER (72ND):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you, Mr. Speaker.

I’m not sure if it is the provider and/or the family. I think it may be both in terms of and again depends on the severity of the disability but that is possible.

Through you.

DEP. SPEAKER BUTLER (72ND):

Representative Lavielle.

REP. LAVIELLE (143RD):

Thank you. We did hear in testimony in Appropriations that was correct. But I just wanted to discuss it. And there are a couple of other differentials that are, pardon me, cited in the contract itself where a provider who has or obtains an associate’s degree in early childhood would
receive a three percent rate increase under the contract and my question is can we confirm that and is that a onetime increase?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you.

I guess I hesitate using the term one time. It is embedded in your rate going forward as long as you maintain that qualification in this case the associate’s degree there is another increase for certain accreditations but that would be embedded in your rate going forward provided you keep qualifying in the other requirements to be a provider. So it’s one time in that sense that when you qualify your rate is X, and if you have these other qualifications you get those increases for that particular child that you are caring for.

Through you.

DEP. SPEAKER BUTLER (72ND):
Representative Lavielle.

REP. LAVIELLE (143RD):

Thank you and I also note that in the contract there is a provision that says that the two parties, the Office of Early Childhood and the collective bargaining unit agree to pursue discussions going forward about creating a home repair program that would fund home repairs or renovations, improvements that would allow providers to take better care of children in whatever location they are providing it whether it is their home or the home of the child’s family where they might go to take care of the child and I have a lot of questions about that actually and one of them is who would actually proceed. Well since the funding to the providers is actually determined by the needs of the child’s own family, how would this be determined, how would funding for this be determined? Would it be the provider’s needs or would it be something else?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):
Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you.

So it is a very general provision. A lot of this is to be hashed out. There is certainly no requirement that this is going to happen or that these payments will get made. I would expect that we may not see, we will not see any further presentation on this until after this contract is up. But the important thing to keep in mind here, is that these services are provided usually in the provider’s home. IN an example I gave, you are the mother of that child. You live next door, the child comes to you and you provide those services in the home. That is actually one of the requirements of this whole provision. The licensed providers also typically do it out of their home and my understanding is that 97-98 percent of these services are done in the provider’s home. Again approved, reviewed and inspected by the State as part of the program and the idea here is if there
are particular improvements that need to be made, you know, with respect to, I don’t know, a sleeping area or whatever that this is something that they will look at and maybe it will be a fund put aside that people can tap into to do that. But this in the complete investigation stages right now. That is the underlying concept driven by the fact that where these services are provided. Any further detail on that, I am gonna be probably at a loss for simply because it is really conceptional in nature right now and to be discussed but that’s what’s driving it.

Through you.

DEP. SPEAKER BUTLER (72ND):

Representative Lavielle.

REP. LAVIELLE (143RD):

Through you, Mr. Speaker.

The, is there a example of this happening anywhere else in another state, anywhere where we can refer to cause it’s a very new element that is sort of injected into the process?
Through you.

DEP. SPEAKER BUTLER (72ND):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you.

I’m afraid I am not aware of one. I don’t know if it is being discussed anywhere else and again I want to be clear there is no cost to this in this contract, it is just an item they are going to talk about.

Through you.

DEP. SPEAKER BUTLER (72ND):

Representative Lavielle.

REP. LAVIELLE (143RD):

Thank you and to that point, you know, I’m not an attorney so I don’t know how these things work always but mostly when I’ve looked at a contract it says we will do this, we won’t do that. You get this, you don’t get that. This say well. We’ve agreed that we’re gonna talk about it and we’re also gonna talk about how it will be funded. That’s
basically what it says. So what are the real obligations under that and what is the purpose of putting something like that into contractual language?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you.

We actually see that all the time. It is bolted on to a number of the agreements we’ve done in the past where the parties agree to, it’s just a requirement to sit down and talk. Sometimes you don’t have the contractual requirement to sit down and talk, it never happens, how many committees does this, or study groups does this legislature pass and sometimes they don’t meet for a while, for a longtime so this just sort of lights a fire under everybody to meet. In the last contract, the 13 to 17 contract that these parties did, there was a similar requirement to sit down and discuss health
insurance which is offered in a number of other states. New York’s childcare program the providers actually get health insurance, remember that does not happen here. So in the last contract they, there was a similar provision, we’re gonna sit down and talk about possible health insurance, what that would look like, how we would fund that actually much more extensive that this short paragraph in this Memorandum of Understanding. They did that and as we’ve seen from this contract there was no agreement, there was no resolution of that. I don’t know if they are still talking or not, they maybe. But that is an example of this type of contractual provision that requires the parties to discuss and issue and it may or may not yield a bargained for item to be funded, to be presented to the legislature and that would always be the case. This provision came up with something new about home repair. It would have to be funded, the Statute on the Childcare Providers are very clear, it has to go through Appropriations, the money has to be
appropriated. So that is an example from the last contract with respect to healthcare, same item, discussed it and didn’t yield anything. So it’s a concept we see all the time in these contracts.

Through you.

DEP. SPEAKER BUTLER (72ND):

Representative Lavielle.

REP. LAVIELLE (143RD):

Thank you. We’ll see [Laughs]. It sounds like a twinkle in someone’s eye. We talked before about the one-third of minimum wage rate being the floor and always having been the basis for rate setting in Connecticut that it was never to go under one-third of the hourly rate for minimum wage. That is a Connecticut provision and it’s a contractual provision from day one. I believe there is a Federal provision that providers under the program must be paid at least 25 percent above the market rate which, and I’m not sure how that market rate is determined, but is that correct the 25 percent above the 25 percent of the market rate?
Through you.

DEP. SPEAKER BUTLER (72ND):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Yes, I guess with just a little bit of an asterisk. So again because there is Federal funds here, there are often some attachments to that with respect to the Federal requirements and it is interesting to note that Republican and Democratic administrations including the current one have maintained this requirement the Representative is talking about and the idea is that eventually, I think it is 25 percent now, comparison of these folks to the private marketplace, in the area in which you are, and I think that is done on state and maybe even broken down on a county-by-county basis and eventually I believe in Federal Law actually the goal is to get up to 70 or 75 percent of the private marketplace because there is a recognition a bipartisan recognition that we want people to make a decent living doing this because of the societal
good, because the more care you’ve got, the kids are coming in to school better prepared, your saving costs in the long-run. That is actually a goal of the Federal Program. So I think it is indeed at 25 percent now and it is supposed to go up over the years to get up to 75 percent of the marketplace, that is a Federal requirement again maintained by both the Republican and Democratic administrations including the current one. Now that could change, that could always change. But my understanding is we, I don’t know the numbers, the 25 percent of the private marketplace in Connecticut as compared to the cost but my, I think we would have heard about it if we were below that or so far out of whack that the contract had to be modified to meet that requirement. So my assumption is that we are meeting, I’m unaware of that issue coming up in contract negotiations. So my understanding is we must be meeting that. That’s interesting, that will go forward but that is a long timeline to get up to the 75 percent. There is not gonna be sort of a
financial shock of next year, it’s gonna be, you know, you have to get up to 75.

Through you.

DEP. SPEAKER BUTLER (72ND):

Representative Lavielle.

REP. LAVIELLE (143RD):

Thank you, Mr. Speaker. I wonder if the Representative could give me just a clarification of what is “supposed to” mean, the phrase is supposed to in reference to its wherever it is now but that we have maintained something in the area of 25 percent but it is “supposed to” grow to 70 or 75. Does that mean in its, was he referring to what the Federal Administrations would like to see or what Connecticut would like to see. What is “supposed to” mean?

Through you.

DEP. SPEAKER BUTLER (72ND):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you.
Yes, that is my understanding of the overall goal of the Federal Program and as the Feds administer these monies coming to the State but again that is not an immediate requirement, I am not even sure what the timeline is. Someone described that to me that that is the overall eventual goal is to get up to that level of comparison to the private marketplace for those reasons that we want people in these fields. We don’t want this sort of violent turnover that we have particularly in the unlicensed field.

Through you.

But that is Federal only, that’ll be dictated on the Federal level and again we get most of our funding through the Federal level so one would certainly hope that if we’re going to up that requirement, they are going to up the funding that they send to the states. That certainly would be an issue to take up with Congress.

Through you.

DEP. SPEAKER BUTLER (72ND):
Representative Lavielle.

REP. LAVIELLE (143RD):

We won’t do that today. I would just offer that at the testimony we received in Appropriations told us that we are before the and the contract which is in effect, we are already well above the 25 percent of market and I am going to be letting the Representative off again on this math here because there is not one rate, it depends on the neighborhood, the part of the State, whether it is licensed or unlicensed and all kinds of, there’s a lot of different, there is no one rate. There’s a lot of different ones but we are well in that range. I want to come back to, when I give my final remarks but I have just a couple of other questions. The folks who are licensed providers, can they charge more for services to certain children. Can they receive children who are not funded by Care4Kids and charge on whatever scale they like in that circumstance?

Through you, Mr. Speaker.
DEP. SPEAKER BUTLER (72ND):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you.

I confess, I’m not aware of whether or not they can charge a surcharge or additional amount. They can service more children, up to six and then I think it is three more, I think after school hours when school is in session so they can do more. They have more requirements on them as licensed providers and then there is also, but I don’t think this is what the Representative’s talking about but there is also a family fee that families are responsible for as part of the payment here, there is the State portion and then there is a small portion that families have to pay to the providers as well, that is the direct relationship between them and it maybe in there that the licensed gets a family fee versus the unlicensed but aside from that I’m not aware of any other surcharge that the licensed providers can charge.
Through you.

DEP. SPEAKER BUTLER (72ND):

Representative Lavielle.

REP. LAVIELLE (143RD):

Well the sense of my question is are they limited to the income that they get from the Care4Kids fund or should they chose to take a child who is not being funded by Care4Kids or should they chose to charge a little more. Are they limited to the Care4Kids funding in the work that they do in this regard?

Through you.

DEP. SPEAKER BUTLER (72ND):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you.

If I am understanding the question and there’s literally hundreds of regs and I did not go through each one with a fine toothed comb but my understanding is that if you are caring for six kids in Care4Kids the Department is not going to approve
you as a provider if you also got three other kids that you are just doing on a private bases, not Care4Kids, they wouldn’t approve that, that is overloading the house, that is taking away from the Care4Kids program and again my limited understanding is you are not supposed to be doing that. That would be an illegal operation.

Through you.

DEP. SPEAKER BUTLER (72ND):

Representative Lavielle.

REP. LAVIELLE (143RD):

I think, Mr. Speaker if the limit is six kids in that house, three of them could be funded by Care4Kids and the other three would not have to be necessarily. That is my understanding. Would the Representative agree with that?

Through you.

DEP. SPEAKER BUTLER (72ND):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

We would have to check, that actually is not my
understanding. You have to charge the same amount for the Care4Kids in your program and I’m unaware of a requirement or a reg that let’s you have additional children that you are charging a different rate. We can check that but that is not my understanding.

Through you.

DEP. SPEAKER BUTLER (72ND):

Representative Lavielle.

REP. LAVIELLE (143RD):

Could we possibly check that, Mr. Speaker? Could we have a moment to check that?

DEP. SPEAKER BUTLER (72ND):

The Chamber will stand-at-ease.

REP. LAVIELLE (143RD):

Thank you.

DEP. SPEAKER BUTLER (72ND):

Representative D'Agostino. Wait, the Chamber will come back.

REP. D'AGOSTINO (91ST):

We can continue the conversation, I know
there’s people watching and if I get the information I will interject as we go. I think the question has been relayed and I am happy to continue the conversation and as we get the answer to that question, I’ll interject.

DEP. SPEAKER BUTLER (72ND):

Very well. Representative Lavielle.

REP. LAVIELLE (143RD):

All right, it’s relevant to a point I want to make in a few minutes. Let me ask about the unlicensed providers. Can they have a something else that they do, well they actually. Let me ask it this way. I know that unlicensed providers can provide the services in their own home obviously which the Representative has detailed. They are also allowed to come to the home of the child and their family and they can come to the child’s home, they can also be a nanny, you know, serve in that capacity. Can they do any extra work while they are there? Can they do housecleaning for example and
that is between them and the family they are working for?

    Through you.

DEP. SPEAKER BUTLER (72ND):

    Representative D'Agostino.

REP. D'AGOSTINO (91ST):

    Through you.

    Again, I don’t know. My understanding is you are doing Care4Kids you should be doing Care4Kids but we’ll find out.

DEP. SPEAKER BUTLER (72ND):

    Representative Lavielle.

REP. LAVIELLE (143RD):

    And let’s say someone is caring for the child in their home and they have something else that they do part-time and they receive a phone call related to that activity. Can they take the phone call?

    Through you.

DEP. SPEAKER BUTLER (72ND):

    Representative D'Agostino.

REP. D'AGOSTINO (91ST):
Through you, Mr. Speaker.

I am sure they would. I mean, we’re not in the house 24/7, that may occur and if it does it does. I don’t think we’re so restrictive that we are going to prevent you from living your life. Look your primary responsibility if you are Care4Kids and you’ve got those kids in your house and you’ve been approved by the program is to care for those kids. You should not be doing something else, you should not be mowin the lawn for your neighbor, you should not be on the computer, you know, working on another job, you should be doing Care4Kids work. Now we also want to make sure people are able to again, you’re making so little at this job that many of these people have other jobs and we don’t want to restrict that, but while you’ve got those kids in the house, you like I said, you shouldn’t be mowin the lawn for the neighbor. Now are you prevented from doing that? No, you can have another job but during the hours you are responsible for Care4Kids, kids that’s what you should be doing.
Through you.

DEP. SPEAKER BUTLER (72ND):

Representative Lavielle.

REP. LAVIELLE (143RD):

Thank you, Mr. Speaker. I, well see what else we get back. Well, yeah I have to ask a question. Another question that I have is, it’s unrelated to that, the individuals covered by this contract are all, are they all in the relevant collective bargaining unit or are some of them not?

Through you.

DEP. SPEAKER BUTLER (72ND):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you, Mr. Speaker.

Can I get the question again. We’re also trying to get the answer to the other question, but can I get that question again?

DEP. SPEAKER BUTLER (72ND):

Representative Lavielle would you care to repeat your question?
REP. LAVIELLE (143RD):

Yes, thank you Mr. Speaker. I’ll ask the question I just asked and then we’ll go back to the information. I asked if all of the people who are covered by the terms of the contract are in the collective bargaining unit.

Through you.

DEP. SPEAKER BUTLER (72ND):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you, Mr. Speaker. I don’t have those numbers if any have declined union membership to be covered but just like with our State employee bargaining units, etc. you can, you can be a member of the bargaining unit but decline membership so you are covered, you get all the benefits of the contract, you get the pay increases but you can decline union membership and you are not charged any dues or agency fees. I don’t know what that breakdown is. My general understanding is that most of the providers elect to be members and have not,
in this case, there is precursor case from Janus called Harris that did the same thing as Janus a couple of years ago, a few years ago before Janus so that is a possibility, but you are always covered by, if you are a provider here under these terms, you get the benefit of that contract. If you elect not to be a member, not pay dues and still get that benefit, you can do that. I just don’t know the breakdown of the numbers.

Through you.

DEP. SPEAKER BUTLER (72ND):

Representative Lavielle.

REP. LAVIELLE (143RD):

Thank you. Well since we don’t have the numbers, I won’t pursue that any further. But to go back to the original question, we did get an answer over here but maybe the Representative has some information for us on whether one provider can care for kids who are funded by Care4Kids and kids who are not.

Through you.
Representative D'Agostino.

So I do have some answers. So there are limits. So for the unlicensed providers it's up to three children, for the licensed it is up to six. You can break that down between Care4Kids and non-Care4Kids. So let's say you have three, you're licensed you've got three Care4Kids qualified children in your care, you can have three where you have made a private arrangement for care as well. You cannot charge more to the Care4Kids folks for the. You cannot charge more. That rate is set for the Care4Kids program and the contract and your remuneration in here. You can charge whatever you want on the private side but you can never have more than six. You can have six Care4Kids kids, you can have two plus for on the private side, that rate is set separately. On the unlicensed side, the number is three, that is the most you can have. Typically
they are infants so you can have one plus two again, you can’t charge more if you’ve got the private two children through a private arrangement, that is whatever renumeration you set, that is what you get, you got the one Care4Kids that rate is set, you cannot charge more, there is no surcharge, no additional charge to the Care4Kids program and as I said if that is what you’re doing and those are the house of the day that you are approved to be a provider for Care4Kids, that is what you are doing. Now maybe you get a work phone call for something else or you get another call, you should be on that call on and off because your primary responsibility are those children after the Care4Kids hours you can do what you want and I am 100 percent certain that most of these people have other jobs because as I mentioned we’re talking about $6,000 dollars a year for the unlicensed providers. So you can do that but you should not be doing it at the same time you are doing Care4Kids.

Through you.
DEP. SPEAKER BUTLER (72ND):

Representative Lavielle.

REP. LAVIELLE (143RD):

Thank you, Mr. Speaker. And in fact we received corroborating information, we both got the same information. So that confirms the answer to the question of whether people who do provide care to kids funded by Care4Kids are not exclusively dependent on Care4Kids subsidies for every kid they might serve. So that was what I was looking for and I think we established that and I thank the Representative. I think that will, no I do have one more, I’m sorry. In terms of the funding, the availability of funding for this program just as it is, and for this program with the increases established in this contract, where exactly is that coming from and how much of it is in the budget document that we’ve seen so far coming from the appropriations Committee?

Through you.

DEP. SPEAKER BUTLER (72ND):
Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Thank you, Mr. Speaker. So again I mentioned a bulk, a large chunk of this money comes from Federal dollars it is about $55 million dollars that comes from the Feds and then there is a transfer from the 10F CCDF general fund line item for about $22 or so million dollars so the line item is fully funded, it has been for the last budget cycle and the upcoming budget cycle that combination of State and Federal dollars.

Through you.

And that funds not only these workers in this program but also the entire sort of suite of Care4Kids programs. There is a couple of other that we’ve haven’t talked about. I think there’s a daycare program, a camp program as well and something else that they do for Care4Kids but that is not part of this contract but those dollars I just described, the Federal and State fund the entire suite of Care4Kids services including this
contract.

Through you.

DEP. SPEAKER BUTLER (72ND):

Representative Lavielle.

REP. LAVIELLE (143RD):

Was the line item as it was included in that budget, did it include the minimum wage increases which were subsequently passed?

Through you.

DEP. SPEAKER BUTLER (72ND):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Well, so again it’s sort of apples and oranges. The contract obviously there is the cost attended with that, with the minimum wage and then the monetary transfers just fund the entire cost of everything going forward. So I really don’t think of it as sort of the same, it’s not sort of the same thing, you’ve got the contract cost impacted by the minimum wage, the increases in the contract and then you’ve got the overall transfer that’s happening to
fund the entire Care4Kids Program so it is subsumed in those entire dollars but it is not really an apples to apples comparison.

Through you.

DEP. SPEAKER BUTLER (72ND):

Representative Lavielle.

REP. LAVIELLE (143RD):

Thank you. I do understand that these aren’t direct minimum wage increases for the providers. It is an increase in their rate that is, if you will, dependent on what happens to the minimum wage. But I didn’t know if that was taken into account in establishing the line item as it wasn’t in the budget. I also understood that the Federal funds are, that are being used are not, they are being provided off budget and not included within the budget and that we do have to count on them coming regularly going forward to ensure the viability of the program at this level. Is that correct, Mr. Speaker?

DEP. SPEAKER BUTLER (72ND):
Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you.

That is correct particularly on the Federal side. Look we are dependent on those Federal dollars there were some issues I think a few years ago we actually had to freeze the program because there was an issue with the timing of those Federal dollars coming in that there were actually no new applicants for I think a year or even 18 months because of that. So sometimes there are hiccups but the Representative is right we obviously have to, that is “off-budget” there is the State portion of this but there is always that Federal portion that has been coming. Aside from the hiccup a few years ago, it has been very consistent as I mentioned both Republican and Democratic administrations funding Care 4 Kids not only here in Connecticut but across the country.

Through you.

DEP. SPEAKER BUTLER (72ND):
Representative Lavielle.

REP. LAVIELLE (143RD):

Thank you, Mr. Speaker. And as always I thank the good Representative for his answers and for his patience and I don’t have any more questions but I do have a few remarks.

The Representative said a few minutes ago that it is, it has always been the Federal intent that, and we have respected it, that we stay above 25 percent above the market rate for these services but that the goal is to get to 75 percent or more but that would take a very long time. We were told yesterday in the Appropriations Committee that this contract itself takes us way above 75 percent over the market rate. So that is by 2022. It is pretty fast. To go back to what I said at the beginning I think this is a wonderful program. I have no aspersions to cast on this program. On the contrary, it is a wonderful program that actually, it doesn’t just give people money so that they can keep on the way they are, it gives them funding and
help so that they can achieve and they can become self-sufficient. There is nothing better than that. It is a great program. I hope we stay with this program long, long into the future or rather, I would rather hope that no one needs it but I don’t know if we will get there too fast. It is a great program. There are some misconceptions I think which always enter into discussion especially in this context we have with all of these employment contracts, we’ve done 11 so far, before this one and they were all more money at a time when we call ill afford anything and we talk about that every day. But the misconception that comes up is that when people are unlicensed providers, when they’re family members and they are helping to take care of the kids if someone is in their family, that they can’t live on what they are getting. We’ve got to give them more money. Well of course, they can’t live on what they’re getting, they are not supposed to live on what they’re getting from his program. The floor of this program on which is was founded was that
these individuals would have to receive at least one-third of the minimum wage per hour for whatever it was they were doing. Not the minimum wage but one-third of the minimum wage. We have arguments a lot of the time about whether the minimum wage is a living wage but I don’t think any of use can disagree ever on the fact that one-third of the minimum wage is not a living wage. It’s just not. And of course they are getting more than that which is fine but it is not supposed to provide the sole income and that was sense of the questions I was asking about can they get other income, can somebody who is licensed charge more for children who are not funded by this program. Yes they can. They can’t take more than a certain number of children otherwise they will lose their Care 4 Kids funding and probably their license but they can certainly charge more for those children. Some years they can decide not to take any Care 4 Kids funding at all, they can take children at a higher rate, period. They still will be licensed as long as they still
respect the requirements and the people who are unlicensed they can all have other jobs or they can have a spouse, there are lots of people they are primarily women who live in one part of my district who maintain childcare facilities in their home and their spouse works. So they have other sources of income, I’m not saying everybody does, but it is a possibility. If you look at this program as providing a living wage for all of the participants you will be very disappointed, even under this contract by the way, it just, even at the end of this contract when you’ve got, you know, 2.25, 2.25, 2.25 over three years so it is a misconception to treat this as though it is intended to be a living wage. We do need good providers who are willing to do this job and again it is one thing for family members who may do it as a favor to their families, they may do it to help out, we don’t know, that is not up to us, the licensed providers who’ve gone to some trouble and expense to get to where they are boy if they’re accredited and if they’ve got an
associate’s degree in early childhood more power to ‘em and I two provisions I really favor in this contract are giving those people an extra rate. And if we could go just that, that’s what I’d do. I am very familiar with the work that Representative Sanchez has done to try and make sure that early childhood providers and preschools, period. Anybody who does work for early childhood they get enough money not to quit when they get qualified and go off to do something else for older children or even some other job. And I have always applauded his work. But in this case these are not awards, awards, they are not awards, I’m sorry, these are not subsidies and increases that are given because of the meritorious performance of certain individuals, its something that they get because they do the work, apart from those two increases I mentioned. And at this time we are looking at an incremental cost along with all the others we’ve had of $8 million dollars and we are looking for after that, we’re looking at forever an annualized cost due to the
increase of $7.1 million dollars every year past 2022. And don’t forget the minimum wage is increasing forevermore as well unless for some reason the legislature decides to stop it. So we’re committing to a lot and I would love to commit to just those two increases for the qualifications but it is very hard. It’s very hard not to support this but if we don’t, I’ll tell you this, we’re still supporting the program, people are still getting increases due to the minimum wage going up and the people who need it most, the folks whose kids there are need the help. So it is with a lot of regret that I am not going to support this today. But we are trying, we have bitten off so much more than we can chew already this year and we don’t even have a budget yet. And we haven’t bitten it off just for this year, we’ve bitten it off for next year, and the year after and the year after that and all the years after that to come for evermore. So it is with a lot of regret, but I will not be supporting the Resolution today, Mr. Speaker. Thank you.
Representative Davis, you have the floor, sir.

Thank you, Mr. Speaker. A few questions to the proponent of the Resolution if I may?

Please proceed, sir.

Thank you, Mr. Speaker. Previously the gentleman had noted that these individuals that would benefit from this contract they are not members of the CBAC agreement.

Through you, Mr. Speaker.

Representative D'Agostino.

Through you.

That is correct.

Representative Davis.
Thank you, Mr. Speaker and these individuals are not state employees, is that correct?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

I am hesitating because there is an entirely separate statutory section that deals with these employees and the way I would answer that is they are not state employed, they are allowed to collectively bargain through a separate statute.

Through you.

DEP. SPEAKER BUTLER (72ND):

Representative Davis.

REP. DAVIS (57TH):

Thank you, Mr. Speaker. And could the kind gentleman walk us through the history of that separate statute that made special exception for these individuals, how it came about, why we did it, how we got to this point?

Through you, Mr. Speaker.
Representative D'Agostino.

Through you, Mr. Speaker.

This is very similar to the PCA contract we did last year. So we always had these workers who administer the Care 4 Kids Program for decades and they are exempt from Federal Labor Law so it is up, so it means they cannot collectively bargain under the National Federal Labor Relations Act. So it is up to the states whether or not they want to allow these types of workers, these sort of homecare type workers to collectively bargain and there is a separate sort of line of cases up through the Supreme Court that deals with these types of workers and as I mentioned before, even before the Janus Case, the case that let these folks not pay agency fees if they didn’t want to. It has always been up to the states and I think 2011 there was an executive order issues by Governor Molloy that sort of triggered this process for them to collectively
bargain, but the childcare workers and the personal care assistants that contract if you remember that we did last year, it goes up to the State Labor Board and that’s approved, they are recognized and so they are recognized as a collective bargained unit through that process first and then through the legislative process I think in 2011, 12 or I think it might have been 11 or 12 but by 13 we’ve embedded in statute Chapter 319pp the separate statutory architecture that deals with these sort of hybrid unique workers where we’ve, because they are paid essentially through State dollars and Federal dollars as is mentioned and they have the right on a state-by-state basis to collectively bargain and that has been allowed in a number of other states including New York, California, Oregon, etc. and Connecticut so we just recently did that a few years ago and the first contract they had was from 2013 when we first recognized that statutory right through 2017 and this is the second contract we are doing for them under that statutory architecture
which as the Representative clarified in his first question is not CBAC, they do not get retirement, they do not get healthcare. We dictate the topics they can negotiate and we’ve only dictated that they can negotiate really wage and hour that sort of limited portions of this contract. So that’s it in a nutshell how the different rubric works for these particular employees.

Through you.

DEP. SPEAKER BUTLER (72ND):

Representative Davis.

REP. DAVIS (57TH):

Thank you, Mr. Speaker.

Through you.

To the kind proponent of the Resolution so did they have to vote, get together somehow, in some kind of organization or some other way to somehow vote to become a union or how did this happen?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative D'Agostino.
REP. D'AGOSTINO (91ST):

Through you, Mr. Speaker.

Yes, so they get the right to collectively bargain and just as any other group that we recognize for collective bargaining purposes on the state level they chose their exclusive representation. In his case they went with SEIU, there is obviously a number of different organizations out there they could have choose, these workers organized, chose that representative as their exclusive bargaining agent and that is who does the negotiations for them with the State with respect to the prior contract and this contract.

Through you.

DEP. SPEAKER BUTLER (72ND):

Representative Davis.

REP. DAVIS (57TH):

Thank you, Mr. Speaker. So did every single provider that receives money through Care4Kids were they involved in this decision to unionize and ultimately the decision to select the SEIU Local
2001 as their bargaining unit or was there only a certain number of them that participated/

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you, Mr. Speaker.

So again, it’s sort of a snapshot in time when that selection was first done and of course, you can, depending on the agreement with the exclusive bargaining agent can always chose somebody else, but at that point in time they chose this particular bargaining unit, the organization, the labor organization to represent them. To be fair again there is a lot of turnovers so, you know, you are always sort of going through that process with the members, usually the bargaining unit is and again they’ve had the right for several years now to elect to get the benefits of the representation but not pay the fees and again I don’t have the breakdown of how many have chosen not to pay, not to pay dues but
I believe it’s a significant number of the providers chose to be members. They recognize the benefits of collective bargaining and they recognize the benefits that they received through the prior contract just in helping, you know sort of stabilize their wage and hour so they are not negotiating that on a one off basis. So that is sort of how it works, it does follow sort of the similar sort of a raw structure of collective bargaining that any group would go through in terms of choosing your representative, going through that process continually with your representative and that representative being your exclusive bargaining representative for negotiations.

Through you.

DEP. SPEAKER BUTLER (72ND):

Representative Davis.

REP. DAVIS (57TH):

Thank you, Mr. Speaker. So is it like five of them got together and did this, ten of them got together and did and chose this union, chose to
collectively bargain? Was it all 2,914 of them? How many of them actually got together and said we want to unionize and we want to select SEIU as our union to represent us?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you.

I confess. I do not have the election results from a few years ago, we can ask to get that. It’s, I don’t know off the top of my head what the threshold is, it’s obviously you know five people can’t just chose. If there’s several thousand members, providers at the time, there needs to be a certain threshold that will vote and chose to select that bargaining agent and then obviously there is another threshold for approval of that first contract. I just don’t know the threshold number off the top of my head.

Through you.
DEP. SPEAKER BUTLER (72ND):

Representative Davis.

REP. DAVIS (57TH):

Thank you, Mr. Speaker. So after they were selected as a union or chose to unionize, a union was selected did the providers opt into being into the union or would they have to actively opt-out of being in this union?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you, Mr. Speaker.

So again just depending on what we’re talking about here, there is that vote, you actually chose your union representative. So one you are in, you always have that choice. This is similar to now what we’ve spoken about the whole Janus Case. On the State employee’s side there was a prior case the Harris case that did the same thing for these types of employees a few years ago where they can
affirmatively opt-out and say I chose not to be a member, I do not want to pay, I do not want your representation. I’m not gonna pay the dues. You still through are covered by the contract and get all those benefits. They have had the ability to do that for several years now, again I don’t know the numbers of how many have actually chosen not to pay dues. We can check that but that was actually interesting, it was actually a precursor to Janus occurred on with respect to this home healthcare, that was the PCA contact but the home health care providers. That case went up first and then Janus followed I think a couple of years later.

Through you.

DEP. SPEAKER BUTLER (72ND):

Representative Davis.

REP. DAVIS (57TH):

Thank you, Mr. Speaker. So, all right so these individuals are automatically in the union unless they affirmatively opt-out of the union. They would have to go out of their way to say I don’t want to
be represented by this union otherwise it would be assumed that they are a member of the union and dues would be deducted from them?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you.

So this typically, I don't know the particulars here but it would surprise me if it was anything different. Typically, each year or when you join you sign that authorization card, you agree to pay your dues, you are a member for a year. There is a time period when you can opt-out. This is a discussion for a whole other day about what the parameters of those authorization cards, there are some separate cases that deal with that but you affirmatively chose to be in and you can chose not to or you can say, again depending on you know, when you have that window to opt out, I do not want to be a member. Again that is just for your dues. You
don’t have to pay those dues and you still are covered provided you are a provider, licensed or unlicensed, hence you get the benefit of this contract regardless.

Through you.

DEP. SPEAKER BUTLER (72ND):

Representative Davis.

REP. DAVIS (57TH):

Thank you, Mr. Speaker. So when you get that card in the mail and you are spending your time taking care of these kids, you forget about that card, you put that card down, you forget about it, you throw it away, maybe you put in the recycling bin, you would automatically be opted in then under that because you only have a short period of time to opt-out, is that correct?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you, Mr. Speaker.
You always have to first opt-in. You always have to affirmatively sign that authorization card. You make that, nobody is automatically put in and starts having dues deducted from their paycheck. That doesn’t happen anywhere across the board. You affirmatively opt-in by signing whatever the document is for that particular bargaining unit. Particularly it is that authorization card that delineates your rights and how often this comes up, etc. So you make that choice. You are not automatically selected and having dues, so you make that choice. Then that authorization will dictate when you can opt-out that that again as I mentioned is the subject of some litigation now as to whether you can opt-out immediately by simply sending a notice or you have to follow the particulars of that card. In cases it may say, you know, only, you know 30 days before expiration of a year or on January or whatever it is, is when you have that opt-out period and that is a contractual relationship, between you and your union and that contractual relationship
dictates when you can opt-out and so in the situation the gentleman just paused it in, if it says you can only opt out in this period of time and you don’t do it, you have not opted out. Again that is the subject of wholly separate Federal litigation, it will be interesting to see how that plays out over time but that is the situation now. But very important to note in the first instance, you opt-in. Again you are always covered by this but you always affirmatively to chose to opt-in and pay your dues and be a union member. That does not happen by fiat.

Through you.

DEP. SPEAKER BUTLER (72ND):

Representative Davis.

REP. DAVIS (57TH):

Thank you, Mr. Speaker and the kind gentleman I think alluded to earlier does he know how many of these providers are actually members of the union that negotiated this contract or is that something he is not aware of?
Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):
Representative D'Agostino.

REP. D'AGOSTINO (91ST):
Through you.

I don’t have current numbers. I know when they first voted 95 percent of the providers authorized the representation. So it was a significant number. It would surprise me if that was any different now in terms of the membership. That Harris case has been out there for a few years and I am unaware of any significant drop off in terms of people who have said I get the benefits of this, I still want to remain a member, but it was 95 percent at the get-go and it would surprise me if it has dropped significantly from there.

DEP. SPEAKER BUTLER (72ND):
Representative Davis.

REP. DAVIS (57TH):
Thank you, Mr. Speaker. Was it 95 percent of those who chose to vote and take an active
participation in there or was it 95 percent of the total number of eligible providers?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you.

My understanding it was 95 percent of the providers at that time.

Through you.

DEP. SPEAKER BUTLER (72ND):

Representative Davis.

REP. DAVIS (57TH):

Thank you, Mr. Speaker. That sounds like an awful high percentage of voter turnout. I wish the Town of Ellington had I think their budget referendum yesterday and I think somewhere less than ten percent of people showed up to vote for their property taxes, that is astonishing to me that thousands of care providers all got together and voted to the tune of over 95 percent in favor of
joining the union.

Through you, Mr. Speaker.

Who collects the dues for this union because it is as the gentleman noted a very unique situation that they have a relationship with parent/guardian with the child. They are selected as the provider, you would think traditionally that would be the relationship. In this situation we now kind of see the State of Connecticut as a provide, or as the employer I guess because they are the ones cutting the checks to the providers, but then there is this intermediary of the United Way that is somehow involved in this whole situation. So who exactly collects the dues for the union, is it the State, is it the provider, that pays themselves directly, is it United Way that is administering the program, who actually does that?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative D'Agostino. Representative D'Agostino?
REP. D'AGOSTINO (91ST):

Through you, Mr. Speaker.

So my understanding is the State pays the providers, this is all administer by the United Way but it is a State check or I think there is a debit card that they can chose to use, the providers can chose to use but the State pays and we’ve got provisions in the Statute and regs, just like we do with the State employees that if they have elected to have their dues deducted that that is deducted and remitted to the bargaining unit just like we do with anyone else. It is not up the provider to turn around and remit a check to the bargaining unit. That is my understanding.

Through you.

DEP. SPEAKER BUTLER (72ND):

Representative Davis.

REP. DAVIS (57TH):

Thank you, Mr. Speaker. So because these providers are not actually State employees and the State of Connecticut is the one processing the
checks to send to them but we are collecting the
union dues on behalf of the unions, or the union,
since there is only one representing this group of
people, does the union pay the State of Connecticut
a service fee, some sort of fee for collecting their
dues on their behalf for people that are not even
our employees?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you, Mr. Speaker.

So, we’ve talked about this with CBAC as well.
I quibble with the phrase “collecting their dues”,
you have a lot of things deducted from your
paycheck, right. You’ve got all sorts of FICA,
social security, etc. and other things deducted from
your paycheck. This is something else that is
deducted from your paycheck. It is an
administrative function, the State has been doing it
for a long time with a lot of other things. We are
not remunerated for that, it is collectively bargained, we’ve seen those provisions about the taking the money out of the paycheck in other union contracts. It is set here as well and so that is something I guess if there is a benefit that we get for it is part of whole collective bargaining process. It is something we give and then we get a number of other things for the things that we give when you look at a contract holistically in collective bargaining this is one piece of a collectively bargained for a contract the State agrees to do X, Y and Z this is X and the State gets A, B and C so we get a lot of other things so that’s a, we are all sort of familiar with that, that is part of all the other CBAC contracts, it is part of this arrangement as well.

Through you.

DEP. SPEAKER BUTLER (72ND):

Representative Davis.

REP. DAVIS (57TH):

Thank you, Mr. Speaker. And I understand that
could be something that is negotiated and ultimately not a fee paid, I guess for providing that service. I guess the difference here is that under the CBAC agreements that’s our own State employees that do our business as a State and these are independent contractors almost entirely that would be getting this benefit on behalf through their union, through the State even though they are not our employees. So perhaps maybe the unions, maybe that State should be asking the union to give us a couple of bucks to be able to pay for collecting their dues. Mr. Speaker I see that on their website for the CSEA-SEAU Local 2001 that they talk about how they provide professional development and home repair program as eluded to by the kind gentlewoman.

And through you, Mr. Speaker.

Is there costs associated to the State of Connecticut for the professional development that is offered through this union in this contract?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):
Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you, Mr. Speaker.

There is a, for the licensed providers, I think there is an 18 hours course that you have to take that is provided for free to the people who want it who want to go through that qualifying program. I don’t know what the particular cost is to the State to provide it. Obviously there is an overall cost to this program, we pay United Way to administer it, we’ve got professional development components which I think again on a whole we think are worthwhile because we want people to be in the licensing side, we want people to be able to make more of a career out of this. We want, you know, that kind of training and more children served. There are literally, I’m told, thousands of children who would require this service and the State simply doesn’t have capacity and so professional development, administration through United Way all of those things are designed to maximize the use of this
program and the availability of it and we actually fall short. So, look, I’m sure there is a cost to that part of it, that’s part of the original contract. Remember this is an MOU that amends the existing 13 to 17 contract, a lot of those terms have carried forward including the professional development piece. Those are all part and parcel of the collectively bargained for arrangement. There are things that the State does as part of that arrangement and in return there is concessions the State gets on a number of other sides, i.e., no worker’s comp, no healthcare, no retirement, rates that are obviously very, very, very low comparatively speaking. It is a long way of saying I don’t know the precise costs for the professional development piece here but when you wrap it in the overall cost of the program, I think it is all worthwhile.

Through you.

DEP. SPEAKER BUTLER (72ND):

Representative Davis.

REP. DAVIS (57TH):
Thank you, Mr. Speaker. Yes, I also couldn’t identify what those costs would be when I looked through the contract but, Mr. Speaker if I could ask the proponent of the Resolution what is the average provider payment per month? What do they normally get for watching just one, you know, per child what would they normally get?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you, Mr. Speaker.

By the way, just to put a cap on the prior discussion I am told that most of that money for the training actually does come from the Federal dollars and remember here of course we are bolstered by the Federal funds that come in here. Again I don’t know the precise cost of that but I am told that’s where it comes from.

It is probably easier to answer the question on rates on a weekly basis because that is how this is
done. And it really varies. This is broken down by region of the State. The State is divided into particular regions for purposes of renumeration because there is cost of living issues depending on where you are, demand, etc. and then it is also broken down based on licensed or unlicensed and then within there, it is broken down by the child, infants and toddlers, preschool, school aged children, different levels of renumeration and then it is also based on ultimately hourly bands. So on a weekly basis for example in the Hartford region if you do 16 to 34 hours a week licensed provider going infants and toddlers would make about $143.00 dollars a week exclusive of the increases that are coming forward. That is right now, not approving this contract. By comparison an unlicensed provider providing the same service would make about $81.00 dollars a week and so we can extrapolate that out to a monthly basis but again particularly on the unlicensed side, this does not, you don’t, people drop in and off, sometimes its only for a few week,
sometimes its longer. But it is hard to say what the monthly rate is and that is why we break it down by a weekly rate and break it down my bands of hours and by region so I can give some examples with respect to the type of children, the weekly hourly rate and the bands and that is sort of how it looks and I’m told generally on average you are looking at $6,000 dollars a year for the unlicensed, $22-24,000 dollars a year for the licensed but again there is a tremendous variation particularly on the unlicensed side.

Through you.

DEP. SPEAKER BUTLER (72ND):

Representative Davis.

REP. DAVIS (57TH):

Thank you, Mr. Speaker. I appreciate that. I do recognize that it does vary. There’s different levels of it that you can’t give a precise number but those ballpark figures were much appreciated.

And through you, Mr. Speaker.

When the State was having budget troubles or is
having budget troubles but previously under this previous budget, was this program kind of suspended where no more kids were allowed to join into this program, what happened with the Care4Kids Program, was there an issue with the budget with the Care4Kids Program.

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you, Mr. Speaker.

I tried to mention this earlier that there was a period. I think it might have been up to 18 months, it was at least a year, where there was a problem with the Federal funding and they had upped certain requirements, and on the Federal side I don’t know if it was tied to that 25 percent, it might have been. But a number of other requirements I think in 2016 and they didn’t increase the money. So all of a sudden the administrative costs shot up for the State of Connecticut but the Federal money
wasn’t there and the State had already allocated it’s funds and so the only thing the State could do at that point in time in 16 and again this lasted for a year was freeze new applications. There was some press around this, it was very unfortunate. There was a tremendous backlog that we are still working our way through but that is the vagrancies of a Federally funded program. We are in many instances at their mercy and in this case they had attached a number of administrative requirements that increased our administrative costs that had to be dealt with but the funding wasn’t there from the Federal side, there was only so much available on the State side so they had to freeze up applications that that was I believe from 16 though 17.

Through you.

DEP. SPEAKER BUTLER (72ND):

Representative Davis.

REP. DAVIS (57TH):

Thank you, Mr. Speaker.

And through you.
I know that the discussion with the previous Representative about how the State budget hasn’t been adopted yet and how this money is going to be included and what not. So I’ll ask, I guess, about the Appropriations Committee and the budget for this line item that they voted out of Committee, did it include this increase for the increased rates and did it also include increased money to accept more applications and more children to be able to participate in this program?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you, Mr. Speaker.

Yes to both. My understanding is there is about 15,000 kids in the program. We are assuming that that is going to go up to about 18,000 over the life of the program. Look, they’d like to do more but they just only have so much funding dedicated on the State and Federal side. So there is an
anticipated increase in the number of providers and children obviously being serviced, 18,000 is the number of children I should say. So again this tremendous amount of turnover on the unlicensed side so it is hard to know exactly if you are going to get spikes in providers, but they are hoping to at least have an increase in the number of children serviced either through licensed or unlicensed providers. So the budgeted amount included an anticipated increase in servicing several thousand more children and, you know, roughly the same amount of members but you may see one delta change there between the licensed and unlicensed, the goal Federal and State is to move as many people into that licensed category as well. But that is all embedded in these costs.

Through you.

DEP. SPEAKER BUTLER (72ND):

Representative Davis.

REP. DAVIS (57TH):

Thank you, Mr. Speaker. So there would still
be some sort of cap on the number of children, most likely there’s more children that were more parents that would like to have their children participate in this program that what we would be able to afford to do, is that correct?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Literally by the thousands is my understanding. We will not be able to serve because we just don’t have the dollars available both Federal and the State level.

Through you.

DEP. SPEAKER BUTLER (72ND):

Representative Davis.

REP. DAVIS (57TH):

Thank you, Mr. Speaker. And I think in part because it is tied to Federal dollars are religious based caregivers allowed to participate in this program and benefit from this contract?
Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

I mean I can’t speak to what their program is. If you qualify as a provider and we talked about before how you might have a, you could do three kids in Care4Kids and you might be operating a separate institution where you’ve got another three through whatever that arrangement is, yourself on your own, or you are a daycare center, religious institution whatever, as long as you’ve met those requirements to be a provider you can be a provider on the Care4Kids side again subject to those restrictions that I mentioned earlier with Representative Lavielle on the number of children. But you always have to go through the process, you are not sort of automatically qualified by virtue of being a religious organization, etc. You have to go through the same process everybody does.

Through you.
DEP. SPEAKER BUTLER (72ND):

Representative Davis.

REP. DAVIS (57TH):

Thank you, Mr. Speaker. But if you are a religious organization can you qualify to be a provider under Care4Kids?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you.

Yes.

DEP. SPEAKER BUTLER (72ND):

Representative Davis.

REP. DAVIS (57TH):

Thank you, Mr. Speaker. And I appreciate that answer. I wasn’t sure there was a prohibition on providing money to religious based providers or not or if there was any restrictions on what they can do if they accept Care4Kids children. Thank you to the kind gentleman for his answers.
I like, Representative Lavielle, feel that obviously these providers provide a great service to the State of Connecticut and to the people for which they serve. I think it is a great program that is available to those working families that make it very difficult to have childcare. I know myself I have a four-year-old, my in-laws, during the summer my parents will watch my daughter when I’m here especially now spending many, many hours with all of you here in this Chamber. I don’t qualify for Care4Kids so they don’t get paid directly, might take ‘em out to dinner every once in a while, or something along those lines but I understand how difficult it is to afford childcare for your children. I do send by daughter to preschool during the day and those costs, either through the town so it’s partially subsidized but I do pay a lot every month to that program and I understand how expensive that can be and what that kind of barrier could be for those families that participate in that. And I understand that tough on an individual basis, these
individuals are per child basis, perhaps they don’t get paid very much for each child definitely below market rate that’s for sure, if you were to try to send a kid to daycare of preschool, these numbers are pretty low in most cases. I do have a philosophical issue however with how this contract came about which is through the unionization of these individuals and I just philosophically do not agree the idea that these independent contractors, in most cases, although a licensed facility might be operating under an LLC or something like that, they are allowed to collectively bargain, that they are allowed to negotiate with the State these very same rate increases, I think that is something that should have been reserved for the legislature and I just philosophically believe that with almost any of these collectively bargained contracts that many of these issues that are in this contract and in others should be ones that are done through statute like 46 other states across the country and not done through contracts like this. So that reason I will be
opposing this contract not necessarily because I believe these providers don’t deserve more money or that children should be getting even better childcare, although I would like to say that with these increases into the millions upon millions if we didn’t have these increases perhaps we would be able to open the door to thousand upon thousands of more children to participate in the program cause these costs will go up and not as many children will be able to participate because of these rate increases. Thank you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Thank you, sir. Representative Case you have the floor, sir.

REP. CASE (63RD):

Thank you, Mr. Speaker. Good afternoon.

DEP. SPEAKER BUTLER (72ND):

Good afternoon.

REP. CASE (63RD):

Through you.

A few questions to the proponent of the Bill.
DEP. SPEAKER BUTLER (72ND):

Please proceed, sir.

REP. CASE (63RD):

Through you, Mr. Speaker.

We are all for helpin the kids and helping them have the most affordable care and to allow their parents to get out into work and with that said, it’s been stated that this contract is not going to cost the State of Connecticut any dollars.

Through you, Mr. Speaker.

Is that correct in saying that?

Through you.

DEP. SPEAKER BUTLER (72ND):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

No, if I gave that impression I certainly didn’t mean to. Look there’s a cost to the Care4Kids Program, it is funded by Federal dollars and State dollars. I think the overall cost for all these members is about $36 million dollars a year. There is an incremental cost that we talked about
with Representative Lavielle due to the increases of the 2.5 from the minimum wage, potential minimum wage increase as well that has incremental costs so you’re net $36 million dollars. Overall I think the entire Care4Kids Program comes to about $55 million dollars on the State share. Again there is Federal dollars that come in as well to provide for these programs. So certainly there is a cost related to this, I think that we all think, many of us believe that that cost is worth it, it would be great to expand it, you’re helping kids. You know, its not just caring for them, its giving them really a leg up going forward, when they get into school we all know that if kids are behind when they start school we are paying for that cost ten-fold, a hundred-fold down the road when they are behind so. Yes, there is a financial cost to this contract and to these services to the State of Connecticut it is the choice we’ve made as a society to fund these kind of programs because we believe in those kinds of services and economic development, freeing up people
to work and also making sure that those children are cared for and are developing along the ways. There is certainly a cost, I would like to think the benefit outweighs it.

Through you.

DEP. SPEAKER BUTLER (72ND):

Representative Case.

REP. CASE (63RD):

Thank you, Mr. Speaker. I guess I’ll rephrase my question. The question was the raises that we’re talking about here, are they covered under a $15 million dollar carryover and that way they are in the budget in the Office of Early Childhood?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you, Mr. Speaker.

My understanding and I think OFA looked at this, this is funded through the budget allocations, the Federal dollars coming in and the 10F-CCDF
transfer. Madam Speaker, nice to see you. And the transfers coming over from the 10F-CCDF line item, I see a note from OFA that in addition to those funds, general funds in $15 million dollars are expected to be carried forward into fiscal year 20. I assume that is from fiscal year 19. I am not sure what that carryover is from, if its’ CCDF or TANF funds as well but the funding mechanism, the primary funding mechanism here are the Federal dollars and the TANF/CCDF transfer.

Through you.

DEPUTY SPEAKER COOK (65TH):

Representative Case.

REP. CASE (63RD):

Thank you, Madam Speaker.

Through you.

When we discussed this in Appropriations I guess this is where my question is, you know, we talk about the wage increases and we’ve talked about many contracts that have come forward but we’re told this is no impact because there are going to be
using the $15 million dollar carryover and hoping that next year they will have the same carryover and that would cover the raises that is coming through in this.

Through you, Madam Speaker.

DEPUTY SPEAKER COOK (65TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you.

I mean, my understanding it is not a question of a carryover funding. It’s obviously we take into account the contractual items in a year, the overall cost that adds to the entire program itself. Remember the OFA listed the incremental cost so obviously that is bolted on to the overall cost for these employees, I think I mentioned about $36 million exclusive of what we pay United Way, etc. and that entire amount is budgeted and that those Federal dollars floating in. There is dedicated Federal funds for Care4Kids directly for the childcare program directly, there is Federal funds
that TACF line item in the budget and those TANF funds Temporary Assistance for Needy Families Funds go out to a number of different programs including this one, so you’ve got sort of those dual streams that come in and that’s what’s budgeted here. I would not, if I gave that impression, I apologize, I would not characterize it as a it’s simply taking care via a carry-over. This is an overall budgeted cost item.

Through you.

DEPUTY SPEAKER COOK (65TH):

Representative Case.

REP. CASE (63RD):

Thank you, Madam Speaker. So in talking with this, I’m not sure if the good Representative because when we were in Appropriations, the $15 million dollars kept coming up and personally I mean, I feel as though if we have a carryover of the $15 million dollars and the good Representative earlier stated possibly we could have thousands on a waiting list that could be utilizing the Care4Kids
Program and it might be better to look into can we service more kids rather than using the Federal funds to give a raise because the Federal funds aren’t a guarantee for years going forward.

Through you.

Is that correct, Madam Speaker?

DEPUTY SPEAKER COOK (65TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you, Madam Speaker.

I guess it’s sort of a couple of components to that question, right? I mean look I mean I appreciate that, yes they are getting an increase through this contract. Again these folks are not, most of them are making a third of minimum wage. Now could you not give any of these increases and that incremental cost of the contract with the, you know, what is it, $2 million dollars in fiscal year 20, $5 million in fiscal year 21 and say we’re gonna use that money instead to serve more kids? Well whose gonna serve those kids? You’re gonna need
more people to serve that many more thousands of children so, it’s you know, what’s your overall goal of the program here. You are going to need much more that $5 million dollars to serve them and then of course as we talked about previously encourage people to do this and particularly to be licensed so you’ve got stability. There is tremendous value here to stability, right, to not have a lot of turnover. To have people available so when that single mother has to work this second job at night that somebody is there to care for the child so mother can take that job. You know, that’s what’s part of this. Again, no healthcare, no retirement, no worker’s compensation, none of that in here. So modest increases to help keep people encouraged to do this so there is a financial incentive to do it rather than take that other job, I’m gonna actually do this job as well. These are primarily people at or around the poverty line. There are a lot of single families, a lot of women of color do this job. It’s a wonderful opportunity. We’re trying to
make sure there’s an incentive to do it and we sort of factor that into our calculus of being able to have a stable workforce, serve a lot of children. That’s the benefit that you get from this. I don’t think it’s, I don’t think I would say that you could simply take this money and serve more children. I don’t think it is as black and white as that.

Through you.

DEPUTY SPEAKER COOK (65TH):

Representative Case.

REP. CASE (63RD):

Thank you, Madam Speaker. And I thank the good proponent of the Bill. I guess my concern that I agree with the good proponent that this program does help a good amount of people but we could be helping more.

Through you, Madam Speaker.

So people who right now on this program, Care4Kids must be at the 50 percent of the State median income is that correct?

Through you, Madam Chair, Madam Speaker.
DEPUTY SPEAKER COOK (65TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Thank you, Madam Speaker.

Through you.

That is one tier, I believe that is the highest tier. There are a number of tiers with respect to qualifications for the program, there is up to 50 percent, there’s some others where it is I think there is a third tier that is, I think, up to 85 percent so those are different tiers. Those is one of them in terms of qualifications for the program.

Through you.

DEPUTY SPEAKER COOK (65TH):

Representative Case.

REP. CASE (63RD):

Thank you, Madam Speaker. So the good Representative he spoke on the 85 percent they were allowed to go up through the Federal regulations and those people who are 85 percent of the State median income are people who’ve already been in the
program, not new people coming in. Is that correct
   Through you, Madam Speaker.

DEPUTY SPEAKER COOK (65TH):
   Representative D'Agostino.

REP. D'AGOSTINO (91ST):
   Through you.
   That is correct.

DEPUTY SPEAKER COOK (65TH):
   Representative Case.

REP. CASE (63RD):
   Through you, Madam Speaker.
   So as a body are we allowed or are we able to raise that 50 percent up so we can service more people?
   Through you, Madam Speaker.
   Up to the 85 percent?

DEPUTY SPEAKER COOK (65TH):
   Representative D'Agostino.

REP. D'AGOSTINO (91ST):
   Through you, Madam Speaker.
   If we certainly have that ability to do that
then obviously there is obviously an additional cost associated with that.

Through you.

DEPUTY SPEAKER COOK (65TH):

Representative Case.

REP. CASE (63RD):

So through you.

We talk about if you do calculations and you do it on the median it is about $3.33 an hour right now at the rate we’re doing but a lot of these people also.

Through you, Madam Speaker.

Do they also possibly able to receive TANF, SNAP, WICK, Medicaid benefits so they have many more other sources of income also coming in?

Through you, Madam Speaker.

Is that correct?

DEPUTY SPEAKER COOK (65TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you, Madam Speaker.
They can qualify for other sources of aid, that’s correct.

Through you.

DEPUTY SPEAKER COOK (65TH):

Representative Case.

REP. CASE (63RD):

Thank you, Madam Speaker because I think we’ve heard a few times that, you know, it’s very difficult to live off the $3,000 of $3,300 dollars that this program pays and, you know, when it gets to the $15 dollars an hour it would be a little over $5,000 dollars I guess this is what I call and it’s a stipend to help out families so that they can get out to work and have their other family members take care of their children and this gives a bump and gives a help and so its good to keep your children within your family. I think my main concern is we were talking a lot on the $15 million dollar carryover and the good Representative wasn’t in Appropriations, if we have a carryover is the Federal Government aware of that carryover and what
we’re using it for and.

Through you, Madam Speaker.

Are we allowed to use that carryover for contract raises?

Through you.

DEPUTY SPEAKER COOK (65TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you, Madam Speaker.

Our understanding is the $15 million dollars, as long as it is used for the program, it can be used for any aspect of the program.

Through you.

DEPUTY SPEAKER COOK (65TH):

Representative Case.

REP. CASE (63RD):

Through you, Madam Speaker.

So is there a chance that when Care4Kids gets audited and we had $15 million dollars carryover that the Federal Government relook at it and we might be having a change of losing that instead of
expanding the program?

Through you, Madam Speaker.

DEPUTY SPEAKER COOK (65TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you.

No, this is, my understanding, this was sort of a timing program with respect to disbursement of Federal funds, it’s not an accidental overpayment, it’s not something that could be called back. It’s money for Care4Kids that just happened to come at a later time than we were expecting so it goes to this program, but it’s not a bonus, it’s not additional funds it had to do with the timing of the Federal payments but it was meant for, dedicated for Care4Kids and we use it for that and again I don’t know how this was framed in Appropriations, but it would be inaccurate to say we are taking that $15 million dollars and paying for that contract with that. I know OFA has put that in there but with all due respect to OFA that is not quite how a budgeting
process works, right. These are funds for Care4Kids. Federal funds coming in, dedicated to Care4Kids including that $15 million dollars, the TANF funds that are transferred over for Care4Kids all that goes into the cost of administering the Care4Kids Program including paying the workers, the providers, including the contract costs. It’s not like we say, $15 million dollars comes in dedicated for this particular line item, dedicated for this contract term. That’s not, I can see how OFA framed that here and their response but that is not, and if that’s how it was framed in Appro’s then I don’t think that is quite accurate.

Through you.

DEPUTY SPEAKER COOK (65TH):

Representative Case.

REP. CASE (63RD):

Thank you, Madam Speaker. I guess I’ll just close with a few comments and I thank the good Representative. You know, Care4Kids being Human Services, you know, it is a great program and it
helps out many families throughout the State of Connecticut. You know, we just got a new Commissioner and I know she will do a great job in working to make sure that we maximize those dollars. I think my concern is if we have a $15 million dollar carryover how often do we feel as though we are going to have that $15 million dollar carryover. Are we putting this State in a scary position down the road because the $15 million dollar carryover might only be for this year or maybe next year but going forward if you look at the calculations, I mean once we get to annualized amount it is a little over $7 million dollars in the increases. So I guess, you know, I’ve been consistent on these, I know that it has been spoken that this is within the budget because of the carryover but I have been consistent to not to continue on with the increases in these contracts until we have a budget in front of us. I’d really like to see when there’s extra dollars such as $15 million dollars where else within our DSS or our Care4Kids Program we can be
helping out others or increasing others and not just through wages. So with that I do thank the good Representative for his answers, I know he’s answered a ton of questions. It is a great program unfortunately I cannot vote for this increase today but I will continue on to watch the carryovers that come through and I will look for a budget to see where all these dollars fall. Thank you, Madam Speaker.

DEPUTY SPEAKER COOK (65TH):

Thank you, Representative. Representative Kokoruda. The good Representative is having a microphone issue, one second. The Chamber will stand-at-ease for a moment. Representative Kokoruda.

REP. KOKORUDA (101ST):

Thank you, Madam Speaker. I have no questions for the proponent so you’re off the hook. You know, I know sitting discussing these contract I’m sure has been frustrating. A lot of us have done it twice because we did it in Appro. But this is what
the people of Connecticut expect. I sit here and listen to this conversation and this has not been transparent for years and I think it is a credit to this Chamber that we are finally doing what the people of Connecticut expect. So I thank the proponent of all the contract and our Ranking Member for really bringing out what is in the contracts. I just want to clarify one thing. When we heard that when this group of daycare providers were sent a letter or card being asked if they wanted to be in a union and we heard 95 percent said yes, that was before Harris, it was before Janus, that was an opt-out setup. I talked to grandmothers in my district who did not what to be union members, did not send the card back fearing that 95 percent. So when court action was taken I think that was reversed and it is important because people should have a right to say, by the way, isn’t my voice wonderful today. I think it’s doin great! [Laughter] People have a right to say yes or no. A couple of years ago, might have been three Care4Kids took a big hit by
the Federal Government and both sides of the aisle got up and fought for that. We all know it is such an important program for many reasons. So I don’t think Care4Kids and supporting it is really the issue today. For me this was a tough contract to look at because I know this group of workers deserve more than they are getting and I know like all of you, that they are doing very important work keeping our kids safe, getting them ready for kindergarten. We’ve talked, this is the 12th contract we’ve talked about and we all know what kind of fiscal shape we’re in, we all know. We kind of have a budget from day-to-day. We all know there is a deficit, there’s a lot of different ways to solve the we have here, we’re waiting. But we’re being asked to give dollars after dollars to fix something and to help people and give them a fair wage when we really don’t have the answers. These people get no pensions, they get no paid time off but I have to ask myself when we were having discussions about giving our State Troopers $4.4 million in lunch
money that they can put into their pensions forever, people voted for that. Wouldn’t it be great to have that $4.4 million dollars for this? When we were talking about attorneys with six-figure salaries, getting almost immediately a nine week paid time off it was a lot of money. We could have used it for this. To me this is where priority should be. Everything the unions have negotiated we have given them in a time where we really, really don’t know fiscally how we are going to solve this. So I just want to say this today I’m happy for the conversation. I wish someday we are able to be courageous enough to treat everybody fairly. I hope we are courageous enough to take the people who get the least and take care of them, $4.4 for lunch, three years ago we let them put their boots that they buy every year into their pension. Can we afford this? We love our State Troopers but this is part of a pension forever. Pensions are the biggest problem in this Building. So I want to thank the proponent for bringing the Bill out, it is a tough
contract. These folks deserve more but boy, I do worry about our priorities in this room and this Chamber. Thank you, Madam Speaker.

DEPUTY SPEAKER COOK (65TH):

   Thank you, Representative. Representative Abercrombie.

REP. ABERCROMBIE (83RD):

   Thank you, Madam Speaker. So I rise in support of this contract. And I’d just like to make some clarifying remarks. So we pay these wages to these employees so below what the Feds require that we are in jeopardy of losing Federal money. That is the reality folks of what we’re doing here today. This is a Federal Program, there’s guidelines in place that says that we need to raise up these payments to these workers because we’re well below the national average. And let’s be honest as to who they are. These are low wage workers that are taking care of our babies. That is the reality and whether you do it at home as a parent that is trying to help out your daughter who is going to school during the day
and doing waitressing at night where she can’t get daycare because I don’t know of any daycare centers that are open at night or you’re lucky enough to get in a facility that is a private daycare center that also has school readiness. This is a program that parent’s need. And let’s remember that these are also working parents. It isn’t like it’s someone sitting home just collecting money. You have to work to qualify for this program and I for one am happy that we are able to help these families especially because a lot of these individuals are young moms that are just trying to do the best they can. So I urge my colleagues to vote favorably for this contract. Thank you, Madam Speaker.

DEPUTY SPEAKER COOK (65TH):

Thank you. Our esteemed Majority Leader Representative Ritter.

REP. RITTER (1ST):

Thank you Speaker Cook, nice to see you up there. I do also rise in strong support of this and I want to thank Representative D'Agostino who as on
many of these contract as Representative Kokoruda eluded to and Representative Lavielle as well there was a lot of questions on these contracts and we appreciate the work that you two put in for this Chamber on these issues to provide us also information and future generations to understand how we voted on contracts. I mean to what Representative Abercrombie said my children no longer go to daycare but when I think about the first time that I brought Jack to daycare. I think about how hard it was just for me and Marilyn which is one, let alone two, working fulltime jobs, not having probably some of the other stresses that many other families have and I walked into this daycare room and there was 12 of ‘em, 12 Jacks and I said, Oh my goodness. These people need to be paid so much more money than they are getting paid right now to take care of 12 Jacks. There is nothing harder in the world and yet nothing more important, nothing more critical than how we raise our children. So when you talk about budget priorities, when you talk
about where we put dollars and cents I just can
literally not think of a better use of State funds
that to give workers who are caring for our children
every day a hand up and a lift so they are not
living in poverty. They are literally raising the
future generations of tomorrow and people are
entrusting these individuals to raise their children
so they can go to work, they can go to school. But
how can we sit here and say truthfully that we value
their work when, I don’t know what will happen, but
I think that is sentiment of valuing someone’s work
is by supporting them today. And to me, it’s just
people who are not getting rich, it’s a passion,
it’s a love, it’s caring for children and it is so,
so, so, so, so, so, so, so, so, so hard to raise one and
then to care for 12 of 15 kids in any given day, God
ey they deserve our support and our appreciation for
raising the future of the State of Connecticut.
Thank you Deputy Speaker Cook.

DEPUTY SPEAKER COOK (65TH):

Thank you, Representative. Will you remark
further on the Bill? Will you remark further on the Bill? If not will the Staff and guests please come to the Well of the House. Will the Members take your seats, the machine will be open. [Ringing]

CLERK:

The House of Representatives is voting by roll, Members to the Chamber. The House of Representatives is voting by roll, Members to the Chamber.

DEP. SPEAKER BUTLER (72ND):

Have all members voted? Have all members voted? Will the members please check the board to determine if your vote is properly cast. If all members have voted, the machine will be locked and the Clerk will take a tally.

DEP. SPEAKER BUTLER (72ND):

Representative Luxenberg. You have the floor, sir.

REP. LUXENBERG (12TH):

Thank you, Mr. Speaker. I rise to confirm my affirmative vote, someone had inadvertently cast the
vote for me but they cast it correctly. Thank you.

DEP. SPEAKER BUTLER (72ND):

Thank you, sir. The Clerk will please announce the tally.

CLERK:

House Resolution 34

Total Number Voting 146
Necessary for Adoption 74
Those voting Yea 104
Those voting Nay 42
Absent not voting 5

DEP. SPEAKER BUTLER (72ND):

The Resolution is Adopted [Gavel]. Will the Clerk please announce Calendar No. 104.

CLERK:

On Page 61, House Calendar 104, Substitute House Bill No. 7215 AN ACT CONCERNING SCHOOL CLIMATES. Favorable Report of the Joint Standing Committee on Education.

DEP. SPEAKER BUTLER (72ND):

Representative Linehan, you have the floor,
sp

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ma’am.

REP. LINEHAN (103RD):

Through you, Mr. Speaker. This underlying Bill started a conversation regarding social emotional learning and together with the fine members of both the Children’s and the Education Committees, the Chairs and the Ranking Members, experts and advocates in our school, we have come up with a strike-all Amendment which we believe greatly improves this legislation to achieve the desired outcomes for the children. Oh, I’m sorry. My apologies, Mr. Speaker.

I move for Acceptance of the Joint Committee's Favorable Report and Passage of the Bill. Too anxious, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

The Question is Acceptance of the Joint Committee's Favorable Report and Passage of the Bill. Representative Linehan, you have the floor.

REP. LINEHAN (103RD):

Is now okay? Thank you very much, Mr. Speaker.
I appreciate that. We believe that this strike-all Amendment greatly improves the legislation to achieve desired outcomes for the children of the State of Connecticut and with that Mr. Speaker I ask the Clerk to call Amendment LCO 9992. I would ask the Clerk to please call the Amendment and that I be granted leave of the Chamber to summarize.

DEP. SPEAKER BUTLER (72ND):

Will the Clerk please call LCO No. 9992 which will be designated House Amendment Schedule “A”.

CLERK:

House Amendment Schedule “A” LCO No. 9992 offered by Representative Linehan, Representative Green et al.

DEP. SPEAKER BUTLER (72ND):

Representative seeks leave of the Chamber to summarize the Amendment. Is there objection? Is there objection to summarization? Hearing none, Representative Linehan you may proceed with summarization.

REP. LINEHAN (103RD):
Thank you very much, Mr. Speaker. What this Amendment does is it establishes a social and emotional learning and school climate collaborative with membership in staff. It collects information on school climate improvement efforts around the State. It documents articulated needs of school districts all for the purpose of developing a better school climate for our kids. It will develop a school suicide risk assessment for screening students in grade three to twelve. Among other things and develop a plain language explanations of rights and remedies available under 10-4(a) and 10-4(b) to distribution to parents and guardians. The collaborative shall submit an annual report. It will also develop like I said, the school climate policy that will be available to our districts. It will not be a mandate and it does, among other things, it also redefines bullying and it is going to be sort of an area where schools can go to get information about social emotional learning and how we can best support our children, and with that, sir
I move adoption.

DEP. SPEAKER BUTLER (72ND):

The Question before the Chamber is Adoption of House Amendment Schedule “A”. Will you remark on the Amendment? Representative Linehan.

REP. LINEHAN (103RD):

Thank you very much, Mr. Speaker. The genesis of this actually came to me, and this is part of the reason why I stand up today, there was a student in my district named Angelita who at the age of 11, died by suicide because she was so harshly bullied and so after this we got together and decided that something needed to be done. So it opened the conversation about bullying across the state not just within my district, but actually all across the State of Connecticut. And while the original Bill to combat bullying many years ago was groundbreaking and I thank all the original proponents of that legislation, including Senator Looney, Representative Muchinsky and Representative Abercrombie but in the time since educational
science has evolved to have a greater understanding of what social emotional learning is and the benefits of positive school climate including emotional growth, self-regulation, academic performance, lowering drug use, school violence and yes, suicide. So in an effort to get our arms around this emerging science what we have done here is created a social emotional learning collaborative that is filled with parents, school officials, mental health specialists and more and it’s for the purpose of insuring that in our school communities we are utilizing the science that we know through social emotional learning and making sure that we are developing the whole child so that essentially we can have kids understand their feelings and be able to work out their differences and difficulties before we get to actual bullying. This legislation really attempts to create good policy that is more about developing that social awareness in order to have resiliency instead of looking at punishing bullies, because it is my belief and the belief of
the members of the collaborative that kids who bully are kids in crisis and kids who are the subject of bullying are kids in crisis as well. So what we’re really trying to do is create such a positive school climate and give our districts the tools they need to create that positive school climate so that it’s available at their fingertips. This collaborative is almost like a clearing house of really great information and I’d like to thank all the people that worked on this. It really has been a labor of love so we worked with the Commission on Women, Children and Seniors so Steven Hernandez thank you, so much. Fran Rabinowicz from the Connecticut Association of Public School Superintendents for her guidance and support social and emotional learning Faith Vos Winkel from the Child Advocate’s Office, my Ranking Member Representative Green and the Chairs and Ranking Members of the Education Committee and all the members of the collaborative who are dedicated to social emotional learning and helping kids in the State of Connecticut and of
course our amazing staff, Dave Desjardin, Adam Skavara, [phonetic] Sarah O’Conner, Chris Cordema and Tim Burgen. Thank you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Thank you. Representative Green, you have the floor, ma’am.

REP. GREEN (55TH):

Thank you, Mr. Speaker. This is a friendly Amendment and I support the Amendment and I do have a few questions for the Representative.

DEP. SPEAKER BUTLER (72ND):

Please proceed.

REP. GREEN (55TH):

Thank you.

Through you, Mr. Speaker.

What is a collaborative group and who are the members of this group?

DEP. SPEAKER BUTLER (72ND):

Representative Linehan.

REP. LINEHAN (103RD):

Thank you very much, Mr. Speaker.
And through you.

The members of the collaborative are, it’s comprised of a great many people actually. There are members appointed by the Speaker of the House, the President Pro Tempore of the Senate, we have members appointed by the Majority Leader, the Minority Leader of both the House and Senate and these are a diverse group of experts nonprofits, fully anthropeia and multitiered providers in social emotional learning and trauma informed practice.

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Green.

REP. GREEN (55TH):

Thank you.

And through you, Mr. Speaker.

I think I heard but I just to clarify but who chooses the members?

Through you, Mr. Speaker, sorry.

DEP. SPEAKER BUTLER (72ND):

Thank you. Representative Linehan.
REP. LINEHAN (103RD):

Thank you.

Through you, Mr. Speaker.

It is a collaborative effort from both the House and the Senate and both sides of the aisle.

Through you.

DEP. SPEAKER BUTLER (72ND):

Representative Green.

REP. GREEN (55TH):

Thank you.

Through you, Mr. Speaker.

Who will Chair the collaborative and who do they answer to?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Linehan.

REP. LINEHAN (103RD):

Thank you.

And through you Mr. Speaker.

Steven Hernandez or his designee from the Commission on Women, Children and Seniors will be a
Chair and then another Chair will be elected from the membership and they will, the collaborative will actually create reports and have to report back to both the Children’s Committee and the Education Committee.

Through you.

DEP. SPEAKER BUTLER (72ND):

Representative Green.

REP. GREEN (55TH):

Thank you.

And through you, Mr. Speaker.

Just a comment the OFA reports that his Amendment makes procedural, technical and clarifying changes that do not cause any fiscal impact to the State or local boards of education. I stand in full support of this Bill and I encourage my colleagues to support this Bill as well. Thank you.

And through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Thank you. Representative Candelora.

REP. CANDELORA (86TH):
Thank you, Mr. Speaker. If I may a couple of questions to the proponent of the Amendment?

DEP. SPEAKER BUTLER (72ND):

She seems to be ready. Please proceed.

REP. CANDELORA (86TH):

Thank you, Mr. Speaker. In this Amendment in lines 152 we are redefining what constitutes bullying and I recall when this first legislation was crafted a number of years ago by the Education Committee. They were looking at sort of creating a laundry list of what would constitute bullying and was trying to encompass not only the different media that is used such as, you know, just a verbal or physical act but also incorporating the use, you know, of social media and texting and those type of things. And I think we had also talked about in the Assembly back then, of differentiating between, you know, behavior that should be reprimanded because a child might have acted up in the classroom and, you know, hit another child versus sort of a repetitious behavior that rises to a higher level and I know
that certainly the education world sort of deals with that balance and so I am just wondering now as I see this new definition coming into play we are removing these specific enumerations of the repeated acts and cyberbullying and other things that are enumerated and we are looking for a broader approach and I was just wondering what the intent of that was and how that definition, the new definition that is applied how would that change from the old one?

Through you.

DEP. SPEAKER BUTLER (72ND):

Representative Linehan.

REP. LINEHAN (103RD):

Thank you.

And through you, Mr. Speaker.

So the new definition of bullying actually comes from conversations with many people who are out living this right now and a lot of what we’ve heard is that the old definition of bullying and the language that they used was, it was pervasive. I don’t have the exact language but it had to be
pervasive and overtime. So we found that there was a lack of clarity in that and that districts were looking at that differently from district to district. So we might have one district that says if something is pervasive and overtime, well what does that mean. So one district might say if there are two incidents within 30 days then that is pervasive and another district might say, five incidences within a school year. And so that didn’t really didn’t give some clarification to districts. What we did to change this was to say a few different things. One is that an “act that is direct or indirect and severe, persistent or pervasive” so we’ve now said that it doesn’t necessarily have to be consistent over time. It can also be, an act of bullying can also be something that rises to a level of severity that would be determined by the school climate specialist who is actually doing the investigation. So for instance, if and I can use an actual personal instance when I was in high school, I was so severely bullied that I
had a group of girls break into my home and look for me room-to-room while I hid in a closet and they wanted to drag me out and beat me up. And that was just a one-time incident but I think everybody can agree that something along those lines is severe enough that it can be called bullying. And so then the second part of that is that it “causes physical or emotional harm to an individual, places an individual in reasonable fear of physical or emotional harm, or infringes on the rights or opportunities of an individual at school.” So what this definition says is that yes, it can be the smaller instances of the poke, poke, a little bit here, a little bit there consistent picking on a child but it could also be one larger act that sufficiently that “places an individual in reasonable fear of physical or emotional harm or infringes on the rights or opportunities of an individual while at school.”

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):
Representative Candelora.

REP. CANDELORA (86TH):

Thank you, Mr. Speaker. And I appreciate that explanation and I just want to flush out sort of the intent of this underlying legislation. As I understand it with this definition of bullying and how it is adopted, it’s incorporated into the school climate Bill which would require schools to report to the State Board of Education where there are incidents of bullying. So what we are doing in this, current legislation and current law is these provisions that we are amending are the areas where schools need to identify bullying and make those reports to the State Board of Education. Am I correct?

Through you.

DEP. SPEAKER BUTLER (72ND):

Representative Linehan.

REP. LINEHAN (103RD):

Through you, Mr. Speaker.

We did not change those requirements so they
would still be required to submit number to the State Board of Ed.

Through you.

DEP. SPEAKER BUTLER (72ND):

Representative Candelora.

REP. CANDELORA (86TH):

Thank you, Mr. Speaker. And if individual school districts, every Board of Education adopts policies on what could rise to disciplinary behavior so if a child is acting up in a classroom it doesn’t necessarily obviously need to rise to the level of bullying, teachers are free to be able to discipline that person and Board of Educations still have the ability to define different behavior as I understand this. So this Amendment doesn’t effect what school districts could do on a disciplinary level but what we are specifically doing is redefining bullying for the purposes of reporting is my first question and my second question is it also redefining bullying on that level for disciplinary action at schools?

Through you.
DEP. SPEAKER BUTLER (72ND):

Representative Linehan.

REP. LINEHAN (103RD):

Thank you.

And through you, Mr. Speaker.

I don’t believe that we are redefining bullying for the purpose of reporting at all. The redefining and the clarification of what bullying is, it’s not even for disciplinary reasons it is more because what we are looking to achieve at the collaborative and moving forward in the ultimate paradigm shift of how we treat the whole child is that we want to get away from strict discipline and instead work to get the kids the help that they need. So I’ve said this before and it’s a refrain that you will probably hear from me so often as we work together that because a child might have committed an act of bullying that doesn’t make them a bully. It could be a cry for help. Many times a child who acts out this way really just needs a little extra services or they need to be better understood and that is
what we are trying to capture here is the ability to trigger something that says, hey this kid needs some help. This kid doesn’t need to necessarily be suspended, this kid doesn’t necessarily need to be kicked out of school what this kid needs is something to help them to become their best selves and ultimately that is social emotional learning does. And so the definition of bullying really, or the redefining of bullying really needs to be viewed holistically with the collaborative and what we are taking the collaborative to do to look at what our school climate is doing and make sure that we are looking at bullying not as a disciplinary action but more about supporting our children in a way that we don’t even get to bullying in the first place.

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Candelora.

REP. CANDELORA (86TH):

Thank you, Mr. Speaker. And I appreciate that answer and I think we are on the same page and that
is what I’m getting at because one of my concerns with the way that definition reads and I think it was very intentional when we had first adopted this a number of years ago was defining bullying as in lines 152 where it is being bracketed out is the “repeated abuse” so there had to have been some sort of repetition and also it’s used again in line 156 and again I agree with the underlying intent of the Bill but what this definition is now doing we are now redefining bullying as potentially a single act. What I get concerns with having seen, you know, again raising my children through the school system there are districts that have different perceptions of discipline and I think as a public policy I agree 100 percent. Children need to be nurtured at times and they should not be broken and I think depending on the districts we could have philosophies from some administrators that break children that don’t develop them and nurture them at a time when maybe they made a mistake. And so my concern with this definition is by going back to having a single act
does this create the ability essentially for a
district to view a stupid comment that a child might
make in school or, you know, a slap in the
lunchroom, as an act of bullying and then the school
district will deal with that individual in a certain
way. And I pose that issues because whenever there
are arguments between two children in school and
disciplinary action is taken, when the parents get
involved it could take on a whole new meaning and
sometimes I think administrators hands get tied when
you have two parents fighting for both of their
children, especially sometimes in the day and age
where there is not people taking accountability for
their actions and parents having their children own
the bad decisions they may make and my concern is
that in this definition are we creating a situation
where one action could cause the labeling of
bullying and create that sort of environment where
now the administrators are choosing between two
children and who is right and who is wrong. If the
good Representative could just explain to me that,
because my understanding of the way this definition is incorporated it is not just incorporated in the school climate collaborative in the underlying Bill that we are getting to, but that definition also goes toward how a school defines bullying and treats that child and also how the school then reports that information to the State Department of Education.

Through you.

DEP. SPEAKER BUTLER (72ND):

Representative Linehan.

REP. LINEHAN (103RD):

Thank you.

And through you, Mr. Speaker.

I do not believe that that would be, that the scenario that the good Representative brought up, the harsh words in the lunchroom would rise to bullying because it is no severe, persistent or pervasive.

So through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Candelora.
REP. CANDELORA (86TH):

Thank you, Mr. Speaker. So I’ll finish this up because that’s where I’m a little concerned with the definition because the word severe is subjective. The word pervasive is subjective. The word an “act” is not so a singular act under this Amendment could rise to the level of the definition of bullying. And I will just say in my personal experiences dealing with administrators I have watched a single act that involved just a word cause a student to be suspended from school and this is a child that our elementary school kids, these aren’t, you know, 15 or 17-year-old and so I am concerned by this because I think the intent is good in the Bill but I think that this was the exact reason why we moved away from this definition of bullying and required it to be repeated acts, not because we think a child needs to be abused over and over and over again in order for it to fall under the definition of bullying. But when we incorporate this language into Statute this is the language that our administrators are
gonna go by in disciplining our children. And so I agree with the underlying intent of the Bill but I am just very concerned that the public policy that it sets. In our district we’ve dealt, we’ve struggled with the issues. I’ve witnessed a child who accidentally brought a pocketknife into school because when we had the incidents of the clowns and the kids were afraid of clowns coming out at the bus stop he brought in a pocketknife to protect himself and that child when through an expulsion hearing as a result and was removed from the school district, not because he took it out and brandished it but somebody found out and told the teacher. And so that is where I get concerned with us tinkering with this definition of bullying because it’s dealt with much differently administratively, I think then how we want it in terms of defining a good school climate. So, you know, I will probably will support this going forward but I certainly think it is something that we really need to keep a close eye on because while on one end we want to make sure that
all children have a good school environment
including the ones that might be acting up because I
do agree that children who are acting up could have
problems at home and need that special attention but
when you bring in the outside parental influence
into those classrooms and we talked to teachers,
they get that pressure, school administrators get
that pressure to discipline a child because another
parent made a phone call. I’m worried that this
language gives parents more ammunition to be
predatory against children and use this against our
children in a classroom when I know that is not the
intent. So I just want to put that on the record
going forward and maybe it’s something next year
that the Education Committee could look at. Thank
you.

DEP. SPEAKER BUTLER (72ND):

Thank you, sir. Representative McCarty, you
have the floor, ma’am.

REP. MC CARTY (38TH):

Thank you, Mr. Speaker. I rise to state that
I’m in support of the Amendment but I certainly have heard the comments tonight and I would hope that as we move forward with this that we will take all those considerations into account. I am certainly very please to see the social emotional leaning collaborative and to look at the force, the task force that is going to be put there with the collaborative, the experts that are on the collaborative that’s very impressive to see Yale and the Social Emotional Intelligence Center and a lot of work went into putting the collaborative together and I am very impressed by it. I think a lot of good work will come out of the collaborative, very strong proponent for social emotional learning in our schools. As we know and this I found quite surprising a number of years ago we looked at how many children were expelling and suspending in the early grades and I think by moving the direction now to a more positive school climate rather than just we want a safe school climate but we want to look at those ingredients that go in to make a school a
positive school climate and to have the surveys go out and to ask the parents and all involved in the school their impressions of the school I think will come back to the collaborative, that information will be shared and I have great hope that with this legislation we can turn now and become more proactive rather than reactive and creating good positive school climate and again to shout out, I know Representative mentioned Steve Hernandez with the Commission on Children, Women and Children and that Fran Rabinowitz also, these are two experts in the field that we are fortunate to have on the, that will be working with the collaborative. So I would if I may, ask one question to the proponent?

DEP. SPEAKER BUTLER (72ND):

Please proceed.

REP. MC CARTY (38TH):

Thank you, Mr. Speaker. And I know we had this discussion earlier and I think it might be worthwhile for the Chamber to just understand. Originally I did have some reservation with the
screening tool and assessment going from as young as third graders up but thank you for sharing the information and reading through the literature to see that we do have children as young as 10 years old that are in trauma and that have suicide ideations so I’ve relooked at that I want to thank the proponent for allowing to say that the collaborative would also look at that and make recommendations back to the school districts on Best Practices so that is important I believe for the Chamber to know and when you look at the suicide rates its really alarming at how many children need this social emotional learning and the emotional support. So I really believe that this legislation is gonna go a long way to improving our school climate but to you, could you just comment on the assessment tool?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Linehan.

REP. LINEHAN (103RD):
Thank you, Mr. Speaker. Thank you very much for that question, Representative. The assessment tool is something that needs to be created. We really want to look at making sure that it is age appropriate so it might not even be one assessment tool. But we know now that the Centers for Disease Control has said that suicide is the number two cause of death for children ages ten to eighteen. This is extremely concerning. The numbers keep rising and so when we look at suicide screening tools and making sure that we are getting the information to kids and parents at an age appropriate level a screening tool might be something as easy as saying to a child do you have a trusted adult that you can speak to at home or at school. Even something as simple as that can raise a flag that we need to look and see if this child needs more supports. There are some great tools that are out there and the collaborative will be looking at that. I would like to take a second to say that Meriden has a wonderful program and they
have already proven to be successful in saving lives with their suicide screening tool. So we are going to be looking at that and see if there is a way that we can offer that to districts statewide.

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative McCarty.

REP. MC CARTY (38TH):

Thank you, Mr. Speaker. And I just wanted to state in conclusion that this is not a mandate on the boards. A lot of work went into this legislation so that we could share Best Practices, get the collaborative into place but there is no mandate on the school boards and I think it is gonna do a world of good in moving our school climate in a positive direction and helping those children that need the help so that they can perform well, there is a correlation with emotion and learning so I think that as our children are learning more with the social emotional as it comes into the schools to regulate their emotions they actually learn better
and academics improve, so I am very excited about this piece of legislation and I would encourage my colleagues to support it. Thank you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Thank you, Representative. Representative Zupkus, you have the floor, ma’am.

REP. ZUPKUS (89TH):

Thank you, Mr. Speaker. Mr. Speaker I along with Representative Linehan share the district of the school where this young lady took her life and it was a horrible thing as we can all, well, you can’t imagine, right. So I think that this is important. I do have a couple of questions and I too like Representative Candelora had a little bit of concern but I will tell you everyday of my life, at my fulltime job, I work with people that are bullied day-in and day-out and we strive, part of our mission is to create one-to-one friendships. And I do have to say I believe that if everybody had a friend our world would be a little different. I hear stories day-in and day-out from the people that
I work with and serve of how they were bullied all through school, they wanted to commit suicide, they’re talked down to all the time, it’s constant and it’s heartbreaking. We strive in my organization for inclusion for everybody and I believe that a lot of times that people I work with are people with IDD, intellectual and development disabilities and I find it’s more beneficial for people without to understand that everybody is good at something. Everybody has strengths and everybody has weaknesses. So I do believe this is very important but I do have a couple of questions.

Through you, Mr. Speaker.

For the proponent of the Bill.

DEP. SPEAKER BUTLER (72ND):

Please proceed.

REP. ZUPKUS (89TH):

Thank you, Mr. Speaker. I’ve heard it is not a mandate so I just want to be clear.

Through you, Mr. Speaker.

Is this a mandate on schools?
DEP. SPEAKER BUTLER (72ND):

Representative Linehan.

REP. LINEHAN (103RD):

Through you, Mr. Speaker.

No, it is not.

DEP. SPEAKER BUTLER (72ND):

Representative Zupkus.

REP. ZUPKUS (89TH):

Thank you, Mr. Speaker. And Mr. Speaker, if this is not a mandate, we are creating this collaborative, I believe is what it is called, how would, if the proponent could please explain how that is going to work and how it is not going to be a mandate.

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Linehan.

REP. LINEHAN (103RD):

Thank you.

And through you, Mr. Speaker.

What the collaborative is tasked with doing is
creating a list of Best Practices available to districts for use with no charge should they choose to do that. We have found that there is an insatiable hunger for this sort of thing out in our communities and so we are looking to just create a toolbox if you will to be a clearing house for Best Practices and programs that districts can put into use if they so choose.

Through you.

DEP. SPEAKER BUTLER (72ND):

Representative Zupkus.

REP. ZUPKUS (89TH):

Thank you, Mr. Speaker.

And through you.

How is this, because I know right now when I talk to my schools they have a lot of things already that are in Statute that they have to do regarding bullying and Best Practices and all of these things. How does this differ from what is already in Statute?

Through you, Mr. Speaker.
DEP. SPEAKER BUTLER (72ND):

Representative Linehan.

REP. LINEHAN (103RD):

Through you, Mr. Speaker.

It doesn’t change any of those Best Practices that districts need to adhere to. It does not add to their training requirements at all, it just is going to be a clearing house of information for districts who would like to utilize Best Practices of this emerging science of social emotional learning.

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Zupkus.

REP. ZUPKUS (89TH):

Great, thank you, Mr. Speaker. And I am glad to hear that. One thing I know that Representative Linehan and I through the school district and what happened in our district had a, there was a few meetings, town meetings and quite honestly there were some very good suggestions I believe that came
out of those meetings and one of them was a box or a room when you come into the school and everybody deposits their cell phones and all their electronics. And I love that. I would love that to be in here quite honest because it takes away, people and I have kids too. They are on their phones and all and I limit it. How they communicate and I actually make my children write handwritten thank you notes. They hate it but I believe it is very important because our kids are losing how to communicate with each other so I believe that that is extremely important to get them off this social media, get them off their phones, I mean we all know this, but I think that is a great idea that the Cheshire School or the parents came up with. And the other suggestion I hope that would come out of this is all of the things we talk about and I said this last night that we talk about in this Chamber whether it’s guns or violence or bullying or whatever it is, videogames are horrific. So if we could add videogames into all of these things as
well I think that makes people desensitizes our youth, it gives them things that they would not normally do. I honestly believe with adults too. I see adults on social media and they are the biggest bullies of all, everybody feels very courageous behind a keyboard. So with that, Mr. Speaker I will be supporting this because I think it is important. I’m glad it’s not mandates and its really a tool that our schools can use to help our children and quite honestly parents as well. So, thank you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Thank you. Representative Abercrombie. You have the floor, ma’am.

REP. ABERCROMBIE (83RD):

Thank you, Mr. Speaker. Mr. Speaker I rise in full support of this legislation and as somebody that has been here long enough that did the second round of bullying definition, I am in support of this. Bullying was something that happened in my district almost 20 years ago and it was a single
incident of a young man that brought around bullying definition. And back in 2006 we changed the definition to make it that it was more than one time that a child was bullied. I think that the language that is before us is broad enough that it is not a single act but if the act is abusive enough it would warrant the intervention. I wanted to thank the Chair of the Children’s Committee. She has worked this whole session on this legislation and when we had some concerns about it and brought it to our superintendent, because Meriden has been working on this issue for over 20 years. We were on the forefront of this when the first bullying started happening. So she took all of our suggestions into this legislation. I think that it is just a tool that districts will be able to use and I hope that all my colleagues will support this legislation. Thank you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Thank you, madam. Representative Mastrofrancesco.
REP. MASTROFRANCESCO (80TH):

Thank you, Mr. Speaker. I actually had turned my mic off but actually I do have just one question clarification for the proponent of the Bill if that’s okay?

DEP. SPEAKER BUTLER (72ND):

You may proceed, ma’am.

REP. MASTROFRANCESCO (80TH):

Thank you.

And through you, Mr. Speaker.

I just wanted to understand that the, this is basically a toolbox for schools to use if they need to, to offer programs on bullying. Is that correct?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Linehan.

REP. LINEHAN (103RD):

Through you, Mr. Speaker.

That may be some of it, but it’s not just about programs, it is about an overall school climate that supports the whole child.
Through you.

DEP. SPEAKER BUTLER (72ND):

Representative Mastrofrancesco.

REP. MASTROFRANCESCO (80TH):

Thank you. So as I believe, Representative Zupkus was mentioning, it is not anything in addition to the existing statutes in the law right now currently.

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Linehan.

REP. LINEHAN (103RD):

Through you, Mr. Speaker.

There is no additional training and there are no mandates.

Through you.

DEP. SPEAKER BUTLER (72ND):

Representative Mastrofrancesco.

REP. MASTROFRANCESCO (80TH):

Thank you.
And through you, Mr. Speaker.

The part in here where the definition of bullying is changed. It that changed in existing statute or is that basically part of this program?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Linehan.

REP. LINEHAN (103RD):

Through you, Mr. Speaker.

The definition, there is a definition in existing statute, this changes that definition to be more updated.

Through you.

DEP. SPEAKER BUTLER (72ND):

Representative Mastrofrancesco.

REP. MASTROFRANCESCO (80TH):

Thank you.

And through you, Mr. Speaker.

I know there was a concern, an act of bullying could be one act and certainly could be something innocent. Would you be able to give me an example
of a type of act that would be considered bullying?
So I’m just thinking maybe the kids have a
basketball game or a baseball game and maybe one of
kids didn’t play that good and one of his colleagues
on the team maybe says something to him that, you
didn’t do a great job today” would that be something
like that be considered a bullying?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):
Representative Linehan.

REP. LINEHAN (103RD):
Through you, Mr. Speaker.
Definitely not.
Through you.

DEP. SPEAKER BUTLER (72ND):
Representative Mastrofrancesco.

REP. MASTROFRANCESCO (80TH):
Okay, thank you. That’s all. I just needed
some clarification. Thank you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):
Will you remark further? Representative
REP. SANTIAGO (84TH):

Hello. Thank you, Mr. Speaker. I rise in support of this legislation. The Concerning Acting School Climates. And I am in support of it because 25 years ago my daughter went through bullying in high, in middle school in Meriden. The teachers, the principal nobody knew how to handle it and there were many aspects of what was going on at home, that they didn’t know how to deal with. We have to look at the child in a wholistic way and we have to look at different cultures, languages, and I don’t know how many times I have to keep drilling that, every time I get up and speak but that is very important and we have to look at the size of the city, sometimes tools are being used and programs are being used in the bigger cities and we don’t even know about them. Sometimes the small towns are left out. Maybe there’s now bullying going on in the small towns in the board of ed but this is an opportunity for small towns, midsized cities like
Meriden to look at what’s out there. So each Board of Education can decide what is Best Practices for their town. To look at the options that are out there being used in Boards of Ed. We have 169 town and everybody has a different toolbox and sometimes might not even have a toolbox and this is an opportunity as a collaborative to make sure that those ideas are brought to the table. I made sure that, well Representative Linehan sort of showed me the Bill and there were some things that were changed in order to make sure that parents were involved and to make sure that people of color were involved because a lot of the agencies that are in this Bill the presidents, the directors or the people that represent these agencies don’t look me and I think that we need the diversity in order to make things happen in these small towns, midsize towns and the large cities. The City of Meriden now has a very good tool that they use and we went to our superintendent and he had input in this Bill also, he brought out the things that were mandated,
he brought up a couple of issues and we were able to work those with the Representative. So I am in full support of this Bill and I hope that my colleagues will support it also. Thank you, Mr. Speaker. And thank you to the Representative for all your hard work. Thank you.

DEP. SPEAKER BUTLER (72ND):

Thank you, Representative. Will you remark further? Will you remark further on the Amendment before us? If not I will try your minds. All those in favor signify by saying aye.

REPRESENTATIVES:

Aye.

DEP. SPEAKER BUTLER (72ND):

Opposed, nay. The ayes have it, the Amendment is adopted. Will you remark further? [Gavel] Will you remark further on the Bill as Amended? Will you remark further on the Bill as Amended? If not will the Staff and guests please come to the Well of the House. Will the Members please take your seats, the machine will be open.
CLERK:

The House of Representatives is voting by roll, Members to the Chamber. The House of Representatives is voting by roll, Members to the Chamber.

DEP. SPEAKER BUTLER (72ND):

Have all members voted? Have all members voted? Will the members please check the board to determine if your vote is properly cast. If all the members have voted, the machine will be locked and the Clerk will take a tally.

The Clerk will please announce the tally.

CLERK:

House Bill No. 7215 as Amended by House “A”

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DEP. SPEAKER BUTLER (72ND):

The Bill as Amended is passed [Gavel]. Are there any announcements or introductions? Seeing none, Will the Clerk call Calendar No. 334.

CLERK:


DEP. SPEAKER BUTLER (72ND):

Representative Gresko you have the floor, sir.

REP. GRESKO (121ST):

Good evening, Mr. Speaker. I move for Acceptance of the Joint Committee's Favorable Report and Passage of the Bill.

DEP. SPEAKER BUTLER (72ND):

The Question is Acceptance of the Joint Committee's Favorable Report and Passage of the Bill. Representative Gresko you have the floor.

REP. GRESKO (121ST):
Thank you, Mr. Speaker. Approximately 500 million plastic straws used everyday in the U.S. Many end up polluting the environment, harm wildlife. Nationally many cities have banned plastic straws. Well thanks to the cooperation of our Committee and the cooperation with our Ranking Member this does not ban or provide a mandate. It is simply a nudge in a direction that we are heading anyway. And to that end, Mr. Speaker, the Clerk has an Amendment LCO 7830. I would ask the Clerk to please call the Amendment and that I be granted leave of the Chamber to summarize, 7830.

DEP. SPEAKER BUTLER (72ND):

Will the Clerk please call LCO NO. 7830 which will be designated House Amendment Schedule “A”.

CLERK:

House Amendment Schedule “A” LCO No. 7830 offered by Representative Demicco.

DEP. SPEAKER BUTLER (72ND):

Representative seeks leave of the Chamber to summarize the Amendment. Is there objection to
summarization? Is there objection? Hearing none, Representative Gresko you may proceed with summarization.

REP. GRESKO (121ST):

Thank you, Mr. Speaker. And to summarize the Amendment, the Bill will basically say that if you would like a single use plastic straw when you go to sit down restaurant here in the State of Connecticut you would have to ask for it as opposed to it being given to you automatically. It is a Bill modeled after California and I move adoption.

DEP. SPEAKER BUTLER (72ND):

The Question before the Chamber is Adoption of House Amendment Schedule “A”. Will you remark on the Amendment? The esteemed Ranking Member of the Environment Committee, Representative Harding, you have the floor, sir.

REP. HARDING (107TH):

Thank you, Mr. Speaker, good evening, sir.

DEP. SPEAKER BUTLER (72ND):

Good evening. Good to see you up there.
Through you.

Just some questions of clarification and I appreciate the work that has been placed on this and even though we know the terrible environmental aspects of plastic straws there are obviously some conversations we are going to need to have regards to making sure there is clarity on this Bill, making sure that owners of restaurants understand what this Bill exactly does and so if the Chamber and the good Vice-Chair would indulge me in some of the clarifying questions that I have in regards to the Amendment which is also the underlying Bill being a strike-all.

So through you, Mr. Speaker.

The first question is, "‘Consumer’ means any person who is a business invitee of a full service restaurant.”

So through you, Mr. Speaker.

A customer if an individual was going to receive water for example, sometimes many restaurants establishments are nice enough for
individuals particularly in the hot summer months to provide them some water and some ice, for free. So would that be an individual would be an invitee under this particular Bill or would that be somebody that would not be considered an invitee therefore not under the auspices of this Bill?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Through you, Mr. Speaker.

That would be up to the individual proprietor if they were nice enough to offer the consumer or someone that happened to come in off the street a glass of water and the individual wanted a straw with it, and asked for it, it would be up the proprietor to provide it. In this instance and this Bill there is no mandate that the individual proprietor has to provide a straw to any customer regardless if they ask for it or not. This is not tying their hands, this is just nudging them in a direction that the market is going.

Through you, Mr. Speaker.
DEP. SPEAKER BUTLER (72ND):

Representative Harding.

REP. HARDING (107TH):

Thank you, Mr. Speaker. I appreciate the clarification. What I’m looking for though.

Through you, Mr. Speaker.

Is clarification on who the Bill applies to.

So I understand the underlying work of the Bill, the substance of the Bill essentially states that a restaurateur, a proprietor of a full-service restaurant must ask an individual if they would like a straw prior to giving them the straw, therefore does not automatically handing them the straw like under current law allows them to do. Under this particular Bill it says, that you would be in violation of the law as a restaurant owner or an agent of the restaurant so to say, to handout a straw to an individual who you didn’t previously ask if they wanted that straw. So what I’m asking.

Through you, Mr. Speaker.

Is under this Bill looks like this applies,
this law, the rule that we are setting in this Amendment and underlying Bill applies to consumers at full-service restaurants. So what I am asking for is clarification on what consumer means? And going back to my example previously if an individual were to walk in a restaurant with the intention of not buying but simply asking if they could have some ice water which many restaurants, I know are willing to offer. Would that be considered a consumer and therefore under the auspices of this Bill?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Gresko.

REP. GRESKO (121ST):

Through you, Mr. Speaker.

I would say yes but to further clarify the Bill and the Amendment the way the language reads is that the individual server would not be under the assumption of having to ask the customer. The customer would have to ask the server for a straw.

Through you, Mr. Speaker.
DEP. SPEAKER BUTLER (72ND):

Representative Harding.

REP. HARDING (107TH):

Thank you, Mr. Speaker. So I want to understand, maybe I’m misunderstanding it. So this only applies to giving the straws to consumers. So I just want to make sure I’m understand that right.

Through you.
Is that correct? So this only applies to giving straws to consumers. Otherwise this Bill does not apply.

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Gresko.

REP. GRESKO (121ST):

Through you, Mr. Speaker.

The way that the language reads “Consumer means any person who is a business invitee of a full service restaurant” meaning that could be the individual coming off the street looking for a glass of water or it could be a customer of the
restaurant.

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Harding.

REP. HARDING (107TH):

Thank you very much, Mr. Speaker. I appreciate the clarification and I apologize for my confusions. I often times ask questions that are compound and complex and I could do a much better job of being more concise so I do apologize. So going further into this Amendment and the Bill, looking at Paragraph (2) which is line 7, we are talking about “single-use plastic straw” here. So just going a little bit into the definition of single-use plastic straw if I may, Mr. Speaker. I was talking with a couple of restaurant owners, colleagues of ours right here in the Chamber in regards to what they do at their restaurants. Many of them have told me that they are already doing this practice as the good proponent of the Bill had mentioned. But one thing one of the restaurant owners discussed with me
was that they did still provide the little red stirring straws so to say with a cocktail and that many of the customers often times would want that.

So through you, Mr. Speaker.

Would the “single-use plastic straw” definition which falls under the auspices of this particular Bill, would that include the red stirring straws so to say?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Gresko.

REP. GRESKO (121ST):

Thank you, Mr. Speaker. The definition here of just “disposable tube made predominantly of plastic” so I would say that even though the stirrer itself also functions as a tube, if the customer would like it to function in that way, I believe it would apply in this instance whereas the individual customer, if they would like one of those stirrers/straws, red ones, they would have to ask for it and it would be provided to them.
Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Harding.

REP. HARDING (107TH):

Thank you, Mr. Speaker. I appreciate the clarification. Just to go further on to the point, the good proponent had mentioned that if the consumer or the customer wanted to fashion it in that way, so is that how the definition is looked at, is how the customer wants to fashion it. So let’s say an individual is to receive a drink and does not want to drink of out it. Let’s say they want to stir the drink and not utilize it do drink out of and use as a straw, would that then be outside the bounds of this particular Bill and therefore allow a restaurant to hand that out to a consumer without being in violation of the law?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Gresko.

REP. GRESKO (121ST):
Thank you, Mr. Speaker. Thank you for the question. I’d say the underlying language, if it functions as a tube, if it’s hollow, I would think it would classify under this Amendment, under this Bill so it would be needed to be asked for by the customer.

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Harding.

REP. HADDAD (54TH):

Thank you, Mr. Speaker.

And through you, Mr. Speaker.

I appreciate the good proponent’s clarification on that issue. So it isn’t based then solely on what the consumer is going to do or plans to do with that particular straw it is based upon the makeup of the straw itself being a “plastic tube” placed in a cup. And so then a followup question on that, let’s say there are some plastic stirrers I believe also red, thin looking straws that are not necessarily considered straws in our mindset that do not have a
tube, they just simply allow a person to stir with. Sometimes they are placed in cocktails, sometimes, often times with coffee to stir the cream and the sugar. I like cream, I don’t like sugar. I’m trying to lay off, my wife has me on a Keto diet. So you have the cream and the coffee together.

So through you, Mr. Speaker.

Would the red plastic stirrer, Representative McLaughlin informed me that the dye is evidentially not working, which is very pleasant, thank you Representative. Would the red plastic stirrer be considered a straw under the auspices of this Bill?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Gresko.

REP. GRESKO (121ST):

Thank you, Mr. Speaker. And the reading of the language of this Bill that solid small red plastic stirrer would not be considered a straw and thus wouldn’t be affected by this legislation.

Through you, Mr. Speaker.
DEP. SPEAKER BUTLER (72ND):

Representative Harding.

REP. HARDING (107TH):

Thank you, Mr. Speaker and I appreciate the clarifications.

So through you.

Just following up on Paragraph (2) of Section 1 of this Bill, “single use plastic-straw” so what do we mean by single-use. Do you want to get a clarification if I may through that? So let’s say there is an intention of the proprietor to use it again. Let’s say there is an intention of the customer to take that straw and use it back home. I wouldn’t think that is a single-use that would be multiple-use. So how is that defined, how is that looked at, how would that be observed?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Gresko.

REP. GRESKO (121ST):

Thank you, Mr. Speaker. The legislation does
not preclude the customer from taking the straw home if they would like to after use. However the definition of “single use straw” is what it was designed to be used for, meaning a single-use, disposable, that is the way it was designed for a single use.

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Harding.

REP. HARDING (107TH):

Thank you, Mr. Speaker. And just for clarification if I may, Mr. Speaker. Following up on the answer, single-use. I’m just wondering why that terminology is being used and why the terminology just plastic straw is not being used because I mean, in my experience, I’ve never ran into anything that would be considered or I would think is a multi-use, a multiple use plastic straw. So is there a reason that we are utilizing the language “single use plastic straw” and not simply just plastic straw?
Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Gresko.

REP. GRESKO (121ST):

Thank you, Mr. Speaker. The idea of a single-use plastic straw for those purposes and multi-use it is also for sanitary reasons. Following that line of questioning there are glass straws, there are metal straws that people do buy and bring with them to restaurants that they use multiple times but subsequently take home and clean so in an effort to discontinue the use of these plastic straws.

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Harding.

REP. HARDING (107TH):

Thank you, Mr. Speaker.

And through you.

And I apologize, I’m still looking for a little clarification. So, you know, my understanding is what the good proponent had mentioned, Mr. Speaker
was metal straws and straws that are already made of different material other than plastic which are multiple use straws. For example, you know, the water bottle, the plastic water bottle that you carry around in your car, back to your house, etc. has a straw. It is a hardened straw, obviously it is a multiple-use but it’s multiple-use and I don’t think it is actually made out of plastic, it is a different type of material so I’m just trying to follow up again are there any straws to the good proponent’s knowledge that are plastic straws that are multiple-use plastic straws and if not why wouldn’t we use the language simply just plastic straw to, you know, cut any vagueness in regards to this particular Bill?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Gresko.

REP. GRESKO (121ST):

Thank you, Mr. Speaker. There are multiple-use straws made out of plastic but single-use are the
ones that are more flexible and designed for that, just that, a single use. It isn’t a more hardy straw like you would have in your car with your portable drinking device and single-use also as I said before constitutes a sanitary aspect of it where it is wrapped in paper so you would pull the paper off and have the assumption that it is sanitary whereas a multiple use straw that you probably keep would be something that was under your responsibility to keep clean

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Harding.

REP. HARDING (107TH):

Thank you, Mr. Speaker. And I appreciate the clarification and the insight on the that particular issue which is helpful to me and I thank the proponent for that. So following up on that issue, so let’s say the entity that is charged with enforcing this particular Bill which I believe is the municipalities Department of Public Health. If
they walk in and a restaurant owner is handing out without the consent of consumers a plastic straw that does not have paper on the outside of it, that is more hardy that is somewhat harder than the majority of the plastic straws that are current in use, whose determination would it be up to that it is a violation of this particular law. Is it up to the courts, you know, a legal interpretation on this, you know for legislative intent is there a particular intent that particular specific issue that we want the entity that is enforcing this law to determine whether or not this straw is in violation of our particular law here. Could the good proponent please expand on that issue?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Gresko.

REP. GRESKO (121ST):

Thank you, Mr. Speaker. The Municipality’s Department of Health would be the determiner in that situation. I don’t envision the straw police coming
out and writing a ticket to an individual proprietor as the language of the Bill goes on to describe there would be two separate warnings potentially given by the Department of Health and even after the second warning the Department of Health doesn’t necessarily have to give a violation, they may give a violation as the language says but we are not trying to have it be a gotcha moment for the proprietor, we’re just trying to give the customer a little bit more of a choice and also the proprietor a little bit more of a choice of whether or not they actually provide a straw to someone that may or may not want it in their drink, it seems to be the way that the market is going. It seems to be the way the consumers are asking their proprietors to go and this is just a nudge in that direction.

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Harding.

REP. HARDING (107TH):

Thank you, Mr. Speaker.
And through you, Mr. Speaker.

I appreciate the clarification in regards to how the enforcement will go. I think that is important in regards to warnings and regards the fact that is pretty much an elective for a municipality to enforce some of these initiatives so really it’s not a municipal mandate which is a good thing. But my question wasn’t in regards to the aspects of the Bill regarding enforcement, my question here was the aspect of how would a municipal Department of Public Health who would be charged with enforcing this, how would they determine in their opinion the difference between what is a hardened multiple-use plastic straw and what is a single-use plastic straw.

Through you, Mr. Speaker.

Is there a particular issue, is there a particular feature of a multiple-use plastic straw that is different than a single-use plastic straw and should be something that should be looked at by the Department of Public Health when deciding to
enforce this law?

    Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

    Representative Gresko.

REP. GRESKO (121ST):

    Thank you, Mr. Speaker. I would say that it would be the customary use of a single-use straw and as I said before, normally the multiple-use straws are multiple used whereas a single use straw is usually wrapped in paper. So if you have that sanitary barrier of the paper broken then that would constitute a single-use straw and not precluding the customer’s ability when they are finished to take the straw home and if they want to use it again for whatever reason, for not necessarily for drinking but for whatever else they want to use it for, they can.

    Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

    Representative Harding.

REP. HARDING (107TH):
Thank you, Mr. Speaker.

And through you, Mr. Speaker.

So if a restaurant had the intention of handing out a plastic straw that was more of a hardier plastic straw and told this Department of Public Health in whatever town in the state that this may be, that look the intention that I have is that people are gonna go home and use it again cause it’s a little hardier than most plastic straws. In your opinion would that still warrant a violation under this particular law because the intention of the restaurateur at that point, the proprietor would be for this to be utilized again even if was made out of plastic. So in your opinion if the good proponent could explain if that would be a violation and how the municipality enforcing this should handle that particular issue.

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Gresko.

REP. GRESKO (121ST):
Thank you, Mr. Speaker. It would be up to the Department of Health to make that determination but having, if they were able to listen to the explanation of the proprietor similar to the explanation that you just gave, I’m sure that the Department of Health would understand the situation and probably err on the side of not even giving a warning if this individual straw was handed out by the proprietor with the idea that it was gonna be used more than one time by that customer. I think where you are going with this is that there are often times events or giveaways at certain functions where you know, you might get a hardier straw than normal that you can take home with you, or possible take home in the plastic mug that it came with because it’s a promotional item. That is not the intention of this Bill.

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Harding.

REP. HARDING (107TH):
Thank you, Mr. Speaker.

And through you.

That is a part of what I’m asking him and why I’m asking this question. I thank the good proponent for the clarification so the reason I’m asking is also legislative intent for purposes of legislative intent and so I appreciate the good proponent’s answer in regards to what may probably occur but, you know, my question is for legislative intent purposes what is the good proponent’s intention of how this should be interpreted, so if again, if a municipality that is charged with enforcing this law comes upon an individual restaurateur that is handing out a slightly more hardier plastic straw and tells the Department of Public Health, look I’m trying to hand this out with the hopes that people take this home. Again this is not for single use in my opinion. Is the intention of the Bill for that, for the Public Health to say we agree with you on that issue or we’re happy to hear that or this isn’t a violation, so that just
what I’m trying to figure out for legislative intent, is the intent to address this issue. Thank you, Mr. Speaker.

Through you.

Sir, if I may.

DEP. SPEAKER BUTLER (72ND):

Representative Gresko.

REP. GRESKO (121ST):

Through you, Mr. Speaker.

Yes.

DEP. SPEAKER BUTLER (72ND):

Representative Harding.

REP. HARDING (107TH):

Thank you, Mr. Speaker and I appreciate the concise answer to a very long rambling question that I often ask, so I apologize for that but thank you to the good proponent for that. So going to Paragraph (3) of the first section which is on the second page of the Amendment which starts at line 14. Looking at the definition of a full-service restaurant, so this is something that we want to
make sure that we alert the restaurants and the locations that will have to abide by this so they have notice of when to prepare for this and how to prepare for this. So, full-service restaurant my understanding that is a restaurant that will, a hostess will greet the individual and then take them to their seat, is that generally the definition we’re looking for here, am I correct in the interpretation or is it more to it than that?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Gresko.

REP. GRESKO (121ST):

Thank you, Mr. Speaker.

Starting on line 14, that could be on scenario. There are other scenarios of full-service restaurants where the server of the maître d’ will just tell you to go sit where you’d like, that is an option as well. There are several other scenarios listed in the legislation where you’re food and beverage order are taken after the customer is
seated, the food is normally delivered by the server to wherever the customer has been seated or has decided to seat himself and the requested items are also delivered and eventually paid for either from that seated area or before they leave. Thank you.

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Harding.

REP. HARDING (107TH):

Thank you, Mr. Speaker.

So through you, Mr. Speaker.

In regards to the scenarios so to say, that are listed in Paragraph (3) which should be (A), (B), (C), (D) and (E) do all of those have to be met in order for a restaurant to be considered a full-services restaurant or is it optional? Do only one of these particular options have to be met?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Gresko.

REP. GRESKO (121ST):
Thank you, Mr. Speaker.

If you read on line 16, it says where all of the following actions that are listed A through E are taken by an employee of the establishment so they would have to be met so we are trying to fine tune this a little bit to have it be a specific full-service “sit-down” restaurant.

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Harding.

REP. HARDING (107TH):

Thank you, Mr. Speaker. So just a point of clarification. So understanding that as the good proponent mentioned all of these requirements need to be met to be consider a full-service restaurant, I think the good proponent and I certainly have in my time, usually diners and a little more informal dining where you will walk in even late at night let’s say around ten, eleven o’clock into a diner, let’s say and one of the waiters or waitresses are serving and there is no hostess. So you walk up to
the register where there usually would be a hostess, you would think and one of the waiters or waitresses say, Oh, just seat yourself wherever you like, we’ll get to ‘ya. Would then under this definition would that, this restaurant for that one particular consumer not be under the auspices of this Bill or the fact that at one time they had a hostess or at some point during the day they had a hostess, so could the good proponent please explain to me how that would work under this definition?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Gresko.

REP. GRESKO (121ST):

Thank you, Mr. Speaker. I think the direction by the individual that is working at the establishment whether you seat yourself or whether you are escorted to a seat, would satisfy the requirements of the language in this section.

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):
Representative Harding.

REP. HARDING (107TH):

Thank you, Mr. Speaker.

So am I to understand that under line 18 where it states, “the consumer is escorted or assigned to an assigned eating area” in that particular case if a waiter or waitress were to say to the consumer sit wherever you would like, even though they are not particularly being assigned, would that fall under the auspices of that definition?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Gresko.

REP. GRESKO (121ST):

Thank you, Mr. Speaker.

And through you.

Yes.

DEP. SPEAKER BUTLER (72ND):

Representative Harding.

REP. HARDING (107TH):

Thank you, Mr. Speaker. I am happy that this
debate is so riveting to folks that they are jumping [Laughing] getting very excited.

So, Through you, Mr. Speaker.

Just following up on the point in regard to the full-service restaurant what if it was late at night again at a diner, let’s say I decided, you know what, there is no one standing as a hostess, and so I’m just gonna host or hostess say and I’m just gonna sit wherever I’d like in a booth and someone comes up to me and takes my order. In that particular case, I would argue that the consumer was not escorted or assigned to an assigned eating area and so how would that work under this particular definition at that moment would the consumer be allowed to just be handed a straw and not be in violation cause it’s not a full-service restaurant?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Gresko.

REP. GRESKO (121ST):

Thank you, Mr. Speaker.
And through you. They may be in an assigned area even if they are not “seated” by a waitress or maître ‘d, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Harding.

REP. HARDING (107TH):

So through you, Mr. Speaker.

If I may for clarification, so the line the consumer is escorted or assigned to an assigned eating area. So if no one specifically directs them on where to sit.

Through you.

How would that be considered to have, how would that consumer be considered assigned?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Gresko.

REP. GRESKO (121ST):

Through you, Mr. Speaker.

Because they are seated in an area which has been designated for the full-service accommodations
whereas if I decided to sit at the counter, per se that is always a separate type assigned area.

    Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

    Representative Harding.

REP. HARDING (107TH):

    So through you.

    Then, Mr. Speaker if I walk into a fast food establishment, what we consider a fast food establishment by plain sight let’s say, and I sat down and one of the employees said let me help you put in your order or I’ll get your order ready for ‘ya and I’m at what we consider generally a fast food establishment. At that moment would it be considered a full-service restaurant because as we were saying under the last example that I gave at a diner, let’s say, no one assigned me to my booth, I simply walked up to the booth and sat down, and then a waiter or waitress comes up and asks for what I would like to eat. In the instance that an employee came up to you at a fast-food establishment where I
just saw down wherever I wished, and that individual asked hey what would you like to eat, we’ll put the order in for you. Would that be considered a full-service restaurant?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Gresko.

REP. GRESKO (121ST):

Thank you, Mr. Speaker. The definition of full-service restaurant in the language here pretty much explains it but there is an assumption of a fast food restaurant where you would go up to the counter and get your food and then you have the option of sitting where you would like but the assigned area would be still the assigned area where I couldn’t take my meal now and go and eat in the kitchen or I couldn’t go and you know, eat in the restroom or anything to that end.

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Harding.
REP. HARDING (107TH):

Through you, Mr. Speaker.

Thank you for the clarification there. Let’s get into, I’m starting to get hungry because I’m going to all these different food establishments which I really like. Let’s go into buffets. I am a big fan of, there’s not enough Golden Corrals that’s one thing we need to work on here in Connecticut is getting some Golden Corrals up here. Whenever I go down to Virginia, down south, the Golden Corrals are great and I partake a little too much, my stomach doesn’t like me for it. But let’s say for Golden Corral for example or Chinese buffet. I think a lot of people would consider that to be a restaurant, not a fast food establishment so to say, but those individuals waiter or waiter or waitress doesn’t take a food or beverage order from ‘ya. A lot of times you’ll get up, you’ll get your plate fill it up with whatever you’d like. You get your cup fill it up with whatever soft drink you may like, you sit down and you eat and you leave. So the question
that I have then.

Through the Speaker.

To the good proponent if I may, is you know how would buffets be classified under this particular Bill? Does it meet all the requirements or if it doesn’t what requirement doesn’t it meet?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Gresko.

REP. GRESKO (121ST):

Thank you, Mr. Speaker. With the scenario of the buffet as you just described when you would get your drink, you would be standing at the fountain and having the option of either picking up a straw yourself or not.

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Harding.

REP. HARDING (107TH):

So through you, Mr. Speaker.

Point well taken, that most cases you’re right.
YOU decide to take the straw.  But let’s say in this instance straws were left at the seat.  Some restaurants Johnny Rockets for example comes to mind will have a container with straws in the container so in that particular instance, you know, let’s say there were straws left on the table and you filled your own cup up with soda so you are not deciding to take the straw or not, it’s left for you.  Would that be in violation of the Bill?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Gresko.

REP. GRESKO (121ST):

Thank you, Mr. Speaker.

No.

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Harding.

REP. HARDING (107TH):

Thank you, Mr. Speaker.  Would the proponent mind expanding on why that would not be a violation?
Through you, Mr. Speaker. .

DEP. SPEAKER BUTLER (72ND):

Representative Gresko.

REP. GRESKO (121ST):

Thank you, Mr. Speaker. Because if the straw was left on the table based on the scenario that you just laid out it was probably a customer that was seated there before an who had taken the straw from the fountain area and possibly decided between taking it and sitting down that they didn’t want to use it after all and left it on the table therefore that customer and you would have the choice of using the straw or not using the straw.

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Harding.

REP. HARDING (107TH):

Thank you, Mr. Speaker.

And through you I believe that we would all agree that in that instance our advise would be not to use that straw if someone else had used it. But
there is actually what I’m referring to is something a little different and that is instances where the straws are left to be used, not because they were previously used and not cleaned up or just simply placed somewhere else, that some places like Johnny Rockets as I said for example will leave a bin or a rectangular kind of silver plate so to say, with plastic straws and you can just walk up and open it and utilize it so under the example that I had given previously and I’ll explain it really quickly because it was a couple of questions ago, Mr. Speaker. If it were to be a buffet where I served myself in regards to food and beverage but there were plastic straws left on the counter for me to utilize not because of previous consumer had utilized it, under this Bill would that be a violation of the law.

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Gresko.

REP. GRESKO (121ST):
Through you, Mr. Speaker.

I believe the answer is no because if you look at lines 30 and 31, no full-service restaurant shall provide a single-use plastic straw to a consumer unless requested by that consumer, so by having a container of straw available at the table that to me is still giving the customer the decision and the choice of whether or not I want to take it or not take it and it’s the proprietor of the establishment having it there, still it isn’t unwrapped, it isn’t for the customer it is the customer’s choice whether or not they would like the straw and having it be at the table is just a convenience.

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Harding.

REP. HARDING (107TH):

Thank you, Mr. Speaker. And I do appreciate, excuse me, the good proponent’s explanation on that issue. [Coughs] Excuse me. Moving on to it looks like paragraph (b) line 30 it’s really the substance
to the Bill, we are not in definitions any longer, this is the real substance of what we’re permitting and not permitting under the law here. It’s say No owner or operator of a full-service restaurant shall provide a single-use plastic straw to a consumer unless requested by the consumer” so if the good proponent could please take me what is allowable under this particular Bill. Does that, when does that request have to come, and what is the proper way for that request to come?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Gresko.

REP. GRESKO (121ST):

Thank you, Mr. Speaker. The customer would be seated at the assigned area where they were eating, be provided with either a complementary glass of water or an order of a drink that they had put in. The order is filled and before the server left the customer requested the server to provide a straw for that individual.
Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Harding.

REP. HARDING (107TH):

Through you.

Thank you, Mr. Speaker and thank you to the proponent for the clarification on that issue. So just taking the good proponent through another scenario just to understand legislative intent and understand so that the restaurants can prepare for what is allowable and what is not allowable, under this particular Bill, if I were to be a consumer at one of these full-service restaurant establishments and I went up to the hostess on the way over, the hostess on the way over to my table, said, hey by the way when my drink comes I want a straw and then my waiter or waitress comes up to me and I don’t say anything would the waiter or waitress still be allowed to give me that straw, would the request be transferrable for one particular person to another?

Through you, Mr. Speaker.
DEP. SPEAKER BUTLER (72ND):

Representative Gresko.

REP. GRESKO (121ST):

Thank you, Mr. Speaker.

Yes, the request would be transferrable.

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Harding.

REP. HARDING (107TH):

Thank you, Mr. Speaker.

And so in regards to enforcement, you know, one concern that I have is how this is going to be enforced. So in regards to warnings and violations being issued by town’s Department of Public Health. Let’s say there is a consumer that went to a restaurant and sat down and frankly this is probably most of the way this is going to be enforced because we know our municipalities have are really working with very thin resources doing the best they can with tight budgets. So many of them don’t have the abilities to send out individuals from their public
health departments to go out and send in undercover operations for this or anything else and I don’t think that is the intention of the Bill either, fortunately. So, you know, most of the enforcement will probably be from individuals going to the restaurants and making calls to the Department of Public Health of that community and saying, look I was at a restaurant last night, I got a drink with a straw and I never requested it. How would the Department of Public Health review these complaints, would they go to the restaurant and speak with the witnesses, would they ask the restaurant about it, you know, what happened if it were a former disgruntled employee or an individual that is a competitor, let’s say and calls in an anonymous compliant to the Department of Public Health and says, you know, I was given a straw last night at restaurant A and I never requested that straw. And let’s say the restaurateur, the proprietor is going to say, no that’s not true. We have strict standards our waiters and waitresses are very well-
trained, they very rarely make any mistakes, I have a hard time believing that they weren’t previously asked for a straw. You know, what is the enforcement and review process that is going to be enforced through this Bill?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Gresko.

REP. GRESKO (121ST):

Thank you, Mr. Speaker. I would assume that the Department of Health, if they chose to follow this up would probably make an inquiry of the establishment as to whether or not the situation occurred. I would also like to think that municipal department of health would realize that after probably many, many years of providing straws out of habit, servers would need a little bit of time to change their, yeah to change their habits and this is why there are two warnings before the health department may or may not decide that it merits any type of infraction.
Through you, Mr. Speaker.

I envision the instance not getting to that level if the individual customer was so inclined to not want a straw when it was provided by the server, I’m sure that would be vocalized at the time and the straw would be taken back and subsequently the behavior, and the pattern and the habit would hopefully change.

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Harding.

REP. HARDING (107TH):

Thank you, Mr. Speaker.

So through you, Mr. Speaker.

I appreciate the clarification and I know that we all, I know this shows great intentions, I know many Representatives including the Vice-Chair and the Chair and Representative Borer are an important part of our Committee has worked really hard on this as well, as well as Representative McCarty-Vahey who was really putting in a lot of time and effort in on
this Bill. I know that is in no way, the intention of the Bill is to try to reduce the amount that is being given out. And often times we hear complaints from a lot of different constituents, I do myself, saying hey why is it that I go to a restaurant, I don’t want a plastic straw, I don’t even really utilize it and I know it’s bad for the environment so why is it being given to me without me requesting it and unfortunately many restaurants have moved towards that standard and what I like about this Bill is that it is moving restaurants toward that standard through Statute which is a good thing. But we do want to make sure that all the T’s are crossed and the I’s are dotted so to say, and so there are instances that are kind of unexpected even though the Bill has really noble intentions and I support many of the noble intentions of the Bill we want to make sure there is, you know, so to say, loopholes that would be problematic. So one of the things I know all the proponents, I know the good proponent of the Bill here today, the Chairs, the leadership
of this Committee believes in due process of the law, that is something that is fundamentals to this Country, this State on all matter, very serious matters that are not as serious. That is what this Country is based on, that’s what the Constitution of the State is focused on as well and so, excuse me, one thing that I would like to make sure is that a restaurant is afforded the proper due process under this particular Bill. Again I think it is critical for the restaurant to have an ability to give their side of the story so to say. And so my question is in regards to enforcement again, if a complaint comes into the Department of Public Health whether it be an individual that gives their name or whether it is anonymous really doesn’t matter either way, and that individual says again, I received a straw, I did not request one. You know, I think we all agree in the Chamber that the restaurant should have an ability to explain whether or not that is accurate or not and to clarify the potential confusion or miscommunication. Again going back to
my question previously maybe that request was conveyed to a host or a hostess on the way over and that host or hostess walked up to the waiter or waitress and say, by the way the individual that we just sat down at table nine requested straws for their drinks and so there might have been a little miscommunication or confusion when the individual got the straw without requesting it directly from the waiter or waitress when they may have requested it earlier as they were walking to their seats and so what avenues under this Bill are provided to restaurants or proprietors for them to appeal a decision or for them to rectify some potential miscommunication on this issue.

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Gresko.

REP. GRESKO (121ST):

Thank you, Mr. Speaker.

As currently written the Bill does not have a appeal’s process associated with it. It was hoped
that the two warnings and the subsequent discretion that the health department of the municipality would have would alleviate the need for that. I can say that the intent of the Bill was to, it is to relearn the situation when a customer first comes into a restaurant so that the providing of the straw from both parties is sort of adjusted as far as the habit goes where the server doesn’t automatically either provide a straw to the individual or unwrap the straw and put it in the drink with the paper hanging on it or it also provides the customer, the consumer with a choice as to whether or not I even want that straw.

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Harding.

REP. HARDING (107TH):

Thank you, Mr. Speaker.

And so the reason I’m asking again this is an issue of, you know, legislative intent is, you know, generally the majority of this Bill was just basic
common sense which I think we’re heard a lot from the good proponent of, you know, if it looks like an issue it probably is an issue. If it looks like a full-service restaurant, it probably is a full-service restaurant. If it looks like a consumer, it’s probably a consumer. If it looks like a single-use plastic straw it is a single-use plastic straw and a lot of this stuff is just basic common sense. The one part of the Bill though that we are still trying to flush out, and I apologize, I keep going back to regards to clarity because I want to make sure for legislative intent this clear, in regards to the avenues that the restaurateur or the proprietor can go down to address an accusation against them on this issue. So do we have, I understand it, I understand we don’t have anything particular in this Bill that is statutorily written down about the process by which a restaurant can address a potential miscommunication or can address an accusation they don’t believe to be accurate but is there legislative intent regards to how the good
proponent perceives the restaurant to be able to address accusations that may not be completely accurate?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Gresko.

REP. GRESKO (121ST):

And through you.

It would be the current administrative process for any such agencies such as a municipal health director and agency. Each such agency has an administrative process that they current adhere to.

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Harding.

REP. HARDING (107TH):

Thank you, Mr. Speaker. And so,

Through you, Mr. Speaker.

Trying to understand this. So the good proponent mentioned a great clarification that every administrative agency has their own particular
administrative process. The one thing that I can see potentially being problematic about this Bill is that this Bill allows every single individual public health department throughout the State, so that is potentially 169 different public health departments throughout the State. Under the good proponent’s definition about the administrative agency having their own process. Is it correct that each administrative agency or excuse me, each public health agency throughout the entire State of Connecticut is allowed to each have their own independent administrative process, so is it possible that a restaurant that is in multiple locations, you know Maggie McFly’s comes to mind, they have a location in Brookfield that I partake in often, they also have a location I believe in Southbury and Middlebury so would they have to, would they have different administrative processes for each individual restaurant? How would that operate?

Through you, Mr. Speaker.
DEP. SPEAKER BUTLER (72ND):

Representative Gresko.

REP. GRESKO (121ST):

Thank you, Mr. Speaker.

And through you.

They may. I would think that the physical location of the restaurant would dictate which health department has jurisdiction over any questionable penalty issued to that proprietor.

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Harding.

REP. HARDING (107TH):

Thank you, Mr. Speaker.

And through you Mr. Speaker.

So does the good proponent know or have knowledge of what the administrative process is generally like for these public health agencies throughout each municipality? Do they have hearings before they issue a warning? Would that be the intent of the Bill for them to have a hearing prior
to issuing a warning particularly one that is on-site so again if it’s a complaint, a third-party complaint about this Bill being violated or this law being violated would that then require or is legislative intent for this Bill to then require a hearing within that agency. Again, you know, I appreciate the fact the first two violations are warnings but then we do get into the fines. And we know how hard we are trying to assist small businesses here in the State of Connecticut and the last thing we want to do is issue fines where those fines may not be warranted. And so, what is the intent that these restaurants would have an ability through each individual municipal health department administrative process to address third party accusations and prove their innocence or is legislative intent that the burden would be on the restaurant to prove or would the burden be on the accuser or the Department of Public Health to prove?

Through you.

DEP. SPEAKER BUTLER (72ND):
Representative Gresko.

REP. GRESKO (121ST):

Thank you, Mr. Speaker.

And through you.

There may be a hearing after a citation is given but usually, there most likely will not be a hearing required after the issuance of either of the warnings.

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Harding.

REP. HARDING (107TH):

So through you, Mr. Speaker.

Just if I understand you correctly, I apologize for the long day so I think the good proponent explained it well I just want to make sure I understood it correctly. So the legislative intent then or the believed legislative intent by the good proponent is that the first two warnings would not have a hearing but that potentially the third violation which would come with it a potential fine,
would have an administrative hearing?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Through you, Mr. Speaker.

That is correct assuming that the restaurant is challenging the issuance of the citation after the third incident.

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Harding.

REP. HARDING (107TH):

So, thank you, Mr. Speaker.

And through you, Mr. Speaker.

So how would the good proponent envision the restaurant being able to challenge that accusation? Would that require a written letter or an email communication to the Department of Public Health challenging what was accused against him or formally in written, in writing requesting a hearing or would that be done orally through, you know, telephonic communication requesting a hearing, would it be done
on site when, you know, an accusation was levied upon them by an individual to the Department of Public Health. How does the good proponent envision this being played out upon these restaurants?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Gresko.

REP. GRESKO (121ST):

Thank you, Mr. Speaker. I envision that a hearing would have to be requested and then the individual health department or health agency specific protocol would take over at that point.

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Harding.

REP. HARDING (107TH):

Thank you, Mr. Speaker. I think, you know this is a critical part of this again, and I think the good proponents and even those that may not support the Bill would agree. I think that this is everyone in this room that due process is something that is
mandatory. We should not be levying fines unless someone has an opportunity to address what’s accused against them particularly in instances where there could be a potential miscommunication. We all know we’ve been to restaurants on a Friday night, seven o’clock and it’s packed and there are waiters and waitresses running around all over the place working really hard and hosts and hostesses running all over the place working really hard and the cooks are working hard in the kitchen and the individuals cleaning the tables are working hard and there is a lot going on at the bar and sometimes it is hard to hear. I know many individuals in my family have a hard time hearing and, you know, may not be able to hear over the sounds of the music at a bar on a busy night so we really want to make sure that if someone makes an accusation that the inquiry was not made that the restaurant has an ability to address that issue if they believe that, yes this inquire was made. So just going further on into the substance of the Bill, same paragraph which is subsection (b)
here starting on line 30, so we have the part down where the restaurant would be required to first make an inquiry and the second aspect of this Bill is that you can receive a response from the consumer. So if I read this correctly if I may, one moment, Mr. Speaker.

So, I’m sorry Mr. Speaker I misunderstood that so it is either the consumer makes their request or that the waiter or waitress or host or hostess, agent of the restaurant let’s say asks this individual if they would like a straw or not. So we don’t really specify how that is going to be answered. So does it have to be answered in the affirmative, you know, is a nod of the head okay. Is an expression okay, how would that work?

Through you, Mr. Speaker.

Representative Gresko.

REP. GRESKO (121ST):

Thank you, Mr. Speaker.

And through you.

The language in the Bill is specific to having
the customer be the individual that asks for the straw, whether or not, it’s not in the language for the server to ask the customer if they would like a straw, they would basically undercut the entire intent of the legislation.

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Harding.

REP. HARDING (107TH):

Thank you, Mr. Speaker. And I appreciate the clarification. So just looking at the Bill it says, consumer, must be requested by the consumer or upon response to an inquiry by a server. And again it doesn’t say that the response has to be an affirmative response. So I know this is an odd question but just want to make sure we understand all aspects of the Bill, it says or upon or excuse me, I just want to make sure I understand this, upon response to an inquiry. So a response to an inquiry. It doesn’t say an affirmative response to an inquiry, so if there is confusion again, it is a
Friday night, the restaurant is hopefully packed, everyone is having a great time, eating having some drinks and it’s loud, there’s music playing there might even be a live band let’s say, and the waiter or waitress believes they may have heard yes. But they are not 100 percent sure. Let’s say the consumer said no, which could happen on a really hectic crowded busy Friday night at a restaurant or a Saturday night at a restaurant, would that be in violation of the law, what we say, intent on that aspect?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Gresko.

REP. GRESKO (121ST):

Thank you, Mr. Speaker. May I ask what line you are referring to in the Amendment and may I also point out that this is LCO 7830 so the language in the Bill does not preclude a server of asking someone if they would like a straw?

Through you, Mr. Speaker.
DEP. SPEAKER BUTLER (72ND):

Representative Harding.

REP. HARDING (107TH):

Through you, Mr. Speaker.

I have never claimed to be intelligent and I am not and so I was looking at yet another LCO version of the Bill I think which is generally the same but if, Mr. Speaker could give me just a good second, I’ll glance at that update version of the Amendment. Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Absolutely. The House will stand-at-ease.

The House will come back to Order.

Representative Harding.

REP. HARDING (107TH):

Thank you very much, Mr. Speaker and I appreciate the Chamber’s indulgence as well as the Chair and the Vice-Chair for indulging me while I look at the current correct Amendment and the correct language which, is so it’s my understanding that the language regarding a waiter or waitress
asking a consumer if they would like a straw is no longer there. And so, am I to understand then, if I am reading this correctly, that if a waiter or waitress goes up to a table and asks the customer, would you like a straw, and they say, you know, I’d love a straw. In that particular case would that then still be in violation of this law?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Gresko.

REP. GRESKO (121ST):

Thank you, Mr. Speaker.

The intention of the law is to have the consumer being the one making the choice whether or not they would want a single-use plastic straw so in essences we are trying to relieve the server of having to make that inquiry or to automatically provide that straw going forward which to the Ranking Member’s point might take a little bit of time to relearn old habits but at the end of the day, you know, one less thing for the server to do
and for the proprietor to provide and for the consumer to have a choice about would be for the better.

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Harding.

REP. HARDING (107TH):

So through you, Mr. Speaker.

So the good proponent is saying that if someone asks, again an agent of the restaurant asks, if that consumer would like a straw that technically would be in violation even if the consumer after being asked says, yes, that would be a violation of this Bill because it says, “specifically upon the request of the consumer” not an answer to an inquiry by the waiter or waitress and the reason I ask is because that language as evidenced by me asking the wrong question earlier, is taken out of the previous Amendment that was on this Bill is now removed and simply says upon request so am I to understand then because of that, the intent would be simply to make
it a violation for a waiter or a waitress to first ask that question?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Gresko.

REP. GRESKO (121ST):

Thank you, Mr. Speaker. As we discussed before this is the intent of the legislation is not to have it be a gotcha kind of legislation, this is legislation leaning towards relearning and changing old habits so technically if a server out of habit asks the customer whether or not they wanted a straw and the customer said yes and it was provided, technically it could be perceived as a violation but like we said that is the reason why there are two warnings and then a subsequent citation is just a minimal fee of $25.00 dollars in an effort to basically change habits and not be punitive.

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Harding.
REP. HARDING (107TH):

Thank you, Mr. Speaker.

And so through you, Mr. Speaker.

I would read the language just a little differently and if the good proponent could indulge me for just a moment on my interpretation see if the good proponent would agree and see if we can come to an understanding on the intent. And cause is says that “No owner or operator of a full-service restaurant shall provide a single-use plastic straw to a consumer unless requested by the consumer,” and so my argument would be that it really shouldn’t matter how that consumer came to that request, if you understand.

Through you, Mr. Speaker.

Where I’m getting at with that, so whether it came from a host or a hostess at the restaurant, asking whether it is a waiter or a waitress at a restaurant, first asking and then that customer answering in the affirmative of, “yes” I would like a straw. I mean my argument then would be that upon
request would cover that, that it would really be immaterial how that consumer came to that request whether it was first being asked or whether they just independently walked in and requested from the moment they sat down without being asked. So is my understanding correct because it sounds like legislative intent the good proponent was discussing earlier would make it a violation even if simply if just being asked. So I would argue that, again, this covers upon request of a consumer and if it came, and if that request came after being asked by an agent of the restaurant I don’t think it would make any difference, in my opinion, but maybe it would.

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Gresko.

REP. GRESKO (121ST):

Thank you, Mr. Speaker.

And through you as well.

That interpretation would probably hold water
during a requested hearing from a municipal health
department upon the third violation and if that
violation was contested but the idea of the Bill is
that, you know, you just don’t give a straw out
unless a request is made and whether that request is
answering a question from a server or initiating the
request from the individual consumer at the time.

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Harding.

REP. HARDING (107TH):

Thank you, Mr. Speaker. And I think that’s, I
think we’re on the same page, which is good there, I
really do because it sounds like to me that, you
know, upon request really should be immaterial where
that consumer got to the request cause that’s not
what we’re lookin at. I think the intention of the
Bill here is to try to change the culture, not so
much, you know, change the desires of the consumer
so, you know, if someone believed it was good
customer service to simply ask first to see if they
would like a straw, I don’t think that should be a violation of the law. I would argue that probably they would be, the good proponents of the Bill, wouldn’t believe that should be a violation either and that they believe it was good customer service to simply just ask beforehand and again then the consumer would have an opportunity to come back and say yes or no. And I think that if they turned around and said no to that question, I think that would obviously note be a request for a straw and then at that point it would fall under violation of this law which would make perfect sense. I think that again would be, this is common sense here that we’re talking about. So moving on a little bit to regards to an exception for those with a disability. We heard ample testimony in our Environment Committee meeting from individuals that suffer with disabilities and other individuals that advocate for those individuals with disabilities. I believe there was no less than four or five or maybe six or seven individuals that testified in significant
concern to the passage of this Bill and I think their testimony was very insightful and wasn’t something I had previously thought of. I think many individuals in the Committee hadn’t previously thought of the fact that plastic straws are critical in fact, they are necessary for many individuals who suffer from disabilities to be able to drink. Unfortunately they don’t have the capabilities whatever the disability they would be suffering from to drink without a straw and one thing I was very surprised by was the fact that alternative material straws, paper straws which is something we are obviously advocating for individuals or restaurants to utilize. I think it is bamboo straws there’s another popular material that is an alternative motive, alternative motive, excuse me, alternative material, excuse me, that is utilized for straws in many different restaurants, etc. In those instances I was very surprised to hear that those alternative materials are not conducive to some individuals because they are generally a harder material which
would make sense because we are trying to promote the end of the usage of single-use and so it would make sense that the alternative material straws would be hardier, would be stronger so those could be utilized multiple times, also because those straws are made out of different material that are more biodegradable, etc. And so the testimony we received was that plastic straws for some individuals was the only way they can enjoy a drink and so they had significant concerns about placing a ban. And so as we all know from the good proponent from the beginning of this conversation here, this evening when this Bill came out, the good thing is it is not a ban. And I think that was taken in light of the fact that we received so much testimony from individuals stating that they needed these plastic straws to drink and so we took that into strong consideration and we modeled this Bill to not be able to ban and simply be more of a custom so to say, or a trend we are trying to move restaurants towards here in this State to be more
environmentally conscious when giving out their straws for usage. But I think when one of the proponents, I think it was the good Chairman that asked an individual from advocating for the disability community, whether or not an exception would be helpful and what they stated was obviously yes and I want to thank the good proponents for putting in this exception but that there still was left a concern that there was still a concern that by putting in this Bill, by putting in this law that many restaurants may just get rid of plastic straws altogether and from an environmental perspective I don’t disagree that is where we should be going. I think many people in this Chamber would agree that we hope that at some point from an environmental perspective exclusively that plastic straws are no longer being utilized in restaurants. But, but the problem is from a perspective of those that suffer from disabilities. These plastic straws are the only way they can have their drink and so from a policy perspective, [clears throat] excuse me, it
forces us to balance whether or not the environmental aspect and those that utilize these plastic straws as their only avenue for them to have a drink. So to the good proponent, I do see there is an exception in here in regards to those with disabilities and, and restaurants being able to handout these straws. How does the good proponent envision for legislative intent that exception being utilized?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Gresko.

REP. GRESKO (121ST):

Thank you, Mr. Speaker. And in line 32 of the proposed Amendment address the issue that you, and the scenario that you were just explaining all they would need to do, the individual with a disability is ask for a plastic straw or respond to a request from the server in the affirmative for a plastic straw.

Through you, Mr. Speaker.
DEP. SPEAKER BUTLER (72ND):

Representative Harding.

REP. HARDING (107TH):

So, thank you, Mr. Speaker.
And so through you, Mr. Speaker.

So if a waiter or a waitress were to come to a table and sees an individual that maybe suffering from a disability under this Bill that waiter or waitress could simply serve the individual the straw, the plastic straw, the single-use plastic straw and would not be in violation? Do I understand that right?

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Gresko.

REP. GRESKO (121ST):

Thank you, Mr. Speaker.
And thorough you.
I would agree with that assessment.

DEP. SPEAKER BUTLER (72ND):

Representative Harding.
REP. HARDING (107TH):

    Thank you, Mr. Speaker. And so the question that I have then is again going back to enforcement. Is a waiter or a waitress, you know, seeing an individual that they may believe is suffering from a disability, in that particular instance who would determine, let’s say the individual may not be suffering from a disability but the waiter or waitress believe that individual may be suffering from a disability would that be a presumption that the individual did not violate the law. So how would that work, would there be a hearing in that case to determine whether or not the waiter or waitress was reasonable in their belief that the individual may need a straw?

    Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

    Representative Gresko.

REP. GRESKO (121ST):

    Thank you, Mr. Speaker.

    And through you.
The idea would be that the server could ask the individual customer that they had an inking that they might be a customer that is disabled whether or not they would like a straw and then based on the answer by the customer provide that straw. In that instance I do not believe it would be considered a violation according to the language currently written in the Amendment.

Through you, Mr. Speaker.

DEP. SPEAKER BUTLER (72ND):

Representative Harding.

REP. HARDING (107TH):

Thank you, Mr. Speaker. And again I want to really thank the proponent, which is Representative Gresko, the Chair Representative Demicco and Representative Borer, Representative McCarty-Vahey who all played a significant role in making this possible and also working with us in regards to the exception. I think we all know the intention of the Bill was certainly not to remove plastic straws from individuals who need them to drink. Obviously that
is absolutely 100 percent not the intention of the Bill and I appreciate the efforts made on the part of many of my colleagues on both sides of the aisle to carve in this exception. You know, so just getting back a little bit, you know, the enforcement and I just want to summarize if I may, Mr. Speaker where I stand on this Bill.

I believe that there is absolutely an environmental aspect that has to be addressed and the plastic straw are obviously damaging our environment particularly along our shorelines, our bodies of water, which is something we are very, very proud of here in the State of Connecticut. Interesting enough I was watching one of the Aerial Americas which is on the Smithsonian channel and I think I’m the only nerd that watches it but I tape record them so I was really excited when the Connecticut version of Aerial America came up and so I recorded it and I was watching it a little bit this morning when my son woke me up at four o’clock after being here till midnight and one of the first
things they mentioned when they stated the aerial
tour of America was that Connecticut was the land of
vibrant beautiful waters and so something that
obviously is emblematic to the people throughout
this Country of what Connecticut stands for. I
think it is vitally important for us as a
legislative body to ensure that we protect these
beautiful bodies of waters whether it be the Long
Island Sound, whether it be Candlewood Lake in my
district or whether it be the Connecticut River,
whether it be Lake Pocotopaug over in East Hampton,
in Representative Hayes’ district where my in-laws
live. We want to really protect our bodies of
waters throughout the State. I think this is a good
initiative and a strong initiative towards
addressing that particular issue. I also appreciate
the fact that has two important things within this
one it is not a straight-out ban. Again as we
talked about that would be very problematic for many
individuals that need to utilize these plastic
straws as their only method to drink. And also it,
it’s not such a hard enforcement level upon certain restaurants. Speaking to restaurant owners many customers and consumers still want a straw and so they want to be good restaurant customer service oriented restaurants that provide these straws and the alternatives are quite expensive. So again it is more of a trend that we are trying to set here in the State to move away from a plastic straws and again what I do appreciate already is that we have many, many fantastic environmentally conscious restaurants here throughout the State of Connecticut that are already moving in that direction so this law really wouldn’t impact them and many restaurants here in the State because many of them are already moving in this direction. The other aspect of this Bill that I also appreciate is the fact that it is not a municipal mandate. So even though the Department of Public Health for each community is tasked with enforcing this particular law it says it’s “may.” They may enforce it and so in the instance that they do not have the resources which
many departments do not have throughout the State which municipal funding issues and tight budgets throughout the State, many of our municipal departments are already working hard to make ends meet to begin with and add on another layer of enforcement to some of these agencies would be very difficult. So in that instance in this particular Bill I really appreciate the fact that it is a “may” and that the municipalities are not mandated to enforce it, they may enforce it. And I think through the passage of this Bill we certainly encourage these municipal departments to enforce this, it’s important to us as a legislative body to pass this which I assume it will. And so it is very critically important to us that this, that this is enforced but it is again, again a “may” it is permissive enforcement. The final aspect that the one concern that I still do have is the hearing process. I appreciate the intent, I appreciate how the good proponent looks at this potentially would be enforced but I think protecting the due process
of these restaurants to make sure that if they are accused of violating that they have an opportunity to prove whether or not that may be the case and they have an opportunity of due process. Again I know the fine I think is up to $300 dollars a year, it can’t exceed that which is good but again, you know, as we all know some of these small businesses $300 dollars is a lot of money and so we want to make sure that these small restaurants really all restaurants for that matter, have an opportunity to address the due process of the law if they are being accused of a violation. And so the only wish that I would have from this Bill really is that the hearing, the appeal so to say, is specifically addressed to allow, to make sure that the due process of these restaurants is statutory. And again I want to thank the good proponents for putting the disability exception in this Bill to not penalize any restaurant who would like to provide a single-use plastic straw to an individual that may need that straw again to drink. So just to
summarize, if I may, this is a Bill that even though I had many questions of clarification, this is a Bill that I generally do support it. I would urge my colleagues to support because of the hard work of the proponents of this Bill to make it a workable Bill and, and address some of the concerns even though again, the only concern I still do have is the hearing process but I believe that each administrative agency would have their own concrete hearing process that would have to be followed, nevertheless. So again, because of the environmental aspect of how plastic straw have impacted our waterways here in the State of Connecticut, have impacted the animals along the waterways, the birds who unfortunately may digest one of these plastic straws, how it has impacted our environment for that reason I will support this Bill. I do have some concerns regarding how it will be enforced some of the ambiguity but I do appreciate the very, very hard work of all the proponents and all they have done to make this Bill
a workable Bill for this legislative body. So I thank the Speaker for his time. I thank the good Vice-Chair for his work and for answering many of my complex confusing questions of clarity and thank you very much, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

Representative Ackert of the 8th District, you have the floor, sir.

REP. ACKERT (8TH):

Thank you, Mr. Speaker. And so much of the dialogue of course as we might expect has been covered from some of my questions. But I do have some clarifying questions.

Through you, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

Please proceed, sir.

REP. ACKERT (8TH):

Thank you, Mr. Speaker. And I guess I go back to the fining component of it because when I look at the sections that pertain to the enforcement of it and maybe I don’t know all the roles of the
municipal health departments. But I am not aware of them doing any financial fines.

Through you, Mr. Speaker.

So are we giving them the fining authority?

Through you, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

Representative Gresko.

REP. GRESKO (121ST):

Thank you, Mr. Speaker. It would be the authority that is in establishment as far as the individual municipality goes. It would be up to the individual municipality’s discretion if the health department in that municipality did have fining capabilities then so be it, if not I’m sure it would go through another avenue in that municipality.

Through you, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

Representative Ackert.

REP. ACKERT (8TH):

Thank you, Mr. Speaker. I am aware of some restaurants and I know that they get ratings and if
they don’t meet their ratings then they get warnings but I was never aware of the potential for them to have a fining capability that is why that one question that I did not hear through the dialogue that, the good dialogue that the good Vice-Chair has had with the Ranking Member and I guess, you know, I look over the Bill in complete concept and heard about, you know, the potential 500 million straws released, you know that we use in the United States alone and the waste component of it. I’ll have more of a comment than I will have the dialogue. He has done a good job answering the questions.

And I guess more of an issue with our lack of care for our environment. When I look at the waste we do, not just with straws but with many other things and I think that is where I sit on this is that we as a people don’t really take care of our environment to be honest with ya and you can see that on the roadsides and others. But I will do a followup question to that comment to the good Vice-Chair. We are targeting such a tiny group but I
think that they’re the ones that do the best job of throwing the waste away, a restaurant. They clean off the tables, they put their waste away into trash containers which go to the disposal process unlike the restaurants what you could call drive-thru’s, I guess that now we rely on an individual to properly dispose of them. But in this legislation that is not covered obviously and the good gentleman can remark on it if he’d like but obviously they are not covered in this legislation.

Through you, Mr. Speaker.

That’s correct?

DEPUTY SPEAKER HENNESSY (127TH):

Representative Gresko, would you care to remark?

REP. GRESKO (121ST):

Thank you, Mr. Speaker. Yes, the idea of extending this to the fast food industry was contemplated but it was agreed potentially too far reaching at this point. I think as we discussed before the idea of this legislation is to try to
change people’s habits going forward and in this one instance if we can change the protocol for straw use then it would be applied to other situations, individuals, customers lives as they go forward and also, you know, to your point the straws in their current form the single-use plastic are not recyclable unfortunately and so that is a point we need to take into consideration as well.

Through you, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

Representative Ackert.

REP. ACKERT (8TH):

Thank you, Mr. Speaker and I thank the good gentleman for the answer and it is, and I did get it. It’s a nudge. It is probably the lightest nudge that I’ve seen in a process because it is a light nudge. You know, I can see, you know the headlines and it all makes us feel good, this is like I’m gonna feel good voting on this because I’m gonna vote on a Bill, AN ACT REQUIRING THE ELIMINATION OF SINGLE-USE PLASTIC STRAWS and I think
the good gentleman in his 75th district that proposed the legislation that was pretty much that one sentence that would do that. And, you know, maybe moving this to, you know, I am not a fan of plastic straws, I, you know, myself I have a relationship with somebody that really loves plastic straws and she, I can’t believe you’re doing this kind of thing, but, you know she is actually moved in a direction where our little cups at home have the attached cleanable straw, it comes in a cup with a top on it and a cleanable straw. So obviously we had a little time, the dialogue with the good Ranking Member and the good Vice-Chair went on for lengths, you had time to look at multiple different options out there and there is a number of options out there. But when I look at the headline or the target, I get it, we sometimes talk about the name of a piece of legislation but it doesn’t do a lot, you know, and I’m sure this will probably be in some scorecard of ours, you know, that says, you know, we voted for this but as far as I know there is you
know, maybe the concept of moving in the right direction is really what we’re lookin at here. If you consider elimination straws the right direction. You can buy ‘em at the grocery store still, you can get them at the Big Gulp I use the term of a company but you can go there and buy your straw at the Big Gulp and then there is a container for it. As a matter of fact, I was at my local golf course and I happened to go by the stand, you get all your, you pickup your food and right there is the container to grab a straw out of and multiple other areas where obviously the straw’s available. As a matter of fact in the restaurants, the one’s where you have to take a seat in and sit down, straws are still available, you just have to request for the straw. So I sat there and listened to the dialogue and, you know, I’ll listen to more of the dialogue and I think that the headline may read in the papers should be that Connecticut is thinkin about eliminating the use of plastic straws but I do appreciate as always anybody that works on these
committees that do the good work like Representative Gresko and others that are workin on this and are trying to be more environmentally friendly. I think what we need to do is nudge people to stop throwing stuff out the windows or stop leaving ‘em on the beaches and looking at fining them rather than looking at the restaurant that provides a straw to a customer in the restaurant and they properly dispose of the straw. Maybe we ought to figure out a way to do that and enforce those and look at the wrongdoers rather than these options. So maybe there is a way we do that. So I thank the good gentleman for his responses and I’ll listen to further dialogue as we move on this legislation. So, thank you, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

Representative Borer of the 115th District you have the floor, ma’am.

REP. BORER (115TH):

Thank you, Mr. Speaker. I rise in support of this legislation. I want to thank the good Vice-
Chair for providing all of his answers and the Chairman of the Committee and the Ranking Member for his many, many, many questions. I also have a clarifying question for you.

Through you, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

Please proceed, ma’am.

REP. BORER (115TH):

Thank you. I just want to make sure I understand, this is not a complete ban. Anyone can ask for a straw at a full-service restaurant, anybody who maybe has a small child, anybody who has a disability, anybody who just wants a straw for whatever reason, they can still ask for a straw and they do not have to give a reason why they want the straw. Is that correct?

DEPUTY SPEAKER HENNESSY (127TH):

Representative Gresko.

REP. GRESKO (121ST):

Through you, Mr. Speaker.

Correct.
REP. BORER (115TH):

Thank you I just wanted to clarify that.

DEPUTY SPEAKER HENNESSY (127TH):

Representative Borer.

REP. BORER (115TH):

Thank you, Mr. Speaker. And I just want to acknowledge Representative Ackert’s comments earlier about this doesn’t go far enough. I agree this does not include the fact food restaurants like McDonald’s but would be happy to know that McDonald’s is eliminating their straws in the UK by 2021. They have just not declared that for the U.S. yet. I know this seems like a very small step because it is a very small item but in fact it is one of our top five pollutants in our seas, in our oceans and it is estimated that U.S. utilizes 5 million straws per day. The straws typically are used for one hour on average but they take 167,000 hours to breakdown in our landfill, or 100 years. Additionally I want to add I know that the proponent, the Vice-Chair mentioned some of the
other establishments that have banned straws recently Whole Foods, Starbucks but I also want to acknowledge that last week England stated that they will be banning straws, stirrers and cotton swabs throughout England, not a store, not a restaurant, but the entire England will be banning plastic straws, they declared that last week. I want to take an opportunity again to thank the Ranking Member, I know that he worked with the Committee a lot acknowledging some of the other states and the other countries I think tells us that this is not a U.S. trend this is a global trend and I’m glad it is global trend that we are actually getting on the bandwagon with. So I thank everybody for their time and support this legislation. Thank you.

DEPUTY SPEAKER HENNESSY (127TH):

Thank you. Thank you, ma’am. Representative Ritter.

REP. RITTER (1ST):

Mr. Speaker I move that we pass this item temporarily. Thank you.
If there is no objection so ordered. The House will be at ease.

The Chamber will come back to Order. Will the Clerk please call Calendar No. 426.


Representative McCarthy Vahey.

Thank you, Mr. Speaker. Mr. Speaker, I move for the Acceptance of the Joint Committee's Favorable Report and Passage of the Bill.

The Question before the Chamber is on Acceptance of the Joint Committee's Favorable Report
and Passage of the Bill. Representative McCarthy Vahey, you have the floor, ma’am.

REP. MC CARTHY VAHEY (133RD):

Thank you, Mr. Speaker. Mr. Speaker this Bill clarifies that third-party owners of certain renewable energy sources are eligible for a property tax exemption. The exemption only applies to renewable installations whose estimated annual production does not exceed the onsite energy utilization or load at the time of installation of the system. To claim the exemption existing law requires a written application to the assessor. The Bill now requires the written form to be supplied by OPM and that it will be a uniform application for use by all towns. The exemption applies to residential and nonresidential buildings including apartment buildings, commercial and industrial properties as well as hospitals and churches. Thank you, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

Representative Zawistowski of the 61st
District, you have the floor.

REP. ZAWISTOWSKI (61ST):

   Thank you, Mr. Speaker. I have a few questions for the proponent of the Bill if I may?

DEPUTY SPEAKER HENNESSY (127TH):

   Please proceed, ma’am.

REP. ZAWISTOWSKI (61ST):

   Thank you, Mr. Speaker. Is this a new tax exemption or an existing tax exemption?

   Through you, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

   Representative McCarthy Vahey.

REP. MCCARTHY VAHEY (133RD):

   Thank you, Mr. Speaker.

   Mr. Speaker through you.

   This is a clarification of existing statute.

   Through you.

DEPUTY SPEAKER HENNESSY (127TH):

   Representative Zawistowski.

REP. ZAWISTOWSKI (61ST):

   Then, thank you. The first paragraph, the
first section concentrates on rooftop solar panels. Are rooftop solar panels current exempt from property tax?

    Through you, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

    Representative McCarthy Vahey.

REP. MC CARthy VAHEY (133RD):

    Thank you, Mr. Speaker.

    And through you.

    Currently it is very clear that rooftop solar panels that are owned by a homeowner are exempt and this Bill seeks to clarify that those panels or other systems that are owned by a third-party would be exempt.

    Through you.

DEPUTY SPEAKER HENNESSY (127TH):

    Representative Zawistowski.

REP. ZAWISTOWSKI (61ST):

    Thank you, Mr. Speaker. So if you were leasing panels the exemption would be allowable to the people who own the panels, the lessor of the panels,
is that correct?

Through you, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

Representative McCarthy Vahey.

REP. MC CARTHY VAHEY (133RD):

Through you, Mr. Speaker.

Yes, it is.

DEPUTY SPEAKER HENNESSY (127TH):

Representative Zawistowski.

REP. ZAWISTOWSKI (61ST):

Thank you and do you need to apply for this exemption in order to get it?

Through you, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

Representative McCarthy Vahey.

REP. MC CARTHY VAHEY (133RD):

Thank you, Mr. Speaker.

Mr. Speaker through you.

Yes, you do need to apply for the exemption at the time of the installation.

DEPUTY SPEAKER HENNESSY (127TH):
Representative Zawistowski.

REP. ZAWISTOWSKI (61ST):

Does participation in net meter reading or in a tariff program change the ability to, for a tax exemption under this current law or anything in this Bill.

Through you, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

Representative McCarty Vahey.

REP. MCCARTHY VAHEY (133RD):

Thank you, Mr. Speaker.

This Bill actually clarifies participation in net metering would allow for the exemption.

Through you.

DEPUTY SPEAKER HENNESSY (127TH):

Representative Zawistowski.

REP. ZAWISTOWSKI (61ST):

Thank you. Also under current statute commercial and industrial companies that general power for their own use so whether it is solar, fuel cell, etc. are exempt from property taxes. What if
a company decides to redesign their system to increase output so they could possibly sell power to someone else in addition to their own use, would that, would they continue to be tax exempt at that point?

Through you, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

Representative McCarthy Vahey.

REP. MC CARTHY VAHEY (133RD):

Through you, Mr. Speaker.

No, they would not specifically if there was a building permit that was pulled, they would have to again apply for the exemption and this Bill speaks to the fact that again the production and the load or the utilization of that power that utilization, the production, excuse me, must not be designed to be above and beyond the utilization for the load.

Through you.

DEPUTY SPEAKER HENNESSY (127TH):

Representative Zawistowski.

REP. ZAWISTOWSKI (61ST):
Thank you. And so what triggers this change is whether the power is produced from one’s own use or for sale to others? Is that correct?

Through you Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

Representative McCarthy Vahey.

REP. MC CARTHY VAHEY (133RD):

Through you, Mr. Speaker.

Yes.

DEPUTY SPEAKER HENNESSY (127TH):

Representative Zawistowski.

REP. ZAWISTOWSKI (61ST):

And the Bill also adds another category of property to this, nonresidential, what would that include?

Through you, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

Representative McCarty Vahey.

REP. MC CARTHY VAHEY (133RD):

Thank you, Mr. Speaker. And Mr. Speaker it would include apartment buildings for example,
churches, houses of worship, synagogues and hospitals are some examples.

Through you.

DEPUTY SPEAKER HENNESSY (127TH):

Representative Zawistowski.

REP. ZAWISTOWSKI (61ST):

And what determines whether or not the power generating capacity exceeds the power needs, the load, at that facility?

Through you, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

Representative McCarthy Vahey.

REP. MC CARTHY VAHEY (133RD):

Thank you, Mr. Speaker. And this is determined at design and the form that would be provided by OPM would require that those seeking the exemption would demonstrate via a statement that this was in fact the case for their system.

Through you.

DEPUTY SPEAKER HENNESSY (127TH):

Representative Zawistowski.
REP. ZAWISTOWSKI (61ST):

Existing language incorporated in this Bill refers to Class I renewable facilities whether it is solar, fuel cell or anything like that as well as hydropower facilities. These facilities are current subject to property tax. Is there anything in this Bill that would change that, is there anything in the Bill that would make hydropower or Class I facilities exempt from property taxes?

Through you, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

Representative McCarthy Vahey.

REP. MC CARTHY VAHEY (133RD):

Through you, Mr. Speaker.

No.

DEPUTY SPEAKER HENNESSY (127TH):

Representative Zawistowski.

REP. ZAWISTOWSKI (61ST):

And for legislative intent, will this legislation be applied retroactively, in other words if a municipality collected property taxes in the
past on a facility or installation now made tax exempt under this Bill, would the municipality be required to make repayment?

Through you, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

Representative McCarthy Vahey.

REP. MC CARTHY VAHEY (133RD):

Through you, Mr. Speaker.

No, it will not.

DEPUTY SPEAKER HENNESSY (127TH):

Representative Zawistowski.

REP. ZAWISTOWSKI (61ST):

And I would like to thank the Representative for her answers. This was not the easiest Bill to quite understand. Actually it is fairy simple all it really does is clarify existing statute. I am in support of it and recommend that my colleagues support it as well. Thank you, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

Representative Sredzinski, you have the floor, sir.
REP. SREDZINSKI (112TH):

Thank you, Mr. Speaker. And excellent job on the pronunciation, that was fantastic.

Through you, Mr. Speaker.

One quick question to the proponent of the Bill. Representing the Town of Monroe we have a facility called First Light. It is a large dam, hydropower facility, provides a lot of electricity to the entire region.

Through you.

Would this Bill impact that hydropower facility?

DEPUTY SPEAKER HENNESSY (127TH):

Representative McCarty Vahey.

REP. MC CARTHY VAHEY (133RD):

Mr. Speaker, through you.

No, it would not.

DEPUTY SPEAKER HENNESSY (127TH):

Representative Sredzinski.

REP. SREDZINSKI (112TH):

Thank you, Mr. Speaker. I want to thank the
Chairwoman for meeting on this issue, there were some concerns that I had. They were promptly addressed. I want to thank the Ranking Member from the Planning and Development Committee as well. Thank you very much, no further questions.

DEPUTY SPEAKER HENNESSY (127TH):

Representative Dubitsky.

REP. DUBITSKY (47TH):

Thank you, Mr. Speaker. Mr. Speaker in Committee I voted against this Bill and I believe that I did so because I just wasn’t completely comfortable with the language but after hearing the colloquy between my two colleagues and reading it again, I believe that I am going to be supporting this Bill. Thank you.

DEPUTY SPEAKER HENNESSY (127TH):

Representative Gresko.

REP. GRESKO (121ST):

Thank you, Mr. Speaker. A question to the proponent of the Bill?

DEPUTY SPEAKER HENNESSY (127TH):
Please proceed, sir.

REP. GRESKO (121ST):

Thank you, Mr. Speaker. In line 85 there is a reference to a “statement of estimated annual load and production” being required.

Through you, Mr. Speaker.

Would that be something that an individual residential homeowner who has solar on the roof be responsible for?

DEPUTY SPEAKER HENNESSY (127TH):

Representative McCarty Vahey.

REP. MC CARTHY VAHEY (133RD):

Thank you, Mr. Speaker. And Mr. Speaker if an individual homeowner owns the facility or the system that for example would be a rooftop installation then the answer is yes.

Through you.

DEPUTY SPEAKER HENNESSY (127TH):

Representative Gresko.

REP. GRESKO (121ST):

Thank you, Mr. Speaker.
DEPUTY SPEAKER HENNESSY (127TH):

Will you remark further on this Bill?

Will you remark further on this Bill? If not will the Staff and guests please come to the Well of the House. Will the Members please take your seats, the machine will be open. [Ringing]

CLERK:

The House of Representatives is voting by roll, Members to the Chamber. The House of Representatives is voting by roll, Members to the Chamber.

DEPUTY SPEAKER HENNESSY (127TH):

Have all members voted? Have all members voted? Will the members please check the board to determine if your vote is properly cast. If all members have voted, the machine will be locked and the Clerk will take a tally.

The Clerk will announce the tally.

CLERK:

House Bill No. 7206

Total Number Voting 144
Necessary for Passage 73
Those voting Yea 144
Those voting Nay 0
Absent not voting 7

DEPUTY SPEAKER HENNESSY (127TH):

The Bill passes [Gavel]. Will the Clerk please call Calendar No. 339.

CLERK:


DEPUTY SPEAKER HENNESSY (127TH):

Representative Steinberg.

REP. STEINBERG (136TH):

Good evening. Mr. Speaker I move for Acceptance of the Joint Committee's Favorable Report and Passage of the Bill.

DEPUTY SPEAKER HENNESSY (127TH):

The Question is Acceptance of the Joint
Committee's Favorable Report and Passage of the Bill. Representative Steinberg, you have the floor.

REP. STEINBERG (136TH):

Thank you, Mr. Speaker. This is an opportunity for those who have been paying attention here today to benefit from previous Bills. You may recall not long ago we ran a Bill creating licensure for art therapists. Now we’re here to talk about professional counselors and marital and family therapists. Some of the same basic objective obtained in this instance as did with art therapists, our goal is to recognize professionals in their field for their training and expertise and assure that only those who have gone through the professional training and have the requisite experience are licensed and accredited and recognized for that expertise. So the Bills we have before effectively formalize the relationships with professional counselors and marital and family therapists, their educational training are not exactly the same nor is the proposed licensing
requirements. In one case for example the professional counselors need to be licensed annually whereas the marital and family therapists are every other year. In both cases the revenues generated help offset the inherent costs.

DEPUTY SPEAKER HENNESSY (127TH):

Excuse Representative. [Gavel] [Gavel] Can we keep the volume down so that Representative Steinberg can address us. Thank you.

REP. STEINBERG (136TH):

Thank you, Mr. Speaker. As I was saying as we have with other professional categories, we are not only indicating the qualifications for licensure we are making sure that those who don’t bring those appropriate backgrounds in terms of expertise and experience are not allowed to call themselves by the names of professional associates or marital and family therapists. I’m glad to get into the details further but I will get into that as we have questions on the Bill. I move adoption.

DEPUTY SPEAKER HENNESSY (127TH):
The Question before the Chamber is on Acceptance of the Joint Committee's Favorable Report and Passage of the Bill. Will you remark further on the Bill? Representative Petit.

REP. PETIT (22ND):

Thank you, Mr. Speaker.

Through you.

To the good Chairman, I wonder if the Chairman could annunciate how there will be a differentiation between the full-fledged counselors and the associate counselors?

Through you, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

Representative Steinberg.

REP. STEINBERG (136TH):

Thank you, Mr. Speaker. Bear with me one moment. As you might expect the professional counselor has the full measure of experience and can operate independently whereas the assistant counselor in this instance is in training in many ways, is under supervision, has to acquire a certain
number of experiential hours to be qualified for full counselor designation and I would be glad to elaborate further if the good Representative would like.

DEPUTY SPEAKER HENNESSY (127TH):

Representative Petit.

REP. PETIT (22ND):

Thank you. A question Mr. Speaker has been brought up to me by constituents as how a constituent would know if someone is the fully licensed counselor and therapist or an associate counselor?

Through you, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

Representative Steinberg.

REP. STEINBERG (136TH):

I’m sorry, Mr. Speaker if the good Representative could repeat the end of that question.

DEPUTY SPEAKER HENNESSY (127TH):

Representative Petit.
REP. PETIT (22ND):

I would be happy to. Constituents have asked if they would be able to determine if they were dealing with an associate or an in-training counselor versus a full-fledged counselor?

Through you, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

Representative Steinberg.

REP. STEINBERG (136TH):

Thank you, Mr. Speaker. Indeed this is the objective of this Bill is to clearly designate the licensed professional counselor category and differentiate it from those that are more on the pathway to full professional counselor accreditation and the associate, the expectations, the criteria are obviously much more limited in the instance of the associate.

Through you, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

Representative Petit.

REP. PETIT (22ND):
Thank you, Mr. Speaker. I really don’t have many further questions. I would note we had something on the order of 82 people testify on this Bill all in favor. There was some initial resistance from the Department of Public Health but I think those issues were addressed in our final language. I wonder if the Chairman would comment on that.

Through you, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

Representative Steinberg.

REP. STEINBERG (136TH):

Thank you, Mr. Speaker. And I particularly appreciate the good Ranking Member’s nice segue into the fact that we have an Amendment to call. The Clerk has an Amendment LCO 8237. I would ask the Clerk to please call the Amendment and I have leave of the Chamber to summarize.

DEPUTY SPEAKER HENNESSY (127TH):

Will the Clerk please call LCO 8237 designated House Amendment Schedule “A”.

House of Representatives

May 29, 2019

Clerk:

House Amendment Schedule “A” LCO 8237 offered by Representative Rosairo, Representative Currey, Representative Steinberg.

Deputy Speaker Hennessy (127th):

Representative seeks leave of the Chamber to summarize the Amendment. Is there objection to summarization? Is there objection? Hearing none, Representative Steinberg you may proceed with summarization.

Rep. Steinberg (136th):

Thank you, Mr. Speaker. This is a very simple Amendment to summarize. Inadvertently we initially did not put sufficient clarity in for the enforcement of the counselor certification and this minor change to the language accomplishes that end.

Through you, Mr. Speaker.

I move adoption, excuse me.

Deputy Speaker Hennessy (127th):

The Question before the Chamber is Adoption of House Amendment Schedule “A”. Will you remark on
the Amendment? Representative Petit.

REP. PETIT (22ND):

Thank you, Mr. Speaker. I wonder if the good Chairman would just review what specifically we changed, is being changed in this Amendment that will help the Department of Public Health and the Commissioner go through a disciplinary actions if they are necessary.

Through you, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

Representative Steinberg.

REP. STEINBERG (136TH):

Thank you, Mr. Speaker. It is a modest change to language. I will refer the good Representative, I’ve just got to find the appropriate line. The jest of it is that there was not an effective enforcement mechanism for those who would portray themselves as professional counselors and the change we made is consistent with what we do, what DPH does with other professional categories in terms of enforcement.
Through you, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

Representative Petit.

REP. PETIT (22ND):

Thank you, Mr. Speaker. I have no further questions and I think this Bill has appropriately vetted by people in the profession as well as the Department of Public Health and I urge my colleagues to vote in favor of it. Thank you, sir.

DEPUTY SPEAKER HENNESSY (127TH):

Will you remark further remark further? Will you remark further on the Amendment before us? If not, I will try your minds. All those in favor please signify by saying, aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER HENNESSY (127TH):

All those opposed, nay.

REPRESENTATIVES:

Nay.
The aye’s have it and the Amendment is adopted. [Gavel] Will you remark further on the Bill as Amended? Will you remark further on the Bill as Amended? If not will the Staff and guests please come to the Well of the House. Will the Members please take your seats, the machine will be open. [Ringing]

CLERK:

The House of Representatives is voting by roll, Members to the Chamber. The House of Representatives is voting by roll, Members to the Chamber.

DEPUTY SPEAKER HENNESSY (127TH):

Have all members voted? Have all members voted? Will the members please check the board to determine if your vote is properly cast. If all members have voted, the machine will be locked and the Clerk will take a tally.

The Clerk will please announce the tally.

CLERK:

House Bill No. 7132 as Amended by House “A”
Total Number Voting 144
Necessary for Passage 73
Those voting Yea 144
Those voting Nay 0
Absent not voting 7

DEPUTY SPEAKER HENNESSY (127TH):

The Bill as Amended is passed [Gavel]. Will the Clerk call 588.

CLERK:


DEPUTY SPEAKER HENNESSY (127TH):

Representative Concepcion.

REP. CONCEPCION (4TH):

Thank you, Mr. Speaker. Mr. Speaker I move for Acceptance of the Joint Committee's Favorable Report and Passage of the Bill.
DEPUTY SPEAKER HENNESSY (127TH):

The Question before the Chamber is on Acceptance of the Joint Committee's Favorable Report and Passage of the Bill. Representative Concepcion you have the floor.

REP. CONCEPCION (4TH):

Thank you, Mr. Speaker. Mr. Speaker this is a pretty straightforward Bill that does exactly what the title references. The Bill makes very conforming changes and corrections to the tax statute including grammar and formatting changes, some really, really riveting stuff [Laughter]. It also changes and reestablishes the definition of the Federal Basic Exclusion Amount and corrects a reference in the taxable threshold for filing of State tax returns with the DRS Commissioner. This particular Bill was voted unanimously out of the Finance, Revenue and Bonding Committee and I move for passage of the Bill.

DEPUTY SPEAKER HENNESSY (127TH):

Representative Davis. You have the floor, sir.
REP. DAVIS (57TH):

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

DEPUTY SPEAKER HENNESSY (127TH):

Please proceed, sir.

REP. DAVIS (57TH):

Thank you, Mr. Speaker. Would the kind proponent elaborate upon the state tax changes to bring it into conformity and what we are doing here in this Bill.

Through you, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

Representative Concepcion.

REP. CONCEPCION (4TH):

Sure.

Through you, Mr. Speaker.

A quick background on the Bill. Back in 2017 this body enacted a law phasing in the increase of the State tax threshold from $2 million dollars to the Federal threshold. Consequently that same year the Federal Government doubled the Federal threshold.
so this body came back together last year and amended the State threshold in two different public acts and that is what we are trying to do today, we are trying to just conform both Bills to make sense.

DEPUTY SPEAKER HENNESSY (127TH):

Representative Davis.

REP. DAVIS (57TH):

Thank you, Mr. Speaker. So we would be in this Bill just changing that date to be what the original intent of the legislature was passing the second Bill of last year, is that correct?

Through you, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

Representative Concepcion.

REP. CONCEPCION (4TH):

Through you, Mr. Speaker.

That is correct.

DEPUTY SPEAKER HENNESSY (127TH):

Representative Davis.

REP. DAVIS (57TH):

Thank you, Mr. Speaker. And throughout the
rest of the Bill are these truly technical and conforming changes or are there any other major changes of substance in the Bill? Thank you, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

Representative Concepcion.

REP. CONCEPCION (4TH):

Through you, Mr. Speaker.

No other major changes, just really grammar and formatting changes to the Bill.

DEPUTY SPEAKER HENNESSY (127TH):

Representative Davis.

REP. DAVIS (57TH):

Thank you, Mr. Speaker. So an example of that would be something like they are changing he to “The Commissioner” or which to that, or other changes of words like that throughout the Bill in various different places numerous times. Is that correct?

Through you, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

Representative Concepcion.
REP. CONCEPCION (4TH):

Through you, Mr. Speaker.

As I mentioned before really riveting stuff, yes he is correct.

DEPUTY SPEAKER HENNESSY (127TH):

Representative Davis.

REP. DAVIS (57TH):

Thank you, Mr. Speaker. Well with that confirmation from the kind Vice-Chairman of the Finance, Revenue and Bonding Committee that this is truly a technical and conforming changes to match the intent of the legislation during last session and then also making those small grammatical and numerical changes, if that is truly the case as the kind Chairman or Vice-Chairman confirmed then I will be standing in support of the Bill here today and I encourage my colleagues to do so as well. Thank you, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

Thank you, sir. Will you remark further on the Bill? Will you remark further on the Bill?
If not will the Staff and guests please come to the
Well of the House. Will the Members please take
your seats, the machine will be open. [Ringing]

CLERK:

The House of Representatives is voting by roll,
Members to the Chamber. The House of
Representatives is voting by roll, Members to the
Chamber.

DEPUTY SPEAKER HENNESSY (127TH):

Have all members voted? Have all members
voted? Will the members please check the board to
determine if your vote is properly cast. If all
members have voted, the machine will be locked and
the Clerk will take a tally.

The Clerk will please announce the tally.

CLERK:

House Bill No. 7375

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Absent not voting 7

DEPUTY SPEAKER HENNESSY (127TH):

The Bill passes [Gavel]. Will the Clerk please call Calendar No. 303. Calendar 33.

CLERK:

On Page 2, Calendar 33, House Bill No. 7063 AN ACT CONCERNING LEASING OF MILITARY DEPARTMENT FACILITIES. Favorable Report of the Joint Standing Committee on Veterans’ Affairs.

DEPUTY SPEAKER HENNESSY (127TH):

Representative Borer, Chair of the Veterans’ Committee you have the floor, ma’am.

REP. BORER (115TH):

Thank you, Mr. Speaker and former Chair of the Veteran’s Committee. Mr. Speaker I move for Acceptance of the Joint Committee's Favorable Report and Passage of the Bill.

DEPUTY SPEAKER HENNESSY (127TH):

The Question before the Chamber is on Acceptance of the Joint Committee's Favorable Report and Passage of the Bill. Representative Borer, you
have the floor.

REP. BORER (115TH):

    Thank you, Mr. Speaker. What this Bill does it authorizes the Adjutants General to allow State Armed Forces members to lease or use a military facility to recognize a significant military career event at a cost up to the facility’s actual operating cost during the lease or use. What this does it changes the existing current law which allows Adjunct General to lease to military organizations.

DEPUTY SPEAKER HENNESSY (127TH):

    Representative Vail. You have the floor, sir.

REP. VAIL (52ND):

    Great Bill, ought to pass.

DEPUTY SPEAKER HENNESSY (127TH):

    Representative Bolinsky. You have the floor, sir.

REP. BOLINSKY (106TH):

    Thank you, Mr. Speaker. If I may?

    Through you.
A question for the proponent.

DEPUTY SPEAKER HENNESSY (127TH):

Please proceed, sir.

REP. BOLINSKY (106TH):

Thank you, sir.

To the proponent, does this Bill in any way materially change the Bill that we passed two years ago which allowed the leasing of surplus horse guard stalls to nonprofits?

Through you, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

Representative Borer.

REP. BORER (115TH):

Thank you, Mr. Speaker.

Through you.

I am not familiar with that Bill but I don’t think that this addresses that in anyway, shape or form.

Through you, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

Representative Bolinsky.
REP. BOLINSKY (106TH):

I appreciate the honesty of the good Chair. It’s my suspicion that the Bill itself has nothing to do with it, its just something new that is being done to allow additional usage by the new Adjutant General of the Armed Forces of the State of Connecticut. It’s a good Bill and ought to pass as well. Thank you, Mr. Speaker. Thank you, Madam Proponent.

DEPUTY SPEAKER HENNESSY (127TH):

Will you remark further on this Bill? Will you remark further on the Bill? If not will the Staff and guests please come to the Well of the House. Will the Members please take your seats, the machine will be open. [Ringing]

CLERK:

The House of Representatives is voting by roll, Members to the Chamber. The House of Representatives is voting by roll, Members to the Chamber.

DEPUTY SPEAKER HENNESSY (127TH):
Have all members voted? Have all members voted? Will the members please check the board to determine if your vote is properly cast. If all members have voted, the machine will be locked and the Clerk will take a tally.

The Clerk will please announce the tally.

CLERK:

House Bill No. 7063

Total Number Voting 143
Necessary for Passage 72
Those voting Yea 143
Those voting Nay 0
Absent not voting 8

DEPUTY SPEAKER HENNESSY (127TH):

The Bill passes [Gavel]. Will the Clerk please call Calendar No. 377.

CLERK:

On Page 24, Calendar 377 Substitute House Bill No. 7353 AN ACT CONCERNING THE PROVISION OF SPECIAL EDUCATION. Favorable Report of the Joint Standing Committee on Education.
DEPUTY SPEAKER HENNESSY (127TH):

Representative Sanchez.

REP. SANCHEZ (25TH):

Thank you, Mr. Speaker. Mr. Speaker, I move for Acceptance of the Joint Committee's Favorable Report and Passage of the Bill.

DEPUTY SPEAKER HENNESSY (127TH):

The Question is Acceptance of the Joint Committee's Favorable Report and Passage of the Bill. Representative Sanchez, you have the floor.

REP. SANCHEZ (25TH):

Thank you, Mr. Speaker. Mr. Speaker this Bill makes changes to the Education Statutes related to special education. I would like to thank my Ranking Member, Representative McCarty for the work that she has done on this Bill along with me to make it. The Bill is not a mandate and will not have a fiscal note. Mr. Speaker, the Clerk has an Amendment No. 9561. I would ask the Clerk to please call the Amendment and that I be grated leave of the Chamber to summarize.
DEPUTY SPEAKER HENNESSY (127TH):

Will the Clerk please call LCO No. 9561 which will be designated House Amendment Schedule “A”.

CLERK:

House Amendment Schedule “A” LCO No. 9561 offered by Representative Sanchez, Representative Currey, etal.

DEPUTY SPEAKER HENNESSY (127TH):

Representative seeks leave of the Chamber to summarize the Amendment. Is there objection to summarization? Is there objection? Hearing none, Representative Sanchez you may proceed with summarization.

REP. SANCHEZ (25TH):

Mr. Speaker the Amendment removes section 1 of the Bill, it amends section 2, it amends section 3. It removes section 7 and also amends section 9 of the Bill and that is basically what it does, Mr. Speaker. I move for adoption.

DEPUTY SPEAKER HENNESSY (127TH):

The Question before the Chamber is adoption of
House Amendment Schedule “A”. Will you remark on the Amendment? Representative McCarty.

REP. MC CARTY (38TH):

Thank you, Mr. Speaker.

I rise to support the Amendment in front of us although I would like to make a comment if I may, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

Please proceed, ma’am.

REP. MC CARTY (38TH):

The first section of Bill, we put in an awful lot of work into that because we discovered that the Tech/Ed schools found and were using a Statute that allowed them to send children that may have been able to be placed at the Tech Ed school but they were returned to the district and we had lengthy discussions over that and it is on good word that the Chari of the Education Committee, the Department of Education and the Tech Ed schools, the children’s center and all those who were involved in studying that Statute so that the ultimate objective is to
provide the best quality of education that we can for all of our students and particularly our special Ed students that want to attend Tech Ed schools so while we are going to keep that statute in place with this Amendment I do want to support it because there are other very good parts to this Amendment and I trust our Education Chair and those individuals I mentioned that were going to voluntarily work on that part of the statute this summer. So thank you for those comments and if I may, just continue with the Amendment?

DEPUTY SPEAKER HENNESSY (127TH):

Please proceed, ma’am.

REP. MC CARTY (38TH):

Thank you. The Amendment also looks at section 2 that prohibits boards of education from disciplining or suspending or punishing employees that make recommendations at PPT meetings, is that correct?

Through you, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):
Representative Sanchez.

REP. SANCHEZ (25TH):

Through you, Mr. Speaker.

Yes, that’s correct.

DEPUTY SPEAKER HENNESSY (127TH):

Representative McCarty.

REP. MC CARTY (38TH):

Thank you, Mr. Speaker. And in section 9 which I am very pleased, this section in the Amendment allows school boards to notify parents if they have a talented and gifted student and it is done electronically so there is no cost but we think this is an absolutely essential provision and something that will be very valuable to parents in the school district to help them. It will notify where they go to look for the specialist in the school district on talented and Gifted and to the State Department so that is another excellent part of the Amendment.

And then section I think it is the close to the last section, 501 allows an advisory council that is located in the Department of Education the IEP
Advisory Council to study, to look at whether private therapists can enter into the public schools at payment by the individual looking for the service. Is that correct?

Through you, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

Representative Sanchez.

REP. SANCHEZ (25TH):

Through you, Mr. Speaker.

That is correct.

DEPUTY SPEAKER HENNESSY (127TH):

Representative McCarty.

REP. MC CARTY (38TH):

Thank you very much, Mr. Speaker. And then the final piece of the Amendment again a good provision and I want to recognize our state auditors for all of the work that they have done recently looking at our special ed private providers that work in contract with the local boards of education because this final piece of the Amendment looks at ways to find complaints, resolution and then whether or not
the local district changes the programs due to that.
Is that correct?

Through you, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):
Representative Sanchez.

REP. SANCHEZ (25TH):
Through you, Mr. Speaker.
That is correct.

DEPUTY SPEAKER HENNESSY (127TH):
Representative McCarty.

REP. MC CARTY (38TH):
Excuse me. Thank you very much. So I can say to the Chamber that this is an excellent Amendment to the Bill. All those provisions are necessary and will help our district. Thank you, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):
Thank you, ma’am. Representative Lavielle of the 143rd. Ma’am, you have the floor.

REP. LAVIELLE (143RD):
Thank you very much, Mr. Speaker, good evening.
Good evening.

REP. LAVIELLE (143RD):

I rise briefly just to align my remarks with my ranking members on section 1 or the former section 1 concerning special education for students at the technical high schools. It is a very important area that we need to focus on because very often these students are extremely well suited to those activities and it provides them skills they can use for the rest of their lives and usefully too and give them a purpose. So I do think that it deserves all the work that can be put into it and I hope the working group that will be, hopefully convene this summer will give it the due time that it deserves and we will have another piece of legislation soon to look at and review. Thank you, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

   Representative Kokoruda of the 101st District, you have the floor, ma’am.

REP. KOKORUDA (101ST):

   Mr. Speaker I would like to ask you how I could
lodge a complaint against Representative Candelora,
he doesn’t like my voice, he has been sabotaging
[Laughter].

DEPUTY SPEAKER HENNESSY (127TH):

It’s duly noted, ma’am.

REP. KOKORUDA (101ST):

Thank you. Mr. Speaker I just want to point something out. Obviously I know how hard the Education Leadership has worked on this Bill and this Amendment, but how disappointing I am and I hope we all pay attention and I certainly trust the leadership. Our kids that have IEP, that want to go to technical schools, I understand everybody can’t, but many of us have had an opportunity to meet with our constituent or others had phone calls, Partner’s in Policymaking group Saturday morning workshop, Representative McCarty and I were there two years ago and we met two mothers who told us their kids are in regular academic subjects doing nothing. They both had special education plans, high, high functioning, both boys can take an engine apart.
They are so interested in cars and anything to do with automotive but they are stuck in a public school taking, you know, a chemistry class that they will never use and frankly will never master. I have another constituent who has an incredible job at UTC. He lives in Durham. Joey Davenport and he was told he couldn’t go to a technical school because we allow it with our laws. If a child has the ability to go to technical school we have to allow them. I’m not talking about a child that can’t do the work, I understand that. But we have a lot of children that have special abilities but they are different and I just hope in the future, I hope next year we come through and everyone of those boys and girls get an equal opportunity. Our tech schools are our direct line to our community colleges and jobs. Let’s get them there. So I hope we are standing here next year putting that Bill through, working with our local boards of education, working with our technical schools superintendent and getting our kids where they need to be to be
successful. So thank you. Thank you, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

Thank you, ma’am. Representative Cook of the 65th District, you have the floor, ma’am.

REP. COOK (65TH):

Good evening, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

Good evening.

REP. COOK (65TH):

Mr. Speaker I rise in full support of this piece of legislation. I know that it does not solve all the problems that we are trying to solve and I know that we have incredible colleagues on both sides of the aisle that is been committed to working on this piece of legislation and moving forward and coming back next session to insure all students get the equal opportunity they need and deserve if in fact a Voc Tech school is the direction that they need to move or the desire to move into. When we heard from advocates from both sides of this issue we realized that trying to solve the problem in a
rush parameter could have caused problems as opposed to fixing and making the solution. So as we stand here together and I appreciate our colleagues on the other side of the aisle understanding and respecting their concerns and their desires and the advocates that I know are extremely concerned about what has been past practice, and respecting the intentions of the new Superintended of our Tech Schools, the State Department of Education and our Chairs and Ranking Members in the Education Committee, I am fully confident to say that we will comeback to the table next session with the solution working on that during the summer and fall months. But I do want to stand in support. I want to thank all of our colleagues and make sure that the students that are watching recognizing that we do hear you and we are committed to insuring that you get the chances that you would like. Thank you, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

Will you remark further? Will you remark further on the Amendment before us. If not I will
try your minds. All those in favor please signify by saying, aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER HENNESSY (127TH):

All those opposed, nay. The aye’s have it.

The Amendment is adopted [Gavel]. Will you remark further on the Bill as Amended? Representative McCarty. Representative Sanchez.

REP. SANCHEZ (25TH):

Mr. Speaker it is a good Bill and I hope it passes.

DEPUTY SPEAKER HENNESSY (127TH):

Will you remark further on the Bill as Amended? If not, Representative McCarty you have the floor, ma’am.

REP. MC CARTY (38TH):

Thank you very much, Mr. Speaker. I wanted the good Chairman to go first that is why I hesitated but I do have a few comments on the Bill itself if I may?
DEPUTY SPEAKER HENNESSY (127TH):

Please proceed, ma’am.

REP. MC CARTY (38TH):

Thank you. There is a very good section in this Bill that I would like to mention to the Chamber. It has to do with looking at our Birth to Three Program to Kindergarten. It puts in place a working group that will look at perhaps a gap in those years between the when a child finishes the birth to three program and going into kindergarten and we though the best way to handle that was to put the working group together and a lot of professionals from the Office of Early Childhood, early care providers that will be on that working group so it is an excellent piece to the main Bill. There are also provisions in the main Bill that look at communication plans for our hard of hearing, deaf and blind children and that they are made in those plans that go with the school security plans so that those children are not overlooked in those plans are put in place. Is that correct?
Through you, Mr. Speaker.

To the Chair?

DEPUTY SPEAKER HENNESSY (127TH):

Representative Sanchez.

REP. SANCHEZ (25TH):

Through you, Mr. Speaker.

That is correct.

DEPUTY SPEAKER HENNESSY (127TH):

Representative McCarty.

REP. MC CARY (38TH):

Thank you, Mr. Speaker. And the last section, I would ask for some clarification to the good Chair dealing with the 504 Plans and interdistrict magnet schools, if you could just clarify that portion of the Bill.

Through you, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

Representative Sanchez.

REP. SANCHEZ (25TH):

Yes.

Through you, Mr. Speaker.
This language will resolve concerns that were raised by the Office of Civil Rights to clarify who is responsible for the associated cost of the services. And 504 Plans are different from the IEP, 504 is an accommodation for a child and some of those accommodations may be not permanent, they are accommodations that are a long period of accommodations, and it is my understanding that not, we don’t really, FDE really doesn’t make the count on 504 Plans, it really does a count on IEPs that the district does report but I hope that answers your question.

DEPUTY SPEAKER HENNESSY (127TH):

Representative McCarty.

REP. MC CARTY (38TH):

Pardon me, again. Yes it does very much so. My final comment is that this is a very good Bill, no mandate, no cost and I would encourage my colleagues to support the Bill and it’s a pleasure working with the Chairman of Education. Thank you.

DEPUTY SPEAKER HENNESSY (127TH):
Representative Abercrombie of the 83rd District.

REP. ABERCROMBIE (83RD):

Thank you, Mr. Speaker. Mr. Speaker I rise in support of this legislation. I just want to take the opportunity to thank the good Chair and everybody that worked on it and in particular the area around the deaf and hearing-impaired community. You know, we take for granted when we talk about kids with special needs of just being disabilities but we also have a population of blind and deaf community and we all thought all school districts had an exit plan if there was an emergency and come to find out we didn’t. So this Bill addresses that. It also addresses some other areas that they had concerns and for that reason I will be supporting it and I urge my colleagues to also support it. Thank you, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

Representative Comey of the 102nd.

REP. COMEY (102ND):
Thank you very much, Mr. Speaker. I also would just wanted to add my support for this Bill especially regarding our study group that will look at the gaps of the Birth to Three Program and where we can provide some sort of continuity of services for children as they tend to age out of the program and my other point of support is also with my colleague, Representative Abercrombie and Representative McCarty on the support that we’re going to provide keeping children who have hearing impairments and have different modes of communication and how they deal with how they are communicating not only to their classmates and their teachers and the administrators and making sure that we have everything that they need to feel safe and secure in their school days and that schools realize that they really do need to have a plan in place to alert them of what their best safety options are in case of such an emergency may come their way. So I encourage everybody to vote for this Bill and I am happy to lend my support. Thank you.
DEPUTY SPEAKER HENNESSY (127TH):

Representative Kokoruda for the second time.

REP. KOKORUDA (101ST):

Thank you, Mr. Speaker. Just briefly I want to thank Representative Abercrombie and Representative Comey. This piece of the parts for the hard of hearing and the deaf, we put together a workforce a few years ago and we’re actually taking the recommendations. That’s great news. So I think the leaders of this Committee have done a great job with this piece of the Bill. This Committee works hard together and we can make a big difference so, thank you very much Representative Sanchez and Representative McCarty. Thank you.

DEPUTY SPEAKER HENNESSY (127TH):

Will you remark further on the Bill as Amended? Will you remark further on the Bill as Amended? If not will the Staff and guests please come to the Well of the House. Will the Members please take your seats, the machine will be open. [Ringing]

CLERK:
The House of Representatives is voting by roll, Members to the Chamber. The House of Representatives is voting by roll, Members to the Chamber.

DEPUTY SPEAKER HENNESSY (127TH):

Have all members voted? Have all members voted? Will the members please check the board to determine if your vote is properly cast. If all members have voted, the machine will be locked and the Clerk will take a tally.

The Clerk will please announce the tally.

CLERK:

House Bill No. 7353 as Amended by House "A"

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DEPUTY SPEAKER HENNESSY (127TH):

The Bill as amended is passed [Gavel]. Will the Clerk please call Calendar No. 108.
HOUSE OF REPRESENTATIVES

May 29, 2019

Clerk:


Deputy Speaker Hennessy (127th):

Representative McGee of the 5th District, please proceed.

Rep. McGee (5th):

Good evening, Mr. Speaker and thank you. I move for Acceptance of the Joint Committee's Favorable Report and Passage of the Bill.

Deputy Speaker Hennessy (127th):

The Question before the Chamber is on Acceptance of the Joint Committee's Favorable Report. Representative McGee you have the floor.

Rep. McGee (5th):

Thank you, Mr. Speaker. Again as already mentioned this would make minor revisions to Statutes regarding the Homelessness Prevention and
Response Fund. The Bill adds to the list of programs whose administrative expenses may be paid from the Housing Assistance bond, number one the Affordable Housing Program i.e., the Flex Program and two, the Housing Trust Program. I move adoption.

DEPUTY SPEAKER HENNESSY (127TH):

    Representative Dauphinais of the 44th District, you have the floor, ma’am.

REP. DAUPHINAIS (44TH):

    Thank you, Mr. Speaker. A few comments regarding this Bill?

DEPUTY SPEAKER HENNESSY (127TH):

    Please proceed, ma’am.

REP. DAUPHINAIS (44TH):

    I originally supported this Bill going out of Committee but I have some reservations now. I better understand exactly what this Bill does. It allows bonding money, bonded money to be used for administrative expenses. Additionally it will fund ongoing maintenance and repair and to capitalize on
operating replacement reserves in exchange for some certain conditions with the landlord which would be to have the landlord abate rent for a designed period and waive security deposit. So therefore I have changed my mind and I will not be supporting the Bill. Thank you.

DEPUTY SPEAKER HENNESSY (127TH):

Representative Davis of the 57th District, you have the floor, sir.

REP. DAVIS (57TH):

Thank you, Mr. Speaker. A question to the proponent of the Bill, if I may?

DEPUTY SPEAKER HENNESSY (127TH):

Please proceed, sir.

REP. DAVIS (57TH):

Thank you, Mr. Speaker. Currently the operating expenses for these programs are funded through what funding source?

Through you, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

Representative McGee.
REP. MCGEE (5TH):

Under the system law the administrable expense of certain bond financed state housing programs may be covered by the proceeds from the sale of programs general obligation GO Bonds.

Through you, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

Representative Davis.

REP. DAVIS (57TH):

Thank you, Mr. Speaker. I believe that is what the Bill would do but currently are these expenses paid for through those types of GO bonds or are they paid through some other type of revolving loan fund that perhaps isn’t done through general obligation bonding?

Through you, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

Representative McGee.

REP. MCGEE (5TH):

Through you, Mr. Speaker.

If the kind gentleman could just repeat his
question, I’m still looking though the old LR analysis.

DEPUTY SPEAKER HENNESSY (127TH):

Representative Davis.

REP. DAVIS (57TH):

Thank you, Mr. Speaker. I believe the purpose of the Bill is to shift the operating expenses, the administrative expenses from I think revolving loan fund or some other source to now going to be able to be used through General Obligation bonding for those programs. Could the kind gentleman confirm that or that is my recollection of the Bill not correct?

DEPUTY SPEAKER HENNESSY (127TH):

Representative Davis.

REP. MCGEE (5TH):

McGee, that’s okay.

Through you, Mr. Speaker.

That’s correct.

DEPUTY SPEAKER HENNESSY (127TH):

Representative Davis.

REP. DAVIS (57TH):
Thank you, Mr. Speaker and by doing this change would we potentially be opening up to greater bonding for GO for similar programs?

Through you, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

Representative McGee.

REP. MCGEE (5TH):

Through you, Mr. Speaker.

That is not correct. The Bill as I am reading it here, which was provided by the agency, the Bill instead allows landlords to use the HPRF funds for any of the above purposes in exchange for participation in either a Rapid Rehousing Program or Supportive Housing Program. It specifies the participation in either program includes a requirement to number on, abate rent for designated period and two, waive security deposits by using existing funds.

Through you, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

Representative Davis.
REP. DAVIS (57TH):

Thank you, Mr. Speaker. When I look at the Office of Fiscal Analysis analysis of the Bill it says section 1, the current operating expenses for these types of programs are done through the revolving loan fund as the kind gentleman mentioned but that this Bill would actually make the change to put future administrative costs from the Department of Housing instead towards new bonding through the Housing Assistance Bond Fund which is financed through GO Bonding. Is that correct?

Through you, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

Representative McGee.

REP. MCGEE (5TH):

Through you, Mr. Speaker.

Could the kind gentleman just direct me where he is actually reading that, is that number 1 in section 1 or section 2.

DEPUTY SPEAKER HENNESSY (127TH):

Representative Davis.
REP. DAVIS (57TH):

Section 1 of that Bill, of that fiscal note, sorry.

DEPUTY SPEAKER HENNESSY (127TH):

Representative McGee.

REP. MCGEE (5TH):

Through you, Mr. Speaker.

I believe section 1 of the Bill adds, and I’m just gonna read verbatim, adds DOH the Flex Program we’re talking about and housing trust funds programs to the bond finance programs that may have their administrative expenses covered by the program GO Bond funds while this Bill is not anticipated to change the amount of administrative costs expends by DOH, it may result in reallocation of future administrative costs from the housing repayment and revolving loan not financed by new bonding to the housing assistant bond fund which is financed through current GO bonding.

Through you, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):
Representative Davis.

REP. DAVIS (57TH):

Thank you, Mr. Speaker. And through my interpretation of that fiscal note we are actually shifting from something that doesn’t use new bonding, the revolving loan fund which takes money back from the Affordable Housing from the rents and everything else and pays for those expenses that way to now shifting it to the source of a loan fund which is actually sourced through general obligation bonds which the fiscal note mentions could increase those costs for general obligation bonds and ultimately the debt service paid out of the general fund by doing that. So for that reason I will not be supporting the Bill. I did not support in the Finance Committee I will not be supporting it here as well because it shifts essentially what could be considered an operating cost that is appropriated in a different way now being done through bonding and borrowing. Thank you, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):
Will you remark further? Will you remark further on this Bill? Representative McGee.

REP. MCGEE (5TH):

Thank you, Mr. Speaker. Again this Bill came through Housing Committee at the request of DOH which would allow them to better provide service to the constituents of the State and the folks that utilize the services through DOH so that I’d ask that our colleagues in this Chamber support this provision. Thank you so much.

DEPUTY SPEAKER HENNESSY (127TH):

Will you remark further on the Bill? If not will the Staff and guests please come to the Well of the House. Representative Yaccarino.

REP. YACCARINO (87TH):

I apol - well I just want to make a statement. I apologize but I have the right to say something. I voted for this in Finance and I voted for it, I know there is bonding for this and I know it is part of the expenses of the State and so I guess it is a bleeding heart in me but when you see, and I’ve seen
people in the middle of the night for volunteering that are homeless and have nowhere to live, I think the State has a responsibility in some ways to have some sort of housing plan and I think we could do better as a State. I’m hopin our new commissioner does do a better job. So I did support this and I plan on supporting this. That’s all I want to say. Until you see how the other half lives, how other people live, you have to put yourself in their shoes sometime. I know it’s an expense and I know we should be better budgeting but sometimes you have to have a priority and this is priority for me. So that’s all I have to say. Thank you.

DEPUTY SPEAKER HENNESSY (127TH):

Will you remark further on this Bill? If not with Staff and guests please come to the Well of the House. Will the Members please take your seats, the machine will be open. [Ringing]

CLERK:

The House of Representatives is voting by roll, Members to the Chamber. The House of
Representatives is voting by roll, Members to the Chamber.

DEPUTY SPEAKER HENNESSY (127TH):

Have all members voted? Have all members voted? Will the members please check the board to determine if your vote is properly cast. If all members have voted, the machine will be locked and the Clerk will take a tally.

The Clerk will please announce the tally.

CLERK:

House Bill No. 7068

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DEPUTY SPEAKER HENNESSY (127TH):

The Bill passes [Gavel]. Are there announcements or introductions? Representative Vail you have the floor.

REP. VAIL (52ND):
Thank you, Mr. Speaker. If I can a quick announcement.

DEPUTY SPEAKER HENNESSY (127TH):

Please proceed.

REP. VAIL (52ND):

On behalf of Representative Borer, Representative Boyd and the rest of the Veterans’ Affairs Committee I would like to remind everybody that tomorrow is the Save A Suit Drive so if you bring that in, you bring in suits, gently used suits for women and men, suits, dresses, shoes, shirts, ties, sports jackets, etc. and then they will be donated, they will be cleaned and washed and given to Veterans so they can look great when they go out for a job interview. It’s a great event and as the Speaker knows himself that he has been involved with this for years that it is a great event so don’t forget to bring out your suits tomorrow. Thank you.

DEPUTY SPEAKER HENNESSY (127TH):

Yes, thank you, sir. Representative McGee.

Thank you, Mr. Speaker. I stand for the point of
not an announcement but I guess an acknowledgement I
guess, yeah. That works, right?

DEPUTY SPEAKER HENNESSY (127TH):

Please proceed. That’ll work.

REP. MCGEE (5TH):

Does it, no? [Laughter]

DEPUTY SPEAKER HENNESSY (127TH):

Please proceed, sir.

REP. MCGEE (5TH):

Great so in the Chamber in the Well of the
House I have a good friend of mine, a Mr. Eli
Mercardo, Representative from Frito-Lay. I know
many of you eat Frito-Lay but he services a lot of
our small businesses here in the City of Hartford
and we’re so glad that he is here joining us at 9:10
at night when he could be home but he is so enamored
by this Chamber so if the Chamber would be so kind
to acknowledge Mr. Mercardo [Applause].

DEPUTY SPEAKER HENNESSY (127TH):

Welcome, sir. Will the Clerk please call
Calendar No. 286.
CLERK:


DEPUTY SPEAKER HENNESSY (127TH):

Representative Verrengia.

REP. VERRENGIA (20TH):

Good evening, Mr. Speaker. I move for Acceptance of the Joint Committee's Favorable Report and Passage of the Bill.

DEPUTY SPEAKER HENNESSY (127TH):

The Question is Acceptance of the Joint Committee's Favorable Report and Passage of the Bill. Representative Verrengia you have the floor, sir.

REP. VERRENGIA (20TH):

Mr. Speaker the Clerk has an Amendment LCO 9401. I would ask the Clerk to please call the Amendment and that I be grated leave of the Chamber to summarize.
DEPUTY SPEAKER HENNESSY (127TH):

Will the Clerk please call LCO No. 9401 which will be designated House Amendment Schedule “A”.

CLERK:

House Amendment Schedule “A” LCO No. 9401 offered by Dr. Verrengia.

DEPUTY SPEAKER HENNESSY (127TH):

The Representative seeks leave of the Chamber to summarize the Amendment. Is there objection to summarization? Is there objection? Hearing none, Representative Verrengia you may now proceed with summarization.

REP. VERRENGIA (20TH):

Mr. Speaker this is a Strike-All Amendment. When the state personnel statutes were amended to allow state agencies to use the State Police for fingerprinting for employment it did not include the quasi-public agencies. This Bill will now include the quasi-public agencies in that process and it also waives fees for volunteer fire fighters who are required to have a State or National background
check related to their service. Mr. Speaker, I move for adoption.

DEPUTY SPEAKER HENNESSY (127TH):

The Question before the Chamber is adoption of House Amendment Schedule “A”. Will you remark on the Amendment? Representative Sredzinski, you have the floor, sir.

REP. SREDZINSKI (112TH):

Thank you, Mr. Speaker. I support the Amendment and I will reserve my comments for the Bill.

DEPUTY SPEAKER HENNESSY (127TH):

Will you remark further? Will you remark further on the Amendment before us? If not, I will try your minds. All those in favor please signify by saying, aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER HENNESSY (127TH):

All those opposed, nay. The aye’s have it the Amendment is adopted [Gavel]. Will you remark
REP. SREDZINSKI (112TH):

Thank you, Mr. Speaker. As the good Chairman described the Bill does two major, two minor technical changes to the Statutes in regards to fingerprints. They were both ideas brought from different perspectives from both sides of the aisle and I urge my colleagues to support it. Thank you, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

Will you remark further on the Amendment as adopted. Will you remark further on the Bill as Amended? If not will the Staff and guests please come to the Well of the House. Will the Members please take your seats, the machine will be open.

[Ringing]

CLERK:

The House of Representatives is voting by roll, Members to the Chamber. The House of Representatives is voting by roll, Members to the
Have all members voted?  Have all members voted?  Will the members please check the board to determine if your vote is properly cast.  If all members have voted, the machine will be locked and the Clerk will take a tally.

The Clerk will please announce the tally.

CLERK:

House Bill No. 7333 as Amended by House "A"

Total Number Voting 143
Necessary for Passage 72
Those voting Yea 143
Those voting Nay 0
Absent not voting 8

DEPUTY SPEAKER HENNESSY (127TH):

The Bill as amended is passed [Gavel].

Announcements or introductions.  Representative O’Dea of the 127th, 125th District.

REP. O'DEA (125TH):

Thank you, Mr. Speaker.  For the purpose of an
announcement?

DEPUTY SPEAKER HENNESSY (127TH):

Please proceed, sir.

REP. O'DEA (125TH):

The Republicans will be caucusing very briefly down in the Caucus Room. Thank you very much, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

Without objection, so ordered. Will the Clerk please call Calendar No. 139.

CLERK:

On Page 8, House Calendar 139 House Bill No. 7066 AN ACT MAKING A TECHNICAL CHANGE TO A STATUE CONCERNING SUPPORTIVE HOUSING. Favorable Report of the Joint Standing Committee on Housing.

DEPUTY SPEAKER HENNESSY (127TH):

Representative Butler.

REP. BUTLER (72ND):

Thank you, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

That’s a cruel joke to play [Laughter].
Representative Butler.

REP. BUTLER (72ND):

Mr. Speaker I move for Acceptance of the Joint Committee's Favorable Report and Passage of the Bill.

DEPUTY SPEAKER HENNESSY (127TH):

The Question is Acceptance of the Joint Committee's Favorable Report and Passage of the Bill. Representative Butler you have the floor, sir.

REP. BUTLER (72ND):

Thank you, Mr. Speaker. Mr. Speaker I have an Amendment LCO No. 10080. I ask that you ask the Clerk to call it and I be granted leave of the Chamber to summarize.

DEPUTY SPEAKER HENNESSY (127TH):

Will the Clerk please call LCO No. 10080 which will be designated House Amendment Schedule “A”.

CLERK:

House Amendment Schedule “A” LCO No. 10080 offered by Representative Butler.
Representative seeks leave of the Chamber to summarize the Amendment. Is there objection to summarization? Is there objection? Seeing none, Representative Butler you may proceed with summarization.

Thank you, Mr. Speaker. Mr. Speaker this Bill, this Amendment actually speaks to implementing some remedies and recommendations on how two actually make more of a pleasant quality of life situation for elderly and mentally disabled populations in State funded housing that we have out in the State of Connecticut. A couple of years ago we had a study on this mixed population and a study three buildings, a medium and small authority. One was in the Town of Brookfield, one was in Manchester and one was in Wallingford. And we got recommendations and if we were to implement all of the recommendations the fiscal note would probably be, you know, too much to even consider. So what we did
was we actually came up with a small pilot plan to implement this to see if it could have a positive impact and at this point I would move adoption and speak to it later.

DEPUTY SPEAKER HENNESSY (127TH):

The Question before the Chamber is adoption of House Amendment Schedule “A”. Will you remark on the Amendment? Representative Dauphinais.

REP. DAUPHINAIS (44TH):

Thank you, Mr. Speaker. I am supporting his Amendment and will save further comments on the underlying Bill. Thank you.

DEPUTY SPEAKER HENNESSY (127TH):

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

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER HENNESSY (127TH):

All those opposed, nay. The aye’s have it and the Amendment is adopted [Gavel]. Will you remark
further on the Bill as Amended? Representative Butler.

REP. BUTLER (72ND):

Yes, I know that some of the members from the Housing Committee had concerns about a possible fiscal note but I just received it and it just spoke of $31,000 dollars in fiscal year 2020 and $15,000 dollars in 2021 so the grand total is about $35,000 dollars and I have you know that the Department of Housing, DMAS, and DSS have agreed to take a share of that so in the grand scheme of things, I think that is probably the best value you could get for us, something that has a fiscal note here in the General Assembly. So I’m hoping that the Members will support it because it would help to install a lot of quality life issues with a social coordinator for elderly and mentally disabled populations and a residence service coordinator to actually help them with coordinating services and such. I hope all the members would be supportive of this pilot program which will complete in one year and the Department
of Housing will report back to the Committee of Cognizance. Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

Representative Dauphinais.

REP. DAUPHINAIS (44TH):

Thank you, Mr. Speaker. A question to the proponent of the Bill.

DEPUTY SPEAKER HENNESSY (127TH):

Please proceed, ma’am.

REP. DAUPHINAIS (44TH):

My question is could you explain to us for legislative intent how this Bill help resolve some of the issues we discussed in Committee for this mixed population?

Through you.

DEPUTY SPEAKER HENNESSY (127TH):

Representative Butler.

REP. BUTLER (72ND):

Thank you for the good question because a part of the study that was reviewed from the study done by Connecticut Fair Housing, they did a great job in
concert with the Department of Housing, is that, you know, it seems that elderly and mentally disabled populations existing out there seemed to have conflict and really didn’t get along at times and didn’t seem like there was a lot of continuity in terms of people giving consideration on how to make the quality of life work for both populations. So what this is going to do is actually put people in place, hope to actually coordinate social activities like you can imagine for elderly and mentally disabled populations, things like say Bingo night, potluck dinners, arts and crafts for both populations, things that used to go on that may not go on in these populations. Something to diffuse the any kind of riff, if you will, between the communities and also to help with the scheduled activities of services for both communities so once people get the service in terms of coordinating their housing or medical needs and when they have social activities, it tends to go a long way towards making a brighter day-to-day operation in these
buildings thus restoring a quality of life that anyone would want to actually live in.

Through you, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

Representative Dauphinais.

REP. DAUPHINAIS (44TH): Thank you, Mr. Speaker and I thank the proponent of the Bill for the answers. In the Committee we heard the challenges that this mixed population is brining and in lieu of that, this is an attempt to address those challenges. It is a very small pilot program and I look forward to supporting it and the passage of this Bill. Thank you.

DEPUTY SPEAKER HENNESSY (127TH):

Representative Kupchick.

REP. KUPCHICK (132ND):

Good Bill, ought to pass.

DEPUTY SPEAKER HENNESSY (127TH):

Will you remark further on the Bill as Amended? Will you remark further on the Bill as Amended? If not will the Staff and guests please come to the
Well of the House. Will the Members please take your seats, the machine will be open. [Ringing]

CLERK:

The House of Representatives is voting by roll, Members to the Chamber. The House of Representatives is voting by roll, Members to the Chamber.

DEPUTY SPEAKER HENNESSY (127TH):

Have all members voted? Have all members voted? Will the members please check the board to determine if your vote is properly cast. If all members have voted, the machine will be locked and the Clerk will take a tally.

The Clerk will please announce the tally.

CLERK:

House Bill No. 7066 as Amended by House “A”

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DEPUTY SPEAKER HENNESSY (127TH):

The Bill as amended is passed [Gavel]. Are there any announcements? Representative Rose.

REP. ROSE (118TH):

Thank you, Mr. Speaker for the purpose of an announcement?

DEPUTY SPEAKER HENNESSY (127TH):

Representative Rose we are going to do announcements after. Representative Ritter.

REP. RITTER (1ST):

Apologies. Republicans are in caucus so to be fair we don’t want to do anything on the floor without them in here, so I will move that we go to recess subject to the Call of the Chair. Thank you, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

Without objection, we are in recess, subject to the Call of the Chair. [Gavel]

(On motion of Representative Ritter of the 1st District, the House recessed at 9:34 o’clock p.m.,
to reconvene at the Call of the Chair.)

(The House reconvened at 10:23 o’clock p.m., Deputy Speaker Hennessy in the Chair.)

CLERK:

The House of Representatives will reconvene immediately, Members to the Chamber. The House of Representative will reconvene immediately, Members to the Chamber.

DEPUTY SPEAKER HENNESSY (127TH):

The House will come back to order [Gavel].

Announcements or introductions. Representative Rose for what purpose do you rise?

REP. ROSE (118TH):

Thank you, Mr. Speaker. For the purpose of an announcement.

DEPUTY SPEAKER HENNESSY (127TH):

Please proceed.
REP. ROSE (118TH):

Thank you, Mr. Speaker. On behalf of myself, Representatives Cathy Kennedy and Charles Ferraro just want to remind everybody that tomorrow at eleven o’clock is Milford Day, hope you all come down and enjoy some oysters and some world-famous cookies. Thank you, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

Thank you, ma’am. Will the Clerk please call Calendar NO. 303.

CLERK:

On Page 19, House Calendar 303, House Bill No. 6935 AN ACT CONCERNING THE RIGHT OF A PUBLIC EMPLOYEE TO JOIN OR SUPPORT A UNION. Favorable Report of the Joint Standing Committee on Labor and Public Employees.

DEPUTY SPEAKER HENNESSY (127TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Thank you, Mr. Speaker. I move for Acceptance of the Joint Committee's Favorable Report and
Passage of the Bill.

DEPUTY SPEAKER HENNESSY (127TH):

The Question is Acceptance of the Joint Committee's Favorable Report and Passage of the Bill. Representative D'Agostino you have the floor.

REP. D'AGOSTINO (91ST):

Thank you, Mr. Speaker. This Bill makes various changes to our laws in the wake of the Janus Decision. The Clerk is in passion of an Amendment that is LCO No. 10099. I would ask that the Amendment be called and I be grated leave of the Chamber to summarize.

DEPUTY SPEAKER HENNESSY (127TH):

Will the Clerk please call LCO No. 10099 which will be designated as House Amendment Schedule “A”.

CLERK:

House Amendment Schedule “A” LCO No. 10099 offered by Representative Porter, Representative D'Agostino.

DEPUTY SPEAKER HENNESSY (127TH):

The Representative seeks leave of the Chamber
to summarize the Amendment. Is there objection to summarization? Is there objection? Hearing none, Representative D’Agostino you may proceed with summarization.

REP. D'AGO

STINO (91ST):

Thank you, Mr. Speaker. This is a Strike-All Amendment so it replaces the original Bill but not the underlying intent. And to summarize there is really three components of this Bill that would pass as amended in this Amendment. First it sort of codifies access that the unions or union representatives will have to new employees in a bargaining unit, who are they, can we contact them, let them learn about the possibility of joining the bargaining unit that represents the particular area in which they work. It also codifies the access those representatives will have to meet with and discuss union business for limited periods of time in limited circumstances during the day with their employees and finally and probably this is most important in response to Janus. The Janus Decisions
as we all know said that agency fees are no longer Constitutional. That is you belong to a union and previously you said, I don’t want to be a member but I am still covered by that union. In other words I get all the benefits that they negotiate. I get the contract benefits, the wage increases but I don’t want to be a member of that union. Previously the union could say to that person, well you’re getting all these benefits so you’ve got to pay something, an agency fee that deals with the costs associated with negotiating those benefits that you get. Supreme Court said you can’t charge agency fees anymore. So in response to that we’ve seen additional litigation happen where now employees are saying well I don’t want to pay those agency fees anymore, stop taking them out of my paycheck. Well depending on the union relationship that you have, and that is a contractual relationship between the employee and the union, you can opt out at certain times and some contracts between the union and the employee you can only do that at certain times
during the year. And so some employees are saying, no-no, I don’t have to pay agency fees anymore, stop taking them out of my paycheck right now. And the unions are saying, we will, but you have to wait until the end of the year and so the employer is caught in the middle of that dispute. Who do I believe, what do I do? The employee is saying to me stop taking out the dues. The union is saying to me you have to still take out those dues until the end of the year and then they are done. What do you do? What this Bill says is you take the word of the union. The union is responsible for maintaining its membership. They bear that responsibility. They own it. They want that responsibility and if they are wrong the State will not be liable. The State employer, the municipal employer, the public employer will be indemnified by the union and the recourse is to the union for those, any mistakes it makes in that regard and the employee can still bring litigation against its union and seek back agency fees as were seen in some cases percolating
up to the Supreme Court in the wake of Janus. But because of that uncertainty this Amendment helps clarify that for the public employer, boards of Ed, municipalities, state employees. There is no more uncertainly. The union owns it, owns that information, when I owns it I mean owns it in terms of their responsible for maintaining it and the State employer, the municipal employer can rely on that information and be indemnified if there is a mistake. So that is the last part of this Amendment and probably one of the most important parts of it in the wake of Janus. Things can change again. We are going to continue to see these case percolate up in the Supreme Court but that is what this Amendment does in terms of accessed information, access to new employees, their union’s responsible for maintaining that information and by the way, responsible for guarding it and if they lose it or are hacked there’s provisions in here about their responsibilities under our Cyber Security laws and being liable to the employee for an employee being
able to bring damages for an inadvertent or inadvertent or excuse me, intentional release of information that the union is now responsible for guarding. They cannot use that information, your address, your name, etc. If they have it they cannot use it and give it to some insurance company or some, you know, fence company and you start getting solicited. They can only use it for those collective bargaining purposes to meet their duty of their representation. And that is the other thing just to remember here is that whether you are a member or not the bargaining unit has a responsibility under law to represent all of them, even these members who have elected not to participate. They get all the benefits and the union has a responsibility under law to provide them representation whether they pay or not and so they need that information to be able to communicate with their employees, those employees and say here’s the bargaining agreement that we negotiated, you’re not paying for it but here it is, you get the benefits
of this wage increase. But that is all they can use the information for, no other purposes. So it is a good Amendment that clarifies these issues and I urge members to support it and I move adoption.

DEPUTY SPEAKER HENNESSY (127TH):

The Question before the Chamber is adoption of House Amendment Schedule “A”. Will you remark on the Amendment? Representative Fishbein.

REP. FISHBEIN (90TH):

Thank you, Mr. Speaker. I am going to reserve my comments for after the Amendment is passed which will become the Bill. Thank you, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

Will you remark further on the Amendment before us? If not, I will try your minds. All those in favor please signify by saying, aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER HENNESSY (127TH):

All those opposed, nay. The Aye’s have it and the Amendment is adopted. Will you remark further
on the Bill as Amended? Representative Fishbein.

REP. FISHBEIN (90TH):

    Thank you, Mr. Speaker. And just an opportunity to ask some questions of the proponent if I may?

DEPUTY SPEAKER HENNESSY (127TH):

    Please proceed, sir.

REP. FISHBEIN (90TH):

    Thank you, Mr. Speaker. Looking at Section 1, it contemplates a home address of an employee being disclosed to the union and under what circumstances would that information be disclosed to the union under this amended language?

    Through you, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

    Representative D'Agostino.

REP. D'AGOSTINO (91ST):

    Through you, Mr. Speaker.

    This first part deals with new hires and certain information communicated to the bargaining unit about the new hire so they can go out and say,
hey we represent you, you’ve just been hired by this bargaining unit so there is a number of pieces of information including the home address but only, just so everyone understands, the home address is a public employees, are public information unless they are protected by statute and there is a separate statutory section of our General Statutes that prevents the home address publication for certain public employees, police officers, State Police, Judges, I think DCF some DCF officials as well employees as well. So there is a number that are excluded from that and this Amendment makes clear that if that is excluded it is not to be disclosed under this provision. Also that information is only provided to the bargaining unit if it is in the public employers files. So there might be circumstances where the public employer doesn’t even have that information for the new hire, typically they may, but there may be circumstances that they don’t. So only if that information is in the file and only if it is allowed to be disclosed under
existing law, can it be provided to the bargaining
unit.

Through you.

DEPUTY SPEAKER HENNESSY (127TH):

Representative Fishbein.

REP. FISHBEIN (90TH):

Thank you, Mr. Speaker. And understanding
that, you know, it’s my belief that current State
statute protects those home addresses that
information for certain governmental employees. Why
would we not extend that to all members of the
union.

Through you, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you, Mr. Speaker.

So we have already sort of made that policy
judgement in our Statutes by protecting certain home
address information but for others we, that is
currently by law public information for those that
are not protected so this Amendment just sort of carries forward those exact policy choices that we’ve already made with respect to home addresses with the additional level protection, level of protection that in the first instance it even just has to be in the employer’s, the information that the employer has. There is no requirement that the employer has to ask for it or get it only if they have it and if it is disclosable will they provide it.

Through you.

DEPUTY SPEAKER HENNESSY (127TH):

   Representative Fishbein.

REP. FISHBEIN (90TH):

   Thank you, Mr. Speaker. And I believe it is Section 19 though 33 that has to do with the union being able to attend an orientation of a government employee and then there is a notice provision and I believe it is seven days. Why would a whole week be necessary to give notice of this upcoming orientation should that be had?
Through you, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you, Mr. Speaker.

So again typically you will have a new employee orientation. It may last a half-an-hour or an hour or whatever it is the employer is scheduling and the idea here is we don’t want to extend that time, we don’t want to make it longer but we do want to give the public employee bargaining unit access to that meeting to step-in for the last five minutes, ten minutes of it and say, here is the collective bargaining agreement that governs you, here is information about us, if you have any questions etc. part of that meeting. So A, you have to know about that meeting in advance and what contemplates this section and I believe the next sections is that the public employee and the bargaining unit are going to work together to make sure that access to that orientation is scheduled appropriately. We don’t
want to disrupt that orientation, it shouldn’t be overtaken by the collective bargaining unit but they should access to some part of time for it and so seven days seemed like a reasonable amount of time to allow for that planning. I should note that there is a clause in here that says that if for exogenous circumstances that kind of notice cannot be provided by the public employer that is fine to and a lesser amount of time of notice can be given.

Through you.

DEPUTY SPEAKER HENNESSY (127TH):

Representative Fishbein.

REP. FISHBEIN (90TH):

Thank you, Mr. Speaker. And what is to happen if the employer and the union cannot come to an accord on the structured time, place those kinds of things for the orientation. How are they to resolve that dispute?

Through you, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

Representative D'Agostino.
REP. D'AGOSTINO (91ST):

The provisions of this Amendment.

Through you, Mr. Speaker.

Will allow for that. Again in the first instance to negotiate it and I should note that the similar provisions have passed in other states, New York and California in particular already and we’ve heard, I’ve heard reports there have not been any issues with this, but should there be any issues with determining scope, time, place and manner of access to those orientations, there is an arbitration provision provided in here. Certain criteria put in the Statute about what should be considered in that kind of arbitration and determined on the going forward basis by the arbitrator how that access will be given.

Importantly if there is a dispute the orientation is not stayed, it goes forward and what they are arbitrating is the process that is going forward for future arbitrations. Nothing in these provisions delay the orientation, delay the hiring of the
disputed, where that dispute over the orientation, the employee gets to start work and I should note there is also a provision where it says, you don’t have to have an orientation. This is only if you have orientations, most employers do but if you do not this does not impose upon a municipalities or State employer to do so.

Through you.

DEPUTY SPEAKER HENNESSY (127TH):

Representative Fishbein.

REP. FISHBEIN (90TH):

Thank you, Mr. Speaker. And I know the previous version of this language had a typographical error on line 58, I believe it was, a dangling any and the question to the good Representative if in this version that has been corrected?

Through you, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):
Was it 58?

REP. FISHBEIN (90TH):

Yes, sir. Oops, sorry.

REP. D'AGOSTINO (91ST):

Through you, I’m sorry.

It looks to me.

Through you, Mr. Speaker.

That it has been corrected. I will note for the record that I have appreciated the Representative’s review of this, his comment, the number of the changes that we are making both technical and substantive were the result of his input over the course of the last few days and I do appreciate that and that was one of his catches among others so that looks to be corrected.

Through you.

DEPUTY SPEAKER HENNESSY (127TH): s

Representative Fishbein.

REP. FISHBEIN (90TH):

Thank you, Mr. Speaker. And then as we move on there is a provision having to do with ongoing
release of information through an authorization and am I to understand that personal information of the employee is not to be released to the union such as cell phone number or home address that kind of stuff on the subsequent occasions without their written consent?

Through you, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you.

That is absolutely correct and perfectly stated.

Through you.

DEPUTY SPEAKER HENNESSY (127TH):

Representative Fishbein.

REP. FISHBEIN (90TH):

Thank you, Mr. Speaker. And that authorization is revocable?

Through you, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):
Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you.

Yes it is revocable anytime by the employee that’s right.

DEPUTY SPEAKER HENNESSY (127TH):

Representative Fishbein.

REP. FISHBEIN (90TH):

So, you know, general question why it appears that many of these items are common in may contracts that I’ve reviewed. Why are we not allowing State government, municipal government to collectively bargain as they see fit given their characteristics, needs and wants collectively bargain these issues?

Through you, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you, Mr. Speaker.

That is correct. You do often see access provision in different types of contracts both on
the State side and the municipal side but they vary. They vary considerably and there is obviously a cost to both side to having to bargain that. There is the prospect of delay, there is the prospect of disputes. So here we’ve really I think, Best Practices, codified that, taken that out of the, sort of set a baseline if you will with respect to this information and the significant responsibility opposed upon the labor organization when they get this information and maintain it, that doesn’t obviously prevent the organization and the public employer from proposing and dealing with different conditions but the thought here is now that we will have something more streamline, more uniformed that everybody can deal with and that will save everybody on both sides time and expense in negotiations to really focus on obviously what’s the critical issues, wage, hour, working conditions to the extend applicable to retirement and health.

Through you.

DEPUTY SPEAKER HENNESSY (127TH):
Representative Fishbein.

REP. FISHBEIN (90TH):

Thank you, Mr. Speaker. Focusing on lines 186 through 190 aka (l) I asked the good Representative his interpretation of this particular provision. It appears to take the employee’s responsibility to pay due out of this equation if the good Representative could just explain what this means 186 through 190.

Through you, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you, Mr. Speaker.

This section is designed to deal with the situation, let me give you an example where the public employer is supposed to take dues out, these are authorized members who have authorized dues to come out of their paychecks and let’s say there is a glitch in the system and for three months they don’t take the dues out. What this says is that the “public employer shall be liable to a labor
organization” for dues “without recourse to the employees.” So what that means is you are on the hook if you make that mistake public employer but you can’t claw back any money from the employee. That is really the important thing here. We do want to protect the employee and their rights whatever they may be and they had authorized dues to come out, for whatever reason the public employer wasn’t taking them out that is between the labor organization the public employer and the public employer can’t go back to the employee and say, hey I had to pay this in arrears and now I’m gonna claw it back from you because you got paid that amount by mistake, you can’t claw that back from the employee. So this protects the employee and puts the onus on the public employer if they make that kind of mistake intentional or negligent. I should note there is parallel provisions in here about the union, if they make a mistake about who should have dues deducted as I mentioned earlier, its on them as well. So the point here is, you know, focusing on
that relationship and clarifying that relationship and clarifying that relationship between public employer and the organization for making sure the employee is held harmless.

Through you.

DEPUTY SPEAKER HENNESSY (127TH):

Representative Fishbein.

REP. FISHBEIN (90TH):

Thank you, Mr. Speaker. And am I to understand, I think it is section (k) that we are recognizing that employer or perhaps the union may do something improper with deducting fees and we are preserving the private right of action with regard to that and to seek whatever remedy is authorized under Federal, State law.

Through you, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you.

Yes, consistent with what we’ve been discussing
this hones in on that public employer bargaining unit relationship, their liability is to each other and as is current law right now, the employee is kind of carved out of that, so if the employee, as we’ve seen in some cases, as I mentioned, if the employee wants to sue it’s bargaining unit for three years of back dues and they say after Janus I should get all that money back, nothing in this section impairs the employees right to bring that kind of suit.

Through you.

DEPUTY SPEAKER HENNESSY (127TH):

Representative Fishbein.

REP. FISHBEIN (90TH):

Thank you, Mr. Speaker.

And then there is a provision in there having to do with the unions use of governmental buildings for the purposes of meeting and am I to understand that the government would be entitled to compensation based upon its reasonable usual practices for utilization of those government
buildings.

Through you, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you, Mr. Speaker.

That is correct. Give you an example, let’s say they want to hold a brief meeting after hours at a board of Ed building with their members for an hour with my board of Ed we would allow public access but you had to pay for that hour of the janitor’s service who had to be there after hours to keep the building open. If that is your practice as written then that practice applies, it applies to the labor union in that case. You can’t discriminate, you can’t suddenly say I am going to charge them $300 dollars when I only charge everybody else $100 dollars, you can’t do that but if your written practice is, if one exists, is to charge then the organization has to pay that charge.

Through you.
DEPUTY SPEAKER HENNESSY (127TH):

Representative Fishbein.

REP. FISHBEIN (90TH):

Thank you, Mr. Speaker. Am I to understand since those meetings are contemplated to take place in public spaces that those meetings would be subject to the Freedom of Information Act?

Through you, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

You know, I don’t know off the top of my head but whatever provisions of the Freedom of Information applies, they apply. This Amendment does not change any of that. So if they are FOI able they are FOI able, if they are not they’re not. I would be hard pressed to think how they would come under any exclusion to FOIA but if they did they would be excluded but my assumption is they wouldn’t be and they would be subject to FOIA.

Through you.
DEPUTY SPEAKER HENNESSY (127TH):

Representative Fishbein.

REP. FISHBEIN (90TH):

Thank you, Mr. Speaker. And then since this Bill has to do with the right of an employee to support, join a union does a member of a bargaining unit have a choice of the union that he or she supports through a vote?

Through you, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you, Mr. Speaker.

We did talk about this earlier today with the other contract. Yes, there is that initial election of who the bargaining unit is going to be. Now if you are a new employee you are coming on board with an existing bargaining unit and then typically there are provisions with respect to how often the employees can vote to so-called decertify the union and chose a different bargaining unit and that is
usually varies contract by contract.

Through you.

DEPUTY SPEAKER HENNESSY (127TH):

Representative Fishbein.

REP. FISHBEIN (90TH):

Thank you, Mr. Speaker. And does his language presently have any specific provision of having to do with the certification of the union?

Through you, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

Representative D'Agostino.

REP. D'AGOSTINO (91ST):

Through you.

It does not.

DEPUTY SPEAKER HENNESSY (127TH):

Representative Fishbein.

REP. FISHBEIN (90TH):

Thank you, Mr. Speaker. Mr. Speaker my understanding is that the Clerk is in passion of an Amendment that being LCO 9835. I would ask the Clerk be allowed to call the Amendment and that I be
grated leave to summarize.

DEPUTY SPEAKER HENNESSY (127TH):

Representative could you repeat the number again please.

REP. FISHBEIN (90TH):

Sure, 9835.

DEPUTY SPEAKER HENNESSY (127TH):

Will the Clerk please call LCO No. 9835 which will be designated House Amendment “B”.

CLERK:

House Amendment Schedule “B” LCO No. 9835 offered by Representative Fishbein and Representative Poletta.

DEPUTY SPEAKER HENNESSY (127TH):

The Representative seeks leave of the Chamber to summarize the Amendment. Is there objection to summarization? Is there objection? Hearing none, Representative Fishbein you may proceed with summarization.

REP. FISHBEIN (90TH):

Thank you, Mr. Speaker. The Amendment before
us would require a union to allow a vote by secret ballot to recertify the union every four years at the union’s cost. Failure to conduct a vote automatically decertifies the union and that union and its affiliates are prohibited from representing that employee for one year. I urge the passage of the Amendment and I ask that when the vote be taken it be taken by role.

SPEAKER ARESIMOWICZ (30TH):

Role call will be so ordered. Will you remark further on the Amendment before us? Representative D'Agostino of the 91st District, sir you have the floor.

REP. D'AGOSTINO (91ST):

Thank you, Mr. Speaker, I do appreciate the spirit in which it is offered but as I just mentioned this typically varies contract by contract, you see, you know, sometimes it is actually more frequently than that, sometimes less this is a subject of usually collectively bargaining and already issues between the employees and their
particular bargaining unit so I don’t think there is a need to put that in statute and I would urge my members to reject the Amendment.

SPEAKER ARESIMOWICZ (30TH):

Thank you very much, sir. Will you remark further on the Amendment before us. If not will the Staff and guests to the Well of the House. Members please take your seats, the machine will be open. [Ringing]

CLERK:

The House of Representatives is voting by roll, Members to the Chamber. The House of Representatives is voting by roll, Members to the Chamber.

SPEAKER ARESIMOWICZ (30TH):

Have all members voted? If all the members have voted please check the board to ensure your vote is properly cast. If all members have voted, the machine will be locked the Clerk will take a tally.

The Clerk will announce the tally.
CLERK:

House Amendment Schedule “B”

<table>
<thead>
<tr>
<th>Description</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Number Voting</td>
<td>141</td>
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<tr>
<td>Necessary for Adoption</td>
<td>71</td>
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<tr>
<td>Those voting Yea</td>
<td>56</td>
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<tr>
<td>Those voting Nay</td>
<td>85</td>
</tr>
<tr>
<td>Absent not voting</td>
<td>10</td>
</tr>
</tbody>
</table>

SPEAKER ARESIMOWICZ (30TH):

The Amendment is rejected [Gavel]. Will you remark further on the Bill as Amended. Will you remark further on the Bill as Amended?

Representative Fishbein of the 90th District, sir you have the floor.

REP. FISHBEIN (90TH):

Thank you, Mr. Speaker. Now that the Amendment, you know, I think these things should be collectively bargained. I don’t know why the example was that recertification should be collectively bargained yet we are doing different with these other rudimentary things that should be collectively bargained and for that reason I will
not be supporting the Bill as Amended but I appreciate the exchange during the day, so thank you, Mr. Speaker.

SPEAKER ARESIMOWICZ (30TH):

Thank you very much, sir. Will you remark further on the Bill as Amended? If not will Staff and guests to the Well of the House. House members take your seats, the machine will be open. [Ringing]

CLERK:

The House of Representatives is voting by roll, Members to the Chamber. The House of Representatives is voting by roll, Members to the Chamber.

SPEAKER ARESIMOWICZ (30TH):

Have all members voted? If all members voted please check the board to ensure that your vote has properly cast. If all members have voted, the machine will be locked the Clerk will take a tally.

The Clerk will announce the tally.

CLERK:
House Bill No. 6395 as Amended by House “A”

Total Number Voting 141
Necessary for Passage 71
Those voting Yea 83
Those voting Nay 58
Absent not voting 10

SPEAKER ARESIMOWICZ (30TH):

The Bill as amended passes [Gavel]. Are there any announcements or introductions? Representative Ritter of the 1st District, sir you have the floor.

REP. RITTER (1ST):

That will bring to a conclusion our business for today. We will be back in tomorrow at 11:00 a.m. on the dot and we will see you then, drive safely. Thank you.

SPEAKER ARESIMOWICZ (30TH):

Thank you very much, sir. Are there any other announcements or introductions? Representative Betts of the 78th, you have the floor, sir.

REP. BETTS (78TH):

Thank you, Mr. Speaker. For the Journal
Notations for missed votes:
Representative Kokoruda doctor appointment.
Representative Labriola was back in the district.
Representative Camillo illness.
Representative Hill had to go back for family event. Thank you very much.

SPEAKER ARESIMOWICZ (30TH):
Thank you very much, sir. Representative Klarides of the 114th, madam you have the floor.

REP. KLARIDES (114TH):
Thank you, Mr. Speaker. Mr. Speaker tomorrow morning at 10:30 the House Republicans will be caucusing in our Caucus Room.

SPEAKER ARESIMOWICZ (30TH):
Thank you very much, madam. Are there any other announcements or introductions? Hilda Santiago of the 84th District, madam you have the floor.

REP. SANTIAGO (84TH):
Thank you, Mr. Speaker. For purposes of
Journal Notation: Illness: Godfrey, Rose, Felipe, Garibay. Out of the Chamber: Paolillo. In district business was Stallworth, Perone, de la Cruz, Felipe, Currey, Genga, Serra.

For personal it was Tercyak and Currey. Thank you, Mr. Speaker, that’s it.

SPEAKER ARESIMOWICZ (30TH):

Thank you very much, madam. Representative Currey I believe all the announcements have ended and sir, you’re up.

REP. CURREY (11TH):

And with pleasure. Thank you, Mr. Speaker. There being no further business on the Clerk’s desk I move that we adjourn subject to the Call of the Chair.

SPEAKER ARESIMOWICZ (30TH):

Question before the Chamber is on adjournment subject to the Call of the Chair. Is there objection? Is there objection? Seeing none, we are adjourned [Gavel].
(On motion of Representative Currey of the 11th District, the House adjourned at 11:00 o'clock p.m., to meet again at the Call of the Chair.)
CERTIFICATE

I hereby certify that the foregoing 577 pages is a complete and accurate transcription of a digital sound recording of the House Proceedings on Wednesday, May 29, 2019

I further certify that the digital sound recording was transcribed by the word processing department employees of Alpha Transcription, under my direction.

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