

CONNECTICUT GENERAL ASSEMBLY

SENATE

Thursday, May 13, 2021

The Senate was called to order at 3:08 p.m., the President in the Chair.

THE CHAIR:

Will the Senate, please come to order. Members and guests, please rise and direct your attention to Ms. Kathy Zabel of Burlington, our frequent guest Chaplin.

GUEST CHAPLIN KATHY ZABEL:

Teach us the secret of loving. Help us to love one another and not put off until tomorrow the loving words we can say today.

THE CHAIR:

And Senator Witkos, could you please join us to lead the -- sorry, Senator Witkos, you have been upstaged by Senator Patricia Billie Miller. And it's an honor to welcome you here for the first time as a Senator doing the pledge. Welcome, Madam.

SENATOR MILLER (27TH):

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.

THE CHAIR:

Thank you so much, Senator Billie Miller. It's an honor to have you with us.

And with that, good afternoon, everyone. So nice to see everybody since we just left each other so recently. Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, is there a business on the Clerk's desk?

THE CHAIR:

I believe Mr. Clerk has some business.

CLERK:

Good afternoon. Clerk's in possession of Senate Agenda No. 1, dated Thursday, May 13, 2021.

THE CHAIR:

Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. I move all items on Senate Agenda No. 1 dated Thursday, May 13th, 2021, to be acted upon as indicated and that the Agenda be incorporated by reference into the Senate Journal and Senate Transcript.

**No. 1  
REGULAR SESSION  
Thursday, May 13, 2021**

**BUSINESS FROM THE HOUSE:**

**INTRODUCTION OF HOUSE BILLS AND RESOLUTIONS:**

**HOUSE BILL(S) FAVORABLY REPORTED - to be tabled for the calendar.**

**HOUSING COMMITTEE**

**SUBST. HB NO. 6531** AN ACT CONCERNING THE RIGHT TO COUNSEL IN EVICTION PROCEEDINGS. (As amended by House Amendment Schedule "A" (LCO 8289))

**HUMAN SERVICES COMMITTEE**

**SUBST. HB NO. 6320** AN ACT CONCERNING THE AUTISM SPECTRUM DISORDER ADVISORY COUNCIL.

**JUDICIARY COMMITTEE**

**SUBST. HB NO. 6665** AN ACT CONCERNING THE REMOVAL OF RESTRICTIVE COVENANTS BASED ON RACE AND ELIMINATION OF THE RACE DESIGNATION ON MARRIAGE LICENSES. (As amended by House Amendment Schedule "A" (LCO 7946))

**JUDICIARY COMMITTEE**

**HB NO. 6380** AN ACT CONCERNING THE DISCLOSURE OF SALARY RANGE FOR A VACANT POSITION. (As amended by House Amendment Schedule "A" (LCO 8329))

**PLANNING AND DEVELOPMENT COMMITTEE**

**SUBST. HB NO. 6645** AN ACT CONCERNING THE STATE PLAN OF CONSERVATION AND DEVELOPMENT. (As amended by House Amendment Schedule "A" (LCO 7953))

**HOUSE JOINT RESOLUTION(S) FAVORABLY REPORTED** - to be tabled for the calendar.

**HJ NO. 371** RESOLUTION ADOPTING THE STATE PLAN OF CONSERVATION AND DEVELOPMENT, "CONSERVATION AND DEVELOPMENT POLICIES: THE PLAN FOR CONNECTICUT, 2018-2023".

**EXECUTIVE AND LEGISLATIVE NOMINATIONS COMMITTEE**

**HJ NO. 372** RESOLUTION CONFIRMING THE NOMINATION OF **NICHOLAS KAPOOR** OF MONROE TO BE A MEMBER OF THE COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES.

**EXECUTIVE AND LEGISLATIVE NOMINATIONS COMMITTEE**

**HJ NO. 373** RESOLUTION CONFIRMING THE NOMINATION OF  
**JOHN W.**  
**BETKOSKI III** OF BEACON FALLS TO BE REAPPOINTED A  
UTILITY  
COMMISSIONER OF THE PUBLIC UTILITY REGULATORY  
AUTHORITY.

**GOVERNMENT ADMINISTRATION AND ELECTIONS COMMITTEE**  
**SUBST. HJ NO. 58** RESOLUTION PROPOSING A STATE  
CONSTITUTIONAL  
AMENDMENT TO ALLOW NO-EXCUSE ABSENTEE VOTING.

THE CHAIR:

So ordered.

SENATOR DUFF (25TH):

Thank you, Madam President. I would now like to yield to Senator Formica, who has a point of personal privilege, and I believe, followed by Senator Witkos and any other Member.

THE CHAIR:

Good afternoon, Senator Formica. And, who do we have here?

SENATOR FORMICA (20TH):

Good afternoon, Madam President. Thank you, Senator Duff. I'm very honored today to introduce to the Chamber, John Hayes. John is a Trinity student, a junior, majoring in political science. He interned with us this session and, as you know -- just stand right here.

And, as you know, this is probably one of the more difficult sessions to intern in, being that we're in Zoom. But John was an incredible help to us in our office when he had the opportunity to come in and help my great aide Kim with clerical work and moving business forward. But he also participated on many

Zoom meetings. And you know, these kids in college today are so much smarter than certainly. I was way back in the day. He was able to pick things up, and I thought he got a very good experience.

I'm grateful that he's able to join us this session. Today is his last day as an intern. He'll be finishing up his junior year. And so I'm hopeful that the Senate Chamber will join me in giving John a warm welcome, and a thank you for his great service to the state of Connecticut.

(MEMBERS):

(applause).

THE CHAIR:

Good luck. And we're reserving one of these red seats for you.

Good afternoon, Senator Witkos.

SENATOR WITKOS (8TH):

Good afternoon, Madam President. It's a pleasure to be here again today. I rise for recognition of something that occurred decades ago. And what I'm referring to is when President John F. Kennedy made a official Presidential Proclamation naming this week to be National Police Week. He did so to remind folks about the men and women who have put their lives in the line and lost them, and sacrifice while protecting others. And this year, National Police Week is celebrated May 9th through the 15th.

As somebody who spent 28 years in law enforcement, and I won't say they were long because even though the year was long, the time flew by so fast. Personally speaking, I had the opportunity to see people at the greatest times of their lives, and unfortunately, sometimes at the worst time periods of their lives, and everything in between. And it's

a career that I wouldn't have changed for anything because I believe the heart and soul that made me who I am today; exposed me to so many different things that I normally would not have ever experienced in my lifetime.

And I also wanted to offer thanks to the men and women of the Connecticut State Police and the Capitol Police who are out here protecting each and every one of us every day, making us feel safe, coming to work, doing the people's business, and to the men and women across not only the state of Connecticut, but across this country who go to work 24 hours a day, seven days a week, without a stop. Putting their lives on the line to make sure that democracy prevails, and justice prevails.

And with that, Madam President, if it's okay with you, I would like to yield to Senator Champagne.

THE CHAIR:

Thank you, Senator Witkos. Do you accept the yield, Senator Champagne?

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. Yes, I do. I also rise in honor of the National Police Week. And after doing 22 years in law enforcement, you know, it's a difficult career, and I honor every man and woman that's in that career right now. I basically feel I will never go back to it. I'm too old. But boy, when something comes in, I do want to run to it and give as much help as I possibly can.

I don't think people quite understand the difficulties that you face as a policeman, and the scars that you take both physically and emotionally when you leave that line of work. And especially in our time right now in our country where there's just so much difficulty surrounding the job and the nationally, the amount of officers dying this year

is ahead of other years. And in the past week, I believe we're at a dozen deaths across our great country.

So I do want to honor those officers that made the ultimate sacrifice for our communities. And I do pray that our country comes together as one as we move forward. Thank you, Madam President.

THE CHAIR:

Thank you, Senator. Senator Duff. Mr. Clerk? Senator Duff.

SENATOR DUFF (25TH):

Thank you. Thank you, Madam President. Madam President, for the markings?

THE CHAIR:

Please proceed.

SENATOR DUFF (25TH):

Thank you, Madam President.

On Calendar Page 10, Calendar 155, Senate Bill 975. Like to mark that go. On Calendar Page 13, Calendar 195 Senate Bill 908. Like to mark that item go.

THE CHAIR:

So ordered.

SENATOR DUFF (25TH):

On Calendar Page 43, Calendar 237, Senate Bill 1045. Like to mark that item go.

THE CHAIR:

So ordered.

SENATOR DUFF (25TH):

Calendar Page 7, Calendar 126, Senate Bill 837. Like to mark that item go.

THE CHAIR:

So ordered.

SENATOR DUFF (25TH):

On Calendar Page 22, Calendar 301, Senate Bill 83. Like to mark that item go.

THE CHAIR:

So ordered.

SENATOR DUFF (25TH):

On Calendar Page 13, Calendar 197, Senate Bill 120. Like to mark that item go.

THE CHAIR:

So ordered.

SENATOR DUFF (25TH):

On Calendar Page 39, Calendar 420, House Bill 5653. Like to move for suspension, and mark that item as go.

THE CHAIR:

So ordered.

SENATOR DUFF (25TH):

Thank you, Madam President. Will the Clerk, please call the first Bill?

THE CHAIR:

Mr. Clerk.

CLERK:

Page 10, Calendar 155, substitute for Senate Bill No. 975, AN ACT STRENGTHENING THE BILL OF RIGHTS FOR LONG-TERM CARE FACILITY RESIDENTS.

THE CHAIR:

Good afternoon, Senator Miller. Nice to see you bringing out a Bill today.

SENATOR MILLER (27TH):

Thank you, Madam President. And it's good to see you up there today, since we left this morning. Madam President, I move for acceptance of the Joint Committee's Favorable Report and passage of the Bill. Excuse me.

THE CHAIR:

The question is indeed on passage. Will you remark?

SENATOR MILLER (27TH):

Yes, Madam President. The Clerk is in possession of an Amendment LCO 8481. I ask that the Clerk, please call the Amendment, and I'd be given leave to summarize.

THE CHAIR:

Mr. Clerk.

CLERK:

LCL No. 8481. Senate Schedule "A".

THE CHAIR:

Senator Miller.

SENATOR MILLER (27TH):

Thank you, Madam President. This bi-partisan Amendment incorporates House Bill 6552as amended. Which gives nursing home residents, the right to use the technology of their choice for virtual visitation and virtual monitoring. And makes a technical change clarifying the agencies, which generally oversee complaints concerning long-term care.

It was incorporated because the industry was concerned that the underlining Bill did not include the process was establishing policies and procedures for the use of the technology, and this Amendment addresses that concern.

The language concerning the right to virtual visitation, virtual monitoring, was among the recommendations of a bipartisan working group that met throughout the pandemic on ways to improve the lives of long term care facility residents who were isolated and cut off from friends and families.

The Amendment provides that residents may use technology of their choice for virtual visitation and virtual monitoring provided any recordings and images are not used in such a way as to violate privacy rights under state and federal law of any other individual.

To use such technology, a resident or resident Representative must obtain written consent of any roommate file a notice with the long-term care facility a week in advance with such consent. A description of the technology and intended use in a waiver of all liability for the long-term care facility related to resident use of the technology.

Residents must purchase, install, and maintain the technology at their own expense, and cease use if a roommate withdraws consent. Facilities must place a notice near building entrances and on the doors of residents using such texts -- I'm sorry, technology. That technology may enable virtual monitoring and may be in use.

At least eight other states have laws allowing cameras for virtual visitation and monitoring in nursing homes. Including Illinois, Maryland, New Mexico, Oklahoma, Texas, Utah, Virginia, and Washington. Madam President, I move adoption.

THE CHAIR:

And the question is on the adoption of the Amendment before the Chamber. Will you remark further on the Amendment? Good afternoon, Senator Kelly.

SENATOR KELLY (21ST):

Good afternoon, Madam President. Thank you very much. And good afternoon. I rise in support of this Amendment, and would like to thank the good Chairwoman of Aging for her work and diligence with regards to the Amendment and getting it before the Circle.

She did reference a workgroup. And one of the issues I've had with that workgroup was that the workgroup did not include the Aging Committee. Which I think was a very central aspect because we're the Committee of cognizance for seniors.

Despite that, this is a good initiative, but I do want on the legislative record here for legislative history is that our focus remains the individuals, the seniors who are oftentimes, as we know, going back to last March, when their families were prohibited from going into the facilities, and they didn't have a way to communicate, that the Bill of rights that we're amending is going to create a home

environment for these individuals, to give them the right to be connected with their family.

And so, when we look at this Bill, and if anybody were to look at this in the future, we need to make it sure, and make it be known that, our focus is to protect the resident that lives in the facility. Yes, waivers are good. Consent is necessary. However, a facility should not be allowed to put people in rooms with individuals who don't want to give consent. They should seek and endeavor to make sure they match up individuals who would want this type of communication to go forward.

And they should facilitate this with families to make sure that we don't have a situation like we did last spring, where family members were cut off from their loved ones. And we must never forget the people who reside in nursing homes, or those that do have a diminished capacity, and need family members to be their boots on the ground, their eyes, and ears, to make sure that the care that they deserve is delivered. So to that end, I thank Senator Miller for bringing this forward and putting this together. And I certainly rise and hope that it passes. Thank you.

THE CHAIR:

Thank you, Senator Kelly. Will you remark further on the Amendment before the Chamber? Senator Witkos.

SENATOR WITKOS (8TH):

Thank you, Madam President. If I may, I just have one question to the good Chair, Senator Miller.

First of all, I'd like to say, welcome to the Senate Chamber. We had a chance to chat before we got session started today. And although I've had the opportunity to work with Senator Miller on Committees for several years, we'd never had a

chance to serve together in the Chamber. So welcome to the Circle, Senator.

And I know it was customary in the House when a freshmen brought out their first Bill that everybody showed up and asked a lot of questions, or everybody pushed the button the wrong way. And I'm not doing that to you.

But I do have one quick question. In the Amendment, it speaks that it's the responsibility of the facility to provide internet service and electricity for the resident if they want to have a virtual monitoring system established in their room. Is there any requirement that says it has to be additional monies have to be spent in order to have that mechanism placed in a certain area?

And I'm thinking of examples where if you're in a small room setting, if you will, there may be some outlets behind a bed stand where there's a lamp or a fixture on the wall immediately just above, or a patient may be able to reach. But a family member come in and say, "I want it kind of a fishbowl view of the room. So I kind of want something mounted up higher, and I need electrical service. There is no electrical component up there." would the facility, be required to make the expense to pay, to have that done, or would that be on the resident or the resident's family to pay for something like that? Through you, Madam President.

THE CHAIR:

Senator Miller.

SENATOR MILLER (27TH):

Thank you, Madam President. And through you. My understanding that the facility can not charge the family for any infrastructure changes. That the internet service, they have to provide free internet service. Their Bill does not address where it could

be placed, but I do know that the facility cannot impede the family from having the material -- not materials, but the equipment installed. Thank you. Through you, Madam President.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS (8TH):

Thank you, Madam President. I thank you for that answer. And I hope that the facilities understand the importance of why the legislation's here before us today. You know, as Senator Kelly so rightly said, they were separated from their loved ones for almost a year. And this actually would allow that type of a virtual visitation, if God forbid anything like this ever happens again.

Or you may have a family member that lives out of state, and doesn't have the opportunity to travel back and forth to go visit a loved one in a facility, and can do so now almost on a daily basis if where they have this technology available to them. So I hope that given our colloquy here between Senator Miller and myself, that the facilities will work with the families of the residents to make sure that we can provide the electricity, which they requires them to provide internet service, but makes it in the location where the family members can actually see their loved ones while they're in their room. Thank you, Madam President. Thank you, Senator Miller.

THE CHAIR:

Thank you. Senator Miller, do you --

SENATOR MILLER (27TH):

Yes, Madam President. If there are no objections, I will move to have this placed on the Consent Calendar.

THE CHAIR:

Before we do that, Senator, we do want to see if anyone else would like to remark on the Amendment because we will act on the Amendment first. So, will you remark further on the Amendment before the Chamber? Will you remark further on the Amendment? If not, let me try your minds. All in favor of the Amendment, please signify by saying aye.

(MEMBERS):

Aye.

THE CHAIR:

Opposed? The ayes have it, and the Amendment is adopted. And now we will discuss the Bill as amended. Will you remark further on the Bill as amended? Senator Miller.

SENATOR MILLER (27TH):

Thank you for helping the freshmen, Madam President. Madam President, before I discuss the Bill, I want to thank my colleague the Representative -- I'm sorry, Senator. I'm still in the Representative mode. Senator Kelly, and for his leadership, the Aging Committee's leadership for his expertise.

In my 12 years of being in the legislature, I've never been on a committee where it's been bipartisan on every Bill, and everyone is on the same page. And so I appreciate being on this Committee because it's definitely a new experience. But just the passion that every Member has for the seniors or older adults of this state. And so I want to thank them for their leadership on all the Bills that came forth this session.

Madam President, the Bill adds to the patient Bill of rights for nursing homes, residential care homes, and chronic disease hospitals subject to facility rules regarding the health, privacy, and wellbeing of all patients. The right to treat their living areas as their homes with no less rights as any other resident of the state.

The state's long-term care ombudsman has emphasized that these are more than rooms for patients, but they have considered them their homes. The patients considered this their homes. And this right includes the use of technology to maintain virtual connections with friends and family. No fuel rights generally means the constitutional right to life, liberty, and the pursuit of happiness, subject to rules and safeguarding others. Manage residential community members generally have private residents and brought leeway to use technology of their choice.

By many, we're similarly isolated during the pandemic. And I want to stress that again. Many of our residents were isolated during the pandemic, where they couldn't see their friends and family. And if any of us have had family members who are seniors, you know how important that connection is to them. And we know if you've ever experienced working with seniors, you know how difficult change is for them. And so that's what this, the birth, the impetus for these type of Bills.

The Bill also explicitly includes the right to for redress of grievances. Residents generally can file grievances regarding care, but the ombudsman and a bipartisan working group felt that this language should be explicit in the statute. Madam President, I move adoption.

THE CHAIR:

And I appreciate that. And Madam Senator, would you like this on the Consent Calendar? Because I know that request was made, so. Okay. So the request is to put this on Consent. So, would there be an objection to adding this item to the Consent Calendar? If not, we will move the item to the Consent Calendar. Mr. Clerk -- Oh, pardon me. Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Will the Senate stand at ease for a moment?

THE CHAIR:

The Senate will stand at ease.

SENATOR DUFF (25TH):

Thank you, Madam President. Will the Clerk call the next Bill on the Calendar, please?

THE CHAIR:

Mr. Clerk.

CLERK:

Page 13, Calendar No. 195, substitute for Senate Bill No.908, AN ACT CONCERNING ACCESS TO CERTAIN PUBLIC EMPLOYEES BY THE EXCLUSIVE BARGAINING REPRESENTATIVE OF A PUBLIC EMPLOYER BARGAINING UNIT. There are Amendments.

THE CHAIR:

Senator Kushner. Good afternoon. We'll get your mic on. There you go.

SENATOR KUSHNER (24TH):

Is it on?

THE CHAIR:

I think we hear you now.

SENATOR KUSHNER (24TH):

Can you hear me?

THE CHAIR:

We can.

SENATOR KUSHNER (24TH):

Thank you, Madam President. I move acceptance of the Joint Committee's Favorable Report and passage of the Bill.

THE CHAIR:

And the question is on passage. Will you remark?

SENATOR KUSHNER (24TH):

Thank you, Madam President. This is a Bill that establishes requirements for public employers and municipalities, and local or regional boards of education to provide public employee unions with certain information about new and current employees. It also provides for access to new employee orientations, and access to the employees they represent, and access to government buildings and facilities. The Bill also establishes requirements and criteria related to payroll deductions for employee union contributions, among other things.

So, essentially this Bill will provide the mechanisms and the procedures that will give employee public unions, the right to access employees that are covered by the collective bargaining agreements that govern the terms and conditions of employment.

Madam President, this Bill generated an OLR and LCO note, these are technical notes, but they have been addressed further by an Amendment. So, I would like to ask if the Clerk could call LCO Amendment No.7896.

THE CHAIR:

Mr. Clerk.

The Senate will stand at ease while we locate the Amendment.

Would you like to repeat the number of the Amendment, Senator Kushner?

SENATOR KUSHNER (24TH):

Give me one minute, Madam President, please.

THE CHAIR:

Sure.

SENATOR KUSHNER (24TH):

8219.

THE CHAIR:

8219, Mr. Clerk.

SENATOR KUSHNER (24TH):

And if you would allow, I would like to summarize the Amendment.

THE CHAIR:

Let's make sure we have it. Do we have it, Mr. Clerk?

CLERK:

LCO No. 8219, Senate Schedule "A".

THE CHAIR:

Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. This is a technical Amendment. It was created out of some concerns for conformity and making sure that it was written in the proper statutory language. And so, it's basically a technical Amendment.

THE CHAIR:

Thank you, Senator Kushner. Will you remark further on the Amendment that is before the Chamber? Good afternoon, Senator Sampson.

SENATOR SAMPSON (16TH):

Good afternoon, Madam President. And thank you for the recognition. I hate to disagree with the good Chair of the Labor Committee. But I don't see this Amendment as a technical Amendment at all. It does three separate changes to the language of the Bill. The first and third one I'm less concerned with, but the middle change, which says, in line 85, strike the words and, if possible, from the language of the Bill is a "substantive policy change", and I think a very significant one.

Before I get into what my perception is, let me ask the Chairman, through you, Madam President, how she sees this language changes the Bill, and why she would characterize it as simply technical? Through you, Madam President.

THE CHAIR:

Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. In this section of the Bill, it provides that the employer will provide information applicable to the collective bargaining unit, to the collective bargaining agent. And it says that the file format agreed to by the exclusive Representative in it will get the information in editable digital file format agreed to by the exclusive bargaining representative. And it lays out the various points of information that they would be required to provide to the union.

THE CHAIR:

Senator Sampson.

SENATOR SAMPSON (16TH):

Thank you, Madam President. I appreciate the reading of the language in the Bill. But we didn't get to the point of the Amendment, which is the omission of the term, "if possible". What technical changes is made there? Through you, Madam President.

THE CHAIR:

Senator Kushner.

SENATOR KUSHNER (24TH):

This actually just says that you must provide all of this information, and that is, if possible, is superfluous, because in fact, the employer is in possession of all of that information.

THE CHAIR:

Senator Sampson.

SENATOR KUSHNER (24TH):

Thank you, Madam President. I appreciate that answer. I would not characterize that as superfluous personally, because essentially what we are doing is, is making a significant policy change from suggesting to the municipal employer or the state employer that they must provide this information only if possible. And by removing the term, "if possible", we are creating a mandate that suggests that they have to provide this information.

That's the first point, which I believe that's a substantive change. Because when someone asks me to bring them a million dollars, if possible, I don't feel obligated. But if I have to do it, that presents a little bit more difficulty. And that's what's going on here. We're making a substantive change.

So I would just be careful about, you know, characterizing an Amendment that really makes something that's very substantive as merely technical. Because I don't believe anyone would say that that is a technical change if they really analyze the difference in policy.

But the second part of my concern about this is, that I believe what's happening here is we are actually creating a substantial problem and a conflict with another statute. There is a statute that we currently have on the books, which is Section 31-128f of the Connecticut general statutes.

And I will just read the highlights of it, which basically says that, "Employee's consent is required for disclosure." It says, "No individually identifiable information contained in the personnel file or medical records of any employee shall be disclosed by an employer to any person or entity not employed by or affiliated with the employer without the written authorization of such employee."

And it does have an exception. And that exception is a couple of different things. The only one that's relevant to the Bill, though, is Number 6, which is where the information is disseminated pursuant to the terms of a collective bargaining agreement.

And the reason why I ran into this statute is because I was actually looking at some collective bargaining agreements, Madam President. And I was looking at the attorney General's Office and their collective bargaining agreement. And I discovered this language, which I believe is in direct conflict with this Bill, if this Amendment passes. Because on one hand, we're suggesting in the existing statute, which remains unchanged by this Bill or Amendment that says that, "No employee information can be disseminated or shared without written consent or as part of a collective bargaining agreement." And what this language would change the existing or create a new law that is in direct conflict.

So we would end up with two laws, Madam President. We would end up with one law that says, "You can't do this unless you have it in a collective bargaining agreement." And you would have another law created today if this Amendment and Bill passes, which says that, "This information could be required and not, if possible, as a mandate."

So, I have a question, through you, Madam President, for the proponent of the Bill. I just like to ask the Chairwoman, what she thinks about this situation? And how do we address the fact that we would end up with two conflicting statutes in our laws? Through you, Madam President.

THE CHAIR:

Senator Kushner.

SENATOR KUSHNER (24TH):

I feel this is within our rights as a legislature to make a law that says that under these circumstances of collective bargaining, in this case, new employees would be -- the public employer would be, would be required to provide this information to the union. And I don't think the fact that two different statutes say two different things is a problem. So I don't think this would create any conflict. And I think, in fact, if there was a conflict that should be of concern, we would have been notified by OLR of that. Thank you, Madam President.

THE CHAIR:

Senator Sampson.

SENATOR SAMPSON (16TH):

Thank you, Madam President. I appreciate the answer. But again, I have to disagree. I don't believe it is within our purview to be creating conflicting laws. I think laws are only relevant, and I think this is a consistent part of our system of laws and justice. And something that comes up in lots of judicial arguments and debates about whether or not there is clarity to the public on what our laws actually are.

So, I too disagree completely that you can have two conflicting laws passed and enforced at the same time. Madam President, through you. Would the Chairwoman suggest that one of these laws take precedent over the other? Through you, Madam President.

THE CHAIR:

Senator Kushner.

SENATOR KUSHNER (24TH):

I think the Bill before us is very clear that in the instance where there is a collective bargaining agreement, then the public employer would be

required to provide this information to the union Representatives. And I think that's very clear, and it would be no conflict and would be required of any public employer.

THE CHAIR:

Senator Sampson.

SENATOR SAMPSON (16TH):

Thank you, Madam President. Again, I appreciate the answer. And it looks like I'm not going to get anywhere here. I am sincerely trying to bring up a genuine concern about how we're passing this law. It's not even a suggestion of whether I agree with this policy or not. I believe that when we pass legislation through this Chamber and pass it into law, we owe it to our constituents to make sure that it is completely clear to them what the law is.

And it is my assertion, and I'd like it for the record, that if this Amendment passes and this Bill ultimately becomes law, it will, in fact, become indirect conflict with section 31-128f. And that's on the record right now. So I would leave it up to folks in the future to make use of that information for whatever purpose necessary.

And I suppose we'll move on. I will encourage my colleagues to vote against the Amendment before us, because I do believe it creates an additional and substantial mandate on municipal employers and the state. And therefore, a burden that might result in higher property taxes, and so on. And I believe it creates the conflict that I mentioned a moment ago. And if it has not already been asked for, I'd like a roll call vote. Thank you, Madam President.

THE CHAIR:

And a roll call vote will be ordered on the Amendment. Will you remark further on the Amendment that is before the Chamber? Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. I just do want to note for the record that the statute 31-128f, I believe that is the statute that was cited, says that "The employer shall not disclose this information to any person or entity not employed or affiliated with the employer." And I think there are good grounds to understand that, when an organization is formed by employees, that those employees in their organization are affiliated with the employer. So, I don't think there is a conflict here.

And in fact, I just want to point out to my colleagues that I believe that this has been a practice for many, many years. And I don't believe that we will have any problem interpreting the statute should this Bill pass. So, I would urge all of my colleagues to vote no on the -- to vote yes on the Amendment. I'm getting confused which Amendment. I'm jumping ahead.

THE CHAIR:

Will you remark further on the Amendment? Senator Witkos, to be followed by Senator Formica. Senator Witkos.

SENATOR WITKOS (8TH):

Thank you, Madam President. I apologize, Senator Formica, for jumping up. I just had a quick question, if I may. You had stated that in response to questioning by my colleague Senator Sampson, that it was technical in nature. And one of the things that you both spoke of and said there was not an issue but not knowing the details of this section of our statutes. I'd like a further explanation if I could, on the last part of the Amendment where it

says, in line 173, "Strike these two particular sections." I think it was 5-272, and it was 5-274. What are those referencing in those statutes? If I may. Through you, Madam President.

THE CHAIR:

Senator Kushner.

SENATOR KUSHNER (24TH):

My understanding is, both of those references were here in air, and that they are not relevant to the Bill. And it's 5-272 and 7-470.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS (8TH):

Thank you, Madam President. I'm going to ask the question in a different way, because I didn't get the answer that I'm looking for. Because it doesn't -- and I'm searching for an answer. I'm searching for an understanding of, this particular section of the Bill talks about, if there's a dispute, there should be a proceeding, and it should be resolved through the proceeding. And then it named Sections, I'm assuming that we just talked about, 5-272, 5-274, 7-470. And that must be, I guess, a directive of how the proceedings go. I'm not familiar with those Sections of the statute. And that's what I was looking for a clarification. Does it remove or change the way the proceeding is administered? Through you, Madam Chair. By removing those two Sections of the Bill, what does that do?

THE CHAIR:

Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. Those two citations do not apply here because they do not govern the arbitration process for public sector.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS (8TH):

Thank you, Madam President. I thank the gentlewoman for the answer. I have a better clear understanding now. Thank you.

THE CHAIR:

Thank you, Senator. Will you remark further? Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. I rise on the Amendment. And I just have a couple of questions for the Senator in regards to the change to No. 85, where it says "if possible." We removed "and if possible." We're removing -- this is where we provide information on the employees that are being hired. The items listed there, and now are going to be required to give out, are those part of the personal identifiable information of the individual?

THE CHAIR:

Senator Kushner.

SENATOR KUSHNER (24TH):

I'm sorry, Senator Champagne, I didn't hear exactly what you said.

SENATOR CHAMPAGNE (35TH):

Are those part of the PII, the personal identifiable information, of that individual employee?

THE CHAIR:

Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. I think that it's very clear here, the information that's being requested. And I'm not sure about the term PII. It may be a term of art. But it is very clear in the Bill that each bargaining unit employee's name, job title, work-site location, work telephone number, date of hire, work electronic mail address, home address, and if authorized by the employee, additional personal information.

THE CHAIR:

Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President, and through you. Let me expand on this a little bit. As part of working with municipalities, the PII is information that can be used to gain information about the employee to be used to get into an employer's computer network. And essentially, the information that is now being requested that you want us to hand over to the union is information that is protected, especially with some job.

You know, these computer systems in municipalities and governments across the state of Connecticut are being hacked on a constant basis. So now we're giving this information to a third party. Some of this isn't even on our web pages, because we need to keep this a secret. And what guarantees do I have, through you, Madam President, that this information

is going to be protected and not used to break into the computer systems of our municipalities?

THE CHAIR:

Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. I don't think there is any question that this information has been provided to labor organizations historically and currently. And there's never been any question about it being used to break into employer and employee systems.

THE CHAIR:

Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. Well, some of this information is provided to the unions. But this goes a little further because we are now providing the worksite locations. We're providing our electronic mail address, home addresses. And yes, the employee can consent to home address, home cell phone number, the data hire, the work-site location, the job title.

So if I hire a brand new finance officer, he comes in, he provides all this information, and this is not information that you're going to find very easily. And now this information gets out and is released from the unions. Now I'm going to have emails coming that look like they're from my finance director. And they can use his personal information to try and get people to open up emails. That's what I'm talking about, the PII. Because when that happens, they start asking about where this PII information is.

And these aren't little. I mean, you're talking hundreds of thousands of dollars in damage, up to millions of dollars of damage. This information is very protected information. Now we have a statute saying, "Oh, we want you to release this, this, this, this, and this." And if that information gets out, that's a personal liability for our municipalities.

And now it's not possible, where we can say, "Okay, let's look at this and see what a danger to the municipality it's going to be." Now, we're saying, "You're going to have to give this over." And then the personal information, if the employee says so. And now we're going to have these personal identifiable information out there, and no guarantees. I don't know who this information gets shared with along the union lines. I don't know if it's sold information. I don't know anything. I'm just being told that you're going to release this. And I want to know, through you, Madam President, are the unions going to be held liable for the release of any of this information that can be used to enter our computer infrastructure?

THE CHAIR:

Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President, through you. I don't believe there's anything in this Bill that specifically addresses that kind of liability.

THE CHAIR:

Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. And, as far as the Amendment, I'm very concerned about this. I'm very

concerned about, you know, the precautions that we've taken. Karma, our insurance company for most municipalities across the state, is starting to drop that coverage because of the cost and the amount of intrusions into our system. And this is saying that, "I can no longer protect that information in our municipalities. We're just going to release it. You, you don't have a choice in here you go." And that is a danger and can cost municipalities millions of dollars. And right now, the insurance companies are telling us, "We're not going to cover you anymore."

So this is what you're telling your taxpayers. I want to pass this law, and you get all the liability. And I have a lot more liability questions that I'll talk about when we get into the main part of this Bill. Thank you.

THE CHAIR:

Thank you, Senator. Will you remark further on the Bill -- sorry, the Amendment that is before the Chamber? Senator Hwang.

SENATOR HWANG (28TH):

Thank you, Madam President. It's good to see you again. Deja vu all over again. I do have some questions to the proponent of this Bill as it relates to the "Technical Amendment". Through you, Madam President, if I can get some points of clarification?

THE CHAIR:

Please proceed.

SENATOR HWANG (28TH):

Thank you very, very much. Now speaking on the Amendment, it seems to me, as we look at Section 1, that line 45, we are now removing -- I'll read this sentence, "If such a demand is made, any procedure

prescribed pursuant to the general statute should apply. We are now replacing it "technically" with applicable arbitration. So, through you, Madam President, is that a technical change, or is that a new procedural process that we are now allowing for any, but now rather, to make it a binding requirement of an arbitration process? Through you, Madam President.

THE CHAIR:

Senator Kushner.

SENATOR KUSHNER (24TH):

This is a technical change to make it conform and be appropriate. And it says the "applicable arbitration procedure", which I think is clear.

THE CHAIR:

Senator Hwang.

SENATOR HWANG (28TH):

Thank you. Through you, Madam President. What applicable language is the good Chairwoman referring to? And again, I think the question was, is this technical, or is this a specific procedural change? The change of the word from "any", which is open to interpretation, to a specific guideline of an applicable arbitration process to me is beyond just technical. And if the good Chairwoman could articulate a little bit, what procedure is she playing to, or what existing language is she referring to, so I can better understand? Through you, Madam President.

THE CHAIR:

Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. Through you. I think this was a change that was recommended by LCO to clarify the Bill and make it clear that we were talking about arbitration procedures in this section of the Bill.

THE CHAIR:

Senator Hwang.

SENATOR HWANG (28TH):

Thank you. Through you, Madam President. I think the word "any" is a wide-ranging word. So, "any" could be any flow of interpretation. So are you saying that the LCO made the specific recommendation that this would be a change specific to applicable arbitration rather than leaving open the interpretation of any procedure prescribed pursuant to the general statute should apply? Under this statement, it is not simply in arbitration procedure. Through you. It is any prescribed pursuant to the general statute. So, through you, Madam President, is it not a narrow specification rather than a simple change of word for technical reasons? Through you, Madam President.

THE CHAIR:

Senator Kushner.

SENATOR KUSHNER (24TH):

Think the LCO was clear on reading this section of the Bill, that the Bill pertains to compulsory interest arbitration in the sentence prior to this and that it would be appropriate, and would provide more clarity if we were specific in saying, "the applicable arbitration procedure".

THE CHAIR:

Senator Hwang.

SENATOR HWANG (28TH):

Thank you. Again, we may be splitting hairs, and we do that in legislative interpretation, and being that language can be interpreted so many different ways. To me, it seems to be a change to an enforcement language, much more than just simply technical. But then we may agree to disagree.

On Section 2 of this, we are making a change of replacing the word "if possible". Now, if I may, I'm going to offer two different phrases. And I'd like to be able to get the Madam Chairwoman's interpretation to see if this is more than just a technical change. So if I may. If possible, you were to follow the US Supreme court ruling in Janus v. AFSCME, if possible, versus "if possible" was removed. It simply said to follow the United States Supreme court ruling of Janus v. AFSCME. Through you, Madam President, what would those changes mean from a standpoint of enforcement application versus technical? Through you, Madam President.

THE CHAIR:

Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. Through you, I believe that the proposed Amendment is clear, and I think everyone can think about it and come up with their own interpretation. I'm not going to try and figure out which interpretation you choose to ask me about. I think the whole purpose of writing this Bill and the LCO comment is that we're very clear. And I think the language is clear the way it's written.

THE CHAIR:

Senator Hwang.

SENATOR HWANG (28TH):

Madam President, I want to thank the good Chairwoman for her thoughts and statements on that. I was just simply asking for an interpretation, that if this was purely technical, not a enforcement or a applicability. I'm just simply asking, through you, Madam President, those two sentences, are there specific enforcement differences, or are they purely technical? Through you, Madam President. It's not an interpretation. It is explicitly written in this Amendment change that we are striking, "if any", or "if possible", to removing it, to make that an enforcement language.

Please, perhaps a LCO can offer some context. The good Chairwoman in leading the Committee is familiar with the interaction. Please, through you, Madam President, is that an enforcement difference? Not just simply a technical, but an enforcement difference?

And I'll repeat again, that these two phrases under the current existing language, if possible, you would need to follow the United States Supreme court ruling of Janus v. AFSCME. Now, if that language is removed in this Amendment as said, we will now say, "You will have to, or mandate it, to follow the United States Supreme court ruling of Janus v. AFSCME. I'm simply asking the Madam Chairwoman that, is that an interpretation of enforcement difference or is It purely technical? Through you, Madam President.

THE CHAIR:

Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. Through you, I believe this Amendment was suggested so that it would be

absolutely clear that it was a requirement of the employer to provide the information

THE CHAIR:

Senator Hwang.

SENATOR HWANG (28TH):

Again, we may be splitting hairs again, and it may be a different interpretation of technical versus enforcement changes in this Amendment. Number 3, what was stated is, the removal of Section 5-272. Through you, Madam President, what does that statutory section discuss? I am reading it online, and it says, Section 5-272 for the good Madam Chairwoman, and her staff support, "These are prohibited acts of employers and employee organizations as it relates to collective bargaining." Would that be correct? Through you, Madam President. And could the good Madam Chairwoman as to explain why, this being a technical change, why it was being removed? Through you, Madam President.

THE CHAIR:

Senator Kushner.

SENATOR KUSHNER (24TH):

My understanding is, these sections do not apply and therefore were taken out. And that was suggested by our OLR report.

THE CHAIR:

Senator Hwang.

SENATOR HWANG (28TH):

Thank you. And I appreciate the Madam Chairwoman saying that they did not apply. But, how did it not

apply? I'm just trying to wonder. It discusses Representative agents interacting and informing its Members, what parts of it did it not apply as it relates to these technical changes. Through you, Madam President.

THE CHAIR:

Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. This Section of the Bill describes what should happen if a dispute arises between the employee and the public employee organization regarding the existence, validity, or revocation of a payroll deduction authorization. And it describes that the dispute shall be resolved through a proceeding pursuant to sections and states. The Sections that are applicable are 5-274, 7-471, and 10-153e of the general statutes. The other two that were listed there were listed in error because they are not applicable.

THE CHAIR:

Senator Hwang.

SENATOR HWANG (28TH):

Thank you, Madam President. Then there I would even ask that, is Section 7-470 be the same applicability, because I understand this action to be prohibited acts of employers and employees as it relates to municipal employee actions. Is that not applicable as well? Through you, Madam President.

THE CHAIR:

Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. Through you, that section was suggested that it was not germane or relevant to this particular Section of the Bill, and therefore should not be listed there.

THE CHAIR:

Senator Hwang.

SENATOR HWANG (28TH):

Through you, Madam President. The good Madam Chairwoman raised an important question; not relevant versus germane. Can you explain the difference to me? I'm just trying to understand the relevance of that. Through you.

THE CHAIR:

Senator Kushner.

SENATOR KUSHNER (24TH):

My understanding is, they don't appear to include anything pertaining to these kinds of proceedings.

THE CHAIR:

Senator Hwang.

SENATOR HWANG (28TH):

Thank you. Again, we may agree to disagree. But as I read the section, it engages about municipal employees. So for me, you know, we've had some debates in this Circle in regards to the germaneness, but it seems to be pretty consistent. It's related to municipal employees, which this Bill is specifically addressing. But nevertheless, again, we may agree to disagree.

And I will close by simply saying that I believe this Amendment to be much, much more than this

simple technical revision. It significantly alters the enforcement and the mandated required actions of this statute rather than allow some aspects of permissiveness.

And I think the last thing I would leave that. I remember hearing the good Madam Chairwoman talk about, is the interaction of collective bargaining. As a four-year Member in the House, as the Ranking Member of Labor, I remember specifically looking at solutions to be able to address possible budget deficits and incredible challenges that we have. And I remember hearing repeatedly that collective bargaining is not a purview of the legislative process. Perhaps I'm thinking that the times have changed, and that we are looking at a different interpretation and input from a standpoint where the legislature can indeed have a position and interaction related to collective bargaining.

So I want to thank the Madam Chairwoman of Labor for articulating. Indeed, we might be going into a new time and era where collective bargaining could be in the purview of our legislative process. And perhaps indeed, we can make greater impact into the future where the legislature could have more of a voice in the collective bargaining process.

So I thank the Madam Chairwoman for her time on explaining the technical Amendment of this proposal. But again, I think it does more than just a technical change. I think it alters and creates significantly powerful enforcement mechanisms that shows over and over again, the magic of a few words in our legislative process and the powerful impact and the direction it could dictate in regards to how policies are impacting what we vote on in this General Assembly.

So thank you, Madam President. I want to thank the Madam good Chairwoman for her time. And I look forward to listening more in the future debate. Thank you.

THE CHAIR:

Thank you. Senator, will you remark further on the Amendment that is before the Chamber? Senator Formica.

SENATOR FORMICA (20TH):

Thank you, Madam President. I rise for a question or two for the proponent of the Amendment.

THE CHAIR:

Please proceed. And, Senator Kushner, prepare yourself.

SENATOR FORMICA (20TH):

Thank you, Madam President. Good afternoon, Senator Kushner. In referring to a portion of the Amendment that speaks to the, "if possible" removal. If I look online, 78, which is the paragraph line beginning, where the, "if possible" removal is included, it asks for, "In addition to any public employees organization, right to employee information pursuant to the laws of the state." Through you, Madam President, I'm wondering what other public employee organizations would that refer to? And what right would they have to the same equipment -- I'm sorry, to the same information that this Bill asks for? Through you, Madam President.

THE CHAIR:

Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. I think that the sentence is that, it refers to, "Any public employee organization's right to any employee information pursuant to the laws of the state, or any applicable

collective bargaining agreements." I think it's pretty clear that there could be other statutes that entitle a collective bargaining organization to other employee information. Or it could be that in the collective bargaining agreement, it entitles the organization to additional information.

THE CHAIR:

Center Formica.

SENATOR FORMICA (20TH):

Thank you, Madam President. And this Bill contemplates just codifying the opportunity to get that same information. Would be the case? Through you, Madam President.

THE CHAIR:

Senator Kushner.

SENATOR KUSHNER (24TH):

This Bill that's being proposed establishes what information according to this Bill would be required. It could be possible that a collective bargaining agreement, for instance, would go beyond what is enumerated in this statute. And so, the public employer, could be required by the collective bargaining agreement to provide additional information.

THE CHAIR:

Senator Formica.

SENATOR FORMICA (20TH):

Thank you, Madam President. And thank you, Senator, for that answer. Continuing in that same sentence, this Bill online 81, contemplates every 120 calendar days. So that would be four times a year, if

possible, or more frequent these detailed lists would be required. Would there be a reason that we would need this -- would need to be supplied -- tripping over my words here. This information would need to be supplied more than three or four times a year. Through you, Madam President.

THE CHAIR:

Senator Kushner.

SENATOR KUSHNER (24TH):

But this provides for, is that it would be required to be provided every 120 days, so four times a year, unless it's more frequent under an agreement of the parties. So it could be that the parties would agree for -- you know, that there might be a possibility that it needs to be more frequent. I could think of an example where there's a period of time where there's more frequent hiring. And so, under those circumstances, you reach an agreement with the employer to provide it in addition to what's required in the statute.

THE CHAIR:

Senator Formica.

SENATOR FORMICA (20TH):

Thank you, Madam President. Thank you, Senator. That does clarify a little bit. I do not have any further questions for you. I just will close by saying that, I too agree with what I've heard around the Circle this morning with regard to the substantial change that the removal of the words "impossible" would create. It would seem to me far in excess of a technical change. And I, for that reason, will not be supporting this Amendment. Madam President, thank you.

THE CHAIR:

So we are discussing the Amendment. And for the second time, Senator Sampson on the Amendment.

SENATOR SAMPSON (16TH):

Thank you, Madam President. And forgive me for getting up a second time. I'll be very brief. I just wanted to follow up on a comment that the good Chairman of the Labor Committee made just before encouraging support of the Amendment.

And I want to also take a moment just to thank my colleagues for standing up in agreement with me that this Amendment is far more than a technical change. I think anyone that looks at it fairly will see that this is a significant policy change.

My concern was that, she mentioned that, "the union is affiliated", I believe is the term she used with the municipal employer. And I take umbrage to that. I don't think that's an accurate depiction. I believe that these entities are often in close proximity, and they negotiate with one another. But I don't believe they would be characterized as affiliated in any way.

And further, if you were going to make that argument, and suggest that the statute I referenced earlier, which is 31-128f, which the good Chairman said, is what allows this to not be a conflict because those that are affiliated with the employer are able to give out this employee information without consent. And I would just simply say, if that's true, then there's no reason for the Bill before us, Madam President, because you've already created that in the other statute, if in fact, you consider the union and affiliate of the employer. So, I'm confused. Either way, there is some confusion and a conflict here.

And I just want to mention that, that is not the only conflict that exists in our current statutes.

That is a labor relations statute. But if you look in the foyer statutes, you'll find yet another one, which is Section 1-217, which is about the nondisclosure of residential addresses of certain individuals. And if you go to a Section E. It says, "No public agency, or public official, or employee of a public agency that would certainly cover a municipal employer, shall be penalized for violating a provision of this Section unless such violation is willful and knowing."

And clearly, they'd be willful and knowing because there'd be doing it pursuant to this new statute. And it says, "If the commission finds that the public agency official or employee willfully knowing violated a provision of this Section, the commission may impose against such agency official or employee a civil penalty of not less than \$20 dollars, no more than \$1,000 dollars." And I presume that is, per instance. And that could end up being a substantial amount of dollars that a municipal employer might be faced with.

So, I just want to leave us on this debate on this Amendment. Number one, I will repeat, this is no way a technical Amendment. It is a incredible change to the underlying Bill by making something that was optional mandatory. And what it's making mandatory is the dissemination of people's private information by someone who doesn't probably want to even give it out for a purpose they may not agree with, and in direct conflict with other statutes on the books. Again, everyone should vote no on this Amendment. Thank you, Madam President.

THE CHAIR:

Thank you, Senator Samson. Will you remark further on the Amendment?

SENATOR KUSHNER (24TH):

Thank you, Madam President.

THE CHAIR:

Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. You know, what I find fascinating is that, these notes came to us from OLR and from LCO by our nonpartisan staff who advise us on technical changes that need to be made to clarify what the intention of the proposed Bill is. And that's the way we took them. We looked at them carefully and decided LCO and OLR comments were valid, and we wanted clarity.

And in terms of the concern about that's been raised by some of my good colleagues about this information. I do want to remind folks that this has been done for decades and decades through collective bargaining. This information has been provided so that an organization can adequately and appropriately represent its members. And we have not had the things that have been raised as concerns, that to my knowledge, have not really occurred. And so, you know, I think this is a good Bill, and a good Amendment. And I would urge all my colleagues to vote yes for the Amendment.

THE CHAIR:

Thank you, Senator Kushner. Will you remark further on the Amendment? Will you remark further?

A roll call vote has been requested, so I will open the voting machine. And Mr. Clerk, would you please announce the roll call vote on the Amendment?

CLERK:

Immediate roll call vote has been ordered in the Senate. Immediate roll call vote has been ordered in the Senate, Senate Amendment A, LCO No. 8219.

Immediate roll call vote in the Senate, on Senate Bill 908, LCO No. 8219. Immediate roll call vote in the Senate.

THE CHAIR:

Have all the Members voted? Have all the Members voted? Please check the machine to make sure that your vote is properly cast. Mr. Clerk.

CLERK:

Senate Bill 908, Senate Amendment A, LCO 8219:

total number of voting 34. Total yea 21. Total voting naye 13, absent not voting 2.

THE CHAIR:

The Amendment is adopted. Thank you, Mr. Clerk. Well, please proceed with your remark on Senate Bill 908, as amended by Senate Amendment Schedule A. Senator Sampson.

SENATOR SAMPSON (16TH):

Thank you very much, Mr. President. I appreciate the recognition. And now that we've gotten the Amendment out of the way, we can focus on the Bill as amended. I want to just point out that I appreciate the title change. This Bill is entitled, AN ACT CONCERNING ACCESS TO CERTAIN PUBLIC EMPLOYEES BY THE EXCLUSIVE BARGAINING REPRESENTATIVE OF A PUBLIC EMPLOYER BARGAINING UNIT, which is an appropriate title since that's what the Bill does.

The original title of the Bill was AN ACT CONCERNING THE RIGHT OF A PUBLIC EMPLOYEE TO JOIN OR SUPPORT A UNION, which I don't believe is in dispute, and had absolutely nothing to do with the language in this Bill. Since I don't believe this Bill supports the rights of public employees in any way, shape, or form. In fact, I think it does exactly the opposite.

Before I get really in to talking about the language in the Bill. I just want to make it very, very clear where I'm coming from on this proposal, which is that, I'm very much in favor of freedom in every respect. And that includes the ability to assemble and to join together, and to collectively bargain for rights. My only consideration when it comes to policy that has to do with a union organizing collective bargaining, and that type of subject matter is simply that we write public policy that is moral, just, fair, and right.

I think almost every bit of policy that we work on in this Chamber can somehow be boiled down to freedom versus force. And this particular Bill is a lot about force. It is about the force of our state government creating laws that are unfair to participants in what should be a free arrangement to engage in negotiations and agreements.

And I believe that this policy before us is extremely dangerous because it removing that freedom from the equation and replacing it with the force of government to negotiate on behalf of one of the parties. It's actually very confusing because it just so happens that it is the government itself that is essentially creating a more of a weight on the scale of the opposing force from government in a collective bargaining negotiation. It's very interesting.

I'll just simply state from the outset that I think this Bill is a brazen disregard for the rights of employees, not to mention municipal employers across our state. And I believe it's intended to purposefully circumvent a Supreme Court decision from 2017, known as the Janus decision.

This Bill limits the rights of workers. It does not expand on the rights of workers. It limits the rights of workers. And I want that to be extremely clear, that this Bill could be only described as

against employees, because in every case, when it comes down to what the employee's rights are in this legislation, they don't have any. Their information is going to be given up regardless of their wishes.

And finally, these type of policies will raise taxes. Certainly, when you have a unionized labor in a public employee setting, it creates higher wages, and we pay higher taxes as a result. But this particular Bill is going to expressly impact municipal employers in a significant way, which is going to drive up the cost for each of our towns to do business. And therefore, drive up our property taxes, which are some of the highest in the entire country. And a reason why many people are fleeing this state. Certainly, there are people coming here also for different reasons. But that doesn't change the fact. There are many people who are analyzing what the cost of living in our state is every day, and making a choice to relocate.

So, I want to talk about some of the language in the Bill. The very first Section basically says that, a public employer shall provide an exclusive representative, which we are referring to the representative of the collective bargaining agency.

The following information on newly hired employees, the name, the job title, the department, work location, work telephone number, and home address of any newly hired employee. I think this is a very interesting section because we just debated the Amendment at some length. And the Amendment had to do with folks that are already members of the union.

And this is referring to folks who have not made a decision to join the union or not. And yet we are asking in this legislation, right in Section 1, the very first part to force a municipal employer, whether they want to, or not to give up this person's information, whether that person wants to give up or not, to the union organization. And obviously, that's for the purpose of having the

information to encourage them to join the union and have the union work on their behalf.

My objection to that is not that I think any of those things are bad, but they should be the personal choice of all the parties involved. The employee should be the one that makes those decisions. And not this body by force rather than freedom requiring a municipal employer to give it up.

So on line 22, there's a sentence that says, "Each public employer shall provide - 'shall', not 'may' - provide the exclusive representative access to its new employee orientation." So this is even beyond the information. Now they are saying that we need to allow someone who represents the union into an orientation for new employees. "The public employer shall give the exclusive representative not less than ten days written or electronic notice in advance of such an orientation."

So through you, Madam President, what is the purpose of this Section? Why does the exclusive representative of the union need access to new employee orientations? Through you, Madam President.

THE CHAIR:

Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. Through you. It has become very clear that in sort of the history of collective bargaining and in negotiating contracts, I myself have had this experience where it becomes very clear and obvious that often time employers will have an orientation. And the purpose of that orientation typically is to go through what the terms and conditions of employment are. The kinds of benefits you're going to get. The options you have. You know, the procedures of the workplace. And, you

know, that's good that new employees would get that information in a group setting often, especially where there's an employer that has a high turnover, or is often hiring a lot of new employees. It's useful to do it in that kind of an orientation setting.

And over the years, it's become very clear that that's a very good and appropriate time for a union representative to explain what's been negotiated in the contract. And oftentimes, there are benefits that are provided to the employee that the union can best describe. And so, it's really typical in union contracts to have access to orientation.

I think here in the statute, what saying is, we want to make sure that when there are orientations for new employees in the public sector, we want to make sure that the union has access to that in order to make clear to the employees what the benefits of being covered by that collective bargaining agreement would be. And so they could make a good decision based on information they received there.

THE CHAIR:

Thank you, Senator. Will you remark further? Senator Sampson.

SENATOR SAMPSON (16TH):

Thank you, Madam President. And I appreciate the Chairwoman for that answer. Clearly, that new language that is in this Bill, and this particular section that we're referring to, is certainly going to be a benefit to the exclusive representative and the union that they're on behalf of. But what is the benefit to the employer since it's the employer that is the one who is providing the access?

I guess that is what is lost on me in this equation when you put this type of thing in the law. This particular body and ironically the same exact

individuals, and I think almost every case, often have supported and even proposed legislation prohibiting something called captive audience, which is a similar situation, only it would be the employer talking to their very own employees that they've hired at their own expense on company time when they're paying them. This is a very different situation where we are forcing an employer who has his employees there, presumably on company time that he is paying, and they are being forced to allow an outside entity in to potentially disrupt that working arrangement.

Now, again, I have no issue with collective bargaining. And again, I believe that those employees have every right to do so. But things should be fair, Madam President. And I don't believe this is fair when the state law is interrupting, what should be a free process where everyone gets to make their own choice by putting its weight on the scale and saying, "No, no, no, we're going to force the employer to go ahead and provide access to this exclusive representative."

It also says that it shall give the exclusive representative no less than ten days notice. Through you, Madam President. I'm curious where that timeframe came from. Is it related to anything else in our laws or requirements regarding how soon someone must join a union when they are first hired? Through you, Madam President.

THE CHAIR:

Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. Through you, this Bill does not require union membership. It doesn't have any dates related to the requirement of union membership. It simply says that, having access to an orientation, it's really only access if the

organization that's being given the access has some notice of when the meeting's going to take place. And ten days is, I think a good amount of time to make sure that there is someone available to attend that employee orientation. So there's nothing more to it than making sure that, when we grant access, that we're making it real access by giving the organization enough time to arrange their schedule to be present.

THE CHAIR:

Thank you, Senator. Senator Sampson.

SENATOR SAMPSON (16TH):

Thank you, Madam President. So I guess I'm just wondering out loud, why is the public employer's concern about whether or not they should provide access at all? And why they are responsible on top of that to not only provide the access, but also provide a certain amount of notification within a certain period of time? Is there any penalty, through you, Madam President, if the public employer fails to comply and notifies the exclusive representative of the union 11 days -- excuse me, only nine days prior to a meeting?

THE CHAIR:

Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. Through you. The good Senator raised the issue of why should it be the employers' concern? And I think this Bill isn't attributing concern. It is simply providing access, providing a procedure, an orderly procedure, for employees who are new to the employer to gain information about the collective bargaining agreement that they will be working within. And also to familiarize themselves with the organization that

will be there to represent them. And so, I don't think there's a question of concern at all. It's just a good procedure to make sure it gets done.

The good Senator asked if there would be any penalty if they were not to adhere to the ten days. And I do want to point out that the Bill does provide that there is a provision there that says, "Not less than ten days." Except a shorter notice may be provided in any instance where there's an urgent need to the public employer's operations that prevents the ten days notice.

And I think if there were no urgent need. And if it was fewer than ten days, then in fact there would be a procedure under this Bill to go to the State Labor Board and ask for, you know, file a prohibited practice charge so that, that could be adjudicated. But, you know, clearly, I think the provisions here are pretty written in a way that gives the employer a great deal of flexibility in terms of the scheduling, and terms of if they need for some reason to have fewer than ten days.

And I do want to point out that it is not required by this statute, by this proposed Bill, that they actually hold an orientation. Later in the Bill, it provides that, you know, there's no requirement here that they actually hold that orientation. So there's a lot of flexibility afforded to the employer.

THE CHAIR:

Senator Sampson.

SENATOR SAMPSON (16TH):

Thank you, Madam President. And I appreciate the Chairwoman's characterization of this section. I noticed the language that she chose to use very much sounds like freedom, providing access, flexibility. Because those are actually good terms that people want to see in any type of arrangement, especially

at an employment arrangement. But I don't think that those are accurate terms to describe this section. There is no flexibility whatsoever.

And there's no access. It is all about the employer shall provide. They don't have a choice. Madam President, they have no choice. We will be making a law here that says that they must do something. And I believe it was quite clear that this is not about freedom, but as I said, it is about force. And the force is that if you fail to provide for this notification of ten days, there would be a complaint made to the state Labor Board. And there would potentially be a penalty and recourse because of it.

Do not mistake any of this language for freedom or choice for a municipal employer or an employee. None of that exists in this Bill. The only beneficiary of this policy is the union and their representative. That is it. Because they are writing and dictating the terms in every way, shape, and form.

And I will go back to my statement, which is, so long as it is fair and people are given the choice to make their own decisions, I'm in full support. This Bill is once again, in this Chamber, another choice, another freedom of choice taken away from our constituents.

Moving on later in the same section, which has to do again, with people not even part of the union, these are new employees. On line 40, it says, "When negotiating access regarding a new employee orientation --" I don't want to read the whole section, but this is what this this Subsection 3 is about regarding access to a new employee orientation. It says that, "Factors must be considered," on line 46 and 47. I don't understand this because it says in Subsection A, "One thing that shall be considered is the ability of the exclusive representative to communicate with the public employees it represents." I don't understand what that has to do with a new employee orientation

or why that exists in this section because this section is about new employee orientation. So I don't think that the arbitrator should be considering something that has nothing to do with that.

But I'll just move on. I thought that was something that was put into this section erroneously. And it's very confusing because I think it creates a situation where we're clouding the issue between someone who is already a member of the union, and someone who has not yet made that decision.

Moving on to Subsection C, which is on line 63, this is access that must be provided to the union representative to already represented employees. So we've moved on from new employees onto people that have already joined the union. But what I think is interesting about this is just the extent of access that would be provided here.

Before I get into the actual language here. I just want to make a very, very important point. Which is that, the proponent of this Bill, who I've got great respect for, the Chairman of the Labor Committee, said in her opening comments about this Bill is that, "We do this already. These things are common. We've been doing this for years." And I completely agree with her. We have been doing these things for years. These things are common. The difference is noteworthy and very important. The difference is these things, this access to orientations, this access for the union representative to existing employees, and so on, all of these things have been going on because they have been collectively bargained for. And they were collectively bargained for in a relatively free environment. And we're changing that.

If this Bill passes, Madam President, we will no longer have collective bargaining agreements in the same way that we do now, because unions will no longer have to negotiate for these items. These

items happen today. This access happens today, because there was a negotiation that takes place. As I said, I don't want to use the term "completely free" because that's a whole separate conversation, but relatively free compared to making a law like this one that takes away the choice of the parties to be engaged in that decision-making. This simply requires it. That's the law now.

Section C, a public employer shall provide the exclusive representative access to the public employees that such exclusive representative represents. And it says that access includes, but shall not be limited to, meeting with individuals on the premises. So the union representative is able to go to the premises of the employer during the work day, during paid or unpaid breaks, and also the right to meet, again, with newly hired employees. And all of it without any cost or expense to the union representative, or the employee, but at the employer's expense. And because we're talking about the state or municipal employers, that means the taxpayers' expense.

Can I ask just a question, through you, Madam President? In this Section, Subsection C, which is line 63 to line 77, does the Chairwoman see any distinction between whether or not it is appropriate for the union representative to add access to employees that they represent, versus, what it says under Subsection 3, 'the right to meet with newly hired employees'? Is there a distinction there?

And I'd be curious to know where that comes from. Is that something that you are familiar with as being collectively bargained for in current practice, maybe some other contract that currently exist? Through you, Madam President.

THE CHAIR:

Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. I thank you for that question to my good Senator Ranking Member on my Committee. I do want to point out that, I think that question points out something that may not be understood by my colleagues, which is, under the law, a union represents it's the employees that are hired. Even newly hired employees are represented by that union by virtue of being employed within a bargaining unit. Whether or not that person, that employee, has chosen to join the union.

And so when you referenced to the earlier line 46, the question about why would you need the opportunity to communicate with someone that it represents when we're talking about newly hired employees, you actually, the union already represents those folks from the day that they're hired. And I think that that issue outlined in line 46 was here specifically, not in air, but in fact, it was referenced here because we want to give guidance to the arbitrator who might be hearing a dispute about access to orientation would know what parameters and the guidelines are.

And that is in other parts of the statute around interest arbitration. The factors that are considered by an arbitrator are, you know, typically laid out like that. So I don't think this was an error, but was, in fact, intentionally put there in terms of the issue around access to employees outlined in Paragraph C. This paragraph, this section of the Bill, lays out the opportunities that would be required for employees to have the opportunity to meet with representatives of their organization.

There are several different opportunities that are laid out. One is, if you need a tab, a meeting with an individual during the workday to investigate a grievance or complaint that had been made. One is to

have work site meetings, and the other is to me with newly hired employees.

And this is the section that I spoke to earlier, Item No. 3 there, which says that there would be an opportunity for a new employee to meet with their representative for at least 30 minutes, to understand the parameters of that employment relationship as it pertains to the labor organization. And I would suggest that here, it makes clear that this 30 minute period could be done during new employee orientations, if they were conducted. Or if they were not, then the organization would have an opportunity for no less than 30 minutes to explain to the newly hired employee what the terms and conditions of the contract are.

THE CHAIR:

Thank you, Senator. Senator Sampson.

SENATOR SAMPSON (16TH):

Thank you very much, Madam President. And thank you very much for that information. And that is extremely helpful. The only thing I would point out is that, it is certainly beneficial to the union itself for participation to be willful rather than a situation where the union is representing employees that have not willfully chosen to become a part of the union. And that's why I believe this little bit of the language exists in the Subsection 3 of Subsection C, starting on line 71 and ending in line 77.

And I'll just remind this body once again, that this is very much in direct opposition and complete hypocrisy to the attempts by the majority party throughout my tenure here in the legislature to enact legislation, prohibiting employers from doing the exact same thing. Which is, having a purposeful meeting with newly hired employees, for the purpose

of trying to them on the idea that they should become members of the union.

If the employer was doing that. I think that it would be frowned upon by the folks proposing this Bill. And that's my objection to it more than anything else, because I believe all parties should have an opportunity. And that employee number one is the one we should be concerned about more than any other soul, as far as protecting their freedom to make choices.

Line 78, I read this sentence, and I just had to stop and circle a word. It says, "In addition to any public employee organization's right to employee information." I'm seeing the word "right" show up in more and more Bills lately, Madam President. And I just want to make it clear for my colleagues, what exactly a right is. A right is something that you are born with that does not infringe upon someone else. That's the only thing that can possibly be a right.

So when I hear things like, the right to healthcare or the right to access some employee's information. I don't think that can ever be a right. Because if you are forcing someone else to do something, you are, in essence of violating that person's rights. So I just want to make that clear. They might have access by force. And that's what this line should say.

In addition to any public employee organizations, access to employee information by the force law created here would be a better way to term that sentence so that people understand exactly what is happening. Because it is absolutely, most certainly, not a right.

It says that, "That right exists, that the employee organization would be able to receive" -- I'm trying to shorten up what I'm going to say here, because I don't want to read the whole section to make it

clear. But essentially all of the pertinent and personal data regarding these employees, every 120 calendar days. And this is through lines, 81 of 96 of the Bill, if you want to take a look. And basically, it just says that, "Every 120 days, the employer, whether they want to or not, by force of this law, would have to provide all of this detailed information to the representative of the union."

I've already pointed out in the discussion on the Amendment that that is in direct conflict with existing law. And in fact, a penalty that exists in our freedom information laws exists for employers that do just that. And I don't understand why that was not addressed in this language. I believe if this Bill was supposed to take precedent over that existing law, then it should have been addressed here. But instead, we are going to end up passing this into law, potentially in direct conflict to another statute, which I don't think benefits the public. And I certainly don't think it benefits even the advocates of this legislation, because what they're doing is they're leaving themselves open to a legal challenge because of the lack of clarity involved.

Moving on, I thought this was something pretty substantial. On line 97, we're adding to the list of things that that municipal employer must provide willingly or unwillingly. The right, again, I circled it again because it just stands out to me, to use the electronic mail systems of public employers.

So basically, what we're going to do here is we're going to put the weight on the scale so much of the union in this particular legislation, that they are going to force the municipal employer to use their own electronic email system, to help the union get their membership. This was never the idea behind collective bargaining, particularly for public sector employees. This is way on the scale like we have never seen before, Madam President, when it

comes to how this negotiation is supposed to go down.

Just moving on. Section F takes it from providing personal information every 120 days, and beyond using the municipalities email system, all the way up to Section F, which is, "That union representative will have the right again to use state and municipal government buildings." That are paid for by taxes, and they will be able to use these to conduct meetings with bargaining unit members.

There's a section here that says, on line 114, "Without undue interference and the employer may place reasonable restrictions --" Oh, I'm sorry. "The representative of the union can hold these meetings without undue interference, and may place reasonable restrictions on the conduct of individuals attending." Through you, Madam President. Can I find out what is a reasonable restriction? Who would be restricted from such a meeting and why? Through you, Madam President.

THE CHAIR:

Senator Kushner.

SENATOR KUSHNER (24TH):

I think that it would be determined by if a -- I think what the Bill and tends to do here is make it clear that the employees are going to have an opportunity to meet as a union on the premises where they work or within the municipality, or if they work for the state in a building, in a room that they have easy access to perhaps, so they can have a meeting. And in that meeting, that they would be in a position, the organization, to ensure that that was an orderly meeting and that that it couldn't be disrupted. And if it were, if someone were to be disruptive, then they would have the opportunity to ask them to leave. I think it's pretty clear.

THE CHAIR:

Senator Sampson.

SENATOR SAMPSON (16TH):

Thank you, Madam President. Just as a question, it says that an exclusive representative shall have the right to conduct such meetings without undue interference and may place reasonable restrictions. Does that mean that the employer or a representative of the employer would or would not be allowed to attend such a meeting and to speak in favor or in opposition of the benefits that the union offers to employees of the municipality or the state? Through you, Madam President.

THE CHAIR:

Senator Kushner.

SENATOR KUSHNER (24TH):

Yes, I think it's -- Thank you, Madam President, and through you. I do want to say that I think this is intended to make sure that the employees have an opportunity to meet amongst themselves without the undue interference of their employer. I think that would be an appropriate interpretation that they could have a meeting and feel free to say and comment anything they wanted to during that meeting, without this surveillance or participation by their employer.

THE CHAIR:

Senator Sampson.

SENATOR SAMPSON (16TH):

Thank you, Madam President. I appreciate that answer. Especially since, how it is in such

unbelievable conflict, from what we heard early in this debate, that the union is affiliated with the employer. It doesn't sound like much of an affiliation when employer must provide the space at their expense, the taxpayer's expense, and they are unable to participate in that discussion.

Again, these are perfectly acceptable things if they are negotiated for freely. For us to put this in statute, I believe is a bold and brazen way of affecting the outcome that I kind of think is in direct conflict with the idea of a free society, particularly in a case where we are talking about the expense falling on the taxpayers that we all represent.

Moving on. Starting in Section I, which is another subsection of Section 1, on line 126 - this is where we start to get into the agency fees - it says, "A public employer shall honor employee authorizations in any form that satisfies the requirements of Sections 1-266 to 1-286. Just a simple question. Through you, Madam President. And I expect the good Chairwoman to suggest that - it does in fact, but I will ask anyway - whether this section complies with the Supreme Court decision *Janus v. AFSCME*? Through you, Madam President.

THE CHAIR:

Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. Through you. I don't have that statute in front of me. But I'm sure it can be looked up, and we can make certain that it does comply with the Supreme Court. But it is my assumption, based on what this Bill is seeking to do, that it would be in compliance with not just the Supreme Court, but any statutes that we have here in Connecticut.

THE CHAIR:

Senator Sampson.

SENATOR SAMPSON (16TH):

Thank you, Madam President. I kind of expected the answer. But I thought it was worthwhile to ask the question simply because, I think that that is really, in many respects, a major part of this Bill. And what is in question here is the Janus decision. Its impact on public-sector unions across the country, and how this legislation, I believe, is designed to be a workaround more than anything else for that.

It goes on to say in line 136 public employers that provide for the administration of payroll deductions should rely on a certification from any public employee organization requesting that deduction. Why not, through you, Madam President, would the municipal employer not rely on the employee themselves to tell them what deductions should come out of their paycheck? Through you, Madam President.

THE CHAIR:

Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. I think this section makes clear that there has to be a written authorization agreement between the union and the employee to have dues deducted from their paycheck. And I think the reason it's important to adhere to the law, even before Janus, there had to be -- well, let me restate that. Because of Janus, clearly, there has to be a written authorization to deduct dues. And so, what this does is create that opportunity for the union to gain those written authorizations and then to inform the employer that they have those.

So I don't think there's anything particularly complicated about this. I do think that it's important to recognize that the relationship of an employee to their representative, it's a relationship that they should have control over. That they should be involved in and not the employer. And I think in this case, the union provides the employer with the list of employees that have signed such authorizations. And that actual contract between the employee and their organization is not something that the employer would necessarily need to see.

THE CHAIR:

Senator Sampson.

SENATOR SAMPSON (16TH):

Thank you, Madam President. I'm not surprised you would say that, Madam Chairwoman. But I completely disagree. I mean, you basically just said that this is between the union and the employee, but the employer doesn't matter. The employer is the one paying the bill. And I will just remind everyone that, in this particular Bill, the employer is us. The employer is us. The employer is us. Everyone in this room, everyone listening, who pays taxes in the state of Connecticut is the employer. We are paying for this.

If this affects a municipal union agreement, then it affects your property taxes. We are the employer, and I believe the employer does have a say, and the employer does matter. And I believe that in this relationship, the employer and the employee will matter more than any other participants, because ultimately what's happening is an exchange of work for pay between those parties. The union facilitates that arrangement. It may benefit greatly the employees. And I believe that they should have the choice to do so.

But what this Bill does again, is put weight on the scale for things that have been collectively bargained for before by putting it in the law, where it does not belong. And not only does it put things like this in the law, it does it in such a heavy-handed and unfair way.

And here's an example, moving down to Section K, "A public employee organization, or public employer shall only be liable for the amounts and properly deducted. No further damages or penalty shall be awarded by any public agency or court." Why does that limitation exist? What if it was done maliciously? What if there is no significant penalty? What discourages that activity?

Because if you look further down in the Section, you see on line 165, "A public employer shall be liable to a public employee organization without recourse to the employees for the full amount of dues --" et cetera, et cetera, et cetera. I don't want to read the whole section to you. "The failure of an employer to comply with the provisions of this section shall be a violation of the duty to bargain and an unfair labor practice." These are two completely different standards. On one case, you can make a mistake, and it's okay. You only have to fix the mistake. On the other hand, if you make a mistake, you are subject to being penalized and guilty of violating the duty to bargain and committing an unfair labor practices.

It's just a repeated theme in this Bill that it is completely one-sided, and only for the benefit of one of the three parties. Three parties are involved in every aspect of this Bill; the municipal employer, or the state employer, which is the taxpayers in every case that we pay for, the employee themselves, and the union itself and their representative.

And in every situation in every section, the only one who benefits is the union representative, which is why I started my entire conversation by reminding everyone listening that this is not about helping the employees at all. Employees should have the choice to join unions all day long. I believe in that as much as anyone of any party, anywhere, but what they shouldn't have is the right to interfere with this relationship in this way, without collectively bargaining for it.

I think that's enough about the Bill. But I want to just refer to some existing contracts because I want to make a point about the contracts that currently exist. The good Senator mentioned early on, and we touched on it a couple of times, which is that, these things are happening already. I have the contract between AFSCME and the administrative, clerical bargaining unit, just as an example. I mean, I could have pulled anyone at all.

But if you look at this contract under Article S, union rights, Section 4, it says, "State telephones and or email may be used by a stored or an employee to contact the union for labor-management exchanges." So you're right. This is already happening. But there is a big difference from it being negotiated voluntarily by the parties versus us putting it in the law and taking that freedom away and replacing it with the force of law.

Section 5, "They shall be permitted to enter the facilities of such agency at any reasonable time for the purpose of transacting union business." Again, no problem with this, Madam President. It's in the contract that was negotiated for voluntarily and signed by the parties.

I could go on and on union access to public information and materials. New employee orientation in Section 10, "Once a month at each agency or facility, all new employees shall be released from work if they so desire for one hour without loss of

pay, to attend a union orientation." That leads me to an important question, Madam President, because I did not see in the Bill, which will become law, the language, "if they so desire". So through you, Madam President, does the employee have a choice whether or not this access will be provided to the union representative if this Bill passes? Through you, Madam President.

THE CHAIR:

Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. I believe, through you, this is very clear that under this Bill if it becomes statute, and employer will be required to provide access to the union representative to represent the employees to orientation meetings.

THE CHAIR:

Senator Sampson.

SENATOR SAMPSON (16TH):

Thank you, Madam President. But that was not my question. My question was, does the employee have an obligation to be part of this access that is forced to be provided, or can they choose not to attend? Through you, Madam President.

THE CHAIR:

Senator Kushner.

SENATOR KUSHNER (24TH):

Through you, Madam President. I think the Bill speaks only to the requirement on the employer to allow access to the new employee orientation.

THE CHAIR:

Senator Sampson.

SENATOR SAMPSON (16TH):

Thank you, Madam President. For legislative intent then, since it's not in the Bill, would an employee be required to participate in such an orientation where the exclusive representative of the union is there to -- it doesn't really say what they're there for in the Bill. Forgive me. I think we know what they're there for, but it doesn't say. But when they have access, would the employee be required to be present? Through you, Madam President.

THE CHAIR:

Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. Through you, I believe that it would be understood that the employees, when they are invited by the employer to attend a new employee orientation, I think the expectation would be that they would have to attend.

THE CHAIR:

Senator Sampson.

SENATOR KUSHNER (24TH):

Thank you, Madam President. Yeah. I think that's a very important distinction, that we are essentially creating a law that now says that, new employees to municipalities and the state going forward will have essentially no option other than to listen to the union representative's pitch. Something that did not exist before, as far as I know, and was only there as a courtesy based on the contract that we just looked at.

I've got another contract here. This is one between the corrections bargaining union and counsel of AFSCME. And this one -- I'm going to come back to that section in a second.

Under Article 7 union rights, again this one Section 4, access to premises, "The AFSCME representatives and staff shall be permitted to enter the facilities at any reasonable time." Section 5, "The department will continue to permit use of certain facilities for union meetings." Section 6, mailings and handouts, "The employer will permit the union to leave handouts in specified areas to allow the union to use mailboxes where available." Again, all these things are fine because they were negotiated for.

Under Article 8, training, this is the orientation piece here again on that contract, "New employees may be required to attend orientation training on live-in basis. During such training, they will be required to attend sessions on the schedule established for which they shall receive the normal by-weekly salary appropriate to their job. Their duty station shall be concerted the training site for the duration of the program." I don't believe that it is required that they communicate with the union representative.

The point of all of this conversation is the difference between something that is happening based on freedom, and the voluntary acts of the parties involved, or by the force of this legislation.

Since we've been talking about it. I want to bring up the Janus decision very quickly. And delve just a little bit into how it interacts with the Bill before us. A Supreme Court decision is not something that you can really summarize in a few sentences, but it is a relatively short decision. And I would encourage anyone interested to read through it. Because I think the overall context of this decision is to make it extremely clear that the employee is

the one whose rights needs to be protected above all else. And that their decision-making is their own.

And that applies not only to the access that an employer or a representative of a union might have to them, but whether they participate in that union, and finally whether or not, money comes out of their pocket. All of that, according to this Supreme Court decision is very clear that it should be left up to the employee.

In the syllabus, the Supreme court held, number two, the state's extraction of agencies from non-consenting public-sector employees violates the First Amendment. The First Amendment, of course, we all know, is the Amendment that has to do with free speech. And they are essentially suggesting here that the spending of those dollars is, in effect, them using their ability to speak. To make their personal decision known about whether they want to participate. I think that's very interesting.

There have been other Supreme Court decisions that have often held the same thing. Citizens United, which many people listening might be familiar with, also held the same exact concept, which is that, someone spending money is essentially doing so in place of their speech.

The final paragraph of the decision says, "For these reasons states and public-sector unions may no longer extract agency fees -- excuse me, agency fees from non-consenting employees." The term "non-consenting" means so much because that's what the problem I have with the Bill before us, Madam President, is that, it's all about non-consenting. If people were consenting to things, it's a much different discussion. That's the point of the bargaining agreements. These are consenting agreements, as opposed to a non-consenting agreement created by this body in the form of a law.

The First Amendment is violated when money is taken from non-consenting employees for public sector unions. "Employees must choose to support the union before anything is taken from them. Accordingly, neither an agency nor any other form of payment to a public-sector union may be deducted from an employee, nor may any other attempt be made to collect such a payment unless the employee affirmatively consents to pay." Now, I understand that this decision has to do with agency fees in particular.

But I do believe that this same court, given the opportunity to discuss whether or not someone's private information could be given up without their consent, would come to the same exact conclusion as I have, Madam President. Which is that, the union has no right to that information without the consent of the employee. And we have no right as the Representatives of our constituents to say, that someone else can force some other third party to give up that information.

And as a result, Madam President, I have a few Amendments to address those concerns because I do believe that we can't improve upon this Bill if we cannot, in fact make it something that is acceptable. We have to at least try to solve as many problems as we can.

The first one is LCO 8405. I believe the Clerk is in possession of that Amendment. I ask that I be allowed to summarize the Amendment. And we'll start there. After that, maybe we'll have an opportunity to vote on.

THE CHAIR:

Mr. Clerk, please call the Amendment.

CLERK:

LCO No. 8405, Senate Schedule "B".

THE CHAIR:

Senator Sampson.

SENATOR SAMPSON (16TH):

Thank you, Madam President. This is a very straightforward Amendment. It's very difficult to read because it references several different line numbers. But I assure those listening that this Amendment, the meat of it, is on lines 4 through 8. Which basically says that -- in line 11 of the Bill, it says, "A public employer shall not disclose any information to an exclusive representative pursuant to this section concerning any newly hired employee who has provided written notice to the public employee requesting that such employees information not be disclosed." Essentially what it does is it gives the employee an opt-out of whether their information is proprieted to the union representative by the employer.

This Amendment is here to make it completely and abundantly clear that I believe, and people who will vote yes, believe that the employee does have the ultimate say that it is their choice, whether this information is provided or not. If you believe the employee is the one that should decide whether the information is given up or not, you vote yes, on this Amendment. If you believe that this body has the right to dictate that for a free person, then you can vote no.

I urge adoption, Madam President. I would like to make a motion that we accept this Amendment, and I'd like a roll call vote. Thank you.

THE CHAIR:

And the question is on adoption. A roll call vote will be held on the Amendment that is before the

Chamber. Will you remark further on the Amendment that is before the Chamber? Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. You know, a lot of what's been said here today is hard for me to listen to because it's a world that I know so well, and spent so much time devoted to developing employee organizations and promoting employee rights and fighting to ensure the dignity of workers and having a voice at work. And so, clearly, this Bill is something that's very important to me and to the people I represent.

And I do want to say that this Amendment, I think, would take away from what we're trying to accomplish here, which is making sure that every worker that is newly hired into a public employer in this state has an opportunity to understand what are the parameters of the collective bargaining agreement.

And that this would really undermine the intent of this Bill. So, I recognize, the good Senator and I have a very different view of this. And I appreciate your kind words earlier. I also believe we've had a good working relationship, but on this, we really disagree. So I would urge my colleagues to vote no on this Amendment.

THE CHAIR:

Thank you, Senator Kushner. Will you remark further on the Amendment that is before the Chamber? Senator Martin.

SENATOR MARTIN (31ST):

Thank you, Madam President. I see this side of the room works today. Thank you to the technicians who did the work. I rise to support this Amendment. You know, I just began reading this piece of legislation. I have family members who are part of a

local union. And just very quickly, this reeks of someone taking an organization, speaking for someone else before they even have had the choice of making their own decision on whether or not they want to share information on who they are, where they live, place of where they work, or the building, where they work, a phone number. Some of that is pretty private stuff. And I know some of you here in the Circle may be private with your own information because of the elected position that we all have.

So this piece of legislation is -- given this pre-authority or pre-authorization to make a decision on someone else's behalf before they even have that choice, I don't agree with that. That is really an intrusion of individual rights. So I'm standing here. I'm going to continue listening and reading. But for now, I agree with Senator Sampson, with this Amendment, and I urge my colleagues to approve or adopt this Amendment. Thank you.

THE CHAIR:

Thank you, Senator Martin. Will you remark further on the Amendment that is before the Chamber? Will you remark further on the Amendment before the Chamber? Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. I just do want to make clear for the record that, in most cases, the information that is being provided here is foreseeable. When workers work for the state, when they take on that job with a few exceptions that are good exceptions to protect the safety of certain employees of the state, to protect them against criminal acts like our police officers, other than that, this information is voidable. Thank you, Madam President.

THE CHAIR:

Thank you. A roll call vote has been requested. Will you remark further on the Amendment before the Chamber? Will you remark further? If not, I will open the vote. Mr. Clerk, please announce the roll call.

CLERK:

Immediate roll call vote has been ordered in the Senate. Immediate roll call vote in the Senate, LCO No. 8405, Senate Schedule "B". Immediate roll call vote has been ordered in the Senate, LCO No. 8405, Senate Schedule "B". Immediate roll call vote in the Senate, LCO No. 8405. Immediate roll call vote in the Senate.

THE CHAIR:

Have all the Senators voted? Have all the Senators voted? The machine will be locked. Mr. Clerk, please announce the tally.

CLERK:

Senate Bill 908, LCO No. 8405, Senate Schedule "B".

Total number voting	35
Those voting Yea	12
Those voting Nay	23
Absent and not voting	1

THE CHAIR:

And the Amendment fails. While you remark on the Bill before the Chamber? Senator Sampson. I think we need to get your microphone on, sir. There we are.

SENATOR SAMPSON (16TH):

Thank you very much, Madam President. So I'm disappointed that the previous Amendment failed because I think it was a very simple question. It's really boils down to whether or not we believe the

decision-maker about their participation in a union representation agreement, or even giving up private information, including someone's home address or their email, should be up to that employee, or to this legislative body. But in the form of this law, which will compel a municipal or state employer to provide it.

I think it's a simple question. And I think that it's very telling. I appreciate the Chairman of the Labor Committee and her words. I believe she believes them truly, that she is helping employees. I think this has to do with our worldview. My worldview is that, the ultimate moral power that we have is freedom. That every person should be able to enter into every agreement that they do in life willingly and freely. And this Bill does not do that.

This Bill says that that employee must give up their private information, whether they want to or not. It even says that they have to attend an orientation where they may be encouraged to join the union, whether they want to or not. And all of this happening without their freedom of choice.

I don't see how anyone could say that they are looking out for the employee in that case. I just don't understand that. And, I'm afraid and very disheartened by the idea that some will characterize this debate. And particularly my words and comments here as being anti-union or somehow opposed to collective bargaining.

I could not have been more clear throughout this debate that I believe that every person has the right to make that decision for themselves. And in the case where unions provide a benefit, they should be making that case to the employees so that the employees can decide whether or not that is a benefit, and they want to do that for themselves. I also believe that is the whole point of the Janus

Supreme Court decision. This Bill undermines that in every conceivable way.

Madam President, I have another Amendment. It's in a similar vein. The First Amendment allowed an employee to opt-out of having their information provided if they so chose. This is a similar Amendment that requires affirmative consent by an employee prior to their personal info being given to the unions. It's a similar concept. But the idea here is similar that, it's up to the employee, whether or not that information is provided.

Again, three different entities, we are referring to. You have the employer, which could be the state or town. You have the employee themselves. And then you have the union. I believe all three of those entities should be on the same level playing field. And they should all have equal opportunity to do what they need to do. But every person, and every entity, should be able to make their own choice of their own free will. And that no one, and no entity should be forced.

And in this case, this Bill forces, not only the employer, the state or municipal employee to do things that they may or may not agree with. And I also pointed out that they might even end up being penalized because of conflicting statutes for doing so. But it forces employees to do things that they don't want to do also. Those things are wrong, Madam President.

This Amendment basically reads that, "Each public employer shall provide notice to and obtain written informed consent from an employee each time such public employer seeks to release employee information to a public employee organization." I don't know how you vote against this, Madam President. I really don't. It is extremely simple in concept. Before my information is given away, I have to consent to that. How hard is that? I urge my colleagues to support this Amendment. Let's make

this Bill, which is decidedly unfair, currently, to something that resembles fairness and freedom of choice for employees. I urge adoption. And I'd like a roll call vote. Thank you, Madam President.

THE CHAIR:

And excuse me, Senator Sampson, we do need an LCO number to proceed with that.

SENATOR SAMPSON (16TH):

I apologize that I did not give the Clerk the LCO number. And it is 8413. And as I said, I urge adoption, and would like a roll call. Thank you.

THE CHAIR:

Thank you. And we will have a roll call vote. Mr. Clerk.

CLERK:

LCO No. 8413, Senate Schedule "C".

THE CHAIR:

And the question is on adoption of the Amendment that is before the Chamber. Will you remark further on the Amendment before the Chamber? Senator Kushner. Senator Kushner chooses not to remark. Senator Champagne, I do apologize if you were wanting to speak. Senator Champagne.

SENATOR CHAMPAGNE (35TH):

That's okay. Thank you, Madam President. I actually stayed seated because I saw Senator Kushner standing up, and was going to give her a chance.

I want to make a point. Senator Sampson, bringing this forward makes perfect sense. When I go to the doctor, they give me a privacy notice once a year.

They tell me what they're going to do with my information. Once a year, I get something from the credit card company. They tell me what they're going to do with my information. Every year I get something from the bank. They tell me what they're going to do with my information. I expect my employer to tell me what you're going to do with my information. And if you're selling my information or you're giving it to somebody, and I didn't give you permission, and that information gets used for something that I didn't want it to get used for, I'm going to have a serious problem with that.

If all of the sudden, I'm at home, and I receive a phone call from somebody who ended up with my private unlisted telephone number, and they say, "Well, I got it from your employer." I'm going to have a problem with that. I should be able to say 'no' to my employer. Do not give my information to anybody. Do not give my information to politicians. I don't want them calling. Don't give it to anybody unless I give permission.

So I rise in support of this Amendment, and anybody that votes no to this. I see as saying that your private information is for sale by your employer. Thank you, Madam President.

THE CHAIR:

Thank you, Senator Champagne. Will you remark further on the Amendment before the Chamber? Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. As has been said before, I do want to remind my colleagues that the information that we're speaking of is FOI-able that when a person is hired by the state, they understand that their information can be obtained by the public, and often is. And we're all familiar with that, having been elected and been through FOIA

requests ourselves. And so, this information is FOI-able, and I do want to remind my good colleagues of that. And I would urge a no vote on this Amendment.

THE CHAIR:

Thank you, Senator Kushner. Will your mark further on the Amendment before the Chamber? Senator Witkos.

SENATOR WITKOS (8TH):

Thank you, Madam President. If I may, a question or two for the proponent of the Amendment?

THE CHAIR:

Yes, please proceed. Senator Kushner, prepare yourself. Oh, I do apologize. We've had a flurry of Amendments. So, Senator Sampson, prepare yourself.

SENATOR WITKOS (8TH):

Thank you, Madam President. Senator Sampson, I know you were in a private conversation a minute ago, but I just want to -- hopefully, I'm paraphrasing correctly to the previous speaker who just made a comment that, "If you are hired by the state of Connecticut, then your personal information is already FOI-able as a provision of the contract or your acceptance of employment." And hopefully, I said that, correct. Looking for a sign from Kushner. So I guess without acknowledgment of what my summary of what she just said, that's what she said.

And I'm asking to you, Senator Sampson, through the Chair, is that I understanding that in some professions in our state that the personal information is not FOI-able there, we have created carve-outs and exceptions. And is that correct? Through you, Madam President.

THE CHAIR:

Senator Sampson.

SENATOR SAMPSON (16TH):

Thank you, Madam President. And thank you, Senator, for that question. It's a very important one. I do not believe that all of the information that is contained in the language of the Bill is FOI-able, and certainly not for every employee. Some of these items may, in fact, be able to be obtained by FOIA, but as was mentioned, there are certain state employees that have specific protections. And many of those protections happen, as we have discussed throughout today's debate, inside a negotiated voluntary agreement, which is a collective bargaining agreement where those protections exist.

So I guess that's a, two-part answer to the question, which is, I believe some of this information is FOI-able, in some cases not all of it, certainly. And there are some employees that would certainly not be able to have their information found in a FOIA search. Thank you, Madam President.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS (8TH):

Thank you, Madam President. I thank the proponent of the Amendment for that answer. And that just confirms and solidifies to me, why should we should be supporting this Amendment. Because we've heard from the proponent of the underlying Bill, that this information is really available on all employees, when that is not accurate, Madam President.

If I had the time, I would go through our state statutes, and I would pull out the exceptions to the FOIA laws that pertain to individuals that are employed in this state of Connecticut, that this

body created, from judges, to police officers to - I'm trying to think off the top of my head - healthcare workers. I'll throw it back, the question, to Senator Sampson, if he may elaborate, if he knows off the top of his head, what are some or the other employee classifications in our state that their information is not FOI-able. Through you, Madam President.

THE CHAIR:

And I'm going to take that as a question. Senator Sampson.

SENATOR SAMPSON (16TH):

Thank you, Madam President. And I appreciate the question very much. I don't know that I want to attempt to try and list every particular type of state or municipal employee that might not be subject to FOIA in this way. But certainly, it's extensive in the way that the good Senator just mentioned. You have people that work in law enforcement, people that work in healthcare.

I would also, add to that, that many, many state employees are protected via the superseding clause that exist in our laws that allow state employee collective bargaining agreements to go around the existing law, and in many cases, protect that information. I presume that those superseding clause would still take precedent. And even if this law were to pass, would override the requirement in this Bill. Through you, Madam President.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS (8TH):

Thank you, Madam President. I thank the gentleman for that answer. I believe that this Amendment that

is before us is well-placed. It takes into consideration those individuals who may not want their information shared with anybody. They may be a victim of a domestic violence situation, or may have restraining orders against certain individuals, that that information is so private to them. They just don't want that information given out there. They've gone on every do-not-call list. They don't have anything published. And we are passing a law that says, "You must -- the employer must give it up." And that's just not right. Give the employee the choice.

And we often talk about choice in this Circle, Madam President. And this is one of those instances where the employee should have a choice on whether or not their information is divulged or not. And I urge adoption of the Amendment. Thank you, Madam President.

THE CHAIR:

Thank you. Will you remark further on the Amendment?  
Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. Through you, I do want to just make it clear that, in earlier comment that I made, I was clear that there were some employees their home address was not FOI-able. Particularly, I mentioned police, so I am aware of that. And I just want to make sure that we're in agreement on that.

THE CHAIR:

Thank you. Will you remark further on the Amendment?  
Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. I know it is my second time. Thank you for indulging. I just have a question for Senator Kushner.

THE CHAIR:

Senator Kushner, prepare yourself. Go ahead, sir.

SENATOR CHAMPAGNE (35TH):

Thank you. Through you, Madam President. Something that Senator Witkos said; how do you distinguish between those that have protective orders or restraining orders in protecting their information if this law is sent forward?

THE CHAIR:

Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. Through you. This Bill does not address that.

THE CHAIR:

Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. So that tells me that they aren't protected. And this information would be released by law, and then somebody somewhere is going to be held financially accountable. Thank you.

THE CHAIR:

Thank you, Senator. Will you remark further on the Amendment before the Chamber? Will you remark further on the Amendment? If not, a roll call vote has been requested. Mr. Clerk, kindly call the roll call vote, please.

CLERK:

Immediate roll call vote has been ordered in the Senate, Senate Amendment C, LCO No. 8413. Immediate roll call vote has been ordered in the Senate, Senate Amendment C, LCO No. 8413. Immediate roll call vote in the Senate, Senate Amendment C, LCO No. 8413. Immediate roll call vote in the Senate.

THE CHAIR:

Have all the Senators voted? Have all the Senators voted? The machine will be locked. Mr. Clerk, please announce the tally.

CLERK:

Senate Bill 908, Senate Amendments C, LCO No. 8413.

Total number voting	35
Those voting Yea	12
Those voting Nay	23
Absent and not voting	1

THE CHAIR:

And the Amendment fails. Will you remark further on the Bill? Senator Sampson.

SENATOR SAMPSON (16TH):

Thank you, Madam President. Again, another Amendment, unfortunately, defeated an Amendment that simply would have required that informed consent be obtained from employees before their information was to be given out. I am so much shocked, Madam President, that that Amendment failed in this Chamber. I thought that we would at least find agreement that someone's private information was indeed their decision to give out, and not a third party or this body by the force of law.

Just following up also, early on in our discussion, we talked about the conflict that this legislation, if it becomes law, would have with existing statutes. And I pointed out some labor law and also the existing FOIA statute. And it occurred to me, unfortunately, after I spoke on the Amendment, the number of folks that actually are protected in the FOIA statute from having their residential address disclosed. And it is a substantial list.

And my expectation from this legislation is that, despite their protections that exist in Section 1-217, these folks, federal judges, sworn members of municipal and state police departments, employees of the Department of Correction, firefighters, inspectors at the Department of Criminal Justice, employees of DCF, members of the board of pardons and paroles, and so on. I could just go through the list. Those folks are going to end up giving up their information via the language in this Bill. And coincidentally create a problem in Section E of that same statute, which could leave them in harm's way and responsible for willfully and knowingly violating provisions of that section of our law.

I'm disappointed that in the process of developing this legislation, that someone had not thought it through that that needed to be addressed. Because I believe if we leave here and this Bill becomes law in its current form, there is going to be conflict. And you're going to end up having municipal governments, in particular, trying to figure out exactly how to accommodate this law without being in violation of other existing statutes.

We talked about how there's three parties involved in this legislation. And I want to just bring it home on the subject. We talked about employees and their rights as being paramount. And I did my best to try and change this Bill in a way that would protect employee's rights by providing them an opt-out or at least informed consent.

With the failure of those Amendments, I want to just move on to trying to protect municipal employers. And by virtue of protecting municipal employers, this also would protect the state as well. But I'm more concerned about the impact on towns because I believe the state is equipped in many respects to handle this situation, and individual municipalities may not be.

When I say, "affecting a municipal employer", people listening should recognize I'm also talking about them as taxpayers in their communities. Because anything that impacts a municipality is obviously going to impact the people that are paying taxes in that town.

So, with that, Madam President, I have an Amendment. This one - and I will give you the LCO in advance, I apologize for before, I was on a roll - is LCO 8393. And this Amendment very straightforward strikes certain sections of the Bill. And simply what it does is it would eliminate and prohibit the use of state and municipal property by the exclusive representative as a matter of law in the Bill. That doesn't mean it could not be collectively bargained for, as it has been, or it could not be offered simply as a matter of course. But what it would do is remove it from this Bill and therefore becoming law. I move adoption, and like a roll call vote. Thank you, Madam President.

THE CHAIR:

Thank you. And when we do take a vote, it will be by roll. Mr. Clerk, please announce the LCO Amendment.

CLERK:

LCO No. 8393, Senate Schedule "D".

THE CHAIR:

And the question is on adoption of the Amendment that is before the Chamber. Will you remark on the Amendment before the Chamber? Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. And I'm going to speak on this as well. I have two jobs. In my other job, I run a municipality. And we have public buildings. The state doesn't come in and tell me what I have to do in my buildings. I rent this building out to people, and we require them to provide proof of insurance. In order to use our buildings, we want proof of insurance. It's not a hard thing to ask for, you know. But here we are, the state's coming in and telling the municipality, "You're going to let somebody use your building." And it sounds like, without any compensation.

So they're telling the taxpayers of the town, "You're going to provide electricity, heat, hot water, bathrooms, everything else necessary in that building, without compensation, without a bargaining agreement." If that was in the bargaining agreement, and it was bargained between the union and the town, that's one thing, because we came to an agreement. This is state lawmakers coming in and saying, "This is what you're going to do. You're going to do it. We don't care what you say." I don't believe that's right.

And while we're talking about this, there was another part of this, when something was brought up about these meetings being held in our public buildings. The proponent of this Bill said that, "Well, if somebody is disruptive, they can have them leave." "Can have them leave." How do you force somebody out of a building you don't own? How can you tell them to leave? You don't own that building.

All of a sudden a fight takes place. Somebody gets hurt. Who's responsible? Who's liable? Been a union member for 22 years. And during that time we've had

disagreements in our meetings. We've even been in meetings where chairs have been thrown.

I support these meetings, but I also want to make sure that the town's not liable because the state stepped in and said, "Do as I say, without question." It's like the town saying, "We want to use this room, and you don't have a choice." There's many problems with this Bill. And I see a theme going on here. And then, I'll close when I talk about the main Bill and start talking about that. But I urge people to support this. The state should not be telling your towns what to do in their buildings. Plain and simple. Thank you, Madam President.

THE CHAIR:

Thank you very much, Senator Champagne. Are there any further comments? Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. For the moment, I believe. I don't know if that's the best way to say that, because I haven't ever addressed you there before. But thank you for the opportunity to speak. I just want to point out that, I think this Bill without Amendment such as this is, a good Bill. And that the Amendment would not improve the Bill, would, in fact, really undermine the Bill and what our intent is here today. So I would urge my colleagues to vote no on the Amendment.

THE CHAIR:

Thank you very much, Senator Kushner. Will you remark further? Will you remark further? Seeing no further remarks. We will have a roll call vote on the Amendment. Mr. Clerk.

CLERK:

Immediate roll call vote has been ordered in the Senate, Senate Amendment D, LCO No. 8393. Immediate roll call vote in the Senate, Senate Amendment D, LCO No. 8393. Immediate roll call vote has been ordered in the Senate, Senate Amendment D, LCO 8393.

THE CHAIR:

Have all Member's voted? Have all Member's voted? Please check your votes to make sure that they are recorded correctly. Mr. Clerk.

CLERK:

Senate Bill 903, LCO No. 8393, Senate Amendment D:

Total number voting 35. Total number of voting yay 12. Total voting nae 23. Absent not voting 1.

THE CHAIR:

Thank you very much. Amendment fails. (Gavel)

Will you remark further? Will you remark further? Senator Sampson.

SENATOR SAMPSON (16TH):

Thank you very, very much, Madam President. Good to see you up there this afternoon. So, that was the third straight Amendment that I've offered that went down on a party-line vote. And I find that to be unfortunate. If folks have been watching, they would notice that there is a theme to my Amendments. And that theme comes from my opening comments on the Bill, which is that, this subject is freedom versus force. I have tried to put freedom back into the Bill before us in giving the employee the ultimate choice about their private information and not a third party or this body.

And the most recent one was to give municipalities freedom of choice on how their property owned by

their taxpayers should be used. It's been mentioned that many of these things have been happening for years, that unions do use state and municipal property, that employees do give out their information. All true. But again, all done voluntarily via freedom in a private contract, or rather a contract called the bargaining agreement. This law before us is going to take a significant portion of one side of that agreement, and put it into our laws, creating a great disadvantage for the opposing negotiation of the other side.

I want to offer another Amendment in an effort to illustrate once again that, freedom is the proper choice here. Section 1, Subsection E of the Bill says that, "The exclusive representative of the union shall have the right," as I pointed out before, which is not a right at all, "to use the electronic mail system of public employers to communicate with bargaining unit members," and so on.

I find that it's very interesting because the final section of the Bill, which is in Section 2 Subsection N, Subsection -- I'm sorry, O, Subsection 4, says that, "It shall be a prohibited practice for a public employer to permit the use of the employer's electronic mail system by any entity to discourage membership in a public employee organization," and so on. So this Bill makes it very clear that the union can use the public employer's email system for their purposes while simultaneously prohibiting any opposing viewpoint.

That's not the way things should be done in a free society, Madam President. In a free society, people should be able to make their own choices. And this Bill, as I've mentioned several times, is the exact opposite of that. So, the Clerk is in possession of an Amendment. This one is LCO No. 8496. And this is a very simple Amendment that would strike the very first Section that I mentioned, which was Section --

THE CHAIR:

Senator Sampson, can we just go through the process first? We're calling the Amendment. So, let Mr. Clerk announce it, then you can do your discussion.

SENATOR SAMPSON (16TH):

I would be glad to, Madam President. Thank you.

THE CHAIR:

Thank you. Mr. Clerk.

CLERK:

LCO No. 8496, Senate Schedule "E".

THE CHAIR:

Thank you very much, Mr. Clerk. And this is on adoption, sir?

SENATOR SAMPSON (16TH):

I move adoption.

THE CHAIR:

Thank you very much, sir. Please continue.

SENATOR SAMPSON (16TH):

Thank you, Madam President. Forgive me, I'm on a roll, and I'm getting ahead of myself sometimes. And everyone has their own way of doing these protocols. I like to turn my summary into my argument for the Amendment, which I've already made. Very simply, this would eliminate the requirement that public employers allow -- not allow, but must, by force, provide the use of their electronic email systems. And as I said, I move adoption, and I would like a roll call vote, Madam President. Thank you.

THE CHAIR:

Thank you very much, Senator. Will you remark further? Will you mark further? Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. Allowing the representative of the unions access to our email systems. Many towns have been attacked, their systems have been hacked, and have paid hundreds of thousands and even millions of dollars. And now, this law is going to give them access to our email system. I'm going to say, that's wrong. I'm going to talk more about this later. But I'm going to say, this is wrong.

We spend every single year hundreds and hundreds of thousands of dollars to protect our email system. Everything goes through the cloud. You know, that's a system we put in place, we paid a lot of money for. And now we're talking about giving access to an outside person to our system.

I hope I'm reading this wrong. I hope I'm understanding this wrong. I'm going to ask for more clarification later. But they should not have access. They should have access to the private emails, and they can go through it that way. They should not have access to our public, taxpayer-funded, very well-funded email system, that we do everything we can to protect. Thank you, Madam President.

THE CHAIR:

Thank you very much, Senator Champagne. Will you remark further? Will you remark further? Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. And I would just urge my colleagues to vote no on this Amendment. I think we have a good Bill without this Amendment. And I would urge a no vote on the Amendment. Thank you.

THE CHAIR:

Thank you very much. Will you remark further? Will you remark further? Seeing no further remarks. Mr. Clerk, if you call for a roll call vote on Senate Amendment E, I believe?

CLERK:

That's correct.

Immediate roll call vote has been ordered in the Senate. Immediate roll call vote has been ordered in the Senate, Senate Amendment E, LCO No. 8496. Immediate roll call vote has been ordered in the Senate, Senate Amendment E, LCO No. 8496. Immediate roll call vote in the Senate.

THE CHAIR:

Have all Members voted? Have all Members voted? Please check your vote to make sure it's been recorded accurately. Mr. Clerk.

CLERK:

Senate Bill 908, Senate Amendment E, LCO No. 8496. Total number voting 35. Total number voting yea 12. Total number nae 23, absent not voting 1.

THE CHAIR:

The Amendment fails. (Gavel) Will you remark further? Senator Sampson.

SENATOR SAMPSON (16TH):

Thank you, Madam President. So, that makes four Amendments, all making the argument for freedom versus force that have failed on a party-line vote. And I'm disappointed by that because I had hoped that there'd be some effort towards a bipartisan agreement on a policy initiative that is as vast and important as one that affects the entire public workforce of our state, and many of our towns.

I actually had one more Amendment that I was going to call, and I'm not going to call the Amendment. But I do want to have the conversation briefly because something occurred to me during this debate. I have been a proponent of a policy change in the state for the last several years and have submitted a Bill each year to prohibit what is called supersedes, which is the process by which collective bargaining agreements can actually circumvent the laws that we pass in our state.

I've always thought that this was a bad policy because the laws should apply to everyone. And there shouldn't be a collective bargaining agreements that go outside of our system of laws and justice. However, considering the Bill that is before us and the possibility that it may become law, and how it changes the weight on the scales in favor of one side of a collective bargaining agreement, I believe the only potential for the other side of that agreement to benefit or to put themselves in a better position is, in fact, supersedes. Because they will be able to negotiate terms contrary to the Bill that is before us in the collective bargaining agreement.

Madam President, I fully expect that to happen. I believe that collective bargaining agreements going forward will contain provisions to supersede the legislation before us. And that's a good thing.

So I'm not going to call the Amendment on supersedes, and I'm going to have to wait and see if this Bill becomes law to make a determination in the

future, whether I think that is a good policy decision for Connecticut or not. I'm sad that this Bill is before us, Madam President. I genuinely am. I am very disappointed that it has come to this.

I think that there has been a -- I wouldn't use the word "battle", but let's say a rivalry essentially through the history of politics in Connecticut and across the country on the subject of union labor, and how municipal employers and the state negotiate these contracts. The concerns for the taxpayer, the concerns for the worker have played out.

While I might not have always agreed with the outcome in those cases, I always agreed with the notion that these were voluntary agreements, and they were happening on a level playing field. The legislation before us, Madam President, I have noted many times during this conversation, but I cannot help by closing without saying that, I believe this definitely un-levels that playing field and applies force to one side of the equation in a very unfair way.

But I'm going to leave you with just what I think is most important to take away from this debate in this legislation, which is a reminder that this Bill does not benefit employees in any way. If there's something I want people to hear and understand, it is that, employees do not benefit. Not one point has been made during this entire conversation about how an employee will benefit directly from this policy becoming law. No one's going to receive more pay or benefits because of this law.

The only thing that happens is that employees lose their choice in many respects. They lose their choice about whether or not their private information is provided to someone without their consent, their opt-in, or their informed consent. Despite my efforts to correct that. They lose their right to make a decision, whether to participate in an orientation where they are very likely to be

pressured to join the union. A choice they, again, should make on their own. They lose those rights.

And even if you were the most ardent supporter of our collective bargaining system and our public sector employee unions across this state, you have to recognize that that system works because people choose to be involved. It is wrong to pass laws that say that employees do not have rights to make their own choices anymore.

This Bill is also anti-tax payer, as I mentioned, because it is going to put more burdens on municipalities and the state in a way that will ultimately raise taxes. Not just directly either by the use of state facilities at taxpayer expense, but also in the potential of lawsuits and claims that arise from the conflicts in this legislation with the existing law.

We're about to take a significant vote on this Bill. And I'm hopeful that since it's a Senate Bill, it is debated as thoroughly in the House. And I'm begging my colleagues to think hard about the choice that they're making here. Whether they support unions, whether they support employees, whether they are concerned for their municipal governments in the towns that they represent, they need to think hard about what is right and wrong. Whether we should have freedom or force, Madam President, I will always choose freedom. Thank you, Madam President.

THE CHAIR:

Thank you very much, Senator. Will you remark further? We you remark further? Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. I rise because I have several problems with this Bill. And I'm going to start from the beginning and make my way all the way through the end. And I'm going to have many

questions for the proponent of this Bill as the  
Labor and Public Employees' Chair.

THE CHAIR:

Thank you very much, Senator. Senator Kushner, could  
you prepare yourself, please? Please proceed, sir.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. And through you, the  
first question I have is on lines 5 through 7. It  
says, "The employer is going to be providing name,  
job title, department, work location, work telephone  
number, and the home address, of any newly hired."  
Does this go beyond the union employees because it  
says "any new employees," and include all new  
employees within a municipality or in state  
government? Through you, Madam President.

THE CHAIR:

Thank you very much, Senator Champagne. Senator  
Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. Through you, this would  
apply, as written, to all new employees.

THE CHAIR:

Thank you very much, Senator Kushner. Senator  
Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President, and through you. So this  
includes non-union employees?

THE CHAIR:

Thank you, Senator Champagne. Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. Through you, as I said, this would include all newly hired employees.

THE CHAIR:

Thank you, Senator Kushner. Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. And through you, again. So this is actually a move to get new union employees. Is that correct? Through you.

THE CHAIR:

Thank you, Senator Champagne. Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. This, as the Bill says is that, the employer would have to provide the union with the names and this information for all newly hired employees. Thank you, Madam President.

THE CHAIR:

Thank you very much, Senator Kushner. Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Madam President, same question. It really wasn't an answer. So I'm just wondering, is this to acquire new employees into the unions? Through you, Madam President.

THE CHAIR:

Thank you very much, Senator Champagne. Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. This Bill is really clear that it says that it would be to inform the union of all newly hired employees. And I will add that, I think that it would be important for the union the employee organization to know about newly hired employees. It's not always clear when a person is hired, whether or not they are union eligible -- covered by the collective bargaining agreement or not.

THE CHAIR:

Thank you very much, Senator Kushner. Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. And I guess my next question, through you, is, if the individual is not part of a union, which union do I reach out to? Because municipalities have many different unions representing many different collective bargaining units. Through you, Madam President.

THE CHAIR:

Thank you very much, Senator Champagne. Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. Through you, the employer would give that information to all employee organizations within the municipality.

THE CHAIR:

Thank you, Senator Kushner. Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. This goes back to some information I've already talked about, and that's dispersal of private information to people who don't deserve it. And this legislation talks about not notifying the employee that I'm giving their information out to potentially 12 different unions. If it's the state, I don't know how many total unions we have. But according to this legislation and what you just told me, I have to notify every single union that I just hired a new employee. And the only reason you do that is to add new employees into the unions on a one-sided document. That could take a while.

All right. Can we talk about the definition of exclusive representative? Through you, Madam President. Can you just describe who this person is, and who they work for?

THE CHAIR:

Thank you very much, Senator Champagne. Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. The term "exclusive representative" is a term defined by statute. It is the representative of the employees.

THE CHAIR:

Thank you, Senator Kushner. Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. So is this the union President, or is this the actual organization where the dues go to? Through you, Madam President.

THE CHAIR:

Thank you very much, Senator Champagne. Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. The exclusive representative is the organization of the employees.

THE CHAIR:

Thank you very much, Senator Kushner. Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. Through you, again. So that's the union that accepts the dues. Is that what we're talking about? Through you, Madam President.

THE CHAIR:

Thank you very much, Senator Champagne. Senator Kushner.

SENATOR KUSHNER (24TH):

That's correct. It's the union that represents the employees.

SENATOR CHAMPAGNE (35TH):

Thank you.

THE CHAIR:

Thank you, Senator Kushner. Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. All right. My next question goes to the orientations, the new employee orientations. And I now have to reach out to the union. I have to say, "I hired somebody. I want them

to start in two weeks." And if the union representative says that they cannot make the date that I want to hire this person, do I have to stop the hiring? Through you, Madam President.

THE CHAIR:

Thank you very much, Senator Champagne. Senator Kushner.

SENATOR KUSHNER (24TH):

Through you, Madam President. This Bill does not dictate anything about when you hire the employee. It simply says that you have to notify the union within ten days of the scheduling of an employee orientation.

THE CHAIR:

Thank you, Senator Kushner. Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. And through you, again. You're right. It says that I have to notify them within ten days written notice, and I'm bringing the person in on a - I'll just throw a date out there - March 30th. And the union representative says, "I can't make that date." Do I have to negotiate when that union representative will be able to make an appointment? Through you, Madam President.

THE CHAIR:

Thank you, Senator Champagne. Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. The Bill says that -- it provides that, the employer must give the exclusive representative not less than ten days written notice in advance of such an orientation. In that part of

the section of the Bill, it does not dictate whether or not the representative must be available. I will point out, however, in the next section, it does talk about the negotiations, and that there can be negotiations over the details, structured time, and manner of access by the exclusive representative. But there's nothing in this Bill that dictates that the employer must do it at the convenience of the union representative.

THE CHAIR:

Thank you, Senator Kushner. Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. And this is exactly what I'm talking about. When we get up to number two, "Upon request of the public employer or the exclusive representative, the parties shall negotiate regarding the structured time and manner of access by the exclusive representative to a new employee orientation."

So I want to have a new employee orientation on the 30th. The exclusive representative says, "I can't do the 30th." So I push it off to the 1st of June. "I can't do that date." I push it off to the 5th of June. "I can't do that date." The 7th of June. At what point can I say, "All right, you're not going to show here. And I got to hire this employee." At what point in time can I hire this employee, have the orientation, without this union representative? Through you, Madam President.

THE CHAIR:

Thank you very much, Senator Champagne. Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. I think the Bill is clear that, upon request of either the employer or the exclusive representative, the parties shall engage in negotiations as to the manner of access the structure and time to a new employee orientation. Thank you.

THE CHAIR:

Thank you, Senator Kushner. Senator Champagne.

SENATOR CHAMPAGNE (35TH):

No, the Bill is not clear because the question I asked is, if they can't make any of the 12 dates I gave them, then there is no negotiation. It breaks down. But I still have to make sure that they're at this meeting. And if I have to keep pushing this date off, because they can't make the date. And this employee, I'm not going to start paying this employee until I go to orientation and they know all the rules. How do I do this? If they're not going to give me a date, that can't happen. Through you, Madam President.

THE CHAIR:

Thank you very much, Senator Champagne. Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. I don't believe this says that the employee -- as I said earlier, in response to an earlier question, this does not dictate that the union representative must be available on the date of the employee orientation.

THE CHAIR:

Thank you, Senator Kushner. Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. And through you, again. So the employee representative does not have to be at the orientation, is what I just heard, is it? Through you, Madam President.

THE CHAIR:

Thank you, Senator Champagne. Senator Kushner.

SENATOR KUSHNER (24TH):

This Bill does not address whether the employee representative has to be at the orientation. It says that the employer has to give notice of the employee orientation.

THE CHAIR:

Thank you, Senator Kushner. Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. We'll go through this again. I gave notice. It's on the 30th. The exclusive representative says, "I can't make that date." So I'm negotiating back and forth. I say the 1st; I say the 2nd; I say the 3rd, 4th, 5th, 6th, 7th, 8th, 9th, 10th. They can't make any of those dates. Can I just have the orientation without that person there under this Bill?

THE CHAIR:

Thank you, Senator Champagne. Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. This Bill does not address anything regarding the attendance of a representative. It says two things. It says, number one, that you must give notice of an employee orientation meeting. And secondly, it says that, a

union can request, or the employer can regret request, negotiations to the structured time and manner of access of the union to a new employee orientation.

THE CHAIR:

Thank you, Senator Kushner. Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. Still haven't gotten very far on this one. All right. I see this as a problem, trying to hire certain employees if I can't get somebody in. I'm going to give you an example. I try to hire somebody. We're negotiating contract. Union got back to me said, "Oh, somebody is out sick." Took almost six months for them to finally send somebody our way. At that point, you know, this person's going to lose interest in being hired by us at some point in time if I can't get somebody to come down to be part of this.

Because the other thing I got to look at is the compulsory interest arbitration pursuant to this subsection. If somebody doesn't show up and we can't resolve it within the 45 days after the first meeting where the parties within 60 days after the initial request to negotiate was made, do I have to go to arbitration? And during the arbitration, they say, "Well, give him another 60 days to have somebody at this orientation"? Through you, Madam President.

THE CHAIR:

Thank you, Senator Champagne. Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. And I hope the good Senator will hear what I'm trying to say to you. You know, I really want to try and answer this question

in a way that's clear to you. And so, I think maybe part of the confusion is that, one section talks about giving notice of an employee orientation, a new employee orientation.

And I think we could all imagine a situation where a municipality or the state hires ten new people, and they plan a new employee orientation. The union must receive at least ten days' notice of it. Unless there's a reason, you know, and it says here, "There's a provision where there's an urgent reason to do it more quickly than that." That's one section of the Bill. The next section of the Bill says, "Upon requested the employer or the exclusive representative, the party shall engage in negotiations about the system."

And let me add to this. Maybe that will clarify the way I envision this. And I think the drafters of the Bill, the proponents of this Bill, really envisioned that some employers have a system of when they conduct employee orientations. It is that, that we're talking about, that would be subject to negotiation. So, it is not intended to prevent an employer from hiring an employee.

In other section of this Bill, you don't even require an orientation at all. An employer can decide they don't want to have employee orientations. And under those circumstances, the representative makes an appointment with a newly hired employee. And under this statute, you have to provide at least 30 minutes per that opportunity for the union to meet with that newly hired employee.

So I think that maybe the confusion is about an existing practice where you're having new employee orientation scheduled, and you give the union that notice provided for in the statute versus a situation where the employer or the union request negotiations to establish how our new employee orientation is going to be provided in terms of the access to the union, to that the structure of the

time. And so, I think maybe that's where this confusion has arisen. So I hope that clarifies it for the good Senator. Thank you, Madam President.

THE CHAIR:

Thank you, Senator Kushner. Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. Well, I've only been involved in hiring people for one locality. And in order for that person to start, they have to go through orientation. They have to fill out all their paperwork for insurance. They have to get the rules and regulations book. They have to go through the terms of their contract. They have to understand how much they're being paid. They have to understand their hours. What benefits and stuff they have. And they don't start until they go through orientation. There isn't. You start, and then three weeks later, you go through orientation. Because if in those three weeks, you don't follow something within the rules and regulations, well, nobody notified you. You can walk away from it.

That's exactly why, in order for an employee to start, at least in the one I'm thinking about, they have to go through orientation. Any municipality or any other agency that starts an employee without going through some sort of orientation actually puts themselves at risk. So this is what I'm talking about. In order for an employee to start, we have to go through orientation. And what this Bill says is, "I need a representative from the union at that orientation."

And I give my ten days' notice. It's an employee who's -- I don't even know what we do with an employee who is non-union. Do I wait for ten different unions, 12 different unions, to get back to me to say, "All 12 of us want to come, and each one gets a half-hour?"

Well, I'll ask that question in a second. Let's just settle what we're doing here. But, if it is a union person and we give the proper notice of ten days and the union calls and says, "We can't make it that day." Is it at that point that I have to go down to Section 2, and start negotiating back and forth. Through you, Madam President.

THE CHAIR:

Thank you, Senator Champagne. Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. I think it's clear that the reference in the next paragraph to negotiations around new employee orientation, as I said before, is about the system of setting up new employee orientations. And this Bill does not speak to requiring an employer to wait until union representative is available in order to conduct that orientation.

THE CHAIR:

Thank you, Senator Kushner. Senator Champagne.

SENATOR CHAMPAGNE (35TH):

But it reads, "Upon request of the public employer, the exclusive representative, parties shall negotiate regarding the structured time and manner of access by the exclusive representative to a new employee orientation." So is this the orientation of being hired, or is this the 30 minutes to two hours that they want to sit and talk to the person? Are these two separate dates, I guess you can say? Through you, Madam President.

THE CHAIR:

Senator Champagne, thank you very much. Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. As I said, I believe, the proponents of this Bill on the intention of this section about negotiations is negotiations between the union representatives and the employer about a system of new employee orientation. There's nowhere in this Bill that it says that an employer has to delay hiring until the union is available for an orientation. That language doesn't exist.

THE CHAIR:

Thank you, Senator Kushner. Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Okay. And, as I explained, the person doesn't start working until they go through orientation. And if that's the case, if they can't start working until they go through orientation, and the exclusive representative cannot make all of the dates I gave them, can I still have this person go through orientation, and then meet with that representative at a different time? Through you, Madam President.

THE CHAIR:

Thank you very much, Senator. Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. I believe I've answered that question. There is no requirement in this Bill for an employer to delay hiring. There's no requirement for the union to be present. The requirement in this section of the Bill is that the employer must give the union notification at least ten days in advance of such an orientation, except in the case where there is an urgent need critical

to the public employer's operation that prevents the ten days notice. I think it's clear in the language of this Bill.

THE CHAIR:

Thank you, Senator Kushner. Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. I am going to say that it is not clear in this Bill. Can you define orientation to me? Through you, Madam President.

THE CHAIR:

Thank you very much, Senator Champagne. Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. I don't know if you're looking for a dictionary definition. I will tell you my impression of orientations is similar to what the good Senator spoke about earlier, that it's an opportunity for an employee to learn from the employer. And in this case, under this Bill also from the union, a variety of different things about the work that they will be performing, and also the terms and conditions under which they will be working.

THE CHAIR:

Thank you, Senator Kushner. Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. And the orientation we just talked about is that where the exclusive representative shows up too?

SENATOR KUSHNER (24TH):

The employer?

SENATOR CHAMPAGNE (35TH):

Through you, Madam President. Sorry.

SENATOR KUSHNER (24TH):

Through you, Madam.

THE CHAIR:

Thank you, Senator Champagne. Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. Through you, the employer would give notice to the exclusive representative at least ten days in advance of the new employee orientation is that orientation that the exclusive representative would have an opportunity to have access to.

THE CHAIR:

Thank you, Senator Kushner. Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. Exactly. And that is what I'm talking about. The orientation, as you stated, is where this representative will be. The exclusive representative will be at the orientation, and at that orientation, they will be given at least 30 minutes, but up to two hours to talk to the new employee.

In most municipalities, that orientation takes place the first day an employee gets hired. If I attempt to negotiate with this exclusive representative, that day, and I tell him, "I want to have the orientation on the 30th. That's the day I want to

hire this employee." Before I can send a notice out to that employee telling him, "Your start date is the 30th," I have to make sure that this exclusive representative is available for that day because the employee cannot start unless they go through orientation.

This Bill may not say it, but this is real life. I hire a lot of people in the municipality that I run. And your first day, you will be going through the orientation. So, I call the union up, and I say, "I want to do an orientation on the 30th." And they tell me, "I'm not available on the 30th." And I say, "Okay" I rattle off a couple more dates, "Well, what's the earliest you can come down for an orientation?" And they tell me, "July 2nd." That's the earliest this union can send somebody down, is July 2nd.

I now have to send a letter to this employee saying, "Your hire date is July 2nd." Because I can't start the orientation without this person. Because if I do, there's a compulsory interest arbitration pursuant to violating the fact that that exclusive representative was not at the orientation.

So I'm not going to take a chance that the taxpayers are fined because, number one, I didn't have this person at the meeting. Number two, I sent a letter to the person saying, "You're hired on the 30th," and then said, "Oh, just kidding. You're now hired on July 2nd." So, that's a real big concern for me in hiring. That the union's not going to have somebody available. That the exclusive representative will not be available on that first date. And then, like I said, well, if I violate this or the town violates this or any municipality in the state violates this, we have to go to this arbitration and possibly get a fine.

Let's talk about the exclusive representative at this orientation. What exactly is their job at the orientation? Through you, Madam President.

THE CHAIR:

Thank you very much, Senator Champagne. Senator Kushner.

SENATOR KUSHNER (24TH):

Madam President, will you give me one minute?

THE CHAIR:

The Senate will stand at ease.

The Senate will come to order. Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. Would you please repeat the question, Senator Champagne?

SENATOR CHAMPAGNE (35TH):

Absolutely. Through you, Madam President.

THE CHAIR:

Thank you very much.

SENATOR CHAMPAGNE (35TH):

The question is, what is the job of that exclusive representative at the orientation?

THE CHAIR:

Thank you very much, Senator Champagne. Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. I do want to address this earlier question. I want to be clear. There is

no requirement that, in this statute, in this proposed Bill, that the union be present at the orientation. The requirement is that the union be given notice. And we've been through that.

I do want to talk about real-life since, you know, we are talking about how things work, and employees are hired. This Bill does not require a public employer to have a new employee orientation. So if an employer doesn't have a new employee orientation, it does provide an opportunity for the exclusive representative to have a meeting with the newly hired employee, at least 30 minutes and up to two hours.

So I don't think this is intended to delay hiring. And to the good Senator's question, I think it's intended to give the union an opportunity to explain to the employee the benefits of the agreement, what exists in the agreement, how to contact the union, how to be in touch with your representative, basically to make sure that this collective bargaining agreement that every new employee is aware of what their rights are under the agreement, and how they can make sure that they obtain everything in that agreement and the benefits of being part of the organization.

THE CHAIR:

Thank you, Senator Kushner. Senator Champagne.

SENATOR CHAMPAGNE (35TH):

I guess, we're back to the original. Thank you, Madam President.

THE CHAIR:

Thank you.

SENATOR CHAMPAGNE (35TH):

So what you're saying is, that the exclusive representative doesn't have to be at the orientation? Through you, Madam President. Sorry.

THE CHAIR:

Thank you very much, Senator Champagne. Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. This proposed Bill provides for notice of the new employee orientation, as I have stated. And it does not require that the employee representative be there, or that the employer negotiate each employee orientation session. It does provide that at the request of the employer, or the request of the exclusive representative, there will be negotiations over new employee orientation, how it's structured and how the access is given and what the time is. And if the union and the employer can't reach agreement, then there is a provision for interest or arbitration as stated here in the proposed Bill.

I don't see where there's any reference to -- if the employer gives notice to the union representative of an employee orientation and the union representative, can't be there. There's no prohibited practice in order at that point. The prohibited practices would occur if the employer did not give notice to the union of an employee orientation.

THE CHAIR:

Thank you very much, Senator Kushner. Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. So as long as I give the ten-day written notice, I tell them, "I'm hiring

this person on 30th. I'm having the orientation on the 30th," and they can't make the 30th, I can just go ahead and keep going, and say, "Yep, you can meet with the employee as soon as you get a chance"? Through you, Madam President.

THE CHAIR:

Thank you very much, Senator Champagne. Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. if the employee representative wasn't available for the orientation, as I read this Bill, and as I think is suggested here in Section C, that the employer would give the employee representative an opportunity to meet with employee for 30 minutes, no less than 30 minutes, nor more than 120 minutes, within 30 days after the date of hire.

THE CHAIR:

Thank you very much, Senator Kushner. Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. All right. So, the compulsory interest arbitration pursuant to the subsection, when would that kick in? Actually, let me restate that. If I have a union, and I negotiate with the union, an overall idea on how we're going to do this, whereas I say, "You know, I'll just give you guys the ten days. You meet me on the 30th. If you can't be there I'll make sure within those 30 days, I give you, you know, an opportunity to speak with the employee." Would that cover Section 2 on this? Through you, Madam President.

THE CHAIR:

Thank you very much, Senator Champagne. Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. Section 2 here would say, "Upon the request of the employer or the union, there will be negotiations regarding the structured time and manner of access to a new employee orientation. I believe that if the employer wanted to request from the union negotiations on a system of new employee orientations, then -- there were negotiations that ensued, and there was no agreement that could be reached, then interest arbitration would resolve the dispute.

Conversely, if the union requested -- I mean, let's talk about a real-life situation where the union says, "This employer has not been giving me good access to orientations. They're not doing in a way that's practical, that works. Let's figure out a better system." And they request negotiations about new employee orientation. That negotiation takes place. You reach an agreement. That's fine. That would then be the terms under which you would operate with newly hired employees. Or you don't reach an agreement, and then there would be interest arbitration. Thank you, Madam President.

THE CHAIR:

Thank you very much, Senator Kushner. Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. No, it just keeps coming back without an answer. It basically says, "Upon request or the public employer or the exclusive representative, the party shall negotiate regarding the structure time and manner of access by the exclusive representative to a new employee orientation." So I have to negotiate for them to be

at the new employee orientation. "Failure to reach an agreement on such structure, time and manner of such access shall be subject to compulsory interest arbitration pursuant to this section."

When I read number 2 -- I've given the ten-day notice. And after I gave the ten-day notice, I moved down to Section 2. And it says, "Access by the exclusive representative to a new employee orientation." This is where I have the problem. That one sentence. It says, "That I have to negotiate to give exclusive representative" -- or I'm sorry, "Access by the exclusive representative to a new employee orientation." I have the orientation in my municipality on day one of the hire. This is what I'm talking about. I'm negotiating back and forth, trying to get this person to the orientation, and it doesn't happen. Is that when I have to go for the arbitration to figure out how to get this person in into the orientation? Through you, Madam President.

THE CHAIR:

Thank you very much, Senator Champagne. Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. I believe this question has been asked and answered.

SENATOR CHAMPAGNE (35TH):

Okay. Then I'm going to have to --

THE CHAIR:

Thank you, Senator Kushner. Senator Champagne. I apologize, sir. Thank you.

SENATOR CHAMPAGNE (35TH):

Sorry. All right. So, the way I understand this is that, the exclusive representative has to be at the orientation. If they're not, I'm going to have to go to arbitration. And so, they can put me off as long as they want, and until they agree to show up for the orientation, I can not hire the employee. That's what it says in black and white here. And that's what I have to go with on that one.

I want to go back to the next question. And that is the question I already asked. Through you, Madam President. The exclusive representative, can you just tell me, that person at the orientation, what would their role be there? Through you, Madam President.

THE CHAIR:

Thank you very much, Senator Champagne. Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. I think the Bill would allow access to new employee orientations, as we've discussed. I think the intent of this legislation and would be clear that the union representative, the exclusive representative, would have an opportunity to speak with the newly hired employee for at least a half-hour during that orientation or at a time within 30 days of the new employee's hire. Thank you, Madam President.

THE CHAIR:

Thank you very much, Senator Kushner. Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. And would this exclusive representative sit through the discussions with human resources on the outlines of what's required

of the job, and insurance, and the rest of that information? Through you, Madam President.

SENATOR KUSHNER (24TH):

This Bill --

THE CHAIR:

Thank you very much, Senator Champagne. Excuse me, Senator Kushner, I'm sorry.

SENATOR KUSHNER (24TH):

I'm so sorry.

THE CHAIR:

Just trying to keep it a little orderly. Thank you very much, Senator. Senator Kushner, please proceed.

SENATOR KUSHNER (24TH):

Thank you, Madam President. I appreciate your efforts here. So through you, Madam President. I think the Bill is really clear that, the employer must notify the union representative ten days in advance, except under the circumstances we've already identified of a new employee orientation, and allow access of that union representative to that meeting. That's what this Bill says and contemplates.

It also says that if there is no new employee orientation, what is clear I think in this Bill and what we're getting at here, is that the employer must give the exclusive representative at least 30 minutes to discuss the terms and conditions of the union contract, and provide other information that will make sure that every new employee has an opportunity to take advantage of the benefits of that agreement, and to know who is representing them, and how to be in touch with that

representative. I think that's what's clearly contemplated here.

THE CHAIR:

Thank you very much, Senator Kushner. Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. I think this goes back to what I was talking about before, and that's the personal identifiable information. And the reason I say, is the exclusive representative sitting through the entire process, because at that point they're going to be exposed to something called sensitive PPI, and that ratchets things up a little more when it comes to the security of our system, and what the capability is on our computer system, and the protections.

That brings me to is my next question. I bring a new employee in, and this employee does not have a union. Do I have to notify all 12 unions? Through you, Madam President.

THE CHAIR:

Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. I think this Bill is written clearly with the intent that the employee representative will have an opportunity to access the employee orientation. It doesn't address to what extent. It doesn't say for how long. It says later in this Bill that the exclusive representative will get at least 30 minutes to have access to employees where there is no orientation. So I think what's contemplated here is clear that the union representative would have at least 30 minutes to be

engaged with new employees, and advise them of their rights, as I have said earlier. Thank you.

THE CHAIR:

Thank you. Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. I think we backed up a question. So let me ask my question again. Through you, Madam President. If we hire somebody who is a non-union person, do I have to notify all 12 unions about this new hiree? And do all 12 unions send somebody to the orientation? Through you, Madam President.

THE CHAIR:

Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. Will you give me one minute?

THE CHAIR:

The Senate will stand at ease.

Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. And I appreciate the moment to collect myself here, and make sure that we're not confusing two different sections of the statute. The statute that I believe the good Senator is referencing is on line 22, where it says, in Paragraph B1 of Section 1, "Each public employer shall provide the exclusive representative access to its new employee orientations." And I do want to point out that that I think is very clear that in

this section of the Bill, we're talking about the exclusive representative of that newly hired employee.

And I don't want to confuse that with an earlier section of the Bill that says that you must provide information on newly hired employees to all the unions. This section is very clear. It's talking about the exclusive representative of that newly hired employee.

THE CHAIR:

Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. And that was my question. Do the 12 unions just get notified, or do they have to show up? I think you answered that, that if it is a non-union person, they do not have to show up. Why we're sending them any information when it's a non-union person without having to notify them and their privacy? I don't know.

All right. On line 65 through 68 says, "The right to meet with individual employees on the premises of the public employer during the workday to investigate discussed grievances, workplace related complaints, and other workplace issues." Is there a time limit on taking this employee away from their work? Through you, Madam President.

THE CHAIR:

Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. I'm just looking for the reference, but I -- In Section 1, Subsection C1, there is no time identified there.

THE CHAIR:

Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. So, could this go on for eight hours? Through you, Madam President.

THE CHAIR:

Like this debate. Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. There is no time identified in Section 1 of this.

THE CHAIR:

Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. There is no time. Eight hours, for some employees, that could be quite a bit of money that the town's going to lose. Well, I'll talk about that other piece in a second.

On Section 3, "The right to meet with newly hired employees within the bargaining unit without charge to the pay or leave time of the employees for not less than 30 minutes, no more than two hours essentially, within 30 calendar days after the date of hire during new employee orientations, or if the public employer does not conduct new orientation at individual or group times." So this takes the 30 minutes at the orientation and turns it up to two hours. Does this change anything within the original section that we talked about? Or is this just a repeat of what we talked about in B, Section 1, and 2. Through you.

THE CHAIR:

Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. Through you. I believe, this is very clear that the intent of this Bill is to provide the exclusive representative with at least 30 minutes to meet with newly hired employees. And it's clear here that this 30 minutes could be during a new employee orientation, or if the employer doesn't have a new employee orientation, it could be either an individual meeting or in a group meeting.

THE CHAIR:

Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. I'm going to take it that that was talking about the same section of this before.

The collective bargaining agreements that we have right now, if they cover this information, which document, is it the contract or is it this state law, which one supersedes which? Through you, Madam President.

THE CHAIR:

Senator Kushner.

SENATOR KUSHNER (24TH):

Through you, Madam President. Thank you. I believe that the statute that you're talking about, the supersedes statute, is clear that a union can negotiate a collective bargaining agreed meant that would supersede the law.

THE CHAIR:

Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you. I want to talk about the collecting of the information again. I'm at Section 85. "Each bargaining unit employee's name, job title, work site location, work telephone number, date of hire, work electronic mail address, home address, and if authorized by the employee be a written authorization provided to the exclusive representative, the employee's home telephone number and personal cellular mobile telephone number."

So some of this information the employers have, but then it's required an authorized by the employee via written authorization provided to the exclusive representative. I guess my question is, why is this in here? And why isn't the exclusive representative getting this directly from the employee? Through you, Madam President.

THE CHAIR:

Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. It authorizes the employer to provide the union with their personal cellular phone number, personal electronical mail address in there, if it is on file with the public employer. So I could envision an authorization that says, "Check this box if you are in agreement that employer has this information they can provide it to the union." And then, the employer would be required to provide that information if they have it on file.

THE CHAIR:

Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. I don't understand why they don't just get this from the employee, and why we're doing this. You know, and I'm thinking about incidents in the past where lawsuits have made it all the way to the US Supreme Court, and there's been payouts and stuff where information was provided. And then somebody decides, "You know what, I think I'm going to leave the union." And then gets repeated phone calls over and over again, early in the morning, this and that, at their mobile number. Why are we putting employers in the middle of something that could happen -- like that could happen? Through you, Madam President.

THE CHAIR:

Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. I don't think I can answer that question. I'm not familiar with people getting repeated calls. And, you know, I think it's a hypothetical, and this Bill contemplates that. If an employee gives written authorization for the employer to provide this personal information to the union, then the employer has an obligation to do that.

THE CHAIR:

Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. And it's not a hypothetical. It's an actual situation that I was reading about. And it's happened more than once. But my point being is, this is information that goes

beyond work. This is information that the exclusive representatives should get directly from the employee and not have to get it from the employer.

All right. Let's talk about the, "Exclusive representative shall have the right to use the electronic mail systems of public employers to communicate with bargaining unit members regarding collective bargaining." Can you please explain to me what this paragraph means, starting on page 97? What kind of authorization are we talking about here? Through you, Madam President.

THE CHAIR:

Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. This section says that the exclusive representative, the union, shall have the right to use the email system of the employer to communicate with employees. I don't see the word "authorization". It simply states the fact that unions can communicate with their members through the employer's email system/.

THE CHAIR:

Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. I guess what I'm understanding is that, they can just send emails to the town's email system or the state's email system, and the employee because they're at work, can open up that email at any time during work hours when they should be doing their job and go through the emails that the union sent out. And this could be union involving grievances, or any other work-related complaints or issues, instead of on their

own time. Is that correct? Through you, Madam President.

THE CHAIR:

Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. This Bill literally says that the union can send email to workers through their work email. That's all it says.

THE CHAIR:

Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. Okay. And understanding that the work email is FOI-able, and the employer has the right to look at those emails at any time. And that's okay with the creator of this Bill? Through you, Madam President.

THE CHAIR:

Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. I was aware that email is FOI-able and also can be looked at by the employer.

THE CHAIR:

Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. Getting ahead of myself again, but I can do that a few more times. All

right. My concern, like I said before, is the fact that we now have all the information out there, that this union's there. We have emails going back and forth between the union and my employees. My employee gets something that looks like it's from the union because that's easily information they can look up. And all of a sudden, my employee hits the button, my system is attacked. Who's responsible for that? Is the union responsible for that? Or is the employee responsible for that? Who should pay for the damages that can range up to millions of dollars? Through you, Madam President.

THE CHAIR:

Senator Kushner.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. This Bill does not address that.

THE CHAIR:

Senator Champagne.

SENATOR KUSHNER (24TH):

Thank you, Madam President. It may not address it, but it is a concern. Anytime you allow somebody else into your system, you have to worry about it. And here the state is saying that, "You know what, I know you have this major problem. I know your insurance companies are dropping yet. I know it's becoming excessively expensive. But you know what, let me give you something else to worry about."

All right. We talked about this before. The right to use, the municipal government buildings and other facilities are owned or leased by the public employers to conduct meetings with bargaining unit members. Do you think it's right that the state

should be telling the towns how to use their own buildings? Through you, Madam President.

THE CHAIR:

Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. I do believe it's right for employees to have the opportunity to meet with their union representatives in the their public employer's property.

THE CHAIR:

Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. Everybody else that uses that property usually is a town resident, and they provide insurance, and a lot of times pay a fee, and they pay for cleaning. Yet, there's a union, somebody coming out from the outside into the town using our building, and we're being told that they - - does this say they have to use it for free, or can I charge them a fee? Through you, Madam President.

THE CHAIR:

Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. This Bill does not contemplate any charge for the use of the building. And I think that would not be contemplated by this Bill. In fact, I believe what we're trying to do in this part of the Bill is make sure that employees that choose to unionize, that choose to participate in a union and join a union, have the opportunity to meet with their union representatives in their

workplace. And I think it's something that really benefits everyone, the employer, the public, because we have a union that is in touch with it's employees and is holding meetings with them. And that that's something that's very beneficial to the employees. And ultimately, I think to the whole relationship.

THE CHAIR:

Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. I guess the employers would second place on that one. Again, we'll talk more about that in a second.

The the payroll deductions. So, when Janus happened, the union members were called in, and they signed a new union card. And on the back of that card, it says, "You cannot withdraw from the union for a year," which is against Janus. And the problem I saw right away was the fact that, you know, the town was put into the middle of this. Because if an employee comes to town and says, "Stop taking up the deductions," and the town stops taking up the deductions, then the union's going to have a complaint against the town.

If the town doesn't take out the deductions. The employee is going to have a problem with the town. And when I looked through this, I'm kind of seeing the same issues. Now, I have the employer, who's basically has the employee sign a year contract with the signature on the back of the card, which isn't part of this, but creates an issue when it comes to the deductions. And the fact that, the municipalities are being told that, "You must deduct the dues." If there's a honest mistake -- what happens if there's an honest mistake? Through you, Madam President.

THE CHAIR:

Senator Kushner.

SENATOR KUSHNER (24TH):

There is a section of this Bill. Give me one minute, and I'll located it.

SENATOR CHAMPAGNE (35TH):

I think it's 156.

SENATOR KUSHNER (24TH):

Thank you. Thank you, Madam President. And you are correct Senator, that this Bill on line 156 says that, "That the public employee organization or the public employer would be liable for the amounts improperly deducted."

THE CHAIR:

Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Hello.

THE CHAIR:

There you go.

SENATOR CHAMPAGNE (35TH):

Thank you. All right. So let's go on to number 160, "Notwithstanding any provision of the section of public employer shall be liable to the public employee organization without recourse to the employees for the full amount of dues that such employer fails to remit to the public employee organization provided the public employee organization has complied with the provisions of this section." So, if an employee goes to the

employer and says, "Out of the union, stop taking my dues out." What does the employer do under this section? Through you, Madam President.

THE CHAIR:

Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. Under this section, the employer would instruct the employee to make that known to the union.

THE CHAIR:

Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. And so the employer does not stop these deductions, lets the employee reach out to the organization. And the organization does not notify the employer to stop removing the money. What does the employer do at this point? Through you, Madam President.

THE CHAIR:

Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. If an employee revokes their dues authorization in accordance with the law in accordance with the provisions of this Bill, they can then file a prohibited practice case with the state to adjudicate that failure of the exclusive representative if the revocation was made properly.

THE CHAIR:

Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. So, where does that leave the employer? So, the employer is still making the deductions. The union basically doesn't tell them to stop doing this. And we've seen around the country that there's been federal lawsuits about this, and employers have been held liable. So what do we do in this situation? As an employer, what we do? Through you, Madam President.

THE CHAIR:

Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. I think the law is clear that if a union were to ignore revocation and continue to accept dues under the prohibited practices, I have seen cases where the union then has to payback the employee.

THE CHAIR:

Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. Again, it still leaves the employer on alert here because the employer did not stop those deductions. There are numerous federal lawsuits when the employer failed to stop those deductions. Does this law protect the employer from the federal lawsuits? Through you, Madam President.

THE CHAIR:

Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. I think this law is really clear that the employer's indemnified if the union representative were to tell the employer to take dues deductions that were not authorized, the employer's indemnified.

And I do believe that the federal lawsuits, if I'm correct, and we can certainly check on it, I think they pertain to private sector employers, and that this is subject to the state statutes. And this would be state lawsuits, I believe, if it were to occur.

THE CHAIR:

Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. And there are some federal lawsuits that involve the government employees with municipalities.

All right. So basically, the town is indemnified, and that indemnification carries over to any federal lawsuits. Does it specify that in this? Through you, Madam President.

THE CHAIR:

Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. That is not specified here. It does indemnify the employer.

THE CHAIR:

Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. Do I need anything different to indemnify against any federal lawsuits, or just it says, indemnification? Through you, Madam President.

THE CHAIR:

Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. I don't know the answer to that question.

THE CHAIR:

Senator Champagne.

SENATOR CHAMPAGNE (35TH):

I think that's an important question. Especially for voting on a Bill today. And, you now, there's other issues in here with putting municipalities at risk. I really would love the answer to that. I still have concerns about handing out somebody's information.

What is the potential cost of this Bill to municipalities?

THE CHAIR:

Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. There is a OFA note on this Bill, and it says, "There's no cost."

SENATOR CHAMPAGNE (35TH):

There's no cost. I saw that too.

THE CHAIR:

Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Did it again. I'm so sorry, Madam President.

THE CHAIR:

Okay.

SENATOR CHAMPAGNE (35TH):

I saw that as well, "Municipal impact none." Yet, we talked about a half hour to two hours that that employee who's being paid is not doing their job. We talked about grievances where the representative in there for eight hours here, eight hours there. Don't you believe that lost productivity has a cost? Through you, Madam President.

THE CHAIR:

Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. I believe this Bill has no fiscal impact on municipalities. Thank you.

THE CHAIR:

Thank you, Senator. Senator Champagne.

SENATOR CHAMPAGNE (35TH):

As a municipal leader, I'm going to disagree with you on that, because I think employees are very important. I believe in collective bargaining. I believe that you should sit down and negotiate with your employees for everything. I think that's the proper way. I thought that the Democrats were big on

collective bargaining, not ruling by law. And that's what this is. You know, this is stepping on collective bargaining.

Most of my unions, we sit down and negotiate out a contract, and it goes pretty fast. And some of the stuff I'm seeing here is stepping on that. That's not acceptable. But when I look at this, this is almost a giveaway to unions. And I think when I look back, and I say, "Why would there be a giveaway to unions?" And I'd say, "Who would benefit from that?" And then I just think about the elections, and I say, "Oh, that's why."

Is there any reason that somebody would not use the town buildings? Through you, Madam President.

THE CHAIR:

Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. I'm not sure if I understand the question. Could you clarify?

THE CHAIR:

Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. Yes. Is there any time I can deny access to a building for a union meeting under this law? Through you, Madam President.

THE CHAIR:

Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. And this provides that a union can gain access to public buildings. And this Bill does not address any denial of the use of the building.

THE CHAIR:

Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. Exactly, it doesn't touch on that subject. And I'm going to bring up just one example; COVID. I should be able to deny access to that building because of COVID. I should be able to deny for any other emergency. And the Bill doesn't cover that.

I said it before, and in my notes, I was going to talk about in any way. There's certain people out there that are protected with protective orders, restraining orders. And at one time, we had an employee in the town who feared for her death. She was part of a union. And now, I'm told I have to give that information out. If she was not part of the union, I'd have to give her information out to 12 different unions. Not knowing if the spouse is in one of those unions, or the person who assaulted that person, was in one of those unions. There's no carve-out for that.

If it was a collective bargaining, that would be easy. Because I could go to my union President, and I could say, "This is what's going on. If we hold that information, is that okay?" And the union Presidents, most of them we have a really good relationship with. Under this law, it doesn't say, I can. I have to release that information, putting somebody at risk.

This is a bad Bill. This bad Bill, as Senator Sampson said, puts more weight in somebody else's. This gives a disadvantage in negotiating contracts.

This is a giveaway to unions, is what this is. And that's a problem.

I believe somebody else is going to be coming out to speak. Senator Hwang. But I am going to end my statements. I'm still quite confused on part of it. And I think this is going to hold up hirings if the union can't get somebody to those orientations. So thank you, Madam President. Thank you, Senator Kushner.

THE CHAIR:

Thank you, Senator. Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, I would like to just stand at ease for a moment, please.

THE CHAIR:

And the Chamber will stand at ease.

Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, I'd like to yield to Senator Formica, please.

THE CHAIR:

Good evening, Senator Formica. Here we are again. Do you accept the yield, sir?

SENATOR FORMICA (20TH):

I do, Madam President. Good evening. And thank you, Senator Duff for the yield. Thank you, Senator Kushner. And Madam President, we are wrapping up this Bill that has been discussed very much today. And there's been conflicting philosophies that are

generated by this Bill. I stand in opposition, coming from my days as a First Selectman.

And as a First Selectman, I had the opportunity not only to watch and manage costs and look at all of the things that happen in the daily to dues, but I also negotiated union contracts. And we came up with some good and fair union contracts in the days that I was able to negotiate them. And this Bill seems to recognize the fact that collective bargaining exists. And it simply wants to add another layer, if you will, into the overlay of municipal government, which I think is a bit of an overreach.

I support collective bargaining and the right for people to use it, and the right for management to negotiate. And I always enjoyed that opportunity. But we've heard some issues today, Madam President, that would seemingly rise costs and inconvenience for municipalities that may have to provide for provisions in this Bill. Specifically, discuss was electronic mail systems and potential issues with insurance companies, such as Karma not covering certain costs to municipalities.

Madam President, I've been an employer all of my adult life, providing thousands of jobs over that time and benefits. So, I am a strong supporter of workers and fair and equitable work environments. And that's not what I think -- I'm sorry, my opposition to this Bill does not rise from that because I support it. My opposition to this Bill is it seems to be a bit of an overreach, and it's trying to codify something in state statute that should be a collective bargaining right. So for that reason, I stand in opposition. Thank you, Madam President.

THE CHAIR:

Thank you, Senator Formica. Will you remark further on the Bill? Will you remark further on the Bill? If not, the machine will be open.

Senator Kushner. And then, we will go to Senator Kelly.

SENATOR KUSHNER (24TH):

Thank you, Madam President. And I'm sorry for the slight confusion about -- I thought I was standing.

THE CHAIR:

I do apologize.

SENATOR KUSHNER (24TH):

I am not going to speak long. There's been a lot of discussion today, and I don't want to prolong this. But I do want to say that, you know, for me, after a lifetime of organizing workers and representing workers, this Bill to me, is very personal and very important. And I am very proud of our state. I hope this will pass tonight. I would love to have bipartisan support, although I know that's probably asking too much.

But I really do think that this Bill sets up the terms so that new employees and employees represented by a union have every opportunity to communicate with their collective bargaining agent. And I'm very proud of our state because I think we're a state that does believe in collective bargaining, and this Bill will underscore that. So tonight is a proud moment for me, something that I feel very happy to present to the legislature.

And I hope upon passage that all of the concerns that have been expressed, we will find out they were unnecessary concerns. I think this will be good for the state of Connecticut. It is a good Bill. And I urge my colleagues to vote yes. Thank you.

THE CHAIR:

Thank you, Senator Kushner. And good evening,  
Senator Kelly.

SENATOR KELLY (21ST):

Good evening, Madam President. And I rise to make a just brief comment. You know, we've heard a lot tonight about collective bargaining .and, you know, I come to the equation from a little bit different perspective here. I did have an aunt who was involved in the labor movement. My mom was a municipal employee who was also very active in the local union. I've heard all about when I was growing up, the benefits of collective bargaining and why it's so important for labor to assert their rights and to be able to have a healthy and safe employment environment, as well as adequately compensated.

I myself was a member of the -- when I was employed in the state classified service, an employee and a member of the AFSCME Local 714 P-2 Bargaining Unit. When I first signed up and got a state job, there was an option and had the option, and coming from. I'm going to say, more or less, the Republican side of the Kelly household, as opposed to the Democrat, which my mom's side of the family is. I did not join the union, initially. I was a dues payer, participated as a dues payer, but wasn't a full union member.

It was only after a few years that I decided to join the union because I recognized that there were benefits to being a member of the union. And that it was better to be in the union than not in that situation. But the fact remained, and I think this is where I was troubled with what I heard this afternoon. It was my choice. I had the freedom to choose what I thought was best for me in the employment scenario. What I see happening today with this Bill is that it would take that choice away from me. I wouldn't have the choice to be able to affirmatively say, "I want to be on this team. I want to be a member of the union."

And I think that's a critical point. Because I think it's important that, as an employee, I should have the freedom and latitude to do what I think is best for my situation, mindful that there are benefits and burdens with being a member of a union, but that you would have that choice. And it would be incumbent on the union, like it was when I was in classified service, to attract me, to show me why, the benefits of union are there, and why it would enhance my employment relationship.

I believe that this Bill takes that away. It takes that choice, that freedom. And for those reasons, I don't like what this is doing. I think it worked well. And I know, as you just mentioned, Connecticut does have a long and storied labor history. And I think it's still present today.

Given that, I believe that the choice should still rest with the employee to have that choice, to see for themselves, what route is best for them and their family, and then empower the individual to choose whether or not membership is going to enhance my work experience or not. So, while I recognize the efforts and what labor does for employees, this Bill, I think, goes a step too far. And for that reason, I would urge my colleagues to vote negative. Thank you.

THE CHAIR:

Thank you, Senator Kelly. Will you remark further on the Bill? Good evening, Senator Looney.

SENATOR LOONEY (11TH):

Good evening, Madam President. Speaking in support of the Bill. First wanted to commend Senator Kushner for her extraordinarily diligent and careful and painstaking efforts to work this Bill through the process, bring it to us tonight, and articulate it on the Senate floor as she so always does with

complex and difficult matters that are important issues of public policy.

And once again, she has brought to us an extremely important Bill, which is an effort to mitigate, as far as we can, as a matter of law, the unfortunate and corrosive US Supreme Court decision in Janus. Now, the problem with that decision, as I see it is that, it reflects an extreme reactionary ideology, which is reflected in a number of other recent Supreme Court decisions, notably Citizens United, and a few others.

And what the Janus decision does, I think is to try to return us to a discredited period of Supreme Court decisions on labor-related matters. And that is why was called the Lochner era. That goes back to the 1905, Supreme Court case of Lochner v. New York. Where in that case, enlightened law in New York state for the time, limited baker's working hours to 10 hours a day and 60 hours a week. And the court struck that down at the time as an impairment of contract of the right of people to contract to subject themselves to even more work in unhealthy conditions.

Of course, the fiction behind it all in which the US Supreme Court rejected as a relevant issue, is the issue of equality of bargaining power. It ignored the fact that the workers were not in an equal bargaining position with the management company of the bakery where they worked. And unfortunately, Lochner was the President from 1905 for about 32 years until 1937, when in the West Coast Hotel Co. v. Parrish, the Supreme Court upheld the constitutionality of a minimum wage law in the state of Washington. And in that case and a few others, were known as, The Switch That Saved Nine. And that ended the momentum toward the President Roosevelt court-packing scheme.

But the spirit behind Janus is the same as the spirit of Lochner. And it is unfortunate. It uses

the argument of equality and freedom to justify suppression of workers' interests, and put a bar between them and the right and power of collective action. So, Madam President, I thank the provisions of this Bill. While obviously, it's not within our authority to overrule Janus or pass legislation, that is completely repudiation of that. It does, I think, mitigate Janus to the extent that it does guarantee certain rights, certain ability to collect information about workers so that they can be approached about joining a union in their own interests, and not to have artificial impediments put in place of that.

So, Madam President, I think this is one of the most important Bills of this session, and I urge support for it. And once again, I want to thank Senator Kushner for her leadership, and her advocacy, and her passion on this issue. Thank you, Madam President.

THE CHAIR:

Thank you, Senator Looney. Will you remark further on the Bill? If not, the machine will be open this time. And Mr. Clerk, please do announce the roll call vote.

CLERK:

Immediate roll call vote has been ordered in the Senate. Immediate roll call vote has been ordered in the Senate, Senate Bill 908, as amended. Immediate roll call vote in the Senate, Senate Bill 908, as amended. Immediate roll call vote in the Senate, Senate Bill 908, as amended. Immediate roll call vote.

THE CHAIR:

Have all the Senators voted? Indeed, all the Senators have voted. I will lock the voting machine. Mr. Clerk, kindly announced the tally.

CLERK:

Senate Bill 908, as amended.

Total number voting	35
Those voting Yea	22
Those voting Nay	13
Absent and not voting	1

THE CHAIR:

(Gavel) And the Measure is adopted. Mr. Clerk.

CLERK:

Page 43, Calendar No. 237, Senate Bill No. 1045, AN ACT CONCERNING STEP THERAPY, ADVERSE DETERMINATION AND UTILIZATION REVIEWS, AND HEALTH INSURANCE COVERAGE FOR CHILDREN, STEPCHILDREN AND OTHER DEPENDENT CHILDREN.

THE CHAIR:

And good evening, Senator Lesser.

SENATOR LESSER (9TH):

Good evening, Madam President. Madam President, it's good to see you. I believe our first event in the community was about 11 hours ago.

THE CHAIR:

Yes, 9:30 AM.

SENATOR LESSER (9TH):

Good to see you, again, Madam President. Madam President, I move acceptance of the Joint Committee's Favorable Report and passage of the Bill.

THE CHAIR:

And the question is on passage. Will you remark?

SENATOR LESSER (9TH):

Yes, Madam President. Madam President, as you know, the Affordable Care Act made important improvements in protecting the health care of young people across the United States, allowing children to stay on their parents' health plans until age 26. This Bill seeks to expand that. Adding not just children but also stepchildren and also other dependent children to stay on their parents' health plans.

Second, upon turning 26, under current law, a child could immediately be thrown off their parents' health plan. This Bill allows that that would continue through the policy, the end of the policy year, which is something that's allowable under federal law.

Third, the current law prohibits the use of step therapy for stage IV metastatic cancer. This Bill expands that to behavioral health conditions and chronic disabling and life-threatening conditions or diseases. It changes the requirements for clinical appears using the utilization reviews and an adverse determination reviews. And it requires a non-restricted license in the same specialty by a person with a doctoral or a medical degree with appropriate national board certification.

And then it changes the standard of proof, requiring a rebuttable presumption and utilization reviews and an adverse determination reviews that healthcare services are medically necessary. In sum total, Madam President, this is a pro consumer healthcare Bill that significantly shifts the healthcare environment in this state towards the consumer, addressing problems that we've heard across the state, making improvements in people's lives and making a big difference for folks, particularly

young folks who need access to critical care. Madam President, I urge passage.

THE CHAIR:

And the question is on passage. Will you remark further on the Bill before the Chamber? Good evening, Senator Hwang.

SENATOR HWANG (28TH):

Good evening, Madam President. How are you tonight since we last talked, right? Through you. And I want to say. It's a really great to see my committee colleague in person. We've done quite a few Zoom meetings, and it really is a great opportunity to see you in person.

And also, obviously, in light of our Zoom and the challenge that we've had, I hope, and I want to thank the good Chair in advance because I think we're going to have to go through some of this process to get a better understanding because we might have missed things in the Zoom. And this is an important consumer-focused type of a Bill. So again, I think we're going to have to talk about these Bills and get a better sense of the screening.

So I will get right to work on this. I came in late. But I'll start with the title. Through you, Madam President. The good Chair talked about step therapy, and as it relates to stage IV metastatic cancer. That is a population we care very deeply about, with anybody that's affected by cancer. But could the good Chair explain what step therapy means? I know we hear it all the time, but perhaps her definition sakes in the clarity as it relates to this Bill as it's part of the title. What does step therapy mean from a standpoint of this Bill and its application from a prescription drug basis? Through you.

THE CHAIR:

Senator Lesser.

SENATOR LESSER (9TH):

Thank you, Madam President. And Madam President, through you. It's also good to see the honorable Ranking Member in person as well. What step therapy is, is a cost control device where insurance companies require patients to take less expensive drugs before allowing them to take more expensive drugs. The issue here as it's attempting to address critical access to in potentially life-saving cases or other cases where there's an overwhelming public interest in making sure that patients have access to the drugs that their provider prescribes. Through you, Madam President.

THE CHAIR:

Thank you. Senator Hwang.

SENATOR HWANG (28TH):

Thank you. It's important to have a better understanding as we kind of go through this process, because not only is it a part of the title, but it is part of what this Bill is trying to address. So I appreciate the good Chair's answer. But then could you explain what adverse determination and utilization review? We hear these terms, right? And it's part of this title. But nevertheless, what does adverse determination, and what does that mean from a standpoint of the applicability of this Bill, but also utilization review? So, obviously these are part and parcel in combination. But also, what do those two terms mean as it relates to this Bill? Through you, Madam President.

THE CHAIR:

Senator Lesser.

SENATOR LESSER (9TH):

An adverse determination is when an insurance company decides not to cover a service or, in this case, a prescription drug. And utilization review involves the review by an insurance company of an ongoing medical process or a service or a treatment. Through you, Madam President.

CLERK:

Senator Hwang.

SENATOR HWANG (28TH):

Through you, Madam President. I might've missed it. Did the good Chair explain utilization review as well? Through you, Madam President.

THE CHAIR:

Senator Lesser.

SENATOR LESSER (9TH):

Through you. I believe I did.

SENATOR HWANG (28TH):

Okay. Thank you, And what is the difference between utilization review versus utilization management? They sometimes use it interchangeably, but ultimately they mean two different things.

And the reason I'm asking that is these are fundamental to the premise of this Bill, which I think is a great idea forward on a consumer basis. But I just want to make sure that our terms are understandable as we move forward on the sections of these Bill. What is the difference between utilization review and utilization management?

THE CHAIR:

Senator Lesser.

SENATOR LESSER (9TH):

Well, Through you, Madam President, utilization review is a specific process outlined in state statute. And that's what the ambit of the Bill attempts to address.

THE CHAIR:

Senator Hwang.

SENATOR HWANG (28TH):

Thank you. And I appreciate that answer. So the last part of the title is health insurance coverage for children, stepchildren, and other dependent children. Obviously, that is mentioned in Section 1 and 2. But was it also codified in earlier statutes that the age of coverage for stepchildren and biological children as well? Through you, Madam President.

THE CHAIR:

Senator Lesser.

SENATOR LESSER (9TH):

Through you, Madam President. Existing law just says that the coverage of a child shall terminate. This clarifies that child, for the purposes of this statute, includes a stepchild or other dependent child. And that's in compliance with the Affordable Care Act, the underlying statute. Through you, Madam President.

THE CHAIR:

Senator Hwang.

SENATOR HWANG (28TH):

Thank you. I just wanted to reference a point. As I was doing my homework, I believe that Statute 09-124, that passed through the Insurance and Real Estate Committee, obviously in 2009, and also passed through the Appropriation Committee, actually clarify health insurance coverage for stepchildren and encompass them. But I believe perhaps in this Bill. We are looking at other dependent children. Maybe the good Chair could clarify if I misread the research, or perhaps that might have been an application of the law? Through you, Madam President.

THE CHAIR:

Senator Lesser.

SENATOR HWANG (28TH):

Through you, Madam President. This statute does not include the word "stepchild" so we are adding it to that.

THE CHAIR:

Senator Hwang.

SENATOR HWANG (28TH):

Thank you. So perhaps the research was not up to date. But I believe in 09, we did have a statute related to that.

That being said, let me go to Section 1 and 2. And it goes back to one of the questions that we have. I've had such great learning curve in the Insurance and Real Estate Committee, and understanding the insurance marketplace. It doesn't get enough credit for the important role that it has. So take me through, from a standpoint of fully insured marketplace versus self-insured marketplace, in the

health insurance marketplace dynamic? Through you, Madam President, if the good Chair could explain?

THE CHAIR:

Senator Lesser.

SENATOR LESSER (9TH):

Yes. Thank you, Madam President. Through you, a self-insured plan is one governed by Arista, which is a federal law, fully insured plans or plans regulated by the Connecticut Department of Insurance.

THE CHAIR:

Senator Hwang.

SENATOR HWANG (28TH):

Thank you. And the percentages of that in the Connecticut marketplace would be? Through you, Madam President. Just an estimate to the good Chair.

THE CHAIR:

Senator Lesser.

SENATOR LESSER (9TH):

Madam President, through you. I don't know the exact numbers. But I believe the majority of covered lives in insurance plans, as opposed to the overall marketplace, would be self-insured plans. Through you.

THE CHAIR:

Senator Hwang.

SENATOR HWANG (28TH):

Thank you, Madam President. I believe it's about 70/30 with a self-insured marketplace versus the fully insured marketplace.

With that being said, Section 1 looks at individual health insurance policies. And obviously, in line 16, it talks about group health insurance policies. Could the good Chair explain in regards why the differentiation, and is it required as a statute of consideration, or is it just an explanation of individual versus group policies? Through you, Madam President.

THE CHAIR:

Senator Lesser.

SENATOR LESSER (9TH):

Thank you, Madam President. Madam President, Chapter 38A of the Connecticut general statutes is constructed in such a way that there are separate insurance laws for individual and for group plans. Group plans being employer-sponsored healthcare. Through you, Madam President.

THE CHAIR:

Senator Hwang.

SENATOR HWANG (28TH):

Thank you. And I appreciate the good Chair's answer. And it shows that in the drafting of the language, he's obviously done the great work along with our terrific LCO staff. So, we'll move quickly to Section 3. Section 3, as I understand it, through you, Madam President, to the good Chair, talks about prescription drugs. And it talks about Section 38A-501 of the general statute, and it repeals it. So through you, Madam President, what is replaced through the language of Section 3, getting in line 27? Through you, Madam President.

THE CHAIR:

Senator Lesser.

SENATOR LESSER (9TH):

So the language that exists right now was something that I believe was passed by our late colleague Representative Linda Orange, who led the fight successfully to make sure that step therapy was banned in the case of stage IV metastatic cancer. What we're seeking to do tonight is to expand on her work and make sure that not only is stage IV metastatic cancer covered, but also behavioral health conditions and chronic disabling life-threatening conditions or diseases.

THE CHAIR:

Senator Hwang.

SENATOR HWANG (28TH):

Thank you. I want to thank the good Chair for invoking the name of Representative Linda Orange, who we have great fondness and respect for. And we miss her dearly in the General Assembly.

And indeed, so this section makes a significant expansion of current statute that, in addition to stage IV metastatic cancer, we are now expanding it to, as I read it, "treatment of a behavioral health condition or a chronic disabling or life-threatening condition or disease." Is that correct? Through you, Madam President. Because I just wanted to make sure for legislative intent, that Section 3 of this statute is expanding the role or the coverage beyond stage four metastatic cancer. Through you, Madam President.

THE CHAIR:

Senator Lesser.

SENATOR LESSER (9TH):

Through you, Madam President. Yes. Thank you.

THE CHAIR:

Senator Hwang.

SENATOR HWANG (28TH):

So under Section 3, it's another component in regards to the prescription drugs. Obviously, as we talked about step therapy, as the good Chair mentioned earlier. It is talking about a step progression, all prescription drugs. So in Section 3, in addition to the compliment that I have for expanding beyond, you are also looking underlines 30 to 34 limiting, if I'm correct, and I want to verify through the good Chair, that mail-order and other cost-saving generics may not be used in the case of this prescriptive Bill. Through you, Madam President.

THE CHAIR:

Senator Lesser.

SENATOR LESSER (9TH):

Through you, Madam President. The language that I believe Senator is referring to, is existing law that is unchanged by this proposal.

THE CHAIR:

Senator Hwang.

SENATOR HWANG (28TH):

Through you, Madam President. So, it is existing law, and it doesn't change anything. But from what I

understand, you are limiting some aspects of the step therapy that is prescribed by insurers. Did I misunderstand that? Or is that current standing law? Because the feedback from the testimonies that I've read says, "This is a prescription change that is looking at restricting the insurance company's determination to use alternative step therapy." Is that not the case? Or are you saying that current statute -- says it exists already? Through you, Madam President.

THE CHAIR:

Senator Lesser.

SENATOR LESSER (9TH):

Through you, Madam President. I think the language of that mail order that the Senator was referring to has nothing to do with step therapy. It's a separate consumer protection that we could potentially debate another night. But it's not touched by this Bill.

THE CHAIR:

Senator Hwang.

SENATOR HWANG (28TH):

Thank you. And that's a point of clarification. And what about the expansion beyond 60 days under Section 3? Was that a part of consideration? And what time limit is the good Chair thinking in prescription of this Bill? Through you, Madam President.

THE CHAIR:

Senator Lesser.

SENATOR LESSER (9TH):

Through you, Madam President. Sixty days is the limit in the existing state law that an insurance company can use step therapy, that is unchanged by this proposal. We did not receive a proposal to change that time. Through you.

THE CHAIR:

Senator Hwang.

SENATOR HWANG (28TH):

Thank you very, very much. And I'm going to move on to Section 4. And we're moving at a quick clip, so if the good Chair and Madam President could just indulge me for just a few seconds, as I'm trying to keep up with a very --

So let me take that through. So, if I'm taking Sections 3 and 4 of the proposed Bill, is this Bill looking to say that you are now prohibiting the use of step therapy beyond metastatic stage IV cancer to the other areas of medical services that we're talking about? Does it prohibit the use of step therapy? Does it alter it with new prescriptive guidelines? Through you, Madam President, what does a good Chair say, Section 3 and 4 does? Does it, in essence, prohibit the use of step therapy, and prescribed a new standard of action as it relates to prescription drug therapy for those beyond metastatic cancer, as part of this expanded use? Through you, Madam President.

THE CHAIR:

Senator Lesser.

SENATOR LESSER (9TH):

Yes. Thank you, Madam President. Madam President, I think I've already summarized Sections 3 and 4, but I will repeat for the benefit of the Ranking Member.

SENATOR HWANG (28TH):

Thank you.

SENATOR LESSER (9TH):

The intent of it is to restrict the use of step therapy to prohibit the use for behavioral health conditions or chronic disabling or life-threatening conditions or diseases, and all of those cases. Through you, Madam President.

THE CHAIR:

Senator Hwang.

SENATOR HWANG (28TH):

Thank you. And I want to thank the good Chair for reiterating what was said. But I think the question, and if the good Chair could answer, does it now prohibit carriers from using step therapy as they deem medically relevant to a prescription that is defined by this statute? Through you, Madam President.

THE CHAIR:

Senator Lesser.

SENATOR LESSER (9TH):

Yes. Through you, Madam President. If an insurance company wants to use step therapy in a life-threatening condition or disease, they would not be able to do that if this Bill were to pass. That's the intent of the Bill. Through you.

THE CHAIR:

Senator Hwang.

SENATOR HWANG (28TH):

Thank you. That was what I was looking for from a clarification. And I appreciate that. So through you, Madam President. I just want to look at existing statute through our Department of Insurance. Is it not true that for any step therapy that has not been shown to be effective beyond 60 days, Connecticut statute, in essence, requires the insurers to be able to craft and reinvestigate alternative plans?

What we're looking at in this Bill is, we're kind of jumping the gun a little bit, and maybe that's the wrong use of the word. That we do have state statute prescription and our excellent Department of Insurance that says, that any insurance carrier and any step treatment that exceeds 60 days, and have not shown itself to be effective is indeed required to explore alternative means beyond step therapy. Would that be correct, as I read the statute to the good Chair?

THE CHAIR:

Senator Lesser.

SENATOR LESSER (9TH):

You know, Senator, Through you, Madam President, you're right. The current law allows an insurance company to tell someone who has a life-threatening condition, where their doctor tells them they need a life-threatening medicine that they cannot have it for 60 days, and they have to try another drug that their doctor says will not work. And so that's what existing law does. This Bill would end that. This Bill would say, "No, you can't do that." If a doctor says, "You have a life-threatening condition. You need this treatment right now. You don't have any time to wait. You need this right now." You would not have to worry about jumping through hoops with your insurance company with step therapy. Through you, Madam President.

THE CHAIR:

Senator Hwang.

SENATOR HWANG (28TH):

Thank you, Madam President. I appreciate that passionate analysis. And I completely agree. When we're looking at the issue of stage IV metastatic cancer, the incredibly courageous and powerful individuals that continues to fight and look for every aspect of opportunity for a solution, I completely agree. This Bill's intent is absolutely the right way to go for those that are fighting stage IV metastatic.

But what we also do in this Bill. We have now expanded beyond metastatic. We have expanded the category that says the sense of urgency, which is absolutely proper for metastatic cancer victims and patients that are fighting, fighting every day, along with their families.

But what we're doing this statute. Through you, Madam President, we have expanded it beyond the prescribed area. We are now including a whole broad category that is yet to be defined here, as I said earlier. That is also pushed at this pace, saying that, "You can't wait. You don't have to wait for the 60-day prescriptive step therapy that may alter or provide treatment." What we're saying right now is, "In addition to metastatic, we're going to cover all segments of health concerns and bypass the step therapy as a cost effective means of treating and finding solutions."

So through you, Madam President, would that be correct? Or am I just misreading what we talked about for the first 20 minutes, that we are expanding this capacity beyond the stage four metastatic cancer, and now we're broadening it, but at the same time, creating that sense of urgency

that I agree with relative to stage IV and saying, "Let's go ahead and just try everything we can, and --" because there's a sense of urgency? Through you, Madam President.

THE CHAIR:

Senator Lesser.

SENATOR LESSER (9TH):

Yes, Madam President. And unfortunately, the Senator is incorrect in his characterization of what this Bill does and how it will affect people. He is right, though, that right now, the law is limited. It says, "If you have stage IV metastatic cancer, you are exempt." But in all other cases, step therapy can apply. Even in life-threatening cases.

And Senator, as you know, people can die of all sorts of things other than stage IV metastatic cancer. People could die of COVID-19. And under the law today, an insurance company can say, "You have to wait 60 days. You have to wait in the hospital 60 days before you can get the drug that your doctor tells you, you need to stay alive because you have COVID-19." Because COVID-19 is not stage IV metastatic cancer. That's what something the doctor can do today.

If you have a stroke, a doctor can say, you cannot have a medically necessary stroke medication, because there is some other drug out there that the doctor says won't work for you, but the insurance company says, "Hey, try it. Try it for 60 days. See how it works out for you." This Bill, through you, Madam President, seeks to say, "Enough." We're not just going to say that stage IV metastatic cancer is in a category of its own, but rather, that chronic disabling life-threatening conditions or diseases, behavioral conditions, should not be subject to games. They should be a place where we are empowering doctors and patients to make their own

decisions about what's medically necessary, and what's appropriate in that particular case, because the stakes are so high, Senator. Through you, Madam President.

THE CHAIR:

Thank you, Senator. Senator Hwang.

SENATOR HWANG (28TH):

Thank you. I guess in a way that the good Chair did agree that we've expanded beyond. And I greatly appreciate the two examples that he brought up. And indeed, any health risk could be life-threatening. And the two cases that was brought up by the good Chair, has there ever been any evidence that the highest and best possible care, wherever denied to anybody, that may have been impacted by COVID? Through you, Madam President.

THE CHAIR:

Senator Lesser.

SENATOR LESSER (9TH):

Through you, Madam President. Yes.

THE CHAIR:

Senator Hwang.

SENATOR HWANG (28TH):

Through you. Again, I'm looking at using the analysis of step therapy. And what the good church has said, that he has cited a case or examples of which insurance companies, health insurance companies, through their step therapy was denying the proper level of service to someone impacted by COVID. I would like to ask the good Chair to give me that example. Because to me, that would be

unconscionable. It would be absolutely unacceptable. And it would be even more compelling for me to agree with the premise of this Bill.

But through you, Madam President, the good Chair did say "yes". Could he give me an example? Through you, Madam President.

THE CHAIR:

Senator Lesser

SENATOR LESSER (9TH):

Through you, Madam President. The question that the Senator had asked me was, "Am I aware of someone being denied access as I -" I'm going to not get those words exactly right. But I understood his question to be, "Am I aware of somebody being denied access to life-saving medications for COVID-19?" And the answer is, yes.

If you're asking me a different question. I can answer that. But the question you asked, through you, Madam President, was, "Am I aware of people being denied access to care that they need for COVID-19?" And absolutely.

Step therapy is not the only tool that insurance companies and other payers have of were regulating whether or not a service is provided or not. It is one of a number of tools. But certainly, it is a tool that can deny people in life-threatening situations the care that they need. Through you, Madam President.

THE CHAIR:

Senator Hwang.

SENATOR HWANG (28TH):

Through you, Madam President. I may even go back to the technology that we have. We may even have to go back to the videotapes. I specifically said, "Under the premise of step therapy, has anybody denied that care impacted by COVID?" So please, through you, Madam President, let me rephrase the question again, and maybe give the good Chair an opportunity. Look, step therapy is an alternative methodology that has been proven. And step therapy has been demonstrated to be able to help numbers of people.

So I'll repeat again, through step therapy, have you known anybody that has been impacted by COVID that has not been able to receive care? Not the interpretation that the good Chair cited. So, give me an example of somebody that is getting the treatment through step therapy, that's denied the amount of the proper care that they need and deserve, that's been impacted by COVID? That I thought you said, yes. Maybe an opportunity for the good Chair to correct himself, or correct me.

THE CHAIR:

Senator Lesser.

SENATOR LESSER (9TH):

Well, thank you, Madam President. And, you know, I take the Senator from Fairfield's suggestion well. And maybe we should find a way to get an instant replay on the screens in here, so we can review questions in real-time. It's a good concept.

Look, we did not have testimony in the Insurance Committee specific to that. But, I can certainly say that I recall reading press accounts of people who have been seeking some of the more expensive treatments available. I'm thinking of a monoclonal antibodies who have been denied by insurance companies that treatment. And we can review that together. What this Bill doesn't seek to do is, is to lay out a fact pattern. What it seems to say is,

that should not happen, and we won't tolerate that in Connecticut is this Bill would have passed. Through you, Madam President.

THE CHAIR:

Thank you. Senator Hwang.

SENATOR HWANG (28TH):

You, Madam President. As the good Chair said, I don't think we should have technology and replays in the Circle. I respect the institution too much. It shouldn't be people's living rooms.

That being said, I think we have to be very cautious because we are the insurance capital of the world. And they provide quality service. They may not be liked, the insurance companies, but they also have a fiduciary and a professional responsibility to provide the appropriate and necessary care. We statutorily require it. We have a Department of Insurance, that's one of the finest in the country, that makes sure that our insurance companies do not advocate their important responsibility.

So I think we have to be very careful, when we throw around the fact that insurers are not doing their job. They may say, "no". They may not do the things we like them to do. But for us as legislators and policymakers, to throw out potential ideas that they're not doing their job and putting people at risk, is something that I think we have to be very cautious of.

But that being said, I don't want to belabor the point. I appreciate the good Chair's passion. But I also recognize that we have step therapy that has existed for many years, demonstrated through repeated practices and case studies. We shouldn't just completely abdicate it. I think we have an important responsibility to compliment, to utilize, to find the best and most effective use and

treatment for the people that need the care the most. But I don't think we should be taking cheap shots at our insurance companies. They're trying to do a job. Maybe they don't do a great job sometimes. But, I also in many cases, know they've done a great job in saving many people's lives.

So with that said, I'll simply move on. Section 5, requirement for clinical peers. Could the good Chair explain what the intent of that statute section is looking to accomplish? Let me be clear, Madam President, this Bill is well-intentioned. It is potentially pushing the envelope in saying that perhaps our insurers could do better. That we could look at different ways to ensure that the highest and best possible care is existing for our residents in the state of Connecticut and those that are insured. So through you, Madam President, what are the requirements under Section 5 related to clinical peers? Through you, Madam President.

THE CHAIR:

Senator Lesser.

SENATOR LESSER (9TH):

Yes. Thank you, Madam President. And through you, to the honorable gentlemen. The requirement is that, a clinical peer, that's someone who is recommending that coverage in some cases be denied, be someone who's qualified. That means that they have to have a doctoral or medical degree and hold an appropriate national board certification, including at the subspecialty level where possible, actively practices and typically manages the medical condition under review, or provides a procedure or treatment under review.

THE CHAIR:

Thank you, Senator. Senator Hwang.

SENATOR HWANG (28TH):

Thank you. And does that relate directly to the title of this Bill in regards to adverse determination and utilization review? There was a method to my madness in the beginning for us to fully understand these definitions. And I do believe, as I read it, that Section 5 relates to that. That if the adverse determination and utilization review was rejected by the insurer, that we are offering a comparable pathway of clinical peers of the credentials that are up to the standard of the highest and best quality care to have an alternative solution.

Would the good Chair agree that that is the intent of Section 5 in defining the criteria is of the medical physicians, and the properly licensed and credentialed individuals that offers a potential alternative opinion when adverse determination was decided, and utilization reviews were objected? Through you, Madam President.

THE CHAIR:

Senator Lesser.

THE CHAIR:

Through you, Madam President. Yes.

THE CHAIR:

Senator Hwang.

SENATOR HWANG (28TH):

Thank you, Madam President. He spoke too quickly. I was getting some water. Thank you, Mr. Chairman.

So, what this Bill is looking to do is define the criteria of a comparable standard, a comparable measure, that individuals could go to, should they

be handed an adverse determination or utilization review rejection. Sections 6, 7, and 8 looks at potentially a second opinion afforded to individuals that have been rejected. And it does turn potentially the burden of proof, the rebuttable presumption, to the insurer rather than the existing burden structure of the claimant. Would that be correct? Through you, Madam President.

THE CHAIR:

Senator Lesser.

SENATOR LESSER (9TH):

Through you, Madam President. Yes.

THE CHAIR:

Senator Hwang.

SENATOR HWANG (28TH):

Could the good Chair give me some examples beyond the, yes, answer? Because it's really important for me to understand some of the application of such a well-intentioned piece of legislation. But could the good Chair indulge and give me a couple of examples to his, yes, answer? Thank you, Madam President.

THE CHAIR:

Senator Lesser.

SENATOR LESSER (9TH):

Through you, Madam President. I don't think so. I think the answer is no to that. Through you.

THE CHAIR:

Senator Hwang.

SENATOR HWANG (28TH):

See, I'm getting a little confused. We have a yes. And we have a no. So let me rephrase that again. Section 6, 7, and 8 flips the burden of proof standards upside down in my mind, as I understand it. So, please take me through an individual that has been rejected by the adverse determination and utilization review by an insurer? What does that person now able to do? And how does this process go through? Beyond a yes or no answer, Madam President.

I just really want to be able to understand how this statute will change the dynamic of the presentable -- you know, I try to practice that word, the presumable rebuttable or the burden of proof. So please, through you, Madam President, and asking for the indulgence of the Chair beyond a yes or no answer? Please, indulge me and educate me. Through you, Madam President.

THE CHAIR:

Senator Lesser.

SENATOR LESSER (9TH):

Thank you, Madam President. I think the phrases, "rebuttable presumption" --

SENATOR HWANG (28TH):

Thank you.

SENATOR LESSER (9TH):

You're welcome. And it switches the burden of proof so that a health carrier has to show that a healthcare service is not medically necessary, rather than putting that burden on the patient.

THE CHAIR:

Senator Hwang.

SENATOR HWANG (28TH):

Thank you. And -- I still can't get that word, the good Chairman. So it does. It makes a significant fundamental shift from the current existing structure, and, as the good Chair said, it is actually consumer-friendly. As long as we have defined in Section 5 that the standard of measure, and the standards that we are in being able to provide that alternative opinion meets up with the standard of the highest level, which I believe Section 5 defines.

But would the good Chair agree, and this may even be a yes or no answer, that we have now shifted the burden of proof, or the presentable rebuttable - did I say that right? - of this Bill, to the insurer rather than to the claimant? Through you, Madam President.

THE CHAIR:

Rebuttable presumption.

SENATOR HWANG (28TH):

Thank you.

THE CHAIR:

Senator Lesser.

SENATOR HWANG (28TH):

I'm still working on it, Madam President.

SENATOR LESSER (9TH):

Thank you, Madam President. And, you got it right, Madam President. And, yes.

THE CHAIR:

Senator Hwang.

SENATOR HWANG (28TH):

Thank you. And let me make a plug in this exchange to the Office of the Healthcare Advocate. Because they have been a tremendous advocate for those individuals that have been rejected or struggle through the utilization review process, and indeed have been adversely determined to not qualify for insurance coverage. And they have done an incredible job in regards to being an advocate and representing the individual and families that have been put through the challenge at hand.

So I understand the intent of this Bill. But it is also important in this dialogue for legislative intent that we understand this is a significant shift from the burden of proof. Turning it upside down, in some cases. You can understand why some entities particularly are valued insurance companies that are employers to nearly 28,000 people and have significant economic impact throughout all of our towns.

As well has the change in the step therapy that expands beyond the stage IV metastatic cancer we talked about earlier. So it's important for us to understand, when we make these kinds of policies, that we understand what we're doing; that we understand the implications of this. And even if we understand it, we may say that it may be all right. It may be a balancing act or a choice, a cost-benefit analysis that we can make.

So, I appreciate the opportunity to go through this Bill, and to be able to clarify the various sections that we have. So I want to thank the good Chair. And I'm going to go back home and work on the presentable rebuttable. Did I get that right?

THE CHAIR:

Rebuttable presumption.

SENATOR HWANG (28TH):

Oh my goodness. I'm going to get it sometime.

THE CHAIR:

Thank you, Senator.

SENATOR HWANG (28TH):

And thank you, Madam Chair. And I want to thank the good Chair for his indulgence. And again, let us make sure that those individuals and their families that struggled through a health crisis, get the care that they richly deserve and are entitled to, and get the highest quality. So, I appreciate the intent of this Bill, the devils in the details, and I look forward to further discussions.

But I understand, if I had to wait between the cost-benefit, and there is a cost of turning this and looking at it in a new way, I may be in agreement with the good Chair and other supporters of this Bill to say, "This may be a better way or a different way to address the critical need that's out there to provide proper healthcare for people in need." Thank you, Madam Chair.

THE CHAIR:

Thank you, Senator. Will you remark further? Will you remark further? If not, I will open the vote. Senator Looney. I do apologize.

SENATOR LOONEY (11TH):

Yes. Thank you, Madam President. Madam President, speaking in support of the Bill. And I wanted to thank Senator Lesser for all of his work in bringing

this Bill to us this evening. It is significant in its complexity because it does deal with a number of issues such as presumption burdens and alike. But it builds in some ways upon previous legislation that was passed.

First of all, on the issue of changing a presumption and the lengthy colloquy between the Chairman and Senator Hwang, what we are doing in that is actually changing to the standard, something that had been an exception. Because normally, in contract law, when there is a dispute, the person who has the most relevant information is the one required to have the burden of proof. And that is, in these cases, the insurer. About why are they questioning the decision of the treating physician, who is presumed to be the one most knowledgeable about the patient's care. In just about every other contract situation where there is a dispute, the information has to be provided, and the burden is on the person who holds that information. So, this is the result of that.

In fact, up until 2012, when we first began to address this issue in a bipartisan way, I was working with Senator Fasano at the time, the provider, and the patient weren't able to even get the information upon which the denial was based in order to file an informed appeal. So we have been incrementally changing that since then, Madam President, because of the clear injustice of all of that.

So this is a Bill that's in within a tradition that's been going forward for some time, Madam President. So it's not an isolated incident. Again, as legislation going back to 2012 and 2014, we had an act concerning requirements for insurers use of step therapy that created certain patient protections on insurance carrier's use of step therapy.

And step therapy, of course, is appropriate in some cases. Especially where the treating physician does

not have an opinion or an informed belief based upon his practice and his understanding of that patient, that there is a clear alternative to what the insurance industry is recommending for step therapy, try A, try B, try C. And if the treating physician has no objection to that, because he or she is not aware of any better alternative to the step therapy, there is nothing in this Bill that would prevent that step therapy from going forward.

What would change is if the physician, with his or her informed belief and knowledge of the patient's condition and needs, understands based upon medical evidence and his professional judgment, that step therapy is not appropriate in this case. There is one particular drug that he believes should be honed in upon, given to the patient immediately, could be a matter of life and death. And to be told, "No, you got to try A, B, and C first, before you can get to D." And, you know that D is the one that works. But we're going to disregard that and required to go through this process and take some time. And well, if the patient dies in the meantime, well, that's unfortunate, I suppose.

But the reality is that step therapy is not banned at all. It is just saying that step therapy, where there is no clear standard that the physician is aware of, it can still go forward. But it will make the judgment of the treating physician, the essential one here.

So Madam President, that is a key element of the Bill. It is about trying to make patient care more efficient, more timely, more responsive to emergencies. We know that there are people with chronic conditions that can suddenly worsen. And in case that might've been going along for some period of time, in a fairly controlled way, can certainly become, in a short period of time, turned critical decisions have be made quickly, and we have to rely upon the treating physician primarily.

In terms of the peer review, again, Madam President, it's important to have these discussions between peers who have equal understanding of medical practice in that area. And to have someone designated as the peer by the insurance company who is able to deal as a professional peer with the treating physician. Otherwise, the peer review doesn't really make sense. And that whole process is going to take longer, and be less precise than it might otherwise be. So the peer review process to be real, to work in the way it is intended in principle, has to have this insistence upon, not only the same general specialty, but credentials in a sub-specialty relevant to that of the treating physician.

So all of that is to improve care. The goal of this is to improve care of the patient, and to make the insurance policy that the patient has actually cover what's needed and relevant in a given situation, especially where time may be of the essence.

And again, you know, in a few years, we've made progress in terms of treating stage IV metastatic cancer. But as the distinguished Chairman said, there are other medical conditions that are critical, as well as stage IV metastatic cancer, where there needs to be an effort, an ability to hone in on the right kind of care at the right time, without having to jump through bureaucratic hoops and over hurdles in order to get to that care.

So it's unfortunate that we've had to approach this incrementally. There was a broad consensus on metastatic cancer being one that should lead in terms of moving in that direction, but it should not be isolated. And mental health treatment also needs to be included in that, Madam President.

So there is so many elements in this Bill that will not only improve care, but also improve responsiveness and getting care in a timely way. With decisions being made by those who were best

informed and most professionally prepared to make them, so that patients who are suffering for severe conditions, whether it be cancer, or some other chronic condition, or a mental health problem, will know that the system is working, not just to try to get him or her care at a reasonable cost, but the best care possible in what may be a life and death situation, in a timely way. So I urge passage of the Bill, Madam President. Thank you.

THE CHAIR:

Thank you, Senator Looney. Will you remark further? Will you remark further? If not, the machine will now be open. And Mr. Clerk, please announce the vote.

CLERK:

Immediate roll call vote has been ordered in the Senate, on Senate Bill 1045. Immediate roll call vote has been ordered in the Senate, Senate Bill 1045. Immediate roll call vote in the Senate, Senate Bill 1045. Immediate roll call vote in the Senate.

THE CHAIR:

Have all the Members voted? Have all the Members voted? Please check the machine to make sure that your votes are properly cast. And Mr. Clerk, if you would take the tally.

CLERK:

Senate Bill 1045.

Total number voting	35
Those voting Yea	34
Those voting Nay	1
Absent and not voting	1

THE CHAIR:

Thank you, Mr. Clerk. (Gavel) The Bill passes.

Mr. Clerk return to the calling of the Calendar.

CLERK:

Page 7, Calendar No. 126, substitute for Senate Bill No. 837, AN ACT CONCERNING THE USE OF PERFLUOROALKYL OR POLYFLUOROALKYL SUBSTANCES IN CLASS B FIREFIGHTING FOAM.

THE CHAIR:

Thank you, Mr. Clerk.

Senator Christine Cohen, the distinguished Chair of the Committee on the Environment.

SENATOR COHEN (12TH):

Thank you, Mr. President. And it's nice to see you up there. And I must say, well done to the Clerk on that tongue twister of a title. I move acceptance --

THE CHAIR:

That's even harder to say than rebuttable presumption, apparently.

SENATOR COHEN (12TH):

Mr. President, I move acceptance of the Joint Committee's Favorable Report and passage of the Bill.

THE CHAIR:

Senator Cohen has moved the Bill. And would you remark?

SENATOR COHEN (12TH):

Yes. Thank you, Mr. President. Mr. President, the Clerk, is in possession of a strike all Amendment LCO 8517. I ask that the Clerk please call the Amendment, and I be given leave of the Chamber to summarize.

THE CHAIR:

Mr. Clerk,

CLERK:

LCO No. 8517, Senate Schedule "A".

THE CHAIR:

Senator Cohen.

SENATOR COHEN (12TH):

Thank you, Mr. President. This is a bipartisan strike all Amendment, Mr. President, that combines two very important Senate Environment Bills that we have the session related to PFAS, the Per- and Polyfluoroalkyl substances.

The first, bans the use of Class B firefighting foam that contains PFAS for the purposes of testing and training upon passage. In addition, it bans the use on fires as of October of this year. Additionally, the Department of Energy and Environmental Protection will be required to establish a take-back program for the foam that municipalities currently have in their possession by October, as well.

Airports, in this proposal, shall employ mitigation measures to prevent releases of this foam into the environment. They will be subject to the ban as well by October 1st of 2023, unless there is an earlier change in the federal law.

Many in the Chamber, and those watching, may recall some recent spills of firefighting foam into the

Farmington river. This Bill seeks not only to protect our environment from these dangerous chemicals, but also our brave firefighters who use this foam day in and day out often for training purposes, and are exposed to potentially carcinogenic substances. The AFFF foam, the aqueous film-forming foam, has proven dangerous in more ways than one. And we now have a safe, proven alternative that was officially named by DEMAS earlier this year.

The second part of this Bill seeks to ban these dangerous chemicals, these PFAS substances, from food packaging. By the end of 2023, we would be joining three other states who have done so already, Washington, New York, and Maine, who have taken these measures. And we are in the midst of several other states who are actively moving legislation forward in a similar vein.

In recent days, we've heard of elevated PFAS levels discovery by large corporations that weren't disclosing such to the FDA. We've heard of new studies showing that these substances are showing up in elevated levels in breast milk, as well as drinking water. We just had actually this happen in my district and the town of Killingworth. And we have an obligation here in the legislature to not only protect our environment, but to certainly protect public health.

Some of the actions in this Bill proposal have been informed by the PFAS action plan that was released in 2019 out of the Governor's inter-agency PFAS task force. And I'm proud that we're taking such progressive action. And want to thank my Co-Chair in the House Representative Gresko, the Ranking Members, Senator Miner and Representative Harding. As well as our colleagues on the Public Health Committee, who had also worked on this in, in prior sessions and worked with us on this namely, Senator Daugherty Abrams, as well as Representative

Steinberg. I'm so happy to have a bipartisan group on this Amendment, Madam President.

THE CHAIR:

Thank you. And the question is on adoption of the Amendment. Will you remark further? Senator Miner. Good evening, sir.

SENATOR MINER (30TH):

Thank you, Madam President. Good evening. Madam President, I to rise in support of this Amendment. Earlier this year, we heard testimony on a rather large Bill that would have included all packaging. So the packaging with the pen came in, the packaging that the signs came in. You name it, it would have been all packaging. And I think we heard from the industry that they really do understand why we should be moving in this direction. The packaging industry.

So I don't think we're starting down this road necessarily with an opponent in this quest to try and have a healthier environment both from the standpoint of public health and what these chemicals may do in the environment. But in fact, they're trying to meet these deadlines not only here in the state of Connecticut, but nationally.

And so, I want to thank the Co-Chair and the others that are on this Amendment for two things. One is, that we've limited, I believe the language to "food packaging" instead of "all packaging". So the screen door you buy at Home Depot is not the subject of this language today. That doesn't mean it's not going to be the subject of language at some point in the future, because at the end of the day, we're beginning to test more and more public and private drinking water. And there are components of these chemicals in water. There's no doubt about it. It's there. Question is, is it getting to a level where

it's really becoming more and more important and more and more critical?

So for purposes of today in this Amendment, through you, if I might, just a clarifying question to my Co-Chair on the Environment Committee?

THE CHAIR:

Please proceed, sir. And Senator Cohen, please prepare yourself.

SENATOR MINER (30TH):

So, starting on lines 204 to 225, this is the area of the language where I think we focused on trying to constrict the field in which we could reasonably expect these products by a certain date would be free of PFAS. And so, am I correct, through you, Madam President, that this language is intended to deal with packaging for food, not only just the packaging that is up against the hamburger, so to speak, it may be packaging that is around that packaging that's around the hamburger? But without a doubt, the intention here is to try and be sure that PFAS is not a constituent part of those wrappers, containers, baskets, et cetera. Through you.

THE CHAIR:

Senator Cohen.

SENATOR COHEN (12TH):

Thank you, Madam President. And through you, yes, to the good Ranking Member, that is correct. With respect specifically to the section that the good Senator mentioned starting on line 204, this deals with certificates of compliance. And the certificate of compliance would with respect to PFAS, be limited to PFAS and food packaging. It does reference Sections 22a-255g to M, which also would include certificates of compliance for the other chemicals

and substances mentioned in that section primarily lead, cadmium, mercury among others. Through you, Madam President.

THE CHAIR:

Senator Miner.

SENATOR MINER (30TH):

Thank you, Madam President. And so, through you, those other numbers which are statutory references on line 206 are already part of our current statutory framework. So we made efforts years ago to get lead, cadmium, and things like that out of paint on toys, other products, and that language is currently in statute. This just makes it clear that they're not getting out of this by us making this change, they're included in this. Through you.

THE CHAIR:

Senator Cohen.

SENATOR COHEN (12TH):

Thank you, Madam President. Yes, that's correct. Through you.

THE CHAIR:

Senator Miner.

SENATOR MINER (30TH):

Thank you, Madam President. Madam President, I do support the Amendment. I do appreciate the work that's been done on this Bill, both in terms of changes made in the firefighting foam aspect, which we heard a lot of testimony on, but also, in terms of trying to work with the industry in establishing a date certain where we expect compliance, and then setting up a framework where people that are

responsible for the purchases of this material. These products will have the ability to inquire as to whether there's compliance or not, so can the agency in the case of someone that might have a fish store soaking the owner of the fish store. And so, again, I rise in support. Thank you.

THE CHAIR:

Thank you, Senator Miner. Will you remark further on the Amendment that is before the Chamber? Will you remark further? All right, if not, let me try your minds. All in favor of adoption of the Amendment, please signify by saying aye.

(MEMBERS):

Aye.

THE CHAIR:

Opposed?

The Amendment is adopted. Will you remark further on the Bill as amended? Will you remark further on the Bill as amended? Senator Cohen.

SENATOR COHEN (12TH):

Thank you, Madam President. If there's no objection, I'd move to place this on our Consent Calendar.

THE CHAIR:

And, hearing no objection, seeing no objection, we will move that item to the Consent Calendar. Mr. Clerk.

CLERK:

Page 22, Calendar No. 301, Senate Bill No. 88.

THE CHAIR:

Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, I'd like to -- the next item marked, which is Calendar Page 22, Calendar 301, Senate Bill 883. Just like to PT that Bill right now, and move to Calendar Page 13, Calendar 197, Senate Bill 120. And we'll just stand at ease for a moment while we wait for the Chair to come out. Thank you, Madam President.

THE CHAIR:

And the Senate will indeed stand at ease.

Senator Duff, good evening.

SENATOR DUFF (25TH):

Thank you, Madam President. Good evening. Would the Clerk call the next item on the go list?

THE CHAIR:

Mr. Clerk.

CLERK:

Page 13, Calendar No. 197, substitute for Senate Bill No. 120, AN ACT ALLOWING POLICE OFFICERS TO WEAR RELIGIOUS HEAD COVERINGS AS PART OF A POLICE UNIFORM.

THE CHAIR:

Good evening, Senator Bradley. We're getting your microphone. There you go.

SENATOR BRADLEY (23RD):

Madam President, it's a pleasure to see you this evening. Thank you very much for recognizing me. Madam President I'm in possession of an Amendment LCO No. 8435.

THE CHAIR:

Mr. Clerk.

SENATOR BRADLEY (23RD):

Make sure we're getting it right. So, I am in possession of an Amendment LCO No. 8435. I ask the Clerk to call the Amendment, waive the reading, and be given leave to summarize.

THE CHAIR:

Mr. Clerk.

CLERK:

LCO No. 8435, Senate Schedule "A".

THE CHAIR:

Please proceed, Senator Bradley.

SENATOR BRADLEY (23RD):

Thank you, Madam President. The title of the Bill does a lot of justice to this piece of Amendment that we're presenting before this body. Though, I think that it covers the essence of what this law proposes to do, I think it touches upon the very fabric of what it is to be a citizen of this great free Republican. And that is, that we give anybody who has fire in their belly and a desire to serve and give back to the community to be able to do that.

This particular piece of legislation demands and asks that, by October 1st of 2021, that law

enforcement come up with a policy allowing people to wear religious head covering as part of their uniform. And also, Madam Clerk, requires that posts come up with policy indicating what the proper procedures will be for social media usage.

Two things which in this age of the modern era that we live are incredibly important. It touches upon inclusivity. And more importantly, it makes sure that as we move forward as a policing body here in the state of Connecticut there's uniformity, when it comes to social media, the usage of that, both as a police department and as individual police officers on and off duty.

THE CHAIR:

Thank you. Do you move the Amendment, sir?

SENATOR BRADLEY (23RD):

I do, ma'am.

THE CHAIR:

And the question is on adoption of the Amendment that is before the Chamber. Will you remark further on the Amendment before the Chamber? Good evening, Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. I rise in support of the least part of this Bill. I believe that the beginning part of this Bill where the religious headgear coverings is is very important. Any type of religious beliefs, we should make accommodations for them. And this Bill here does that. This Bill allows Sikhs to where their head dress. It's happening in other cities and other towns. It's unique because they actually put the police hat badge right on them. And they're easily identifiable. And I fully

support that part of the Bill as I support all freedoms of religion.

The second part of the Bill is where I have an issue. And that's where the Amendment part comes in. And that is the social media policy. Because as I read through this, this doesn't say that each department will come up with a social media policy. This basically gives an outline and says that they're going to either do this, or they're going to have to exceed the standards of this model policy.

So I was trying to figure out, where this came from? Why did somebody bring this forward? And quickly realized, this came out of an incident that happened in our state at one local police department. And it kind of bothered me that this whole thing came about from one police department, and an incident that occurred involving somebody in the Circle. And I believe we shouldn't be making laws based on something that we were involved in.

Now, from what I understand this, a policy has to be developed when a police department goes for a certification, which under the police standards Bill, we required that. So as I said, going through this, this was not a needed law. This was a law that was put together from one incident. And that's why we can't support the second half of this law.

I'm bothered by the fact that this was put together. I'm bothered by the fact that both of these were put together because I believe the first half of this law is very important, very needed. And the second half should have been standalone, separate, has nothing to do with this religious freedom that we are offering.

So I wish I could say I support this Amendment, but I do not support the Amendment. I do ask for a roll call on this Amendment. And I'm going to finish talking about this at this point. Thank you.

THE CHAIR:

Thank you, Senator Champagne. Will you remark further on the Amendment? Senator Witkos. And this vote on the Amendment will be taken by roll. Senator Witkos.

SENATOR WITKOS (8TH):

Thank you, Madam President. If I may, just a couple of questions to the proponent of the Amendment?

THE CHAIR:

Please proceed. Senator Bradley, prepare yourself.

SENATOR WITKOS (8TH):

Thank you, Madam President. Section 1 of the Amendment is very self-explanatory, and Section 2 is the part where I'm going to focus my questions on. So, the way I understand the Amendment is the Police Officer Standards and Training Council will develop a model policy for the use of social media that all departments or law enforcement units shell adopt. Is that correct? Through you, Madam President.

THE CHAIR:

Senator Bradley.

SENATOR BRADLEY (23RD):

Madam President, that is correct.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS (8TH):

Thank you, And, although it is a model, are the individual municipalities or the state police or any

other law enforcement unit required to adopt that model policy? Or can they develop their own model policy pertaining to use of social media?

THE CHAIR:

Senator Bradley.

SENATOR BRADLEY (23RD):

My understanding of how policy works is that, that will be the uniform policy that will be adopted as a baseline throughout the state of Connecticut. Obviously, individual police departments or agencies can make it more robust, can include other factors that are relevant, but in terms of the baseline will come out of the decisions made by posts.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS (8TH):

Thank you, Madam President. And, through you, to Senator Bradley, I know in my hometown, where I was also a police officer, we didn't have social media back in the day, really when I was a cop. But since then they've -- I know that the Department has their own Instagram account and Twitter account. And many of those posts are done by the town clerk who may have the time. And that town clerk is not an employee of the police department. They're not associated with the police department. They have a whole separate function. But they do do postings on behalf of the police department. And I don't know if the Bill speaks to that, but would they be held to the same standard that's contained in this section? Through you, Madam President.

THE CHAIR:

Senator Bradley.

SENATOR BRADLEY (23RD):

Again, so this would be a baseline model. Individual police departments still have the ability in the autonomy to make decisions within their own individual police departments. So they will be held to the standard of whatever city clerk or town clerk or regulatory agency of that particular town would develop.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS (8TH):

Thank you. And through you, Madam President, with that said, there are seven different subsections of this Subsection B where they describe a specific action, I guess if you will, or policy. Is the municipality or the town and law enforcement is you're required to adopt all of these seven or can they adjust them individually, as I see fit to a policy that they want to adopt? Through you, Madam President.

THE CHAIR:

Senator Bradley.

SENATOR BRADLEY (23RD):

So in adopting these baseline models, what we were in essence codifying are the key and most fundamental issues with regard to social media. So with the post will be coming up with is this standard baseline model. And hopefully, municipalities will take this instruction for posts and follow accordingly. I think that answers the question, and I can elaborate more with further questions.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS (8TH):

Thank you, Madam President. And it does. And I'll give you an example, and we'll see if we can go off of that. So I'm in number seven, it's in line number 28. And it says, "The personal use of social media by a police officer while on duty." And I'm thinking of a fact where maybe it's the midnight shift, it's two o'clock in the morning, the sidewalks are rolled up. And the police officer is sitting in their patrol unit. And they happen to go on their cell phone, and they say, "Let me just check my Facebook account." Technically, if you read it as is, that may not be allowed. But can the department -- as long as it meets or exceeds the standards of the model and policy, can a department say, as long as there's nothing going on in the town and they have the right where they can use it during the lunch break -- I just want to kind of get a better idea as to how constrictive or how much room is there for the departments to adopt in certain types of specifics. Through you, Madam President.

THE CHAIR:

Senator Bradley.

SENATOR BRADLEY (23RD):

Thank you, Madam President. So, the use of media by a police officer on duty doesn't mean that they're negated from being able to use the social media at all. It simply states that there will be a policy in terms of what are the do's and don'ts would be appropriate use of social media.

For example, when we were in Committee, we had several chiefs of the police departments and the actual Members of the Committee who were active

police officers, who said that a lot of times they use social media as an investigatory tool to find out if there's some sort of gang affiliations or to see what people have been commenting about a particular criminal incidents that they're investigating. So it's not banning the use of social media in its entirety, but rather defining with some clarity, what is appropriate use of social media.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS (8TH):

Thank you, Madam President. And I thank the gentleman for his answers. I think I've got all my questions answered. Thank you.

THE CHAIR:

Thank you, Senator. Will you remark further on the Amendment that's before the Chamber? Good evening, Senator Anwar.

SENATOR ANWAR (3RD):

Good evening, Madam President. I rise in support of SB 120, Madam President. And I want to make a few comments. I don't have any questions. So, first I wanted to thank the honorable Chair of the Committee, Senator Bradley, for your leadership and your efforts to bring this Bill forward. And I also wanted to thank Senator Duff with respect to the Bill about the head coverings, and I wanted to thank you for raising the awareness and also bring this Bill along with some of our colleagues.

I want to share a little bit about some of the members in my district. This is the Sikh community. They are also called Sadars, which means people who are leaders within the communities. And they originate from parts of India. And I know that this

community lives literally in each and every part of our state. Their belief is strong with respect to covering their head with a turbine. And it is important to know that these individuals are not only part of our state in every town, and I know they're in towns of literally each and everyone who is around the Circle, but they're also around the world as well.

And in most other parts of the world where they live, they are part of the society in each and every aspect, including protection of the country that they are citizens of, including taking care of law enforcement agency roles in any community. If you are ever traveling to Canada, if you're ever in England, you will not have enough of a stay that you will see the police officers who are wearing turbines, and are part of the society who are taking care of the community and protecting the community.

It is somewhat sad that we have to have a Bill to be able to bring this issue forward in the state of Connecticut, to require that our police departments be able to have their future members be able to wear their head coverings.

I'm just giving you one example. If you look at our Jewish brothers, they are supposed to have a head covering as well, if they're observant. So, why is it that we are restricting individuals who want to serve our society, make our society better, make our society safer, to be able to provide the full services?

Sorry. Am I interrupting you guys? Okay.

So, with that in mind, I just feel it's important that we as a Circle, we as a state, we as Senate, unite together and become one voice and say, "Look, we want everybody to be able to participate and protect our state, protect our society." And that is so much needed. And if you look at the work that has been done around our police services and

opportunities for improvement, there has been, every single person says, "We need improvement in diversity." And that's critical. Diversity in our police force is critical. This is a step in the right direction for at least having an inclusion of some of the communities that value and have head coverings that would actually make them be able to feel comfortable being part of the police service and not compromise their religious beliefs.

So I stand up again, Madam President, to do seek my colleagues to support this Bill, at least recognize that there is a value in their citizens who would appreciate their support. Thank you so much. Thank you for your time.

THE CHAIR:

Thank you, Senator Anwar. Will you remark further on the Amendment that is before the Chamber? Good evening, Senator Somers.

SENATOR SOMERS (18TH):

Good evening, Madam President. I rise to ask the proponent of the Amendment a few questions, if I may. Through you, Madam President,

THE CHAIR:

Please proceed. And Senator Bradley, prepare yourself.

SENATOR SOMERS (18TH):

Yes. First of all, I just wanted to make a quick comment on the first part of the Bill, which I do support. It clearly empowers individuals to showcase their religion, showcase their religious freedom. We just heard the good Senator talk previously to me speaking about restricting individuals from being able to serve or from being able to express their religious beliefs. And that everyone should be able

to participate. And the importance of inclusion of communities and those of different faiths. And people should be able to live in the state of Connecticut and pursue their dreams or serve in their careers without compromising their religious beliefs. And I wholeheartedly agree with that. And I agree with the first part of this Bill. It's just too bad that, that wasn't the case when we talked about vaccines. And I find that extremely hypocritical.

So my question today to the proponent of the Amendment is the second part of the Bill that has to do with social media concerning police departments. And when reading through the Bill, one of the first questions that came to mind, because I'm very close to a lot of the police officers and police chiefs in my community, and they use social media very wisely. And as you've heard they use it to find out different aspects of an investigation. Perhaps they're looking at for tips. They also have an opportunity to showcase different things like help for opiates, if you have a question. And they also can help dispel rumors that tend to go through communities.

So if I could ask you, where did this idea that police are misusing social media come from? Or was there a problem that you know of on police using their social media in a way that is not acceptable? Police departments are being singled out. Why just police departments? Why not expand that to Mayor's Offices or Fire Departments or Board of Educations? Why are only police being, you know, required to come up with a special level of social media, do's and don'ts, so to speak? If you could share, that would be very helpful. Through you, Madam President.

THE CHAIR:

Senator Bradley.

SENATOR BRADLEY (23RD):

Thank you, Madam President. And I take it as a two part question. I'll take the second part first in addressing why we specifically dealt with the issue of police officers. Obviously, as the good Senator knows, that we have cognizance over certain agencies and public safety. One of the great honors that we have is to oversee organizations like posts. So unfortunately, we can't have such a robust piece of legislation coming out of our particular Committee, dealing with other municipalities and things of that issue. So that's why we specifically are addressing issues dealing with police departments.

To your second question about whether or not there's been issues that have been highlighted throughout this country, and in the state with misuse and appropriate use of social media. And I think that there's many examples of both. And I take a few of articles that have been recently published. Back in July of 2019, we had federal border agents who posted that Members of Congress were actually performing sexual acts on their personal social media pages. And luckily, they were able to be dismissed and fired from their positions.

And the key reason why they were able to do that is because the custom and border patrol had a clear policy that determined what was the appropriate usage of social media, both on and off duty. And specifically, because of that policy, they were able to be successful with labor attempts and other organization's attempts to try to have those police officers be reinstated because the policy was clear. And it was implemented in a way which the policy indicated it needed to be implemented.

2019, June in the great city of Philadelphia, 72 officers in that great police department were terminated for their usage of social media, where they used disparaging words towards Muslim-Americans, African-Americans, and immigrant communities. And there was people in the ranks of

police commissioner -- a police commissioner, six captains, eight lieutenants, and other patrol officers that were part of this Facebook post, where they were using that type of terminology as they described the people who they were policing in the great city of Philadelphia.

Unfortunately, that police chief was unsuccessful in terminating a lot of the police officers. And one of the reasons that were cited in this article was the fact that at that time, Philadelphia did not have a clearly articulated use of social media. And for that reason, those officers were able to be reinstated back to their normal duty. So, having a lack of clarity to the law when it comes to matters of labor dispute creates an opening for bad officers, the bad apples that we talk about, to continue to operate and to continue to police the communities.

So, the article goes on and talks about; after this incident, they then acquired the services of an attorney to come up with policies in terms of what would be appropriate usage of social media. Hartford Police Department last year, 2019, similar incident, where a police officer said things like -- a particular section of Hartford he wished that there was a huge sinkhole that would take all "these people" out. And he wished that these people would all OD.

Again, a police officer that was terminated for his use of social media and the commentary that he used both on and off duty, referring to members of the community that he was charged with protecting and serving. Luckily that dispute is still ongoing, but the Hartford Police Department does have a policy that addresses the appropriateness of what people should do on social media.

And furthermore, looking at a very conservative piece of study that was done by the International Association of Chiefs of Police published back in

May, 2019, use words to describe social media policy as crucial that every police department must have that. Both the do's and the don'ts, how to manage them effectively, how police department should engage with the community, and how they should regulate their officers both on and off duty.

THE CHAIR:

Senator Somers.

SENATOR SOMERS (18TH):

Thank you. Through you, Madam President. Thank you very much for that really thorough answer that provides a lot of clarity. If I could just ask a couple other questions. Many of the police departments that are in my particular towns, they do have a social media policy, and they do allow their officers on-duty to use social media. Is this something that could be included in the negotiation of the contracts within police, the do's and don'ts of social media? So that could be a much better way, in fact, to move forward if there is issues surrounding workforce behavior that could have the possibility of termination, so to speak, through the contract. Could we not do it through the negotiation of the police contracts as they come up, if a town already has an established policy, rather than having to change the policy that all the police officers have been trained on to date, to morph into whatever post comes up with? Through you, Madam President.

THE CHAIR:

Senator Bradley.

SENATOR BRADLEY (23RD):

In the making of politics, obviously, the good Senator and Madam President, there's many ways to skin the cat. And obviously, there's a possibility

that police departments could do it through union negotiations or some sort of contractual obligation is a possibility that chiefs of police and whatever governs their particular city or town could come up with a concept of how they will govern. And remember this is not intended to be the end all and be all. This is simply a post, a guideline as to what are the do and don'ts and it follows almost uniformly with the International Association of Chiefs of Police have said are important things to talk about so the seven points you see listed here are almost identical to the seven points that the leading leadership association says we should cover and should be talked about and should be addressed when devising good policy.

THE CHAIR:

SENATOR SOMERS (18TH):

Yes, thank you. Through you, Madam President. My last question, I'm sorry to make you go, do we know how many police departments in the State of Connecticut already have a policy on social media versus those who do not? Through you.

THE CHAIR:

Senator Bradley.

SENATOR BRADLEY (23RD):

So we asked that exact question to the Leadership of Posts in terms of whether or not they keep a count of police departments and social media policies. Unfortunately, they do not, so it goes town-by-town and city-by-city in terms of who has policies and who doesn't and there is obviously a lot of flexibility between what the policy states. So the whole fear is that we bring the attention and awareness of the 21st Century of something that is obviously of issue throughout the state and in the

State of Connecticut so that we can have some sort of a post of what would be acceptable.

THE CHAIR:

Thank you, Senator. Senator Somers.

SENATOR SOMERS (18TH):

Yes, thank you. Through you, Madam President. Thank you very much for your clarity. It appears to me that we're trying to establish a baseline of uniformity across the State of Connecticut on social media as far as the use of it during, for police work, etc. The example you gave of incidents, one in Connecticut, are not-ah very unacceptable for anything you have described. Do you know of any other incidences in Connecticut that have been problematic where a town did not have a social media, you know, platform or policies that something egregious was done and police officers were allowed to remain in their positions? Or is that the only example of Hartford that you have to date? Through you, Madam President.

THE CHAIR:

Thank you, Senator Somers. Senator Bradley.

SENATOR BRADLEY (23RD):

Thank you, Madam President. So of a specific article I do not but I can tell you that as a person who has served previously on the board of education, I can tell of incidents that occurred with police office engagement and with the board of education. I could give you one story specifically dealing with an accident involving of a minor child who was involved in a vehicle accident with a police officer and that, images of that were taken by phone and ultimately made its way on private social media posts and parent were then notified that their children were involved in accidents. So things like

that obviously is what this policy tries to address, not everything obviously is nefarious or has a racial negative connotation to it, sometimes it's just a lack of awareness of what you should not, shouldn't be doing as a police officer in terms of disseminating information or the manner in which you frame certain type of issues. So that's an example that I personally have lived through and saw that policy would have been helpful.

THE CHAIR:

Senator Somers.

SENATOR SOMERS (18TH):

Thank you, Madam President. I think I know the incident you're talking about. I think it was a fireman if I'm not mistaken but I can understand how that would happen. So I want to thank you for your answers, I think they really helped shape some clarity to this and if we can create a baseline for police officers throughout the State of Connecticut I have great faith in our police departments and I think that, you know, for the ones that I deal with, I think they do a great job on social media and they have great restraint and they do things properly. But if we're going to establish this kind of baseline for police I would like to this Chamber possibly take that up for volunteer boards. I feel a lot more problems there of our many volunteers that may volunteer whether it be board of ed, or some commissions that may sometimes make the mistakes that you're just talking about. So I appreciate you answering those questions and thank you for your time. Thank you, Madam President.

THE CHAIR:

Thank you, Senator Somers. Will you remark further on the Amendment that's before the Chamber? Senator Cicarella, good evening.

SENATOR CICARELLA (34TH):

Good evening, thank you, Madam President. I stand in support of the Bill. Serving as a member of Public Safety, this passed unanimously and I think it is imperative that people could go to work and they don't have to put aside their religious beliefs or ability to feel comfortable doing their job whether that's wearing a chain or a religious head covering, I think it is important that they can go to work and have that with them so they could feel comfortable. And it think it's very important now more than ever that we have a lot of people applying for these jobs and we know that we need first responders and law enforcement so I think the Bill is a great Bill and I think a lot of people around this Circle will agree to that as in the Public Safety Committee it did go through unanimously.

The first question I guess I have and, I guess, Through you, it would go to the proponent of the Amendment with such a good Bill that's going to pass through unanimously, why put the Amendment in when we have another Bill in the Senate that address the same thing, SB 1009. So, Through you.

THE CHAIR:

Senator Bradley.

SENATOR BRADLEY (23RD):

Madam President I think the answer is that we have two really good Bills and not to be titrant to try to make small of the situation, I think we have two really good Bills that are of monumental importance and I know the good Senator heard my kind of lengthy list here of incidents that have happened pertaining to the portion that is an Amendment. I think it is awfully important in this day and age that we try to have clarity. I think it was Napoleon Bonaparte who said, "The most important thing in war is communication, communication, communication" and

looking at organizations that are quasi-military like our police departments, communicating effectively to them, letting them know what is acceptable in this modern age of technology and social media it's awfully important that we drive that point home.

So I see this Amendment as strengthening the original Bill dealing with specific religious freedoms because that is a bedrock of what it is to be an America is to be able to express your religious freedom to be able to serve this great country is the bedrock of what we want to teach our children in terms of having the character of what it is to be an American, so I see these two Bills as kind of a leftwing and a rightwing and together they are going to fly us in the right direction.

THE CHAIR:

Senator Cicarella.

SENATOR CICARELLA (34TH):

Thank you. And through you, just yesterday a colleague of ours made a comment that we're going to debate on the floor about something that is good which this Bill is. And we've been talking about this Bill and the Amendment more specifically and I don't think it paints an accurate message or we're doing our state residents justice because there is a Bill in the House that, I'm sorry, in the Senate and I'm sure we'll be able to discuss and be able to debate the important issues. But again, the purpose of brining this forward again, with a Bill that can go through with bipartisan support we put somewhat of a controversial Bill in and I guess. Through you. I don't understand and maybe a little bit more clarity of why that Bill can't run separately. Thank you.

THE CHAIR:

Senator Bradley.

SENATOR BRADLEY (23RD):

You know, Madam President I think that often times we look at debate as a form of controversy but I think that the questions that have been posed here by my colleagues on the other side of the aisle are an honest debate and are genuine questions especially those who any even those who served on the Committee but especially for those who did not to understand the motive and the operation and how these Bills come to be.

So I don't see this as a controversy at all. I think that when we look at and take an honest look from the periphery of what it is to police in the 21st Century I think we come to the conclusion that policies that derive clarity and are preventative in it's capacity, this isn't a punishment, this isn't saying if police officer do X, Y and Z we're going to hit them with a fine or we're going to take way their pensions or we're going to attack them in any particular way, to the contrary, we're making sure that police officers are given strict guidelines and directions as to what they should do. We're doing the same thing with police departments and not just with negatives, this is not a Bill that's intended to be antagonistic towards police departments, this is also dealing with positives, of how police departments can think of how they can utilize social media to outreach the communities, to communicate to communities, to relay the positives going on, to involve them with crime prevention and activities. So, the Bill in its essence is about building a stronger community by utilizing social media and making sure that we use it in a way that fortifies the very best of what it is to police.

THE CHAIR:

Senator Cicarella.

SENATOR CICARELLA (34TH):

Thank you for answering my question. And I'll probably have some additional questions on the proposed Amendment but first, just a brief statement of I guess concern or maybe clarity. And, you know, if the Amendment does pass, a lot of people strongly disagree with the Amendment and if it is a part of this good Bill, a lot of people on the other side may not vote for this Bill at hand because of the Amendment. And I made it clear that there is another Bill that will handle the important issue of social media when it comes to the police officers and how it could be used in a positive way and to make sure that it's not used in a negative way.

But again, going back to yesterday when we talked about a suicide prevention Bill and the reason why we weren't able to get it passed bipartisan was the parts that are in the Bill, whether it's good in its entirety or just small pieces are a problem. That is a great example of why we have to talk about Bills for a long period of time is because we have a good Bill that could have been voted on and with bipartisan support to show the unity in this Chamber and the work that we do for our residents and instead there is going to be, I'm sure, a not partisan vote because of a Bill that is already going to be in front of the Senate, in this Session, stuffed into a good Bill and I think that is the great example of why the debates are so long on the floor.

And I do think that we have to do our best, maybe it's just because I'm a freshman and I'm new to this, but this is a great example of the problem that I see handcuffing or challenging the ability to say this is a great Bill and we are going to support it. Some people are going to have to not vote for that and I don't think that is at the benefit of our citizens. I do appreciate that you allowing me to kind of say my piece and I hope I got that point across the best way I could. And again, please

excuse my lack of experience in this Circle. I just don't see the point of it.

But a few questions on the social media part. You spoke of a few examples where officers were disciplined and for good reason, the comments that were made again were not, not great, they were terrible and officers should be held to a higher standard, so it does seem there was a disciplinary action taken. Do we know.

Through you, Madam President. If there was an issue involved with such a negative or nasty comment and there were not disciplinary actions brought on an officer? Through you.

THE CHAIR:

Senator Bradley.

SENATOR BRADLEY (23RD):

I don't want to say that there's never been an incident where an officer has never been brought up with disciplinary charges for conducting themselves in a way that it is inappropriate in social media, what I can tell you as an attorney, and being in plenty of Loudermill Hearings and understanding the process of that, one of the things that we often cite when we are defending police officers is a lack of clarity.

So whenever there is a Statue or a standard operating procedure that contradicts itself whenever there is a memorandum that's been issued by lieutenants or brass, that contradicts what other pieces of writings say, that is a loophole that often times we can present in front of a hearing and in front of arbiters to determine that this police officer can't be held accountable for rules and regulations or laws that are unclear.

So what we're striving to do here is to, in the sense of, and I don't want this Bill to be looked from that standpoint of this is about disciplining officers, from that standpoint of officers are doing inappropriate things clarity allows up use the civil procedural process to take those preverbal bad apples and hold them accountable for whatever disciplinary action should be and often times its progressive, often times it's not as egregious as examples I've listed here earlier. Sometimes it's more benign and unclear in innuendos and things of that nature and maybe termination is an appropriate action. Those municipalities will still be able to govern their cities and towns and make those determinations as to what is appropriate or labor committee would be able to hear the matter and determine whether or not the discipline is appropriate or not. What we want to start doing is because this is a new issue, because it's kind of uncharted territory that we start creating clarity and uniformity as to what is appropriate and what's not and create that guidepost for the State of Connecticut.

THE CHAIR:

Senator Cicarella.

SENATOR CICARELLA (34TH):

Thank you. And, through you, Madam President, one more question as far as posts, if they come up with the rules and regulations or guidelines, do the municipalities have the ability to make whatever decisions that they want as far as the practices used. Maybe an example would be better in a situation, they find a way to utilize social media for possible threats and in the post guidelines they happen to miss that or there is an everchanging technology within social media, the things they can do for example GO locations were able to be used a while ago, now they are not able to be used and it's ever evolving. So does the municipality have to

utilize the exact standards that post established?  
Through you.

THE CHAIR:

Senator Bradley.

SENATOR BRADLEY (23RD):

Thank you, Madam President. No, it's a model policy that we're asking posts to come up with. So this model policy will hopefully, will do a lot of the heavy lifting in terms of what current law is and what would be an infringement of First Amendment Rights of Freedom of Speech and other issues that would be of concern to anybody who is developing these policies and obviously also the legal costs to a lot of smaller municipalities who have to outsource this kind of work. So we're really ticking on the burden to create uniformity and one of the beautiful things of the law, is that it is almost like a wheel, right. You don't have to reinvent the wheel whether you're driving a Mercedes or a jalopy, a wheel is a wheel in terms of its basic engineering construction and I think that is what we're trying to do here with this policy is to develop a wheel that would allow a sense of uniformity throughout the state.

THE CHAIR:

Senator Cicarella.

SENATOR CICARELLA (34TH):

Thank you. And through you, for clarity, so they may utilize these guidelines, they don't have to?  
Through you, Madam.

THE CHAIR:

Senator Bradly.

SENATOR BRADLEY (23RD):

A guideline and policy would have to be established, the post will establish the guidelines and policies and give a model of what those policies will be. Municipalities and cities would be able to redefine and make appropriate adjustments as they see fit through their legal counsel or through whatever mechanisms they put in place.

THE CHAIR:

Senator Cicarella.

SENATOR CICARELLA (34TH):

Thank you for answering that, I appreciate that. These are more questions that I kind of had for SB 1009 but I guess I could kind of ask them now because they are very similar, the Amendment and that original Bill. As we see social media as a new way for people to communicate and unfortunately, it's not used always for the best intentions and that's definitely an issue when there is professionals within our communities and they have a platform whether it's a teacher, a police officer, a firefighter why just police officers when it comes to this Amendment, I guess why just police officer? Through you, Madam Secretary.

THE CHAIR:

Senator Bradley.

SENATOR BRADLEY (23RD):

As stated previously we have cognizance over particular issues so this was germane to our particular cognizance that we have in the Public Safety Committee. Obviously, it would make sense that boards of ed would have social media policies that different administrations would have, social media policies that we as a body should have the

social media policy but, you know, I'm already mad at leadership for the amount of Committees they put me on and I'm not going to ask for anymore.

THE CHAIR:

Senator Cicarella.

SENATOR CICARELLA (34TH):

Thank you. And I guess some of the questions kind of may not be germane to this because this is an Amendment to the police religious head covering but in Public Safety the questions did come up about other public safety professions, so I guess it wouldn't be appropriate to ask those questions here and I don't know if I get an opportunity to ask those if this Amendment does make it through and it gets passed today through the Senate.

You mentioned that this would make it a little more clear on what the, I guess, do's and don'ts and what your consequences may be for actions related to social media posts, I'm going to again maybe when and how you could use it, if you could use it on the job and if it's only for work related things like trying to find somebody or further investigation, you can't use it for personal use. Would this also prevent somebody from being maybe wrongly, that's the correct word, punished for making a comment on their own time. There was something in the news not too long ago an officer made a comment about, I don't know, a basketball player, something the person was suspended. Would that also be a double-edged sword if you will, to give clarity and allow the officer to not have repercussions for making comments when it comes to Freedom of Speech? Through you, Madam President.

THE CHAIR:

Senator Bradley.

SENATOR BRADLEY (23RD):

Madam President, the devil is obviously in the detail and as we look at what the International Association of Chiefs of Police they put out four general overall bulletins in their policy center study on the issue of social media policy and they talked about that the polices should address what employees who are, first they should identify employees that are charged with social media management of their social media policies and address whether to do's and don'ts of what they should post in terms of favorable things for the police department it also gives guidelines and responsibilities of how to oversee and manage those media programs for the agency, establish clarity for consequences for not adhering to the policy.

The policy should also have regulations dealing with both private usage and on the job usage of policies. And there are general overall guidelines that I recite that if you look at the things that we propose in this particular piece of Amendment numbered one through seven, you are going to see it mirrored almost identical, verbiage very different. The verbiage different in terms of the phraseology but in terms of the essence of what this piece of Amendment proposes almost identical in terms of laying out both the positives and how to manage the social media account in effective ways and also the clarity of how officers should conduct themselves when on social media, and what consequences should occur if they breach that.

So as you can imagine we live in a litigious world where people like to bring claims where possibly superior officers could view something that is offensive that others may differ and that's why we have these things in place Loudermill Hearings and labor boards, and Superior Courts and appeals and, you know, it's the devil's in the details and the devils in the people who are hearing the facts and ultimately we the people. We will determine if that

particular comment was inappropriate or not, but if the question, the overarching question is this a "gotcha" for First Amendment right, then I think, I'll just say that my reputation proceeds itself in voting in favor of Rights and I often times have alienated some people here who think that my stances are unreasonable or unbecoming for particular platforms reviews and I personally would not be in support of this Amendment if I felt it was violating Constitutional Rights. So, no to be kind of short about it, if you can and abridge my answer a little bit more, no. This is not a got you in a way to abridge police officers or anyone's First Amendment Rights to say what they want to say.

THE CHAIR:

Senator Cicarella.

SENATOR CICARELLA (34TH):

Thank you. And in conclusion of I guess my questions and my comments on this Amendment, you know, I urge my colleagues to vote no on this Amendment and I do agree with the good Senator that these are two important issue and I do think that we should have the ability to handle these separately so a vote could be made on each issue independently and I think that would be a, a way to allow us to support such a good Bill and come together for a the support of the Public Safety Committee and pass this unanimously and then be able to discuss this social media Bill regarding law enforcement separately. Thank you, Madam President.

THE CHAIR:

Thank you, Senator. Will you remark further on the Amendment? Good Evening, Senator Berthel.

SENATOR BERTHEL (32ND):

Good Evening, Madam President, good to see you today for the first time for me and the hour is getting late so I will try to be brief with my remarks. So first of all I would like to just acknowledge the very important and meaningful words of Senator Anwar earlier regarding the first part of this Bill with respect to his perspective on how this legislation should if passed will affect members of his community and his faith and I appreciate him and sharing his perspective with the Members of the Circle.

I do share some of the same concerns with respect to the second part of the Amendment and the social media aspect and I do have a couple of questions for the proponent if I may? Madam President, through you.

THE CHAIR:

Please proceed, sir.

SENATOR BERTHEL (32ND):

Thank you, Madam President. To the good Chair, Senator I appreciate the, I've lived and listened to the dialogue since the Bill was brought out and I appreciate your perspective not only as a Member of the Circle but in your practice of the law as well and bringing some important clarity to the questions that have been asked. I'm just wanting to get clarification and, on the record, though that the Public Safety and Security Committee does have cognizance over municipal police, it also has cognizance over the, having trouble saying cognizance tonight, it's a little cold in here, right, over the State Police, it has cognizance over the fire officials, fire marshals, Homeland Security, emergency telecoms, it also oversees the Department of Emergency Services and Public Protection.

So I think the question that was raised earlier was why this was limited in terms of the application of these potential policies to just police and your answer was that you have cognizance over police departments but the, excuse me the Committee has cognizance over much more than that and all of these, all of these other public servants if you will, fall under the Committee's cognizance and I would argue that they have the same level of risk and exposure for what we're trying to establish as inappropriate use of social media in their role particularly, and I'm an EMS guy from a lot of years ago, I haven't done that for a while, I've spoken in this Circle about my experience with that on our PTSD Bill a couple of years ago and at other times. But can you help me to understand why, why this was limited knowing that the Committee had cognizance over more public officials, why was this limited just to police? Through you, Madam Chair.

THE CHAIR:

Senator Bradley.

SENATOR BRADLEY (23RD):

Madam President I appreciate the question and I'll try my best to answer it. As a Junior Senator often times we like to pretend like we're more able than what we really are, but tacking all issues in all possible organizations that are under cognizance and coming up with policies for all of them at once would almost be a Herculin task and the work of this body and our Committees is never a done deal, it's not that we are never going to address it or that we simply have ignored them or that it's not important, also to come up with policies governing how they should use social media and whatever bureaucratic agencies oversees them and manages them.

So the hope is that we're going to continue to work as a Committee, as the body up here in the Senate and find ways that we are sure we can address it. I

could tell you that dealing specifically with the State Police Department, they actually have a policy since 2013 and there has been plenty of State Troopers who have been upheld, accountable to that policy since that time period but what you've indicated is definitely something that as a Chair of that Committee that we will definitely take under advisement and we have more work to do. But I would be kidding myself and this Committee if I said that we can do all of that with simply one piece of legislation.

THE CHAIR:

Senator Berthel.

SENATOR BERTHEL (32ND):

Yes, thank you Madam President and I thank the good Chair for the answer and I certainly understand, you know, I'm not a freshman or junior level anymore, I guess I'm somewhere in between but I certainly appreciate that and I understand that it is complicated and I know that we do have another Bill that perhaps we could look at before, if it does come before this Chamber before the end of the Session in 27 odd days, so maybe we could make that adjustment and include, if this issue is so important to this body that we have to discuss it, we should be protecting all of the public servants that we represent and that we have cognizance over their behaviors and their policies. But I do appreciate your answer, Senator on that question.

The other question I have is this, and again. Through you, Madam President. We understand and I am familiar with Post C and its role in establishing the policies and procedures and that they are being directed through this, the language in this Amendment to draft the correct policy and procedures. What I'm a little confused about though is this, Some of the dialogue earlier was directed

to you regarding the potential disciplinary action that may come.

And I believe, and if I'm wrong please correct me, Senator, I believe that your comment was that the policies, the labor policies and employment policies of the municipality would apply to the potential actions that might be taken against a police officer that violates the new policy that might come from post. I think I said that the right way. So let me summarize it up for myself and reframe it. So if post says that the post policy for social media says that if you do X, it's a violation and then if that violation us validated the employment policy of that municipalities that that police officer works in would then have some, would have an actionable item against that police officer for violation of the policy. Is that does that make sense I guess, first of all? Through you, Madam President, is my understanding correct?

THE CHAIR:

Senator Bradley.

SENATOR BRADLEY (23RD):

Thank you, Madam President. Disciplinary actions will obviously be held internally as they always have. The policy here strikes on seven general concepts that posts should look at as they determine policy. What you'll see here is missing is a specific disciplinary action that should happen to that particular officer. The idea here is not to micromanage what municipalities do or police departments do in their individual precincts but it's just to give an overall guiding model of what would be appropriate policy moving forward. So, no the intention of this particular legislation is not to specifically delineate or codify what specific action will cause what specific grounds for reprimand, but more or less give it overarching

policy of what would be appropriate and inappropriate conduct.

THE CHAIR:

Senator Berthel.

SENATOR BERTHEL (32ND):

Thank you, Madam President. I thank the good Chair for the answers. So the application of discipline as it relates to a violation of the policy would be left to the municipality essentially under this, under this Amendment and what it prescribes? Through you, Madam President.

THE CHAIR:

Senator Bradley.

SENATOR BRADLEY (23RD):

Yes, Madam Chair. Yes, Madam President.

THE CHAIR:

Senator Berthel.

SENATOR BERTHEL (32ND):

Thank you, Madam President. Thank you to the good Chair. So I guess it leave me wondering at this point that if we have, and I understand that and I believe that to be accurate by the way, that was my understanding of how that would work. So the reality is, I guess, that if it is left to the town and the town has the municipality has more relaxed standards if you will, or more relaxed disciplinary policies than another town, that in one town a violation of one of those six items, or seven items that's prescribed in the Amendment could result in maybe a hey don't do that again and that was a bad decision or on the other side, it could be it's a written

reprimand in a personnel file or I think we spoke to some examples earlier about some public servants losing their job, they could be terminated. And that actually creates some concern for me because not that I think this body should be dictating to municipalities how they discipline their employees, I think that local government is certainly most important and we should, we should do as little as possible to drive statewide policy and let our local towns and cities do what they can do. But, you know, I'm not sure how I feel actually at this moment about the Amendment and I will listen to any additional dialogue or maybe were done, but Madam President, thank you to the good Chair, thank you very much for answering my questions. Thank you, Madam President.

THE CHAIR:

Thank you, Senator Berthel. Will you remark further on the Amendment? Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. I rise because I am going to reiterate what the problem is with this Bill. I was listening to the good Senator speak and being Ranking Member in the Public Safety Committee this Bill was a problem when it came out. This Bill was discussed, it was discussed why only police. Why are the police being targeted on this Bill? And we brought up all these examples why we would have went, why we weren't talking about every other group that is under our cognizance and it all kept coming back to the same, this was the Bill, this was going to be the Bill. There were other Bills out there, same thing. If you want to pick on one group and go after one group that's one thing.

I mean we've been doing it for about a year now. But this came from one incident. All those other incidents that were listed, those incidents were not brought up in Committee. During accreditation

process all of these police departments are going to be required to do this. They are all going to be required to get accreditation. They are all going to be required to have a policy in place. What it comes down to is one person had a problem, that's how the Bill ended up in the Committee and that's not how we should be doing laws, plain and simple. And to put this Bill that was such a problem on with a great Bill that gives religious freedom is wrong. I don't have a problem with coming up with a standard, it's the way this was done. That's the problem. And I'm going to stick to my morals on this one and I am not going to allow, I am not going to vote for this for that reason.

And I have a problem with the fact that now I have to vote against the other part of it. Politically it was done like that for a reason and it's just not right. Thank you, Madam President.

THE CHAIR:

Thank you, Senator. Will you remark further on the Amendment that's before the Chamber? Will you remark further on the Amendment? If not, we will open the voting machines for a vote on the Amendment. Mr. Clerk please call the roll.

CLERK:

An immediate roll call has been ordered in the Senate. An immediate roll call has been ordered in the Senate, Senate Amendment A LCO 8435. Immediate roll call vote in the Senate, on Senate Amendment A. Immediate roll call vote in the Senate, Senate Bill 120, Senate Amendment A LCO #8435. Immediate roll call vote in the Senate.

THE CHAIR:

Have all the Senators voted? Have all the Senators voted? If so, we will. The machine will be locked. Mr. Clerk, please announce the tally.

CLERK:

Senate Bill 102, Senate Amendment A, LCO 8435.

Total number voting	34
Those voting Yea	25
Those voting Nay	9
Absent and not voting	2

THE CHAIR:

(Gavel) And the Amendment is adopted. Will you remark further on the Bill as Amended? Will you remark further on the Bill as Amended? Senator Formica.

SENATOR FORMICA (20TH):

Thank you, Madam President. I just have on quick question for the proponent of the Bill and then we can move from there.

THE CHAIR:

Prepare yourself, Senator Bradley.

SENATOR FORMICA (20TH):

Thank you very much, Madam President. Senator Bradley, good evening. On the Line 29, it talks about personal use, oh my computer went off, about personal use. And Senator Witkos brought out a great opportunity to talk about officers in their car and is private road duty considered in that? Through you, Madam President.

THE CHAIR:

Senator Bradley.

SENATOR BRADLEY (23RD):

Thank you very much, Madam President. So again, I go to Line 17 where it talks about post making a model policy concerning usage and then it goes through the bullet points of one through seven. So specific incidents like whether a police department will allow a police officer to be using social media while they are in their car, while they are on a road job those are, the intention of this piece of legislation isn't to micromanage those type of gut calls and administrative duties.

SENATOR FORMICA (20TH):

Thank you, Senator Bradley.

THE CHAIR:

Senator Formica.

SENATOR FORMICA (20TH):

Thank you, Madam President. And then on Line 30 when it says, "to meet or exceed standards" that will be determined by post or be determined by a local police commission, be determined by right? Thank you.

SENATOR BRADLEY (23RD):

Through you, Madam President, correct.

SENATOR FORMICA (20TH):

Thank you, Mr. Chairman and thank you, Madam President. Thank you very much.

THE CHAIR:

Thank you. Will you remark further on the Bill? Will you remark further on the Bill? Immediate roll call vote for the vote.

CLERK:

Immediate roll call has been ordered in the Senate. An immediate roll call has been ordered in the Senate, on Senate Bill 120 as Amended. Immediate roll call vote has been ordered in the Senate, on Senate Bill 120 as Amended.

Immediate roll call vote has been ordered in the Senate, Senate Bill 120 as Amended. Immediate roll call vote in the Senate.

THE CHAIR:

Have all the Senators voted? Have all the Senators voted? The machine will be locked. Mr. Clerk, please announce the tally.

CLERK:

Senate Bill 120, as Amended.

Total number voting	34
Those voting Yea	27
Those voting Nay	7
Absent and not voting	2

THE CHAIR:

The Bill passes (Gavel). Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Hello, Madam President. Madam President will the Senate stand-at-ease for a moment please.

THE CHAIR:

Good Evening, Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President will the Clerk call Calendar Page 22, Calendar 301, Senate Bill 883.

THE CHAIR:

Mr. Clerk.

CLERK:

Page 22, Calendar Number 301, Senate Bill Number 883, AN ACT CONCERNING THE RECOMMENDATIONS OF THE GOVERNORS COUNCIL ON WOMEN AND GIRLS. There is an Amendment.

THE CHAIR:

And Good Evening, Senator Flexor. And Senator Flexer one moment, please. (Gavel) I would ask that Chamber, I know there are lot of folks, let's try to keep it down so that we can hear the debate. Senator Flexer.

SENATOR FLEXER (29TH):

Good Evening, Madam President.

THE CHAIR:

Good Evening.

SENATOR FLEXER (29TH):

Madam President, I move for Acceptance of the Joint Committee's Favorable Report and passage of the Bill.

THE CHAIR:

And the question is on Passage. Will you remark?

SENATOR FLEXER (29TH):

Yes, Thank you, Madam President. Madam President it is a pleasure to address you this evening on this Bill because I think as much as any piece of legislation we are going to debate in this Chamber this year, this is a piece of legislation you are very familiar with and have led us on. I am proud to standup this evening in support of this Bill which is the recommendations of the Governor's Council and Women and Girls which you are the Co-Chair of and I thank you for your leadership on this.

The Bill before us this evening sets two key policy initiatives in motion. First of all it codifies a Superior Court decision that will allow candidates both participating candidates in the Citizens Election Program and other candidates running for state office to use their campaign funds for childcare and it also allows candidates who are not participating in the Citizens Elections Program to use their campaign funds for childcare. It also makes important initiatives and strides towards having our State Boards and Commissions and their makeup look more like the makeup of the State of Connecticut.

The Bill before us sets in motion having those boards, both appointments that are made by the executive branch and appointments that are made by the legislative branch take a deep look when we are making such appointments and looking to ensure that the makeup of the boards and commissions reflect the gender and racial and ethnic diversity of our state. Unfortunately, many of our state boards and commissions do not currently reflect the great diversity of our state and this initiative before us, I believe will move us towards having these very important bodies actually be filled by a group of people that look like all of the folks across our state and across our communities.

Madam President, the Clerk is in possession of an Amendment LCO #8539. I'd ask that the Clerk please

call the Amendment and I be granted leave of the Chamber to summarize.

THE CHAIR:

Mr. Clerk.

CLERK:

LCO Number 8539, Senate Schedule "A".

THE CHAIR:

Senator Flexor, please proceed to summarize.

SENATOR FLEXER (29TH):

Thank you, Madam President. Madam President the Amendment before us makes a number of clarifying changes primarily having to do with the Sections with regard the makeup of state boards and commissions. It represents great work of all of the advocates who have been working on this legislation since it was initially proposed until now. And I hope that the Chamber will be able to support this Amendment that I believe makes a stronger Bill. Thank you, Madam President.

THE CHAIR:

Thank you and I just want to be clear that you did move Adoption? Thank you, it was a little loud in here. Will you remark further on the Amendment before the Chamber. Senator Sampson.

SENATOR SAMPSON (16TH):

Good Evening, Madam President. I rise in opposition to the Amendment before us. I will start by saying that it's a rare thing for me to have difficulty finding the words to try and describe what I would like to when I stand up to speak in this Chamber. But this is one of those circumstances. I genuinely

appreciate the Chair of the Government Administration and Elections Committee and her very sincerely held beliefs particular on the subject of discrimination and concern for making sure that folks in our society are not discriminated against based on their race and gender.

I just approach this subject from an entirely different world view and we had a conversation off-line which I appreciated very much because I think we did our best even though we didn't walk away agreeing at the end of the conversation with trying to understand how we see the world and why our views might differ. The subject of race, and gender, and discrimination along with discrimination of religion and other factors, has lasted as long as this country has lasted and before it. But the discussion about policy has existed in this body and on a federal level as long as we've been a country also and for a longtime I think we're moving in the right direction and I believe the Title VII of the Civil Rights Act of 1964 was the most important piece of legislation passed to improve our country in making it quite clear that discrimination based on race, color, religion, sex or national origin is a fundamentally wrong and immoral policy and that it's unacceptable by any standard. My concern is that we seem to be heading in the exact opposite direction today, Madam President.

For me, I do not judge people based on their race. I do not judge people on their gender or their religion or any other superficial characteristic. I am afraid that the world is beginning to look at people as nothing more than what race and gender they are. And the policy that is put forth this evening, Madam President basically intends to boil people down into nothing but race and gender, and to me that is a fundamentally incorrect way of looking at the world. Race and gender are not determinative. They do not define who any person is. A person is much more than their race. A person is much more than their gender. They are shaped by the life-

experience, their upbringing and every aspect of their existence determines who someone is, the effort they put into things, the challenges that each of us face in different ways, all make us different, every single person is different. It does not matter what race and gender we are. That is not what defines us.

I don't want anyone to believe that I am not sympathetic to the idea that people have been treated differently in this country and around the world throughout history based on these characteristics, absolutely they have. There is no question. And our own country has a long history associated with race and gender, people being treated differently because of those reasons. But we have worked hard as a country to overcome these things and pass policies to put those times and those ways behind us. I mention the Civil Rights Act of 1964, that's what the purpose of it was, it was to say, look we're going to try to put this behind us so that we do not judge people on these superficial characteristics that do not define us.

The Bill that is before us, it says in the, excuse me, in the Amendment that is before us, is adding language to an underlying Bill which I think is completely unrelated although I do understand that the title lends itself to this language being added. I guess where I would start is with the question about what the words, in Lines 32 and 33. Through you, Madam President.

Can I ask what it means in the Bill of the Gentlelady Chairman of the GAC Committee what it means when it says, "To increase awareness of and recruit diverse applicants?" What does that mean, diverse applicants? Through you, Madam President.

THE CHAIR:

Senator Flexer.

SENATOR FLEXER (29TH):

Thank you. Through you, Madam President.

Just to clarify the good Senator is referring to the Lines of the Amendment, not the Bill correct?

THE CHAIR:

Senator Sampson.

SENATOR SAMPSON (16TH):

Through you, Madam President. Yes, I am referring to the Lines in the Amendment.

THE CHAIR:

Senator Flexer.

SENATOR FLEXER (29TH):

Madam President, just again for clarity purposes, the Senator asked for the definition of which words in Line 32.

SENATOR SAMPSON (16TH):

Well Line 32, the whole Section essentially says that the governor or the governor's designee "shall coordinate public education in outreach strategies to increase awareness of and recruit diverse applicants for such appointments" and those appointments are boards and commissions referenced earlier in this Section and I'm just curious what is meant by the term recruit diverse applicants. Through you, Madam President.

THE CHAIR:

Senator Flexer.

SENATOR FLEXER (29TH):

Sure. Thank you, Madam President. Madam President, like most Bills we debate here, the words aren't defined elsewhere in the Bill or elsewhere in Statute, it means what the common meaning would be. So this would say that these two entities as they are making legislative appointments they would need to recruit a diverse group of applicants. So for the purposes of this Bill, there is recognition that right now our current makeup of our boards and commissions are not diverse. That the majority of people who fill these appointments are male, which is unlike the makeup of the State of Connecticut where I believe 52 percent of our population are female, also these boards and commissions right now are made up of 78 percent White appointments so what it means is that we would, these appointments would be made looking for diversity. So that these important bodies that are making recommendations and key decisions on how state government should function, that the makeup of those boards and commissions would have to have a membership that reflects the diversity in race, ethnicity and gender of the State of Connecticut. So these entities would be required to try to recruit diverse candidates for these positions because the makeup of these commissions right now aren't as diverse as our State.

THE CHAIR:

Thank you. Senator Sampson.

SENATOR SAMPSON (16TH):

Thank you, Madam President and I appreciate that answer very much. So I am gathering from the response that this Bill aims to create a result which is that the diversity of our boards and commissions in our state government mirror the racial and gender diversity of our population. Would that be a correct assumption? Through you, Madam President.

THE CHAIR:

Senator Flexer.

SENATOR FLEXER (29TH):

Through you, Madam President. Yes, that is the goal.

THE CHAIR:

Senator Sampson.

SENATOR SAMPSON (16TH):

Thank you, Madam President. Yeah, so I completely, I was going to say I completely understand, but I don't actually understand but that doesn't mean that I don't appreciate someone whose opinion differs than mine on the subject. I am, what I am understanding is that there are individuals who see that maintaining this equality of diversity on our boards and commissions with that of our society at large, would be some sort of evidence of an achievement that we've reached a point of improvement or a result that is acceptable on the subject of racial and gender diversity.

What I'm struggling with, Madam President is that I don't understand how that achieves that goal. Because essentially if you are achieving that goal by virtue of creating a policy that forces it to happen I don't believe you've achieved any change culturally and I think that is what the goal has always been. I believe reading history and trying to study and understand folks that have fought for Civil Rights, for minorities and for women throughout history, their goal as always been the same which was to have those superficial qualities ignored and to be judged on their merit.

Today there is a great deal of emphasis placed on the idea that because of someone's race or gender

their experience may have prohibited them from having the same opportunities as someone else. And I started by saying earlier that I am sympathetic to that and I understand it completely. But I don't think that is a universal case because you can point to examples of people of all races and both genders that have had different experiences. There are people who have been born poor or with less opportunity or rich with more opportunity of all races and genders. I don't think we are capturing the aim of true diversity and true acceptance and putting racial and gender discrimination behind us by creating a system that continues to measure people based on those superficial qualities, Madam President.

I understand this is a sensitive topic and I understand completely that there are people that disagree about it. But I wanted to take a few minutes tonight to try and express this as sincerely as I possibly could so people can understand why someone like me would be opposed to a policy like this. It is because I do not judge anyone based on their race or gender. I never have in my entire life and I never will. I believe it is fundamentally and morally wrong to do so. It doesn't mean I'm blind to the play of any other person or willing to ignore our differences. What it means is that I believe that those things are not a measure of any of us. Race and gender are not determinative. We are much more than our race and gender. This Bill implies that we could plug in a white female or a black male into a category to make up a board or a commission and that makes things okay. And that is just wrong. And in fact I believe, and I don't want to say anything to be provocative but I believe that would in fact create a system that promotes racism on the virtue of judging people simply by their outward and superficial characteristics.

We need to grow past this, Madam President. We need to grow as a society. We need to grow culturally to respect people based on their merits. Until we do

that, until we are willing to put aside the notion that we have to keep writing more policies that take into consideration superficial characteristics that don't mean anything, oh we lost one white female from our board we must replace them with another white female as those are the same thing. That is a wrong way to look at people. It's just that simple.

Every one of us is an individual who should be treated as an individual. Our Constitution, the system of laws in government in this country is based on the idea that we are not members of groups. We are individuals and our Bill of Rights protects us as individuals not as groups and categories and we need to begin a new era of writing policy that respects individuals based on their individual merit. Much the same as they did in 1964, so I am going to oppose the Amendment today, Madam President. I wish that I was more eloquent in this conversation, I really do. I want to just close the discussion on the Amendment by saying that I do genially appreciate the conversation I had with the Chairman of the GAE Committee. I know that she does not see this the same way as I do, but I respect her views immensely and her willingness to discuss them with me honestly and I hope she appreciates my willingness to do the same. Thank you, Madam President.

THE CHAIR:

Thank you, Senator. Will you remark further on the Amendment that is before the Chamber? Good Evening, Senator Winfield.

SENATOR WINFIELD (10TH):

Good Evening, Madam President. How are you? Madam President I rise in support of the Amendment and the underlying Bill. So there is what we would like there to be and then there is reality. At one point during the discussion, I heard that race is not determinative. Yes, it is. I've lived in this black

skin my whole life and race has determined a lot. And I know for women who have lived as women the fact that they are women has determined a lot. I would like the comments I hear, not just tonight, but a lot of the time around the Circle to be the truth but the reality is that the fact that you are black, the fact that you are a woman, the fact that you are Native American, the fact that you are whatever you are matters and it matters very much in this country. And it is not simply because we have a Constitution, not simply because we have a Bill of Rights, that all of a sudden when people decide to wakeup and things just get better is because we have through policy changed the way things work in this country.

As a matter of fact, we had a Bill of Rights that still didn't respect the fact that I am a human being, right. The Bill of Rights was created and as a black person, I still wasn't really treated as a human being in the United States of America, so there is the dream, and people's perspective about the dream and then there is the reality that we live.

The Amendment that is before us is not wrong, it is the right approach. It is not through hoping that people are going to be better, that they become better through saying you must be better. You must do these things. You know, I hear a lot of talk around the Circle about what we mandate, what we tell people to do, that's actually the job we have. We have the job of coming here and telling people to do this thing or that thing, or not do this thing or that thing. And one of the things that we should tell people to do is be better particularly when it is in reference to other citizens, other human beings, they should be treated as human beings. One of the ways that you get there is not by racism, which the policy that is in the Amendment is apparently viewed by some people as moving us towards, cause this policy doesn't say one race is better than the other. This policy doesn't say one

gender is better than the other. This policy says that we have done it wrong and we shouldn't continue to do it wrong. This policy says, hey State of Connecticut you have 70 some odd percent of your boards and commissions of white men and your state isn't that, so maybe you should endeavor to make sure that what you have are boards and commissions that look a little more like your state and if we can call that wrong, well then, we know how we get here today having this conversation.

We get here today having this conversation because we take our heads, put it in the sand and we say, well we hope that it gets better. Well actually we don't say that. The people that say that are the people that are the privileged to say that. The people for whom to say that it's okay, you know, who is not okay for, the people for who this Amendment refers to. People like myself, Madam President I will take some liberty, people like yourself, it's not okay for them. So I rise today to support this Amendment because contrary to what may have been said before I arose in this Chamber this evening, this is the right policy for the State of Connecticut. Thank you, Madam President.

THE CHAIR:

Thank you, Senator Winfield. Will you remark further on the Amendment that is before the Chamber? Will you remark further on the Amendment that is before the Chamber? If not, let me try your minds. All in favor of the Amendment that is before the Chamber please signify by saying, Aye.

(MEMBERS):

Aye.

THE CHAIR:

Opposed. The Amendment is adopted. Will you remark further on the Bill as Amended. Senator Flexer.

SENATOR FLEXER (29TH):

Thank you, Madam President. Madam President I just want to give a few additional remarks in support of the Bill that is now been Amended. I found myself in this position a few times. It's always a tough act to follow Senator Winfield especially when he's given such a compelling argument for the underlying policy of the legislation before us. But he was exactly right. It's hard to understand sometimes the perspective of those who have not been empowered to be in charge of our society. And we have waited a longtime for there to be decision makers in key positions that actually reflect the true breadth and beauty and diversity of our state and of our country and that hasn't happened yet. But this legislation that you've put so much good work into Madam President that moves us closer to that.

This legislation before us makes it possible for more women who are mothers to chose to run for office, it also makes it possible for more men who are fathers to chose to run for office. When you can take the issue of being concerned about the demands of running a campaign and balancing childcare needs off the table, it makes it easier for people to raise their hand and say they want to run. That will change who serves in this body, who serves in the House of Representatives downstairs and hopefully it will change people who lead in every level of our state.

This is the really important initiative and we wouldn't be here today if it weren't for the courageous work of one-time candidate Katlin Clarkson Pereira who was told by the State Elections Enforcement Commission that she could not use her Citizens Election Program funds to run for office and pay for childcare. And she didn't take no for an answer. She took that fight to the Superior Court and we are here today because she fought that battler and we're here to codify the decision that

that Court made. And I am grateful to the Governor's Council on Women and Girls for seeing how important an issue this was and understanding that this legislation and that particular policy initiative is going to change who gets to serve and making it more accessible to everyone.

Also, the recommendations with regard to the makeup of boards and commissions, as I was sitting this evening and I do very sincerely appreciate having the conversation with the Ranking Member of the Committee and I know we have, we often chalk-up our conversations to different philosophies and I appreciate that he is willing to listen to my perspective as well.

However, we do very fundamentally disagree on these portions of the Bill and as I sat here listening I thought of small examples of how it makes a difference who sits in a room. I think it can be hard sometimes to understand what it feels like and I certainly don't know what it feels like to be the only person of color in a room but I do know what it feels like to be the only woman in a room and that's something that happens in the biggest spaces a lot and it's something that happens in state government a lot and that's why this Bill is so important. It is critical that the people who are making decisions in the body, and in these very important boards and commissions, I think sometimes we can lose sight that the work that these entities do matter. These are the boards and commissions that implement state policy and recommend legislation for us to move forward with.

And it matters who's sitting at the table. It matters what your life experience has been and that is greatly shaped by the gender that we hold and by our race and ethnicity and to pretend that it doesn't I think is wrong. And so I am so grateful that we're debating this legislation here tonight. Again, Madam President I want to thank you for your great leadership and all the Members of the

Governor's Council on Women and Girls, Governor Lamont for creating the council and for his leadership and the staff's leadership of getting us here this evening, Secretary McCaw and State of Connecticut Denise Merrell for her work on this legislation and I also want to thank Representative Dorinda Borer, and Representative Kate Farrar and my Co-Chair Representative Fox in the House for his work on this legislation combining a couple of Bills to standup and say these are important initiatives to make sure that everyone in our state has a seat at these key decision making tables. Thank you, Madam President.

THE CHAIR:

Will you remark further on the Bill as Amended?  
Senator Sampson.

SENATOR MOORE (22ND):

Oh, I do apologize.

THE CHAIR:

Senator Sampson and then Senator you will be followed by Senator Moore.

SENATOR SAMPSON (16TH):

Thank you, Madam President. And I apologize for standing up very quickly. I didn't realize there was any other speakers. I just want to touch on the other portions of the Bill very briefly. We spoke on the Amendment but the underlying Bill did include a section that had to do with childcare services being an eligible expense for a political campaign. It's a pretty straightforward situation as was mentioned and this is simply codifying something that had already been determined through our court system.

But I do want to ask just a couple of very straightforward questions about this, Madam

President and I don't mean to prolong this debate but I just want to get this on the record. In the underlying Bill I believe it is Section 2, and subsection 2 from there that determines the amount that is ineligible maximum expenditure and my understanding of this language is that it is limited to the amount that a candidate would have to raise to reach the qualification point for a grant.

For example, I believe State Representatives have to raise somewhere a little over \$5,000 dollars to be eligible for their grant for campaign funds of around \$30,000 dollars and a State Senate candidate might be \$15 or \$16,000 I think it is now to receive maybe a little over \$100,000. Those numbers are reasonable numbers but my question really is does this mean that in larger statewide races where the amount that might have to be raised significantly more like \$75,000, I believe is required to be eligible for the grant for lieutenant governor and \$250,000 for governor. Does that mean that would be the amount that is applicable under this section and rather than draw this out into multiple questions, is there anything in this Bill that is going to authorize the State Election Enforcement Commission to determine what is truly an acceptable expenditure. I just don't want to see a case where someone is going to use a substantial amount of campaign funds for this purpose, in maybe a way that is not appropriate. Through you, Madam President.

THE CHAIR:

Senator Flexer.

SENATOR FLEXER (29TH):

Through you, Madam President. First of all I'll answer the second question first. So any expenditures that are made if you are a participant in the Citizens Election Program would go, potentially go through the auditing process that the State Elections Enforcement Commission conducts on

all of our campaigns on a random basis and so any expenditures would have to be verified and candidates can expend up to their qualifying thresholds for the Citizens Election Program so the numbers that the Senator referenced with regard to around \$5,000 dollars for the House and \$5,000 dollars for the Senate or \$16,000 dollars for the Senate are the CAP on how much a candidate could spend on childcare expenditures.

THE CHAIR:

Senator Sampson.

SENATOR SAMPSON (16TH):

Thank you, Madam President. I appreciate that answer very much. I'm glad that we at least have that response on the record. This particular portion of the Bill is not something I support, I understand why some people might think that this is a legitimate campaign expense certainly for folks that are in this situation and we want to make sure that people of all, you know, situations, backgrounds, etc. are eligible to run for office and this is going to certainly aid someone that might have a young child. I just don't know that this is something that I would be able to tell my constituents is a good way to expend money that has been donated to a political campaign for a run for office. And I guess that's my issue with it. I don't have a lot more to say, I'm just going to express my concern that I don't think that's an appropriate use of funds and I plan to vote no based on that subject.

And I will just close by mentioning the part that we had already discussed under the Amendment. I'm disappointed that, you know, the conversation, you know, went in the direction that it did. For me, I'm going to continue to go through my life judging people based on their merit and I'm not going to determine anyone's quality as a person or background

based on their race, gender or any other superficial category and I am never going to feel like I'm wrong in that regard and this Bill does exactly that. It determines whether or not people should be eligible for appointments based on those superficial characteristics which I do not believe measure them as human beings and as a result I will vote No. Thank you, Madam President.

THE CHAIR:

Thank you, Senator. Will you remark further? Senator Moore, good evening to you.

SENATOR MOORE (22ND):

Good Evening, Madam President. It's good to see you. So I rise in support of the Amendment and I think it is important for people to understand the impetus for the Governor's Council on Women and Girls. When Governor Ned Lamont was first elected he put together 13 or 14 teams and the Transportation, Economics all these different categories and I called him and I said you're missing something. And he said what is it, Marilyn and I said there's nothing here on women and girls. You're looking at all these other areas and you've left us out. He said well what do you want to do. I said I think we should put together something for women. It was competitive that he selected this, the council. I had to do, I think, a seven-minute presentation to the Committee to convince them that this subject was important enough that there should working on it.

And I remember Lieutenant Governor Bysiewicz saying I'll chair it. So she understood what it's like to be a woman in a dominated male world. I want you to know how important this is to all women and girls that are watching. And if we lived in the perfect world that my colleague thinks we lived in we wouldn't need this. I want you to see me as a black woman, I am proud of my blackness. I don't want to be melted into a pot of anything else. I bring with

me all those wonderful things that come with me as a black woman.

But for many years, six years I sat here as the only black woman in the Senate until Senator Miller joined us. What does that say about us. If people see all of us exactly the same way as my colleague does, we would be in a great place but a Civil Rights Act that went through in 1963 has not changed much. If it did, we wouldn't have Black Lives Matter, we wouldn't have young black men being shot down and women being shot down in their back, if it were that world. If it were that world, we would see more women in here. If it were that world, we would see more fairness and equity in pay, we would see it in growth, we would see it in corporate.

But this Bill does not talk about replacing one white woman with a black woman. This Bill talks about equity and fairness and taking into consideration and being intentional, intentional in everything we do going forward to ensure that we have considered everyone and when there is an opportunity for someone who has all of the right things that they be given the same opportunity as you would give a man regardless of their age, regardless of their gender, regardless of their color. When I see that happen, I will say to my other colleague there is no need for this type of legislation. But until I see that we have to do it. We have to be intentional.

We have to also agree that the world we say we're living in is a world we want to create, not the world we lived in in the past. I am, as my colleague, I'm kind of tired of talking about race. I would hope that before I leave this world that you would see me as a black woman who has something to offer, who is fierce, who does the work, who is not afraid of speaking her as something negative. I don't see being a person of color, a black woman, a brown woman as a negative.

So I don't want you to take that away from me. I want you to see what I bring to the table. Judge me by my work. Judge me by how I treat you and the work that I do every single day in my community and when I come here. That is not the world we live in. And if you want to put on blinders and pretend that it is, you can, but it is not the real world. Tell all those women who can't get on a board, who are just as qualified as men that it's equal. Tell all those women that want to run for office who have children but couldn't get the money to run because they couldn't pay a babysitter that it's a fair world. Tell them. And when I see it is when I'll believe it. Until then I will be here supporting equity in everything that we do and I will speak up every single time I hear someone talk to the contrary because unless you walked in my shoes, unless you're black or brown, unless you are a woman you just don't know how we live every single day.

So I want to thank you Senator for bringing this Bill forward and the work that you've done and I want to thank the Council. I'm a member of the council and I'm proud to be on it and I'm proud that Governor Lamont put this government group together because this council was put together to look at what is missing. You can't tell me that they met for two years, came up with this because they live in an equal world. There would be no need for this. There would be no need for that committee but there is, so I support and I ask you support it also. Thank you, Madam.

THE CHAIR:

Thank you, Senator Moore. Will you remark further on this legislation? Senator Miller.

SENATOR MILLER (27TH):

Thank you, Madam President and I rise in support of this Bill as Amended. First, Madam President I want to thank you for your leadership on the council. I

want to thank you for your leadership and your determination and your intentionalness, in making sure that women, women, are empowered. So, I want to thank you for that, Madam President.

Madam President I was sitting in my office and I had no intentions of speaking on this Bill but something resonated in me and was resonated was I was not always treated fairly as a woman and as a black woman. And unfortunately, we have to put laws into place to make sure this equity and people are treated fairly. Why is it, Madam President that in 2021 I am the first black woman and the first woman to represent my district? Why is it, Madam President that I am the fourth black woman to serve in this Senate? Why is it, Madam President that Representative, I'm sorry, Senator Moore and myself is the first time that we served, two black women have served at the same time. Madam President there is a problem with that. This is now 2021. The Voting Act, Civil Rights Act they were enacted in the 60s and we're still dealing with the word first.

The only way that we're going to change things is to put things into law. There is an expression that you can't change what you don't acknowledge. We have to acknowledge that there is racism. We have to acknowledge that there is no lack of equity in this country and unfortunately, we have to enact into law. I wish we didn't have to do it. I wish I could walk down the street or walk into a place and they look at me and say you have the qualifications but it is not that way. Unfortunately, people still judge me and my daughters, the youngest one is 31 years old, judge her by the color of our skin. And the only way that our young women are going to be treated fairly is if we're intentional as a state to make sure that they are treated fairly. Why do we have to put into law that there must be diversity on commissions and boards? That shouldn't be necessary but unfortunately it is. And this is where we are and as my good sister and Senator colleague Senator

Moore stated that we are black, we want to be accepted based on what we know.

The second thing is, Madam President is this. Diversity is important because when you think about diversity of skin and gender, that means there is diversity of thought. If everyone at the table looked the same then everyone at the table probably thinks the same and so we have to bring diversity into conversation. It is important that we do that, Madam President. Not only that I became a mathematician because the teacher that looked like me was a mathematician. She inspired me. What are we saying to these young women when they go into places and they only see men? Or they only see people of the same color. What are we saying to them? We have to send a different message. Again, you can't fix what you don't acknowledge. So being a role model is important.

And the last point I want to make is this. The last I heard women are the only people that can have children which means that we're going to be treated differently which means that our needs are treated different, which means that childcare is very, very important to us. And childcare, I don't know about anyone else, Madam President but I had to think about childcare before I made any move. So why is it that a woman has to think about childcare before she runs or let that be a barrier to her running for office. And so sometimes we don't have that support system and sometimes you can't afford it. But if we can use the funding for the financing, campaign financing to help another woman to change the landscape of politics then I said so be it. So I'm asking my colleagues to please support this Bill this evening. Thank you, Madam President.

THE CHAIR:

Thank you, Senator Miller. Will you remark further on the Bill as Amended? Will you remark further on the Bill as Amended? If not, Mr. Clerk we will open

the voting machine and please do announce the roll call vote.

CLERK:

An immediate roll call has been ordered in the Senate. An immediate roll call has been ordered in the Senate, Senate Bill 883 as Amended. Immediate roll call vote has been ordered in the Senate, Senate Bill 883 as Amended. Immediate roll call vote in the Senate.

THE CHAIR:

Have all the Senators voted? Have all the Senators voted? The machine will be locked, Mr. Clerk, please announce the tally.

CLERK:

Senate Bill 883 as Amended.

Total number voting	35
Those voting Yea	34
Those voting Nay	1
Absent and not voting	1

THE CHAIR:

(Gavel) And the legislation is adopted. Senator Duff or I do apologize, Mr. Clerk.

CLERK:

Page 39, Calendar Number 420, Substitute for House Bill Number 5653, AN ACT AMENDING THE CIVIL PREPARDNESS AND PUBLIC HEALTH EMERGENCY STATUES, As Amended by House Amendment Schedule "A" LCO 8334.

THE CHAIR:

Good Evening, Senator Haskell.

SENATOR HASKELL (26TH):

Good Evening, Madam President, it's good to see you this evening. I move acceptance of the Joint Committee's Favorable Report and passage of the Bill in concurrence with the House of Representatives.

THE CHAIR:

And the question is on passage, will you remark?

SENATOR HASKELL (26TH):

Yes, thank you, Madam President. Just very briefly this is a companion Bill to the Special Act that this Chamber approved last night. Generally speaking, it establishes a process whereby the governor may extent executive, his executive powers during this Covid 19 public health crisis while at the same time maintaining a critical role of oversight and approval from this very body and from the General Assembly as a whole.

THE CHAIR:

Thank you, Senator. Will you remark further on the Bill before us? Good Evening, Senator Formica.

SENATOR FORMICA (20TH):

Good Evening, Madam President and hopefully our goal for the evening is not to say good morning while we're standing here too much longer.

THE CHAIR:

Amen.

SENATOR FORMICA (20TH):

Good Evening, Senator Haskell. Madam President, I'm sorry, I rise for just a few comments and a question for the proponent of the Bill.

THE CHAIR:

Please proceed and Senator Haskell prepare yourself.

SENATOR FORMICA (20TH):

Thank you. Now Good Evening, Senator Haskell, how are you.

SENATOR HASKELL (26TH):

Good Evening.

SENATOR FORMICA (20TH):

Thank you. This special act follows the increase in the emergency powers for the next, I believe 60 days? Through you, Madam President.

THE CHAIR:

Senator Haskell.

SENATOR HASKELL (26TH):

Thank you, Madam President and thank you Senator for your question. So essentially yes it depends of course whether or not the General Assembly is in session or not in session at the time of the governor's declaration. This Bill becomes effective July 1st, 2021. Should the governor decide in July, well should the governor extend his executive authority as this Chamber authorized last night, through July 20th, he would have five days to notify the Legislative leaders on both sides of the aisle that he intends to extend those executive powers and he would be able to do so for 60 days in the event we were in session and 180 days in the event that the General Assembly were not in session. But perhaps the most critical piece of this Bill, Senator. Through you, Madam President.

Can be found in Line 43 which shows that, "A majority vote in each House of the General Assembly" would actually need to approve that extension of executive powers.

THE CHAIR:

Senator Formica.

SENATOR FORMICA (20TH):

Thank you, Madam President. Thank you, Senator. Appreciate the answer. I was going for the fact that the Chamber did, well actually the Assembly did move to approve the powers once again through July 20, 2021. This is an interim action and provides for any future opportunity for that, those interim powers should this same emergency continue. I would imagine if a new emergency comes up that would have to dealt with through this General Assembly, through this process once July 1st hits? Through you, Madam President.

THE CHAIR:

Senator Haskell.

SENATOR HASKELL (26TH):

Yes, thank you. Through you, Madam President. And thank you to my good friend on the other side of the aisle for his question. Since this is a special act applying narrowly to the COVID-19 health crisis as defined in Line 28 this Bill doesn't really address any potential other public health crisis or emergency that would require the governor to invoke those executive powers. However, I do want to note that is an element of this Bill that is forward looking and that is the fact there have been a lot of lessons, I think we can all agree, learned from this pandemic. We've all struggled to figure out how to make this government run efficiently and safely and also ensure that we continue to do our most

vital job which is to represent the will and voice of the people.

So Section 3 of this Bill establishes a commission, a commission with Representatives from both side of the aisle to study how our underlying Statues not addressed by this Special Act but the existing statues that apply to all public health and civil preparedness emergencies might be amended so that we are better prepared next time. I hope that answers the good Senator's question. Through you, Madam President.

THE CHAIR:

Senator Formica.

SENATOR FORMICA (20TH):

Thank you, Madam President. Yes, it does and then just to, you know, clarify and a bit follow through that commission is made up in a bipartisan way through representation by each of the member caucuses and the governor's office, that would be correct? Through you, Madam President.

THE CHAIR:

Senator Haskell.

SENATOR HASKELL (26TH):

Thank you, Madam President for the question. Through you. I should say thank you, Senator Formica and for the question. And, Through you, Madam President. Yes, there is an appointment by the minority leader of the House of Representative as well as a minority leader in the Senate. In fact, I think this Bill rightfully does a good job in making sure that these decisions are made in a bipartisan manner. Not only is the commission bipartisan but should the governor under this COVID-19 public health crisis decide to extend his executive authority beyond July 20th,

each executive order would be subject to the review and oversight of a commission made up of the minority leader of the Senate, the minority leader of the House Representative so that they could review each of his, those executive orders and in some cases where they deem them to be not appropriate or fitting actually reject them by majority vote.

THE CHAIR:

Senator Formica.

SENATOR FORMICA (20TH):

Thank you very much, Madam President. Thank you, Senator Haskell, I think we're doing a good job of building the record on this particular Bill and as I certainly agree with you that there has been differing of opinions on whether or not to extend the governor's powers. I think there's been universal conversation about the fact that he's done a pretty good job overall in managing this pandemic but certainly there is many of us in the General Assembly who thought that perhaps it shouldn't always be extended. And this Special Act provides the opportunity for this legislative body, this General Assembly to weigh in should something happen continuing with the COVID-19 pandemic moving forward after July 20th, 2021. So Madam President I want to thank the good Senator for his remarks and his answers and I look forward to this body approving this Special Act this evening. Thank you.

THE CHAIR:

Thank you, Senator. Will you remark further on the legislation that is before the Chamber? Senator Haskell.

SENATOR HASKELL (26TH):

Thank you, Madam President. I would be, first of all thank you to my friend and colleague, Senator Formica. I'd be remiss not to mention the good work of leaders of the GAE Committee on both side of the aisle on this Bill. I know that it was nearly bipartisan, nearly unanimous and certainly bipartisan in the House of Representatives. I urge my colleagues in the Senate to approve this legislation tonight under the premise exactly as Senator Formica laid out, Governor Lamont has done a tremendous job, I think and Madam Lieutenant Governor have done a tremendous job from the Executive Branch leading the state through a turbulent and trying time.

That said, we are all elected to be the voice of the people within this General Assembly and as a coequal branch in the Legislature it is important that we have a role in deciding how much longer this public health crisis and these executive powers will last. So, I hope, that the situation vastly improves and I won't have to return in last July to see all my colleagues as much as I would like to catch-up with them, I hope we're at a state where we can move on, but this situation certainly warrants, I think a valuable voice with the legislature can provide. And I urge my colleagues to support the Bill. Thank you.

THE CHAIR:

Thank you. Have all the Senators, excuse me. Will you remark further on the Bill? Will you remark further on the Bill that is before the Chamber? If not, I will open the machine. Mr. Clerk kindly call the roll.

CLERK:

An immediate roll call vote has been ordered in the Senate House Bill 5653. Immediate roll call has been ordered in the Senate on House Bill 5653. Immediate roll call vote in the Senate on House Bill 5653. Immediate roll call vote in the Senate.

THE CHAIR:

Have all the Senators voted? Have all the Senators voted? The machine will be locked. Mr. Clerk, please announce the tally.

CLERK:

House Bill 5653.

Total number voting	35
Those voting Yea	33
Those voting Nay	2
Absent and not voting	1

THE CHAIR:

The measure is adopted. Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President we have some more items for our "Go List" please.

THE CHAIR:

Please proceed, sir.

SENATOR DUFF (25TH):

Thank you, Madam President. On Calendar Page 32, Calendar 378, House Bill 6384 would like to mark that "Go" and put on our Consent Calendar, please.

THE CHAIR:

So ordered.

SENATOR DUFF (25TH):

Thank you, Madam President. On Calendar Page 15, Calendar 214, Senate Bill 967, like to mark that for our Consent Calendar, please.

THE CHAIR:

So ordered.

SENATOR DUFF (25TH):

On Calendar Page 6, Calendar 122, Senate Bill 894 like to mark that item "Go."

THE CHAIR:

So ordered.

SENATOR DUFF (25TH):

Calendar Page 23, Calendar 310, Senate Bill 955, like to mark that item, "Go."

THE CHAIR:

So ordered.

SENATOR DUFF (25TH):

Calendar Page 42, Calendar 206, Senate Bill 121, like to mark that item, "Go."

THE CHAIR:

So ordered.

SENATOR DUFF (25TH):

Calendar Page 14, Calendar 198, Senate Bill 122, like to mark that item, "Go".

THE CHAIR:

So ordered.

SENATOR DUFF (25TH):

On Calendar Page 14, Calendar 199, Senate Bill 575,  
like to mark that item for our Consent Calendar.

THE CHAIR:

So ordered.

SENATOR DUFF (25TH):

On Calendar Page 7, Calendar 127, Senate Bill 848,  
like to mark that item for our Consent Calendar.

THE CHAIR:

So ordered.

SENATOR DUFF (25TH):

Calendar Page 13, Calendar 194, Senate Bill 907,  
like to mark that item for our Consent Calendar.

THE CHAIR:

So ordered.

SENATOR DUFF (25TH):

Calendar Page 27, Calendar 340, Senate Bill 1017,  
would like to mark that item for our Consent  
Calendar.

THE CHAIR:

So ordered.

SENATOR DUFF (25TH):

Calendar Page 47, Calendar 361, House Joint  
Resolution No. 53, like to mark that item, "Go."

THE CHAIR:

So ordered.

SENATOR DUFF (25TH):

Calendar Page 15, Calendar 217, Senate Bill 970,  
like to mark that item, "Go."

THE CHAIR:

So ordered.

SENATOR DUFF (25TH):

On Calendar Page 30, Calendar 363, House Bill 5311,  
like to mark that item for our Consent Calendar.

THE CHAIR:

So ordered.

SENATOR DUFF (25TH):

On Calendar Page 4, Calendar 78, Senate Bill 701,  
like to mark that item for our Consent Calendar.

THE CHAIR:

So ordered.

SENATOR DUFF (25TH):

Thank you, Madam President. The Clerk can call the  
next Bill on our Go List.

THE CHAIR:

Mr. Clerk.

CLERK:

Page 6, Calendar 122, Substitute for Senate Bill No. 894, AN ACT CONCERNING THE MANUFACTURE, SALE AND DISTRIBUTION OF ALCOHOL INFUSED CONFECTIONS. There is an Amendment.

THE CHAIR:

Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Will the Senate stand-at-ease.

THE CHAIR:

The Senate will stand-at-ease.

Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President did the Clerk call the Bill? Okay, I yield to Senator Maroney, please.

THE CHAIR:

Senator Maroney, Good Evening. Do you accept the yield, sir?

SENATOR MARONEY (14TH):

Good Evening, Madam President. Yes, I accept the yield. I move Acceptance of the Joint Committee's Favorable Report and Passage of the Bill.

THE CHAIR:

And the question is on passage. Will you remark?

SENATOR MARONEY (14TH):

Yes, Madam President. The Clerk is in possession of an Amendment LCO 8319, I ask that the Clerk please call the Amendment and I be given leave of the Chamber to summarize.

THE CHAIR:

Mr. Clerk.

CLERK:

LCO No. 8319, Senate Schedule "A".

THE CHAIR:

Senator Maroney.

SENATOR MARONEY (14TH):

Thank you, Madam President. The Amendment at the beginning makes changes to the underlying Bill to change so that, in the underlying Bill it allows for liquor infused chocolates and it changes it to be alcohol by weight instead of alcohol by volume and it also removes that the regulations have to be promulgated by the Department of Consumer Protection in consultation with the Liquor Control Commission since it is below the threshold to no longer, no longer require the involvement of the Liquor Control Commission.

Section 501 gives permission to utilize the self-pour system to dispense beer, cider not more than six percent of alcohol by volume and wine.

Section 502 instructs DCP to amend the regulations to allow for the automated dispensing of 32 ounces of beer or cider not more than 10 ounces of wine and it gives instructions of how people are to be authorized and how they can access that.

Section 503 instructs the Liquor Control Commission to conduct the study of extending the liquor service

hours at the casinos and other establishments located within 50 miles of the border. The Liquor Commission is instructed to report its findings and recommendations back to the General Law Committee before January 1st of 2022.

Section 504 is a fix for permits. It doesn't allow, our current regulations do not allow a backer of certain classes to hold permits of another class. So what this does it allows a holder of a grocery store beer permit to also be the backer of a restaurant permit so long as the restaurant is not adjacent or within, collocated within the grocery store. And that's it Madam President.

THE CHAIR:

Thank you, Senator Maroney. Will you remark further on the Amendment? Good Evening, Senator Witkos.

SENATOR WITKOS (8TH):

Good Evening, Madam President. I rise in support of the Amendment and I'll speak on the Bill when the Amendment will become the Bill. Thank you.

THE CHAIR:

Very good. Will you remark further on the Amendment that is before the Chamber? Will you remark further on the Amendment? If not, let me try your minds. All in favor of the Amendment please signify by saying Aye.

(MEMBERS):

Aye.

THE CHAIR:

Opposed. The Ayes have it. The Amendment is adopted. Will you remark further on the Bill as Amended? Senator Witkos.

SENATOR WITKOS (8TH):

Thank you, Madam President. I rise in support of the Bill as Amended. The first section is, you know, I thought it was very unique and actually it came up during a Public Hearing testimony from a confectioner in the State of Connecticut.

So a business owner in our state was requesting that we pass this legislation because I hadn't realized that currently, you know, if you go buy a piece of chocolate and bite into it, sometimes you get that little liquid that's inside it, that's the alcohol that is less than one-half of one percent. But we didn't allow that alcohol to actually be mixed into the chocolate so it would be like a solid piece so I always, I was explaining to someone it's like a hollow bunny that has some juice inside of it, now it can be the solid bunny you might get at Eastertime. That was kind of the best way to describe it so people could understand it. It allows the, so I thought it was a great thing. It's going to help our local businesses. As you know, Munson's is located up in the Northeastern corner where they are baking up, they are making the chocolates and the product can be sold nationally, it's a great thing for Connecticut.

The second one is that part has been around this General Assembly for a long time and it's about time that we allow a business to become a business and operate a business in the State of Connecticut. These are not fly-by-night, it's not your local bar that is going to put a tap handle out and it's nilly-willy anything we can go to. These machines cost in the area of \$100,000 dollars. So you build your business plan around having these self-pour machines in your business. And in fact, they've become a tourist destination for folks because people want to try them out much like out ballooning wineries, our fine wineries, our breweries, this is a unique experience for people to go and try these

new machines out. So I applaud the folks for hopefully they will support the Bill as Amended tonight. And I know that I met with some folks that are eager to open a business here in the State of Connecticut once we allow them to do that and we have the ability to get out of their way so I think we should be doing that and that is what this Bill proposes to do.

The other piece I wanted to mention briefly was an odd thing that happened. I know we just did some fixes before for the club permits and the nonprofits. This is a unique thing where the backer of a grocery store actually purchased a country club and within the country club there was a restaurant so he was barred from allowing the restaurant to sell liquor because he's a backer of grocery store permit so this takes care of that situation. It was very unique. All of the parties that were involved who have those types of permits were consulted. Everybody signed off on it to put everybody's mind at ease. It was accepted across from us, no opposition and with that Madam President I urge adoption of the Bill. Thank you.

THE CHAIR:

Thank you, Senator Witkos. Will you remark further on the Bill? Senator Maroney.

SENATOR MARONEY (14TH):

Thank you, Madam President. I want to thank Senator Witkos for his work on this Bill and we have a great working relationship in the General Law Committee and then as he had mentioned Munson's I'd also like to mention Fascia's Chocolate who brought the concept to us and also reiterate what he said, in addition to allowing for alcohol infused chocolates it does allow liquor stores, which are limited by our Statutes to the items that they can sell, it will now allow liquor stores to sell the liquor

infused chocolates as well. And so, Thank you, Madam President.

THE CHAIR:

Thank you. Will you remark further on the Bill as Amended? Will you remark further on the Bill as Amended? If not, I will open the machine. Mr. Clerk please call the roll.

CLERK:

An immediate roll call vote has been ordered in the Senate. An immediate roll call has been ordered in the Senate, Senate Bill 894 as Amended. Immediate roll call vote as been ordered in the Senate, Senate Bill 894 as Amended. Immediate roll call vote in the Senate, Senate Bill 894 as Amended. Immediate roll call vote in the Senate.

THE CHAIR:

Have all the Senators voted? Have all the Senators voted? The machine will be locket. Mr. Clerk please announce the tally.

CLERK:

Senate Bill 894 as Amended.

Total number voting	35
Those voting Yea	34
Those voting Nay	1
Absent and not voting	1

THE CHAIR:

(Gavel) The Measure is adopted. Mr. Clerk.

CLERK:

Page 23, Calendar No. 301, Substitute for Senate Bill No. 955, AN ACT CONCERNING REVISIONS TO

OBSOLETE PROVISIONS OF THE GENERAL STATUTES  
AFFECTING THE DEPARTMENT OF SOCIAL SERVICES.

THE CHAIR:

Good Evening, Senator Moore.

SENATOR MOORE (22ND):

Good Evening, again, Madam President. So this time, Madam President I am here for Senate Bill 955. I move acceptance of the Joint Committee's Favorable Report and Passage of the Bill.

THE CHAIR:

And the question is on passage. Will you remark?

SENATOR MOORE (22ND):

Yes, thank you, Madam President. This Bill Senate Bill 955 it's a Bill that makes various changes to laws governing actions of the Department of Social Services and modifies various statutes determined to be outdated. Section 1 removes the requirement for DSS to report on the Weatherization Program that is now under DEEP.

Section 2 eliminates the requirement for DSS to include copy of the transcript of the Joint scan of the Committee proceedings when submitting to CMS. CMS no longer requires it.

Section 3 modifies a statute that requires DSS to work with the Office of Health Strategy to develop uniformity in various activities.

Section 4 eliminates subsection of the General Statutes 17-b 306(a). It was enacted in 2009 and requires DSS to submit an annual report regarding healthcare choices provided under Husky A that includes a comparison of performance of each managed care. It was written by the Department and used to

manage the care approach and had multiple managed care partners. Today the Department utilizes one administrative services organization for each core healthcare service and it is no longer needed.

Section 5 removes the phrase "freestanding medical clinics" from Statute as not to confuse rate paying methodology.

Section 6 eliminates requirement in 2008 that the Department adopt regulations to certify a consortium of federal qualified health centers.

Section 7 is a technical amendment related to the Statue that is being repealed.

Section 8 section that repeals the following Statutes, 17b-1a 4, repeals the statute that created the Kline Advisory Board for furthering the ability of recipients of temporary family assistance to become self-sufficient. That summarizes the Bill, Madam President.

THE CHAIR:

Thank you, Senator Moore. Will you remark further?  
Good Evening, Senator Berthel.

SENATOR BERTHEL (32ND):

Good Evening, Madam President. And I just wanted to state that I rise in support of the legislation and the summarization by the good Chair. Thank you.

THE CHAIR:

Thank you, Senator. Will you remark further on the Bill that is before the Chamber?

SENATOR MOORE (22ND):

Madam President there is an Amendment.

THE CHAIR:

Ah and very good. There is an Amendment. Mr. Clerk would you please.

SENATOR MOORE (22ND):

Oh, Madam President the Clerk is in possession of an Amendment LCO 7606. Would ask that the Clerk please call the Amendment.

THE CHAIR:

Thank you so much Senator. Mr. Clerk.

CLERK:

LCO No. 7606 Senate Schedule "A".

THE CHAIR:

Senator Moore.

SENATOR MOORE (22ND):

I move Adoption of the Amendment, waive the reading and seek leave to summarize.

THE CHAIR:

And the question is on Adoption of the Amendment and please do summarize.

SENATOR MOORE (22ND):

Yes, thank you, Madam President. This Bill merges three Bills, the Amendment was, as submitted by the Department of Social Services it merges 765, 853, Senate Bill 854 into 955.

Section 501 of the Bill is an Amendment that clarifies the Connecticut Home Care Program. Section 2 of the Amendment places the DSS Commissioner on

the Health Information Exchange Board of Directors. Section 503 of the Amendment removes the requirement of the Department of Social Services to publish a list of the 100 delinquent child support obligators.

Section 504 of the Amendment add the provision from Senate Bill 981 to study whether state contracted providers of Human Services receives disparate payment rates under state programs in different regions of the state.

And furthermore on Senate Bill 981, they're going to evaluate certain parts of the state where it seems as though it may have disparate treatments. I think I've covered everything, Senator.

THE CHAIR:

Thank you, Senator. Will you remark further? Senator Berthel.

SENATOR BERTHEL (32ND):

Good Evening again, Madam President. I also rise in support of the Amendment. The additions and changes we're making there are I think important to the work of the Department of Social Services so I urge adoption. Thank you, Madam President.

THE CHAIR:

Thank you, Senator. Will you remark further on the Amendment? Will you remark further on the Amendment? If not, let me try your minds. All in favor of the Amendment please signify by saying Aye.

(MEMBERS):

Aye.

THE CHAIR:

Opposed. They Ayes have it, the Amendment is adopted. Will you remark further on the Bill as Amended? Senator Berthel.

SENATOR BERTHEL (32ND):

Madam President I would ask for a roll call on this measure please.

THE CHAIR:

And when the vote is taken it will be taken by roll. Senator Moore.

SENATOR MOORE (22ND):

So without objection I ask that this be a roll call vote, please. Thank you.

THE CHAIR:

Will you remark further on the Bill as Amended? Will you remark further. If not, the machine will be open and Mr. Clerk please call the roll.

CLERK:

An immediate roll call has been ordered in the Senate. An immediate roll call has been ordered in the Senate, Senate Bill 955 as Amended. Immediate roll call vote has been ordered in the Senate, Senate Bill 955 as Amended. Immediate roll call vote in the Senate, Senate Bill 955 as amended. Immediate roll call vote in the Senate.

THE CHAIR:

Have all the members have voted? Have all the members have voted. Please check the machines to make sure your vote is properly case. And Mr. Clerk.

CLERK:

Lock out?

THE CHAIR:

Mr. Clerk if you will take a tally.

CLERK:

Senate Bill 955 as Amended.

Total number voting	35
Those voting Yea	34
Those voting Nay	1
Absent and not voting	1

THE CHAIR:

The Bill is passed. (Gavel) Mr. Clerk would you return to the Call of the Calendar.

CLERK:

Page 42, Calendar Number 206, Substitute for Senate Bill No. 121, AN ACT CONCERNING ACCESS TO DIAPER CHANGING STATIONS IN PUBLIC BUILDINGS.

THE CHAIR:

Thank you, Mr. Clerk. Senator Bradley, the Distinguished Chair on the Public Safety and Security.

SENATOR BRADLEY (23RD):

Thank you, Mr. President it's a pleasure to see you this evening. I appreciate the remarks. Mr. President I rise this evening to Move for Acceptance of the Joint Committee's Favorable Report and Passage of the Bill and seek leave to summarize.

THE CHAIR:

Please proceed, sir.

SENATOR BRADLEY (23RD):

Thank you, Mr. President. The intended piece of legislation does exactly what it states here. We were successful in my first year in the Senate to get it out of this Committee. The changes I think that are most notable are the fact that we are extending this to January 1, 2020. In terms of implementation what the Bill would do was require changes to the State Building Code requiring that sanitary and convenient baby diaper changes would be available in both male and female restrooms or in the alternative that there be family access for a diaper change restrooms. This Bill would, strike-that, these diaper changing stations would be implemented in commercial structures that are newly constructed or defined as renovations substantial renovations for buildings moving forth from the year indicated.

THE CHAIR:

Thank you, Senator Bradley. Will you remark further. Remark further on the Bill?

Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Mr. President. I rise in support of this Bill and, you know, to clarification of the Committee process this was during only major renovations and new construction that these would be put into place. And I think it is a good idea and I truly support it. Thank you

THE CHAIR:

Thanks, Senator Champagne. Will you remark further? Will you remark further on the Bill?

SENATOR BRADLEY (23RD):

Mr. President, if I may, seeing that there is probably, I was going to request for being consent but I'm thinking that might not be the case, so I'll remove that request and ask for a roll call vote.

THE CHAIR:

Mr. Clerk we will proceed to a roll call vote on Senate Bill 121.

CLERK:

An immediate roll call has been ordered in the Senate. An immediate roll call has been ordered in the Senate, on Senate Bill 121. Immediate roll call vote has been ordered in the Senate, on Senate Bill 121. Immediate roll call vote in the Senate, Senate Bill 121. Immediate roll call vote in the Senate.

THE CHAIR:

Have all the Senators voted? Have all the Senators voted? The machine will be locked. Mr. Clerk, please announce the tally.

CLERK:

Senate Bill 121.

Total number voting	35
Those voting Yea	34
Those voting Nay	1
Absent and not voting	1

THE CHAIR:

(Gavel) And the legislation is adopted. Mr. Clerk.

CLERK:

Page 14, Calendar No. 198, Senate Bill No. 122, AN ACT ESTABLISHING A UNIT WITHIN THE DIVISION OF STATE

POLICE TO INVESTIGATE HATE CRIMES AND CRIMINAL ACTS COMMITTED BY EXTREMIST GROUPS. There is an Amendment.

THE CHAIR:

Good Evening, Senator Bradley.

SENATOR BRADLEY (23RD):

Good Evening, Madam President, it's a pleasure to see you again. I rise, Madam President seeking to Move and Accept the Joint Committee's Favorable Report and Passage of the Bill and seek leave to summarize.

THE CHAIR:

And the question is on Passage, Will you remark?

SENATOR BRADLEY (23RD):

I'll try to be as short as possible on defining this Bill. Basically what it does it requires that municipalities and cities work with DASPA, the State Police Office in terms of reporting hate crimes. The definition of hate crimes comes almost identically defined as the Federal Bureau of Investigation defines hate crimes. There is a 14-day requirement for municipalities to give that information to the State Police Office. Municipalities still have the autonomy to do the investigation and policing in regard to the particular incident that occurred. This is just simply a way that we will have a data base of these incidents so that we can have police officers share information and see possible similar actions and better police our state.

THE CHAIR:

Thank you, Senator. Will you remark further on the Bill before us? Good Evening, Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. As a Ranking Member I stand in support of this Bill. One of the things that did concern me that I did want to make public is the fact that during the Committee Meetings the State Police didn't show up, during the Public Hearing and I wish they would of. I had some questions for 'em. You know, this unit will investigate hate crimes and extremist groups which, you know, is covered by a lot of departments and you know, one of the concerns I had was the manpower that the State Police had and especially, you know, with the shortage of police officers across the state and the shortage that may come in next year due to retirements. But that being said, this is a group that like I said, will be used and needed and hopefully will make a difference in our state. Thank you.

THE CHAIR:

Thank you, Senator. Will you remark further on the Bill that is before us. Senator Bradley.

SENATOR BRADLEY (23RD):

Madam President I am in possession of an Amendment LCO No. 7948. I ask the Clerk call the Amendment.

THE CHAIR:

Mr. Clerk.

CLERK:

LCO No. 7948 Senate Schedule "A".

THE CHAIR:

Senator Bradley.

SENATOR BRADLEY (23RD):

Thank you, Madam President. I waive the reading and I'd ask for leave for summations, to summarize, excuse me.

THE CHAIR:

And the question is on Adoption, I do assume you move Adoption?

SENATOR BRADLEY (23RD):

Thank you, Madam President. I move for Adoption. Thank you.

THE CHAIR:

And so the question is on adoption of the Amendment, please do summarize, sir.

SENATOR BRADLEY (23RD):

Thank you, Madam President. The Amendment just more clearly defines what we mean when we use phrase as extremist groups. It goes in some length, Section 2. Strike that. Let me clarify a little bit better. Specifically this Amendment looks to clarify Section 2 which is the definition of hate crimes and extremists groups and it looks to make sure that all police officers and police departments are using the same definition when they are investigating such crimes so that when they are collecting the data there not be a discrepancy in terms of what people define these organizations to be and what these actions are. So this definition has had a buy-in or approval by DESP and also mirrors a lot what the Federal Government is doing in terms of investigation similar types of actions, criminal actions.

THE CHAIR:

Thank you, Senator. Will you remark further on the Amendment now before the Chamber? Will you remark further on the Amendment that is before the Chamber. If not, let me try your minds. All in favor of the Amendment please signify by saying Aye.

(MEMBERS):

Aye.

THE CHAIR:

Opposed. The Ayes have it, the Amendment is adopted and the Bill is now Amended. Will you remark further on the Amended? Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. I just have a question for the proponent of the Bill.

THE CHAIR:

Please proceed, sir. Senator Bradley prepare yourself.

SENATOR CHAMPAGNE (35TH):

Senator Bradley I just don't recognize a term in here, "the expression of another person" under I don't know what section I'm on. Hold on. Section 2, my goodness there's way too many letters in here. Well I'm going to give you the Line number, Line number 20. "Expression of another person" can you just describe what that is please?

THE CHAIR:

SENATOR BRADLEY (23RD):

I believe when they say expression of another person, they're talking about people who identify as being members of a certain, a particular group that

are the ones that are above codified. So people who identify as person say, being gay, or being Biafran Diaspora, or being Asian American so if they have identified themselves as such and this particular organization is committing or perpetrating or intending to perpetrate criminal actions on them because of their identification.

THE CHAIR:

Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Madam President I don't think I'm quite following on this one because it identifies sex, sexual orientation or gender identity and then it says "expression of another person", and I just don't quite understand that one sentence that was added to this and I don't recognize it. I guess I'll Google it. Thank you. Thank you, Madam President.

THE CHAIR:

Thank you, Senator. Will you remark further on the Bill as Amended? Will you remark further on the Bill as Amended? If not, I will open the vote, and Mr. Clerk, please call the roll.

CLERK:

An immediate roll call has been ordered in the Senate. An immediate roll call has been ordered in the Senate, on Senate Bill 122 as Amended. Immediate roll call vote has been ordered in the Senate, Senate Bill 122 as Amended. Immediate roll call vote in the Senate, on Senate Bill 122 as Amended. Immediate roll call vote in the Senate.

Immediate roll call vote has been ordered in the Senate. Immediate roll call vote has been ordered in the Senate. Immediate roll call vote in the Senate,

Senate Bill 122 as Amended. Immediate roll call vote in the Senate.

THE CHAIR:

Have all the Senators voted? Have all the Senators voted? The machine will be locked. Mr. Clerk, please announce the tally and I will just ask the Senators to stay close to the Chamber because we will shortly have a couple pieces of legislation and then the Consent Calendar. Mr. Clerk.

CLERK:

Senate Bill 122 as Amended.

Total number voting	35
Those voting Yea	34
Those voting Nay	1
Absent and not voting	1

THE CHAIR:

And the measure is adopted (Gavel). Mr. Clerk.

CLERK:

Page 47, Calendar 361, House Joint Resolution No. 53, RESOLUTION PROPOSING THE ADOPTION OF THE LONG ISLAND SOUND BLUE PLAN.

THE CHAIR:

Good Morning, Senator Cohen.

SENATOR COHEN (12TH):

Good Morning, Madam President. Madam President I move Acceptance of the Joint Committee's Favorable Report and Passage of the Resolution in concurrence with the House.

THE CHAIR:

And the question is on passage. Will you remark?

SENATOR COHEN (12TH):

Thanks, Madam President. This Resolution is a culmination of the good work of the Blue Plan Team gathering data, collecting or taking inventory and all of the stakeholders and the public weighing in throughout this process. The result is a Marine Spatial Plan or Blue Print if you will of all the fantastic uses we have and natural resources that abound in our Long Island Sound, certainly very important to my district, the 12th State Senate District. Areas of ecological significance are highlighted as well as those used for commercial fishing and aquaculture, historic and cultural features, recreation and transportation and infrastructure.

The Resolution will provide an important tool and help inform our decision making for new opportunities perhaps and use while preserving and protecting our wonderful treasure in our state that is the Long Island Sound. So I just want to take a minute and thank all of the advocate and the whole Blue Plan Team who worked on this, this Long Island Sound Blue Plan, it's a terrific Resolution and I urge its passage tonight.

THE CHAIR:

Thank you, Senator and Good Morning Senator Miner.

SENATOR MINER (30TH):

Good Morning Madam President. I too rise in support of this document. When I think back I think it was probably four or five years ago when it started. There was a lot of investigatory work done, may Public Hearings, they went up and down the coast and I think they really did go through great effort to try and include the feelings of people, the concerns

that they had about how this document might be used in the future and I think to many people's surprise and to the acceptance, especially amongst all the users of Long Island Sound that it is not really a regulatory document, it is a very strong advisory document. It is a document that looked out into the future and said we recognize we have these critical uses and that there are some decisions that are going to have to be made but they are going to be made through these conversations rather than by regulation.

And so, I rise to support this document. I urge its passage and I look forward to many, many years of combined use in Long Island Sound both recreational, commercial, you name it. There is a lot of space out there but I think there are probably going to be a few conflicts in the future and this will be the document that I think people can go to for guidance. Thank you, Madam President.

THE CHAIR:

Thank you, Senator. Will you remark further? Will you remark further on the Bill? Will you remark further on the Resolution? Senator Somers.

SENATOR SOMERS (18TH):

Would you like to remark on this?

SENATOR SOMERS (18TH):

Yes, I rise, Madam President to ask the proponent of the Bill a question if I could? Good Evening or Good Morning, Senator. I rise, I just wanted to follow up on a statement that Senator Miner had made and I just wanted to confirm that this is an advisory document and that when individuals are going for specific permits that when the DEP reviews them, this is an advisory to those permits. They will not be taking this document and putting into

regulations. Is that correct? Through you, Madam President.

THE CHAIR:

Thank you Senator Somers. Senator Cohen.

SENATOR COHEN (12TH):

Thank you, Madam President. To my good colleague yes that is correct.

THE CHAIR:

Senator Somers.

SENATOR SOMERS (18TH):

Thank you, Madam President. I was wondering also if you answer, I'm not sure you can, if DEEP has spoken to you about if they will be looking at the Blue Plan and weighting it what kind of weight they would put to it when they are reviewing certain permit applications. Are they looking at it only when there is a dispute in question or will they be weighing the Blue Plan as a certain percentage when they are reviewing permit applications? Through you, Madam President.

THE CHAIR:

Senator Cohen.

SENATOR COHEN (12TH):

Thank you, Madam President. And while I can't indicate a percentage of weight that our Department of Energy and Environmental Protection will place upon the permitting process and the Long Island Sound Blue Plan, what I can say is that they will be looking at the Blue Plan. For the first time we will have this marine spatial plan available to us that will highlight these areas of ecological

significance as I said, these areas of recreation, perhaps historic structures, cultural structures and certainly they will be weighing the highlights that are within this plan against any permits for future use.

THE CHAIR:

Thank you. Senator Somers.

SENATOR SOMERS (18TH):

Thank you. Through you, Madam President. One of the issues I really support the idea of a Blue Plan, but one of the issues that I have and I'm just going to be very clear is that already the DEEP in looking at permits is responding to permits saying that this permit of XYZ does not fit the Blue Plan even though it hasn't even been adopted yet. So that is one of my concerns for, you know, homeowners along the shoreline as far as dock maintenance, etc. So I'm really glad to hear from both the Chair and the Ranking Member that this should be an advisory document only that will be taken into consideration should there be a dispute but it is not meant to be put into the regulations.

So I'm hoping that we can follow up on that after this Bill is voted on here today because it is somewhat concerning to me that it is already being considered in permit applications when it hasn't even been adopted yet. And I think that could be because some consternation amongst the shore line. So I'm glad to hear that today. Thank you, Madam President.

THE CHAIR:

Thank you, Senator. Will you remark further? Will you remark further on the Bill that is before us, the Resolution. If not, I will open the vote. Mr. Clerk please call the roll.

CLERK:

An immediate roll call has been ordered in the Senate House Resolution No. 53. An immediate roll call has been ordered in the Senate, House Joint Resolution No. 53. Immediate roll call vote has been ordered in the Senate.

Immediate roll call vote in the Senate House Joint Resolution No. 53. Immediate roll call vote in the Senate, House Joint Resolution 53. Immediate roll call vote in the Senate.

THE CHAIR:

Have all the Senators voted? Have all the Senators voted? The machine will be locked. Mr. Clerk, please announce the tally.

CLERK:

House Joint Resolution No. 53.

Total number voting	35
Those voting Yea	35
Those voting Nay	0
Absent and not voting	1

THE CHAIR:

(Gavel) And the Resolution is adopted. Mr. Clerk.

CLERK:

Page 15, Calendar No. 217, Senate Bill No. 970, AN ACT CONCERNING EXTENDING THE TIME OF EXPIRATION OF CERTAIN LAND USE PERMITS. There is an Amendment.

THE CHAIR:

Good Morning, Senator Cassano.

SENATOR CASSANO (4TH):

Good Morning Madam President and it is morning. Some people aren't happy with that I know. Madam President I move Acceptance of the Joint Committee's Favorable Report and Passage of the Bill.

THE CHAIR:

And the question is on Passage, will you remark?

SENATOR CASSANO (4TH):

Yes, Madam President. This Bill extends the time of expiration of certain land use permits to allow developers more time to complete projects that may have been delayed because of the COVID-19 pandemic. I want to just add a little to that, between the delays, shipping delays, cost delays, and so on, it has made this Bill even more significant. The Clerk is in possession, however of an Amendment LCO 8542. I ask the Clerk to please call the Amendment.

CLERK:

LCO No. 8542, Senate Schedule "A".

THE CHAIR:

Senator Cassano would you like to summarize and move Adoption?

SENATOR CASSANO (4TH):

Thank you, Madam President. I move Adoption of the Amendment and ask I be given leave to the Chamber to summarize.

THE CHAIR:

Please do proceed, sir.

SENATOR CASSANO (4TH):

The Amendment is very simply a small technical change. It is a fix that ensures the projects within Special Act towns are also included in the Bill.

THE CHAIR:

Will you remark further on the Amendment that is before the Chamber? Will you remark further on the Amendment? Senator Hwang.

SENATOR HWANG (28TH):

Good Morning, Madam President. Good to see you again. I rise in support of this Amendment. I want to acknowledge the legal staff who brought up some special acts and communities that needed to be accounted for so I am very grateful for their support. I want to thank Senator Cassano for this leadership on the Committee and his statement's ship. It is greatly appreciated. It is also important to note that as we looked at extending the permit process that the permits have gone through all the regulatory requirements. It is simply an extension due to unforeseen delay. So I urge support and Thank you, Madam President.

THE CHAIR:

Thank you, Senator Hwang. Will you remark further? Senator Berthel.

SENATOR BERTHEL (32ND):

Good Morning, Madam President, sorry that we're having to say that but we're almost done. Madam President I just would like to make a couple of remarks with some appreciation to the Chair, to Senator Cassano, thank you and to the Ranking Member Senator Hwang for getting this Bill through Committee. It was a very confusing Bill. Senator Cassano, I know you and I spoke about this Bill in prior sessions, it is a really good fix for a problem that exists in just about every town and

city in Connecticut. So my sincere appreciation, sir for getting this through and I urge adoption of the Amendment and passage of the Bill. Thank you, Madam President.

THE CHAIR:

Thank you. Will you remark further on the Amendment? Will you remark further on the Amendment? Senator Hwang.

SENATOR HWANG (28TH):

I'll be very quick, Madam President. I also want to acknowledge the House Chair, Representative McCarthy Vahey as well as the Ranking Member Representative Zullo, and if I may. Through you, to the good Chair, to simply have a voice vote on the Amendment. Through you, Madam Chair.

THE CHAIR:

Thank you, I was just about to do the voice vote on that, so will you remark further on the Amendment that is before the Chamber. Will you remark further? If not, let me try your minds. All in favor of the Amendment, please signify by saying, Aye.

(MEMBERS):

Aye.

THE CHAIR:

Opposed. The Ayes have it. The Amendment is Adopted. Will you remark further on the Bill as Amended which is before the Chamber?

SENATOR CASSANO (4TH):

Madam Chair, I asked this be placed on Consent Calendar.

THE CHAIR:

Seeing no objection. Any objection to placing this item on the Consent Calendar? There is none done, there is none noted so it is so ordered and Mr. Clerk that is a wonderful segue way to, oops, Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President I believe that is our last Bill on the list. And I would ask the Clerk to please read the items on the Consent Calendar for a vote on Consent Calendar Number 1, please.

THE CHAIR:

Mr. Clerk.

CLERK:

Consent Calendar No. 1, Page 10, Calendar 155,  
Senate Bill 975.

Page 7, Calendar 126, Senate Bill 837.

Page 32, Calendar 378, House Bill 6384.

Page 15, Calendar 215, Senate Bill 967.

Page 14, Calendar 199, Senate Bill 575.

Page 7, Calendar 127, Senate Bill 848.

Page 13, Calendar 194, Senate Bill 907.

Page 27, Calendar 340, Senate Bill 1017.

Page 30, Calendar 363, House Bill 5311.

Page 4, Calendar 78, Senate Bill 701.

And Page 15, Calendar 217, Senate Bill 970.

THE CHAIR:

Thank you, Mr. Clerk. The machine will be open and if you would kindly call the roll.

CLERK:

An immediate roll call vote has been ordered in the Senate on Consent Calendar Number 1. Immediate roll call vote has been ordered in the Senate on Consent Calendar Number 1. Immediate roll call vote in the Senate on Consent Calendar Number 1. Immediate roll call vote in the Senate, Consent Calendar Number 1.

THE CHAIR:

Have all the Senators voted? Have all the Senators voted? The machine will be locked and Mr. Clerk, please announce the tally.

CLERK:

Consent Calendar Number 1.

Total number voting	35
Those voting Yea	35
Those voting Nay	0
Absent and not voting	1

THE CHAIR:

(Gavel) And the Consent Calendar is hereby consented to. Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Before we get to Point of Personal Privilege, I just wanted to mention Senator Needleman was out today and missed votes due to illness. We had some other Senators who missed some votes because of business outside the Chamber.

I'd also ask to, for suspension to transfer House Bill 5653 to the Governor, please.

THE CHAIR:

So ordered.

SENATOR DUFF (25TH):

Thank you, Madam President and I would, this concludes our business. Obviously before we get to some points, but I would have Senators hold Tuesday, Wednesday, Thursday possibly Friday for Session next week and I will yield to Senator Looney as a Point of Personal Privilege.

THE CHAIR:

Senator Looney. Do you accept the yield, sir.

SENATOR LOONEY (11TH):

Yes, I do, Madam President and thanks to the Majority Leader for the yield. Madam President just to for a Point of Personal Privilege I wanted to note that the Season of Ramadan has concluded yesterday a time of fasting and spiritual renewal, it was observed by Senator Anwar and millions of Muslim people around the world. Thank you, Madam President.

THE CHAIR:

Thank you, Senator. Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. With that, I move that we adjourn subject to the Call of the Chair.

THE CHAIR:

Go forth and govern. (Gavel)

(On the motion of Senator Duff of the 25th, the Senate at 12:34 a.m. adjourned Sine Die.)