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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?

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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 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 Samson.

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.

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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 an 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):

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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.

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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

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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.

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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.

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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 chair 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 been 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 year, 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:

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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.

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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 Bradly.

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 away 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.

sp/pg
Senate

227
May 13, 2021

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.

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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.

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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:

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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 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.)

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CONNECTICUT GENERAL ASSEMBLY

SENATE

Tuesday, May 18, 2021

The Senate was called to order at 12:23 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, who is our repetitive and wonderful guest Chaplain.

ACTING CHAPLAIN KATHY ZABEL:

Bless us this day, grant has the power to refresh and renew our lives during this Spring season. Through your guidance, may we be better stewards, not only of the earth but also of the Holy Word.

THE CHAIR:

Thank you, Kathy Zabel. And next it's my pleasure to bring forward Senator Maroney to lead us in the Pledge.

SENATOR MARONEY (14TH):

(ALL): I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

THE CHAIR:

And good afternoon, Senator Duff.

SENATOR DUFF (25TH):

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

THE CHAIR:

Mr. Clerk.

CLERK:

The Clerk is in possession of Senate Agenda Item No. 1, dated Tuesday May 18th, 2021.

THE CHAIR:

Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. I move all items on Senate Agenda No. 1, dated Tuesday, May 18th, 2021, to be acted upon as indicated and the Agenda be incorporated by reference into the Senate Journal and Senate Transcript.

THE CHAIR:

So ordered.

**Senate Agenda
No. 1
REGULAR SESSION
Tuesday, May 18, 2021**

**MATTER(S) RETURNED FROM COMMITTEE - to be tabled for
the calendar.**

NO NEW FILE

APPROPRIATIONS COMMITTEE

**SUBST. SB NO. 262 AN ACT REQUIRING MANUFACTURERS OF
BRAND NAME PRESCRIPTION DRUGS TO PROVIDE SAMPLES OF**

ma/lo/vs/rr
Senate

3
May 18, 2021

SUCH DRUGS TO MANUFACTURERS OF GENERIC PRESCRIPTION DRUGS.

APPROPRIATIONS COMMITTEE

SUBST. SB NO. 893 AN ACT CONCERNING CONSUMER PRIVACY.

APPROPRIATIONS COMMITTEE

SUBST. SB NO. 683 AN ACT CONCERNING HOSPITAL BILLING AND COLLECTION EFFORTS BY HOSPITALS AND COLLECTION AGENCIES.

APPROPRIATIONS COMMITTEE

SB NO. 1011 AN ACT CONCERNING THE USE OF OPIOID ANTAGONISTS AND EPINEPHRINE CARTRIDGE INJECTORS BY POLICE OFFICERS.

APPROPRIATIONS COMMITTEE

SUBST. SB NO. 1030 AN ACT CONCERNING LONG-TERM CARE FACILITIES.

REPORT(S) RECEIVED - to be referred to committee(s) indicated.

Report - Auditors of Public Accounts - Monthly Loss Report to the Governor as of April 30, 2021.
(Pursuant to Section 4-33a of the Connecticut General Statutes) Date received: May 14, 2021.
Referred to Joint Committee on Legislative Management.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, for our markings for today.

THE CHAIR:

Please proceed.

SENATOR DUFF (25TH):

Thank you, Madam President. I will mark one Bill, and it will be our order of the day. On Calendar Page 44, Calendar 295, Senate Bill 1, I'd like to mark that item go, please.

THE CHAIR:

And so ordered. Mr. Clerk?

CLERK:

Good afternoon. Page 44, Calendar No. 295, substitute for Senate Bill No. 1, AN ACT EQUALIZING COMPREHENSIVE ACCESS TO MENTAL, BEHAVIORAL AND PHYSICAL HEALTH CARE IN RESPONSE TO THE PANDEMIC. There is it Amendment.

THE CHAIR:

Senator Abrams, good afternoon.

SENATOR ABRAMS (13TH):

Good afternoon, 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 ABRAMS (13TH):

Yes, Madam President. The Clerk is in possession of LCO No. 8687, I ask the Clerk to please call and I give leave of the Chamber to summarize.

THE CHAIR:

And, Mr. Clerk, please call that Amendment.

CLERK:

LCO No. 8687, Senate Schedule "A"

THE CHAIR:

Senator Abrams.

SENATOR ABRAMS (13TH):

Thank you, Madam President. It is my honor to bring out Senate Bill 1 today, I think it's extremely impactful. And throughout the past year, as we've met the challenges of the pandemic, we've identified areas in physical, mental and behavioral health that need to be addressed.

In addition, almost a year ago, on Juneteenth, I stood with my colleagues outside the Capitol, and we pledged to strive to make our state more equitable.

As a result, this Bill begins with declaring that racism constitutes a public health crisis and establishes a Commission on Racial Equity in Public Health.

It convenes a gun violence intervention and prevention advisory group to establish a Commission to reduce gun violence in our state.

It allows for the collection of race, ethnicity, and language data for use by the Office of Health Strategy.

It addresses women's health, by providing implicit bias training for hospital workers who work with women during birth and postpartum. Requires an annual report by the Maternal Mortality Review Committee to the Public Health Committee.

And it convenes a working group to address breast health and breast cancer, particularly among young women of color. It also defines the role of the doula and has them go through a scope of practice this year.

It addresses mental and behavioral health by establishing a working group to examine the role of school-based health centers in our states.

It provides a toolkit for employers to support the mental health needs of their employees, and it defines the peer support specialist and their role in helping others, especially with addiction. It also looks to increase our mobile crisis services in our state.

Here we are today, knowing enough but also needing to know more. There's no doubt that inequities exist in our healthcare system. Today, we get to decide, will we perpetuate the status quo or will we move forward towards health equity for all.

I'm honored to present S.B 1, I encourage my colleagues to support the Bill and send a clear message that the state of Connecticut will move forward toward health equity for all. Thank you, Madam President.

THE CHAIR:

Thank you so much, Senator Abrams. And for clarity sake, I want to make sure that you are moving the Amendment that is before the Chamber.

SENATOR ABRAMS (13TH):

Thank you, Madam President. Yes, I would like to move the Amendment that's before the Chamber.

THE CHAIR:

Excellent. So, we have an Amendment before the Chamber, and will you remark further on that Amendment? Good afternoon, Senator Hwang.

SENATOR HWANG (28TH):

Good afternoon, Madam President and good afternoon,
to the good Madam Chair of Public Health.

And before I start, I want to appreciate her efforts
and thoughts in collaboration and working on this
very important Bill, albeit, I must say, it is a
comprehensive and large Bill entailing 21 Sections,
full of relevant issues and worthy in itself with
each Section worthy of debate.

Through you, Madam President, I'd like to be able to
ask some particular questions. And the questions
will go through from the standpoint of the previous
Bill that came out of Committee that had a plethora
of questions and input, and with the commitment of
the Chairs to recommend and acknowledge that,
indeed, this is a work in progress out of Committee.

And I'm happy to see that this amended Bill
incorporates some of that, but for legislative
intent, I would like to get the indulgence of the
Madam Chair, go through each of the respective
Sections and really get a better understanding of
what this Amendment did or did not do to the
relative statement.

So through you, Madam President, Section 1,
obviously, it begins by declaring a public health
crisis. It was the same as the original Bill. Has
anything changed in that? Through you, Madam Chair--
Madam President.

THE CHAIR:

And, Senator Abrams.

SENATOR ABRAMS (13TH):

I've not done a comparison word for word of the two
Bills, but I don't believe so.

THE CHAIR:

Senator Hwang.

SENATOR HWANG (28TH):

Thank you. I did, twice over, and indeed, I concur with the good Madam Chair. But one of the things that I want to make sure to put in for legislative intent is the discussion in our Committee debate on this issue was that, the definition of a public health crisis, it is important and it denotes the seriousness and the relevance of that designation.

But one of the points that we did raise in the legislative intent was to be sure that it is not to be confused with a public health emergency. And we talked about the idea, as we just did earlier last week, in regards to the emergency powers that are granted when a public health emergency to give some aspects of legislative powers, as we did to the Governor, that this is a crisis.

And it is important, but it does not come up to the magnitude of Legislative Fiat or giving some power beyond the legislative processes as we do deem in an emergency. So, through you, Madam President, I just want to get for legislative and content from the good Chairwoman that the difference between crisis and emergency is clearly defined for legislative intent. Through you, Madam President.

THE CHAIR:

Senator Abrams.

SENATOR ABRAMS (13TH):

Through you, Madam President, that is correct.

THE CHAIR:

Senator Hwang.

SENATOR HWANG (28TH):

Thank you. And I appreciate the clarity of the question for legislative intent, indeed, it does not give and rise to the power at hand.

So, Section 2, it's interesting, in our Committee debates, we talked about the title, as a Commission-- what was the original Commission? The Truth and Reconciliation Commission. It was-- it kind of evoked some of the historical context of Bills that are being raised, and I remember that it raised some concerns.

I'm really grateful that we have changed the title to the Commission on Racial Equity. And so, through you, I'd love to get the Madam Chairwoman's perspective in regards to why the change in language? And then I have a couple of questions related to Section 2 that I would ask for her help. Thank you, Madam Chair--President.

THE CHAIR:

Senator Abrams.

SENATOR ABRAMS (13TH):

Through you, Madam Chair. I was not involved in the change of the title, so I can't speak to why it changed. However, I will say that this is based on some incredible work by Representative McGee, in particular, and others of the Representatives in the House, as well as Senator Saud Anwar here in the Senate, had been working on this piece. Thank you.

THE CHAIR:

Thank you, Senator. Senator Hwang.

SENATOR HWANG (28TH):

Thank you. And through you, Madam President, on lines 132, 133, it gives a definition of structural

racism. Could the good Madam Chair either read through the context and for legislative intent, again for her indulgence, define structural racism as in section 2? Thank you, Madam President.

THE CHAIR:

Senator Abrams.

SENATOR ABRAMS (13TH):

Structural racism is defined in this Bill simply as it's put here, that structural racism means a system that structures opportunity and assigns value in a way that disproportionately or negatively impacts Black, Indigenous, Latino, or Asian people or other people of color. Thank you.

THE CHAIR:

Thank you, Senator Abrams. Senator Hwang.

SENATOR HWANG (28TH):

Thank you, Madam President. And I want to acknowledge that the new addition of the Asian community reflects the importance and the impact of Asian Pacific Americans in our culture, and I want to thank the Madam Chair for her input in that addition.

And just on line 120, it was interesting, and I know we had some conversation in regards to receiving gifts, donations or request for the purpose of performing duties, and we talked about that in past debates relating to UConn, but how does this relate in line 120 of Section 2 as it relates to the Commission on Racial Equity? Were we looking to utilize this phrase? Are we looking at nonprofit entities, special interest entities? Is there any exclusion for what entities can provide money and resources?

Because it is important, if we have targeted special interest groups that can make large bequest to these organizations, it may drive the agenda and the motive of this. Is there any consideration, in regards to safeguards, to make sure that the goal is not compromised by vested interests that seeks to influence through their donation? Is there any safeguards? Through you, Madam President.

THE CHAIR:

Senator Abrams.

SENATOR ABRAMS (13TH):

Through you, Madam President, the good Senator is correct, they are able to accept gifts, donations or bequests. It's my understanding that this is standard language and it does not specify what the good Senator is looking for.

However, I would remind the Chamber that we do have ethics laws in the state, so I would imagine that those would apply in this situation. Thank you, Madam President.

THE CHAIR:

Senator Hwang.

SENATOR HWANG (28TH):

Thank you. And I want to thank the good Madam Chairwoman for her answer. And to me, it wasn't part of the original Bill, and this was added in. And even though we have ethics laws, we are creating an entity in which, again, money does have some impact, political influence may have some impact. What we're doing is possibly opening a way for an important Commission.

But again, taking private gifts and donations and bequests for purposes of performing duties opens up a real potential of concern.

I would beg to differ, has this been consulted with our State Ethics Body and any of the entities for creating this? But I again, as the Ranking Member--Co-Ranking Member of this, this was never a discussion, in regards to using outside funds. I'm extremely concerned that there are no safeguards to this.

And through you, for legislative intent, could I ask the good Madam Chairwoman, what safeguards beyond what was stated in the office of ethics? And had they been consulted in regards to this kind of language change? Thank you, Madam President.

THE CHAIR:

Senator Abrams.

SENATOR ABRAMS (13TH):

Thank you, Madam President. I do not know if they've been consulted. Thank you.

THE CHAIR:

Senator Hwang.

SENATOR HWANG (28TH):

Again, just for legislative intent, again, well intended Bill with a lot of questions. And as we sit in Committee, it was a work in progress, but in some ways the work in progress added additional provisions that were not consulted with the appropriate Bodies.

Again, it is important to note, this is an important goal. It's an important goal for Republicans and Democrats in this Chamber.

But that being said, the devil is in the details. And a work in progress that had some changes that were for the positive, but in this case, it's a important ethics question, and to have outside sources literally as stated in this line, that it would have an impact on the performances of its duty using outside funds. It is a point of challenge, but I will not belabor it, and it is an important part. And we're only in Section 2 out of 21 Sections.

So, Section 3, if I may, it requires the Commission to create an updated strategic plan to eliminate the health disparities, inequities that was so well defined in the definition, as we said earlier, but how are they going to go about that?

I mean, perhaps I missed that in Section 3, it is a noble effort, but the devil is again in the details. And through you, Madam President, could the Madam Chair explain what it would do to create a strategic plan? What are some of the goals that you have of the strategic plans?

So, we don't have the details in the strategic plan, but in any strategic plan, are there components? Are there major goals and significant milestones and points a mark that we could talk to that has been a goal, the defining objective of this Commission on racial equality?

You could go anything, right? In developing a strategic plan. So, through you, Madam President, to clarify the question, are there major objective goals that have been outlined in the strategic plan to eliminate health disparities inequities?

And maybe for the convenience of the Madam Chair, she could possibly say, "All the rest of the Sections outline that," and I will take that as an adequate answer, but I will leave it for her to offer his legislative intent. Through you, Madam President.

THE CHAIR:

Senator Abrams.

SENATOR ABRAMS (13TH):

Through you, Madam Chair, I think the good colleague, I would agree with him that I believe all the rest of the Sections outline what they would be looking at to develop that strategic plan and how they would go about it. Thank you, Madam Chair.

THE CHAIR:

Senator Hwang.

SENATOR HWANG (28TH):

Thank you very much. See, indeed, Madam Chairwoman, we can work together on some of these issues. And as I said, some aspects of this Bill are well intentioned and well meaning.

But Section 3 also added some additional elements that were not part of the original debate, that were never a part of the Legislative Committee debate, and they included the idea of incorporating that the study of air, water quality, that was part of it, natural resources and agricultural land, but nevertheless, natural resources and agricultural land and zoning were not in the original Bill.

Through you, Madam President, could the good Chair explain why these issues or considerations were added? They're important considerations, ma'am, but with all due respect, why were they now added and through each of those things, why was it and what does this Bill do in those areas of concern? Specifically, natural resources, agricultural land, and zoning. Through you, Madam President.

THE CHAIR:

Senator Abrams.

SENATOR ABRAMS (13TH):

Through you, Madam President. First, I would like to say that it just says that they can consider those areas, it doesn't say that they have to address them.

And secondly, just for clarification, this portion of the Bill did go through a hearing process in Appropriations. So although it did not go through the public health hearing process verbatim, it did go through the Appropriations hearing process. Thank you.

THE CHAIR:

Senator Hwang.

SENATOR HWANG (28TH):

Thank you very much, and I thank that clarification. And indeed, I also appreciated the Chair's legislative intent, and what was it that she said? It was recommended or considered? It wasn't by any measure, a legislative mandate, so I want to put that for legislative records.

But nevertheless, even though natural resources and architectural land was included in the Appropriations debate, zoning was not. Could the good Madam Chair explain why zoning was inserted into this Amendment? Through you, Madam President.

THE CHAIR:

Senator--

SENATOR HWANG (28TH):

Because the reason I ask that is, as the Ranking Member in Planning and Development, zoning is a particular point of interest to me. Thank you, Madam President.

THE CHAIR:

Senator Abrams.

SENATOR ABRAMS (13TH):

Thank you, Madam President. I do not see zoning indicated in the portion of the Bill that the good Senators referring to.

THE CHAIR:

Senator Hwang.

SENATOR HWANG (28TH):

Thank you so much, Madam Chair, and indeed, it's hard to keep up with the new Amendments. And indeed, I am thrilled to see that zoning is not included in the latest iteration of this Amendment.

It's hard to keep up and this is part of the public process, so I want to thank the Madam Chair and the Legislative Leaders that crafted this Amendment to now take out zoning, which was part of the previous Amendment. So, a public thank you to the Madam Chairwoman for her recognition and clarifying that. Unless she has something different. Through you, Madam President.

THE CHAIR:

Senator Abrams.

SENATOR ABRAMS (13TH):

Thank you, Madam Chair. I just want to clarify that I did not see zoning referred to in Section 3, which

was the Section that we're discussing. I don't know if the good Senator can point out where the zoning piece is and maybe I can give a more accurate answer. But I don't want to-- I'm just looking at the area that he's currently discussing. Thank you.

THE CHAIR:

Senator Hwang.

SENATOR HWANG (28TH):

Well, it may take some time, it may go back to it, ma'am, 27 pages of Amendment that just hit the wire, it takes quick reading. And I-- are we standing at ease for the suggestion?

THE CHAIR:

Senator Duff. I haven't had a request to stand at ease, so.

SENATOR HWANG (28TH):

Then maybe we just-- if I may, just a second, through you, Madam President, request of that. Thank you, Madam President. If we could.

THE CHAIR:

We are back in session.

SENATOR HWANG (28TH):

Thank you. And to the good, Madam Chairwoman, I was ahead of myself on the Section, so we'll get to it on Section 5. How about that? All right.

And Section 4, the Commission is required to submit a report to the GAE Committee by January 1st, 2023 regarding the best practices. Were there any other Committees considered by the leadership of the

Public Health in regards to submitting of this report? Through you, Madam President.

THE CHAIR:

Senator Abrams.

SENATOR ABRAMS (13TH):

Through you, Madam President. Could the good Senator tell me where he is finding that?

THE CHAIR:

Senator Hwang.

SENATOR HWANG (28TH):

I'll move on to Section 5, if I may, ma'am. Section 5, in regards to zoning, it's line 142, I believe, ma'am. Through you, Madam President, the clarification why zoning was inserted into this Amendment, when in previous languages it was not, and what is the definitional impact of that. Through you, Madam President.

THE CHAIR:

Senator Abrams.

SENATOR ABRAMS (13TH):

Just one moment, Madam President. In reading this Section, Madam President, I believe that they're asking to make recommendations in certain areas. So, the impact of zoning restrictions on the creation of housing disparities and such disparities impact on public health, I believe is the Section that the good Senator is referring to. And that would just be one of the areas that they might make recommendations about. Thank you.

THE CHAIR:

Senator Hwang.

SENATOR HWANG (28TH):

Thank you. And the key word is, recommendation. And I appreciate the President and the good Chair for me to-- to indulge me and some of the Sectional references that might have been a mistake on my part.

But recommendations, through you, what do you see as a legislative force of recommendations? It has no legislative force, would that be correct? It is simply recommendations of suggestions and policies recommendations that could make policies better, but it has no force of law. Would that be correct for legislative intent? Through you, Madam President,

THE CHAIR:

Senator Abrams.

SENATOR ABRAMS (13TH):

Through you, Madam President, I believe that that is correct, that recommendations are made to Committees and through the process. It's only through the process, that change would actually be made. Through you.

THE CHAIR:

Senator Hwang.

SENATOR HWANG (28TH):

Thank you. And in conjunction with what we talked about in regards to air, water quality and agricultural land and resources, Section 6 adds and requires that DEEP for farms and assessment of the racial equality with environmental health quality programs. That was not part of the original Bill,

and any impact or any point of reference from the leaders of the Environmental Committee, because it seems to be outside of the purview of Public Health, but nevertheless, through you, Madam Chair-- Madam President, to the good Chair, this Amendment was not in the original Bill, this Section, and was there any conversation or any point of reference to the Environmental Committee? Through you, Madam President.

THE CHAIR:

Senator Abrams.

SENATOR ABRAMS (13TH):

Through you, Madam President. I don't know what conversations happened with the Environmental Committee; However, I will say that, there is significant overlap between the Environmental Committee and the work of the Public Health Committee, specifically in areas of water quality and other things that are environmental-- that have an environmental impact on our public health. Thank you, Madam.

THE CHAIR:

Senator Hwang.

SENATOR HWANG (28TH):

Thank you. And, again, as I said earlier, this Bill is very well intentioned, but the breadth of its coverage in some cases exceeds the area of cognizance of Public Health as it reaches all aspect.

But as a member of the Public Health Committee, it's also important to note that Public Health has a significant reach in impacting every aspect of what we do in the state of Connecticut. And I see the good Madam Chairwoman nodding her head, we are in

agreement on that. So, perhaps again, but obviously, as it was not part of the original Bill, my hope was as it did go to the Appropriations Committee, we love to be able to include the areas of cognizance and the leaders and the expertise in their area to offer insight in such an important and comprehensive Bill.

I'm going to move to Section 7, and it's an interesting definition, I love to be able to put that into legislative intent and record, the definition of, "Cultural humility."

I'm told that in my house all the time, that that's a good exercise for all of us to learn, but could, through you, Madam President, to have the good Madam Chairwoman explain and define cultural humility and perhaps give an example of how that would be applicable in a real life circumstance.

And again, as we're halfway through, I believe, I want to thank the good Madam Chairwoman for her patience and indulgence as we go through the significant work in progress of a Bill. Through you, Madam President.

THE CHAIR:

Senator Abrams.

SENATOR ABRAMS (13TH):

Thank you, Madam President. In Section 7, it defines cultural humility as a means-- means a continuing commitment to self-evaluation and critique of one's own worldview with regard to differences in cultural tradition and belief systems and awareness of an active mitigation of power imbalances between cultures. Thank you, Madam President.

THE CHAIR:

Thank you. Senator Hwang.

SENATOR HWANG (28TH):

Thank you. And what are the requirements to implement such a sense of awareness as it relates to cultural humility? And is there a requirement, as I understand it, to require the Office of Higher Education to evaluate in regards recruitment, retention of people of color in healthcare preparation programs? Is that one example?

And also, is there a mandate in Section 7 to include cultural humility education programs in higher education institutions? Again, are we overstepping the purview of Committees and Education as well? Because I don't see it reference to the Education Committee, but a mandate, they require us to evaluate programs and to include programs of education and such programs?

Did this go through, respectively, the Higher Education Committee for review or the Committee on Education with Cognizance and education?

I understand the concept of cultural humility, and I understand through this Section, and maybe the good Madam Chairwoman could alter a different perspective of a permissive nature of this, but I read this Section as a mandate, requiring our institutions of higher education, and perhaps implicitly, our K-12 education programs to instill programs of cultural humility. Through you Madam President,

THE CHAIR:

Senator Abrams.

SENATOR ABRAMS (13TH):

Through you, Madam President, this Section reads to me that they are asking for Higher Education to evaluate the recruitment and retention and the cultural humility and make recommendations to the

Committee of cognizance on those matters. Thank you, ma'am.

THE CHAIR:

Senator Hwang.

THE CHAIR:

Thank you. And through you, Madam President, just for a point of clarification, is this a mandate or is it permissive? And did this go through the area of Committee of cognizance and Higher Education? That's a simple yes or no answer. Through you, Madam President.

THE CHAIR:

Senator Abrams.

SENATOR ABRAMS (13TH):

Through you, Madam President, I have no knowledge whether it did or did not. And in terms of going through the Committee, I don't believe so, in terms of consulting with them, I do not know. And it is a recommendation, it is not a mandate.

But I do hope in all of these situations, that the recommendations made to each of these Committees, through this Committee of racial equality is taken very seriously and considered by each Committee. Thank you, Madam President.

THE CHAIR:

Thank you, Senator Hwang.

SENATOR HWANG (28TH):

Thank you very much, and I applaud the statement by the good Madam Chairwoman in regards to the permissive nature. But obviously, we want to strive

to do the best and afford these kind of diverse program of awareness and sensitivity.

But I will also just make a quick passing statement that, for those kinds of programs, we want to be sure that there's proper funding allocated to those kind of missions.

I'm going to move quickly to Section No. 9. Section No. 9 establishes a Gun Violence Intervention and Prevention Advisory Committee. And this did not appear before the Public Health Committee. Make no mistake about it, gun violence is a critical issue affecting all aspects of our community, suburbs, urban, rural areas, rich and poor, Black, White, Asian, all backgrounds, gun violence exists in our society.

That being said, this is an important Committee to convene, but we did not have a public hearing on this issue in the Public Health Committee. And, as I again will raise many times in this Bill, the well intention is the fact that it may not have even appeared in the Public Safety Committee, is another area of cognizance.

But the other part of it is, if I may, through you, Madam Chair, if the good Chair could articulate, were there combinations? Did this Bill come to be-- did this Section of this Bill come to be with any input from the Committee of cognizance as it relates to, perhaps, Judiciary and Public Safety? Through you, Madam President.

THE CHAIR:

Senator Abrams.

SENATOR ABRAMS (13TH):

Thank you, Madam President. I will say that this particular piece did have an informational hearing. And in addition, we did hear different Legislation,

through the Public Health Committee, to address gun prevention and intervention or gun violence prevention and intervention in different Bills in our Committee.

I believe that, you know, the start of this particular piece was something that came to a head after some particularly tragic incidents that happened in our state. One in particular was the three year-old child who was killed by gun violence.

And surely, we could have waited to act on this at another time or waited till the next session and gone through a hearing, but this is really something that our state needs to be dealing with now. And it was with that impetus that we added this particular Section.

THE CHAIR:

Senator Hwang.

SENATOR HWANG (28TH):

Thank you, Madam President. I want to acknowledge the Human Services Committee and its leadership, and for Senator Moore, that sits in this circle, for her leadership on this effort.

I was also part of that public hearing which we heard compelling evidence, from community leaders and individuals whose lives have been dramatically impacted by gun violence and the potential fear of gun violence in their community, so I understand the incredible sense of urgency.

And if I'd known that this would be incorporated in the Bill, I appreciate the clarification that we did have a public hearing, but it did not answer the question. Another area of cognizance in which it has an important role, and I was a former Ranking on it, was the Public Safety Committee, they were not involved in that public hearing.

And through you, Madam President, yes or no, if they were involved in any way in the creation or the language of this Bill? Through you, Madam President.

THE CHAIR:

Senator Abrams.

SENATOR ABRAMS (13TH):

Thank you, Madam President. I want to begin by also acknowledging my colleague, Senator Moore, and her incredible work on this issue, and she continues to work on it.

I am not aware of whether or not this went through Public Safety, but I think that the tenor of this particular Section is about Public Health, it is about the trauma that's induced by living with gun violence, living near gun violence, experiencing gun violence. And those are the issues that we'd like to address through this Advisory Group and ultimately, the Commission. Thank you, Madam President.

THE CHAIR:

Senator Hwang.

SENATOR HWANG (28TH):

Thank you very much. And I would agree, absolutely, with the good Chair. And as the Co-Ranking Member of this Committee, I believe it is an important element. And the reason I raised it was to be sure that we had the public input and area cognizance.

But through you, what was the rationale of the composition of this work group and the composition that really was almost a ratio of, I think, 6:2? And as we have worked so effectively in being able to have a representative voice on important issues on Public Health, and I want to compliment the good

Chair for her openness and engagement with Ranking Members. Why were there no Ranking Members of the Public Health, as the good Madam Chair articulated that it is a significant public health consideration? Why was there not a minority Ranking Member selected as a part of the Committee to have that voice, to have every Representative voice be heard, rather than just simply a Chair's of the Public Health?

As the good Chairwoman, I'll repeat again what she said, it is a significant public health concern. And for us to truly represent all the areas of interest, would it not be fair to have the Ranking and the Chairs of Public Health in this Committee? Why was this Committee, unlike so many of the other Committees who're in this building and in this circle, why did it exclude the Ranking Member from offering a much broader and more compelling, and truly a bipartisan voice in this? Through you, Madam President.

THE CHAIR:

Senator Abrams.

SENATOR ABRAMS (13TH):

Thank you, Madam President. I don't believe either the Chairs or the Ranking Members are included in membership in this Advisory Group, so it was certainly not any slight to the Ranking Members, by any means.

And I'm sure with the amount of appointments that are available, anyone who wishes to serve could speak to the leadership and find themselves appointed to this Committee. Thank you, Madam Chair.

THE CHAIR:

Senator Hwang.

SENATOR HWANG (28TH):

Thank you. Indeed, as I understand it, it's one appointment for each of the Senate and House Chairs of Public Health, there are zero appointments for the Ranking Members.

So, indeed, if it's a point of consideration, indeed, if we wanted to create a bigger tent, to hear all the voices of people that would be engaged and impacted by these kinds of policies and task forces that will have a voice, I would encourage the leadership to consider a broadening of the tent to incorporate all viewpoints, because when we have all viewpoints, we have the best sustainable policy moving forward.

On that editorial side, we'll go to No. 11, Section 11. And she has a smile on her face. Through you, Madam President, I really personally appreciated the dialogue and the exchange, because we've talked for many years about the idea of healthcare data being such an integral part of being part of the healthcare solution.

And the collection of that data has always raised the point of concern and feedback. And as an Asian Pacific American, I was particularly interested in past ideas, past approaches, using the federal guideline, which only disaggregates one racial group, and that is the Asian Pacific Islander group, versus any other racial group.

I want to thank the good Madam Chair for her thoughts, and consideration, and due diligence and recognizing that disaggregation of data is important as part of a public health consideration, but that this disaggregation should occur, should apply to all racial groups.

So, two questions on this? Could the good Madam Chair explain the template in which we are basing Section 11 on the disaggregation of data? And does

it include all racial groups, including African American, Latinos, as well as Caucasians? And how would that work in a real life reality of paper forms versus the electronic pull-down menus?

So, the two questions would be, on Section 11 we looked at the disaggregation of healthcare data using an organizational template report, if the good Madam Chair could explain, for legislative intent, what that report and the intent-- and the grouping of it? And also for her to clearly define the various racial groups that are incorporated into this data disaggregation. Through you, Madam President.

THE CHAIR:

Senator Abrams.

SENATOR ABRAMS (13TH):

Through you, Madam President, if you look at line 382, it talks about that it expands the race and ethnicity categories to include the subgroups identities as specified by the Community and Clinical Integration Program of the Office of Health Strategy.

It's my understanding that, in 2018 a report was commissioned or a contract was given to the Health Equity Solutions to look at what would be applicable to our state in terms of disaggregated information. And that that is where this came from. I do not believe I could list all of them because they're quite extensive, and it does disaggregate in all of the racial categories.

So, in terms of it being a paper, I'm not aware of it being in paper, but it is a drop-down menu. I would also like to point out on lines 387, that a person, and I think this is very important, an individual can select more than one ethnic or racial designation. They can also put, "other," so that

they can designate if they don't feel that any of the categories given they identify with. And there is also an option for individuals to refuse.

So, this is permissive in nature, if someone doesn't feel comfortable sharing it, they wouldn't have to, and it also tries to give them as many ways to express how they view their own identity, as I think is possible. Through you, Madam President.

THE CHAIR:

Senator Hwang.

SENATOR HWANG (28TH):

Thank you. And I want to thank the Madam Chairwoman for her work with me on this issue, and the educational journey that we both went on.

And the importance of recognizing that-- and I don't know, I didn't get the chance to read it, because it came out this morning in regards to the 2018 Report, but for point of legislative intent, did it include Caucasians in this debate?

And before she answers, I also want to extend my thank you. My thank you for recognizing that there are societal biases and discrimination in which various racial groups have encountered, that it's hard to understand, and it strikes at the core and the mission of this Bill.

And so, I appreciated her flexibility and understanding and making the adaptive changes. To add in line 390, that we will provide the option to individuals to refuse to identify with any ethnic or racial designation that is permissive, and that there is no mandate or obligation or penalty, should people refuse to utilize this line. So, I want to thank the good Madam Chair for her understanding and thoughts.

But I just want to ask for a point of clarification, having not read the report, and I look forward to doing that as we move along in this, does the disaggregation also include Caucasians as well? Through you, Madam President.

THE CHAIR:

Senator Abrams.

SENATOR ABRAMS (13TH):

Thank you, Madam President. Yes, I believe it does. I would also like to say that I want to make clear, and because in conversations previous, the good Senator and I have had, and he's an incredible advocate, particularly, for the Asian American Pacific Islander community, that in line 405 it did mention already, that you could refuse to identify.

However, he is correct in that, I asked for that to be after our conversation brought out in more specifics so that it was very clear. And the additional Section was put in so that it made it clear that people have that option.

So, I thank the good Senator for these conversations, I have learned a lot. And also through our hearing process, you know, it's-- public hearings are an incredible thing, and you get to hear from people and how these different pieces of Legislation that we discuss are going to impact their lives. And so, it was from those conversations, as well, that I took in mind and was able to move through with this legislation.

I would also like to say that, I know that there are people who are in particular areas who are concerned about having any kind of disaggregated information, but there's also people in the same communities who are for it and who would like to see this happen.

I think that this gives us more information to know how our healthcare system is working, and whether or not we're doing the best we can to make health equitable in our state. Thank you, Madam President.

THE CHAIR:

Thank you. Senator Hwang.

SENATOR HWANG (28TH):

Thank you very much, and I appreciate the good Madam Chairwoman. But I also want to acknowledge the considerations and the efforts of the House Chair, Representative Steinberg, the House Ranking Member, Dr. Pettit, as well as my Co-Ranking Senate Member, Senator Somers, for her efforts, and all of us raising awareness. And isn't that the goal of this Bill? Right.

So, through you and that being said, I want to thank again, for the legislative intent on the permissive nature of that disaggregation, but also recognizing the fair application throughout and the importance of data collection in regards to providing health care services and preventive services.

Section 2 talks about-- Section 12 talks about Maternity Mortality Review Committee. Now, originally, it was a creation of a taskforce that was in the original Bill. Through you, Madam President, could the good Chairwoman explain why now it is a report on the disaggregation data to the Public Health Committee, and it's a requirement? And were there appropriate funding for the creation of this additional role and staffing requirement that may not be captured in the fiscal note? Through you, Madam President.

THE CHAIR:

Senator Abrams.

SENATOR ABRAMS (13TH):

Thank you, Madam President. This-- the good Senator is correct, initially, it was going to be a taskforce, I believe, to look at maternal mortality. In the course of looking at that Section, there already exists a Maternal Mortality Review Committee. It's a 17-Member Committee, and they present a report to the Commissioner of Public Health, I believe, quarterly.

And unfortunately, that information was not shared with the Public Health Committee. And in looking at reducing maternal mortality in our state, we thought rather than create another venue, that we would just ask of this Committee, which so much of this language that's here is already existing in our statutes as to who they are and what they do.

But if you look at line 478, we are asking that they present a report annually to the Public Health Committee that disaggregates their data and gives us some information and perhaps some recommendations as how we might do better, in terms of reducing the maternal mortality, particularly among our women of color in this state.

So, we decided to use an existing Committee and work that way, rather than try to reinvent the wheel and create something new. And we decided to do it annually because for-- thank goodness, our mortality numbers are relatively low in our state, so to do it less than that might be too-- might expose individuals unnecessarily or information unnecessarily. So we decided that annually would be sufficient before each session, so that the Public Health committee might consider any recommendations made. Thank you, Madam President.

THE CHAIR:

Senator Hwang.

SENATOR HWANG (28TH):

Thank you very, very much. And I want to thank the good Madam Chairwoman again. And this exercise is not to belabor anything, but to give true reflected legislative intent of these important segments of the Bill. And I want to thank the Madam Chairwoman for her indulgence and her excellent explanations.

Moving on to Section 13, it now requires-- it's always a key word, right? Requires each hospital to include training on implicit bias of regularly scheduled training to those providing direct care to pregnant or postpartum.

Now, there are other components in the original Bill that deals with our hospital and requirements, one of which was the nursing ratios, which is no longer in this Amendment. But that being said, I want to acknowledge that there were points of consideration that were raised by this Committee, and that our hospitals need to do a better job in recognizing that implicit bias and training is important.

And my hope is an encouragement that Section 13, along with our mention and dialogue in the Public Health Committee debates, public hearing, will encourage our hospital systems to proactively look at staffing ratios of nursing, to be able to provide safe and adequate health care.

Even though they have been an extremely important part of our frontline worker and faced with unimaginable challenges, what we're asking for them is as we are in our waning days, and hopefully to a new normal, the COVID pandemic, that they reevaluate, reassess, and reprioritize the ratio of staffing, and to reevaluate training as it relates to potential implicit bias, not intentional, but nevertheless, the fact of re-evaluating and looking in the mirror that those kind of biases and presumptions should not exist, and it does potentially have an impact on healthcare delivery in

the disparity of care that may be evidentiary in the in the data disaggregation that we are now looking at for all racial groups.

So, through you, Madam Chair-- Madam President, I would like to be able to get the good Madam Chair's input beyond me editorializing about the importance of Section 13.

I wanted to be sure that I was not offline in my interpretation and the intent of how this Section was evolved and some of the removal, but nevertheless, the intent of having our hospital be an integral partner in healthcare solutions, for of bias and implicit bias. Thank you, Madam President.

THE CHAIR:

Senator Abrams.

SENATOR ABRAMS (13TH):

Thank you, Madam President. This particular piece has always been part of this Bill, and the hospitals have been very supportive of it. And I do share the good Senator's viewpoint, that our hospitals, in particular health care workers have done such an incredible job during this pandemic.

And this particular piece they were very supportive of, so I thank them for that. Thank you, Madam President.

THE CHAIR:

Senator Hwang.

SENATOR HWANG (28TH):

Thank you. And I'll move on quickly to Section 14 and we're near the end of the world, along the homestretch, ma'am.

It requires the Public Health Committee to convene a working group on advancing breast health and breast cancer awareness. As a Member of-- as a Ranking Member on the Insurance Committee, we did have some important considerations on mandate and breast care, dense breast and ultrasound coverage, and it is important that we do everything we can to address the perils and the dangers and the health risks of breast cancer. Because it has no delineation it has no bias. It affects women across all segments, and in cases, some men.

So this working group will have recommendations by February 1st, 2022. Could the good Madam Chair explain further the composition and the process for choosing such a Committee? Through you.

THE CHAIR:

Senator Abrams.

SENATOR ABRAMS (13TH):

Through you, Madam President, if I understand the question correctly, this was something that we spoke with the Department of Public Health about, and in our Committee meeting, as they were-- as we discussed this Bill, many people shared, and as well through the public hearing, many people shared ideas and programs that are already out there working on this.

And so we thought a working group to convene to pull all those resources together and share-- make sure they're being shared appropriately in our state. Thank you, Madam President.

THE CHAIR:

Thank you, Senator. Senator Hwang.

SENATOR HWANG (28TH):

Thank you, Madam President, and I apologize for being somewhat disengaged for a few moments. Did the good Madam Chairwoman explain the composition of that working group? Would it be selected from Members of the Committee or would it be selective from expertise? And who are the Appointing Bodies to this working group and the size of it? Through you, Madam President. And if I missed it, I apologize to the Madam Chair.

THE CHAIR:

Senator Abrams.

SENATOR ABRAMS (13TH):

Thank you. Through you, Madam President, you did not miss a thing, and that is not delineated in this Bill. I think anyone who is interested in working with this group would be more than welcome. Thank you.

THE CHAIR:

Senator Hwang.

SENATOR HWANG (28TH):

Thank very, very much, and I appreciate that. And if it's not too much to ask right now, I would gladly volunteer to be part of that working group, it is an important part of being able to provide care and be able to find solutions and support.

I'm going to move quickly to-- let's see, 16, if I may. And it's another working group, through you, Madam President. And it's to create recommendations for school-based health centers.

Let me, before I start, talk about the importance. I truly believe the critical and important role of school-based health centers, not only for providing immediate services to our students in crisis and

need at that moment in time, but they create such outlets of opportunity, particularly in the arena of mental health supportive services.

I can't say enough that we must always support our school-based health services. And in my district, we've had a number based upon former Congressman Maloney, in his work, his organization's great work on health centers.

But this is a working group for recommendations, and it will include Public Health Committee Members, Appropriation Chairs and Ranking Members. So there are parts of consideration in which Ranking Members are included in these kind of processes. Could you, through you, Madam President, give a point of clarification and for legislative intent, the important role that our Public Health Committee considers public health school-based health centers? Through you, Madam President.

THE CHAIR:

Senator Abrams.

SENATOR ABRAMS (13TH):

Through you, Madam President, yes, this group, when we were looking at equity in physical, mental and behavioral health in our state, knew the important role of our school-based health centers, and we're looking for ways to best utilize this resource.

What we realized was that, it really needed to be looked at, where these centers are located, how they're being used, what services they offer, the funding sources. And that is really the purpose of this particular group, to look at all those things, to make sure we are taking the best advantage and to figure out strategically how we can expand those services and where to do so. Through you, Madam President.

THE CHAIR:

Thank you. Senator Hwang.

SENATOR HWANG (28TH):

Thank you. And I appreciate the good Madam Chairwoman's support of our school-based health centers, and also the added statement that, not only should we support them, we should look at appropriate funding to fulfill their missions. So I thank her for that statement for legislative intent.

And I'll move quickly to Section 18, which establishes another task force. We're going to make a lot of people very, very busy, but nevertheless, I think it's incredibly important.

And this addresses the issue of studying peer support services, particularly as it relates to the mental health services, and in my familiarity and support of the fight against substance abuse and addiction services, peer support services having individuals that have gone through the experience, that are able to provide a context of connection, that are incredibly important and irreplaceable.

You can have all the clinical training you can have and all the studies you have, but to go through that personal experience is a connection that we cannot fully embrace and understand.

So, through you, the study of this task force to look at peer support, does it have any legislative mandates in regards to financial obligations or is it purely a study with a report to be presented to the various Committees?

And through you, Madam President, to talk about the peer support services, am I understanding that to be the goal and the unique nuance and the value of that? And will it have any fiscal costs in regards to implementation of these kind of peer support

programs, even though it's a task force to study it? Through you, Madam President.

THE CHAIR:

Senator Abrams.

SENATOR ABRAMS (13TH):

Through you, Madam President, I agree with my good colleague that we had some very impressive testimony from people who are doing this work, doing the peer support work in our communities.

This is something that the Department of Mental Health and Addicted Services has already been looking at, in terms of defining their roles, who they are, what services they provide.

And the task force would be specific to look at methods of delivery and certification of the peer support specialists, and then also what payment mechanisms might be available for such services. And that would be the purpose of the task force, to actually look at the work that's being done and perhaps move them forward, and to decide what kind of funding might be available. Thank you.

THE CHAIR:

Senator Hwang.

SENATOR HWANG (28TH):

Thank you, Madam President, and I appreciate that point of clarification. Indeed, it is looking at a payment model, as well as all aspects of the peer review-- peer support services. But at right now, as this language states, there is no fiscal cost, it is purely a study to evaluate those kinds of payment models. Would that be correct? It's a simple yes or no. Through you, Madam President.

THE CHAIR:

Senator Abrams.

SENATOR ABRAMS (13TH):

Yes.

THE CHAIR:

Senator Hwang.

SENATOR HWANG (28TH):

Thank you. That was clear and I appreciate that. I'm going to fast forward and just simply go to Section 21. And I appreciate, again, for the third time, the indulgence and the patience of the good Madam Chair.

It looks at requiring the Department of Public Health to implement a state Loan Repayment Program for community-based health care providers and primary care settings.

Now, again, I'm just asking from an area of cognizance, did this go through any of the Committee as it relates to Banking, or Higher Education in this unique model?

Because I can share with you, having looking at the Federal Reimbursement Program for physicians to go into underserved and communities as part of their medical loan forgiveness, is a novel idea that as we as an institution in the circle, but as well as in the General Assembly is looking at, free college tuitions and the availability of those type of relief mechanisms.

I have always believed that there is value to that, and perhaps we should consider a two-year require service of a nonprofit or Peace Corps, or in this case, right here, loan forgiveness, as it relates to

primary care services in under-represented and underserved area.

Is that the premise of this? And did it go through input in Higher Education and Banking to be able to afford these kind of novel ideas to address the cost of education, particularly on healthcare professionals? Through you, Madam President.

THE CHAIR:

Senator Abrams.

SENATOR ABRAMS (13TH):

Through you, Madam President, as much as I would like to think that this is a novel idea, it's actually a program that used to be in place that we've brought back. And it was done through the Department of Public Health. It did not go through other Committees other than the Appropriations, who looked at this and beginning again, to offer those kinds of state loan repayment programs for community-based health care providers in primary care settings. Through you, Madam President.

THE CHAIR:

Senator Hwang.

SENATOR HWANG (28TH):

Thank you. Indeed, I want to thank the good Madam Chairwoman for bringing up that, indeed, we had these kinds of thinking, these kinds of innovative win-win type of solutions.

And my hope is that we reevaluate and reconsider these pathways in regards to looking at our escalating education costs and the burden on our communities and residents, but at the same time, recognizing there should be an exchange in value, there should be an exchange in recognition that

nothing is ever free, and something of anything worth value needs to have an effort to it.

So, I applaud this Section 21, but I also would encourage us, as we explore other avenues of tuition, reimbursement, or free tuition in our college and educational systems, that we look at being able to have some remuneration that can do greater good, that indeed gives a sense of value to this.

So I will simply close, and I want to thank, again, for the fourth time, to the good Madam Chairwoman in engaging for me on the legislative intent, as well as the process in our Public Committee and also as part of this Amendment, some aspects that are not incorporated in it.

There are multiple task forces with well-intentioned goals, there are parts of legislative intent looking at solving greater good. So, again, there were some questions that concern that I may have, we may not have agreed, even though this exchange of dialogue in the circle, but nevertheless, I applaud and appreciate that as the good Madam Chairwoman said, it was not simply Democrats that believe that we need to provide solutions, but Republicans themselves as well.

And in this form and opportunity for debate, you will see that we have an opportunity where we can all work together, Republicans and Democrats, to creating solutions to address concerns of public health and the greater impact that it has during the COVID environment that has accentuated and accelerated some of the cracks that we have seen.

So with that said, I am eager to hear the rest of this dialogue, but I want to close by simply sharing that S.B. 1 is an important concept, but it is a concept in which Republicans and Democrats fully support in many of the concepts.

So, it is not simply a win-lose, it should be a win-win, and the collaborative effort that we need to implement these kinds of policies are still very much in the work.

So, I want to thank the good Madam Chair for the fifth time, for indulgence and her work and statesmanship in working in a bipartisan basis on these efforts. So, thank you, Madam President, and thank you, Madam Chair.

THE CHAIR:

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

SENATOR ANWAR (3RD):

Good afternoon, Madam President. I think this-- is this loud enough?

THE CHAIR:

We will get your sound on.

SENATOR ANWAR (3RD):

Yes.

THE CHAIR:

It is on.

SENATOR ANWAR (3RD):

Maybe it is louder now. Good. Good afternoon, Madam President. Thank you so much for the opportunity. I just wanted to make some comments about this Bill.

I want to pick up at least one of the sentences that one of my former colleagues just had mentioned, that both Democrats and Republicans support the Bill. I

look forward to the results of the vote as well. I think this is an amazing Bill, and I will try to explain.

Of course, I have a bias, but I think this Bill does a lot of good for our communities, for our state for our people. So I wanted to go over some of those components. I do not have any questions, I just want to make comments this afternoon, Madam President.

I think the first part that is important about this Bill is the recognition and statement about racism being a public health crisis. This needs to be recognized. And the way I look at it is, if you do not diagnose a problem, you cannot solve a problem.

So this actually clearly diagnosis the problem, and once we are able to diagnose it, the rest of the part of the Bill actually starts to look at how are we going to solve this crisis. And I think that's very critical in this entire process that we have to look at.

Health of an individual, whether it is an adult or a child, is dependent on a number of factors. This includes, where they live, what they breathe, what do they eat, what do they drink, what do they inhale, and what kind of environment and education opportunities that they have, and what kind of a workplace that many of the people have. All of those components lead to the wellbeing of an individual.

The social determinants of health are really the health of that individual. And I think that's the critical part, because in the health care systems, we are managing or preventing-- taking care of diseases after they have occurred.

This Bill for minority communities, for the ratio, the impacted communities, is addressing and beginning to identify a framework to start to look at what needs to be done.

Madam President, our statistics for the state of Connecticut for the impact on public health because of racism is quite concerning. It is very clear that our communities, and I use the example of asthma to begin with, the asthmatic children are five and a half times-- the African American children are five and a half times more likely to actually go to the emergency room in our state because of asthma. And Latino kids are about four and a half times more likely to go to the emergency room because of asthma.

If you look at the screening studies, whether it's mammogram, colonoscopy, or any other screening tests that are done, our minority communities do not have the same level of access, and recognition, and education on some of those components.

And the same way, if you look at the cancer outcomes, they are completely different. For example, for prostate cancer, the mortality rate is about twice as high for Black men than for White men. And it's the same disease, same stage of the disease as well.

But if you look at individual disease by disease pattern, you actually have a clear understanding that there is a problem that we have and we need to address it.

Now, how did we get to that point? How do people get more illnesses and then have access issues, it is a number of issues? And they are far more significant and large, but I think the framework of some of the conversations and the recommendations of this Bill are going to help us get to a better place.

For example, the environmental impact. Now I think, if you look at health as the center, and as was suggested, that everything needs to go to another Committee except Health, I respectfully do not agree with that.

The reason I do not agree with that is because, the health is the central outcome that is happening because of some of the policies that have taken place in some of the other arenas. And we need to have all hands on deck.

And this is a Bill which has all hands on deck, on looking at fixing the health disaster of racism that has been caused, and I think this is what is to be done. Rather than sending it to 20 Committees as being suggested, it needs to stay in Public Health, because this is a public health crisis and we are looking at a public health solution for it through a mechanism to try and address that.

While we have the people around the table who will recognize what impact those policies have, we have an opportunity to try and address and then make recommendations on those policies.

So, Madam President, I wanted to speak to that aspect and the value of that to be critical. I also want to mention a couple of sad statistics, if you will.

One of them is that, the lifespan of a child is determined by the distance of a tobacco outlet from the place of their elementary school. So, if a child has a tobacco outlet close to the elementary school, we have pre-determined lifespan of that child is going to be impacted.

The child's overall Body Mass Index, how much they're going to weigh, is also determined based on the distance from the elementary school to a fast food place. And in so, from day one, we are setting up some children for disadvantages. And then, the next step it keeps going.

And the marketing that is done, asymmetric marketing that is done by some companies, if we look at the sugary drink marketing that is there, we have an epidemic of diabetes.

This current generation of our children will not live as long as we are living, unless we actually have an intervention and educational opportunities, and also expect them-- the marketing to be in a responsible manner.

So, the Latino community is targeted with the sugary drinks to the level that if you look at the statistics, it's mind boggling what's going on.

We have an epidemic of liver disease, fatty liver is at the highest level in children that has ever been in Latino children, and that actually has to be-- intervention has to be made.

There are people at Yale who are doing studies to figure out what can we do, because we will not have healthy livers, and there will be a lot of children with cirrhosis or adults earlier-- young adults with cirrhosis, if we continue on this pattern.

These are interventions that are needed, these are the conversations that need to be had so we can actually take care of it. Because if 25% of our population is unhealthy, we are unhealthy as a state.

If 25% of our population and the workforce is not able to achieve their full potential, we are going to be unable to compete with the workforce anywhere else in the world. So this is going to be a very important aspect that we have to address.

I just want to touch on the gun violence. Again, the prevention of gun violence and intervention that has been talked about, it is so critical.

If individuals who have any questions about this aspect, they should listen to the conversations in the public hearing that we had. And that was heartbreaking, but very real. And an intervention is absolutely necessary, and we need to, again, provide

an opportunity, as a state, to be able to take care of this as well.

This perspective of a Maternal Mortality Review Committee is so important. There should be no mother in the state who dies during-- before and during the childbirth that should not be studied and understood and prevented for future.

And I can tell you, there's a similar Committee for children's death that has been made has helped us make policies as a state which has truly helped us try to make sure that no child dies. And we can prevent as much as we humanly can in policy arena. And I think this is going to be very critical to have a Department of Public Health be part of this effort, because we can prevent this.

And frankly, with the amount of resources that we have had, we have not been able to do as good a job, and this is definitely an area of opportunity.

I also want to talk about, Madam President, I could talk about this Bill forever, because it's such a beautiful piece of art, I would say, because it's going to help people a lot.

I can just add, again, thank you for the leadership of the Chairwoman for our Public Health Committee and the entire Public Health Committee Members, because this is what we need. This is so much needed. The school-based healthcare systems.

In my town of East Hartford, we have many school-based healthcare systems and inter-community runs them, and they have done a phenomenal job. I have had the opportunity to visit literally each and every one of them and have seen how the children benefit from getting the behavioral health issues, the medical health issues, and all concerns that they may have, not only within the school, but the same system actually has the same records in the public as well, so the parents and the children can

go on other days to be at the same place. And that's something that's a blessing.

And there's also food pantries right there, as well, for some of the families who actually want to take some food at home. So I look at some of the systems that have been created, an expansion of this within the school system is going to be a very powerful help. I have seen it work, and it does a great job.

The mobile crisis services. Again, this is going to save lives, because this is making sure that the access issue that we are all concerned about are going to be addressed as well.

And then again, the peer support services. This is an area we have not maximized our full potential. We know that opioid epidemic has not gone away, we know that there are people who are suffering right now, we also know that many of the people are self-treating themselves at this point.

They are self-prescribing themselves to some of the medications that are much more easily accessible, and these opioids have led to too many people dying. And then we have to have interventions, and we have to have out of the box and in the box strategies that would need to be done, but peer support systems work. They help people.

And we have done not a good enough job to be able to expand this, and this Bill is going to address that as well, because this may be able to save lives. So if I look at the entire Bill in its different components, this is actually going to save lives, not only in the coming weeks and months, but it is for the many, many years that will follow, and I am excited that we are having real conversations and it is important.

And I am again glad that-- I'm glad and hopeful that this is a kind of a Bill where we could easily get all 36 of us unite and say, "We will take care of

our community and our state and every citizen in the best possible way so we have a healthy state going forward."

So, Madam President, I urge each and every one of my colleagues to support this Amendment and subsequently the Bill. Thank you for this opportunity, and thank you, everyone, who has been working on this. Thank you.

THE CHAIR:

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

SENATOR SOMERS (18TH):

Good afternoon, Madam President. And I rise to make a few comments and to ask some questions on the Amendment.

So first, I would like to thank the Committee for making some of the changes to the first draft of S.B. 1 that we thought, many of us thought were redundant because they are things that we are actually currently doing.

And I wanted to ask the proponent of the Bill a few questions concerning the Bill. The first one, if the proponent of the Bill could tell me how many Sections of this Bill actually had a public hearing. I think that's important. Through you, Madam President.

THE CHAIR:

Senator Abrams.

SENATOR ABRAMS (13TH):

Through you, Madam President, I believe that all of the Sections of this Bill were in the initial Bill

and therefore went through the public hearing process, with the exception of the Gun Violence Prevention and Intervention Advisory Group, which did have an informal hearing.

In addition, the Commission on Racial Equity had a hearing through Appropriations. Thank you, Madam President.

THE CHAIR:

Thank you, Senator. And I just want to remind everyone in the Chamber that we are on the Amendment, and not the underlying Bill. Senator Somers.

SENATOR SOMERS (18TH):

Yes, thank you, Madam President. So, if I'm understanding this correct, the Commission on Racial Equity and Public Health did not have a hearing in Public Health to go over all the details of this Bill. Is that correct? Through you, Madam Chair.

THE CHAIR:

Senator Abrams.

SENATOR ABRAMS (13TH):

As it is now, that that is correct, Madam President. However, there was a similar Commission that was in the initial Bill that did go through the public hearing process. Thank you.

THE CHAIR:

Senator Somers.

SENATOR SOMERS (18TH):

Yes, thank you, Madam President. And I do think that is an important point today as we are looking at this Amendment.

The Ranking Members just received this final language yesterday, we were hoping to have received it over the weekend, so we would have had time to really, thoroughly, look at it. But we did receive it yesterday. And there are some significant changes to this from what we had seen within our public hearing.

And I will disagree with my fellow colleague and Senator that, we should have public hearings on everything that are included in Bills. Regardless of the well-intentioned language in the Bill, it's important that we, and this Body does not overstep, in the fact that we are elected to represent the people of the state of Connecticut, and the people of the state of Connecticut have, under our Constitution, an ability to come and to give us their input in public hearings.

And when we skirt that and we add language that has not had a full public hearing, or that has changed significantly from the public hearing, it erodes the confidence, no matter how well-intentioned a Bill may be to the citizens of the state of Connecticut.

So I think it's very important that these Committees and everything that's included in this Bill did have a full public hearing, regardless. An informal hearing is not the same as a public hearing. So I just wanted to point that out. And there are things in here that were not given an appropriate public hearing.

So, if I can go through some of the questions that I may have.

THE CHAIR:

Please proceed.

SENATOR SOMERS (18TH):

Through you, Madam President. So, one of the items that has been deleted-- I guess I'll come back to that. Actually, in Section 2 of the Bill, we're committing-- we are establishing a Commission on Racial Equity and Public Health, which used to be called, I believe, a Truth and Reconciliation Committee. Is that correct? Through you, Madam President.

THE CHAIR:

Senator Abrams.

SENATOR ABRAMS (13TH):

Through you, Madam President, yes, that is correct.

SENATOR SOMERS (18TH):

Thank you.

THE CHAIR:

Senator Somers.

SENATOR SOMERS (18TH):

Thank you. Through you, Madam President, I noticed the makeup of the Committee, and it refers to Chair people of the Public Health Committee, but it does not include a Ranking Member.

And I just wanted to point that out, because I think it's important that the Ranking Member, although in a minority, also has representation on Committees of this cognizance so to speak.

So as I go through the Bill, we're looking at a Commission that is going to be formed with appointments that will be six Democratic

appointments and it looks like four Republican appointments, with very specific details as to who can be appointed. And then it includes a whole list of other people.

Again, these are all Commissioners, the Commissioner of Public Health, Commissioner of Child and Families. All Democratic appointments, but no Ranking Member. So that is something that I'm hoping that we can fix moving forward, so we have a clear and broad representation on that Committee.

And if we look at the qualifications, as we go forward, this commission, by the majority vote is going to hire an Executive Director to serve as the Administrative Staff of the Commission.

So through you, Madam Chair, is this Executive Director, is this a paid position? If so, what is the salary range, and is it included in the budget? Through you, Madam President.

THE CHAIR:

Senator Abrams.

SENATOR ABRAMS (13TH):

Through you, Madam President, I do not know what the salary range is, however, I do know that this was passed through Appropriations with funds given to it. Thank you.

THE CHAIR:

Senator Somers.

SENATOR SOMERS (18TH):

So through you, Madam President, we do know that this is a newly paid position, but we don't know what the salary range is. What would the qualifications be for this Executive Director to be

the Executive Director of this newly formed Commission? Through you, Madam President.

THE CHAIR:

Senator Abrams.

SENATOR ABRAMS (13TH):

Through you, Madam President, the legislation says that the Commission by majority vote will hire the executive director. So I believe the Commission will be the ones to decide on the qualifications of that position. Thank you.

THE CHAIR:

Senator Somers.

SENATOR SOMERS (18TH):

Okay. So, it's my understanding then that we are creating a Commission that's going to hire an Executive Director and then the Committee Members will decide what the qualifications are for that Executive Director. Did I hear that correctly? Through you, Madam President.

THE CHAIR:

Senator Abrams.

SENATOR ABRAMS (13TH):

Yes, Madam President. Thank you.

THE CHAIR:

Senator Somers.

SENATOR SOMERS (18TH):

And then my next question is, through you, Madam President, the way the language speaks here, it says, will serve at the pleasure of the Commission. So, is this intended to be a contracted position, a permanent position? Because when someone says something like, "At the pleasure of the Commission," it leads to an understanding that maybe they will work for six months and then not work and then return. Is there any more clarification to that position? Through you, Madam President.

THE CHAIR:

Senator Abrams.

SENATOR ABRAMS (13TH):

Through you, Madam President, the Commission does set itself some goals as to when it would no longer be needed, and I would imagine that that would be when the Executive Director position would end. Thank you.

THE CHAIR:

Senator Somers.

SENATOR SOMERS (18TH):

Thank you for that answer. In regards to what the good Senator has just mentioned, I did have a question on that. It appears that this Commission will be continuing to meet. It has a very long list of different areas that it's going to be looking at, including and interviewing a diverse range of community members, including people of color, people who identify-- different groups, state populations.

And it talks about including things on the basis of race, but then it's speaks to sexual orientation, gender identity, and disability, which really don't fall into race, and that's why I was curious as to

some of the language in this area that I will get to further.

But one of the things, and I wanted to see if I was correct, it talks about that this Commission will be established and will continue until, it appears, and I could be wrong, until we have reduced, I think,-- let's see, 3C, it reads, I think, racism in public health by 70%. Is that correct? Through you, Madam President.

THE CHAIR:

Senator Abrams.

SENATOR ABRAMS (13TH):

That is correct, Madam President.

THE CHAIR:

Senator Somers.

SENATOR SOMERS (18TH):

Thank you. And is this Board or this Commission, the ones that are going to set up the criteria on how we're measuring that reduction or what we're looking at within that reduction? And where did the 70% come from? Is that-- did that number come out of the sky? Like, how did we come to 70%? Through you, Madam President.

THE CHAIR:

Senator Abrams.

SENATOR ABRAMS (13TH):

Through you, Madam President, they do state in here that it would be scientifically based measurements and percentages of disparity. But they, the proponents of this Bill, including myself, are the

ones that set up the benchmark of 70%. Thank you, Madam President.

THE CHAIR:

Senator Somers.

SENATOR SOMERS (18TH):

Yes. Through you, Madam President, why not 100%?

THE CHAIR:

Senator Abrams.

SENATOR ABRAMS (13TH):

Through you, Madam President, I do not know, I think maybe 70% seemed like a more realistic goal.

THE CHAIR:

Senator Somers.

SENATOR SOMERS (18TH):

Okay. So, through you, Madam President, so we just came up with a number. That's what it sounds like.

So, further about this Commission here, in one area it talks about the Commission is going to evaluate all different aspects of disparities, health disparities. And it talks about, you know, racism and certain races or certain ethnicities, Black, Latino, Indigenous, and Asian.

But then in another Section, it talks about sexual orientation, gender ID and disability who experience in equities and healthcare. And it's going to make recommendations based on that to agencies on the findings that they come up with.

My question really is, are we talking about the disproportionate and negative impacts of Black, Latino, Asian and Indigenous folks as is stated in one Section of the Bill, or are we also including sexual orientation, gender ID and disability? Or is that an overlay on top of the Black, Indigenous Latino and Asian folks? Through you, Madam President?

THE CHAIR:

Senator Abrams.

SENATOR ABRAMS (13TH):

Through you, Madam President, I know there was a reference in the Bill that they will study the impact of the public health crisis of racism on vulnerable populations within diverse groups. And that is where they named some of the groups that the good Senators just named, race, ethnicity, sexual orientation, gender identity and disability.

But it is the-- with the overall look at how public health crisis of racism has affected those vulnerable populations. Through you, Madam President.

THE CHAIR:

Senator Somers.

SENATOR SOMERS (18TH):

Yes, thank you. Through you, Madam President, I don't see the language for vulnerable populations, it just says a diverse range of community members. Maybe I'm missing it.

So it's not an overlay of both Black, Indigenous Latino, Asian, and then on top of that sexual orientation, it's all of those inclusively. Is that correct? Through you, Madam President.

THE CHAIR:

Senator Abrams.

SENATOR ABRAMS (13TH):

Through you, Madam President, and I was looking at the Section of the Bill that's line-- at line 113-- 112-116, maybe I'm looking at the wrong Section. Through you, Madam President.

THE CHAIR:

Senator Somers.

SENATOR SOMERS (18TH):

Thank you, Madam President. I was looking at a different Section where it does not reference that, so that might be some of the confusion.

So, one of my questions that I had in this other Section I'm looking at, which is under-- let's see, it's under J of that Section. Let's see here, I'll pull it out, exactly what Section it is. Excuse me for one minute.

It must be Section 2J. We talk about, or the language talks about measuring those who have had disproportionate and negative impacts, you know, and health inequities. I'd like to ask the good Senator, what about those who do not fall into these categories that this Commission is looking at, but that have also experienced inequity in health outcomes and disparities, even though they don't fall into these categories? How are they going to be measured? Through you, Madam President.

THE CHAIR:

Senator Abrams.

SENATOR ABRAMS (13TH):

Through you, Madam President. I don't believe that this was meant to be any kind of limiting language, just to give some idea of what might-- may be included, so if there's other areas to be looked at, that are impacted by racism, then I'm sure that this Commission would be interested in looking at that. Through you, Madam President.

THE CHAIR:

Senator Somers.

SENATOR SOMERS (18TH):

Thank you, Madam President. As I move on further along in the Bill, we talk a lot-- oops, I actually want to go back.

Another thing that I found a little bit startling and uncomfortable for me in this Bill under the Commission was, the area where this Commission which is, you know, a Legislative Commission, it is-- we have an Executive Director that we're going to hire, but we don't know what the salary ranges or the qualifications yet. But these are appointments made by the Legislators here.

This Commission is allowed to accept any gift, donation or bequest for the purpose of performing the duties described in this Section. That is pretty wide open. And if you think about it, if you are going to accept gifts, or donations to a Legislative Commission from someone who may want a certain outcome on the Commission or may not, may have some other reason why they are giving this particular donation, that doesn't sit well. To me, that sounds like that can alter the course and the outcome of what this Commission may come out with as far as their findings.

I find that really unethical on some level. I find it really against what we know here in the state of Connecticut to the Representative Republic. I think it's unethical, it's wrong, I think that should be taken out. I don't think any Commission should be taking money from an organization that may have some kind of influence or may have some kind of, you know, purposeful donation for a potential outcome. So I wanted to point that out.

I don't know of any other Commissions, per se, that are Legislative that are not quasi-public agencies that take money. I know we can write out a cheque to the state of Connecticut if we want to pay extra taxes as a donation, but this is to a specific Commission.

And if this were, let's say, a Commission on-- I don't know what it would be, some business Commission, and business owners were writing cheques or donating to that Commission, you can see how it can create a conflict of interest. And I think it's a bad look and something that should absolutely be revisited here. So I wanted to make sure that I pointed that out.

As we go further in this, in the Bill here, we talk about a strategic plan, which is the genesis or the mission of this Commission, is to come up with a strategic plan to eliminate health disparities and inequities across sectors, including, you know, air quality, social services, climate change, agricultural land, etc.

That's an awful lot of different diverse areas to look at, which I agree, they do need to be looked at. I'm just not sure that the Commission is broad enough, and who's on the Commission to be able to make those assessments and make those determinations based on all those different areas that they will have to look at.

And if you go further in the Bill, January 2022, which is really right around the corner, they're supposed to come back and address certain things in certain areas. It doesn't really give a lot of wiggle room, it says, specifically, certain areas, including education and includes health insurance rates, pregnancy, environmental exposure pollutants, you know, respiratory ailments, on and on, lead poisoning, adequate nutrition, criminal background. And this is where we come up with a 70% reduction requirement in order to end the statement that racism is a public health crisis.

Again, that's an awful lot of areas to be able to seriously infiltrate, get the data and come back to the Legislature by 2022 with all that information. Again, depending on maybe how much money certain people are putting in to make it move faster, you know, again, that's just an awful lot of information to be able to disseminate within that period of time.

When we go to Section 4, we are actually defining structural racism. Every time I read this Bill, I learned a new definition of a new term that seems to be something that many of us are just learning now or are-- you know, it's the new language.

And structural racism basically means, a support-- structure, opportunities and assigns value in a way that disproportionately or negatively impact someone. Again, it list Asian, Black, Indigenous and Latino, it does not mention the other folks that we talked about earlier.

And I was wondering if the proponent of the Bill could tell me where that definition came from? Not what it says, because I can read it, but where did that definition come from? Was that crafted from a Legislative Attorney or where did that definition of structural racism come from, please? Through you, Madam President.

THE CHAIR:

Thank you very much, Senator Somers. Senator Abrams.

SENATOR ABRAMS (13TH):

Through you, Madam President. I believe that it's an understanding of a definition, I don't know that it came from any particular source. Thank you, Madam President.

THE CHAIR:

Thank you very much, Senator Abrams. Senator Somers.

SENATOR SOMERS (18TH):

Yes. Thank you. Through you, Madam President, I don't really understand that response, it's an understanding. Typically, when we have a defined term, the definition is created by something or something, or is it just made up? Could you please respond to that? Through you, Madam President.

SENATOR ABRAMS (13TH):

Thank you very much, Senator Somers. Senator Abrams.

SENATOR ABRAMS (13TH):

Thank you. Through you, Madam President, I don't believe that this definition is made up, I believe it is a common definition for structural racism.

THE CHAIR:

Thank you very much, Senator Abrams. Senator Somers.

SENATOR SOMERS (18TH):

Yes. Through you, Madam President, if it's a common definition, then can you refer to where it is

actually in writing and defined other than this particular Bill? Through you, Madam President.

THE CHAIR:

Thank you very much, Senator Somers. Senator Abrams.

THE CHAIR:

Through you, Madam President, I don't have any specific thing to point to for that. Thank you.

THE CHAIR:

Thank you very much, Senator Abrams. Senator Somers.

SENATOR SOMERS (18TH):

Yes, thank you. So, I have to say, this Body seems really good at not defining certain words that are well defined within even the Webster's dictionary, but defining words that are, you know, a new term, but then saying that they are common in definition, which is, you know, topsy-turvy, so to speak.

So, when I get to Section 6, it talks about the Department of Energy and Environmental Protection performing an assessment on racial equity within environmental health quality programs, administered by that department.

I was wondering if we could find out from the proponent of the Bill, if this part of the Bill had a public hearing with DEEP, and currently, what are the environmental health quality programs that the DEEP has currently. Through you, Madam President.

THE CHAIR:

Thank you very much, Senator Somers. Senator Abrams.

SENATOR ABRAMS (13TH):

Through you, Madam President, I do not believe that this went through-- actually, Madam President, can you ask the good Senator to repeat the question? I'm not sure I understood it. Thank you.

THE CHAIR:

Thank you, Senator Abrams. Senator Somers.

SENATOR SOMERS (18TH):

Of course. Through you, Madam President, what I'm trying to find out is that, is if the Department of Environment and Energy had a public hearing on this portion of the Bill or did public health have a public hearing on the idea that they're going to have to do an assessment on the environmental health quality programs that they have currently? Through you, Madam President.

THE CHAIR:

Thank you very much, Senator Somers. Senator Abrams.

SENATOR ABRAMS (13TH):

Through you, Madam President, I'm not aware of them holding a public hearing for that purpose and-- but I will say that, one of the points that the good Senator made before about taking on all these different Sections, there is reference for this Commission to have Subcommittees, and that's what I imagine will happen, was that they'll form Subcommittees in each of those areas that will look at these particulars and make recommendations, which is what the intention is. Through you, Madam President.

THE CHAIR:

Thank you very much, Senator. Senator Somers.

SENATOR SOMERS (18TH):

Yes. Thank you. Through you, Madam President, I was-- if the proponent of the Bill could tell us it's referring to these environmental quality-- environmental health quality programs that were supposed we're supposed to do an assessment on, but could you identify for us what those programs are currently? Through you, Madam President.

THE CHAIR:

Thank you very much, Senator Somers. Senator Abrams.

SENATOR ABRAMS (13TH):

Through you, Madam President, if the good Senator would tell me what portion of the Bill she's looking at that might be helpful in terms of answering her question.

SENATOR SOMERS (18TH):

Absolutely. It is--

THE CHAIR:

Thank you very much, Senator Abrams. Senator Somers.

SENATOR SOMERS (18TH):

Yes, of course. Madam President, I believe it is Section 2-- I'm sorry, Section 6, Section 6 of the Bill.

Thank you very much, Senator Somers. Senator Abrams.

SENATOR ABRAMS (13TH):

Thank you, Madam President, and thank you to the good Senator for that, I was in a different portion. So, I do not know what health quality programs they are referring to in that line. Thank you, Madam President.

THE CHAIR:

Thank you very much, Senator Abrams. Senator Somers.

SENATOR SOMERS (18TH):

Yes. Through you, Madam President, do we know if the EP has environmental health quality programs currently? Through you, Madam President.

THE CHAIR:

Thank you very much, Senator Somers. Senator Abrams.

SENATOR ABRAMS (13TH):

Through you, Madam President, I'd like to ask my good colleague, Senator Anwar, who might have some more information about that, to answer the question. Thank you.

THE CHAIR:

Thank you very much, Senator Abrams. Are you yielding to Senator Anwar?

SENATOR ABRAMS (13TH):

Yes. Thank you, Madam President, I would like to yield to Senator Anwar.

THE CHAIR:

Thank you. Senator Anwar do you accept the yield?

SENATOR ANWAR (3RD):

Yes, Madam President.

THE CHAIR:

Please proceed, sir.

SENATOR ANWAR (3RD):

Thank you, Madam President. To the specific question on Section 6, actually the DEEP is required by the federal law to have some specific environmental and air quality measures. And we are just making sure that those air quality measures are being followed in different parts of the state. Through you, Madam President.

THE CHAIR:

Thank you very much, Senator Anwar. Senator Somers, does that answer your question, ma'am?

SENATOR SOMERS (18TH):

If I can ask a further question. So, through you, Madam President, so we are talking specifically about air quality programs? Through you, Madam President.

THE CHAIR:

Thank you very much, Senator Somers. Senator Anwar.

SENATOR ANWAR (3RD):

Madam President, through you, that's one of the examples, there are multiple other examples.

THE CHAIR:

Thank you, Senator Anwar. Senator Somers.

SENATOR SOMERS (18TH):

Yes. Through you, Madam President, could you tell me what those other areas are? I think it's important that we identify what those areas are, because we are asking for an assessment as far as racial equity within those areas. I'm not even sure we're doing an

assessment on those areas currently, you know, on top of asking now for a racial equity.

So, if the good Senator could share with us what those other areas are, that would be very helpful. Through you, Madam President.

THE CHAIR:

Thank you, Senator Somers. Senator Anwar.

SENATOR ANWAR (3RD):

Thank you, Madam President. Madam President, can I ask a clarifying question? Through you.

THE CHAIR:

Senator Anwar, do you need the term clarified? I would ask Senator Somers to clarify her question, but really not have a question back to Senator Somers. Do you want that, sir?

SENATOR ANWAR (3RD):

Maybe if she can repeat the question.

THE CHAIR:

Thank you very much, Senator Anwar. Senator Somers.

SENATOR SOMERS (18TH):

Yes. Through you, Madam President. What I'm asking for is, in the Bill it speaks of the environmental health quality programs that the DEEP provides. And we are asking in this Bill for them to do an assessment on the racial equity as far as those programs are concerned. So I'm asking what those programs are.

You were kind enough to give me that air quality is something that's included in there, And I'm asking--

you mentioned that there was other areas, and I'm asking what those other areas are. Through you, Madam President.

THE CHAIR:

Thank you, Senator Somers. Senator Anwar.

SENATOR ANWAR (3RD):

Thank you, Madam President. I understand that better now. Madam President, clearly, there are federal requirements around a number of environmental guidelines that are in existence. So, we also know that the environmental challenges are different in different parts of our state, whether it is related to air quality, whether it's related to disposal of dust or recycling programs.

And then also, Madam President, I may add, one of the other aspects that hopefully this Commission would look at is that, if there are enough, and should there be more, so that actually leaves some of that open ended as well, as I interpret this, Madam President, Through you.

THE CHAIR:

Thank you very much, Senator Anwar. Senator Somers.

SENATOR SOMERS (18TH):

Yes, thank you. Through you, Madam President, so what I'm hearing you say is that, the DEEP has environmental health quality programs that they currently run that are required by the federal government. Do we know if they are doing an assessment of those programs currently? Through you, Madam President.

THE CHAIR:

Thank you very much, Senator Somers. Senator Anwar.

SENATOR ANWAR (3RD):

Thank you, Madam President. I think that is what the Commission is supposed to do and that's exactly why we need the Commission. Through you, Madam President.

THE CHAIR:

Thank you very much, Senator Anwar. Senator Somers.

SENATOR SOMERS (18TH):

Yes, through you, Madam President. That is not what I asked, I asked if they were doing it currently. This Commission is not just doing an assessment on the environmental health quality programs, it's doing a racial-- an assessment of the racial equity within the environmental health quality programs.

So I'm asking if they have a baseline, if they have done an assessment on the environmental health quality programs they have to date. Through you, Madam President.

THE CHAIR:

Thank you very much, Senator Somers. Senator Anwar.

SENATOR ANWAR (3RD):

Thank you, Madam President. I think that's for the Commission to ask and get that information. Madam President, through you.

THE CHAIR:

Thank you very much, Senator Anwar. Senator Somers.

SENATOR SOMERS (18TH):

Okay, thank you, Madam President. I will take that as an answer that we do not know.

So, I'd like to move on to Section 7 with the proponent of the Bill.

SENATOR ANWAR (3RD):

Thank you.

THE CHAIR:

Thank you very much, Senator Somers. Senator Anwar, you can stand by. Senator Abrams, please prepare yourself.

SENATOR SOMERS (18TH):

So in Section 7, again, there's a term that is something new for many of us, it's called, "Cultural humility," which has been-- I believe the definition has been read earlier today.

And I would like to ask the proponent of the Bill again, where did this terminology come from? Where is this defined or who created the definition of this term? Through you, Madam President.

THE CHAIR:

Thank you very much, Senator Somers. Senator Abrams.

SENATOR ABRAMS (13TH):

Thank you. Through you, Madam President, and I think both terms were written by LCO, and I'm sure that they use some sort from Academia to come up with these definitions. Through you, Madam President.

THE CHAIR:

Thank you very much, Senator Abrams. Senator Somers.

SENATOR SOMERS (18TH):

Yes. Through you, Madam President, so, Academia has come up with a term now of cultural humility that we as a Legislative Body don't necessarily get to discuss before it is input into this Bill and now it is going to be something that is measured, it appears, in the next session.

I can tell you, George Orwell couldn't have come up with a better-- with that cultural humility, as far as I'm concerned. And the idea that we have academia creating new language, for then we are supposed to believe that this is true when this Body cannot come up with a definition of deception, in previous Bills, when it's actually right in Webster's dictionary. This is great, just great. So we have Academia coming up with new terms here.

So we go down to the next Section of Section 72B-- 7B, we're talking about Higher Education, the Board of Trustees. University of Connecticut is going to evaluate their recruitment and retention of people of color and health care programs offered. And that can be a wide variety, obviously, of different programs that are available, UConn health care, it could be nursing, it could be becoming an MD, etcetera.

But it also goes down then to say, "And the inclusion of cultural humility education at such program." So it's doing an evaluation of this. Are we currently incorporating the definition of cultural humility in our education system right now? Is there training on it available? Through you, Madam President.

THE CHAIR:

Thank you very much, Senator Somers. Senator Abrams.

SENATOR ABRAMS (13TH):

Through you, Madam President, I do not know if there is or is not training on that. Thank you.

THE CHAIR:

Thank you, Senator. Senator Somers.

SENATOR SOMERS (18TH):

So, through you, Madam President, this is another area I do not believe how to public hearing. It is using terminology that is being created by our LCO attorneys. It is, you know, also then, but it's it specifically says that they're going to evaluate the inclusion of cultural humility education in such programs.

How do you evaluate something being in a program if you're not trained on it? And if they are going to train people on it, who does the training and who writes the training, and how is that training approved? Through you, Madam President.

THE CHAIR:

Thank you very much, Senator Somers. Senator Abrams.

SENATOR ABRAMS (13TH):

Through you, Madam President, I just want to correct something. This did have a public hearing through Appropriations Committee that I serve on as well as the good Senator. So, this did have a public hearing at that time and was voted on through that Committee, and passed almost unanimously, I believe there are only three votes against this particular piece of Legislation when we voted on it through Appropriations.

To answer the question, there is-- since the Regents of Higher Education would be the ones to do the evaluation, I think they would be the ones to be

determining those aspects. Through you, Madam President.

THE CHAIR:

Thank you very much, Senator. Senator Somers.

SENATOR SOMERS (18TH):

Yes. Through you, Madam President, while I appreciate this portion may have had an Appropriations hearing, that is strictly financial, we do not talk about the guts of the Bill as you very well know, Madam President, we are looking at it strictly from a financial standpoint, not of the detail of the Bill, per se.

So we have a new definition that LCO and Academia has created, and now academia is going to create training on how we incorporate this new definition.

Further in the Bill, it talks about, right after that Section, that they're going to look at the recruitment and retention of people in color and programs and include additional Cultural Humility Education in the programs.

So, I think that it is interesting we are creating a new term and we are requiring it to be part of a program but we have no definition on the training in this particular Bill, and no one designated to create the training. It's the hope that Academia will somehow come up with the training for Cultural Humility.

And I do say that the recruitment and retention of people of color is a great idea, and we need more People in healthcare of color, of, you know, 7all backgrounds, we need women, we need Latinos, we need everybody in healthcare that is interested in it, and I believe that this could have been part of our recruitment and retention Bill.

When we go down to Section 8 in the Bill, we're talking about, again, this Executive Director that we're not sure what the salary is or what the qualifications will be, but that they are going to be able to come back to the Legislature with the desired results listing and come back to the General Assembly having matters of cognizance to Appropriations.

So, I'm wondering if we are asking an awful lot by again, that date, January 2022. It would have been my suggestion in this Bill to push that day out, there's an awful lot to get organized and to be able to come back to the Legislature for approval on whatever the information is that has been collected by such time.

Section 9 talks about gun violence and prevention. And I think, actually, this is a good Section. It's about time that we find out the root cause of the gun violence and, you know, the strategies and, and why people, and where people are being impacted by gun violence.

Again, this Section lists many, many folks that are appointed by the Speaker of the House, the President, Pro-Tem of the Senate, the Majority leader, the Chairpersons of Public Health, but it leaves out the Ranking Members. Once again, to be fair and balanced, typically, Ranking Members are included in these Committees.

Until this year, we have always fought to have fair and balanced Committees reviewing things, and I would hope that the Ranking Members would be included in this committee. I think it's an important one and different viewpoints are something that needs to make sure that we maintain our legitimacy here in this circle, by not having the exclusion of all viewpoints in a Committee like this. And I think that it is an important Committee.

In Section 10, we go down to the Public Health Committee's response to COVID. And we are asking public health, to evaluate its response to the pandemic and, you know, recommendations regarding provisions of the statutes, etcetera. How to Improve the, I guess, the delivery of this mass vaccination, reporting and PPE supply, etcetera.

But the issue that I have here is, in the original Bill, we had OPM looking at it and there was a significant fiscal note attached to that. In my experience and working in a different side of healthcare, you never evaluate your own work, you always have someone from the outside, an independent review of what has happened, look at the work that you've done, so you get an unbiased opinion as to what you did well, and what you perhaps could use for improvement.

So I really think that this particular Section needs to be revised and have an outside agency or an outside source look and evaluate DPH's response to the COVID pandemic. Self-policing in agencies doesn't work, unless you are trained to do that. And I think that's really important for us to get a true picture of what went right, what maybe didn't go right, and how we can improve for, God forbid, the next time that we have an experience like we have just-- are almost on the edge of here.

So, that is something that I find really discouraging, it's like us policing ourselves. You really have to have a different set of eyes to get a true evaluation. So we can talk to that a little later on.

When we get to Section 11, I know that you heard from my good fellow Senator Hwang about the segregation-- DE aggregation of data, and I thank the Chairwoman for putting in some of the caveats that were missing that have now been corrected, and that there is a way to choose multiple categories or other, etcetera. That's all very helpful.

One thing that I would have liked to see here is, instead of being able to opt out, it would have been much better and easier to opt in. I don't think that people are recognizing that all this data is collected on them and many people do not want that data collected on them, so asking them to opt in is very different than requiring them to remember to opt out. So I would have liked to see it the other way, but I thank the Chairlady for trying to make as much accommodations as she could, because there are certain populations that are very, very, very opposed to this.

And as we move forward through the Bill, we talk about the Maternal Mortality Review Committee. This is a Committee that has been meeting for quite some time. It's very, very important work, I applaud the work that they're doing, and I think this is a really great Section of the Bill. It's very important.

And hopefully, the information that we collect here can really change the life expectancy for many, many women in our state. When we get down to Section-- I guess it's the same Section here, it's B, it has to do with hospital staff and implicit bias training as far as the hospital's regularly approved training for staff members.

This is something that I've talked to many clinicians about, and one of the things that I wanted to share in the circle, you know, we've heard a lot about racism and healthcare, and every single clinician of every specialty that I had spoken to, and I spoke to a lot, every one of them said, "I don't see color, I see a patient. I don't see background or socio economic background, I see the patient. I'm there to care for them, regardless of who they are, where they came from, what their religious beliefs is, what the color of their skin is, I'm a doctor, and I care for everyone."

And they are happy to take this training, because they don't want anyone thinking that there is a bias, because-- of the ones that I spoke to, they are committed to the patient.

And some of the folks that I've talked to have difficult patients, you know, they don't comply, they're not on their regimen, and they don't give up on them. And they see them as their patient, and they want to help them, that's why they went into being a doctor or a clinician.

So, although at first I was a little hesitant, because of the way it reads, it almost implies that there is this bias going on, and maybe that is true in some cases, but after talking to them, they're happy to take this. And I would just like to know who's going to develop the training on this imbias, implicit bias training, and how is that going to be developed? Is that going to be developed by the Department of Public Health? Through you, Madam President.

THE CHAIR:

Senator Abrams.

SENATOR ABRAMS (13TH):

Through you, Madam President, it was my understanding that the hospitals are willing to do this training themselves. I do not think that the Department of Public Health would be involved, although there are a lot of resources out there that are doing this kind of training.

I need to go back too, to the Cultural Humility, you know, medical schools are already looking at that aspect. It might be a new term to us who don't do this line of work, but they do this line of work, and they are looking at both of these pieces when they're doing training and when they're doing education.

So, I think there are resources out there to support them, but it's my understanding that they're willing to take it on. Through you, Madam President.

THE CHAIR:

Senator Somers.

SENATOR SOMERS (18TH):

Yes, thank you. Through you, Madam President, so is it your understanding, the proponent of the Bill, that the Hospital Association will come up with a standardize implicit bias training so that all hospitals are trained on-- with the same training, and that we don't have different hospitals with different training, I guess, backgrounds, different training methods, etcetera? Through you, Madam President.

THE CHAIR:

Senator Abrams.

SENATOR ABRAMS (13TH):

Through you, Madam President, this reads that each hospital will do it, so I don't know that there'll be a collective, although I think that's a great idea. Through you, Madam President.

THE CHAIR:

Senator Somers.

SENATOR SOMERS (18TH):

Yes, thank you, Madam President. So, I think it would be important that if implicit bias training is required that we standardize it so that, you know, everybody's getting the same training and there's the same understanding.

As far as the Cultural Humility in med school, is that where the definition came from? I heard that it came from the LCO attorney. And of the clinicians, again, many of them that I had shared this Bill with and some of this information, none of them had heard that term. Granted, some of them are just new doctors, but they haven't been that far out of med school.

When I come to Section 15 on the doula training, I think that doulas are very important. You know, years ago. It used to be for pretty wealthy women that could afford to hire a doula for after they, you know, had a child that would be support and they've really morphed into something so much more. And to something that's very, very important, especially in our areas where maybe there isn't that support that is really needed during the birth of a child and after. And I fully support having a standardized definition of a doula.

But when we go to the next Section, B, under that area, we're requiring, if I'm reading this correctly, the Commissioner of Public Health to conduct a scope of practice for the doula and then report back by February 2022.

And I take exception to that, because there are people that have been waiting to get a scope of practice for years, and they're on a list, and every year DPH picks what they can manage. Last year, during COVID, they decided they couldn't manage doing any expansion to the scope of practice.

And this would require, and we've never done this before, saying, "DPH, you have to do this particular group and do a scope of practice on them." And that is really skirting everyone else that is waiting in line.

So through you, Madam President, is that the intent of this Section?

THE CHAIR:

Senator Abrams.

SENATOR ABRAMS (13TH):

Through you, Madam President, certainly not the intent to leave anyone else out, but it was an agreement with the Commissioner of Public Health that they would do a scope of practice for the doulas. Through you.

THE CHAIR:

Senator Somers.

SENATOR SOMERS (18TH):

Thank you. Through you, Madam President, that would be different than we have ever seen before in DPH. Typically, they have a list of people, some people have been waiting years for the scope of practice. So, it is something that I don't agree with, I think they should-- I'm not saying that maybe DPH couldn't have picked them this year, but typically, everyone who's waiting for a scope is on this big long list and they decide to take up who they take up, for example, art therapists, dental hygienists, all these people had to wait years and years.

So, I've never seen in a Bill where we are just putting one group ahead of, I'll say, the list of others that have been waiting for a very long time. So, that's not something we have an Acting Commissioner, so maybe that's something that she's not aware of or that's a new policy out of DPH, which would be a little troubling, because anybody can just then get a Bill passed to force them to do a scope of practice for that particular area, regardless of what it is.

So, as we move on through the Bill, we talked about school-based health centers, something that I have been a champion of. I think this is a great, great idea to evaluate them.

You know, you can see many of the schools that have school-based health clinics have much better outcomes for their students, and accessibility, which seems to be the key.

We go talk about peer-to-peer support services. I'm wondering if the proponent of the Bill could speak a little bit more on this area, as far as-- you know, I've heard some different things from folks around the circle today that, this is really just for substance abuse services, these people could have mental health disorders themselves and then be helping others with mental health.

I think it's important, perhaps, if you could speak a little bit more to this, because I do think this is an important service that we need to look at and I think we could clarify some of the misconceptions, perhaps, of the peer-to-peer support group. Thank you. Through you, Madam President.

THE CHAIR:

Senator Abrams.

SENATOR ABRAMS (13TH):

Through you, Madam President, as defined in this Bill, the peer support services means all non-medical mental healthcare services and substance use services provided by a peer support specialist. And the peer support specialist is defined as an individual providing peer support services to another individual in the state.

And I think part of this Bill also includes a task force that would look more specifically at those

roles and how they're used in our state. Through you, Madam President.

THE CHAIR:

Senator Somers.

SENATOR SOMERS (18TH):

Yes, thank you, Madam President. I was wondering if that peer-to-peer support, during the task force, could be looked at also, for some of our elderly patients that are in our long-term care facilities that could have sort of that peer-to-peer support.

Maybe if they're not suffering from necessarily a substance abuse, but maybe, you know, melancholy or a mental health disorder, where they could have that same kind of peer-to-peer support that we might be offering to others. I think that might be something that would be helpful and could look at and that's why I'm supportive of that task force looking at other areas.

And then when we get to the Section that we talk about Director of Health, and the fact that every town and city will really need to have somebody as their health director over-- especially over certain size, you know, it gives an ability of smaller towns to have their sanitarium be able to work with an appointed Health Director.

I just had a couple questions about the Commissioner that can act or may appoint an acting Health Director. Through you, Madam President, does the proponent of the Bill know, would that person have to have the same qualifications as the Health Director that you would ultimately be looking to hire or would that be somebody of less qualifications? I wasn't clear on that. Through you, Madam President.

THE CHAIR:

Senator Abrams.

SENATOR ABRAMS (13TH):

Through you, Madam President, I believe that the person would need to have those qualifications, and any delineation from that would be at the Commissioner's approval. Through you, Madam President.

THE CHAIR:

Senator Somers.

SENATOR SOMERS (18TH):

Yes, thank you, Madam President. So is either the same qualifications or have to get approval from the Commissioner to be the acting Health Director.

The Bill also speaks to that if a town or city could not find a Health Director within 60 days that the state could go ahead and appoint somebody and put somebody in that position. I was wondering if the proponent of the Bill could speak, specifically, to the salary of that person, which would then be borne by the municipality and how long the term of that appointment would be? Is there a contract for a certain amount of months, years, etcetera?

I've heard from municipalities that have said to me that, it is not easy to get people to want to come to Connecticut to work, and 60 days may not be a long enough time to find somebody who has the correct qualifications.

So if the state puts somebody in, but it's double the salary that they normally could afford, how does that work? And how long is that person in that position until the town finds a new person that they find qualified? So if you could clarify that that

would be very helpful for the municipalities that may be listening. Through you, Madam President.

THE CHAIR:

Senator Abrams.

SENATOR ABRAMS (13TH):

Through you, Madam President, they would be an employee of the town or city that was hiring them, or in this case, that the Commissioner put in, so they'd be under the salary restrictions of what the salary protocol of that particular municipality.

Really, the only thing that's changed in this particular piece is that, it asks that the Commissioner of Public Health, should there be a public health emergency declared, and if there is a vacancy, then at that point they have-- they must put someone in if that position hasn't been filled within 30 days.

The other parts of this, to my knowledge, have already been in place, and are more permissive in nature. Thank you, Madam President.

THE CHAIR:

Senator Somers, I do apologize.

SENATOR SOMERS (18TH):

No worries. Thank you. Through you, Madam President, I'm not sure I heard the answer and maybe we don't have one. If the state puts in someone in the place in the municipality, it would fall under that salary requirement, the townhouse. But how long is that person in? What happens if the town then finds a perfect candidate six months later? Is this person, if they're now an employee of the town, do they also reap all the benefits of being a town employee, where perhaps you can't be fired unless there's

cause, etcetera? How does that work? Through you, Madam President.

THE CHAIR:

Senator Abrams.

SENATOR ABRAMS (13TH):

Through you, Madam President, this would be an Acting position, but it does say that the person so designated when sworn shall be considered an employee of the city, town or Bureau, and have all the powers and subject to all the duties of such director. Through you, Madam President.

THE CHAIR:

Thank you, Senator. Senator Somers.

SENATOR SOMERS (18TH):

Thank you. Through you, Madam President, so if we had a town or a city that did not have a Health Director that put out a search and can't find the appropriate person to come to the state of Connecticut with the right qualifications within 60 days, the state of Connecticut is going to give you somebody, and you are-- in all essence that person now has all the powers and benefits that you have as a town employee, without really the town having a say.

Is there an option for the town to petition to the Department of Public Health and say, "We are in the middle of an interview process and we need X amount more time before a decision is made," before the state would come in and just pick who they want for the town to then literally have a new employee that we all know how difficult it is-- you can't just terminate an employee if they're doing their job, but the town may want a different decision? Is there some kind of appeal process for towns or cities to

go through in that case? Through you, Madam President.

THE CHAIR:

Senator Abrams.

SENATOR ABRAMS (13TH):

Through you, Madam President, again, this is already standing practice, and if you look at line 721, Section F, it talks about the process that you go through to have an acting Director of Public Health. So, all of this has already been in place, and it's merely permissive at that point, on the point-- It's permissive for the Commissioner of Public Health to get involved.

I think that they work with towns on this and this is always been the way it is. The change in this piece, again, is just if there is a public health emergency, that then it's no longer permissive, but that the Commissioner of Public Health must step in and have an Acting person put into that position. Thank you, Madam President.

THE CHAIR:

Senator Somers.

SENATOR SOMERS (18TH):

Yes, thank you, Madam President. I think that somewhat answers my question that, unless it's a pandemic, the Department of Public Health tries to work with the towns to find an appropriate position or person for the position, rather than just telling the town who they have to hire and then locking the town into that person going forward, unless, of course, it's a pandemic.

So, those are my comments on this part of the Amendment. Again, I will say, I-- the Bill has many

positive aspects; however, it troubles me that partial-most, a lot of this Bill did not have a public hearing. And I think it's important, you know, that we recognize that we have a system here in the state of Connecticut where all public policy should be heard by its citizens.

And I believe that, especially in public health, we should be looking at things that have to do with public health. I think it's a stretch for us to be making requirements of other areas, whether it's the Department of Higher Education, whether it's DEEP, without having a full public hearing on those public health policies that we're putting on to them.

I think that's an overstretch of our purview, even though they may, you know, come back to Public Health. Those departments should at least have the ability to have a public hearing and weigh in here.

You know, the Gun Task Force, I think that's a good one that did not have a public health hearing, it had an informational hearing, which is very different than a public hearing, completely two different things.

So, I think that, you know, although well intended, some of the language I find, not only new but inflammatory on some level, it-- we are putting in definitions that are coming from Academia or LCO, but yet on other Bills, when we have clearly defined words, we're not defining them. I consider that sort of cherry picking, depending on what our agenda is.

And I and I do think that we have to be careful to not create these new Commissions that create additional bureaucracy that can have unintended consequences without a balanced membership. So I think it's important to make sure that that membership of these Commissions is balanced with all different viewpoints at the table, because I think that's the only way that we can come out with a

workable and the best solution, is to be able to accommodate opinions that differ from our own.

And I do think that it's important to take a critical look at many of the things that are listed in this Bill, but I do also think that Public Health-- this coming out of a Public Health Committee, it's been tough for me. Because the Ranking Members were not included in this language, many of it did not have a public hearing. And, you know, really what we have is the majority dictating what's going to come out of Public Health, what language we're going to use, definitions of new words. And that's not really how this Body was intended to move forward and how policy was intended to be created.

And we will have more moving on, but I just wanted to share those thoughts with you now, and we will continue on with this discussion. Thank you, Madam President.

THE CHAIR:

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

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. Good afternoon. I have -- I'm going to be quick today, I only have one Section I'm really interested in, and that is Section 10, line 350, where the Department of Public Health shall conduct a study of the state's COVID-19 response.

I have an issue with that, because I think they were a part of some shortfalls in this response. So I guess I'm going to start with a question for the proponent of the Bill. Through you, Madam President,

THE CHAIR:

Please proceed, sir.

SENATOR CHAMPAGNE (35TH):

Thank you. Prior to COVID-19, did this state have a plan to address any type of emergencies that would arise such as COVID-19 pandemic?

THE CHAIR:

Senator Abrams.

SENATOR ABRAMS (13TH):

Through you, Madam President, as the good Senator knows, we have a Department of Emergency Services and Preparedness and so I think that we do as a state have a capacity to prepare for these things.

There have also been other health incidents, we had one with Ebola I believe, several years ago, although it didn't rise to the level of what we've just been through with a pandemic. But I think there are those kind of mechanisms in place. Through you, Madam President.

THE CHAIR:

Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. And I'm going to take that as a, yes, we do.

So, do we-- if we had this pandemic plan, did we follow the plan? Through you, Madam President.

THE CHAIR:

Senator Abrams.

SENATOR ABRAMS (13TH):

Through you, Madam President, I'm not aware that we had a pandemic plan, so to speak, so I wouldn't know whether or not we followed such plan.

THE CHAIR:

Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. And we did. The state of Connecticut had some PPE stored. As the Chairperson on the Committee on Public Health, can you can you just describe what PPE the state had on hand at the time of this pandemic? Through you, Madam President.

THE CHAIR:

Senator Abrams.

SENATOR ABRAMS (13TH):

Through you, Madam President, I do not know and I do not have that information readily available. Through you.

THE CHAIR:

Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. Well, the Department of Public Health had well over-- I believe it's over 150,000, and I'll just take mask, for example. And those masks were on a shelf, and they were sitting and rotting.

This pandemic happened, nobody had rotated these masks out, there was-- and when this happened, and obviously the PPE, there was a shortage on PPE.

A problem, this problem was seen by many, including myself and we tried to order materials and it wasn't coming. And a lot of towns and cities across our great-- and states across our country saw this coming and started ordering, and it created quite a problem.

And when the pandemic hit, we tried to give these masks out. And the elastics were broken, they were well over their expiration date. And DPH was in charge those masks. It was also equipment that was not tended to, which created quite a problem for this.

And I believe those two are very important factors when it comes to line 350, where the Department of Public Health shall conduct a study of the state's COVID-19 response.

If we-- if somebody who had had failed in one section of this pandemic is actually doing the studying of it, I don't think we're going to get a true feel for what actually happened when it came to just the PPE section of this.

Now, we have a lot of great people that work for DPH, but during the pandemic, I believe we lost two of the people in charge, due to whatever happened, I'm not going to get into exactly what happened, but two of the people in charge, no longer work there, so obviously something was going on in there.

And the nursing homes, who the DPH was involved in investigating, had some major issues. And there's at least one report that I know of that's out right now that talks about it. And, you know, half the deaths in Connecticut happened in our nursing homes.

I believe that the Department of Public Health should not be the one doing the study on this. I believe it has to be somebody who's not involved,

who's independent, who's nonpolitical, should be in charge of this investigation.

Nobody that had a part in getting us through this pandemic should be involved in the investigation, it should be an-- like I said, somebody outside of it, so that we can get a true picture of what happened, so we get a true picture so that we can fix whatever happened and go through and take care of this issue.

Because I personally would like to know how we can let PPE rot on a shelf. Because there was somebody that was taking care of it, they had somebody, they must have reassigned the duties or weren't watching what was going on. We had a field hospital, who knows where the field hospital went. Couldn't find somebody that knew where that ended up, and that was brand new.

You know, it also talked about DPH having somebody who oversaw that. We saw what happened when we had them doing that before. So my main concern-- one of my concerns, there's many of them, I mean, they took another Bill and they put it together, and good and bad. And so, you have to vote on the entire Bill, if there's bad sections, and I believe this is a bad Section.

I want to thank Senator Hwang and Senator Somers, they basically came out and talked about the rest of the Bill, and they're very-- much more knowledgeable about the rest of the Bill than I am. And I do want to thank them for pointing out those.

But as long as this part of this Bill exists, I know just there's other parts too, but this part is a major concern of mine. And I think we as a Body should take a look at that and have an independent group look at what happened. Not somebody so involved and not somebody that there was some chaos during the pandemic at the time with those in charge being let go.

That's all I have to say. Thank you, Madam President.

THE CHAIR:

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

SENATOR FORMICA (20TH):

Thank you, Madam President. I rise for just a few comments and perhaps a question or two for the proponent of the Amendment.

THE CHAIR:

Please proceed, sir.

SENATOR FORMICA (20TH):

Thank you, Madam President. Good afternoon, Senator Abrams.

SENATOR ABRAMS (13TH):

Good afternoon.

SENATOR FORMICA (20TH):

This, you know, is a very interesting Bill. It's a wide ranging topics of Bills in here. And, you know, first, let me say if there are disparities in our country, this is, I believe, the greatest country that we have in the world, and if not everyone has the ability or opportunity to enjoy the fruits of that, then certainly studies are definitely in order to try to figure out what we can do to try to move our country and all of its people forward.

With regard to the mechanism on how that is done, I think that's a lot of the part and parcel of what we see in front of us today, Madam President. So, a question for the proponent, specifically on Section

6, which ask DEEP Commissioner to perform an assessment on racial equity within environmental health quality programs.

I wonder if I could ask the good proponent to elaborate on what that actually means. Through you, Madam President.

THE CHAIR:

Senator Abrams.

SENATOR ABRAMS (13TH):

Through you, Madam President, that, I believe was discussed previously, by one of my colleagues and I will just say that the environmental health quality programs exist in a lot of areas, and it's-- this particular part is just asking them to look for racial equity within those programs. Through you, Madam President.

THE CHAIR:

Senator Formica.

SENATOR FORMICA (20TH):

Thank you, Madam President. And please, my apologies to the good Chair of Public Health for missing the previous conversation about what the environmental health quality programs were, but I was curious, again, what they are, I mean, a few examples of an environmental health quality program. Through you, Madam President.

THE CHAIR:

Senator Abrams.

SENATOR ABRAMS (13TH):

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Through you madam president, I don't have any specifics on what those programs are. Through you, Madam President.

THE CHAIR:

Senator Formica.

SENATOR FORMICA (20TH):

Thank you very much. Madam President. Thank you, Senator. Well, Madam President, I guess this Bill has been discussed quite significantly from Members around the circle today, and I think I will hold my conversations if we're going to talk further about the Bill. As I recall, we're on the Amendment, so, right through you. Thank you very much for your time, Madam President.

THE CHAIR:

Thank you. Senator Abrams.

SENATOR ABRAMS (13TH):

Thank you, Madam President. I just wanted to make sure that I requested a roll call vote for this Amendment. Thank you.

THE CHAIR:

For the Amendment.

SENATOR ABRAMS (13TH):

Yes. Thank you, Madam President.

THE CHAIR:

And when the Amendment is voted on, we will do a roll call vote. Will you remark further on the Amendment? Will you remark further on the Amendment?

If not, a roll call vote has been requested. I will open the vote, and Mr. Clerk, would you please announce the roll call.

CLERK:

Immediate roll call vote has been ordered in the Senate.

Immediate roll call vote has been ordered in the Senate. Senate Bill No. 1, LCO No. 8687.

Immediate roll call vote has been ordered in the Senate on Senate Amendment "A", LCO No. 8687 on Senate Bill No. 1.

Immediate roll call vote in the Senate.

Immediate roll call vote in the Senate, LCO No.8687.

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 vote on the Amendment.

CLERK:

Senate
Amendment "A"

Senate Bill 1, LCO No. 8687

Total No. voting	35
Total No. voting Yea	30
Total voting Nay	5
Absent and not voting	1

THE CHAIR:

(Gavel). The Amendment is adopted.

Will you remark further on the Bill as amended?
Senator Somers.

SENATOR SOMERS (18TH):

Yes, thank you, Madam President. The Clerk is in possession of LCO 8695.

THE CHAIR:

Mr. Clerk.

CLERK:

LCL No. 8695, Senate Schedule "B."

SENATOR SOMERS (18TH):

Yes. With your permission, I seek leave to summarize.

THE CHAIR:

Please proceed.

SENATOR SOMERS (18TH):

And move the Amendment. This Amendment would simply require that an independent third party conduct the study on the state's DPH response to the COVID pandemic. This would lend great credibility to the study.

Again, investigating yourself, policing yourself, auditing yourself, is troubling, just in the natural nature of things. And in healthcare, we were always evaluated by a third party, by an independent party, not evaluating your own department.

So I think that would add great credibility. And it would provide free and thorough ability for DPH staff to be freely able to describe their experience, the pros, the cons that they saw.

And I can give you an example of one of the things that I saw during the pandemic that would be something that I think is important, which would be the way that our local healthcare districts were included in DPH.

There was a very long period of time where they were not at the table, DPH was providing guidance of which they had no input and they were required to do certain things.

Our Local Health District directors are trained in pandemics. That would be an example of how an improvement could be brought to the way DPH responds to pandemics, including the health districts from the get go, having them have a seat at the table, etcetera.

So I think it's really important if we do the process of evaluating how we performed or how DPH performed during a pandemic, it has to be done by an outside, unbiased entity, to give us a true evaluation of how we can improve it.

And I know there's probably dollars associated with it, which is maybe why the original one with OPM was taken out, but if we're not going to have outside eyes look at our performance, then it's questionable whether we should do it at all.

So, that is the Amendment and I urge those in the circle to support this simple, I hope friendly, Amendment. Thank you, Madam President.

THE CHAIR:

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

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. And I just stood a couple minutes ago about the same subject.

And, you know, DPH did a lot of good things during this pandemic, but again, we had some people at the top, who no longer work there, who were let go during the pandemic, we have a lot of things that are in question that did happen. And I think an independent review is something that needs to happen.

You can do almost every single thing correctly, but if you're judging yourself and you're doing a report about yourself, you're always going to look good in the end. And what we need is, we need solid facts, we need what really happened, what did we do wrong. So that we can change what happened, and we can get things done a lot faster and a lot simpler.

I mean, we go back to the PPE and the fact that we couldn't get it right away in the beginning, and there was a huge lag time of trying to get it. We had people in nursing homes who were wearing garbage bags in my town because they couldn't get ahold of PPE, they were washing it. And then those masks that had been rotting on a shelf, were still handed out and there were people stapling new elastics on to these things.

Just these couple things need to be looked at, but they need to be looked at through an independent person, not somebody who is so involved. You know, when I think about this, and, you know, I said this the last-- when I stood up a minute ago, you know, I know, this probably has no traction, that we're going to look at this and say, "Nah, it doesn't matter." But I think it does matter.

I think it matters because if anything like this ever happens again, we should be truly prepared. And we should know everything that went wrong and we should be able to fix it and never allow it to happen again. So that we can get that PPE handed out, handing into the nursing homes handed to wherever else it's needed.

And if we handled the nursing homes wrong, we needed to make sure we did that correctly, because putting sick people in those nursing homes, when this came out, really truly needs to be investigated and how we did it wrong.

And we had nursing homes that were fully equipped that are out of business that we could have moved some sick people into and taken care of that right away. And whoever gave that word out, to put sick people into our nursing homes, we need to evaluate that so it never happens again. And the only way to do that is with an independent investigation.

And the only reason I can think that somebody wouldn't want that is because they want a certain outcome. So, I'm asking people to support this so we get a clear vision of what happened. Thank you.

THE CHAIR:

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

SENATOR HWANG (28TH):

Thank you, Madam President. I rise in support of this Amendment. As the good colleague, Senator Champagne cited, we did have an incident during the COVID pandemic where there were remarkable challenges in our nursing facilities.

And, indeed, I do recollect that the Governor did utilize an independent outside agency to evaluate and offer an objective analysis on how we can do better, and ultimately craft better policy that would prevent any such potential loss of life during crisis and emergencies. This is a continuation of that same theory.

The idea that we are increasing a workload and have already overburdened Department of Public Health,

which in some cases is demonstrated to do some tremendous work, but at the same time has obviously reached capacity levels as result of some of the potential Committee meetings in which the Commissioner was unable to attend or offer their expertise in some of the public health Committees that we went through. It shows a capacity limit.

So, again, reinforcing the fact that objective, critical, analytical as well as a productive analysis by an outside third party is positive to a proactive examination. It really is, ultimately, the theme of this entire Senate Bill No. 1, which incorporates a reassessment and objective reevaluation, of institutional or implicit kind of formulations.

This is, again, a reiteration that third party, an objective analysis, can offer and yield, maybe or not affirm what we've thought about, but perhaps add a compliment to that analysis. Why would we not want to do that?

This Bill is a kind of reflection of all of that input, and different perspectives, and objectivity to ensure that we create an optimal marketplace to provide healthcare in this COVID pandemic. Why are we opposed to possibly including a third party to provide that kind of formulation analysis?

So I urge support of this. And again, I think the second component is, truly, we may be taxing in an already overburdened Department of Public Health in such critical needs. And believe me, every life is precious during these critical pandemic time.

So I urge support, and I want to thank the proponents of this for raising it. Thank you, Madam President.

THE CHAIR:

Thank you. Well, you are you mark further on the Amendment that is before the Chamber? Senator Formica.

SENATOR FORMICA (20TH):

Thank you, Madam President. I rise in support of the Amendment for all of the reasons my good colleagues have spoken about, the need for an independent, third party evaluation.

But I did want to highlight one thing that I'm not sure that I heard, Madam President, in the conversation yet, and that is that, the Bill or the amended-- the Bill as amended currently allows for the Department of Public Health to conduct the study.

The Amendment asked for a third party to do that, but also in line 11 provides that the Commissioner of Public Health would be able to weigh in and participate in this study, which I think gives us the opportunity for the best of both worlds here.

And, you know, for that reason, Madam President, I believe this is a good Amendment, and I ask that my colleagues around the circle on both sides, please, to support this, because at the end of the day, the information that comes out of this study is what we're looking for. And if it's well rounded to include an independent third party, as well as the Department of Public Health, then I think we get the best of both worlds in this opportunity.

So, I thank you, Madam President, for the opportunity and I would ask that, when this is voted on, that it is voted on by roll, please.

THE CHAIR:

And we will have a roll call vote on this Amendment.

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Will you remark further on the Amendment before the Chamber? Senator Abrams.

SENATOR ABRAMS (13TH):

Thank you, Madam President. Unfortunately, I cannot support this Amendment and I will ask my colleagues to also not support it.

I think it's very well intended, however, this pandemic has played out in a very public way and I have every faith that the Department of Public Health has been, as going through it, doing some self-evaluation and is perfectly capable of doing an evaluation for us for next session as to what they've found.

The other piece is that this will come as a significant cost and we have not appropriated those monies. So therefore, I'm going to ask my colleagues not to support this Amendment. Thank you, Madam President.

THE CHAIR:

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

If not, I will open the voting machine. Mr. Clerk, please call the roll.

CLERK:

Immediate roll call vote has been ordered in the Senate.

Immediate roll call vote has been ordered in the Senate, on Senate Amendment "B", LCO 8695.

Immediate roll call vote in the Senate. This is Senate Bill 1, Senate Amendment "B", LCO 8695.

Immediate roll call vote has been ordered in the Senate on Senate Amendment "B", LCO No. 8695.

Immediate roll call vote has been ordered in the Senate.

Immediate roll call vote in the Senate, Senate Bill 1, LCO No. 8695, Senate Amendment "B"

THE CHAIR:

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

CLERK:

Senate
Amendment "B"

LCO No. 8695, that's Senate Bill 1

Total No. voting	35
Total No. voting Yea	13
Total voting Nay	22
Absent and not voting	1

THE CHAIR:

(Gavel). And the Amendment fails.

Will you remark further on the Bill before the Chamber? Senator Abrams.

SENATOR ABRAMS (13TH):

Thank you, Madam President. I just want to take this opportunity to once again say how truly humbled I am to be able to bring this Legislation forward, because it really is a collaborative effort that came out of the House Membership and Senate Membership and a lot of people who are very passionate about these issues.

So, I'd like to thank The Public Health Committee, I'd like to specifically thank Senator Anwar and Senator Moore, and Representative McGee for all of their work on this Bill. And all of my colleagues, I thank them very much for their support. I know that everyone knows what an important issue, both dealing with the pandemic and dealing with racism as a public health crisis, is to our state.

So, I thank them all for their hard work. And I appreciate it. Thank you, Madam President.

THE CHAIR:

Will you remark further on the Bill? Good afternoon, Senator Moore.

SENATOR MOORE (22ND):

Good afternoon, Madam President, good to see you today. Madam Chair, I rise in support of Senate Bill 1.

This is the type of Legislation that creates good health policy. I want to thank the Public Health Committee, all the Members, for the collective work in creating Senate Bill 1.

I purposely sat in the circle today so I could hear and dedicate my time and energy to listening to the comments on the Bill. So, I read through that this is one of the few Bills that I totally understood each section. And I've read it, both the Amendment, and the Bill, and different iterations of the Bill.

And when I hear words like, "Cultural humility, structural racism, racial equality," terms that acknowledge the biases in healthcare systems. These terms, to me, are very common. But they may not be common to other people who have not dealt in healthcare systems or not had to address any of these issues that we have within the healthcare system.

Actually, the word, "Cultural humility," goes back to 2000 by the Aspen Institute roundtable on community change. There have been many people over the years looking at cultural competency, projecting programs for 2020 and racial equity, and now I see us projecting to 2050. But I'm proud of this Legislature now, that in 2021, we are dealing with something of the past that we need to correct now.

This past year illuminated the inequities within our health systems, and I intentionally use the word illuminate, because they've always been there, but perhaps they existed because they were acceptable practices. But COVID-19 was the equalizer. And when we address these inequities, we make the systems better for all.

I'd like to say that I'm, for this moment in time, I'm so proud to be a Member of this Legislature, to see something that will really intentionally change how we look at different races. While people want to-- and I salute them, if they're able to do that, if they're able to look at people without seeing color, without seeing gender.

I don't know what they're saying, because it's not what I see. When I see a White woman, I see a White woman, I respect her for who she is and what she brings to the table. And as I said last week, I want you to see me as a Black woman, and understand my journey and what I've been through and what it's like to be a Black woman who has worked in the healthcare system without a health background for 20 years.

And that is the importance of having regular people on some of these Committees doing this work. People who do the work on the ground, people who have life experiences, not just as a person of color, but people who have struggled, people who have gone into the hospital and turned away because they didn't speak English, people who have been turned away

because they didn't know of a program that would pay for a service, people who just didn't know the system.

And sometimes people sitting on that side of the table who could have helped them, but didn't because they didn't ask the right question. And many times you don't know what the question is to ask.

There are three parts of this Bill-- three Sections that I really want to focus on. The first is Section 9, and it establishes a Gun Violence Intervention and Prevention Advisory Committee, who are charged with establishing a Commission on Gun Violence Intervention and Prevention.

It is not about gun safety; it is not about taking guns away. It is about dealing with this problem in urban centers and what is growing and growing into many cities, are the gun violence in our communities.

This weekend in Bridgeport, we had a shooting at a baseball field where small children were playing and it was a shootout. Luckily, nobody got hurt. But really, the impetus for this, for me, was to actually act on it and see it through was the three year-old, who was killed in Hartford while In a car with his mother, and then a 16 year old who was killed a short time later in a drive by.

In centers like Bridgeport, New Haven, Hartford, Waterbury, this is so common. Just this year in Bridgeport, Hartford and New Haven, there have been 56 shooting deaths among young people.

Waterbury is on the rise, they had 12. Other cities, it's been a total of 23. This is a major problem. And yes, there are a lot of good organizations doing work on the ground, but they've never been coordinated.

This idea of an Advisory Group linked to a Commission is not mine. It is created by all those community organizations throughout the state who have been doing this work right along, but never had a concentrated place where the money is going, never had a major plan on how we're going to disseminate the money, and then be able to evaluate.

We must find organizations that are doing the community-based work that are evidence-based and that we can evaluate for its effectiveness. And that's what this Advisory will do.

And I just want to speak shortly to who is on the Advisory. It is the people doing the work on the ground, and it is intentional. This is really their Bill. It's a collaborative for, maybe, 20 organizations who are working together.

We as Legislators and professionals have had an opportunity to do something and we haven't. The people on the ground who are most impacted by this violence, who are doing the work in the community are the best ones to be able to do this work.

And they will go back to the Public Health Committee, and anybody who wants to join one of the Subcommittee's will have that opportunity to be on a Subcommittee to talk about anything that they want, that they think they may be missing out of the Bill.

But for me, this is a really important Bill for the community. Connecticut Against Gun Violence has been working on this with the Governor for several years, nothing has happened, nothing has moved. But I'm hoping that today is the day that we move this, to create this Gun Violence Prevention Task Force Advisory Group.

The other is, I want to talk about the data collection. While I'm not a trained healthcare professional, I worked in public health for breast cancer for 20 years. And the reason I started doing

it is that I watched Black women and Hispanic women not the screened, because we did not have the data to show that Black women, Hispanic women need to be screened for breast cancer.

And one of the one of the areas that we lacked is data on Black. And I did a research study with the University of Arkansas Medical Research and something called the Sister Study. They had to go back and do a study that the National Institute of Health has spent million dollars-- millions of dollars on but had not included Black women.

So when the data came out, they didn't have sufficient data to be able to really look at breast cancer and women. And that's why it's important to include them in the studies, but also to include the data on them. So, I am really happy to hear that that is taking place.

The breast cancer, also looking at younger women, when I started in 1995 doing breast cancer outreach, it was women 40 and older who only could be screened to a mammogram, and then when Governor Rell was diagnosed with breast cancer, she worked on dense breast cancer--density of the breast so they could get screened.

We have to make this progress. And I have a young lady who was diagnosed at 29 years-old with bilateral-- breast cancer and had a bilateral mastectomy at 30 years old.

She had been turned away over and over again, told she couldn't get a mammogram, she couldn't get anything because young women did not have breast cancer.

I'm proud to say that that young woman is a PhD down in New Jersey, is still living with metastatic breast cancer and has moved on, but if she didn't have the education about breast cancer at a younger

age and pushing forward, she would not know about it.

And then, I just want to mention Section 16, Acting Municipal Health Directors. While some may not understand why there is a need for the DPH to step in, in Bridgeport during the pandemic, we lost two health directors, who our leadership decided to put in place someone who did not have a Masters in public health and did not-- was not a doctor.

And we suffered for that in Bridgeport, for not having the right type of leadership during a pandemic. We had a person who told me they had an MBA. Well, I don't have a healthcare background, but I know a lot more than that person does. But I'll tell you what, I can't tell you what I don't know, because I don't have a health background. I don't have a Masters in Public Health, I'm not a doctor.

And if it takes the Department of Health to step in to do that, that is the responsibility of the state of Connecticut to make sure every city is armed with what they need, especially during a pandemic. And that was the reason that we did the Health Director.

I sincerely want to thank Senator Abrams and Representative Steinberg in the complete Public Health Committee. This has been a very intense year, there are so many things that we are doing in a correct way in this Bill and undoing some of the racism. People say you can't undo racism, but you can create Legislation that takes us in the right direction.

So, Madam Chair, I want to thank you for this time, and I want to thank the Committee for the work that they've done. Thank you.

THE CHAIR:

Thank you, Senator Moore. Will you remark further on the Bill? Senator Formica.

SENATOR FORMICA (20TH):

Thank you, Madam President. Madam President, we have debated this Bill today, but also this subject, this subject that so desperately needs to be dealt with, not only here around the circle, and here in Hartford, and here in Connecticut, but throughout our nation, and throughout the world.

There are many reasons that we have in front of us that calls for Legislation like that-- like this, Madam President. Amongst them are racism, anger, addiction, mental health. We need to support the family. We need to all get around the dinner table again. We need educational support.

And Madam President, I would submit that mostly we need respect. Respect for each other. You know, there's an old saying, "You get what you give." So if you want friendship, you give friendship, if you want love, you give love, if you want respect, you give respect.

And I think that's what will help us overcome some of these problems that we've seen explode over the last year, especially centering around racism. We need to continue to promote opportunity and equality.

And if this Bill, while not perfect, if this Bill helps us move forward in the right direction, together, if this helps us unravel that onion, the layers by layers of the problem that we have so we can get to the core, so that we can eliminate racism in this country and we can provide a quality here in our state and around our nation, and Madam President, I submit this Bill as a good first step. Thank you.

THE CHAIR:

Thank you, Senator. Will you remark further? Senator Duff, good afternoon, sir.

SENATOR DUFF (25TH):

Good afternoon, Madam President. Madam President, I rise in support of Senate Bill 1 as amended, and want to take a moment, first, to thank Senator Abrams for her incredible work on this Bill, as she has done on so many other Bills as well. Senator Moore for her work, Senator Anwar, for his work as our resident physician, Representative Steinberg, Representative McGee and of course, our Senate President, Senator Looney, who has been championing and fighting these issues for such a long time and has been working to bring light of all these issues that need attention here in the state of Connecticut and, in fact, we'll bring light to these issues nationally as well.

We also-- I also just want to take a moment to thank our staff for their hard work on putting this Bill together as well, because without them in their work, we wouldn't be here today.

Madam President, I think it's always exciting for us when we have the opportunity to vote on Senate Bill 1, whatever that is in the Bill in any given year, because that means that it is of utmost importance for us here, not only in the State Senate, but I think through the entire Legislature.

We are saying that these issues that are before us today are some of the most important issues that we need to be discussing in our Legislature as a policy or policies for the state of Connecticut. And I certainly know that we need to take these issues extremely seriously.

As a matter of fact, Madam President, in our Bill, we talk about declaring racism, a public health crisis, and the National League of Cities has said

that over 90 cities have publicly declared racism a public health crisis in 2020.

I'm not aware of any state as a whole has said that as their policy, but I am very proud of the fact that Connecticut is making that-- is taking that stand today, and making that a policy for us so that we can better confront some of the issues that we have here in the state of Connecticut.

And I would say to my colleague who spoke before me that, I agree wholeheartedly, respect is a top issue that we all need to do a better job of, that giving respect, get respect, and that, that helps us to move our communities forward.

I would like to add on to that, that these-- this Bill and the policies in this Bill also, besides the-- what we can do individually towards one another to make our communities a better place, as a Legislature, what we need to do is, we need to bring attention to racism. We need to make sure that we are talking about racism in our communities and in our state. We're not hiding from that fact.

And we're also, besides on how we can individually, respect each other better and we can have conversations that are sometimes difficult, it is also important for us to make sure that we are as a Body and as an elected officials, we are undoing bad laws. Because giving respect to one another is one thing, but changing policy and undoing bad policy or bad laws or mistakes from the past is also extremely important and helps our society move forward to grow, to heal, and in order to grow in a way that we may not be able to do had we not taken these steps.

So, it's important for us individually to act and respond in certain ways, but it's more important for us as a Body and as a state to say that we've seen the effects of bad laws through zoning. We've seen the effects of bad laws and racism through housing policies, through criminal policies, through

healthcare policies, through a number of other policies that have-- whether it's wage gaps, or other types of policies that have not provided the equality or the opportunities for all of our citizens.

And that's why we are here today talking about Senate Bill 1 and why this is so important, and why this is going to be one of our most significant Bills that we pass this Legislative Session.

Think about our education system and how racism has impacted our education system, why we have to ensure that we change the education cost sharing formula years ago to talk about poverty and concentrated poverty, English language learners, and others and putting more funds into our cities where so many the resources are needed.

In fact, we had Jennifer Barahona, who's a Chief Executive Officer at Norwalk ACTS, said this Bill, "I'm writing in strong support of Senate Bill 1, and particularly Section 6 and 7 that would declare racism a public health crisis in the state and establish a Commission to study the impact of institutional racism on public health and provide proposals to address disparities.

Racism clearly meets the criteria of public health crisis in that it affects large numbers of people, threatens health over the long-term and requires adoption of larger scale solutions.

Ms. Barahona, before she became Executive Director of Norwalk ACTS worked for Newtown Alliance, and before that she was with the Family and Children's agencies. She's a licensed clinical social worker. She knows, she's seen it firsthand, she works with our children each and every day, and she understands why this is so important.

Another part I wanted to just raise was the Gun Violence Intervention and Prevention Advisory

Committee, and echo the words of Senator Moore earlier on gun violence, Connecticut has taken so many steps to address gun violence and gun crimes and yet, in some of our cities we still see the epidemic of gun violence on weekends and at night and days, and with children in the parks, and they still hear gunshots. No one should have to live like that.

And we have done a great job in our state of curbing that gun violence, but we have so much more work to do. And what we found is that, a lot of the solutions come from the bottom up, not the top down. And this Advisory Committee that I know is so important to so many people will begin that process and make sure that we have more voices at the table to dig in and get towards better solutions in our urban communities for gun violence.

I live in the city of Norwalk and it pains me to think of anybody, in any community that would be impacted by gun violence, especially our younger people. And we've seen that time and time again. As a matter of fact, over the weekend, and this will be relevant to our next Bill that we do, we had a domestic violence situation of somebody I knew who has now—who has now died by gun violence.

And we have to do a better job and continue to fight for stronger laws, better funding, and ensure that the solutions are getting to the very people we want them to get to.

So, Madam President, there are so many great Sections of this Bill, including mental health Sections, including pandemic strengthening, as far as our preparedness. And so, I am just so proud to be able to cast my vote in support for this comprehensive piece of Legislation that I know if passed and passed in the House and signed by the Governor, will positively impact so many of our residents across the state of Connecticut, not just today, not just tomorrow, but will help undo some of

the bad laws and bad policies that we had and move us more towards a more equitable and fair state and society in Connecticut. Thank you, Madam President.

THE CHAIR:

Thank you, Senator Duff. Will you remark further?
Good afternoon, Senator Kelly.

SENATOR KELLY (21ST):

Good afternoon, Madam President, and thank you. I too rise in support of Senate Bill 1. I think this is a much needed Bill, and as Tekisha Everett said at yesterday's press conference, I wish I could say it's time, but it's past time.

The Connecticut Mirror back in June of 2020 made the following observation, "Despite its liberal reputation and Democrats controlling the Legislature for the last 23 years and the Governor's mansion for nine, Connecticut is one of the most segregated places in the country."

Many times we hear about laws that are passed that are ineffective or bad, but what we have in Connecticut is an economy that is underperforming its citizens and denying everyone an opportunity to succeed.

We can talk about zoning, housing, the economy education. Why is it in cities, our educational system is failing its students? Why is housing unaffordable? That one is because our economy and the increase were dead last in personal income growth and our income growth doesn't keep up with inflation and the cost of living.

We can create all the government programs you want to create affordable housing, but if the affordable housing that's created is still too expensive, it's beyond the family's means.

It would be better to create an economy that would create more jobs, we're dead last in the nation in jobs, job growth, we still have 120,000 that we've lost due to the pandemic, we never got all the jobs back from the 2008 recession. And here you have an opportunity to look at our economy and invest in the economy to create better jobs, to give families more money, and hopefully to buy better housing. That would help.

But we've got a very poor economy, and that's a fact. Last session, 2019, and I'll back up, I learned a lot about this, and education is important to understanding knowledge is power.

When I worked on the pregnancy as a qualifying event to purchase health insurance, is where I came across the statistics and the facts that people of color have poor health outcomes when it comes to birth than Whites, even given the same socioeconomic status, the same education, the same geography, the same insurance, but different outcomes.

Which raises the question, why? Why would that happen? And why here in a state like Connecticut, where we have abundant wealth and capability, and intellect, and technology?

So I started to look and that's what caused myself to propose an equity Bill to look at this issue. And that was proposed last session for the 2020 session, I think we may have even done it in 2019. The hope was that, we would put something together so that by now we would start to have some information to start to look at this issue.

This was an issue that I talked about last July, talked about last September, when we had special sessions. Because I thought that was an issue, "This is an issue that should be looked at today," back then in July.

And maybe, just maybe, if we had started in July, when we look and living in the situation of the pandemic, we know that there's certain communities, Black and Brown communities that are vaccine-hesitant.

Well, maybe if we were looking at this back in July and started the process then to get a response back by January 1st, maybe the governor would be armed with more information and we would have gotten a head start on the vaccine rollout.

And this is one of the reasons why I think the peoples' voice needs to be at the table when we're talking about Executive Orders, not just the Governor, because it'd be armed with more information, more knowledge to do the job better. But we get denied that right, we get denied that opportunity.

And so we have communities in our state that are vaccine-hesitant when maybe if we did this differently, it wouldn't have that outcome.

Once again, she wish she could say it's time, but it's past time. So, enough of the critical part. The positive takeaway here is that this is a good Bill, because what it does is it brings focus to a much needed, long overdue conversation that needs to happen, not only in this building, but across our great state.

America is a bold experiment that recognizes that every person was created equal. Our constitution, which I talked about a lot because it's a Hartford, it's a Connecticut, it's our tradition, our heritage, is a contract between the people and their government.

Where in it says that, all people, every person is guaranteed the right to life, liberty and the pursuit of happiness. For too many Americans, they do not share in that basic promise, and what was

written in our Constitution is not present in their lives.

This Bill is the start to learning why racism and disparity exists, and creates the path forward to rectify this situation to bring equality and equity to everyone. Thank you, Madam President.

THE CHAIR:

Thank you, Senator Kelly. Will you remark further on the Legislation? Good afternoon, Senator Looney.

SENATOR LOONEY (11TH):

Good afternoon, Madam President. It's my great honor and privilege to speak in support of Senate Bill No. 1 which, of course, is an exceptionally high and critical priority for our caucus, hence the designation is Senate Bill No. 1.

Its Genesis came last summer, when our caucus came together around the Juneteenth celebration to try to articulate a vision that so many of the problems here in our state are the result of either directly, or indirectly, or parenthetically of an underlying, often, unexamined racism. And that it was time for us to make a focus of the racial impact in every area of policy in the state of Connecticut.

So the creation of Senate Bill No. 1 comes out of that, Madam President, because there are so many contexts where there are problems, there are frustrations, there are areas of disconnection and dysfunction that can be traced back, one way or another, to racism, the disparities that result because of that, the economic inequities that result because of that, and in some cases, the disillusionment and lack of hope and despair that results from all of that as well.

One of the examples of that, Madam President, was in a textbook that I used a few years ago teaching a

class on state and local government. And there was a joint study done by a group of sociologists and political scientists, where they looked at two 6th grade classes in two different communities. One was a very affluent suburb; the other was a very poor school in an inner city area. Most of the children were either African American or Latino.

And the question was posed to each of the group of children about solving a community problem and how to deal with it. "If it arose, what would you do?" So they asked the question of the affluent 6th graders, and right away they came up with strategies to tackle it, they said, "Well, let's get a petition and bring it to City Hall." Another one of the kids said, "My father's a friend of the mayor, we'll go directly to the Mayor, my father will do it." Another one said, "My mother was the Campaign Manager for our State Representative, so we'll approach it that way." Another kid said, "My uncle is an alderman will, we'll go forward that way."

So they all had approaches, they all had a sense that government was accessible to them, and could be made to work for them, and would be responsive to them, even though they were 11 years old, only. But they had the sense of they were part of the process, their voices would be heard, directly or indirectly, they can make an impact.

The same question was asked to the 6th grade students in the overwhelmingly Black and Latino low-income school, and most of the kids just shrugged and said, "There's nothing we can do, nobody will listen to us."

That gap, that disparity is what we're talking about and trying to make an effort to deal with with this Bill. There is so much of a fundamental poisonous, venomous effect that racism has in so many areas of our society, that it gets down to 11 year-old children and actually younger than that. So, you already have a sense of alienation from the

government and democratic processes that we should all be able to count on to respond to our concerns.

Those 11 year-olds who are disengaged and despondent and disillusioned at that age, they're not going to register to vote when they're 18 if they feel the same way at 18 as they felt at 11. They're going to feel, "What's the point? Society doesn't care. The people who have power in society aren't people that I know, or see, or interact with, or have any connection with me, or care anything about me." So they're not going to register to vote, they're not going to do anything to empower themselves.

The other kids in the affluent committee already have a sense of being part of the process and having a role, and it's going to naturally mean that when they are 18, they'll become active voters and actively engaged in their communities as well.

So that's what this Bill is all about. It's beginning to try to keep the promise that we made last June that we were going to try to make as much as we could of the 2021 session a focus on racial and economic justice and equity.

So, Senate Bill 1 is a comprehensive statement of what we want to do in terms of the planning, the research, the data gathering, all of the things that will go into being able to make an informed response in all of those policy areas so that we will get the data that we need in so many areas to shed light on unexamined practices and assumptions that affect all of state agencies, all of state policy, and give us some guidance on the best ways to proceed, to look at things that have not been examined before, that had been done reflexively without thought and examination that we intend to change through this.

One of the most important Sections of the Bill is one that Senator Moore identified, and clearly, she has been one of the leading lights in working on this Bill. And I certainly want to thank Senator

Daugherty Abrams, who, along with this Bill and so many other important Bills that she has already brought out so far the session, she probably certainly holds the session record for the amount of time on the floor advocating and defending Bills that have come before this Chamber, and her service has been superb.

As mentioned earlier, of course, Senator Anwar in his role in this, our great majority leader, Senator Duff, who has been a champion of this Bill before it was a Bill, when it was only a concept last June, and also Representative Steinberg and McGee in the House. And I also want to thank our Deputy Chief of Staff and Policy Director, Courtney Coleman, for her role in the nuts and bolts and managing of Sections of this Bill in a way that would make it effective at every level.

But to go back to one critical Section, I represent an urban area just as Senator Moore does. Section 9, Gun Violence Intervention and Prevention Advisory Committee.

We are seeing so much gun violence in our cities, the three year-old child in Hartford who was killed recently galvanized opinion even more than it was. There was a press conference pursuant to that, that Senator Moore and Senator Winfield, Senator McCrory helped organize. And I think that sense of just the terrible shock of an innocent three year-old being killed in his mother's car.

But that is replicated over and over, there are daily shootings in Bridgeport, in New Haven, as well as Hartford. Problems in Waterbury, and Stamford, and Norwalk and, and other communities in our state, in New Britain, and in Danbury. And we see it all the time.

Despite having some of the best gun control laws in the country after the Gun Violence Prevention Act we

passed in 2013, there are still far too many guns in our streets.

But why are these guns being used in so many crimes? Why are these young people so despairing? So living without a sense of hope, so that neither their own lives, nor the lives of anyone else mean much of anything? That they are willing to shoot and kill. Where years ago there would be, at worst, maybe a fistfight over a dispute that might occur. You know, why is human life so cheap in those communities? And there's an underlying sense of despair, alienation.

So much of it has to do with the issues that we will be examining through Senate Bill 1. So, Madam President, I want to thank everyone who has worked on this, I think that Section 9, as I mentioned, the Advisory Committee that's going to be set up will be looking at so many important things. One Section of it will be, to identify effective evidence-based community violence and gun violence reduction strategies, identify strategies to align the resources of state agencies to reduce community violence and gun violence.

This is critically important. We have seen some success with programs like Project Longevity in New Haven. And it involves a total investment of the community, where you have the police engaged, parents engaged, clergy engaged, community advocates engaged, to identify the young people who are the likely sources of major violence in those communities, to bring them into community meetings, to let them know that they are being observed.

But not just to warn them, but to also give them another opportunity, to tell them that, "We will work with you to help you get back into school or to get a job. And if you will cease and desist from this pattern of violence that you've already begun to engage in, and that we anticipate could get worse if you continue on the same path."

That is something that involves a total investment of the community. It's not something that will work if the police don't buy into it completely, or if community advocates and the clergy and families don't buy into it completely. But where it does, it can have magnificent results, but it involves a sustained commitment of all community resources.

So, we're hoping that programs like that can be well funded, can be replicated and can make a real difference.

So, Madam President, this is an important Bill. It is an investment and a statement of principle that, we intend to try to be more alert to the consequences of Legislation that we pass and administrative policies that we adopt to look at them through the perspective of whether they do embody racial and economic justice.

So, this is in effect a down-payment or a promissory note, long overdue, on a project that we should have undertaken many years ago.

So again, I celebrate the Bill, Madam President, and thank everyone who has put so much effort in time into this Bill since the concept of it was developed last June. Thank you, Madam President, and I urge supported the Bill.

THE CHAIR:

Thank you. Senator Looney. Will you remark further? Will you embark further?

If not, I will open the voting machine. Mr. Clerk, please announce the roll.

CLERK:

Immediate roll call vote has been ordered in the Senate.

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Immediate roll call vote has been ordered in the Senate. Senate Bill 1 as amended.

Immediate roll call vote has been ordered in the Senate on Senate Bill 1 as amended.

Immediate roll call vote in the Senate. Senate Bill 1 as amended.

Immediate roll call vote.

Immediate roll call vote has been ordered in the Senate.

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 1 as amended

Total No. voting	35
Total No. voting Yea	30
Total voting Nay	5
Absent and not voting	1

THE CHAIR:

(Gavel). And the Legislation is adopted. Senator Duff.

SENATOR DUFF (25TH):

Sorry, madam president. Madam President, just Senate stand at ease for a moment.

THE CHAIR:

And the Senate will stand at ease. Senator Duff.

SENATOR DUFF (25TH):

Thank you Madam President. Madam President, I'm going mark the rest of the Bills--

THE CHAIR:

Please proceed.

SENATOR DUFF (25TH):

--that we have right now. Calendar Page 46, Calendar 352, Senate Bill 1091, I'd like the mark that item go. Followed by a Calendar Page 45, Calendar 349 Senate Bill 1019, I'd like to mark that item go. Followed by Calendar Page 42, Calendar 244 Senate Bill 668, I'd like to mark that item go. Thank you, Madam President.

THE CHAIR:

Thank you, and so ordered. Mr. Clerk.

CLERK:

Page 46, Calendar No. 352 substitute for Senate Bill No. 1091, AN ACT CONCERNING THE DEFINITION OF DOMESTIC VIOLENCE, REVISING STATUTES CONCERNING DOMESTIC VIOLENCE, CHILD CUSTODY, FAMILY RELATIONS MATTER FILINGS AND BIGOTRY OR BIAS CRIMES AND CREATING A PROGRAM TO PROVIDE LEGAL COUNSEL TO INDIGENTS IN RESTRAINING ORDER CASES.

THE CHAIR:

Good afternoon, Senator Winfield.

SENATOR WINFIELD (10TH):

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

THE CHAIR:

And the question is on passage. Will you remark?

SENATOR WINFIELD (10TH):

Yes, thank you, Madam President. I want to begin by talking about the Bill and how we got here. And really, that's just to talk about Senator Mae Flexer and Senator Alex Kasser and the work that they have done.

I think many of the Members of the General Assembly, and specifically this Chamber, know that for many years my colleague, Senator Flexer has done a lot of work around the issue of domestic violence, has brought us Bills that really deal with victims in our state, and have helped us to move forward.

Senator Kasser, as well, has been working on the issue of domestic violence in this Bill that we have here, particularly around the issue of coercive control, which is, I think, a really important part of what we're talking about this afternoon, perhaps into this evening, let's hope not.

And I think that the two individuals who I've mentioned have a large part to do with bringing us together and doing policy that is important for many of the people in our state, particularly our women.

So, Madam President, I'm going to call an Amendment and then leave it up to the two individuals who've done the work on the Bill to introduce and explain and deal with the questions on the Bill, because when people do to work on a Bill, you shouldn't let them be the ones to do it.

So, the Clerk is in possession of LCO 8666. I'd ask it be called and I be granted leave of the Chamber-- and we be granted leave at the Chamber for summarization.

THE CHAIR:

Mr. Clerk.

CLERK:

LCL No. 86667, Senate Schedule "A"

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Madam President, if it pleases the Chamber, at this point I would yield to Senator Kasser.

THE CHAIR:

Senator Kasser, do you accept the yield?

SENATOR KASSER (36TH):

Madam President, yes, I do accept the yield. And I want to also thank our great Chairman and colleagues, Senator Winfield, for his stalwart leadership throughout this process on this issue and so many issues affecting victims.

Madam President, in our country and in our state, domestic violence is a public health crisis. National statistic show that in their lifetime, one in four women will experience physical violence from an intimate partner, and one in three women experienced coercive control.

More women are treated in emergency rooms for domestic violence injuries than for muggings, rapes,

and car accidents combined. Connecticut statistics reveal these same horrifying facts.

Domestic Violence is the leading cause of death for pregnant women in Connecticut. An average of 25 homicides are attributed to domestic violence every year. And in 2019, more than 32,000 victims received domestic violence assistance.

During the pandemic, demand increased by as much as 600%. It is time, it is past time to recognize the reality and the full scope of what domestic violence really looks like. It is much more than black eyes and bruises. It is a form of terrorism. It can happen to anyone at any time, but mostly it happens to women and children of every color and in every community.

If you feel unsafe in your home or unsafe leaving a relationship, you're probably experiencing abuse. But as dangerous as it is to be in an abusive relationship, it's even more dangerous to leave.

Women who leave are 14 times more likely to be beaten or killed, which is why no one should ever ask, "Why did she stay?" Or assume that because she stayed, it couldn't have been that bad. On the contrary, she stayed because the pain of pursuing freedom was even greater than the pain she was already suffering.

Let us never underestimate the price of freedom and the very steep price domestic violence victims pay for it.

Madam President, the Bill before us contains many Sections that help domestic violence victims, but I want to highlight the first Section which does two critical things.

It establishes for the first time a universal definition of domestic violence for all family court

proceedings. And two, it includes non-violent abuse or coercive control in that definition.

Why is it so important to include non-violent abuse? Because 33% of women who are killed by their partners were never hurt by him before. Their murder was the first act of violence. Coercive control was the precursor to violence. And if it had been recognized, those women might be alive today.

90% of domestic abuse is not violent. It's psychological, financial, sexual, and legal, because those methods are even more effective at controlling a person and diminishing her agency and ability to leave.

When a person is subjected to threats, intimidation, humiliation, gas-lighting, and isolation, she no longer has free will and personal liberty. Her human rights have been violated.

Survivors tell us, survivors including our very esteemed colleague in the House, Representative Robyn Porter, tell us that, coercive control hurts more and last longer than physical abuse.

In the public hearing for this Legislation, dozens of survivors courageously told their stories, some were in hiding and risked retaliation just for speaking out.

For more than 10 hours, we heard heartbreaking accounts by women and men from all walks of life. But the most heartbreaking of all, in my view, were the stories of the children of abuse, in particular, the three children of Jennifer Manyano.

They were subjected to years Of course of control by their father, before he finally killed their mother in Terryville, Connecticut in 2007. Emily was only nine at the time, today, she's 23.

And at the hearing she said this, "Ongoing abuse had a deeper impact on me than the murder. It made me a prisoner in my own mind and body. When I was 20 and started a relationship with a man, like clockwork, I found myself being isolated from my family, constantly humiliated and told I was stupid. Coercive control does not heal, it is ingrained so deeply in my brain. For the abused, love is learned as chaos and control. I want this cycle to stop and coercive control to be identified and illegal. My abuser said, 'I don't hate you.' But I knew if I didn't leave, I could end up like my mom."

Madam President, the good news today is that, we have an opportunity to correct this vicious cycle. We have an opportunity to identify coercive control before it leads to violence and to prevent the abusive dynamic and families from being ingrained and passed down to the children.

By passing this Bill, we ensure that every person who experiences abuse is heard, believed and protected. We show our commitment to honoring victims and helping survivors who are still fighting for their freedom. And we demonstrate that every person in Connecticut has the right to be free and safe.

I urge my colleagues to join Senator Flexer and I in supporting this Bill. And I will now yield to Senator Flexer. Thank you, Madam President.

THE CHAIR:

Thank you. And before I ask a Senator Flexer if she will accept the yield, I just want to clarify, Senator Kasser, are you moving for adoption of the Amendment?

SENATOR KASSER (36TH):

Yes, I'm moving for adoption of the Amendment. Thank you, Madam President.

THE CHAIR:

Thank you. And Senator Flexer, do you accept the yield?

SENATOR FLEXER (29TH):

Through you, madam president, yes, I do.

THE CHAIR:

Please proceed.

SENATOR FLEXER (29TH):

Thank you, Madam President, thank you very much. And I want to thank Senator Kasser for the yield and for her great work on this piece of Legislation and the passion and dedication that she's brought to this effort during her entire time that she's served here in the State Senate.

The Amendment before us replaces the underlying Bill, Madam President, and the underlying Bill is a comprehensive Bill. It is a Bill that I believe is fitting for the state of Connecticut to be a national leader on domestic violence, like we have been in so many arenas when it comes to domestic violence for the last four decades.

And that's because this Chamber has been privileged to have people serving here who understand how important this issue is and how damaging domestic violence is to so many families across the state of Connecticut.

And I do want to take a moment to thank some of my other colleagues who have worked hard, both on this Bill or this Amendment that is before us and on efforts that we've done in the past.

We heard briefly this afternoon from Senator Winfield, who leads the Judiciary Committee in a way that makes it crystal clear that a top priority in the state of Connecticut is always going to be to stand with victims, and to make sure that we have the strongest laws in our country to protect victims of domestic violence. And I'm very grateful to him for his leadership.

We're also lucky in Connecticut to have this issue of domestic violence in this Amendment before us, I'm hopeful it'll be a bipartisan one. And Senator John Kissel has always been a great partner in ensuring that Connecticut has strong laws to protect victims of domestic violence, and I want to thank him for that.

And lastly, I want to thank our Senate President Martin Looney, who has made this issue a priority for our caucus, again, and again, and again.

When our caucus comes together as Democrats and says, "What are the issues we want to work on in a given year?" Senator Looney ensures that protecting victims of domestic violence is almost always at the top of that list. And it was no different this year. And that is why this Bill is before-- this Amendment is before us today. And I want to thank Senator Looney for his leadership.

But perhaps most importantly, as Senator Kasser said very well, this Bill is before us because victims came forward and the people who work hand in hand, day after day with victims came forward and they told their stories, and they explained what life is actually like when you're in the midst of an abusive relationship.

I want to thank the Connecticut Coalition Against Domestic Violence and all of its member agencies that serve victim so bravely day in and day out throughout our state.

When you come forward and say that you're a victim of domestic violence, it can be really hard to know where to go.

And the folks who work at those agencies do amazing work to ensure that victims -- and I'm mostly going to say women because as Senator Castro pointed out very clearly, victims of domestic violence are much more likely to be women, although men can be victims too.

When women come forward, they need a lot of support. And what we have learned through the great work of CCADV and all of their member organizations is that sometimes when the violence happens, it's too late.

And that's why this Amendment before us is so important. This represents a restructuring of our laws to recognize the levels of abuse that occur before that first act of violence often happen.

When CCADV looks at each and every domestic violence fatality that happens in the state of Connecticut time and time again, they discover that perhaps the victim didn't know where to go for help, and didn't have the resources to find help with an acknowledgement that abuse wasn't just physical.

This Amendment before us changes that. This broad definition of coercive control, understanding the way that a person can be mentally beaten down, if you will, when they're in an abusive relationship.

Understanding the way that abusers know how to isolate you, from your family, from your friends, they know how to take control of the finances to ensure that you cannot make your own independent decisions anymore.

Those are the things that often happen before violence occurs. And that's what this Bill will allow our courts here in Connecticut to recognize.

When victims come forward and seek a restraining order, they're going to walk into a Connecticut court with a judge who's going to be able to give them the protection that they need.

Finally, in Connecticut, a victim will have to prove that an actual act of violence has taken place.

Because by the time that violent act takes place, it's often too late for far too many women in our state.

Judges will have the tools to recognize these abusive relationships, both with restraining orders and protective orders. And they'll also have the tools to recognize this when they're dealing with children.

And I again, want to applaud the work of Senator Kasser to ensure that children are at the forefront of these discussions.

To make sure that when someone is trying to leave an abusive relationship, that these kinds of dynamics this coercive control can be taken into consideration to ensure that not just the woman in the relationship, but the entire family safety is at the forefront of decisions that are made in our courts.

This also makes our courts more accessible by allowing victims to testify in different ways.

When we've looked at families that have been devastated by domestic violence far too often, our system fails to recognize how scary it can be to walk into a courtroom, stand next to your abuser and speak forthrightly about the abuse they've endured.

This legislation recognizes that and allows victims to testify remotely.

This legislation also recognizes how hard it can be when a victim tries to physically leave an abusive relationship.

The barriers of protecting her home, the Amendment before us makes changes to our laws to ensure that locks can be changed to ensure the victims are protected.

We've been trying to do this in Connecticut for quite some time. And I'm really glad that this Bill contains that provision.

Because that's an important thing to protect victims as well. To be able to secure your home when you've made the decision to leave an abusive relationship is critical.

And the last thing I'll mention Madam President is this legislation also expands access to legal representation.

And again, this is something in particular to applaud Senator Looney for who has worked for such a long time to ensure that people have access to legal representation in our courts no matter their financial status.

We know that when you enter a courtroom and you have an attorney next to you, the outcome is very different.

This program that's contained in this Amendment will allow more victims to be able to stand in court and have greater confidence with a system that can be overwhelming to just about anybody.

Madam President, this legislation is a consequential and comprehensive Amendment that will hopefully become the Bill.

Will put Connecticut at the forefront of having some of the toughest domestic violence laws in the state

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of Connecticut, and I encourage my colleagues to support this Amendment this afternoon.

Thank you, Madam President.

THE CHAIR:

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

Good afternoon, Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much, Madam President. Great to see you here this afternoon.

I stand in strong support of the Amendment that becomes the Bill.

And I too wish to be associated with remarks of my colleagues who have spoken before me and commend the extraordinary hard work by both Senator Kasser and Senator Flexer.

As well as -- I consider myself extraordinarily lucky, and fortunate to be able to serve for so many years on the Judiciary Committee.

Believe it or not, once upon a time, our good lieutenant Governor and I were serving together on the Judiciary Committee as well.

And so I'm just pleased and honored to have Senator Winfield, is one of our Co-Chairs as well as Representative Stafstrom and Representative Fishbein as my Ranking Member as well.

I have worked as closely as I can with Senator Flexer, in particular, but happy to be seeing that another individual here in our circle has taken this issue.

And I apologize if I don't know your history of advocacy. But clearly, you're at the forefront this afternoon in championing this Bill and working so tirelessly on it.

In preparation for this afternoon, I had an opportunity to speak with our chief court administrator, that's Patrick Carroll, as well as with -- I don't know if she's like deputy to judge Carroll. Now I should keep track of what's going on across the street in the judicial branch.

But I know that she was for a number of years head of the Family Division as well, and that's someone whom I respect and admire greatly. And that's Judge Bozzuto.

First and foremost, not only is this Bill extremely important, and charts, new territory, and it just makes Connecticut once again on the forefront.

And to the chief Proponents of the Bill, you guys should be just incredibly proud of the hard work you've put into this, because this is going to make sure that lots of people will get justice that hereto for have not been able to attain justice.

And I particularly think it's extraordinarily important that this will ultimately have ripple effects, if not direct effects on young people and children in the state of Connecticut.

Indeed, in past years, we have worked on advocacy that address the issue of dual arrests.

And I remember individuals testifying on that matter years ago, not that many years ago, but a few years ago.

Indicating how horrible was for her children to see her arrested. And the law enforcement officer

indicating the law compels me to do this, I have no other choice.

Even though from Elise that story, it was abundantly clear that she was the victim and just anything that she did against the perpetrator of the violence was just to protect yourself from getting beaten up.

She wasn't the attacker, but at some point, you just can't get beaten to a pulp by someone who wants to harm you.

And so I believe through our hard work, again, across party lines, we addressed that issue.

I also have had the great pleasure and honor to serve with Senator Flexer on the law enforcement response to domestic violence and addressing those concerns over the years.

And indeed, while she's no longer head, and we haven't always seen eye to eye on every issue. I consider her a friend.

Karen Jarmoc from Enfield, no longer the head of the Connecticut Coalition Against Domestic violence but she was a great champion and served as co-Chair with Senator Flexer on that group as well as others over the years.

Senator Kasser mentioned gas lighting. A lot of you may not know. But that harkens me to, I believe an Ingrid Bergman movie back in black and white days. And the notion of gas lighting is when you turn the lights on and off and on and off, and on and off. And, and you know, not every victim of domestic violence is a woman. But unfortunately, the vast majority are.

And in that movie, the individuals playing with her mind turning the lights on and off and on and off. And that was a form of coercion.

In talking to judge Bozzuto, I am really pleased to state here on the floor of the Senate, that the judges in Connecticut have been trained regarding the expansive new definition of coercion, so that we're ready to go.

And I can't predict the future. I don't have a crystal ball. But I feel very confident that this Bill will have vast bipartisan support, should hopefully get through the house without any problems and be signed into law by Governor Lamont.

And when that time comes, and the law is effective, the judicial branch is ready, willing and able to tackle these issues.

And they will have the ability and the training to sort things out.

I mean, there's things that people have raised with me regarding potential issues that I don't believe a judge a man or woman sitting in judgment on these matters, or a state's attorney for that matter, would say that certain activity -- grounding an individual would rise to the level of some type of coercion.

But that other things that, in particular, would harm an individual threatening your pet or doing things around the house such that you can't even communicate with friends and neighbors and loved one.

These rise to the level that would cause great concern for a state's attorney or a judge.

So we're entering some new territory, and it's going to have to be fleshed out. And I have the utmost confidence that we have some of the very best judges, the United States of America.

I think that we have one of the very best judicial branches in the United States of America, bar none.

And I am really excited and confident that they are ready for the new challenges that will be brought before them.

Will it mean an increase in cases? Yes, only because there are matters that have not hereto for been addressed, that need to be addressed.

Absolutely. It is extremely heartbreaking. When you hear people's testimony or when you're communicating with constituents, and you run into individuals that have gone through this.

Unfortunately, these are incidents that happened between individuals that had a history of love and affection for one another.

And for whatever reason, that has disintegrated to a situation where if not an individuals, and fear for his or her life, they're in fear for his or her well-being, mental ability to move forward in a healthy happy relationship or life.

And they could indeed be suffering because they're protective of their children, or even their pets.

There are individuals that love their pets as much as any other family member.

And these are the instruments that others who mean harm or coercion, or try to control other individuals or demean other individuals will use sometimes as mere pawns. Sometimes as direct victims.

We're about making a great stride forward to remedy that situation. So again, I am more than happy to be here speaking in favor of this Amendment that becomes the Bill.

I hope we all can unite behind this. Others may have some questions regarding some of the aspects of this

Bill. And I'll leave it to them if they do indeed have aspects of the Bill.

And if they don't ask them on the Amendment. Clearly they'll have an opportunity, should the Amendment pass, which I have no doubt that it will, and it will become the Bill before us that indeed we'll get those answers.

I'd like -- and this is not any indication that I have any concerns. And I would hope that we could be united on the Amendment. But I can't speak for everyone in the circle.

Everybody has their own abilities to represent their district and their conscience and what they feel is best for the people of the state of Connecticut.

So I think I'm going to ask for a roll call, Madam President on the Amendment.

But I'm hoping that if not unanimous, there's a huge majority in favor of the Amendment, and then there'll be further debate and discussion on the Bill.

But again, I can't be more in favor of this particular proposal. And again, I would compliment and commend Senator Winfield for being a great co-Chair of the Judiciary Committee, Senator Flexer, whom I've worked with on proposed legislation and laws, protecting individuals in domestic violence situations for many, many years.

I look forward to continuing to work with Senator Kasser who's it's been a pleasure back when we were able to sit in our committee meetings, sitting right next to her and listening to her insights, and good common sense regarding a variety of issues.

And, of course, I yearn for those days, again, when we're back in the legislative office building in our regular committee hearings and meetings, and here in

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this circle united, voting on Bills to the best of our abilities.

So for that, Madam President, I would urge my colleagues to support this Amendment.

Thank you very much.

THE CHAIR:

Thank you, Senator Kissel.

And when we have a vote on the Amendment, it will be taken by roll.

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

Senator Osten.

SENATOR OSTEN (19TH):

Thank you very much, Madam President. And I'm hoping that the Amendment will actually become the Bill.

So I don't plan on speaking twice, I plan on voting for the Amendment.

And hopefully, seeing that become the Bill that ultimately becomes law is my hope for today.

And I first I want to thank Senator Flexer and Senator Kasser for bringing this before the Chamber to talk about the issues relative to domestic violence, in particular, the expansion this year to coercive control, which I think is actually one of the most important things that the state of Connecticut has done for domestic violence in in decades.

So I think that to have this become a component of our understanding and to give the legal system the ability to address this issue is vital.

And often we hear about the victims that make the paper. Jennifer duo -- Lawson and, and the other Jennifer, which I think is important, but this Bill is in many ways about those that never come forward.

It is about those that will have the opportunity to be able to finally bring their case before a judge and get resolution that protects them so that their lives can be whole.

It is about that woman with a new baby, who finally realizes that this is not the way a child should be brought up.

It is about that child who comes forward in school and says I, I'm anxious, and I really don't want to be here anymore because of the way they're being treated at home.

It is about that family unit that can no longer stay together that needs to have that opportunity to heal.

And this piece of legislation allows it for the first time in this state.

And I think quite frankly, it's something that we have not talked about long term.

It's been that hidden discussion that happens in whispered corners of a house or a grocery store or neighborhood when they watch a family that is so abused just by not -- as Senator Kasser talked about that black guy, but the constant humiliation, the constant angry conversation, the constant harassment, the constant following the constant and constant and constant abuse that happens that does not leave a mark and does not a physical mark but does leave a complete mark on someone's psyche.

It is so important for us to do this. And to make sure that we have an opportunity to address this issue.

And this is the first time since I've been here, that I see that there might be a light at the end of the tunnel watching continued and continued abuse that watches women and children primarily being abused, being threatened, not feeling that they have the ability to have anyone believe them.

And I am not, you know, it's not about being excited. It's that relief, that ultimate big sigh that happens so we don't see more of the Jennifers happening. But we see somebody that takes that opportunity to step forward to, to say, "No longer do I have to put up with this."

That's what this is about, is those women will finally have an ability to have that big sigh moment and feel that they can sleep through the night and not worry about what's going to happen in the morning or not what worries what's going to happen at one o'clock in the morning.

I am grateful for this piece of legislation. I'm grateful for those who recognize it. And I'm very, very grateful and I think we should name it after all the women. Let's call it the Jennifer's Bill, because it's allowed us to speak about it.

But let's remember those women who have never had the ability to stand up and walk out and walk away and feel safe again.

So thank you both for everything that you have done for this piece of legislation.

Thank you so much, Madam President.

THE CHAIR:

Thank you, Senator Osten.

Will you remark further on the Amendment?

Will you remark further on the Amendment?

Senator Cassano?

SENATOR CASSANO (4TH):

Yes. Good morning. Good afternoon, Madam President.

I rise to support this Bill.

I was listening and felt compelled to come out here because it has been so long that this has been going on. And we've done so little for such a period of time.

I had the good fortune in the past to teach for 28 years in a Community College system at Manchester Community College.

Same time I had 28 years as a Mayor, a deputy mayor. And the two coincided very well.

When I became Mayor, I met a group of people who came to me about domestic violence.

This is around 1995. And that's why I'm up here today.

Because in 1995, they pointed out how serious this problem was. The group names themselves Minimal house.

They became very significant in the region in the college. As more and more people came out of their homes and started to do things differently during that period of time.

Women for the first time left their homes who were trapped. I had many of them as students, many of them became part of Minimal house.

It reached a point where there were so many domestic violence assaults, that a police department actually assigned somebody to deal with domestic violence, and I'm talking 1990s.

The program grew to the point where a police department hired somebody full time to deal with domestic violence in Manchester, Connecticut.

And the program developed war and the incidents mushroomed, because now maybe those same numbers were the same, or the numbers may have been the same.

But now we were able to identify them and start to provide treatment to help people deal with what was going on at home.

They found jobs. They obtained degrees. They broke away from the trapping of that household that they were living in. It was an epidemic.

And why I'm up here today is that this is 2021, 20 years later. And we're now passing this Bill, something we should have done 25 years ago.

And so I applaud you, and I thank you for bringing this forward. You brought out some memories.

Many of us have had those same memories in our own homes, in fact, but to see so many people impacted in such a negative way, they see so many children impacted in such a negative way. This is just a wonderful Bill long overdue.

Thank you very much.

THE CHAIR:

Thank you, Senator.

Will you remark further on the Amendment before the Chamber?

Good afternoon, Senator Sampson.

SENATOR SAMPSON (16TH):

Good afternoon, Madam President.

I had not intended on speaking on the Bill before us, I was very much in favor of the underlying Bill, and had intended simply to hear the conversation.

I heard many, many good points made by colleagues on both sides of the aisle and I was going to vote yes.

But with the Amendment that's been offered striking the entire underlying Bill and replacing it with the new Bill, I discovered that there are three sections in this Amendment that were not contained in the original Bill.

And they are something that I have objected to in the past. And I'm very, very disappointed and dismayed to find these items in this Bill, because it's making it very difficult for me to support the legislation.

I'm going to do my best to encourage my colleagues to either withdraw this Amendment, and offer a corrected one that removes these sections, or if this Amendment is adopted to once again amend the Bill to remove these three sections, because I do not believe that they are necessary and I don't believe that they benefit the underlying Bill in any way.

And that if we were going to create policy regarding these sections, it could be done a whole lot better if it was including people that are involved in the industry.

I'm referring to sections 20, 21 and 22 of the Amendment, and being a strike all Amendment, they would become the Bill.

I understand that in a situation where someone has a restraining order against another party because of - - well, it could happen for a lot of situations. But because of the situations that this Bill hopes to address. That's a real and legitimate problem, and that we should all be working together in our culture in our society to try and resolve it.

But the means by which these sections go to resolve that matter, I believe are a bridge too far.

Section 20 requires a landlord to change the locks on an apartment for a tenant if they are asked because they are named as a protected person in a protective or restraining order.

That by itself is a reasonable ask, what is unreasonable is the means by which this process occurs.

The Amendment suggests that a landlord must answer a request from a tenant no later than six hours after receipt of the request.

I would ask my colleagues, when in any statute, do we ask someone to be responsive within six hours?

When is the state government ever responsive within six hours?

It's unreasonable. And it's going to put landlords who otherwise would be more than willing to help in a situation like this in a very awkward position.

I don't know, the language is not clear whether any liability arises out of their potential failure to respond within six hours. I'm a landlord myself, Madam President. And if someone texted me at 2:30 in the morning and said, "You need to change the locks

on my apartment, because I have a restraining order against my boyfriend or girlfriend."

And I did not answer till the morning. Would I be in violation of this policy? Would I be assuming liability if something were to dreadfully occur?

It's not right, Madam President, we shouldn't be creating policy without thinking it through.

Furthermore, the Bill says that not only does the landlord have to respond within six hours, they have to also change the locks no later than 48 hours after the date that the tenant makes such a request.

Now that 48 hours is not the most unreasonable timeframe, but in the real world. It's very difficult to get something like that done within 48 hours.

Many, many landlords are not local. They don't service their own properties. They hire a property manager.

Some landlords live out of state and if we are going to put a landlord in a position of having to hire someone to change the locks on a dwelling unit, it might be problematic to get someone out within 48 hours.

And furthermore, there might be an additional charge because of the quick timeline.

Again, I don't want to minimize the importance of protecting victims of domestic violence. But is a landlord who is a disinterested third party responsible for any of this? I would say no.

Should we write policy that inconveniences a disinterested third party? Maybe, if there is a compelling state interest to do so.

The thing I would suggest about that is that if we're going to make policy like this, can we please make it reasonable?

Can we please make it reasonable? I had addressed this issue when this Bill came before or this language before this Chamber in another Bill. And I said, "Look, I would probably support such a thing. But we got to do something more than six hours, you got to give the landlord a reasonable amount of time to get back to someone and you got to give them a reasonable amount of time to get the locks changed."

And I'm not suggesting that it should be an extremely long period of time, but maybe change the six hours to 24 hours, maybe change the 48 hours to a week, something like that.

The language goes on to say that the tenant may proceed to change the locks.

But I would say that if you are a landlord, you probably have something in your lease on purpose to prohibit the tenant from making any alterations to the property.

And without getting into a lengthy conversation about how that industry works, you would understand that there's a good reason for that, that landlords don't really like to see their tenants making modifications to their property without their knowledge or consent.

And I don't believe this body has the right to consent on behalf of a landlord to having a tenant make changes, especially when it's in -- most likely contained in their lease.

It's interesting also that if the tenant is going to change the locks, as is suggested in Subsection B, they are indeed required to provide a key to the landlord, but they have two days to provide the key to the landlord. Not a mere six hours.

The language goes on to say that the landlord may charge a tenant, not exceeding the actual reasonable cost of changing the locks.

I don't know what that would be. Madam President, I am concerned that if I call the locksmith and asked them to get out on a Saturday morning, you have 48 hours to go change the locks on my unit in downtown Waterbury, they might charge me pretty excessive amount of money to go change the locks.

And I don't think that's an appropriate thing to put a landlord in a position like that, or the tenant, ultimately, to make sure that it has to be done in that timeframe.

On line 1097, it says that the landlord can also deduct this amount from a security deposit. And I would just remind everyone that this is not the purpose of a security deposit.

A landlord takes a security deposit to protect himself or herself from damages that might be caused at the culmination of a lease.

They do an inspection of the property. And if they find damages, you'd want to assess the security deposit.

If we are going to use a policy like this that might diminish a security deposit, which in this state is not very much. I believe that the maximum security deposit that can be charged is two months and in some cases only one month.

And I will tell you, Madam President that over the years that I've been in the real estate industry and worked as a landlord, I can tell you that many, many times the amount of damage to an apartment exceeds the two months security deposit.

And I've been an advocate for modifying that language over the years for that purpose.

So those are my objections. Madam President, again, I'm very disappointed I had every intention of voting for this Bill, I would still like very much to support this policy.

I am as concerned about victims of domestic violence as any person in this Chamber. I want to vote for the final product. But I'm not pleased that this language appeared suddenly, and that I had to come out here pretty much unprepared to make my colleagues aware of these concerns.

And I believe because this is a Senate Bill, we still have a chance to fix this.

We could modify those timeframes, we could remove those sections from this Bill and still be able to send clean to the house.

And I would ask my colleagues in the majority to please consider my request and my concern. I'm going to vote against this Amendment as it is.

But I will be offering another Amendment presuming this passes to remove those sections, and I would really appreciate their support and their help to do that.

Thank you, Madam President.

THE CHAIR:

Thank you, Senator Sampson.

Will you remark further?

Senator Kasser.

SENATOR KASSER (36TH):

Thank you, Madam President.

I would urge my colleagues not to support an Amendment that removes this critical component of our domestic violence legislation -- changing the locks.

And I'd like to address our good colleague Sampson's concerns about it.

You asked, why shouldn't we change it to 24 hours? Six hours is just too short amount of time, and nothing in government happens in six hours.

Actually, things do happen in less time, even on line 280 of this Bill, the Judicial Branch is required to enter orders within two hours of receipt.

So things can happen quickly. And in some cases, when there is great urgency when there is risk to -- of injury, of death of any further harm, which is exactly why a restraining order or protective order has been granted *ex parte*, that is precisely why expedient action is needed. Because a lot can happen in 24 hours, a lot can happen in six hours.

So closing that window of opportunity for something terrible and tragic to happen is our responsibility as legislators.

On your specific concerns about liability. The landlord is immune from civil liability when they follow the requirements of the protective order. So that is covered by this section.

And regarding the quality of the locks, if a tenant if a tenant does install a lock, and it's not to the liking of the landlord, they have the opportunity in line 1083 and 1084 to replace that lock, so that it's installed in a way that is similar or improved to what was there before.

So the landlord retains his or her rights to ensure that the locks are of the quality that they expect on their property.

This is not an infringement on the rights of the landlord. It is simply a protection of the tenant in that building.

And I just want to remind everyone that the cost is borne by the tenant. Cost is borne by the tenant.

Landlord actually does not have to respond within six hours because failure to respond within six hours automatically triggers the tenant's right to take action, him or herself.

If the tenant does not receive a response from the landlord, within six hours, they can proceed and change the locks themselves.

This is an Act of self- preservation. This is Act that potentially protect someone's life.

I think six hours is quite sufficient time to ensure that someone can take the action needed to protect their life and the life of their loved ones.

Through you, Madam President.

THE CHAIR:

Thank you, Senator Kasser.

Will you remark further on the Amendment?

Will you remark further on the Amendment?

Roll call vote has been requested on the Amendment. So I will open up the vote and Mr. Clerk if you would please call the roll.
CLERK:

Immediate roll call vote has been ordered in the Senate.

Senate Bill 11091. Senate Amendment "A"

Immediate roll call vote has been ordered in the Senate.

Senate Amendment "A" LCO No. 8666. Senate Bill 1091.

Immediate roll call vote in the Senate.

Immediate roll call vote in the Senate.

Senate Amendment "A" LCO No, 866.

Immediate roll call vote in the Senate.

Immediate roll call vote has been ordered in the Senate. LCO No. 8666

Immediate roll call vote has been ordered in the senate. LCO number 8666.

Immediate roll call vote in the Senate.

Immediate roll call vote in the Senate.

Immediate roll call vote in the Senate. Senate Bill 8666.

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 on the Amendment.

CLERK:

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Senate Bill 1091 LCO No. 8666

Total number voting	36
Total voting Aye	31
Total voting Nay	5
Absent, not voting	0

(Gavel)

THE CHAIR:

The Amendment is adopted.

Will you remark further on the Bill as amended before the Chamber?

Senator Sampson.

SENATOR SAMPSON (16):

Thank you, Madam President. I completely understand the number of yes votes on the previous Amendment.

I know that that was a strike all Amendment that was replacing the underlying Bill and that there were multiple sections to it.

But I'm not deterred in my desire to remove sections 20 through 2022, I believe it is.

These are the three sections that have to do with creating a mandate on landlords to change the locks of their tenants within a short timeframe.

Madam President, I promised I would come back with this Amendment right away.

I am trying to speak as frankly and honestly and sincerely with my colleagues in both parties right now to suggest that this is an unfortunate set of circumstances.

You have folks that want to support this underlying Bill. I would like very much to be able to vote yes for this Bill. I agree with it completely. I intended on co-sponsoring and after it became law.

And here I am, I'm faced with a problem. Because I believe that these sections are onerous, and really unnecessary. I'm also a little I don't want to say discombobulated, but I'm concerned that the way this was done, I don't think was appropriate.

I think folks in this Chamber know that I would have concerns with that section. It's not news to anyone how I feel about that requirement on landlords, and yet that was kind of slid into this strike all Amendment with no warning whatsoever.

So I'm here speaking to you, Madam President, with zero preparation.

The good Senator mentioned when she was suggesting to ignore my comments that they is our responsibility as legislators to close the window of opportunity.

I am completely with the Senator on the idea that it is our responsibility to try and pass policy that keeps our citizens safe.

And I'm willing to support policies like that, including the Bill before us.

But when it becomes a conflict between keeping someone safe at the expense of someone else's civil liberties, in this case, a disinterested third party, the landlord, I believe that is a problem.

She also stated that this is not an infringement on the rights of landlords. The word rights gets thrown around in here, far too easily from my perspective.

But this is a case where the rights of landlords are actually at stake. Property rights are a significant part of the American system of government.

And we are talking about a landlord's property rights, that property belongs to that landlord.

And before this body makes any policy that suggests that we have the power to affect that person's property, which they have a right to, we should think twice.

And I believe that this policy is a significant overreach with regard to that.

I don't know exactly how far these sections reach Madam President. IT may simply be a creation of a mandate and some misapplied logic about the way things are to be paid for.

But it might go much further and create liability for a landlord. And that is a much larger concern for me.

I could talk for quite a while about the concerns, but I believe that it's clear to my colleagues what my point is, and what I'm asking for, which is some bipartisan consideration, please.

We would like very much to see this Bill, leave here with bipartisan and potentially unanimous support.

And I think that can happen, Madam President, I think that we could make a statement as Republicans and Democrats coming together to condemn domestic violence and pass this Bill, overwhelmingly and potentially unanimously, if we simply take a step back and remove these sections that were not in the Bill to begin with.

And that can be addressed in another way. I've already said, Madam President, that I'd be willing to have this conversation. And if we could do it in

a more appropriate way with a little more consideration of the disinterested third party landlords, so that they are actually willing to buy into the process, because it's done fair, and with their consideration and input. We can probably work something out.

But for the time being, I would ask Madam President, that my colleagues, please hear my plea for bipartisanship.

Help us make this Bill something that all of us can support, and hopefully get this universal condemnation of domestic violence. Out of this Chamber unanimously, I think we can do that if we remove these three sections. I would like very much.

I don't ask a lot of my colleagues. I'm simply asking for a pause, take this out. Let's have another conversation. Maybe we can do it in another Bill in a more proper way.

I urge adoption of the Amendment that I'm about to, to call. Madam Clerk, the LCO number is - I'm sorry, it's Madam President, forgive me.

The Amendment is LCO 8812. And I asked the Clerk to call it and I'll just briefly explain what it does.

THE CHAIR:

Mr. Clerk.

CLERK:

LCO No. 8812. Senate Schedule "B".

THE CHAIR:

Senator Sampson.

SENATOR SAMPSON (16):

Thank you, Madam President.

I've already described the concern in pretty significant detail. The Amendment is very short. It's two lines, it simply says to remove sections 20 through 22.

It has very little effect on the underlying policy that is before us. This is just the sections having to do with a requirement for landlords to change locks, and what I believe is an unfair and very short timeframe.

Please, colleagues hear what I'm saying and support the Amendment, so that we can move forward in a united way on this underlying Bill.

I move adoption, Madam President, and I'd like a roll call vote.

Thank you.

THE CHAIR:

Thank you. We will have a roll call vote on the Amendment.

Will you remark further on the Amendment before the Chamber?

Senator Kasser.

SENATOR KASSER (36TH):

Thank you, Madam President. I would urge my colleagues to oppose this Amendment and to consider what it is that we are legislating.

This provision, this critical provision of this domestic violence Bill allows someone who has already proven to the court that she or he is in danger, and has received a protective order or a

restraining order against a particular person with whom they share a home.

That person who the court has already deemed presents a danger has a key to her home, he has a key.

How would you feel if the person who posed a danger to you how to key to your home?

That's what we are debating, it is absolutely critical that a person who poses a danger to someone does not have ready access to his or her home.

That's what this provision establishes, it establishes that someone who has a restraining or protective order has the right to be safe and secure in their home, and I would urge my colleagues to oppose this Amendment.

THE CHAIR:

Thank you.

Will you remark further on the Amendment?

Will you remark further on the Amendment?

Senator Formica.

SENATOR FORMICA (20TH):

Thank you, Madam President.

I rise in support of the Amendment. I am in support of the Bill. And I am in support of the reasonableness I think, of this Amendment.

And I think it's important to be in a situation, Madam President that we can stop and protect people as fast as we can.

And there's a very easy opportunity where we can do that and support the landlord's right here.

So I find myself in a difficult quandary discussing the Bill, discussing the Amendment. So at this point, I will support this Amendment moving forward and urge my colleagues to do so.

THE CHAIR:

Thank you, Senator Formica.

Will you remark further on the Amendment?

Will you remark further on the Amendment?

I will open the vote Mr. Clerk if you would kindly call the roll call vote on the Amendment.

CLERK:

Immediate roll call vote has been ordered in the Senate.

This is the second Amendment "B" LCO No. 8812.

Immediate roll call vote has been ordered in the Senate. LCO No. 8812.

This is Senate Amendment "B" LCO No. 8812.

Immediate roll call vote in the Senate on Senate Amendment "B" LCO No. 8812.

Immediate roll call vote in the Senate.

Immediate roll call vote has been ordered in the Senate.

Immediate roll call vote in the Senate. This is Senate Amendment "B"

Immediate roll call vote in the Senate.

Senate Amendment "B" LCO No. 8812.

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 on the Amendment.

CLERK:

Senate Amendment "B" LCO No. 8812 that's on Senate Bill 1091.

Total number voting	36
Total voting Aye	12
Total voting Nay	24
Absent not voting	0

(Gavel)

THE CHAIR:

And the Amendment fails.

Will you remark further on the Bill?

Good evening, Senator Witkos.

SENATOR WITKOS (8TH):

Good evening, Madam President.

I rise in support of the Bill. But I do have some questions to flesh out some things.

You know, I've never personally in my life, been involved. I guess I'll knock on wood in a family

violence incident or situation but I've been involved because of the profession that I had.

Many folks in the Chamber know I did 28 years in Law Enforcement.

In fact, I was sworn in April 20 1984, which is pre Tracy Thurman, and that was the case, the landmark case Tracy Thurman versus the city of Torrington which brought about a change nationwide regarding domestic violence.

And it was throughout my years in law enforcement, our annual training where we learned about the new domestic violence laws.

And every year, there was some sense of improvement. And then when I arrived at this institution, here known as the Connecticut General Assembly in 2003, I obviously had the opportunity to participate in debate and vote on the Bills that affect that.

And I think every year, it's been moving in the right direction. Its main goal is to protect those that would be harmed by offenders.

But I did want to get on the record in case for clarification purposes anyways. Some scenarios that maybe real life that I've had to experience or was responding to and how it now impacts some of the changes in the Bill, as amended before us.

And the first question I would have, and I don't know who I should refer to, so I'll just throw it out there through you, Madam President, whoever wants to answer it is this perfectly fine with me?

We're talking about children. And I think Senator Kissel had prepared me saying that the court has been well trained and understanding what coerciveness is, and how it's -- how it's interacting.

But say a child and these kids talk we know that they text and there's instant information and sometimes the information that they get is the wrong information.

Because I've been responding to domestic violence cases before where the child says I'm gonna have you arrested you can't touch me because you spanked me.

This is a seven-year-old. And as you all know, that's -- you know, it's a parental right to discipline their child, whether we believe in the spanking or not. It's -- did the punishment fit the action, if you will?

But now we're talking about removing things from a child. So say if we please respond to a home where a 16-year-old, they've been grounded and the car is taken away, the phones taken away because of something they did, and the parents are trying to teach them a lesson without putting a hand on the child, because they don't believe in any hands-on discipline.

How would the courts, if the child moves for a restraining order, or protective order, in an ex parte fashion, swears an affidavit that I am being held prisoner, I guess, if you will, because I'm not allowed to communicate with my friends. I've lost my mode of transportation to go see my friends, or other ones.

How would that be perceived?

Through you, Madam President?

THE CHAIR:

Senator Kasser?

SENATOR KASSER (36TH):

Thank you, Madam President.

Through you. So of course of control, is a pattern it's a pattern not isolated, an isolated incident. So in the situation that you described, the hypothetical, the teenager is grounded for a short period of time loses their access to their cell phone or a family car, I would argue those are privileges.

Those are not basic necessities, they're privileges that have been granted by the parents to the child, so that it would not be a situation of coercive control.

It's just common parental discipline. Because to be a pattern of coercive control, it has to (a) be a pattern. So it has to be there has to be - there has to be more than one incident. It has to be over a duration of time. And it has to - and this is very important, it has to unreasonably interfere with a person's freewill and Personal Liberty.

So as a minor living in their parents' home, that minor is, by necessity subject to the, you know, the common sense rules of conduct in that house and removing a child's cell phone for a period of time, or removing their access to a car for a short period of time, does not infringe on their personal liberties such that they are in any way harmed or you know, restricted from conducting their -- the other parts of their life.

Through you, Madam President.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS (8TH):

Thank you, Madam President.

I understand using the privileges that are granted to the child, by the parents.

But let's talk about another issue, which seems to become more prevalent, unfortunately, is the issue as parents may be dealing with young adult children living in the home.

And I keep saying children may be other family members that reside in the house, it would fall underneath our protection of the family violence.

And that is mental health issues and drug abuse issues.

Madam President, where you may have somebody in the home that has just not aware of their surroundings, they may have to be physically restrained by somebody in the house because they're damaging something.

And most often, this is not a one-time occurrence. It's a repetitive occurrence and the family member they -- because the individual is above the age of majority, they can't force the person to go into rehab.

So they're trying to deal with it. By all accounts, protect that loved one. It's out of love, not out of -- out of control that you're dealing with this issue.

And I would like to ask the good Senator, how would that be interpreted through the passage of this Bill?

Through you, Madam President.

THE CHAIR:

Senator Flexer, did you want to answer that question?

SENATOR FLEXER (29TH):

Thank you, Madam President. And I want to thank the good Senator for the conversation here this afternoon.

I do just want to clarify for the conversation that what we're contemplating changing here today does not include acts by parents or guardians.

Anything having to do with discipline of minor children.

So I hope that that might answer the good Senator's well intentioned question.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS (8TH):

Thank you, it does for -- under the -- for minor children.

But now these are scenarios I just gave was like young adults. So you might have a 21-year-old, 22-year-old still living in your home.

They are, by the age of majority by our laws, and they've become an issue or disruptive in the house because maybe they're going through mental health issues or drug abuse.

And it's something that is ongoing. And the caregiver doesn't necessarily have to be the parent. It could be an older brother or sister trying to deal with it as you so well aware, because you are so involved with domestic violence, that siblings could be arrested for domestic violence issues.

How does -- how would the courts look upon it if the action that is taken, whether it's restraint, or

locked in a room? And this is over -- maybe a pattern because this has been going on for so long, that this is done out of love, not out of coercion or control?

Through you, Madam President.

THE CHAIR:

Senator Flexer.

SENATOR FLEXER (29TH):

Thank you, Madam President. Madam President, I think it's important to look at the changes that we're contemplating here today with regard to our family violence statutes, and particularly the issuance of restraining orders and protective orders to -- it's not just these new elements of coercive control that are considered.

And I think it's also important to recognize what Senator Kissel said earlier in the debate on the Amendment, which became the Bill.

That this is about empowering judges to recognize the dynamics, of course of control, and that in the scenario, the good Senator just laid out, I don't believe this legislation would give the judge the tools to require someone to even apply for a restraining order in the circumstances that the Senator just laid out.

Again, this is meant to recognize the unique dynamics of intimate partners, and not the dynamics between parent and child.

THE CHAIR:

Senator Witkos, you have the floor, sir.

SENATOR WITKOS (8TH):

Thank you, Madam President. Nice seeing you up there.

And Senator Flexer, I'd like to thank you for that answer. For the first part, I think that got to me - got me where I want it to be, that if a justice looks back on some of the discussion here in the Chamber, rather than err on the side of caution, we'll just sign it, they'll realize that now there was a discussion in the Senate Chamber, that we're not looking at something that is done on love, compassion, protection, if you will.

It wouldn't be an automatic granting of a protective or restraining or so I thank you for that answer.

And I will concur that we're mostly talking about a relationship, of a dating relationship, I think was the final comment.

That is not the only as you know, category that falls within domestic violence. We may be talking about that today.

But everything that's within the Bill covers all of the parameters of those that would be covered under domestic violence. Siblings, anybody living in the house, whoever lived in the house, dating relationship, et cetera, et cetera.

So I just wanted to be very clear that -- I think I applaud you. Thank you for all the work you've done. You and Senator Kasser, you've answered my questions and I stand in strong support of the Bill as amended.

Thank you, Madam President.

THE CHAIR:

Thank you, Senator Witkos.

Will you remark?

Will you remark further?

Senator Formica, you have the floor, sir.

SENATOR FORMICA (20TH):

Good afternoon, Madam President.

THE CHAIR:

And to you.

SENATOR FORMICA (20TH):

Thank you very much.

Madam President, I rise in support of the Bill.

You know, I have witnessed, first-hand in our community the need for support of victims of domestic violence.

We have a wonderful organization in Loudon County, Safe Futures who dedicates -- many people dedicate a lot of their time and talent and effort in trying to protect and save and serve those affected by domestic violence.

Madam President, as you know, during this last pandemic, we, as a people suffered, in many ways.

The isolation, the job loss, financial, many people suffered in many ways. And I don't think any more so than those victims of domestic violence.

Because of those pressures, Madam President, because of the pressures that they found themselves facing, during the pandemic, being confined, it just -- it just exploded, and the need rose exponentially for that great group, Safe Futures.

It rose, Madam President to the point where I offered a small amount of help, reaching out to hotels to try to find places where people could go safely, as all of the places that Safe Futures had to their availability was not able. They were full, there was no more room.

And it just really, it just really struck me that this is something that we really have to work on, and that the pandemic really brought out the worst in this.

And so, this Bill, I would have liked to have worked on that other portion of the Bill, but I understand where we are. And I understand that the effects of this Bill, I think are going to be beneficial to those whom we serve.

So I stand in support.

And thank you, Madam President.

THE CHAIR:
Thank you, Senator Formica.

Will you remark?

Will you remark further?

Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Good to see up there this early evening. And I rise in support of this very important Bill. That's before us this evening.

Madam President, I want to first thank folks who have been working so hard on this piece of legislation for such a long time, they have literally spent months if not years crafting this Bill.

And I'm glad that we're at a point right now where we have the opportunity to, to now vote on it.

I first want to thank the Chair of the Judiciary Committee, Senator Gary Winfield, the Vice-Chair Senator Alex Kasser, and Senator Mae Flexer, who has been a leading voice on domestic violence issues here in the circle, and in this legislature for many, many years.

Of course, our Senate President Senator Martin Looney, who has always been supportive of helping victims of domestic violence, and ensuring that we get these types of Bills over the finish line when they are presented to us.

I also want to thank our Deputy Chief of Staff, Courtney Coleman for her hours of work, as well and for helping to ensure that all the ideas and all the language came together in one Bill that we put together that is so comprehensive and what I believe will be transformative for victims all around the state.

Madam President, domestic violence is not a not one, or an issue that is tied to a community tied to a race, tied to ethnicity, tied to an income.

Domestic Violence is something that impacts virtually anybody on any sphere, in our communities, our state, and our nation and around the world.

The question is, what do we what do we do and what kind of policies do we pass in order to help those who need it?

I remember, my mom used to actually volunteer for the domestic violence Crisis Center when I was in high school.

And she shared with me some stories back then of some of the women she met in the safe house that is

in our area and who were living there and, you know, in ways that I would understand.

Stories of some of the victims and what they've been through and how the challenges that they faced and the hardships that they faced in the trauma that they faced. And that always stayed with me.

And then when I was elected, I first met someone from the town of Darien, who said that she was a victim of domestic violence.

In fact, her husband would beat her. And, and she shared with me the stories of her life.

And she said, and I remember when she came to my office, she came to my real estate office, and I wasn't sure what I was or who I was expecting.

And she said to me, as the meeting went on, she said, nobody would ever think that I was a victim of domestic violence.

I had it all, I had a big house, had a nice car, we went on vacations. But she said, "You don't know what happened behind those doors."

When my husband would literally mark the driveway where my wheels were. So he knew that I couldn't go anywhere, where none of the bank accounts were in my name.

And I couldn't take my kids with me someplace because of the fact that if I did, I would have I'd have nothing, or I where it -

And she went on with the various components of a very difficult life, until she was able to get the support you needed through the domestic violence crisis center.

And through some of the laws that we had at the time, which is probably about 10, 15 years ago.

And I think back to whether or not you have been able to get out of that situation sooner, had we had stronger laws back then, like, hopefully, we're going to be passing today and some of the ones that we've subsequently done, since I had that meeting.

And how -- again, we pass policies through in this circle, and we're in this legislature to make not only to make statements, but to share what our values are in our state, and how we want to make sure we are, we are ensuring that victims of domestic violence, and that domestic violence itself is something that we do not tolerate in our state.

And that we will do everything we can to support victims, and to make sure that they have safe places to go.

And they have the necessary support in our courts. And they're able to change the locks if they need to change the locks and to have a life where hopefully it doesn't end tragically.

And as I said on our last Bill, we just had an incident in Norwalk, where husband and wife were tragically killed over the weekend. And someone I knew.

And she confided in a friend of hers that her husband had threatened her and her friend had said, I hope you'll report this. He said no, "I don't think he'll do anything."

And so she didn't, she may not have felt the support that she needed in order to get out of that situation.

And I only would have wished that maybe this law, this Bill would have been law before.

So maybe would have provided an avenue for her to get out and to save herself.

And tragically, that's not going to happen. But my hope is that this will help other women who may be in a similar situation. We can hope.

So Madam President, I urge my colleagues to support this again, I thank the proponents of the Bill.

And let's take this step today to protect our victims of domestic violence so that they can live a life that is safe and free and without violence. Thank you.

THE CHAIR:

Thank you, Senator Duff. Will you remark? Will, you remark further? Senator Kelly you have the floor, sir.

SENATOR KELLY (21ST):

Thank you very much, Madam President and good afternoon.

I also want to thank the advocates, the lawmakers and most importantly, the survivors who have come forward to craft this Bill and bring this legislation before the Senate today.

It's estimated that one in four women and one in nine men experienced domestic violence.

It's also estimated that less than half of all cases of domestic violence ever get reported to anyone.

Domestic violence is a serious, unacceptable life threatening crime.

It's about power and control that goes beyond a single act of violence.

It includes emotional and psychological abuse, intimidation, and isolation.

It impacts all people of all races, ages, sexual orientations, and socio economic backgrounds.

Quite frankly, it takes over lives. Coercive behavior is a major part of it.

And this Bill seeks to recognize that and give victims the tools they need to protect themselves, to stand up for themselves, and to get out of bad situations.

I stand today in support of our shared goal to protect all people.

To make sure they have access to support and care and to help victims become survivors.
Thank you.

THE CHAIR:

Thank you, Senator Kelly.

Will you remark?

Senator Looney.

SENATOR LOONEY (11TH):

Thank you very much, Madam President. And good afternoon, early evening.

Madam President, I stand in strong supportive of this Bill.

And first of all, wanted to thank all of the advocates who brought it forward, for Senator Winfield, who made sure that it was a priority Bill of the Judiciary Committee.

And Senators Kasser and Flexer, who as we know, from their passionate statements here today, have worked on this issue for a long time, have been

advocates in their communities and have helped raise the awareness of the urgency of this Bill in the in the minds of all of their colleagues.

So to them as consciences of the General Assembly on this matter, I want to thank them so much.

And our Majority Leader, Senator Duff, who, as he said, has had been aware of this for a long time and is done all in his power to try to make sure that there is awareness and legislation to match.

There's one other person I would like to mention, and not in connection with this Bill, per se, but with a history of advocacy.

And that's Representative Pat Dillon of New Haven who more than 40 years ago, as a community advocate helped establish the first safe house as an advocate for protection to women suffering from domestic violence in New Haven at that time before her election to the General Assembly.

And Pat has had a career of witness on this issue. What's in this Bill, Madam President that makes it so important?

And one of the first things is again, this issue of coercive control.

And unfortunately, under our current law, coercive control is not something that the courts are able to take cognizance of, without a component of physical violence or threats of physical violence.

Judge Albus, the presiding judge for the Family Relations Court has said that the judges find this so frustrating, because they are aware of it happening, they are seeing from the testimony and the evidence that comes before them, that something is going on here.

That there may not be physical violence, but they can sense that the woman is in terror. That she is paralyzed, that she has no sense of options that might be available to her.

Her sense of will and purpose and self-determination have been systematically destroyed.

And that's one of the aspects of this kind of coercive control is that it is a kind of psychological warfare, sort of referred to from the movie "Gaslight" that was referred to earlier with Charles Boyer and Ingrid Bergman.

So Ingrid Bergman is, is so systematically destroyed that she doubts her own sanity. Doubts her own perceptions. Doubts, her own understanding of things and it's an effort by her husband to drive her insane.

So that's the kind of a shorthand phrase for some of the psychological terror that goes on where this era of coercive control is going on.

And now, the courts will be able to take that into account and recognize that as a basis for granting a restraining order.

Clearly also, the Connecticut Coalition Against Domestic Violence and other advocacy groups have had a strong record of work and sensitizing the broader community on this issue.

On the issue of the lock changes, that is also something important.

Sometimes action has to be taken very quickly. Because as we know, women are often in gravest danger in a period of time immediately after the restraining order has been granted.

Perhaps that same day, that same evening, that same night, that's the time when the respondent, the

person who has just received the order may be most angry, most distraught, most active likely to act out in a in a violent way.

So time can be of the essence in these circumstances and want to thank Senator Lopes and the Housing Committee with that issue was raised earlier. And now it's become a part of this Bill.

Another critically important component is in Section 15.

The grant program for paying for representation for indigent people seeking restraining orders at this is an expansion of a pilot that we created a couple of years ago, exclusively in the Waterbury Judicial District.

But this now will be in five judicial districts in Fairfield, Hartford, New Haven, Stamford, Norwalk and Waterbury to provide counsel for indigent people who are seeking restraining orders.

One of the problems here and we saw this tragically a few years ago in a case in Middletown is that often, the person seeking the restraining order may actually have suffered plenty of wrong and injury that would justify the granting of a restraining order, but may not be able to successfully articulate that when she goes to court.

She may not -- it may actually be there in the in the written application, but she may not be able to present that efficiently in court, especially if the respondent may be standing next to her at the very time she comes into court.

Again, this is something that can be ameliorated by having an attorney there by having an active advocate, who will bring out all of the components of the affidavit to demonstrate the sense of urgency as to why the order should be granted.

There was the tragic case a few years ago, where for whatever reason, the judge after hearing the application, did not grant the application and instead just directed the parties to the Family Relations Court to try to work out a custody agreement regarding the child in the case where the woman had alleged that she had been injured repeatedly by her husband or the father of the child. And a few days later, the father threw the child off a bridge in Middletown a tragic, tragic thing.

But again, that was a case where later on it looked like there if the -- if certain components of the of the affidavit had been carefully examined as an advocate would, as an attorney would to bring to the attention of the judge, perhaps at that point, then, an order might have been granted, the father might not have had access to the child, and perhaps the great tragedy could have been averted.

So section 15, with the expansion of the program for representation of antigens is going to be of great practical importance.

So again, Madam President, this, I think, is one of the one of the most important Bills that we'll be doing this session.

And again, you know great thanks to Senator Kasser and Senator Flexer, particular for their sense of urgency in bringing it forward. Because there are women suffering all over the state, who will be helped by this Bill.

And again, as our Majority Leader said, "This is not something that's limited by race or economic class, or by education, there are women of affluence and education, who are suffering in terror just as much as middle income people and lower income people.

This is something that strikes in families of all kinds. And in many cases, you will have the

predators are actually on the outside sometimes regarded as pillars of the community. But they are they're monsters and terrorists at home. And that's one of the grave dangers because in many cases I have said, no one outside knows what is going on behind the closed doors where the terrorists taking place.

So again, this will be a way in which that terror can be acknowledged. And in a way that it will be cognizant, and there will be cognizance in the court, to take action on something that involves psychological terror, coercive control, without a physical component, because as we all know, sometimes the first physical manifestation may be the ultimate final one, with a homicide taking place.

But this is something that I think that the practical reality of what we've seen in domestic violence cases in this state and elsewhere, calls out for this Bill. And I think it's something that we absolutely have to do this session to provide some assistance to women who often feel desperate, alone and unheard of. Thank you, Madam President. I urge unanimous support for the Bill.

THE CHAIR:

Thank you, Senator Looney. Seeing no further remarks. Will the Clerk please announce the pendency of roll call vote and machine will be open?

CLERK:

Immediate roll call vote has been ordered in the Senate. Immediate roll call vote has been ordered in the Senate. Immediate roll call vote has been ordered in the Senate. Senate Bill 1091 as Amended. Immediate roll call vote in the Senate. Senate Bill 1091 as Amended. Immediate roll call vote in the Senate. Senate Bill 1091 as Amended. Immediate roll call vote in the Senate.

THE CHAIR:

Have all the Members voted? Check the machine that your vote is recorded appropriately. If so, the machine will be locked and the Clerk will announce the tally.

CLERK:

Senate Bill 1091 as Amended.

Total number voting	36
Total voting Aye	35
Total voted Nay	1
Absent not voting	0

(Gavel)

THE CHAIR:

Bill is Amended is adopted.

Chamber will stand at ease.

Chambers will come back to order. Senator Duff.

SENATOR DUFF (25TH):

Thank you Madam Clerk -- Madam President. Will the Clerk, please call the next item please?

THE CHAIR:

Mr. Clerk?

CLERK:

Page 45 Calendar No. 349 substitute for Senate Bill No. 1019, AN ACT CONCERNING THE BOARD OF PARDONS AND PAROLES ERASURE OF CRIMINAL RECORDS FOR CERTAIN MISDEMEANOR AND FELONY OFFENSES, PROHIBITING DISCRIMINATION BASED ON ERASED CRIMINAL HISTORY,

RECORD INFORMATION, AND CONCERNING THE
RECOMMENDATIONS OF THE CONNECTICUT SENTENCING
COMMISSION WITH RESPECT TO MISDEMEANOR SENTENCES,
there is an Amendment.

THE CHAIR:

Senator Winfield you have the floor, sir.

SENATOR WINFIELD (10TH):

Good evening, Madam President. I move acceptance of
the Joint Committee's favorable report and passage
of the Bill.

THE CHAIR:

Motion is acceptance and passage. Will you remark
sir?

SENATOR WINFIELD (10TH):

Yes, thank you, Madam President. There's -- this
Bill is an act concerning the Board of Pardons and
Paroles erasure of criminal records for certain
misdemeanor and felony offenses prohibiting
discrimination based on race, criminal history, and
record information and concerning recommendations of
the Connecticut Sentencing Commission with respect
to misdemeanor sentences.

It comes to us through the Judiciary Committee. It
is a Bill that we have worked on for a number of
years as I think many of the Members of the Chamber
are aware.

And at its core, what we're looking to do is address
the fact that people have been in our prison
systems, have been out of the system, have operated
as citizens who have not gotten in trouble with the
Law and find it hard to move forward with their
life.

And so what the board what the Bill does is it deals with the Board of Pardons and Paroles training that they annually do by adding to that the issue of collateral consequences which this Legislature has dealt with in the last couple of years.

We have either come to understand or publicly come to understand that there are consequences for having a record, no matter how far out you go.

And they may prevent people from doing some of the things that we actually want them to do.

We have been having a conversation for a number of years about what happens when someone goes up for a pardon, and they get denied. And what this Bill would say is that if the person is going to be denied, it should not be the case that they don't know why they were denied so that they come back again, without being able to at least have a chance to address that.

So there's written information about what that denial, the reasons for that denial. The part of the Bill that most people are talking about as the erasure of the convictions, this Bill, as it currently sits, would erase C D, E felonies.

And misdemeanors, excluding those of family violence and domestic violence, establishes an automated process for that erasure, deals with what it is to be able to avail oneself of that eraser, it has discrimination - anti-discrimination proposals in the Bill.

So that if one has their record erased, the former record cannot be used against that individual, which would in effect mean it they couldn't actually move forward.

It also deals with the issue that we have talked about around a circle for a couple of years, but haven't, to this point, been able to get done. And

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that's the issue of someone who has a misdemeanor. The sentence is 365 days on misdemeanor and runs afoul of immigration because of that issue and moves the misdemeanor back to 364 days.

And for those reasons, I would urge passage. Madam President, there is a change it -- to this Bill now, because we have an Amendment that takes the C felonies out of the Bill.

So I would ask -- the LCO is in possession of an Amendment, it's LCO 8737. I would ask that he call that Amendment would be granted for the Chamber to summarize.

THE CHAIR:

The Clerk is in possession of LCO 8737. Will the Clerk please call?

CLERK:

LCO No. 8737 Senate Schedule "A".

THE CHAIR:

Senator Winfield has [Inaudible] to summarize. You may proceed, sir.

SENATOR WINFIELD (10TH):

Thank you, Madam President. So again, this Amendment would mean that the C felonies that are imagined in the original Bill to be erased would no longer be erased leaving the D, E and misdemeanors. And so the language cleans up the fact that it's a C, the corresponding years that are associated with the C felony.

It also deals with the fact that we are erasing records and that those who might have an immigration issue would need access to their record and if the

record is available, that they could avail themselves of that. I would urge adoption.

THE CHAIR:

Motion is adoption. Will you remark? Senator Kissel, you have the floor, sir.

SENATOR KISSEL (7TH):

Thank you very much, Madam President. Great to see you up there this evening. Just a couple of very brief questions to the proponent of the Amendment.

THE CHAIR:

Please frame your question, sir.

SENATOR KISSEL (7TH):

Thank you, Madam President. Actually, may even be just one. What is the potential penalty for a C felony?

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

The C felony could have up to a --. Let me make sure I answer the question. Is the poser of the question asking the maximum time one potentially could spend in prison? Through you Madam President.

THE CHAIR:

To you Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much, Madam President. I guess what I'm looking for through you, Madam President is the

range. So it will be to the extent that the proponent of the Amendment is aware, the maximum time that one could be incarcerated versus the potential.

I guess, minimum would be time served or, you know, some other alternative that the court may impose.

So I guess the universe would be the maximum potential.

Through you Madam President.

THE CHAIR:

To you Senator Winfield.

SENATOR WINFIELD (10TH):

Thank you Madam President. So the maximum penalty, the maximum time one could serve on the C felonies which this Amendment removes is 10 years through you, Madam President.

THE CHAIR:

Thank you, sir. You have the floor Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much, Madam President. And that's the extent of the questions that I have on this particular Amendment. 10 years. That's a substantial amount of time. I have several concerns regarding the underlying Bill.

But the fact that this carves out now what was originally in the Bill, the C felonies, which had a potential incarceration rate up to 10 years. I think, taking that out, only makes the underlying proposal better, although I still have many issues that I'm going to raise when it's my opportunity to speak. After we vote on the Amendment.

I would urge my colleagues to support this Amendment. Thank you, Madam President.

THE CHAIR:

Thank you, Senator Kissel. Will you remark further. If not will the Clerk, please. All in favor please indicate by saying aye. Those opposed? The ayes have it? The Amendment is adopted. Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much, Madam President. So some questions through you, Madam President to the proponent of the now Bill, as Amended. My first question is, under our current system, an individual can make application albeit there's paperwork involved, and it's not necessarily always easily straightforward.

But there is paperwork involved where one can make an application to the Board of Pardons and Paroles. And that would have the net result that the Board of Pardons and Paroles could effectually erase the individuals underlying record. Is that correct? Through you Madam President.

THE CHAIR:

To you Senator Winfield.

SENATOR WINFIELD (10TH):

Thank you, Madam President. And through you Madam President. That would be correct.

THE CHAIR:

Thank you, sir. You have the floor Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much. And so my next question is if we have that policy in place, and there's a mechanism already being effectuated here in the state of Connecticut, where individuals make application, it's reviewed by Members of the Board of Pardons and Paroles, and an individual can walk away from that with their record erased.

Why would we want to add another mechanism whereby automatically, certain things would be erased over what I believe to be certain periods of time? Through you Madam President.

THE CHAIR:

To you Senator Winfield.

SENATOR WINFIELD (10TH):

Thank you, Madam President. Through you Madam President. The reason I guess -- I guess the reason for the Bill, the reason for the Bill, is not that we don't have a process that is in place, it's that the process in place doesn't always work in a way that many people actually believe it should.

So I will give you example, and I think Senator Kissel was aware of this having been on a Judiciary Committee for a lot of years, we've both been on the Judiciary Committee for a lot of years, that there are people who have gone through that process who have been extremely upstanding citizens that I think, wherever you are, in this Bill, we've agreed, have done more for communities, have done all kinds of things who have not been able to avail themselves of a pardon.

That doesn't seem to make a lot of sense. We know that the number of people that would have to be pardoned is more people that are going to be able to go through the system we currently have. That doesn't seem to make a lot of sense.

So there are panoply of issues here. We also have learned over the years that depending on the distance away from the point at which the crime has been committed, that if someone doesn't commit a crime, they're no more likely to commit a crime than you or I.

And so then the question arises, what if that is the -- as that's the case, if we know that, why are we making policy such that these records hang over these people and prevent them from being able to avail themselves of potentially housing potentially work? The things they build up our economy and tear down certain communities? So that is what is undergirding this Bill. And the reason why I'm standing here as a proponent of it.

THE CHAIR:

Thank you, Senator Winfield. You have the floor, Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much, Madam President. I appreciate that response. And at the risk of making myself clearly very old to me in this Chamber. Although I would say that again, let's take age out of the equation, but just years of service.

Senator Looney still has at least six weeks on me in the Senate Chamber, although many, many years in the house as well. So he is clearly our senior statesman here in the Legislature released in my understanding, that being the case, yeah, I've been on the Judiciary Committee for 27 years.

It's my understanding that the underlying Bill, depending upon the charge that is contemplated to be eventually erased, that a certain number of years would have to transpire. And I think some of it is five years, some of it may be seven years if the good proponent of the Bill, the Honorable Co-Chair

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of the Judiciary Committee, Senator Winfield could sort of delineate what are the charges? And what's the amount of years that would have to elapse? Through you Madam President.

THE CHAIR:

To you Senator Winfield.

SENATOR WINFIELD (10TH):

Thank you, Madam President. Through you Madam President. I would -- I don't know if the Senator has the Bill in front of him. But I would just point him to the section of the Bill where the line number is 155, which is talking about the D or E felonies, and that would point to the number of years being 10.

For misdemeanors, I would point to line 148, which deals with the misdemeanors in a Bill and a number of years being seven. Through you Madam President.

THE CHAIR:

Thank you Senator Winfield. You have the floor Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much, Madam President. So I guess what I'm -- I understand that there might be detrimental impacts on individuals, as well as according to the good Chair of the Judiciary Committee, the communities with which they live in.

Although I'm not necessarily sure how that equates or how extensive that may or may not be. But moving on from that particular issue. Why would we want to replace the current system or actually add to the -- Well, actually, let me let me take a step back. Are we replacing the current system utilized by the Board of Pardons and Paroles? Or does the underlying

Bill intend to supplement that such that we would have in Connecticut now sort of a two part, two prong mechanism to erase an individual's record.

Through you Madam President?

THE CHAIR:

To you Senator Winfield.

SENATOR WINFIELD (10TH):

Thank you, Madam President. Through you, Madam President. I don't believe that this Bill eviscerates the current system that we have. It leaves that system in place. It is an add on to that system. Through you Madam President.

THE CHAIR:

Thank you, Senator Winfield. You have the floor Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much, Madam President.

And through you, Madam President. So now we would have two mechanisms and I'm just wondering, why would we trust the automatic, essentially erasure of an individual's record without any review of other impactful circumstances when we have a system, albeit some people may believe it might be cumbersome, that does afford other information to be reviewed by Members of the Board of Pardons and Paroles.

And what I'm getting to is that individuals can exhibit different qualities of life. Some may be beyond their control.

They may have had bad circumstances before them. I have the utmost confidence and faith in our Board of

Pardons and Paroles to review all that and make the best decision that they can.

And we lose that human review, when we just put something in statute. And by the mere passage of time, without any further investigation, an individual's underlying record will be essentially expunged and erased. Through you Madam President.

THE CHAIR:

To you Senator Winfield.

SENATOR WINFIELD (10TH):

Thank you, Madam President. So I guess there are a couple of things to answer that question. One, as I said, the Board of Pardons and Paroles are not going to be getting to everyone.

That's just not going to happen, giving the number of people that we're talking about. So that's that that's where you start. But beyond that, I'm not -- I'm not -- I would never impugn the work of the Board of Pardons and Paroles. But I'm not sure that it is accurate to say that simply because there's a human review, that's good. When the data shows us that after a certain period of time, again, people are no more likely to commit a crime than you or I.

If we if we know that unless we simply don't like that fact, we should operate based on those facts. This Bill makes sure that we have gone past that number of years. And it makes sense given that ultimately, what we want to do is to make sure that people have paid for the crime, that's what prison is for, and that they can get back on track so that they can operate within our society.

And I guess kind of an answer to the question that was not actually posed. But if they can't get back on track, the way that it impacts communities is

because you peep -- you take people, you put them back into communities without the ability to provide for themselves and or their families.

You take away opportunities for those people to be stand up citizens, if you will, the way some people characterize it to go to work to do the things they need, they may even have a difficult time finding a home. Those people are more likely not less likely to commit a crime. Right?

So the policy we have the policy we've been advocating for years, while it feels like a policy that would make us safer, in fact, does not. And when you think about the fact that the number of people who we release back out into certain communities is not one or two, there are many, what you have is a compounding effect.

Now whether we want to acknowledge that fact or not. Those are the facts that we've learned over many years on a Judiciary Committee, and that is the genesis for this policy. Through you Madam President.

THE CHAIR:

Thank you, Senator Winfield, you have the floor. Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much, Madam President. And with the utmost respect to the Co-Chair of the Judiciary Committee, I would characterize it a little differently. First of all, it's pretty common knowledge that we've had a diminishing prison population or corrections population over the last several years.

I've also been lucky enough to have been able to go to national conference more than once out in Denver, Colorado, and others throughout the nation, where

sentencing issues have arisen and been explored, and we've looked at what other states do.

I would say that there are certain generalizations that can be gleaned. First of all, violent crimes quite often are committed by younger males. It has nothing to do with ethnicity or race. But it has to do quite often with strength, and ability and resilience.

I mean, if you're 20 years old, and you've been working out and you feel tough, you're much more likely to do something violent than someone who is 70 years old and feeling feeble and can't run and can't just -- the body just doesn't work the same way.

So if you examine the types of crimes, quite often, maybe not necessarily a direct correlation, but certainly more violent crimes. More crimes that need a physical exertion tend to be with younger individuals, tend to be more likely with males.

And I would think that or I would posit that, from what I've gathered, there tends to be more of a correlation between socio economic status than anything else, which actually somewhat supports what Senator Winfield just said about individuals get afforded opportunities.

Conversely, what I learned at these national conventions is that sexual predators or predators that have more crimes of *mens rea* utilizing mental facilities, and malice aforethought, and things that are not so dependent upon physicality, but maybe evil intent or a desire to do wrong, and especially unfortunately, with sexual predators, they tend to recidivate at a higher rate, even as they get older, it doesn't go up but it doesn't necessarily go down like other crimes where a more physicality is necessary.

But that being the case, I actually believe the Board of Pardons and Paroles, if they can't tackle all the applications and the workload's too high, just from this Senator's perspective, I'd be I would feel more comfortable with affording them more resources to utilize the system that we have in place, as opposed to having sort of a bright line statutory test that depends upon the passage of time.

And that just says, "Voila, these individuals now don't have any rap sheet, don't have any convictions."

Through you Madam President.

When the time comes, whether it's five years, seven years, 10 years, whatever is in place, should this Bill pass and become law, would a judge have access to this information? If an individual is charged one year after their records were erased?

Would there be any ability to check that out?

Through you Madam President.

THE CHAIR:

Thank you, Senator Kissel to you Senator Winfield.

SENATOR WINFIELD (10TH):
Through Madam President. No.

THE CHAIR:

You have the floor Senator Kissel.

SENATOR KISSEL (7TH):

Great, and thank you, through you. And again, one of my concerns is that we have seen a correlation between torturing animals or assault on animals, and

other such behaviors, and then the next thing, you know, the individual's harming human beings.

I also think that it's important, even if you're dealing with this level of crimes that -- and by the way, I'm going to get to the point that I think several of these crimes are quite serious, despite how their characterization of how they're characterized.

But there are other sets of crimes that might be an indication that an individual has some kind of sociopathic tendencies or other things that one should be aware of.

But I'll leave that to another debate, perhaps at another time.

If a landlord or someone making a determination regarding renting a property goes online and sees someone committed a crime prior to the time that their conviction was erased.

It wasn't on some rap sheet, it wasn't in the criminal justice system but, you know, let's say I'm a landlord, and I have an applicant to rent an apartment, and I just Google their name, and all of a sudden, I recognize that this individual did something that had been erased.

But I say I don't feel comfortable renting to you because of the nature of the crime that was erased. Can that individual bring -- I don't want to characterize it as charges, but a complaint against me to the Commission on Human Rights and Opportunities or some kind of civil action?

Through you, Madam President?

THE CHAIR:

To you Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President.

There is the ability to bring complaints to the CTHR Commissioner for Human Rights and Opportunities, which in effect means that no, we can no longer discriminate against people based on their criminal record.

Through you, Madam President.

THE CHAIR:

Thank you, Senator Winfield. You have the floor.
Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much, Madam President.

And I guess one could use the word discriminate, I guess another way to characterize it that is to make an informed decision.

If someone had committed a crime involving a minor, even though that crime had been erased, and I have a building that's loaded with little kids, I, you know, I mean, I have a difficult decision to make.

I understand that if this law become if this Bill becomes law, I might get exposed to an action before the committee Commission on Human Rights and Opportunities.

But I'm also thinking about all those other families or individuals that I've rented to that might have minor children that could be exposed in a vulnerable fashion.

But that being the case, moving along, let's say a complaint is brought against me under this Bill

proposal, what are the potential ramifications to me as the landlord that's made that determination?

Again, if this is before the Commission on Human Rights and Opportunities, and I guess what I'm looking for is the specifics as to what I might be exposed to us potential liability?

Through you, Madam President.

THE CHAIR:

To you Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President.

I'm going to pose a question back for clarity, is a question if you follow the law, what you're exposed to if you don't follow the law.

And I would just say that, I know we'd like to talk about what we know, because someone had a criminal record in the past.

I would suggest that while that has been a comfortable space for us, we actually don't know what we think we know.

Again, the data has told us what is likely to be the case with someone.

So the mere fact that someone sees a criminal record and assumes that they know something about that person is not actually the case.

And also I would say I've seen this several times and perhaps the good Senator has seen is as well. People have read these records, and misunderstood what they're reading and it has resulted in people having a hard time both in employment and in housing. Through you, Madam President.

THE CHAIR:

Thank you, Senator Winfield. You have the floor
Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much, Madam President.

I appreciate the good co-Chair's response. I don't presume nor do I think a lot of people presume that they know what the potential reality is for an individual.

I'd like to believe that most people believe in second chances and redemption, we see it all the time.

That being the case, there's many instances especially along the line from an arrest, to an incarceration, to either plea bargain, to a trial to appearance before a judge, to an appearance before a jury, to conviction to a sentencing to incarceration where there is various milestones.

Areas where there's a risk assessment done, and it purports, to the extent that scientifically feasible, and again, the human person, we don't know what anyone's gonna do tomorrow, because we all wake up and make free and independent choices to the extent that we can.

Some people are limited in what options they have, and others are not. That's clearly the case in a free society.

But we do risk assessments all along the way. But that being the case, I'll go back to the original question.

I'm assuming that if you follow the law, that there's not going to be any negative ramifications for that landlord.

So let's say the landlord goes online sees that this individual did commit a crime and for whatever reason, that the time has now elapsed, that crime has been erased, or the conviction erased and yet the landlord still says, and, you know, I almost want to say that, what are the odds that the landlord is going to come out and say exactly while they're making this determination?

But that's a whole another line of questioning that I don't want to go down to right now.

But let's just say the landlord says, I'm sorry, I'm not going to rent you and the individual feels offended, says my record has been erased. And the landlord says, but I saw that you did this and were convicted of it. I just Googled your name and it popped up.

So the individual, who was denied that residency in that apartment unit, then brings a matter before Commission on Human Rights and Opportunities on the landlord.

All right, so whether I have a lawyer don't have a lawyer, I don't think you need a lawyer to go to CHRO.

But what can they do? Is it a penalty? Is it financial? What's the potential maximum financial penalty?

I don't believe CHRO can send me to prison, but I'm just wondering, you know, just to be informative, what's the downside if someone violates this, in terms of renting a rental unit to an individual? Through you Madam President.

THE CHAIR:

Thank you, Senator Kissel. To you Senator Winfield.

SENATOR WINFIELD (10TH):

Thank you, Madam President. Obviously, there are several sections on the anti-discrimination. So CHRO has a lot of power under the law, they cannot send someone to prison, but CHRO depending on what the issue is, can do things like injunctive, relief, damages, things of that sort, declaratory statement.

All of those things are available to the Commission on Human Rights and Opportunities through Madam President.

THE CHAIR:

Thank you to you, Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much. And just along those lines, what's the maximum financial penalty that Commission on Human Rights and Opportunities could penalize a landlord with let's just say they said there's no disputable facts, clear case, the record was expunged erased, and yet you Mr. Landlord made this determination in contravention of, of the law

I'm just, you know, just so we have an idea of the universe, is that \$5,000 \$10,000 I just don't know what that number is. Through you, Madam President.

THE CHAIR:

Thank you, to you Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President. I don't have the dollar amount with me and it's not prescribed as a new dollar amount in the Bill before us. Through you, Madam President.

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THE CHAIR:

Thank you, Senator Winfield to you Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much. So it's whatever powers that are already in existence for the Commission on Human Rights and Opportunities. This just adds another methodology where one could bring a matter before them. Would that be a fair statement? Through you Madam President.

THE CHAIR:

To you Senator Winfield.

SENATOR WINFIELD (10TH):

Excuse me, Madam President through you that would be correct.

THE CHAIR:

Thank you, to you Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much, Madam President, along those lines, but shifting gears a little bit.

What if the matter had to do with employment and an individual again, Googled the name something came up, they got concerned, this person was convicted of fraud, bank fraud, and they're applying to be a teller in my bank and you know, their record has been erased?

But I Googled their name and it's like, I don't feel comfortable hiring this person to be a teller in my bank.

And let's assume that very clear cut that is in contravention of the Bill before us.

Again, would that be substantially similar to what we just discussed regarding renting a property? Through you Madam President.

THE CHAIR:

To you Senator Winfield.

SENATOR WINFIELD (10TH):

Thank you, Madam President if the person was charged with a DRE felony that was erased or misdemeanor that was erased under the Bill, it would be very much similar thing.

Declaratory or injunctive relief damages or any of the powers that CHRO now currently has under the law can be used in operation here. Through you, Madam President.

THE CHAIR:

Thank you, to Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much, Madam President and through you.

So I've touched bases and tried to flesh out what would take place if you were a landlord, substantially similar to what would take place if you were an employer.

Are there any other areas that would be impacted by the Bill before us if someone made some kind of determination based upon someone's erased criminal record through -- I again, I've touched, renting property employment, I just don't know if there's any other things that people should be aware of that

they might stumble into and not know that they're running afoul of the law. Through you Madam President.

THE CHAIR:

To you Senator Winfield.

SENATOR WINFIELD (10TH):

I'm not quite sure I caught that question. Through you Madam President.

THE CHAIR:

Thank you. Senator Kissel, would you restate your question, Sir?

SENATOR KISSEL (7TH):

Absolutely through you, Madam President. Well, I characterize it as making an informed decision, Senator Winfield; the good co-Chair of the Judiciary Committee had described it as discrimination. I think both are valid, depending on one's viewpoint.

But that being the statement, let's assume for purposes of discussion, we'll use the term discrimination.

I just don't know, like what other areas CHRO may have cognizance of because basically, what I'm seeing here is that whatever, typically, they would have cognizance of this would now be, for lack of a different way to characterize it, another arrow in their quiver to enforce their authority over an individual.

So renting, leasing, hiring, I just don't know if there's other things that an individual might run afoul of this if they made a decision based upon something they discovered in Google versus the

judicial branch and some sort of printed out criminal record. Through you Madam President.

THE CHAIR:

To you Senator Winfield.

SENATOR WINFIELD (10TH):

Yes, thank you, Madam President. There are lots of ways and let me just say that the word discrimination and discriminatory are written through the Bill, so it's not a characterization it's the language in the Bill.

The Bill does talk about employment, it talks about boards and Commissions, it talks about Labor organizations, and it does talk about the breadth of things for which CHRO has cognizance. Through you, Madam President.

THE CHAIR:

Thank you, Senator Winfield; you have the floor Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much. And I probably could go on at length, but I know other folks have questions and concerns and perhaps even Amendments.

I have some Amendments. Before I get to those Amendments just one or two other very brief questions.

I know that what part of this Bill is incorporating another proposal that we've had over the last four or five years, maybe that much time flies regarding the change from 365 to 364.

And this has some kind of repercussions or consequences regarding my recollection is

immigration and the potential to deport someone who's an undocumented alien or undocumented individual.

And I'm just wondering exactly what's the mechanism that's in effect now at 365, and by changing these penalties to 364, what's the consequence of that change? Through you Madam President.

THE CHAIR:

To you Senator Winfield.

SENATOR WINFIELD (10TH):

Thank you, Madam President. So as the compensation is developed over a number of years, 365 days, there's a determination at the this has to do with immigration status is a determination that the individual is different than the individual who would be potentially 364 days.

And it's an offense that may hear maybe the same offense but would indicate that that individual would be up for deportation, people differ on this but I think that people think that 364 versus 365 is not a trigger for a deportation and by moving back to 364 make the state law and federal law not overlap in such a way that one wouldn't be deported for that extra day. Through you, Madam President.

THE CHAIR:

Thank you, Senator Winfield. You have the floor Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much Madam President. And with that I believe that in the universe that's before us at this time, even with the Amendment that just got voted on and passed, that there are certain crimes that just cause myself and others concern.

And I don't believe it's in the best interest of the public safety to incorporate those crimes into the Bill proposal that we have.

So, if the Clerk could please call LCO 8710. I would like to waive a reading and ask adoption of the Amendment, Madam President.

THE CHAIR:

Mr. Clerk, the Clerk is in possession of 8710, will the Clerk, please call and Senator has asked leave to summarize.

CLERK:

LCO number 8710, Senate Schedule B.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL (7TH):

And again, I had asked for adoption and when we're done, I'd like to have the vote cast by roll. What the Amendment does is it takes out of the list of crimes I'll be at a class a misdemeanor, but the charges criminally negligent homicide, and again, it's criminal, negligent homicide, which means a human being has died.

And it's risen to the level to be a crime of the highest order amongst misdemeanors Class A. And I just feel that a ratio of such a crime, while may benefit the perpetrator of that crime, that it's not in the best public interest to have that particular crime erased from an individual's criminal record. And I would urge my colleagues to support this Amendment. Thank you, Madam President.

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Thank you, Senator Kissel. Will you remark? Senator Winfield.

SENATOR WINFIELD (10TH):

Thank you, Madam President. And thank you, Senator Kissel for the Amendment.

I rise in opposition. I do think that there's been a lot of discussion, I know that people have different perspectives on different crimes that exist under the Bill, but I do believe that the Bill as it's currently constructed, is the Bill that effectuates to public policy that we should have in the state of Connecticut.

Through you, Madam President.

THE CHAIR:

Thank you, Senator Winfield. Will you remark?
Senator champagne, you have the floor Sir.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President; I rise in support of this. And I'm going to take into account the victim; sadly, this victim cannot stand up for themselves.

So you know, the family should have an opportunity to be able to stand up and object to the erasure. Because this person, if they went to jail, are now asking for this erasure and the victim should have a voice in this, this should not be an automatic.

Throughout this entire Bill here, we forget the victim. And, you know, we, to me, this Bill paints, the prisoner is a victim. And that's not the case here.

This is a charge where somebody was killed, somebody died. And their family should have a right to stand

up and say, You know what, I object to this, and this is the reason why.

Instead, they're going to be without their relative, their friend forever. And this person will do 10 years, five years; I'm sorry, five years after the last court date and move upon their life, like it never happened.

And to me that, that is not right. You're supposed to pay for your crimes. And you know, when you can just erase it and go away, yet we have victims that have died or will be victimized their entire life because of an incident.

That's just not right. So I stand up in support of this Amendment.

THE CHAIR:

Thank you. Will your remark further? Senator Sampson.

SENATOR SAMPSON (16TH):

Thank you, Madam President. Can you tell me the LCO of the Amendment that we are speaking on right now?

THE CHAIR:

Yes, we are on LCO 8710 Senator Sampson.

SENATOR SAMPSON (16TH):

Thank you, Madam President. Forgive me, we have quite a few Amendments lined up for this particular proposal but this is a particularly important one.

I had planned on speaking on the Bill, before we got to this Amendment, but I'm not going to miss my chance to speak up at this point, because I believe this Amendment is very critical in pointing out just

how absurd I think some of the policy we make in this building is.

I am someone who was extremely simple, excuse me sympathetic to this underlying legislation and have been for years, it's something I could have and would have supported.

I believe very strongly that we need to find a way to, you know, reintegrate folks that have served in our prison system back into society and I believe that there are many impediments that we could work on, to improve that situation and I will get much more into that discussion when we talk about the Bill.

But the Amendment before us is on a very, very specific section in the Bill. It's in fact, the very last section of the Bill, which has to do with something that is an overt method to obfuscate and essentially work around federal immigration law.

Ladies and gentlemen, for those who don't know, this section of our laws very well, let me explain.

You may have a sympathetic view of illegal immigration. As a matter of fact, I do too, I've spoken about it many times in this Chamber, about how I completely understand someone who might be living in a foreign nation that does not have the same economic opportunity as America, places that are in turmoil, places where your public safety and your children's public safety may be at stake every day of your life. I can be unbelievably sympathetic to people trying to get into America for a whole host of reasons.

But I'm bringing this up, Madam President, because I do not want anyone today or any day in the future to ever confuse that circumstance with this section of this Bill.

Because what this section of this Bill does, is it certainly affects undocumented individuals in our state and it certainly has to do with immigration. But what it does not have to do is with good people who are simply trying to get into the United States to make a better life.

This section is entirely 100% intended to go around federal immigration law for criminal aliens. And when I say criminal aliens, I'm not talking about people who simply crossed the border; I'm talking about people that have significant criminal records.

The Amendment before us, Madam President, is a way to carve out people who have committed murder from being protected by this section of this law.

And let me tell you how they're doing it, Madam President, what this Bill does, is it says normally, under our laws, when someone is convicted of certain types of crimes, in this particular case, the crime of creating them criminally negligent -- excuse me, criminally negligent homicide, which is under Section 53A-58 of our statutes.

They not only are prosecuted and have to suffer the consequences of that crime, but because it is such a significant crime, it is reported to the federal authorities as far as immigration goes.

And the reason for that is because even though our federal immigration service seems to have their hands tied by politicians at every level, who are trying to play games with the notion of immigration and electoral politics, one thing that most people agree on is that if there are people we are going to prevent from crossing the border, or send them back when we discover them it's people that are criminals.

But no, no, Madam President, what we have before us is a means to go around that because what they're doing in this Bill is they're taking a series of

significant crimes that serve a one year sentence, which is the threshold by which they have to be reported to the federal authorities and they are changing those sentences from 365 days or one year to 364 days.

So clever, because what it does is it says, oh; guess what, this entire laundry list of crimes, no longer counts for reporting it to the federal authorities.

The list of crimes we're going to go through over the next few minutes here in this Chamber, Madam President, and I want to thank my good friend, Senator Kissel for bringing forward the very first one of these, which is criminally negligent homicide.

So we have a choice, Madam President, we're gonna vote on Amendment right now and that Amendment is going to allow us Either to prevent someone who has committed criminally negligent homicide from getting a free pass by the Bill before us, or we can support this Amendment and say no, that's not appropriate for people that have committed criminally negligent homicide, they should be reported to the federal authorities. I urge adoption.

THE CHAIR:

Thank you, Senator.

Will you remark further? Will you remark further? If not, Mr. Clerk, I will open the vote and we will call the roll.

CLERK:

Immediate roll call vote has been ordered in the Senate. Immediate roll call vote has been ordered in the Senate. Senate Amendment "B" LCO number 8710. Immediate roll call vote has been ordered in the Senate.

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THE CHAIR:

Have all the Senators voted? Have all the Senators voted? The machine will be locked Mr. Clerk please call the tally on the Amendment.

CLERK:

Senate Bill 1019 Senate Amendment "B" LCO. Number 8710.

Total number voting	35
Total voting Yea	14
Total voting Nay	21
Absent, not voting	1

(Gavel)

THE CHAIR:

And the Amendment fails. Will you remark further on the Bill that is before us? Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much, Madam President.

Great to see you up there this evening. The Clerk is in possession of LCO 8722.

If the Clerk could please call the Amendment I move adoption and ask leave to summarize.

THE CHAIR:

And the question is on adoption Mr. Clerk.

CLERK:

LCO number 8722. Senate Schedule "C".

THE CHAIR:

Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much, Madam President.

Essentially, what this Amendment does is carves out general statute section 53A-64CC.

And what that addresses a strangulation or suffocation in the third degree, which is a Class A, again, the most serious misdemeanor before us.

I actually worked on the underlying crime of strangulation.

Believe it or not, since I've been here in the Legislature, it came to my attention through the Office of the Chief State's Attorney's office, I believe, under Kevin Cain, at that time.

He came up to me, as well as the other heads of the Judiciary Committee and said, you know, we don't have any law on strangulation in the state of Connecticut, so they would address it through other violations that they felt were appropriate.

But I helped work with the chief State's Attorney's office as well as my colleagues, it may have been, I want to say maybe, Chairman McDonald and Chairman Lawler at the time.

I'm not sure if that was Rosa Rebimbas, as the

Ranking Member at that time, it may have been Representative O'Neill, but it was it was back around that era.

But we worked hard to make sure that there was strangulation on the books so that if someone was actually strangled, that there will be something spot on that the state's attorney could charge them with, and convict them of.

Because if you're being suffocated, or someone's trying to strangle you, and quite often that kind of crime takes place in a domestic violence situation, which we just had the previous Bill.

But very sadly, very, very sadly, you know, for strangulation to occur, it's hand to hand.

Someone's attacking another human being with their bare hands and it can be every bit as devastating and life threatening as any other attack.

So, again, for that reason, I would urge my colleagues to support this Amendment I don't believe it should be in the underlying Bill and for those reasons, again, urge a yes vote on this Amendment. Thank you, Madam President.

THE CHAIR:

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

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. I also rise in support of this. As a police officer, I've seen strangulation on many different occasions and some of the some of the cases are very scary for the victims.

You know, that when somebody puts their hands around your throat and starts to choke you and you cannot

breathe, that is a lasting mark on that poor victim.

And I've seen some pretty bad cases where some of these victims thought they were actually going to die. And so I rise in support of this and I also ask for a roll call vote. Thank you.

THE CHAIR:

Thank you.

We will vote on the Amendment by roll since the request has been made.

Will you remark further on the Amendments before the Chamber?

Senator Winfield.

SENATOR WINFIELD (10TH):

Thank you, Madam President.

And similar to what I said on the last, the last Amendment before the Chamber.

Well, I recognize the issue being brought forward.

This has been considered and I would rise in opposition to the Amendment that is before the Chamber.

Through you, Madam President.

THE CHAIR:

Thank you, Senator Winfield.

Will you remark further on the Amendment? Will you remark further on the Amendment? If not, the machine will be open Mr. Clerk, please announce the roll call vote.

CLERK:

Immediate roll call vote has been ordered in the Senate. Immediate roll call vote in the Senate. Senate Bill 1019 LCO 8722. This is Senate Amendment "C". Immediate roll call vote in the Senate on Senate Amendment C. LCO number 8722. This is Senate Bill 1019 Senate Amendment "C". Immediate roll call vote in the Senate. Senate Amendment "C". Senate Bill 1019. 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 1019. Senate Amendment "C" LCO No. 8722.

Total number voting	35
Total voting Aye	13
Total voting Nay	22
Absent not voting	1

(Gavel)

THE CHAIR:

Amendment fails.

Will you remark further on the Bill that is before the Chamber?

Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much, Madam President.

The Clerk is in possession of LCO No. 8747.

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I would move for adoption of that Amendment waive reading and ask leave to summarize.

CLERK:

And Mr. Clerk, if you would, please call the Amendment.

SENATOR KISSEL (7TH):

I'm sorry. I'm sorry, 8747, please.

CLERK:

LCO No. 8747. Senate Schedule "D."

THE CHAIR:

Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much.

And Madam President, at the outset, I would ask for a roll call vote when we vote on this particular Amendment.

This Amendment, again, as a carve out, again, a crime that I believe is very serious, and a concern to myself and others in the circle.

I don't believe it's appropriate to be in this Erasure Bill that's before us this evening.

It has to do with sexual assault in the fourth degree, which again, is a Class A misdemeanor, which is the highest misdemeanor, or most serious misdemeanor that we have on the books.

And you know, not all domestic violence has to do with sexual relations. But typically, they're

individuals, they don't have to be male and female, they can be the same gender.

But it tends to be involving intimate relationships, and quite often intimate relationships have some component, not always, but some component of sexual relationship.

And this has to do with violating that bond of intimacy in such a way that an individual is convicted of sexual assault in the fourth degree.

And again, I would just -- and I don't want to belabor this. I know we have other Amendments before us and other debate on this Bill.

But I would say between 95 and 99% of the cases in our criminal courts are resolved through some form of plea bargaining.

When I was a Special Public Defender for a number of years, it was real, I actually wanted to cut my teeth on a trial in a GA court.

And it was hard to find a case where actually, everything came into place where I could actually try the case.

And it's not like a jury trial, just try a case before a judge, we had judges saying I'm open for business. And yet the matters will get resolved through a plea agreement. And you know, if that's in the best interest of my client, that's what I'm gonna do. And if the state's attorney felt comfortable with the sentence, that's what he or she was gonna do.

And, you know, I mean, occasionally you get an agreement where you'd have a range as a potential penalty. And you could argue within that range. It's almost like trying a case, but it's not quite that but at least you get able to make a pitch and do

some homework and, and, and feel like an advocate for your client, in the criminal courthouse.

But very rarely, unless you're at the very highest climbs, you know, a part A Courthouse where someone's facing extraordinarily serious felony, and there's just too many chips on the table and too much at risk for that particular defendant. Whatever they're charged with, that they would feel compelled to go before a judge or a jury and try that criminal matter.

So, again, I think if you're strolling through any GA or Part A court in the state of Connecticut, tomorrow, you'd find that 95 to 98% -- 99% of those cases are resolved in some form of plea agreement.

Sexual Assault, it's serious. And so I would just posit that if anybody pled out to this Class A misdemeanor sexual assault in the fourth degree, they probably, no guarantee, but probably were charged with something more serious, to compel them to take this as an effective better offer, and something that they felt comfortable accepting as a plea agreement.

And so sexual assault, no matter how you paint it, it's serious. And it's really harms an individual.

And if you're talking about crimes of -- that hurt an individual psyche, male, female, I don't care. That's a trauma that that individual is going to have to deal with for the rest of their lives.

And so I would urge my colleagues to support this Amendment.

Thank you, Madam President.

THE CHAIR:

Will you remark further on the Amendment before the Chamber?

Senator Sampson.

SENATOR SAMPSON (16TH):

Thank you, Madam President.

I rise in support of the Amendment that is before us.

And I will reiterate the good Senator's comments. Sexual assault is serious. There is no question about it.

It's ironic that we just -- the previous Bill in this Chamber was on protecting the victims of domestic violence.

And yet, in this Bill, we're going to suggest that criminal aliens that are guilty and have been convicted of sexual assault in the fourth degree should not be reported to the federal authorities.

And just for edification, there might be more serious versions of sexual assault, but sexual assault on the fourth degree, a person is guilty when such person subjects another person to sexual contact who is under 13 years of age, and the actor is more than two years older.

13 years of age and the actor is more than two years older. Forgive me I have different highlighted sections that I'm trying to read. (c) is physically helpless, (d) less than 18 years old and the actor is such other persons guardian or otherwise responsible for the general supervision of that person's welfare.

Or such persons subjects and other person to sexual contact without such other person's consent. Or such person is a coach in an athletic activity, or a person who provides intensive ongoing instruction and subjects another person to sexual contact, who

is a recipient of coaching or instruction from the actor.

Those things strike me, Madam President as pretty serious.

And this Amendment is a simple up or down vote once again, I don't want it to escape anyone that this is a simple up or down vote.

Yes. Means you do not want someone who has committed sexual assault in the fourth degree to remain in the country and you want them reported to ice.

No means you're totally fine with carving them out in this Bill.

I urge adoption of the Amendment, Madam President.

THE CHAIR:

Thank you. Well remark further on the Amendment that is before the Chamber?

Senator Winfield.

SENATOR WINFIELD (10TH):

Thank you, Madam President.

I rise in opposition to the Amendment before us.

I just want to be clear that -- I'm sure this is not what was intended. But I just want to be clear that voting yes or no for this Amendment doesn't mean that you don't take seriously the crime that is dealt with in this Amendment.

I think the members of the Chamber know I have a sex assault in my past, I was under the age of 13. I take it very seriously.

I know it intimately it is affected me. I think people have seen how it has affected me. When we deal with the issue.

The mere fact that someone looks at this and says that after a period of time, that person is not inside of the system.

That's not who we're talking about. But talking about people who are outside of the system, and yet the system we have -- and I could say this over and over again for however many Amendments are going to be before us, the system that is supposed to have punished them appropriately for the crime that is supposed to have figured out a time in which you're out of the system has been set up in such a way that while it's not a crime for which the punishment is life, in effect, that's what it is.

This is not about we shouldn't punish people. Absolutely we should punish people for those crimes.

But there is a point at which that punished Men should end. That's difficult for some people to recognize as difficult for some people to imagine that we would have a system that punishes you appropriately, and then stops punishing you so that you can move on with your life.

We have a whole scheme that we talk about second chance, we should just talk about our criminal justice system, because that's the way it's supposed to function anyway.

But it is not how it functions. I wish we weren't here doing this Bill. I wish the system worked the way that we believe that it works.

I wish the system worked the way that my mother told me it worked when I was a child, which was you do that crime, you're going to do to time and I'm going to support it.

But when you get out, you shouldn't continue to do the crime for the rest of your life.

I don't know why in this country, we think that's appropriate. I have no idea why?

But it isn't. And I know it's difficult for some people to stand up and say it is inappropriate, but it is not appropriate.

We may be offended by the crime, I'm offended by the crime that happened to me. But the person who committed that crime to me who never went to prison, should they have gone to prison should have served that time, all of that time. And when they got out, they should have been able to move on with their life, because they're going to move on with the life.

The only thing that we're saying is you can move on with your life. But you can't get a job or it's difficult to get a job.

You can move on with your life. But you can't get housing or it's difficult to get housing. I don't know how that makes anybody safer.

I don't understand why we think that makes people safer, making it less likely this person can reintegrate into society.

We know that when people can't reintegrate into society, they're more likely to commit a crime. And yet we think of that as public safety.

I just don't understand it. This isn't about if you do this, then you support crime victims. And if you do that, then you don't that's not what this is about.

This is about getting right what we have never gotten right in this country in this state.

So I rise in opposition to this Amendment.

THE CHAIR:

Thank you, Senator. Will you remark further on the Amendment? Will you remark further on the Amendment? If not, there has been a request for a roll call vote so I will open the machine. Mr. Clerk, kindly call the roll call vote.

CLERK:

Immediate roll call vote has been ordered in the Senate. Immediate roll call vote in the Senate. This is Senate Amendment "D" LCO No. 8747 on Senate Bill 1019.

Immediate roll call vote has been ordered in the Senate on senate Amendment "D" LCO 8747. This is on Senate Bill 1019. Immediate roll call vote in the Senate.

Immediate roll call vote has been ordered in the Senate. Immediate roll call vote in the Senate. LCO No. 8747. This is Senate Amendment "D." 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 on the Amendment.

CLERK:

LCO 8747

Senate Bill 1019 Senate Amendment "D."

Total number of voting	35
Total voting Aye	13
Total voting Nay	22
Absent, not voting	1

(Gavel)

THE CHAIR:

Amendment fails.

Will you remark further on the Bill that is before us?

Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much, Madam President.

If the Clerk could please call LCO 8776 Pleas?

THE CHAIR:

Mr. Clerk.

CLERK:

LCO No. 8776. Senate Schedule "E"

THE CHAIR:

Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much, Madam President.

I move adoption of the Amendment waive reading and ask leave to summarize and when the vote is taken, if it could please be taken by roll.

THE CHAIR:

And the question is on adoption and we will take the vote by roll please proceed, sir.

SENATOR KISSEL (7TH):

Thank you very much, Madam President.

This Bill -- I mean, this Amendment rather carves out stalking in the second degree. Again, something that I find very serious.

And again at the -- the previous Bill regarding domestic violence matters -- and I absolutely commend to the proponents of that Bill.

There was much discussion regarding the expanded ambit of coercion. And that coercion hereto for had to have some element of physicality on the individual and with a new definition, it covers a much wider range of actions that can have the same, if not worse results for the individual being victimized.

Stalking in the second degree involves at least two attempts of hunting essentially person down stalking them lurking behind them, following them.

But above and beyond that one of the critical elements to be convicted of stalking in the second degree is that the individual, the victim, either has to feel great fear for his or herself and this is on two occasions, or fear for another individual human being -- their child.

That's serious, I don't want to be stalked. I don't care where I'm walking what I'm doing. And I would say we don't know for a fact. But my guess is that the stalker doesn't want to be caught, obviously hasn't been caught the first time because the underlying crime has to be two events.

But what are the odds that the individuals dusk or dawn or it's dark? You know, who would want to be in their neighborhood and have somebody lurking behind them, following them?

And then it's so bad, that (a) causes you mental distress, fear for your own safety and health and life, or fear for someone else with you, a boyfriend and girlfriend, a spouse, a child, a neighbor.

You don't want that, you're going to be worried about being wherever you are, for years. Is this safe?

And by the way, I would suggest that it is not unreasonable to infer that if an individual is stalking someone, they don't have a good intention, when they actually catch up to that individual.

Unless their whole intention is to freak them out. To make them afraid, to intimidate them, to figure out their pattern of behavior so that something worse can happen the third or fourth or fifth time.

Stalking is a scary thing. If you take a step back again, objectively, it's scary that one human being would stalk another human being.

And again, it's hard to get convicted of crimes in the state of Connecticut.

We have lots of diversionary programs. And again, we have a system that relies 95 to 99 99% on plea bargains.

If a person's convicted of stalking in the second degree, that person probably did something much more serious, and pled down to this, to accept the conviction and go do their time.

And I just think it's too serious to include in the underlying Bill, despite the good intentions of the proponents of the underlying Bill.

I certainly have no criticism of a desire to afford individuals opportunities that hereto for perhaps society is falling short of.

I get it. I just don't necessarily agree with all the parameters of the underlying Bill before us. And for that reason, Madam President, I would urge my colleagues to support the Amendment regarding

stalking in the second degree and carve that out of the underlying Bill.

Thank you, Madam President.

THE CHAIR:

Will you remark further?

Senator Sampson.

SENATOR SAMPSON (16TH):

Thank you, Madam President.

I rise in support of the Amendment before us. We're kind of jumping around on these Amendments.

The previous Amendment had to do with carving out sexual assault from the reporting process for folks in the country illegally.

This Amendment has to do with whether stalking is an offense that is worthy of being erased after a period of time.

I just want to associate my remarks with Senator Kissel, I think he's made a very, very good point.

Stalking itself as described in the statute, to me strikes me as something that is significant enough that we would not want to let folks back out on the street, without this conduct being recorded, much like we record people who are guilty of sexual assault and they end up on the registry.

For the record, stalking in the second degree, a person is guilty of stalking in the second degree when such person knowingly engages in a course of conduct, which means two or more times, directed at a specific person that would cause a reasonable person to fear for such persons, physical safety, or

the physical safety of a third person, such suffer emotional distress and so on. Such person intentionally and for no legitimate purpose engages in a course of conduct.

Again, two or more times, directed at a specific person that would cause a reasonable person to fear that such person's employment, business or career is threatened.

This is not the kind of act activity that we want to ignore in the future.

And I urge my colleagues to support this Amendment because there are just certain things that we should not erase from the record.

And there are certain things that we should not carve out of the misdemeanor requirements for our reporting process to the federal authorities on immigration.

I urge adoption.

Thank you, Madam President.

THE CHAIR:

Thank you.

Will you remark further on the Amendment?

Senator Winfield?

SENATOR WINFIELD (10TH):

Yes, thank you, Madam President.

I rise in opposition to the Amendment.

I recognize the purpose for which the Amendment is brought forward.

I would just remind the Chamber that we do take it seriously. It's a Class A misdemeanor, and that has a penalty up to a year and should the person actually serve the full year which as we know is not exactly how this tends to work out. But should they serve the full year, even at that point, they will still have six additional years before -- a way in which they would not be -- sorry, I was distracted by the phone.

They would have six additional years before they could avail themselves of this in which time they could have no further charges.

I don't know that that quite seems to me the scenario as it was laid out because it seems to me that the person described that their scenario is likely to have a further charge.

But regardless of that, this person will have served the time that they owe to the state. And I think that this is the policy we should have.

So I rise in opposition.

THE CHAIR:

Thank you, Senator.

Will you remark further on the Amendment?

Will you remark further?

If not a roll call has been requested.

I will open the voting machine. Mr. Clerk please announce the tally.

CLERK:

Immediate roll call vote has been ordered in the Senate. Immediate roll call vote has been ordered in

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the Senate LCO No. 8776. This is Senate Amendment E.
Senate Amendment E, LCO No. 8776.

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. 8776. This is
on Senate Bill 1019. 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:

On the Amendment. LCO No. 8776 Senate Amendment E.
Senate Bill 1019.

Total number voting	35
Total voting Aye	12
Total voting Nay	23
Absent, not voting	1

(Gavel)

THE CHAIR:

Amendment fails.

Will you remark further on the Bill before the
Chamber?

Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much, Madam President.

If the Clerk could please call LCO 8787 pleas?

THE CHAIR:

Mr. Clerk.

CLERK:

LCO No. 8787 Senate Amendment "F"

THE CHAIR:

Senator Kissel.

SENATOR KISSEL (7TH):

Thank you, Madam President.

I would move adoption of the Amendment.

Waive a reading, ask leave to summarize and when the vote is taken, if it could please be taken by roll.

THE CHAIR:

It will be taken by roll when the vote is taken.

Please do proceed, sir.

The question is on adoption.

SENATOR KISSEL (7TH):

Thank you very much, Madam President. What this Amendment does is this, and I apologize for the confusion. Some of these Amendments had directly to do with the immigration portion of the underlying Bill.

This Amendment deals directly with the erasure of records portion of the Bill. But the universe's amazingly similar, what this does is it deals with the charge of assault of an elderly, a blind, disabled or pregnant person, or a person with intellectual disabilities in the third degree.

Gotta be honest, hard to create a list of really sympathetic victims. An elderly individual, I believe that's 65 and older. A blind person assaulting a blind person, what human being would do that? A disabled or pregnant. Assaulting a pregnant person? Or a person with intellectual disabilities.

If you want to create a universe of potential victims that really have a reduced capacity to defend themselves, I would suggest that this is it. And I didn't do the legislative history on the underlying crime.

But there's probably a reason why these groupings of individuals were put together in this particular criminal statute. Because they all share the commonality that they're not normal, healthy human beings, -- not that that's an excuse to assault anybody.

But I think it's just our notion that there are individuals in our society that deserve heightened vigilance. And that it is completely appropriate that some past legislature determine that this particular crime is so important that we're going to group these individuals together and say, this is just beyond the pale.

I mean, every crime has its victims. But this grouping of individuals really deserves our protection, because they just are out there in society, and don't have the ability nor capacity to defend themselves as someone who might otherwise be in a different physical position.

And again, not that one is excusable and the other is not that's certainly not the case. But if you ever want to paint a picture of something dastardly, I think assaulting any of these individuals would be right there.

And so for that reason, Madam President, I would urge my colleagues to support this Amendment.

I don't believe that this particular crime is befitting criminal erasure. Thank you, Madam President.

THE CHAIR:

Thank you, Senator.

Will you remark further on the Amendment that's before us? Senator Sampson.

SENATOR SAMPSON (16TH):

Thank you, Madam President.

I rise in support of the Amendment before us. It's very similar to the previous Amendment.

Senator Kissel has done a great job of laying out exactly who we are referring to.

We are referring to someone who has been convicted of assaulting an elderly, blind, disabled or pregnant person, a crime that carries a minimum mandatory sentence of one year.

As I mentioned earlier on. This is a policy, this underlying Bill, the notion that we could find our way to make it easier for folks back into our society by slowly but surely minimizing their criminal past.

It's something that I'm sympathetic to. It's something I could support.

But like so many things that happen in this building, it goes too far.

And this is one of those circumstances where I believe you are including folks that do not deserve this benefit, for lack of a better term.

Some criminals and some crimes are more significant than others. It's just that simple.

We have been listing significant crimes that have significant penalties and for significant reasons

This Amendment has to do with removing this person's eligibility from erasure, but I will note that it is also a crime that is included in the 364 days versus one year portion of the Bill.

And I believe that this crime should not be eligible in either circumstance, Madam President, and I urge adoption, a very simple question before the Chamber. Do you believe that someone who has been convicted of assault of an elderly, blind, disabled or pregnant person should be eligible to have their criminal record erased even after some period of time or not?

Yes, means you do not. You want to remove that from the Bill because you believe that is too significant a crime for eligibility.

No, means that you are in agreement with the Bill which would allow this particular crime to be eligible.

Thank you, Madam President.

THE CHAIR:

Thank you, Senator.

Will you remark further on the Amendment before the Chamber?

Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. I believe a roll call was asked previously, but just to make sure.

Madam President, I rise in opposition to the Amendment.

We are not here debating issues of jail time. We're not debating issues on whether or not we're opposed to these types of crimes.

Nobody wants to see a pregnant woman assaulted, nobody wants to see a blind person assaulted. What we're talking about is whether or not we're going to put as a policy of a clean slate for people who have done their time.

And then they have been crime free for the next six years. So seven years in total. I'll reserve the rest of my comments for the -- once we adopt --, once we're on our closings for the Bill.

But I want to remind anybody who's watching, or listening, that we've had these debates over and over and over again, over the years, when this Chamber was debating whether or not people who were voting for Bills or are doing criminal justice reform was, quote, unquote, soft on crime.

Whether or not we believe certain individuals should get a longer sentence or shorter sentence.

Yet we have led the nation in criminal justice reform, so much so that many other states have followed the work we've done and the states that have not done what we've done, have a higher crime rate than we do here in the state of Connecticut.

This Bill simply is about whether or not we believe that somebody who has paid the price through incarceration and has led a life afterwards without crime, again, that they deserve to have a second chance to be able to get on with our lives and be productive members of society.

So we can continue to have these Amendments, where we pick apart things where it looks like somehow, we believe that these crimes are somehow acceptable, which they're not.

But that is not part of this Bill. This Bill is about a clean slate and providing people with an opportunity to move forward with their lives, which I think is what we're all in agreement on.

We want to have people who have the ability to become good members of society, productive members of society, taxpaying members of society, and therefore we should provide that opportunity.

I stand opposed to the Amendment.

Thank you, Madam President.

THE CHAIR:

Thank you, Senator.

Will you remark further on the Amendment?

Senator Winfield?

SENATOR WINFIELD (10):

Yes, thank you, Madam President. I rise and align myself with the comments of the good Majority Leader.

I think all victims are important. Whether or not we're talking about the victims who are easy to characterize as people who have something about them that makes them easier to victimize or not. I think all victims are important.

This Bill is about what happens after someone has served their time and what this Legislature intends to happen going forward.

Let us be clear that the conditions that we create through policy have something to do with whether or not people are going to commit crime. I don't think that there's disagreement about that.

The impact for making it harder for people to have work and just so that we know, this has been studied, right? It's not just me saying this has been studied.

There are plenty of studies as a study in 1988, a study in 1993 and we can keep on going that we've talked about ad nauseam inside of the committee itself, that says that the sense that when one has poor work history, or whenever there are things that preclude one from getting work, they're more likely to do what? Commit crimes.

It says that we know that there are higher recidivism rates for non-Hispanic blacks, then then for Hispanics, and then for white people, because of discrimination is already built in on top of which we let we add this.

If we are concerned about public safety, and we have the ability to do something about the conditions in which people live, we should do that. We should also make sure that when people commit crimes, there is an appropriate punishment.

This Bill strikes that balance, and we can talk over and over and over again about a particular line underneath the Bill.

But what this Legislature should be concerned with is at the point at which these people are no longer in the system, what conditions are we creating into which they have to operate and are more or less likely to commit crime?

This Bill means that they are less likely and for that reason, any Amendment that would change that,

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to my mind is an Amendment that should be opposed,
including this Amendment.

Through you, Madam President.

THE CHAIR:

Thank you, Senator.

Will you remark further? Will you remark further? If
not, a roll call vote has been requested on this
Amendment. The machine will be open Mr. Clerk,
please announce the roll call vote.

CLERK:

Immediate roll call vote has been ordered in the
Senate. This is Senate Amendment "F" LCO 8787,
Senate Amendment "F". Immediate roll call vote in
the Senate on senate Amendment "F" LCO Number 8787,
the Senate Bill is 1019.

Immediate roll call vote has been ordered in the
Senate on senate Amendment "F" LCO number 8787.
Immediate roll call vote has been ordered in the
Senate. Immediate roll call vote has been ordered in
the Senate. Senate Amendment "F" LCO number 8787.
Immediate roll call vote in the Senate.

THE CHAIR:

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

CLERK:

Senate Bill 1019. Senate Amendment "F".

LCO 8787

Total number voting	35
Total voting Aye	13

Total voted Nay	22
Absent not voting	1

(Gavel)

THE CHAIR:

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

SENATOR KISSEL (7TH):

Thank you very much, Madam President. There's plenty of other Amendments that have been filed, but at this point in time, I think I've made my point. The underlying Bill addresses both a ratio of individual's criminal records with the mere passage of time.

And another component of the underlying Bill has to do with changing from 366 days -- 365 days to 364 certain crimes, which would if we left the law alone, which seems to be working in my humble opinion, but that's just this Senator. It has to do with notification of federal authorities regarding undocumented aliens, who have committed crimes who have been convicted of crimes and then it's up to the federal authorities how to handle those particular matters.

I don't consider myself a hard hearted person by any stretch.

And I think to some extent, Senator Duff was accurate in stating that we do want individuals here in the state of Connecticut to be law abiding, productive citizen.

I want individuals out there to feel like they can make a positive difference in people's lives, and in their communities and throughout the state of Connecticut.

I think the whole issue of immigration and naturalization of undocumented aliens is one that at some point in time, perhaps the Federal Government can do more, to resolve some unfounded issues, we tend to have a policy, again, in this Senator's humble opinion on the Federal level that it's hard to figure it out sometimes.

But that being said, and despite the best of intentions by the proponents of the underlying Bill, and I have no doubts regarding that, many of these issues are like looking at a pendulum. And it's a question of degree.

Has our policies, have our policies rather, gone too far to the left or too far to the right and I don't necessarily mean that in a political way. But I, you know, I'd rather err on the side that I feel far more comfortable regarding public safety.

The proponents of the Bill, believe that the current system does not enhance public safety as much as they would like to see and they're willing to move forward with this kind of proposal.

And again, I can't read people's souls or their minds or their motivations. But I do believe that many folks, I would even suggest the majority of the folks that espouse these kinds of policies feel that it'll ultimately enhance public safety, I don't necessarily agree, I just don't.

Do I feel that some people are predisposed towards a life of crime? No. Is history replete with stories of individuals who have turned their lives around? Yes. Indeed, have some of these individuals become saints? Yes.

Redemption is just part of one of the wonderful aspects of being a human being. Nobody feels that the past should haunt them forever. I get it. But there's just some things that are so abhorrent and so hurtful to another human being, or to our society

as a whole, that we can't turn a blind eye to that and there has to be ramifications, and perhaps, perhaps, there are consequences beyond incarceration.

I'm not God, don't pretend to be, I don't know what's in the human soul. I can just live my life one day at a time and try to make the decisions that I feel are best before me right now. That's all I can do.

That's why I find it such a tremendous honor and privilege to represent the people of North Central Connecticut for these years. Because I feel I'll be at always in the majority, almost, I mean, the minority.

But I do believe that our debates here in the circle and our Committees make a difference, make a positive difference. And indeed, above and beyond voting on proposed Legislation, and either working in opposition or championing it, working through state.

I don't want to say necessarily the bureaucracy, because so many wonderful people work in government, whether it's local, state, federal, but trying to find your way through that maze, and trying to get good results for people that are struggling, especially now is extraordinarily rewarding and I just feel really lucky to be able to help put my shoulder to that will and help turn people's lives around in some small way.

We're going to disagree and it's not always along party lines. But I try to tell my constituents is if you really look at voting records, how many Bills do we all agree on, I would say the majority.

But that doesn't make for good news. And there are important differences between folks here in the circle. Although, as we And sadly, there haven't been school groups in a number of years, and I hope

that we can turn that around soon, too. You know, the house is designed in a certain way, but the Senate is a circle.

Somebody told me when I was first elected, that the house is like a piping hot tea cup, and the Senate is like the saucer that you pour the tea in to cool it off.

By having a circle, it almost fosters collegiality and a respect for one another. And I just want it really clear on the record, I highly respect each and every one of my colleagues.

But when it comes to this particular proposal regarding erasure of records, and changing the penalty for certain groupings of individuals who have been convicted of very serious offenses, against their fellow men and women and children in the state of Connecticut, I think we've gone a step too far. And there's a reason why such reform proposals have failed in the past. And I don't think the time is right now, either.

I don't think that this is the right direction for the state of Connecticut. I think we can address some of the concerns raised by proponents and advocates in other ways that in my opinion, would enhance public safety or protect the public safety and I just don't think that the Bill before us this evening is the way to go.

For that reason, madam president with the utmost respect for people to hold views on both sides of this issue, I am compelled and I feel in my heart of hearts good about voting no on this proposal, I feel like I'm doing right by the constituents that I serve.

Again, with the utmost respect for proponents and advocates that have been championing these causes for years. I just think there's a better way. And it's up to us to come together and find out better

way and this is not. For those reasons, Madam President, I would urge my colleagues to vote no, thank you.

THE CHAIR:

Thank you, Senator. Will you remark further? Senator Haskell, good evening.

SENATOR HASKELL (26TH):

Good evening, Madam President. It's good to see you up there. I, first of all want to start by thanking Senator Winfield, for his steadfast advocacy on this Bill, the heart and knowledge that he brings to this debate. I also want to thank the leadership of our caucus, Senator Duff and Senator Looney, for prioritizing clean slate legislation.

You might ask Madam President, what in the world somebody who represents seven suburbs in Fairfield County is doing standing up and talking about a clean slate legislation? And the answer comes down to you know, in this job, one of the cool things about serving in the State Senate is we get invited to a lot of events back in our district.

Some of them are, are not always the most fun, and some of them are really fun. And some of them leave a really long impact after they end. And it was in my very first year of my first term serving in the State Senate that I received an invitation from temple Israel to attend a Shabbat focused on the issue of clean slate.

And I hadn't heard of the clean slate Bill, it wasn't something that I talked about going door to door. It wasn't something that my constituents had had previously brought to me. But it was at that event that I heard from a remarkable advocate named Tammy King whose story has stuck with me ever since she had the -- she was gracious enough to share it with us inside temple Israel that evening, talking

about the legal complexity of trying to navigate through the current process of expunging criminal record navigating through a board of pardons and paroles that requires so many forms, so many -- frankly, she had to hire a lawyer to help her navigate that process.

And it was all because she wanted to go back and earn her degree, go to school, get a good paying job. She'd served her time she'd made mistakes early in her life. But now she wanted to become a contributing member of society.

And I'm sitting there so impacted by Tammy's story, but wondering what are we doing in a temple in Westport, Connecticut? What is all any of this have to do with Judaism?

I'm not myself Jewish, Madam President, but Rabbi Michael Friedman, is a good friend of mine and a constituent and he explained to me that a fundamental tenet of their religion, is the idea that an individual can atone for their past misdeeds and their sins, through a process of atonement, that there are second chances that nobody is above the possibility of redemption.

And what was so cool after that event, Madam President is that it wasn't just Rabbi Friedman and it wasn't just the Jewish face, there were Catholic priests in my district who reached out to me about the clean slate Bill, talking about the centrality of redemption to their scripture.

Then there were ministers who reached out to talk about how important it is that everybody is given a second chance.

And I came to realize that there's a network across Connecticut, of religious leaders and religious individuals who care very deeply about the clean slate Bill, because they want to see our because they fundamentally, they believe that it's the right

thing to do.

Look, I've been listening carefully to the debate tonight, if we want every criminal sentence in the state of Connecticut, I'm sorry, every crime in the state of Connecticut to carry a lifetime sentence, a lifetime sentence of discrimination, holding people back from getting a job holding people back from going back to school, holding people back from finding a safe place to live, then we should just say so we should pass a law in this Chamber that said every crime has a lifetime sentence.

But I don't think that's what most of my colleagues believe. I think that there's a time honored tradition that we learn when we're young that if you serve your time, then you can eventually go back into society and have that second chance that's promised to us by so many religious scriptures.

I learned that night at Temple Israel that passing clean slate, it's not just the right thing to do. It's also the smart thing to do. I was shocked to find out that one study found \$859 million a year is lost in Connecticut, lost because we hold people back we make it harder for them after they get out of prison to find their first job to go back to school to find a place to live. You know, they shared with me the numbers.

We've got 407,000 I'm sorry, yeah 407,000 Connecticut residents in Connecticut with a criminal record. And 89% of them are eligible for parole. The problem is and the reason we stand here tonight and the reason Senator Winfield has championed this Bill is that we are averaging 626 cases a year. That means that our current rate, we will get through every person who is eligible for parole. The board of pardons and paroles will have a chance to consider all of those cases over the course of the next 577 years. That's not nearly soon enough, Justice delayed is justice denied, as we have learned.

Why is this an economic problem? Because nine out of 10 employers in the state of Connecticut require a background check. And as a result of those policies, 60% of them have men who are released from incarceration are still unemployed a year after their prison sentence ends.

I've said -- I've already talked about why this is the right thing to do, and why I've been convinced that this is the smart thing to do. But I guess I'll close by saying this is also the popular thing to do. One poll found that 85% of Connecticut residents agreed that people who have served their time should have a chance to get their life back on track, 85%.

This isn't a Republican issue or a Democratic issue is Senator Winfield has reminded me a similar Legislation has been championed through Republican Legislators I believe the very first day to do this successfully was the state of Michigan. We heard from legislators on the other side of the aisle from other states, who are saying, of course, we want to help people get back on track because this is an economic imperative to put people back to work.

And by the way, nationally, this is not a conversation that's only taking place on our side of the aisle. I it was Grover Norquist actually, who wrote in The Wall Street Journal, hardly a champion of progressive ideology, nor a paper, the champions liberal ideas, who said for too long courts and corrections officials, were given a blank check to incarcerate at will and they were never held to answer for the poor results, high recidivism rates driven by offenders who left prison with unresolved mental health and addiction issues and most important, Lee, no job prospects. That's what this Bill is trying to solve.

So I'll close by thanking Senator Winfield thanking Senator Duff thanking Senator Looney, but I think most importantly, thanking Tammy King, Rabbi Michael

Friedman, and all of the other religious leaders who have spoken up loudly and clearly in my district and across the state, that this is the right thing to do.

Look, I'm not as seasoned in politics as some of my colleagues, but I know what these Amendments are trying to do. They're trying to say that, you know, Senator Haskell wants all dangerous stalkers to go free. And of course, that's not true.

We want the board of pardons and paroles to be able to do their job to look holistically at each person, not just who they were, but most importantly, who they become. I look forward to supporting this Bill. And I asked my colleagues to do the same. Thank you, Madam President.

THE CHAIR:

Thank you, Senator. Will you remark further on the Bill before the Chamber? Senator Sampson.

SENATOR SAMPSON (16TH):

Good evening, Madam President, I rise in opposition to the Bill before us. I've been listening to the comments of my colleagues from every angle, and what their perspectives are and I'm sympathetic to their positions and their desire to find that balance that's been mentioned so many times today in determining what is acceptable from a public safety standpoint, and what we should do about helping formerly incarcerated people back into our society.

But one thing that strikes me though, Madam President, is just how inconsistent and inaccurate the comments I keep hearing are from the other side. I've heard it said that respectfully, we are not debating the significance of the crimes that have been brought up in the Amendments.

And I disagree, we most certainly are because this

Bill is changing the public policy on we hand on how we handle the result and impact of individuals that commit these certain crimes. I just heard that we want to give the board of pardons and paroles the ability to do their job and consider not just who people were but who they become.

And this Bill actually limits and mitigates the impact and input from the bar Board of pardons and paroles. I started from the beginning explain that I am one of the very first people on the Republican side of the aisle to support a policy like this.

I've been sympathetic every time I've been approached on the subject of clean slate since probably five or six years ago when it happened the very first time. I've listened intently. I've made my recommendations and I've suggested what I think is a proper balance. And I'm sad today, Madam President, because what I've got before me, is a Bill that I cannot support.

And I'm not gonna sugarcoat anything, I'm not gonna try and market it. I'm not gonna come up with a slogan like clean slate, I'm not gonna try and say the Bill doesn't do things it absolutely does. I'm just going to lay out the facts about what our vote means today. And I want people at home, people watching to make their own decision about whether this is a good policy or not, and whether each of us voted correctly.

That's what we're here for and I'm sad also, because I believe that the laws that are passed in this state would be far better if there were more people watching us and learning more about these Bills and what they mean.

This Bill goes too far, should we make changes in our policy to determine that we could ultimately erase the criminal records of people who have served their time? I would say yes. And the question is, in fact, where do we draw that line?

This is not a Bill about erasing the criminal record of someone who had a joint in college, or a small amount of marijuana, or something minor in their past. Sure, many of those items are raised in this Bill, and they should be. And if that's all it did, I would support it wholeheartedly.

But this Bill goes way, way beyond that, in several ways. The significance of the crimes that are aimed to be erased, is something worth noting, and I'm going to go through them in a moment. But I also want to say that this Bill goes too far in other ways, it goes too far in subjecting other people to rules that it shouldn't.

If the state, for example, wants to restrict the ability of itself, to measure whether or not someone's criminal record matters to them, then I say fine. But this body wants to go further than that, and tell private citizens, businesses, employers, and landlords and so on, what their rules are for what they think is important for determining their own risk. And to me, that's too far.

So if the state wants to decide, well, you're eligible for a grant, even if you had this on your criminal record, I'm fine with that. If the state wants to say, you can still have a job with the state, even though you had this on your criminal record in the past, they can do that, too. They can do all of those things.

I have a little more trouble with the state saying to municipalities, including the town I live in, you have to overlook it too. We are going to erase these things from someone's record so you cannot use that in your determination on whether or not to hire them or if they're eligible for some tax credit, or grant or something. All of that's okay.

But when you go the one step further and start telling people, incidentally, the people that we

represent, and I want to point out that we represent all people, something that seems lost in here all the time. I always whenever looking at any Bill, recognize all the people involved.

So many Bills are in here, because well, this Bill represents the union or this Bill represents the businesses or this Bill represents this group or that group or this group or that group. And it's very frustrating, Madam President, because I represent all my constituents equally, I recognize that that is one of the major tenets of this country is that everyone should be equal under the law.

And it seems like this body is trying to make us less equal all the time by pointing out our differences, suggesting that the past should be the future. What's in the past is the past. Right now, we have opportunity to do things better than anyone in the past by putting those things aside and making good policy in the future.

That's, incidentally, the aim of this Bill is to say people who did bad things in the past, we should overlook some of those things. The test is, what things did they do, and how significant were they?

As I said, if the state wants to make these determinations for the state, fine, but this Bill goes To tell creditors that they cannot use the information based on someone's erased criminal record in a determination, even though there is data to suggest that it does matter and whether or not you're a future credit risk or not.

Public accommodations, if you own a hotel, you would be unable to use this determination in hiring someone or renting property to someone. Employer, employers would no longer be able to use this information. Landlords would no longer be able to use this information. Higher Education, I'm not quite sure of the language in the Bill, whether it includes both public and private colleges, but they

are also included.

The concern I have, Madam President is that when you start telling landlords or employers that they cannot take into consideration something as significant as someone having a serious crime in the past, and we've been talking about the serious nature of some of these crimes all day. What are you opening them up to?

Will the owner of a hotel, or any business actually that hire someone have civil liability if something happened, if that person that they hired based on this law, which prohibits them? Would they still be liable if some significant incident occurred in the future? I believe they would. There's nothing in here that protect someone.

As a landlord, trying to put tenants in a building, would you want someone that was convicted of significant crime in the same building, as some innocent coeds, for example? These are things that happen in the real world. And the juxtaposition of these things should not be ignored.

I'm somebody who firmly believes that when you serve your time, you have paid your debt to society. I want to see people have every opportunity to enter the world and be able to become productive, productive members. But that doesn't mean that we're not responsible for ourselves.

If we change in a way to become better people, whether we have a criminal past or not, then we have changed to become better people. And we should be measured by that. And it's unfortunate, it's absolutely unfortunate that some people will measure others by the fact that they had a crime in their past two years ago.

But there's nothing wrong with that, Madam President. That's how the world works. We are responsible for ourselves and our actions. And the

day that we cease to be responsible for ourselves and our actions. We are losing control of our society because that control of ourselves and our actions is what keeps society together.

There were several Amendments offered earlier, a batch of those Amendments was focused on the items that were eligible for erasure after a period of time. And some of my colleagues and I believe that some of the crimes are so significant that those items should not be eligible for erasure.

There's also a section of this Bill, the very final section that has to do with immigration. Simply put, the Federal Government sets a standard by which individuals who have committed crimes become ineligible to stay in the country, and are essentially added to a list of folks who should be deported.

To get on that list you've got to commit what is known as a class A misdemeanor, that has a minimum of a one year sentence. It's a reasonable provision. And when I list the crimes for you, you're going to be shocked that these list of crimes are not punishable but in more significant ways.

But what happens is in this Bill that provision is modified to make these crimes no longer one year sentences, but rather only sentences of 364 days. It is a purposeful workaround, designed by the folks promoting this legislation to make it so people who are in the country illegally who have committed these crimes are not held accountable to the way the Federal Government expects them to, by virtue of distorting their criminal past from one year penalty to 364 day penalties.

The first time I saw this Bill was like three years ago, and I cannot believe my reaction at the time, I was like, there what? Why would anyone want to do this? I spoke earlier about my understanding for people who try and get into the country, because

they're escaping oppression or an evil regime, or they need health and safety for their children and their families and I am sympathetic to that all day long.

I'm one of those people that takes a completely objective view of the situation and wants to see a solution. Something that we rarely see in Washington on the subject of immigration, and it's their job. And incidentally, anyone listening, I would encourage you to contact our federal delegation and tell them to fix it finally. Because you have on one side, you have folks trying to use the existing law, that we have borders, and we have laws about immigration as a tool for politics to punish people who want to enforce that law.

And on the other side, you have folks that seem to be okay with a certain amount of illegal immigration, if it helps out their friends and business.

All those people are wrong. What we should have is a policy that benefits the citizens of the United States of America equally.

And it essentially sets up a standard by which people become eligible to enter the country that is fair and appropriate.

And it does not take people out of line and put others in their place.

This law, Madam President, creates a situation where we are making exceptions for people who are bad actors to stay in this state.

So let me close by just going through the list. And reminding everyone of just how simple of vote this is.

This vote is an up or down vote. Yes, this is a good Bill, no, this is a bad Bill.

This Bill says that people who have committed this list of crimes are eligible to have them erased. That list of crimes includes and I apologize, they are not in an appropriate order.

Interfering with an officer. A person is guilty of interfering with an officer when such person obstructs resist hinders or in dangers any peace officer or policeman, etc.

Should people like that have their record erased? Should people like that immediately no longer be on the list for removal from the United States if they are illegal aliens?

Next, criminal trespass in the first degree, someone who enters or remains in a building or another premises in violation of a restraining order issued or a protective order issued pursuant to Section such and such.

Is that the kind of person that should have their record erased? Is that the kind of person that should no longer be removed from the country?

Manufacturing or possession of burglar's tools. A person is guilty of manufacturing burglar's tools when he manufacturers or has in his possession any such tool for advancing or facilitating offenses involving unlawful entry.

Again, should that person be eligible to have their record erased? Should that person be eligible to stay in the country?

Forgive me for jumping around. Custodial interference in the second degree.

Being a relative of a child who is less than 16 years old and intending to hold such child permanently or for a protracted period, and knowing that they have no legal right to do so. Very similar

to kidnapping.

Should that person be eligible to have their criminal record erased? This is the question before us Madam President and the people listening I want them to decide for themselves. I'm gonna vote no 'cause I don't believe these crimes are worthy of someone having their record erased.

Forgive me, Madam President, I didn't have time to put these in the proper order. Recruiting a member of a criminal gang, a formal or informal organization, association or group of three or more persons that has as one of its primary activities the commission of one or more criminal acts. Is this someone that should be eligible to have their record erased?

Inciting to riot, something we heard a great deal about this past year. A person is guilty of inciting to riot when he advocates, urges, or organizes six or more persons to engage in tumultuous and violent conduct of a kind likely to cause public harm. Should a person like that be eligible to have their record erased? Should they not be deported?

Riot in the first grade. Forget inciting a riot, actually committing a riot. A person is guilty of riot in the first degree when simultaneously with six or more other persons they engage in tumultuous and violent conduct, and thereby intentionally or recklessly cause grave risk or public harm. Again, should that person be eligible to have their record erased?

Threatening in the second degree. Someone is guilty of threatening in the second degree when by physical threat such person intentionally places or attempts to place another person in fear of imminent serious

physical injury. And it goes on, there are quite a few other things that are listed about reckless disregard causing terror and so on. Should such a person be eligible to have their record erased?

Abuse in the third degree. A person is guilty of abuse in the third when one such person knowingly commits abuse of an elderly, blind, or disabled person or person with intellectual disability and causes physical injury. Should such a person be eligible to have their criminal record erased?

Assault in the third degree. A person is guilty of assault in the third degree when with intent to cause physical injury to another person he causes such injury to such person or a third person. Or with criminal negligence, he causes physical injury to another person by means of a deadly weapon, a dangerous instrument or an electronic defense weapon. Should such a person be eligible to have their criminal record erased?

We had an Amendment on the next one, Madam President. There was an up or down vote already asking Members of this Chamber whether or not we should remove people like this from eligibility, and sadly, that Amendment failed on a party-line vote. Assault of an elderly blind, disabled or pregnant person or a person with intellectual disability in the third degree. I don't need to get into the details. Should such a person be eligible to have their criminal record erased? I'm afraid, based on the Amendment, that most of my colleagues don't believe so. What do you think person at home watching this? Should that person have to -- be able to avoid deportation?

Number 11, let me see, reckless endangerment in the

first degree. Person is guilty of reckless endangerment with extreme indifference to human life, he recklessly engages in conduct, which creates a risk of serious physical injury to another person. Should such a person be eligible to have their criminal record erased?

There's a theme here, Madam President, and that is that these are becoming more and more significant as I go. Number 12, unlawful restraint in the second degree. A person is guilty of unlawful restraint in the second degree when he restrains another person. Should such a person be eligible to have their criminal record erased?

Unlawful dissemination of an intimate image. When such person intentionally disseminates by electronic or other means a photograph, film, videotape or other recorded image of the genitals, pubic area or buttocks of another person, et cetera, et cetera, et cetera. I will spare you the details. Should such a person be eligible to have their criminal record erased?

Stalking, Madam President, in the second degree means two or more acts where someone follows, lies in wait, monitors, observes, surveils, threatens, harasses, communicates with or sends unwanted gifts to a person, causes emotional distress, psychological suffering, and so on. Should such a person be eligible to have their record erased? Should such a person avoid being on the list for deportation?

Strangulation or suffocation in the third degree, it was mentioned earlier by a couple of my colleagues that many of these crimes are ultimately less significant than the crime actually committed and

this is what they were ultimately sentenced with as a plea bargained. You can only imagine what crime someone might've actually committed to be convicted of strangulation or suffocation in the third degree. When such person recklessly restrains another person by the neck or throat or obstruct such other person's nose or mouth and impedes the ability of such other person to breathe or restrict blood circulation of another person. Should such a person be eligible to have their criminal record erased? Should such a person be allowed to remain in the country?

It's interesting that in the Bill the proponents actually did carve out some things because they knew that they were so significant that we should not absolutely in any circumstance allow eligibility for erasure, which tells me that they were thinking about it. They knew some things, gee, just are not gonna fly, we should not be letting these folks have their records erased or it would be bad politics or bad optics to do so.

I think it's all bad policy, Madam President, we should not be doing any of this. Yes, minor crimes, minor drug offenses. If that Bill is before me, I'd vote for it right now, no problem. You wouldn't even hear a peep out of me I would just say yes. I'm standing here, and I'm going through this because it's important that people understand exactly what this Chamber is doing today.

Thankfully, thankfully, they took out sexual assault in the fourth degree as something you're eligible to have your record erased for but, you know, they did not take it off the list of things that you could escape deportation for. Still on that list.

Number 17 on my list, Madam President, criminally negligent homicide. A person is guilty of criminally negligent homicide when with criminal negligence he causes the death of another person. Should such a person be eligible to have their record erased? Should such a person escape deportation?

That's it, Madam President. I don't have to go into any grand speeches. All I did there was give the facts about what this Bill does. If you think this is a good Bill and the crimes that I just listed are not important enough that they should not be erased, then vote yes. I have a sneaking suspicion that the people at home watching this, they would disagree though. I have a sneaking suspicion that anyone watching this would say, "What? Are you kidding me? Why would we do this? Thank you, Senator, for speaking for me and saying no." And I will vote no, Madam President. Thank you.

THE CHAIR:

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

SENATOR WINFIELD (10TH):

Yes, just, Madam President, I just want to -- and I recognized there's a Senator waiting but I just want to make sure that we understand what the immigration part of this Bill aims to do because I think it's unclear and I just thought that perhaps we should actually talk about what that is.

So there's been a lot of representation over the years about what this does but I want to take us back to 1996 because the federal government passed a law that changed the way that we thought about

aggravated felonies. We used to think of felonies as felonies and we used to think of misdemeanors as misdemeanors but when they changed the law, aggravated felonies became those crimes over one year.

And so what this Bill does it says felonies are felonies and misdemeanors are misdemeanors. People can disagree about that but I think before people make an assumption that there is the kind of attempt to get around a crime because it hits a year and it's really a bad crime, and you can have all of those conversations you want but prior to that, felonies were treated as felonies and misdemeanors were treated as misdemeanors. And when the change of that type of crime, which is an aggregate in the federal law, it's looked at as an aggravated felony happened, it captured people whose sentence could potentially be 365 days.

And so what we're doing here is saying we recognize what the federal government did and we have been operating for the whole of time until that point where a felony was felony and a misdemeanor is a misdemeanor. And we believe that a felony is a felony and misdemeanor is a misdemeanor, otherwise, in the state we should of just charged them with a felony.

That's what we're doing here. And maybe you think that charging people with a misdemeanor should treat them as a felony, I don't. I think if you think people have a felony then you should treat them -- you should charge them with a felony. That's simple. That's what we're actually doing here, and I think when over and over again people hear about this they're hearing a different message. It's important for me as the proponent of the Bill and the Chair of

the Judiciary Committee to get up and give the history so that we know what we're actually voting for. Thank you, Madam President.

THE CHAIR:

Thank you, Senator. Will you remark further? Good evening, Senator Osten

SENATOR OSTEN (19TH):

Thank you very much, Madam President, and nice to see you tonight. I have a feeling we're gonna be here for a long time tonight. So I have a couple of comments and then a couple of questions for the proponent of the Bill, through you, Madam President.

THE CHAIR:

Please proceed.

SENATOR OSTEN (19TH):

Thank you very much. So I've been listening to the debate all night and participated in the votes on the Amendments that were before us and understand that this is a very difficult discussion to have, and in particular, a difficult discussion to have when we are talking about certain points relative to this. But many people know that I worked in Corrections for 21 years, I worked at seven correctional facilities from minimum correctional facilities to maximum correctional facilities, from male facilities to female facilities, and I'm very proud of the career that I had working during that time. And I worked when Connecticut's prison system was increased from some 8000 inmates up to over 20,000 inmates and participated in the buildout of

our correctional system. And I always thought that it was the wrong way to go. I have to say that really clearly because I don't think it's right to - - for such a small state to have the number of prisons that we had when the prison system was first being built out.

And, you know, I say that quite clearly because it doesn't solve the problems that we have. There is one significant problem that we have in our correctional facilities today that we continue to ignore that even the Judiciary Committee continues, in my opinion, to ignore. And that is the fact that in 1994 we closed our psychiatric institutions and we changed the geography of the people that used to get -- put into psychiatric institutions for the help that they needed, and we decided that prison was a far better place for them to be.

And we continue to not provide enough psychiatric help and mental health and behavioral health help for people in our neighborhoods. We just ignore it and we think that that's gonna be okay and people are just gonna get better because, you know, when someone has a mental health issue they should just pull themselves up by the bootstraps and just forget about it. Shouldn't understand that someone who has significant trauma needs help. We just ignore it.

And I've seen it over and over and over again. As a matter of fact, I was talking to a constituent just two weeks ago with DMHAS, and they told me, "You never have to worry about someone ending up incarcerated who has mental health issues, they're going to be fine. And we're gonna make sure through a variety of mechanisms that they don't get incarcerated."

Well, this young boy who's had six significant problems since he was ten, he is now 20, he's incarcerated. And DCF said to his mom, "You have two younger kids home, don't bring him home. He can't come home to you. Figure out someplace else, or just let him live outside." And it's happened to more than one constituent of mine.

I'm completely frustrated that we continue to ignore this situation, continue to ignore the situation. Three years in a row I put a Bill in; please understand and get the numbers and the data on how many people are incarcerated that are chronically mentally ill. And until the Sentencing Commission did a report, and it's only a thumbnail report, nobody wanted to get the data. And I think it's because we want to ignore it, really ignore it.

And it's completely frustrating to me that we continue to ignore this issue because prison is not a place that someone with behavioral health or psychiatric or mental health issues should be. It doesn't solve the problem, and I think it's something that we have to look.

And in that Sentencing Commission report it said 28% of male inmates are chronically mentally ill. Only 600 beds are at Garner where our psychiatric institution is, 600 beds are there. We have over 8000 inmates. If we did 28% of them, that means they're in every other facility.

The stunning number to me that continues to not be discussed is 80% of female inmates were considered chronically mentally ill, and they're at the one prison that we have. And we still don't have enough help for those people that are ill with psychiatric or mental health.

And so I just want to put it on the record very clearly that if we want to really fix the problem, then we really have to deal with the issue of behavioral health and mental health. And I want everybody to understand that, those people at home, that we are incarcerating people with behavioral health and mental health issues and not addressing the issue.

Now to the clean slate legislation that is before us today. I think this is something that we should do. And I understand that there are people that would disagree with that completely. And I'm going to talk about one issue that the previous Senator was talking about, and that is the issue relevant to interfering with an officer.

So you have somebody who the officer comes upon who's a chronic schizophrenic, noncompliant with their medication. By the way, happens all the time, and by the way, in a prison system they don't have to take their medication. Chronically mentally ill, chronic schizophrenic, not taking their meds, somebody comes into their personal space, they might actually interfere with what's going on and we should address that and look at that and figure it out and make sure that the person is held accountable for their actions but getting the help that they need.

And every time we have these discussions I'm going to bring this mental health issue up until we start paying attention to it. But I have two questions relevant to this piece of this legislation before us today. And I just wanted to clarify for the record and legislative intent from the proponent of the Bill, who has made this his life's endeavor to make

sure that we are not holding someone accountable for a life sentence when their crime has given them a certain sentence that is over for more than a decade. At least that's what I read in the Bill.

So my first question is, could you please clarify if a victim has a restraining order, that the expungement of the conviction will not affect the restraining order? Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President. The conviction of the case does not have -- so there are different types of restraining orders, obviously. Some of the orders that we have expired at the end of the case, some of them could be basically permanent. Those types I think is what the good Senator is referring to. This action doesn't negate those orders. Through you, Madam President.

THE CHAIR:

Thank you, Senator. Senator Osten.

SENATOR OSTEN (19TH):

Thank you very much, Madam President. I want people to understand that. That those convict -- those restraining orders that are permanent in nature will not go away as a result of the expungement of the record for the record. So that would be to be very clear, restraining orders will not change unless there is judicial intervention. Through you, Madam

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President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Madam President, that would be correct.

THE CHAIR:

Senator Osten.

SENATOR OSTEN (19TH):

Thank you very much, Madam President. My -- another question I have is for a person that has a D felony if they have a conviction of a DUI three years later, would that make them ineligible for expungement? Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President, the way the Bill is written for any of the crimes that are erased under the Bill, whether it be the felonies or the misdemeanors your time runs from the judgment of your last conviction. It doesn't say that it has to be a judgment of a conviction that is the same level. So being judged guilty of a DUI, for instance, if you had the felony would mean that your time begins to run again from that point. Through you, Madam President.

THE CHAIR:

Senator Osten.

SENATOR OSTEN (19TH):

Thank you very much, Madam President, and thank you for that answer. So if someone is convicted of a crime that may not incarcerate them, such as a DUI, that conviction in and of itself starts the clock running again? Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President, that would be correct.

THE CHAIR:

Senator Osten.

SENATOR OSTEN (19TH):

Thank you very much, Madam President, And lastly, what -- would there be any conviction that would exclude somebody from -- that would happen that would not start the clock all over again? Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President. The -- I just want to make sure I'm actually answering it. I'm very particular of making sure I answer these questions. So if the question is did we carve out some conviction and if you get that conviction and you can keep going at the time you had, the way the Bill is written and I will actually as a for instance point to a line. So when we're talking about the -- well, let me get to the felonies so that -- I think that's what the good Senator is asking about.

So under the felony section, which here we're talking about line 153 down, what -- it talks about the ten year period from the date on which the court entered the convict, the persons most recent judgment of conviction. It does not make the type of distinction that you would need in order to operate as the question might suggest. Through you, Madam President.

THE CHAIR:

Senator Osten.

SENATOR OSTEN (19TH):

Thank you very much, Madam President. And I have asked all my questions of the proponent of the Bill but I have one more comment to make. The facts are that the United States incarcerates too many people. We just do. We need to look at this all over again but we have completely ignored those with mental health issues. Completely ignored that. And if we're not gonna be willing to deal with this issue, then we're not gonna solve the problem that we have with our prison system.

When I started working in corrections about four or 5% of the inmate population was chronically mentally ill. The now, the numbers are 28% of male inmates and 80% of female inmates, and that's without really doing the right analysis that needs to happen.

And I pause it, and I have said this that we are disregarding whole populations of people. We don't provide enough help for families who have children that are mentally ill and we allow children to be traumatized, which is why we voted on a Bill earlier today on coercive control. It needs to stop. And if we're really gonna make a difference, I am begging the people around this circle to start dealing with mental health and provide the resources and make sure that we are hiring enough people that can deal with these issues when people are children and not when they become incarcerated. It's too late then. Thank you very much, Madam President.

THE CHAIR:

Thank you, Senator Osten. Will you remark further?
Senator Cicarella.

SENATOR CICARELLA (34TH):

Thank you, Madam President. And I'll try to keep this brief as it's starting to get late but I did feel compelled to speak on this as we're seeing a lot of this in a lot of different Committees and some in Housing. And I do think I have unique background to shed some light on this, as also a DOC employee, as a corrections officer, but more importantly, in my profession now.

As a criminal defense investigator we do a lot of criminal defense investigation, and, you know,

there's nothing worse than being accused of something that you did not do or being called a liar and you know you're telling the truth and you want to make sure you could get that point across without rolling the dice on your future.

All too many times I've seen people who I don't think really did a crime accept a plea deal for the purpose of not spending a lot more of their life behind bars. And it is not pleasant inside our correctional facilities. So I again do agree with a lot that I hear around the circle but there are a lot of things that I just think we need to pay attention to that are some consequences that may come from this legislation.

While doing the criminal defense work again, we see people who take these plea deals so they're not spending ten, 20 years away from their families when they know they didn't do the crime. On the other hand, we see a lot of individuals take plea deals because the victim may not want to testify or the case isn't super strong for whatever reason, lack of certain evidence but we know the individual did it based upon video surveillance footage or witness statements. And people plea down to lesser charges so if they committed a B felony, a C felony, they could plea it down to a misdemeanor.

I've seen it. I've seen one in Hamden Connecticut without saying too many detail where an individual shot somebody and basically got two years, which was hanging over his head from probation, shot somebody. That's alarming. I've seen instances where somebody violated a protective order with the cooperation of the wife. It was a situation that, you know, an argument kind of went a little sideways, police got involved and a good husband and father did four

years for going to the grocery store with his wife around when the wife said, "I don't want anything to happen, it was a misunderstanding."

So there is an issue with the Judicial system but I think we could fix that in a different way. We have the ability or we could have the ability to say at sentencing let's get somebody into a diversionary program, let's get them mental health treatment because the consequences of this Bill, as much good as it's intended, I see a lot more negative consequences. That's alarming.

You know, the reincarceration rate in Connecticut as of 2020 is 50%. A person to reoffend with the same crime is two thirds likely to commit the same crime. And that will get into some of the other questions and concerns about pushing this legislation forward. 95% of the time the individuals will plead down to a lesser charge. So the reason why that's a little alarming because they can do something very, very violent like shoot somebody and plea down to a lighter felony.

Or they could maybe -- there's a class D felony, I'm gonna find it briefly if I can. As silly as it sounds, it was basically if you take someone's child in false pretenses and bring back a different child. There's professions that pick up children and bring them back to places, I wouldn't want someone who falsely took a child be driving a school bus. You know, there are crimes that are on here that will affect every day professions, and the people that hire the individuals or house the individuals need to know and make decisions based upon the facts.

I do agree that making a mistake should not be a life sentence, and there are challenges with finding

housing, finding jobs, but right now everybody has challenges finding jobs, finding housing. And I don't think that we put the general public safety, we don't put children safety, businesses on the back seat in an attempt to solve that problem. I think there are other avenues that we could look into that could protect the general public. Again, I really think that there is work to be done in this area and I think that we can do it but this is not the way.

I have a quick question through you, Madam President. When prosecuting a case one of the things a prosecutor will do is look at a database for past offenses, will these crimes come off of that NCI's database when a prosecutor looks at it? Through you.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President, this Bill erases the record for anything that the state has jurisdiction over. Through you, Madam President.

THE CHAIR:

Senator Cicarella.

SENATOR CICARELLA (34TH):

Thank you, and I did think that was the case and that could be a problem. When somebody is a repeat offender, that's a pattern, that's gonna be a threat on the public. And I do think again, if this legislation is passed we're gonna knowingly stop prosecution, not only the general public but

prosecution, the court system that's designed to protect the residents of Connecticut, not have a good look at what's going on. They're able to build a case and make a decision whether or not they're gonna allow someone take a plea deal, and they utilize somebody's past actions as a decision-maker. And we're gonna take that away from a prosecutor to say this person may or may not do this again, we don't know because we don't know if they did. And that's a very, very worrisome fact that we have to take into consideration.

Is there any way to keep some of that in there for the courts to make these decisions when they're prosecuting cases? Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Madam President, I hope this doesn't come across wrong but the Bill is as it lays and it doesn't keep that in. I would also say, and this is particularly something I believe given the profession that the good Senator has. That the individuals we're talking about who are repeat offenders don't tend to be people who wait ten years before they commit their next offense. And I think he probably recognizes that, and that's part of the reason that the time is built-in and nor are these people who tend to if you look at the data, people who wait seven years between their next offense.

So I recognize what is being posited here but I don't think that the people that we're talking about are likely to be the people who would be able to

avail themselves under the Bill before us. Through you, Madam President.

THE CHAIR:

Senator Cicarella.

SENATOR CICARELLA (34TH):

Thank you, and yes, that is correct that a repeat offender will most likely have another offense within two to four years and then it lessons from four to six, but we have to take into consideration the fact that somebody is pleading down from a different crime to get some of these misdemeanors. So it may be three years for some of these class D felony, and that is again, a big concern. They could be getting a misdemeanor and not know what really happened in the case.

I know when we do background searches in our profession we analyze the information, we read the police reports and the witness statements to give maybe an employer of a school or a bus company or a guidance counselor in a camp, which is not as invasive as somebody that would work every day in a school. I've seen firsthand when doing background searches after an incident happened with a school bus driver in Connecticut, the fact that the background search company utilized the information provided by the individual or the employee and it was a digit off on a date of birth and the individual was in federal prison for years prior and they were driving a school bus. Fell asleep at the wheel and crashed into a tree, I believe it was in southern Connecticut.

Those are the things that could happen, and again,

taking into consideration it's not a life sentence and we have to find a way to facilitate this but again, at what cost? To the children at school bus, to a business that didn't know somebody was a forger and they plead down to a three-year -- I apologize, plead down to a misdemeanor and now have taken [sic] away all the money from small business, and they didn't have an understanding of what they did prior.

Again, in the totality, I cannot support this Bill in good conscience. I do see the positive intentions but at the cost to the general public I strongly disagree with this Bill for those reasons. Thank you, Madam President.

THE CHAIR:

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

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. I'd like to start by saying that those going to prison are not first-time offenders. They commit a very -- unless they commit a very serious crime then they would, but most commit crime after crime until they finally end up in prison.

During the Committee process both Judicially and in Public Safety, again, I asked how hard is it to go to prison? And every single person working in the criminal justice system basically says, "Oh, it's very difficult, you got to work at it to go to prison."

A reason for that is because we have diversionary programs, first-time offenders, you turn 18 all your

youth stuff is erased. You get less of a sentence because most gun charges, most of them are just thrown out. So those are some of the reasons that you just don't end up in jail, so when you go to jail, you've done something pretty bad and usually there's a victim.

I said it over and over again in this circle that when I first started as a policeman we'd have somebody with 17, 18 arrests and that was pretty bad. Now, we're up to 60, 70, 80 arrests and I think they're even higher now.

If you do end up in prison they have programs within prison to lower your sentence, good time being one of them. So now we'll get you out of prison sooner. And the other day we passed a law that could result in people getting out early as well. Even if you're on probation or parole you can still continue to drink, use drugs, or commit minor crimes, and you don't go to jail. Even that's becoming more and more difficult to send somebody to jail. I know this. I talk to people in the criminal justice system all the time, the workers.

And today after all of the breaks given we know want to just erase criminal records, and I have a problem with that. I've said that once before tonight but I have a problem with that. But I have another concern, Section 11 reads, "On and after January 1, 2023, it shall be a discriminatory practice for any person to subject or cause to be subject that any other person to -- the deprivation of any rights, privileges or immunities secured or protected by the Constitution or the laws of the state or the United States or account of a persons erased criminal record information."

Your Honor, I have a questions through you to the proponent of the Bill.

THE CHAIR:

Please proceed, sir. Senator Winfield, prepare yourself.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. My question is, are we making those with an erased criminal record a protected class?

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President. There is -- generally when we talk about protected classes there's a particular statute that we're talking about. I don't know whether you would classify it that way. I think some people would classify it that way. I think what we're doing here is saying that the state has looked at this issue regardless of how some people might vote on this. The state has looked at this issue, the legislature has spoken, and what the legislature is saying is that these people have what we talk -- what we term here a clean slate. And what should not be happening once that slate has been cleaned under operation of law is that people should be discriminating against these people. Otherwise, it would make the law that we pass ineffectual.

Characterize that how one might decide to characterize it. Through you, Madam President.

THE CHAIR:

Senter Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. I say this because it goes on and on about labeling all the different protections, and a common theme in all of these is it reads, "All persons regardless of race, creed, color, national origin or ancestry, sex or gender identity or expression or erased criminal history record information." That says that they're all in the same protected class because as it is goes through and it talks about housing, employment. I can read them all, you know they're all in there. Over and over again it says that.

So I go out, I commit a crime, a serious one or multiple ones, I end up in prison. After taking care of any -- going through any diversionary programs or automatic 18 years old erasures or the dropping of my gun charges, and I finally, finally, I work hard at it and I finally end up in jail. Then I get released early for one reason or another and then I come out, and as a reward I become a protected class person in ten years or five years if it's a misdemeanor.

You know, that's interesting and I feel bad for the victims of any crime out there, anybody that was a victim of a crime. I don't know what to tell them. You know, this person can move in the same building as you because if we say no, they're part of a protected class they can sue.

Well, it's hard for me to even fathom. In fact, if

you want to pardon we're gonna waive the fees, the fingerprint fees and background check for you, but if you're applying for a job and you never been arrested or gone to prison, you have to pay the fees. That's crazy. The -- I don't understand.

And then if you get arrested and you're in the country illegally and you are in the State of Connecticut, we're not gonna charge you for 365 days. We're gonna make it 364 days so that we can avoid telling the federal government that you're an illegal alien and you got arrested but we want to keep you here.

And I can't imagine if we caught somebody with a handgun, they're part of MS13, they're out intimidating communities. They go in, the handgun charge is dropped, the charges get dropped to breach and now they're just -- they're facing a breach of peace and we're never gonna tell the federal government and we're gonna continue to deal with this person and put US citizens in jeopardy or any citizen or anybody that lives here in jeopardy.

You know, I can understand saying, you know, if they want to apply for a pardon or they want to go to a modified pardon where they have to go up in front of somebody, explain what they been doing, "I got a job. I've out of trouble for ten years," and give the victim of the crime an opportunity to get up there and speak and describe what they went through. When we voted against some of these crimes where relatives of dead people would never get to go up and speak and say, "I'm opposed to erasing this record and making them a protected class." Or somebody who was strangled.

I don't even know how you talk to people when you're

there and this person was choked out. This person thought they were dying, this person goes to jail. They finally get closure to find out that we released them early, he stayed out of trouble for five years, ten years, we're erasing his record, he just applied to work in your daughter's school.

You know, I feel that every time I'm in, every time I come in it's like we're getting, we're just allowing crime. We're okay with crime. We're okay not sending people to jail. We're okay, you know, being that state where you can commit the crime and you don't to the time.

When I grew up we were taught you do the crime you do the time. And at some point, somewhere along the line, somebody decided to flip-flop that. Now you get juveniles in the juvenile system that really doesn't work that great. Committing crimes they find nothing happens. They get a slap on the wrist, "I'm gonna go steal more cars." Turn 18 we erase all that for you, you get to start again, go through your programs again, and the crimes just get worse and worse. And hopefully someday you do grow out of it but given the record, we're gonna continue to be light on crime and just erase it for you.

You don't have to go talk to anybody, you don't have anybody that, you know, I'm staying out of trouble. Or you've just gotten so good at committing crimes that you haven't been caught 'cause for every time you catch somebody normally, it's not their first crime. Normally, they've done quite a few before they finally get caught, and in between arrests they're doing quite a few more.

This is a terrible law, and I don't like it and I'm not gonna vote for it. I don't believe making a

criminal somebody who's committed -- who's been to prison a protected class. Do I believe they should have some rights? Absolutely. Do I believe they should have a chance to get their lives in order? Yes. But making them a protected class, either give them the job, give them the apartment or they can sue. I believe that they should have the right to housing. I believe they should have those rights but I think this goes too far.

You know, I was -- I helped somebody apply for a pardon. Took him a while, took him four tries 'cause he had quite the drug problem when he was a teenager. And he finally got it. He persisted, he paid all his fees, did everything he needed to do and he finally got that pardon and continued on with his life. He worked for it, he had to work for it. And you know what? If somebody else wants that pardon they should have to work for it. They shouldn't just be handed to him.

In the Committee session somebody in this building tried to put a Bill in to make police a protected class. The Chair of the Committee laughed at it. "We would never classify a job as a protected class," that was the word that was said to me. I didn't put that Bill in, that was just one that was put in. But if you break the law and finally end up in prison after going through all this, you hear this law is gonna make you somebody, some part of that protected class. Easy on crime that's what I see.

Madam President, I'm gonna end it there. I think I expressed my frustration with this and the fact that, you know, victims again, voices are being silenced and I will just no when the time comes. Thank you.

THE CHAIR:

Will you remark further on the Bill? Good evening, Senator Formica.

SENATOR FORMICA (20TH):

Thank you, Madam President. Good evening. This has been an interesting conversation for me. And I certainly see and feel the passion that's on all sides of this issue and all around this room. I understand, I think a little bit about the reason the proponent brings this conversation forward.

So I think people believe there are certain things that must be done that are the right things to do, and I understand that side of it and I think it's an important conversation to have, Madam President, but I also see the other side and I think that's an important conversation to have.

So I'm grateful to be here. I'm grateful to be able to listen to this conversation, and I understand that there's probably a lot more work to be done with regard to this. And I know that the votes are here for this Bill to pass, so I said I'm grateful for the conversation. I think the conversation needs to move forward. I think there's just a few too many things in this particular piece of legislation to have me vote yes for, but I certainly understand the passion, and I certainly understand both sides of the issue.

And I'm a guy who has a small business. I'm gonna talk a little bit about it in the next Bill. And I hire people with disabilities, single moms, people with criminal records, people that just came out of a jail, so I understand and see that side of it too.

So thank you, Madam President, for the opportunity to voice my peace and thank you for bringing this forward.

THE CHAIR:

Thank you, Senator Formica. Senator Duff, good evening, sir.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, I rise in support of this legislation as amended before us this evening. And want to start off by thanking Senator Winfield and Representative Stafstrom for their work and all the Members of the Judiciary Committee who have labored on this issue for such a long time. I want to thank the Members of ConneCT who worked extraordinarily hard over the last few years on this issue as well.

Madam President, as I spoke earlier on an Amendment and touched upon the fact that I'm extremely, extremely proud of the work that our state has done on criminal justice reform over the last decade. We have taken very tough votes whether it's to repeal the death penalty, whether it is to modify many of our criminal justice statutes to divert nonviolent offenders into programs rather than into prisons.

And the effect of all of that has been to not only reduce our prison population, saving taxpayers hundreds of millions of dollars to the simple fact that we can now close -- we're closing prisons. We have reduced our crime rate in the state, we're one of the safest states in the nation. We have reduced arrests, which by the way, are separate, separate reporting than our prison population so different

ways of reporting similar information of a safer state.

So we have worked really hard over the years on a number of these issues that has again been not easy but it has been worth it because we have now seen the result of the work that we have done. And the result of that is the fact that we have a state that is safer for our residents, provides better opportunities, keeps families more whole, and hopefully provides that chance where people can become taxpaying citizens and fulfill their dreams. But we know also that the work is not done, that we still have more to do. And part of that is in this Bill, this clean slate Bill.

We're fortunate in the fact that we have a board of pardons and parole that has been around for a long time. Reverend Carleton Giles, who I've known for a very long time, formerly a police officer, Chairs that, and has done a great job at the Board of Pardons and Paroles but this is beyond. This legislation what we're trying to do is beyond what their -- the capability of what that board can do. And the policy of the state to provide opportunities for people who have mis-stepped and been arrested and incarcerated and working to have -- to help have -- to help them have a meaningful life after they have served their time.

And why I wanted to thank ConneCT so much was that part of the process we all face here as legislators is learning about so many of these issues. And I remember when I initially went to -- heard about this issue, I went to Saint Jerome church, actually about a mile from my house, father David Blanchfield was there leading it with one of our local rabbis and a group of religious leaders from various face

and talking about this notion of a clean slate. And like Senator Haskell, I had the opportunity to be with Rabbi Danny Moss of Temple Israel and the leadership there to hear from people themselves who been incarcerated and have not had the opportunity to be able to fully live their lives after their time in prison. Where the -- many times the laws that we've had back in the 90s and even earlier put a mark on people for the rest of their lives. And they never had the chance to break free from that bond of incarceration in order to have a career, an education, housing or a chance to even get forward.

We heard it from the people themselves who will tell us, "Yeah, I made a mistake. I own it. I've done my time. I just want to get on with my life. I have been some time" -- well, they have been years, sometimes decades from their prison time and yet they are still, still to this day paying for what they did many years ago. And if we are -- and if our policy of the State of Connecticut is to say we want you to get back on your feet, we don't want you to be discriminative for a job or housing. We want you to be able to live your life, bring your family together, then this disdain of never being able to get out from under, needs to change, and that's what we're doing tonight.

This Bill is a step to give people their lives back. This Bill doesn't say the minute you get out of prison you got a clean slate. You gotta work for it, you got to earn it. You got to spend time making sure that you are not recidivating and you're out of -- you're staying out of prison. And that's what this does.

I know I am -- not only people I've heard from the Temple of Israel and others. We have a local -- I

have local constituent Reverend Al Dancy from Norwalk who did a crime like 25 years ago, maybe longer. He's paid his price, he's now a member of the clergy. He has tried to put himself -- tried to apply for a pardon and he said, "You know, it just wasn't worth it," he said, "but I can't get -- I just want to move on with my life." He said, "This is why clean slate is so important to me." He said, "I know I made a mistake," he said, "but I want to be able to have that clean slate so I don't have that burden on me any longer." And he is a trusted member of our society, and now mentors so many other people who are in the same position.

So, Madam President, when you put a face on these stories of people who are just trying to get on with their lives, who just want to be productive members of society, you see why this Bill is so important for our state, why it's so important for individuals, why it's so important for families and their children, and why we need to pass it tonight. I urge support of the Bill. Thank you, Madam President.

THE CHAIR:

Thank you, Senator. Will you remark further? Good evening, Senator Kelly.

SENATOR KELLY (21ST):

Good evening, Madam President, and thank you. When it comes to criminal justice we must strive to balance public safety with rehabilitation. I support giving people an opportunity to start fresh and move their lives in a new direction, but I also believe that any legislation that allows for the complete wiping of records needs to be finely tuned so that

it does not completely conflict with public safety. Particularly for victims who may never get over the traumatizing effect of the crime to which they were subjected to through no fault of their own. Many times being the wrong person at the wrong place.

We've heard a lot about mental health this session and how something like this, something as traumatizing to the victim is something that could stay with them for the rest of their life. Many times having no choice in the matter.

I want to be able to support this Bill before us because I do believe in forgiveness. I don't want someone's one mistake that they may have made early in life to ruin the rest of their lives and to prevent them from starting a new but this Bill, Madam President, goes much further than that. The reality is the crimes contained in this Bill and the process for completely wiping records clean leaves me extremely uneasy.

I'm glad to see provisions in the Bill that will prevent the wiping of records for those who commit crimes of family violence or sexual assault. This is a recognition of the severity of these crimes but why then is someone who is convicted of something as heinous as strangulation, suffocation, or criminally negligent homicide treated differently?

Earlier today we voted to pass a Bill that increases protections for victims of domestic violence and expands the definition of domestic violence. We stood together to protect victims of violent crimes but now this evening in the same day, we are looking at a Bill that I fear in many ways no longer puts victims first.

The state already has a Board of Pardons and Parole's through which someone can request to have their records expunged. I want to figure out how we can ensure this process is working for all people. I want all people to have an opportunity to succeed but the extents of the crime in this Bill and the extent of which records would be completely wiped, I have serious concerns about.

With this Bill, the state is losing its focus on the victims of serious crime, and for that reason, I cannot support this Bill. Thank you.

THE CHAIR:

Will you remark further? Will you remark further?
Senator Looney.

SENATOR LOONEY (11TH):

Thank you, Madam President. Speaking in support of the Bill as amended, Madam President, I want to begin by commending Senator Winfield for his advocacy and his dogged determination on this Bill. It really is an important Bill and it does that the term clean slate, means in effect, allowing people who have in fact already paid their debt to society. They have served and successfully completed the sentence that was imposed on them up for the conviction or guilty plea or whatever the crime was. That has been completed.

Now, in addition to that, a period of years up to ten years has passed since that time before this automatic erasure would kick into play. Now, many would argue, well, why do we need this when we have the pardon process, that people can apply for pardons, and that's not affected by this Bill. And

in some cases arguably someone might be able to get a pardon before the passage of time that's required under this Bill before the automatic erasure would take effect. And that could in fact be true in some circumstances but the reality is, Madam President, that many people find the pardon process to be daunting.

And again, it often comes down to a matter of race and class, education and wherewithal. So that the pardon process is found to be prohibitively challenging and complex by many who are stumped by it and don't understand it and for those who were -- with a degree of education might find it not all that problematic.

It is frightening for those who don't have that level of sophistication. For those who do, they may find themselves able to do it. For those who don't, many are of course also not wealthy enough to be able to hire an attorney to help them through that process. So pointing out the pardon process to them as an alternative is not really realistic in some ways, Madam President.

So I think we're back to the question of how long should people keep paying for something that can blight their whole lives if they have a criminal conviction while they are quite young because they are foreclosed for many opportunities. Can't get hired for many jobs, can't get professional licenses, can't get suitable housing in many cases. So this cloud hangs over them in many cases for the rest of their lives.

And again, it is most discriminatory and most impactful on the poor. I've been doing criminal defense work now as an attorney for 35 years, I

often see my colleague our Clerk Michael Jefferson in court on the same days that I am. At least before the pandemic when we would actually be there in person, representing clients very often at the same time. Part of the problem, as everyone knows who has done that work, is that the bail system as it currently works results in guilty pleas in many cases where there might not be a guilty plea if the person had other resources.

So what happens in many cases low-income people are charged with an offense, they're not able to make bail, they're sitting in pretrial detention for a period of time, 60 days, 90 days. During that time they become desperate. They're concerned about their job, concerned about their family, concerned about their housing, concerned about the health of family members, concerned about a whole lot of things and they're desperate to get out. So, and the prosecutors know exactly how long they've been there and how desperate they may have become, and come with them through their attorney or the public defender and say, you know, "Plead guilty to X. Going to court your next court date plead guilty, we'll give you credit for the time you have served and you can walk out that day. And you'll have served 90 days," or whatever.

And that may be a very difficult offer for someone to resist even if you might have a legitimate defense because the consequences of staying in jail longer, perhaps going to trial with the vagaries of that just seem to him too frightening. So he may enter -- may take the plea bargain because it gets them out but it gets them out with a price that he doesn't quite realize that he's paying at the moment he agrees to pay that price, and that is the criminal conviction that's going to hang over him

forever and ever and ever and blight prospects in many ways that he may not know about or anticipate at the time he enters into that bargain.

So people who are able to make bond, people of greater resources we know are able to cooperate with their attorneys to rehabilitate themselves in the eyes of the court, in the eyes of the prosecution while the case is pending. So it might get into job training or drug treatment or save money toward restitution if that's an issue and the attorney can go to the prosecutor in a pretrial pointed out to the judge that my client is already doing things that he might be ordered to do as a condition of probation, therefore he's a great candidate for probation even if you plead guilty he should get probation and not a prison sentence.

And again there's a lot of resources that a client can have working with his attorney as long as he is not incarcerated and is able to hold the system at arm's length while the case is pending. And none of that is available to the person who is incarcerated pretrial.

A few years ago the public defender's office came to me and said, "We've had a couple of cases of people who have actually served more time in pretrial detention than they've served if they had pled to the low-level misdemeanor that they were charged with." That seems to be an anomaly but the -- in that case maybe someone in the distant past, maybe that person had a failure to appear and that of course raise the ante on how much -- what the bail would be on the current case.

So that is a terrible thing. I don't know if there are any people in the system right now who been

there longer than they could get sentence to if they had plead initially, but all of these problems come into play here. So Madam President, this is an important Bill. It is a Bill again to keep in mind the Section of the of the Amendment that became the Bill that points out that the date that the automatic erasure would enter into, so ten years from the date on which the court entered the convicted person's most recent judgment of conviction by operation of law. So it doesn't mean that it's ten years from the date of the offense that's under discussion.

Well, let's supposed somebody had a felony conviction and was eligible for erasure within ten years but let's say eight years in he gets a misdemeanor conviction. Well, now the ten years will start running again on the felony so he won't be eligible for ten years after the eight years in which he committed the misdemeanor. So in affect, 18 years from the time he committed the initial felony.

So this is not an easy card to freedom. It is one that just recognizes that people in our society in many cases were quite young when they committed the offense that's been hanging over them for the rest of their lives. There were many cases offenses of immaturity, lack of resources, how many of these defendants now who rue the day that they pled guilty were unrepresented? How many of them were pro se? That's an important question to know. And how many were in pretrial detention where they were desperate to get out and would have plead to almost anything to get their freedom, even in some cases knowing that they might have a potential defense and waiving that because they know to assert that defense would mean they spend even more time in pretrial detention and perhaps had to go to trial with the vagaries of

that.

We also know, Madam President, and it's unacknowledged for the most part is that there is in the state and almost every other state a trial penalty that if someone goes to trial and is convicted, he is gonna be sentenced to prison for much longer possibly than anything he might have bargained for in the plea bargain prior to going to trial. So asserting the innocence going to trial, asserting the constitutional right to go to trial comes with great peril in our society because once somebody is convicted he has no more leverage and is entirely at the mercy of the sentencing court and the prosecution is of course not in any way bound by any component of the plea bargain that might've been offered before going to trial.

So the scales are really loaded against the criminal defendants in this way, and to have the consequences go on and on and on, it means in many cases people do wind up reverting to a life of crime because they can't make it in the regular society as much as they would like to because of the blind alley they go into and the brick wall that they go into at every turn. And even if that doesn't happen to them, even if they try to stay on the straight narrow because they learned their lesson during their time of serving their sentence or serving out their term or probation, they are still going to be underemployed, dependent, unproductive in many ways and a burden on society even though they would not want to be. They would like to be gainfully employed, they would like to be supporting their families, they'd like to be proud members of the community. And in many cases they just can't because of something that happened to them 20 years ago or more.

So I see this as a Bill to empower people who need some help who will operate with goodwill in order to be productive if they're given that chance to compete on their merits. But to an employer who sees to protect -- prospective employer who sees the fact of a record might feel that it is just taking on too much of a risk to offer a job to someone formerly incarcerated, an ex-convict when there's so many people out there that don't have the blight on their record also looking for jobs. So it makes it so difficult to get a foothold to even get the initial job with which you can prove yourself and then possibly lift yourself up from there.

So there are so many reasons just in the practical reality of the way lives are lived and the fact that the reality is that when people say they pay their debt to society, unfortunately, society doesn't view it that way. Society views it as, well, when you're no longer in our custody but you're still under our thumb, and that's just as bad in many ways, Madam President. So I would urge support of this Bill tonight as something that will provide an opportunity for people to achieve self-actualization and self-realization in a way that they can't do right now. Thank you, Madam President.

THE CHAIR:

Thank you, Senator Looney. Will you remark further on the Bill before the Chamber? Will you remark further? If not, I will open the voting machine. Mr. Clerk, please announce the tally -- the roll call, sorry.

CLERK:

Immediate roll call vote has been ordered in the Senate. Immediate roll call vote has been ordered in the Senate. This is Senate Bill 1019 as amended. Immediate roll call vote in the Senate on Senate Bill 1019 as amended. Immediate roll call vote in the Senate, Senate Bill 1019 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 1019 as amended:

Total Number Voting	35
Those voting Yea	23
Those voting Nay	12
Those absent and not voting	1

THE CHAIR:

The measure is adopted. (gavel)

Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Will the Senate just stand at ease while we prepare for the next Bill. Thank you.

THE CHAIR:

Senate will stand at ease. Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Will the Clerk please

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call the next Bill, please?

THE CHAIR:

Mr. Clerk.

CLERK:

Page 42, Calendar Number 244, Substitute for Senate Bill 668, AN ACT CONCERNING A FAIR WORK WEEK SCHEDULE. There are Amendments.

THE CHAIR:

Good evening, Senator Kushner.

SENATOR KUSHNER (24TH):

Good evening, Madam President. It's great to see you at this early hour yet. Madam President, I move the acceptance of the Joint Committee's favorable report and passage of the Bill, and I would like to summarize.

THE CHAIR:

And the question is on passage, and please do proceed to summarize.

SENATOR KUSHNER (24TH):

Thank you, Madam President. We've been living through a very difficult time where we've all come to appreciate essential worker. Essential workers who went to work when the rest of us or many of us could stay home safe. Essential workers that kept us fed, that worked in the gas stations, that worked in the grocery stores so that we could protect

ourselves and our families.

And I think there's been a great deal of appreciation by everyone to the work of these essential workers. I think there's been, you know, parades and there's been hero signs in our yards all in recognition of how important this work is. And I really appreciate that and I too have joined in those choruses of thanks but I think that we're also becoming more aware as a result of this of the life of these workers.

We've heard how there's been a disparate impact of COVID on black and brown communities. And in part that's because so many black and brown workers go to work in these retail operations, in these restaurants, in these rest stops, taking care of us while we stay home safe. I think that we're all looking for an economic recovery and there's so many different ways that we need to reinforce economic recovery but it has to be economic recovery for all. We've heard stories of how hard it is today for women workers to go back to work. They're struggling to find childcare, they're struggling to take care of their families.

One of the things that helps these essential workers, one of these things, one of the things that helps these low-wage workers will be this Bill that is before us tonight. This Bill leads to increased predictability in workers who worked scheduled shifts, different shifts every week. Increased predictability improves workers wellbeing. It reduces their hardship. Women and caregivers have schedules and hours that they can count on.

We know today there are so many more part-time workers in our workforce. Some of these part-time

workers are earning minimum wage. And just to pay rent and buy food and support their families they're working two and three jobs. Even full-time workers often have to have a second job. And predictability in their schedules is essential for them to be able to put together enough work to pay the rent, to buy food, to pay for childcare.

Now predictability in schedules isn't just important for the workers, it also helps employers. We know that when workers have advanced notice of their schedule they plan their lives around that schedule. It increases productivity, it reduces absences and tardiness.

When workers are able to plan when they need childcare, when they can take a second job, when they have that predictability they show up for work. I can't even imagine what it's like for a low wage worker who has two and three jobs and they've got a schedule and they have a primary job and they say "Yes, I can work next Saturday, put me down. I'm on board." And then a second employer says, "Can you work next Saturday?" And they say, "No, I can't because I've already committed and I'm committed to a schedule." What happens when then at the last minute that first employer says, "I'm sorry, we don't have work for you today." It really leaves them high and dry and at a loss.

So what this Bill does, first of all, it covers workers in retail, restaurants, and food service, hotels and hospitality. It requires an employer to get a written statement from the employee about their desired hours of work, their desired days of the week. In return the employer must provide the employee with an estimate, a written estimate of what's expected in terms of a work schedule.

What's clear that this is not a binding contractual agreement. This is an expression by the worker of their availability and it's an expression by the employer of what you can expect, not a binding contractual offer.

This Bill also provides notice of the schedule. It requires an employer to post the schedule 14 days in advance of the pay week. It also requires the employer if there's a change in the schedule to notify the employee as soon as possible.

What's important is this notice of the posted schedule gives a person the opportunity to plan, gives them 14 days' notice. Now if there is a change in that first week the employer can do that, there's no penalty, there's no cost. So from the 14th day to the seventh day, the employer can make whatever changes they desire. And even after the seven days they can make changes but it will require that if they make that change and they reduce the schedule of a worker, that they have to pay that worker half of their hourly rate, half paid for the hours reduced. Either could be a full shift or it could be we're sending you home early, you worked four hours, you have four more hours, you get half of the hours you lost.

If an employee agrees to work a shift not on their schedule within the seven days, there's an incentive. They get an extra hour of pay. Now this is something we talk about a lot in this Chamber, in this Legislature we should be incentivizing work. Well this is an opportunity. It's not a lot of money. Most of these workers are minimum wage workers. In a restaurant, minimum wage is not even the full minimum wage but a special rate. So one

hour to incentivize someone to pick up a shift, it's not a bad deal.

I want to say this isn't completely new law, and I think many of us in the Chamber may not realize this. But in 1951, since 1951, a retail operation if a worker shows up and their shift is canceled, under current regulation that employee must get at least four hours of pay. Or if their shift, originally scheduled shift was less than the four hours they have to get a minimum of at least two hours pay. For restaurant workers, the regulation says they must be notified at least the day before of a canceled shift or they get two hours at the minimum rate.

Now this Bill improves on it, no question, but I think it's time to improve on it. Something that was done in 1951, well things have changed. It's time to make that change. Back then there weren't as many people working part-time jobs. People worked full-time jobs, they worked their lifetime with one employer. Things have changed and we need to change as well.

This Bill provides that every worker that's working shift work like this gets an 11 hour rest after their shift, or they can voluntarily take a shift that's fewer than 11 hours but they get paid time and a half.

A very important part of this Bill is what we're calling access to hours. So you remember I talked about the written statement that the employer gets when they hire a new worker and in that written statement the worker says how many hours they would like to have, what they would desire to have and they can modify that. They can reduce it in writing for the employer or they could increase it at any

time but whatever they put in their written statement they have notified the employer what hours they would like to work.

And I will note that in surveys that had been done, overwhelmingly part-time workers, shift workers say they would like more hours of work. This Bill provides that an employer before hiring a new worker, when they have a need for more work that that employer must look at the written statement and make it good -- every effort to schedule the existing workers for that additional work.

This is a good thing. This provides the opportunity for people to have more hours of work, especially these low-wage workers that are in so many of these jobs. If there is more work to go around, isn't it a good thing to give it to the existing workforce?

Now, this Bill requires an employer to maintain records for three years. That's not that unusual. Right now they have to maintain payroll records. This requires them to also maintain the schedule and the daily schedules and the hours of work. There's been some concern.

I talked to -- an employer is really concerned that we're going backwards in time because now they had to accumulate all this paperwork. There's nothing in this Bill that requires it to be on paper. In fact most of these employers today operate electronically. There are scheduling apps that they use, they notify workers by email, they notify workers by text. As long as there's a way to save that original record in the original format, there's no issue. That is a written notice.

We're living in the age of technology, so much of

this is done now on our phones. You can fill out a form. You can fill out a form saying how many -- what work you desire, how many hours you desire, you could do it on your phone. Any format that can be changed -- that can be saved, excuse me. Any format that can be saved in the original format, that's sufficient under this Bill.

So, Madam President, there's one aspect of the Bill that I haven't spoken about yet that's very, very important and I have saved it for the end because it comes in the form of an Amendment to this Bill. So, Madam President the Clerk is in possession of Amendment LCO 8657. I would ask that the Clerk please call the Amendment.

THE CHAIR:

Mr. Clerk. Senator, would you please repeat the number one more time? We're having difficulty finding it.

SENATOR KUSHNER (24TH):

I have LCO No. 8657.

THE CHAIR:

Senator Duff.

SENATOR DUFF (25TH):

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

THE CHAIR:

Senate will stand at ease. Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. I apologize for the delay. It is LCO No. 8661.

THE CHAIR:

Mr. Clerk.

CLERK:

LCO No. 8661 Senate Amendment "A".

THE CHAIR:

Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. I move adoption of the Amendment and asked that its reading be waived and seek leave of the Chamber to summarize.

THE CHAIR:

Please proceed.

SENATOR KUSHNER (24TH):

Thank you, Madam President. This Amendment goes to the heart of this Bill. In this Amendment we are striking lines 46 to 58, which means that it will no longer apply to nursing homes but the major part of this Bill, it also, as I summarize when I spoke about the underlying Bill, it changes the 14 days of notice where a person would receive -- a change in schedule would trigger a premium payment. It changes

the 14 days in the original Bill to seven days.

And finally this changes the definition of employer. Under the Amendment, a covered employee would employ at least 500 workers globally for an employer that is a restaurant where food is prepared, served and consumed on the premises. Such employer must have not less than 30 restaurants globally, 30 locations globally. It include the franchisee if the global network of the franchises employs not less than 500 employees in the aggregate.

There was a lot of the -- a lot of work went into this Bill. A lot of conversations, and this Amendment is a result of compromises and seeking to make it workable for our Connecticut employers. So Madam President, as I said, I think this is a good Bill. I think it's an important Bill for Connecticut workers, and I think that at a time when we're so concerned about economic recovery, this Bill will help us move us forward. Thank you.

THE CHAIR:

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

SENATOR SAMPSON (16TH):

Good evening again, Madam President. I rise to discuss the Amendment that is before us. So much to say on this Bill and the Amendment, but I think the fact that the Amendment is before us is a great place to start. I share my colleagues considers -- concern and consideration for our constituents who may work in jobs that have scheduling fluctuations that are problematic and difficult for them. I'm

certainly sympathetic to anyone that has had a confusing work schedule as a result of the COVID pandemic and the policies that this government and this Governor have instituted in the state over the last year that have affected a lot of these industries and businesses.

The Amendment before us modifies this Bill, which is essentially a mandate on businesses to require that employers advise their employees in advance about changes in their scheduling. It's commonly referred to as the on-call shift scheduling Bill. What's very interesting to me is that the original Bill, and not actually the original Bill because this particular proposal had a public hearing in the Labor Committee this year without having any language. So we had folks testifying for and against the concepts of a policy affecting on-call shift scheduling, which is problematic because people don't really know what that means until there's actual language before them that they can say this is good or bad or this is reasonable or not. But nonetheless, that's the way it happened, even though if you go back and you look at the testimony it's quite clear that they -- folks that were testifying in favor of this Bill did not know what was ultimately going to be before us today.

What I find really interesting, Madam President, is that the Amendment before us is actually an improvement over the underlying Bill. My understanding is that, as was mentioned, nursing homes, which were originally included in the Bill that is before us and will remain in the Bill if the Amendment fails, are taken out as a result of this Amendment. And the days that an employer must provide notice drops from 14 days ahead of time to seven days ahead of time. And even the threshold for

which businesses are affected changes from 250 global employees to 500 global employees. And I'll just state for the record, and the good Chairman of the Labor Committee can correct me, but my understanding of that is that that affects franchisees even if they don't personally employ that many people but the franchise that they own does.

So for instance, if you own a Dunkin' Donuts franchise and you have a handful of employees, because Dunkin' Donuts has numerous locations in the state and they would certainly exceed 500 employees, they would be affected. But back to my point, Madam President, which is that the Amendment that's before us seeks to change what I was told was a very good policy. I think that it's an indication that this is not such a good policy.

If the proponents of this legislation thought this Bill was so good and that we should have this in the state, then why are they willing to change it so significantly? Certainly, if providing 14 days' notice to employees is good, why would we change it to seven? If making this apply to everyone including nursing homes is good, why would we take nursing homes out? If this policy was so good that it should apply to businesses that have over 250 employees, why would we be reducing the number of people impacted by this by increasing the threshold to 500?

And I think it's clear, Madam President, and I think it's clear that this is not good policy. I don't think that this change or this Amendment is before us because there was some great conversation among the folks that want this Bill to decide what is really, really good policy between employers and employees that we should put in effect in this

state. I think the Bill is before us, the Amendment to make these changes is before us because they are sensitive to the fact that this is bad policy, that it is government overreach, and it is the type of thing that is hurting Connecticut's business economy and forcing people to leave this state. It's also the thing that has affected the job market in the state.

Today there's jobs galore, but they're not high paying jobs. They're not jobs that people are seeking after because our economy has shifted in so many different ways. The government now provides so many subsidies, people don't want to work in some cases, and good paying jobs have fled the state and we are left with a lot of part-time jobs, as was mentioned, low-paying jobs, as was mentioned.

So I'm not really here to speak for or against the Amendment, Madam President. I just think it's very interesting that the Amendment makes significant changes, very significant changes in respect to the original language of the Bill as if the proponents are backing away from their own policy. So I'll see what happens with the Amendment and I look forward to speaking on the Bill itself. Thank you.

THE CHAIR:

Will you remark further on the Amendment that is before us? Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. I just want to call for roll call vote, please.

THE CHAIR:

And there will be a roll call vote. Will you remark further on the Amendment? Senator Formica.

SENATOR FORMICA (20TH):

Thank you, Madam President. I rise in opposition of this Bill, and by connection this Amendment. Madam President, I've had the great fortune of being in the hospitality business all of my adult life. And I've been able to work myself and I've been able to raise up with all of their help, a great number of people had the opportunity to work with me over those years.

And the good Senators comment with regard to the wages, I'd just like to make one correction of a memo if I may, Madam President, that restaurant employees regardless of their position do make a full minimum wage. They're just guaranteed that if they're in the service part of it as a waiter or a bartender by the owners of the business if they don't manufacture that in tips. But the reality, Madam President, is that most workers in the restaurant business make multiples of minimum wage. Multiples of minimum wage, but, you know, for this Legislature the restaurant business is an easy target. We take the abuse of any number of bad policies that come our way.

But in speaking to this Amendment, Madam President, this increases 250 to 500, so this particular Bill would not affect my particular business yet. However, been around here long enough to know that this could be the camel's nose in the tent as they say. It could be 500 this year, 300 next year, 200 the year after, 27 the year after that but the question is we should be talking about good policy

not about numbers. And this Madam President, I believe is just a bad Bill with bad policy.

With regard to the specific line in this Amendment, Madam President, if I may ask the question to the proponent of the Bill. Good evening, Senator Kushner. The question is related somewhat to Senator Sampson's comment about the franchise. And the Amendment proposes to raise the number of employees that would qualify a restaurant for this Bill. It says a network of franchises employees not less than 500 employees.

Many franchisees are owned by individuals. They buy that. They use the name, they pay a royalty. So they don't work for the franchise, they work for themselves. They have the opportunity, as I did not. I created my own marketing. I created my own policy. I created all of my own operations manuals. Franchisees have the opportunity to buy all of that by giving a percentage of their business but they don't work for the franchise.

So my question to this is, would this be -- how would this relate, this 500, to those employees, those owners of Dunkin' Donuts that may own one, two, or three franchisees, franchises, and have maybe six, eight, ten people work for them in each one of those? Through you, Madam President.

THE CHAIR:

Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. And through you, it's good to see you this evening, Senator. And I do

accept your correction. You're absolutely correct about restaurant workers receiving the full minimum wage and I apologize and accept your correction gladly. So thank you.

SENATOR FORMICA (20TH):

Thank you.

SENATOR KUSHNER (24TH):

In terms of the question about franchisees, in fact, this Bill is very clear that if you are a franchise holder you would be responsible and covered under this Bill provided that the network, the global network of the franchise is more than 500 employees.

THE CHAIR:

Senator Formica.

SENATOR FORMICA (20TH):

Thank you, Madam President. And thank you, Senator. I'm trying to understand how I can respond to that. The global network then having nothing to do with the individual small business. The global network means that Subway, for example, owns the lot -- you know, the lot number one or two restaurant chain in the world or the country. But small Subway sandwich shops owned by small town proprietors that only employ a couple of people would not seem to qualify for any of the rest of this, but just because they buy into a network that exceeds 500 then they have to comply with this is what you're telling me. Through you, Madam President.

THE CHAIR:

Senator Kushner.

SENATOR KUSHNER (24TH):

That is correct. Through you, Madam President, that is correct.

THE CHAIR:

Senator Formica.

SENATOR FORMICA (20TH):

Thank you, Madam President. Thank you, Senator, I appreciate that. I again, strongly disagree with that because the requirements in this four or five page Bill are numerous and are very -- gonna be very difficult for small businesses to consider and implement and work with. And I think part of the misunderstanding of this Bill and the corrections that this Amendment attempt to make in lines 124 and 131, they're not changing the notification of the employees from 14 to seven days. That's the reduction of days that the employer has before a penalty is given to the employer. This is how I read the language in this Bill.

The notice for the employees has to do with line 106, which is the 14 days' notice of any schedules being made moving ahead but this just says that accept is provided, the employer shall pay an employee one hour of pay at the regular rate for each entrance -- each instance that the employer changes the work schedule within seven days now. Or adds one or more hours of work or changes the date or time.

It's still a penalty for changing the schedule, which in my view, with all due respect, that's bad policy. It doesn't affect -- take into any affect circumstances and situations beyond the operators control, weather for example. This has seven days but I'm not sure if -- what day is today? Tuesday, I'm not sure I have people scheduled to work outside on the deck on Thursday if it's gonna rain. That's out of my control but in this if something happened and it rained, I'd be subject to penalty or any employer would be subject to penalty, and I don't believe that's correct.

We can talk about scheduling and all the other parts of this Bill when we get to the Bill, Madam President, but I just try to give a few examples of why I think this is bad policy overall, and why I believe this Amendment should fail because it's a part of bad policy. Even though we go from 250 to 500, and you go after the bigger fish, it's still bad policy in my view and unnecessary. 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, a roll call vote has been requested so I will open the machine. Mr. Clerk, if you would call the roll call vote, please.

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 8661. Immediate roll call vote on Senate Bill 6668, Senate Amendment "A" LCO 8661. 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:

LCO 8661

Senate Bill 668, Senate Amendment "A":

Total number voting	35
Total number voting Yea	28
Total voting Nay	7
Absent and not voting	1

THE CHAIR:

And the Amendment is adopted. (gavel)

Will you remark further on the Bill as amended?
Senator Somers, good evening.

SENATOR SOMERS (18TH):

Yes, good evening, Madam President. And I rise in opposition of the Bill as amended. I have spent my time doing some due diligence and speaking with restaurants, hotels, all that would be affected by this Amendment in my town, which is the number one tourist destination in the State of Connecticut. And the words they have used to describe this Bill are devastating, unprecedented, requiring significant changes. and job loss.

Some of the grocery stores I talked to that would fit this requirement, first about, they're

unionized, so they are covered already under their shift schedule but if they're not unionized, then quite frankly, they will be looking to automate. They will hire less people because they cannot comply with the requirements of this Bill.

When I've talked to the restauraners in my town and the restaurant -- the head of the Restaurant Association has said this will devastate the restaurant business here in the State of Connecticut that is just now trying to survive after COVID. I hope everyone heard that, now just trying to survive after COVID. And we're going to put this on top of them as a requirement to micromanage how they treat employees and how employees understand the restaurant business.

I don't know whether anybody making this Bill has worked in the restaurant. I have. I put myself through college as a bartender. This is the way the restaurant world works. It's shift work. You switch shifts, you change shifts, you share shifts. When it's slow you don't want to work, you want to get out and leave. And when it's busy, they add people, you're switching shifts all the time. How does that work when an employer has something that is set in stone for seven days? That's not the way the industry operates and we are trying here in this circle to manage a business that doesn't operate the way we want to manage it.

When I talk to our hotels and our motels, which again had been devastated under COVID. We are now saying if you don't comply with our rules that we are arbitrarily putting down to you, then guess what? You're gonna be penalized, you're gonna pay a penalty to the employers. They have clearly said they will hire less people. They will automate where

they can.

So I do not see this Bill as a positive Bill for the State of Connecticut. I see this as a job crushing Bill based on someone's agenda to do something to all the restaurants, the cafeterias, the hotels, the motel in our state. Most -- a lot of this is focused on tourism. And what do we know here? We know that tourism is one of our number one economic drivers in the State of Connecticut.

If you look at the proposed budget there are millions and millions of dollars proposed for tourism to help promote it but yet now we are telling employers in the State of Connecticut once again how to run their businesses.

And I do not agree that this will hurt restaurant workers. If you talk to single woman, or teachers that work as bartenders in the summer, they make all their money on tips and on shift work. And they trade and they like that flexibility but now we're telling them and the employer, guess what? I'm sorry if you work outside and it rains but you're still gonna have to pay your employee.

The people that get into this industry understand what it's like. This is the type of work that they choose. And for many it provides great flexibility and great reward and quick and easy income in many, many cases, especially my area. And I have spent a lot of time talking to individuals. Workers do not like this Bill that are working in the restaurant industry. People that are working in hotels do not like this Bill.

And right now when we're just coming out of COVID and we're trying to re-grow our businesses,

especially the smaller businesses that may be tied up in a franchising. And you heard the good Senator speak, that this is global, 500 workers globally.

If you were to look at just Dunkin' Donuts alone or Target because Target sells groceries or Pizza Hut or McDonald's or any of those franchises that you might happen to own independently. And I actually spoke to a woman who owns four different Dunkin' Donuts in Connecticut. She's already struggling with the town that she works in because of the changes that have been made on to certain cups, coffee cups that they are able to use and not able to use, and now this on top of it. And she said, "Going through a pandemic, what else is the state going to do to me to make it more, more difficult before I decide that I'm leaving Connecticut?"

So I understand that there is great support for this Bill because the majority has put this Bill forward. And we have heard now they had to amend it because the Bill, the underlying Bill, is not something that even the majority could agree to. So they've amended it to try to make it better but it's still not a good Bill.

There has to be some sort of agreement, some sort of understanding between the employee and the employer directly. The State of Connecticut should not be putting itself in between that relationship at every single turn. So with that, Madam President, I have, and now the Clerk has in his possession LCO 8739. And I would like to call the Amendment, please.

THE CHAIR:

Mr. Clerk.

CLERK:

LCO No. 8739 Senate Schedule "B".

THE CHAIR:

Senator Somers.

SENATOR SOMERS (18TH):

Yes, Madam President, I would like to move the Amendment and seek leave to summarize this Amendment.

THE CHAIR:

And the question is on adoption, please do proceed to summarize.

SENATOR SOMERS (18TH):

Yes, thank you, Madam President. What this Amendment would do would once again put the onus and the relationship between the employer and the employee back in their hands directly. This would allow employees if they choose to sign an agreement with their employer that would waive the requirement that are set forth in this Bill.

This would allow those individuals who are currently happy and content working in restaurants, working in hotels, working in motels, working in grocery stores currently that are happy and satisfied with the relationship and enjoy the flexibility which is provided to them under their work schedule and their work environment to enter into a direct agreement with their employer waiving the requirements of this Bill. This will provide them predictability as far

as what they choose and how they choose to work and who they choose to work for, and I urge my Senators in this circle to support this Amendment. Thank you, Madam President.

THE CHAIR:

Thank you, Senator Somers. Will you remark further on the Amendment before the Chamber? Senator Sampson.

SENATOR SAMPSON (16TH):

Thank you, Madam President. I rise in support of the Amendment before us. I want to commend my colleague, two seats over Senator Somers for the very well thought out argument in favor of this Amendment. I'm in complete agreement with her. This is a very straightforward Amendment.

Tonight I feel like I've been trying to break down these long Bills that have page after page of legal language into simple terms for folks that are watching. And this Amendment is very, very simple. It lets employers and employees decide on their own what the terms will be. versus the Bill that's before us that would have this body, a bunch of people who are probably very knowledgeable in their own right, in their own careers, and their own businesses but certainly are not managing the business that's going to be affected by this policy.

Ans I think it's a mistake for people in this Chamber to think that they have any say in how someone else manages their business. Very simple Amendment, Madam President. If you believe that employers and employees can enter into their own agreement to determine these things on their own,

free of our interference and involvement, you vote yes. If you think that this body has a right to get in the way of an employer and employee making their own decision, then you can vote for this -- vote against this Amendment. Thank you, Madam President.

THE CHAIR:

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

SENATOR FORMICA (20TH):

Thank you, Madam President. I too rise in support of the Amendment for all of the reasons stated. And I'd like to thank you Senator Somers for bringing it forward. The ability to opt out certainly makes perfect sense. And Madam President, I would ask that this vote be taken by roll.

THE CHAIR:

Thank you, Senator. And it will be taken by roll. Will you remark further on the Amendment before the Chamber? Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. I rise in opposition to the Amendment. I believe the Amendment would undermine the intent of this Bill that would not be beneficial to the workers or employers of our state, and I urge my colleagues to vote no.

THE CHAIR:

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

further on the Amendment? If not, I will open the voting machine, and Mr. Clerk, please announce the roll call vote.

CLERK:

Immediate roll call vote has been ordered in the Senate on Senate Amendment "B", LCO No. 8739.
Immediate roll call vote has been ordered in the Senate, Senate Amendment "B", LCO No. 8739.
Immediate roll call vote in the Senate.

THE CHAIR:

Will you remark further? Will you remark further?
Have all -- Let's do that again. Have all the Senators voted? Have all the Senators voted? It's been a long evening. They have, so we will lock the machine. And Mr. Clerk, please announce the vote on the Amendment.

CLERK:

Senate Bill 668, Senate Amendment "B":

LCO 8739

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

THE CHAIR:

And the Amendment fails. (gavel)

Will you remark further on the Bill? Senator Sampson.

SENATOR SAMPSON (16TH):

Thank you very much, Madam President. Well, I'm disappointed that Amendment failed. I thought it was a very simple choice whether or not we would let our own constituents, who we are employed as Representatives of decide for themselves what was best. I was surprised that I heard that they -- this Amendment would not benefit them. And I find almost no instances, in fact, I've never heard of an instance in my life where having individual freedom of choice did not benefit someone.

Anyway, I'd like put something else on the record too and that is it was stated early on in this debate that this is not binding. And while the written estimate is stated as not binding in the first Section of the Bill, the Bill itself is very binding on employers.

I'm reading through Section 1 of the Bill and it says the employer shall, the employer shall, the employer shall, the employer shall. I think seven times. And that strikes me as binding. There are many requirements placed on employers in this language.

Also, it says on line 188 of the Bill that any person aggrieved by a violation of any provision of this Section, which is the Section that has all of those binding *shalls*, the Labor Commissioner, the Attorney General, or any entity, a member of which is aggrieved by a violation of the Section may bring a civil action to recover damages and so on. I would say that is very binding, Madam President.

If an employer fails to follow the requirements in this Bill, they may very well end up in trouble with the Labor Commissioner or the Attorney General and in a courtroom being sued. And I think that that not

only has a chilling effect on the way businesses operate in this state, but it certainly is binding.

I wanted to also just touch base on some of the testimony that we heard. There were certainly people in favor of the Bill, including the Representative of the Communist Party, which I found interesting. But what is also interesting is the number of folks that came and spoke in opposition and the many, many comments they made regarding situations that are not contemplated by this Legislation.

Even the Representative of the Connecticut Conference of Municipalities, the lobbying organization that speaks on behalf of the major cities in our state opposes this Bill because it would limit the flexibility that local officials have for the municipality. So clearly, if local officials are bound in some way by this language, we might end up having to pay employees for not working, et cetera. All of which is a burden on taxpayers.

The Connecticut Hospital Association, even though I know this Bill has been modified in some respects and does not necessarily cover employees in the health field, there are still many, many hospital employees that are affected. And those folks could be under similar unprecedented situations if there was a catastrophe, God forbid, or something that affected the amount of traffic in a hospital.

The Restaurant Association has already been addressed, and I think my colleague did an immensely good job of explaining all of the intricacies of working in a restaurant or bar situation, and just exactly how those employees operate and that they may in fact want to give up certain shifts and

exchange them with others because they're looking to drive up their tip wages, as opposed to being on when it's slow.

Not to mention that many, many businesses, restaurants at the shoreline, for instance, might be subject to more or less traffic based on whether if there is a ball game in town that night. Who knows what is affecting the traffic that any of these businesses face and that can change at any time, and employers need to be able to adapt to.

There was lots and lots of testimony from folks that work in the home care industry as well as in nursing homes. And I don't doubt that that is what led to the change in policy that is before us but it makes one wonder, you know, why is this policy good for some people in some industries and not for others? If it's such a good policy for workers and it -- we should make sure that all workers have these protections, then why are we limiting this Bill in any way shape or form? I would have to ask the proponents. Why is only seven days good when 14 days would be better? Why is it only going to affect these larger businesses? What about small businesses? What about the employees that work for them? Are they not eligible for the same type of policy?

I really believe, Madam President, there is not so much confidence that this is a good policy when we have to start out like this. And make no mistake, Madam President, the goal is actually to make it apply to every business across the state. We've seen this many, many times. Policies that have been enacted saying, well, it's only 250 employees and over. Well, the next time around it's less. We're watching that happen with paid sick leave.

I have the testimony from the Connecticut Retail Merchants Association. I just love the commentary in their testimony. I thought it was spot on. It's some things I might say myself. "Laws should encourage a collaborative approach between the employer and employee in designing schedules so that available hours or shifts can be discussed freely." This Bill discourages that. It prevents an employer or an employee from having a conversation from one another on this subject because you're creating what I would consider to be an adverse relationship. And it's something that's quite common in this building. This constant desire to pit employees and employers against one another.

That's not the way I was brought up, Madam President. I was brought up that when I worked for a company it is in my best interest to help that company succeed because that's how the company is going to profit and be able to hire more people and give me a raise potentially or a promotion to a different position. That's how economies work, and that's what's lacking in policy when this body proposes to manage the citizens and businesses it knows nothing about.

They go on to say that scheduling is a complex process. It's built around the availability of employee, something that was not addressed in the opening discussion of this Bill. It was only about making the employers react, and they do in fact, because they are already at the will of when employees are available.

It says when formulating a schedule there are loads and loads of other data points that are crucial; sales forecasts, delivery schedules. Did anyone

contemplate the deliveries might affect these businesses and when their staff might be necessary to be there to stock shelves or to do whatever else might be associated with that delivery? Meal and rest breaks, payroll hours, promotional events, anticipated swings in customer traffic, not to mention unanticipated inclement weather, public events adjacent to or surrounding a store location, public transit issues. These are all factors that will weigh on a business in how they schedule their employees that this Bill has no consideration for. It does not contemplate, it does not care. It is simply words on a paper that you must follow.

They want to say the rigid scheduling is an anti-business and anti-employee mandate, and that's what I would like to finish my comments with in a moment. That this is not just anti-business, it is anti-employee also.

They finished their testimony by making a point that there are unintended consequences that could bring additional adverse impacts. Employees may need to offer fewer hours, and that compliance with these laws can have an impact on store culture, limiting open communication and that every company is unique in how they operate, and that uniqueness is what lends to creativity. And that creativity is what lends itself to success.

So many policies that we create in this building, whether they are economic or otherwise in nature have a tendency to tell people to conform and do it our way. When in fact the best solution is to let different municipalities try different things. To let different businesses try different things. It is through that experimentation that new things are created and new products and new ideas evolve and

grow our economy and make us more successful. But at the end of the day, Madam President, I'm gonna vote no on this Bill simply because I believe that this is a policy that unnecessarily puts this body, this government again, where it does not belong, which is directly between an employer and an employee.

Employment is a voluntary relationship. Does everyone understand that? That means that when an employer hires someone, they're doing it because they want that person to work for them. And they're willing to pay them for the job that they are hiring them for. And when a person accepts the job it is because they are aware of the terms of employment and have accepted them. It's very simple. The two parties decide whether it's a good fit, and if it's not, they don't make the deal.

What is the state's role in that agreement? I would say it doesn't have one. I mean, certainly, historically, the state has stepped in to do things like prevent child labor, etcetera. But, Madam President, we are a million miles from there. We're here talking about stuff that really has nothing to do with protecting anyone, it is just us sticking our nose where it doesn't belong.

Again, what exactly do the people in this room know about running the businesses that operate in our state? Restaurants, yes, we have a couple of restaurateurs. We have people that are in hospitality industry, but I'm a real estate agent. I know that other people who serve in the Legislature are teachers, doctors, many folks are lawyers. What do we know about managing a Dunkin' Donuts and dealing with shift scheduling for the employees there?

I would never claim to know the first thing about it, which is why I am extremely uncomfortable saying I would support a Bill that's gonna tell them how to do it. It's almost absurd that we would be doing something like that.

We work for our constituents, not the other way around. We are not their managers and none of us should be managing the Dunkin' Donuts in our town. Our primary job is to protect the rights of the people we represent. I heard a fellow Senator say the other day something very surprising to me. They said it's our job to tell people how to act. It was in an entirely different subject but I was like no, that's not our job. Our job is not to tell people how to act. Our job is to listen to our constituents and protect their freedoms.

This policy before us is bad policy, Madam President. It interferes with free people making their own decisions. I'm so disappointed the Amendment failed before because it was a simple choice. Do we want people to be able to make their own decisions even if the Bill passed? That would've made it a thousand times better because it would've at least said that in cases where people are entering into an agreement with open eyes, they can do that and we don't need to put this Bill upon those free people who have a good idea what they want. But no, that Amendment fails and we're gonna force everyone to follow this law whether they like it or not.

Madam President, I will not vote for policies like this anymore. They are destroying the economy in the state and they are making us less free. And people are noticing, people are noticing what is happening with our state government taking over and putting

too much on the individual citizens and businesses. And I'm afraid it's hurting us and it's gonna hurt our future even more.

I encourage my colleagues to put a stop to it today and vote no on yet another anti-business policy. Thank you, Mr. President.

THE CHAIR:

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

SENATOR SOMERS (18TH):

Yes. Good evening, Mr. President.

THE CHAIR:

Good evening, Senator.

SENATOR SOMERS (18TH):

I rise to make a statement about this Bill tonight. And tonight if this Bill passes, which I believe it will be based on the majority that's here tonight. What this Bill will do is take away the ability for employers and employees to decide on their own individually what is best for them as far as scheduling and what their work week looks like. And it will put that decision in the states hand.

The state will decide how businesses should best fill their shift schedule. A state and a law written by many people, I daresay, have never worked in any of the industries that we are targeting tonight. The tourism industry, hospitality, restaurants, hotels, motels, grocery stores. We have a group here now

dictating to these private employers how they operate and what kind of agreement they enter into with their employers.

I do believe that this is an anti-business and anti-job Bill quite frankly because I've done the research and I've talked to the industries that are affected. I spent the time again in the number one tourist district in the State of Connecticut, and they are adamantly opposed to this Bill. So I daresay that this body is not listening to the citizens.

Call scheduling or on-call scheduling is essential to the hospitality industry. It has been stated over and over again. A one size fits all Bill does not work for that industry. The Restaurant Association flippantly on some level has said this Bill should really be called quote, "restricted scheduling."

I've heard the good Senator talk about this came out of COVID because of what we've seen but we've had this Bill for years long before COVID. So that is just not true in any way shape or form. And if anything after coming out of COVID when we have businesses, restaurants, the tourism industry that has been absolutely devastated. Hotels with zero occupancy for months and months. Now we're gonna put this on top of what they have experienced. It is just the wrong direction and the wrong policy.

We've heard directly from these industries the serious negative effects this Bill will have on them, and what are we doing? We're just doing it anyway. They have said coming out of a pandemic, they have classified this move and this Bill as nothing less than quote, "thoughtless." This isn't coming from me, this is coming from the people that

are impacted by this Bill. So I urge the people in this circle to vote no against this Bill.

Voting no on this Bill will help improve jobs. It will help improve those industries and allow them to flourish and grow and have the freedom and flexibility to decide between them and their employees as to what is best for them and what works best for their businesses.

If there's one thing I have learned as a business owner in this state for 25 years, the best thing government can do is get out of our way so that we can make the decisions for us so that we can be successful, and when we're successful, you're successful. But the second you try to get into that relationship and think you know better than we do, all you do is mess it up.

So I urge people to really think about that tonight when they cast this Bill. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator Somers. Will you remark further on the Bill? Senator Cabrera.

SENATOR CABRERA (17TH):

Good evening. Thank you, Mr. President. I've spent the better half of the last 20 years representing workers. I've sat at their kitchen tables. I've visited them, visited them in their workplaces, on the ball field, I've met their children. One thing runs through all those conversations in the last 20 years and that is the difficulty that they often face balancing their work life and their home life.

I have sat through many stories from many of these workers. The mother who missed the soccer practice because she was called into work at the last minute. The dad who couldn't make it to the report card conferences because he was told an hour before his shift ended that he had to stay late. The college student who was trying to juggle clinicals', he was in a medical program and had to decide whether he needed to call his professor and say I can't come today or his boss to tell him he can't work today.

The issues our workers are facing are real and they're difficult. Many of these workers have multiple jobs, many of them have several part-time jobs they're juggling. And I've seen these issues and heard and dealt with them for over 20 years.

My own father, a factory worker for over 45 years. I recall as a young boy oftentimes he couldn't be there on the weekend for things we were doing or make it to a report card conference. And it was only when I got older that I realized that was because he was called into work. And that's what we're talking about here.

By passing this Bill we're giving people stability, we're giving them the opportunity to balance, to be there for their children, to be there in those milestone moments in their lives and to juggle what life throws at them. And as we pull out of this pandemic, like many of you, I have heard the word hero thrown around a lot, and it's appropriate. Many of these workers are heroes, it's time we treat them like heroes. That's why I'm gonna support this Bill and I urge adoption and I urge my colleagues to do the same. Thank you, Madam President.

THE CHAIR:

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

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. You know, it's an interesting -- it's interesting what I just heard. But what happens when none of the employees want to work on a Saturday? Or none of the employees want to work on a Sunday? What do you do then? Shut down for Saturday and Sunday? If you're a restaurant, those are some busy days there.

In 2008 this country had a huge problem. You know, markets collapsed, everything, everything fell apart and what we do here Connecticut? You know, we just went after -- taxed our businesses more, put some more regulations on them. And you know, it showed what happened. We still haven't recovered since 2008. Now we have a catastrophe happened with COVID, and these businesses barely make -- barely made it, a lot of them. So what do we do? We're gonna tax them and we're gonna change regulations.

You know, when we think about it, yeah, this person has two, three jobs, missing family events. I was a policeman, I missed many events. I think I worked every Christmas and every Thanksgiving. That was the job I picked, that's the job I had. And the problem with two or three jobs, or both the husband and wife work, and it's the fact that is we live in a very expensive state, very expensive. And we just keep making it more and more expensive but now what we're doing is we're going after the businesses.

This is not a friendly business deal we're doing here. We're telling the businesses the employee can

work when they want, 14 days, give them 14 days' notice. And some of these, it's just not gonna work that way. I have a question for the proponent of the Bill. Through you, Madam President.

THE CHAIR:

Please proceed.

SENATOR CHAMPAGNE (35TH):

Thank you. I'd to like to know where do municipalities fall in on this Bill?

THE CHAIR:

Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. This Bill specifically covers retail, it covers hospitality, and it covers restaurants.

THE CHAIR:

Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. And through you again. Does this include the cafeterias in our school systems?

THE CHAIR:

Senator --

SENATOR CHAMPAGNE (35TH):

If they're independently run.

THE CHAIR:

Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. A restaurant occupation does not include the preparation and serving of food in a nonprofit educational institution.

THE CHAIR:

Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. So the legislative intent is not to affect municipalities or the state government? Through you, Madam President.

THE CHAIR:

Senator Kushner.

SENATOR KUSHNER (24TH):

Through you, Madam President. I believe I've answered the question in accordance with the Bill.

THE CHAIR:

Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Madam President, I asked a new question and was just looking for an answer and it was a yes or no question, and I added that municipalities and state government. So I'd like to ask the question again to see if I actually get an answer this time. Through you, Madam President.

SENATOR CHAMPAGNE (35TH):

Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. Through you. I believe I answered the question. It's clear in this Bill that a restaurant occupation doesn't include -- it's not included if it's in a nonprofit educational, charitable or religious organization.

THE CHAIR:

Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. And I'm gonna take that as legislative intent as an answer of no. It does not affect the state government and it does not affect municipal governments. I really truly believe that we need to think about what we're doing here because if these businesses fail, people don't have the job to go get the money. If these businesses fail, they don't have the tax money to provide for us.

You know, when the government steps in and says this is how you're going to do it. This is -- this goes

beyond anything. This isn't even collective bargaining. This is the government just coming in and saying this is how you will run your business. You know, I think that's okay for -- if you live in a socialist country or a communist country, but we live in America and that's just not right and I will not be voting for this. Thank you, Madam President.

THE CHAIR:

Thank you, Senator. Will you remark further on the Bill that is before the Chamber? Senator Formica.

SENATOR FORMICA (20TH):

Still good evening, Madam President. Thank you. Madam President, you know, I almost don't know what to say on this Bill. This is just a complete and total overreach. I appreciate some of the comments. I appreciate some of the opportunities that people have said that they've had to give up representing workers, that they've had to miss things but I'm sure that's happened in jobs outside of restaurants as well. I'm sure it's happened in manufacturing, dentist office, et cetera. So I don't know that it's fair to single this out, and I think there are many things that are wrong with this Bill and that will be harmful to the operations of small businesses throughout the state.

Just an example, as an example, Madam President, the Bill calls for in line 106 for schedules to be made 14 days in advance of the seven day. The first date of the seven day work period. And posted it in a conspicuous place. And any changes in that would be cause for the fine and penalties that are addressed later on in the legislation. But we have a lot of last-minute opportunities for business;

bereavements, catering, graduation parties that fall within that period of time.

So, you know, I'm just not quite sure how to respond to that. And now that this Bill would focus it -- would make us -- make a restaurant pay time and a half or get an agreed -- an agreement in writing from the staff to work a bereavement, for example, that happens with a day or two notice. And that's a service the needs to be provided to people.

Opportunities about the weather. We're not sure if it's gonna rain or snow 14 days in advance. I'm not sure if the towns gonna go in front of my or any small restaurants driveway and install a sewer line or pave a sidewalk. And there's nothing in this Bill that contemplates any opportunities for that to make it even a little bit realistic.

So, Madam President, the Clerk is in possession of an Amendment LCO 8752. I ask if the Clerk would call the Amendment. I seek leave to summarize.

THE CHAIR:

Mr. Clerk.

CLERK:

LCO No. 8752, Senate Schedule "C".

THE CHAIR:

Please proceed to summarize, Senator Formica.

SENATOR FORMICA (20TH):

Thank you, Madam President. I move adoption. And

this is a very simple Amendment, Madam President. It goes to line 133 if you're following along where it talks about, "the provisions of the subsection, shall not apply" and it adds a *the*, which says, "a change in the employer's needs caused by the weather or other conditions out of the employer's control that would result in the reduction of business volume, including but not limited to a reduction in sales."

Madam President, if this Bill is going to pass, I think it needs to provide the opportunity for small businesses and restaurants throughout the state to be mindful of the weather. An opportunity that no one has any way to control and there should not be a penalty for that. And Madam President, I can tell you my particular business, when it snowed, you can't give away the food, people don't come out, they don't want to come out. So Madam President, I offer that Amendment and urge my colleagues to adopt it.

THE CHAIR:

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

SENATOR KUSHNER (24TH):

Thank you, Madam President, and I just want to urge my colleagues to vote no on this Amendment. I believe that the Bill, as it is written and amended by the earlier Amendment that passed the Chamber is a good Bill, and then I would urge colleagues to vote no on this Amendment.

THE CHAIR:

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

SENATOR FORMICA (20TH):

I ask that it be by roll. I'm sure you were gonna say that. Thank you, Madam President.

THE CHAIR:

And thank you, and it will be taken by roll. Will you remark further on the Amendment? Will you remark further on the Amendment? If not, a roll call vote has been requested. I will open the voting machine. Mr. Clerk, please 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 Amendment "C" LCO No. 8752. Immediate roll call vote has been ordered in the Senate on Senate Amendment "C" LCO 8752. 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 on the Amendment.

CLERK:

Senate Amendment "C" LCO No. 8752:

Total number voting	36
Those voting Yea	12

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Those voting Nay	24
Absent and not voting	0

THE CHAIR:

And the Amendment fails. (gavel)

Will you remark further on the Bill that is before the Chamber? Senator Formica.

SENATOR FORMICA (20TH):

Thank you, Madam President. Well, I'm disappointed that weather or other business interruptions would not have passed the Chamber, especially, Madam President, since 14 months to the day yesterday restaurants closed for the pandemic. And if this scheduling Bill was in place 14 months ago, the 800 restaurants that closed over the pandemic probably would be more like 1200 if we had to follow this opportunity.

So I'm disappointed in that, Madam President. I am grateful that there was recognition of the great work that front-line employees in grocery stores and restaurants did but small mom-and-pop pizza places and small malls did great work also, and they went above and beyond to serve people in this pandemic. And restaurants, Madam President, have been a place where people go not only to eat but they go to live. They have celebrations there. They celebrate anniversaries and graduations and birthdays, friendships. They celebrate bereavements in life. So it's more than just that businessman, Madam President,

So, Madam President, I will make one more attempt. The Clerk is in for -- is in possession of an

Amendment LCO 8775. I ask the Clerk if you mind call the Amendment, and I would seek leave to summarize Mr. Clerk.

CLERK:

LCO No. 8775, Senate Schedule "D".

THE CHAIR:

And Senator Formica, please proceed to summarize.

SENATOR FORMICA (20TH):

Thank you, Madam President. This is a very simple Amendment. It makes one word change. Line 106, which says, "Not later than 14 days prior to the first date of the seven day period of a work schedule an employer shall post." This changes 14 to four, which makes it a little bit more realistic and -- for the schedule makers to work with the employer -- employees to craft the schedule that work over the next seven days.

Typically in the business the schedule is Monday to Sunday. Typically. So that would put the schedule being made on the Thursday prior, would give everyone an opportunity to have a conversation and an opportunity for at least the business to have good idea of the forecast of what's ahead.

So, Madam President, in the interest of time, I ask that Members around the circle consider seriously the effect of what this Bill is gonna do and the small change that this might do to improve it. And I urge adoption.

THE CHAIR:

Thank you. And will you remark further on the Amendment that is before the Chamber?

SENATOR FORMICA (20TH):

And a roll call vote, please.

THE CHAIR:

And a roll call vote. Will you remark further on the Amendment? Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. I would -- I rise to oppose this Amendment and would urge my colleagues to vote no.

THE CHAIR:

Thank you. Will you remark further on the Amendment? Will you remark further on the Amendment? If not, a roll call vote has been requested. The machine will be open. And, Mr. Clerk, please announce the roll call vote.

CLERK:

Immediate roll call vote has been ordered in the Senate on Senate Amendment "D" LCO No. 8775.
Immediate roll call vote has been ordered in the Senate, this is Senate Bill 668, Senate Amendment "D" LCO No.8775. Immediate roll call vote in the Senate, Senate Amendment "D".

THE CHAIR:

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

CLERK:

Senate Bill 668, Senate Amendment "D" LCO No. 8775:

Total number voting	36
Those voting Yea	12
Those voting Nay	24
Absent and not voting	0

THE CHAIR:

(gavel) And Amendment fails.

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

SENATOR KUSHNER (24TH):

Thank you, Madam President. I've already said a lot about this Bill but there are a few things that I want to mention that are really personal. Sometimes people think of me, as the union person, the person that's fighting for and on the side of works, which is true. I spent 42 years representing workers and during that time I learned a great deal about the businesses that they worked for. I learned about scheduling and intense negotiations at one of our finest casinos in our state at Foxwoods where a great deal was said in negotiations about how you schedule appropriately so that workers can balance their family and the work, and also so that the employer can deal with unexpected changes in volume of work required.

So I have spent an enormous amount of time, and I also totally recognize and appreciate that we want our businesses to flourish. That that's good for the

economy, that's good for working families but there has to be some constraints. We have to make sure that we're balancing that with the needs of our working families, and in particular, this Bill I think does it well. Recognizes the need for an employer to change a schedule but also recognizes the need for some compensation to address that.

I'm not gonna belabor this tonight any further. I think it's a good Bill and it ought to pass, as they say. But I do want to say that not only did I work as a Representative for my entire life but some people don't realize and don't know that my father owned a grocery store. My grandfather on both sides owned grocery stores. My uncles owned grocery stores. My father then worked in smaller businesses that he owned. My whole family were small business people. And I only wish my father was here tonight to listen to this debate because I believe he understood that there were cost to being in business and he also understood the importance of the workers that helped him be so successful in business, and I believe he would of embraced this, he would of applauded this. I do believe that this Bill will pass tonight. And I think we can all feel proud about what we're doing for working families in Connecticut. Thank you.

THE CHAIR:

Thank you, Senator Kushner. Will you remark further?
Senator Formica.

SENATOR FORMICA (20TH):

Thank you, Madam President. Thank you, Senator Kushner. I appreciate the opportunity to have our differences of opinion. And I did forget one question if I may ask the good Senator and then I'll go on to my wrap up. Lines eight says, "Means the trade of wholesale or retail selling of groceries or commodities." I was asked by Coca Cola who has a large distribution center in our district if they --

their business would apply to this as a merchandise. If you would know. Thank you. Through you.

THE CHAIR:

Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. And through you, I would suggest that Coca Cola can find out the answer to this easily. This language is actually language that are part of the Department of Labor Regulations now. And so I don't want to speak to it, but I don't think it's a hard question to answer for the company. They can certainly call the Department of Labor and they will know. This language has been on the books for a half a century or more.

THE CHAIR:

Senator Formica.

SENATOR FORMICA (20TH):

Thank you, Madam President. Thank you, Senator. Madam President, in my quick wrap up here, I just want to say that I had the opportunity to open my business 38 years ago and we've had hundreds and hundreds of jobs and -- that we created over that time. Good jobs, jobs that have grown the lives of the people that have worked there with me.

The business has grown over the years as a result of the hard work of the frontline staff and the back of the house staff. You know, a business is only as good as the people that serves it. So I too have worked with scheduling all my life and I too have worked with employees trying to make sure that they had what was necessary to have a life and a career in a small business. This Bill I think, this Bill I think puts that in jeopardy a little bit.

I have managers who work for me who started as a bus person. Started as a waiter. And they actually do the scheduling. They do the scheduling in consultation with the people that they schedule. We have request off books. We have conversations with them. We have meetings. So they understand what they're scheduling and who they're scheduling and there's input.

We hire people that work full-time. Small business and restaurants have full-time employees. But a lot of them are part-time employees that come from many different walks of life to help supplement their income. Single moms, a network of single moms who help with childcare with each other. Teens in their first job. Single dads, teachers, healthcare professionals, full-time workers at banks, doctors office, dental hygienist, landscapers.

We provide the opportunity for a second job and a second income in many ways because of the flexibility because of the flexibility that this Bill will take away. Or this Bill will punish, or this Bill will make more expensive.

Madam President, and perhaps this Bill started with good intent but I think the way it's developed it's not ended up that way for many of the small business here in the State of Connecticut.

I appreciate the opportunity to debate this, but I really agree with some of the things that were said around here that -- around this circle this evening that sometimes the best thing we can do is to stay out of the way as a government and let the entrepreneurial spirit, the entrepreneurial spirit which grew our country, which grew our state, which provides the majority of the jobs here in our country, in our state, small business. And we should be looking at ways that we can help, not hinder. That we can work together, not separate.

So I have no doubt, Madam President, that this Bill will pass this evening based on what we've seen on the board. And that disappoints me but that seems to be the philosophy around the circle, and I hope that as it moves forward, with all due respect Senator Kushner, that it fails somewhere else. Thank you, Madam President.

THE CHAIR:

Thank you. Will you remark further? Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, I rise in support of the legislation before us this evening. First and foremost, I want to thank Senator Kushner for her work this evening and for bringing this Bill out and explaining it in a very eloquent and detailed way and for championing this legislation since she arrived here at state capitol. So I want to thank Representative Porter, the House Chair of the Labor Committee, and Senator Looney, our Senate President whose embraced this idea from the moment it came to the state capitol and has always championed fairness for our workers in the workforce, and for his leadership in bringing this Bill to the floor this evening.

Madam President, I think about why this Bill is important for the people of the State of Connecticut. And in my opinion, we have to go back a number of decades to look at why this Bill is so important. And this Bill is not designed to punish anybody or small businesses. In fact, this Bill will really apply to some of our larger corporations, our larger businesses and not our small moms and pops that have employees that I worked at myself even growing up and that Senator Kushner talks about like her dad owned and her family owned.

When you go back a few decades you think about where some of our wage inequality started. Where people

who used to need -- who used to only have to work a job in order to put food on the table and pay their bills and buy sneakers for their kids or be able to afford maybe a fieldtrip for their kid, or maybe put a little money in the bank now don't have that luxury any longer. And that's not just something in Connecticut that's all across our nation. Where they are now faced with working not one job, sometimes not just two jobs but maybe three jobs.

I think back to my parents who both graduated high school, who worked good jobs as high school graduates, didn't have a college degree. Though my dad did have a certificate for computer programming but worked blue-collar job, my mom worked different places in the end in the school system. And that's all they needed. They had a house, there paid a mortgage. They were able to put food on the table, we had a few extra things, but if you were to take their scenarios in 2020, 2021, they couldn't make it. They couldn't make it.

And so then you have that situation where they are now -- they'd be now faced to work one, two, three jobs and the unproductiveness of some of their jobs that they would have to work would result in very difficult decisions for themselves and the family. And so that's why I think this legislation this evening is so important and why it is tailored the way it is right now.

We had one of our Senators in the past, Senator Moore, who worked a job at a big box retailer and understands firsthand what it's like and taught us all what it was like for her to go to work at tonight and to be called back to work merely hours later after finishing her first shift.

So when I think about my constituents in Norwalk and Darien who are just trying to put food on the table to pay their rent or their mortgage, maybe have those little extras for their family, and who maybe are trying actually go take some time to go to a

concert of one of their kids like we did when my kids were in elementary school or something else where they needed a little bit of time off, but then the supervisor says you have to come in.

And so you look at the fairness of both sides and you say, you know what? It's been a little unfair for some of these workers for a little bit of time and it's -- right now is our chance to swing the pendulum a little bit back more towards some of our workers to give them a little bit of a break because we have to -- we are sending a message tonight that we value these workers. We value them. We value their families and we want to make sure that they have some sort of semblance and order to their lives. I would argue that their supervisors probably do and the supervisors of the supervisors do, and we should be saying that these employees, these workers, who are part of this legislation deserve the same consideration as everyone else.

So Madam President, in the final analysis, and we talk a lot about family values, a lot, but if there is a Bill that speaks about how we value our families in the state Senate in our state capitol, this is it. This talks about how we value them and the fairness and the dignity we want to provide for them when they're working hard on behalf of themselves, their families and for the state in the state.

So, Madam President, I again thank everyone who worked so hard on this legislation and urge my colleagues to support the Bill. Thank you, Madam President.

THE CHAIR:

Thank you, Senator Duff. Will you remark further? Will you remark further? Senator Looney, good evening.

SENATOR LOONEY (11TH):

Good evening, Madam President, speaking in support of the Bill. Madam President, this is an important Bill. One that has to do with equity in our state, a theme that we are trying to advance at this session in so many ways, including Senate Bill 1 today and others.

First, I want to thank Senator Kushner for her great work on this beginning two years ago when she first raised the issue in 2019 and her work with Representative Porter on arguing for making the case for fairness here. And that's what this is all about because, Madam President, the convenience of a business should not be the only consideration in worker schedules. People have lives, people have needs, people have family obligations. They are not just cogs in the machine of their employer.

There has been a discussion here this evening that in terms of bargaining rights, that the employee has taken the job under the terms offered and that the state has no rightful role to intervene. The problem with that argument, Madam President, is that statement is based on an assumption that is too often completely false. And that's that the employer and the employee have equal bargaining power in the relationship, and that is often almost always not the case.

It almost -- it takes us back again to the attitude of the US Supreme Court in *Lochner v. New York* that we discussed last week where in that case the US Supreme Court struck down a law in New York State in 1905 that said that state of New York had the right for health and safety reasons to limit bakery workers to 60 hours a week. And the court struck that down and said no, you know, the employers, the employees can work more if the employer can persuade them to, and it's a matter of contract. Well, we know that's not really a valid contract. It's not a true contract, it's not a fair contract because the bargaining power in each side is not equal.

And the problem with that, Madam President, is that often in the absence of a union in particular that's almost never the case. With the protection of a union contract, the balance of power still tilts strongly to the employer although the employee has some recourse and some rights other than the right to quit the job, which is what people are left with it and it's an untenable position to say, well, you can always quit. Well, you can't always quit, you need to work and sometimes an entire industry may have a standard that is -- that doesn't take cognizance of a family situation.

So if you want to work in a certain field and it's the one that you've trained for and that you want to be able to be in but if every employer offers the same situation about you're an at will employee and you gotta be here in an hour's notice if we tell you to and everybody who was a running the same kind of business has the same kind of position and the same policy, what choice is there really? There isn't any. It's a myth the idea that you can bargain and that the position is accepted willingly.

So there are times like this, Madam President, where the state does need to intervene as a matter of justice and to try to enhance equity in a situation where the power relationship is so unequal. We are talking for the most part about lower wage employees in jobs that are toward the low end of the wage scale. Perhaps minimum wage, slightly above even those who are in jobs where they get tips they're paid -- the minimum wage -- their minimum wage is less than the standard minimum wage and hopefully it is made up for by tips but still, they are still in the low-end of the wage scale usually even when tips are included except perhaps in some maybe high-end restaurants where tips are a greater.

It always seemed to me that there is a great inequity is that the waitstaff in diners work as hard or harder than the waitstaff in high-end

restaurants but yet they earn so much less because often the tip is based upon the value of the meal purchased rather than on the actual work that was done by the waitstaff on that meal. So the waitress serving the hundred dollar meal didn't probably work any harder than the waitress serving the \$25 dollar meal but the tips are greatly different.

So there all kinds of the inequities built into the system but this is one modest way to try to address a situation, especially as was mentioned earlier, people in low-wage jobs often work many, many hours. They try to piece together a living perhaps working 25 hours a week or more in two or three different jobs. Many are working 50, 60, 70 hours a week and they need to have some reliability in order to juggle their schedules between their multiple employers because they may be working equal number of hours for three different employers and trying to manage and count on when they're going to need childcare, when they're going to need to -- perhaps there might only be -- if there is a car in the family they may need to know which day they will need the car as opposed to taking mass transit in which they -- a spouse might need it, when is childcare gonna be available, when is it not, when is --

They need to be able to count on at least some certainty or at least some reasonable expectation that the rug won't be pulled out of them, under them in terms of their weekly planning all of a sudden and cause a sort of cascading effect of problems for them one after the other. So it's a very modest Bill. It's not one that is going at the heart of the employer-employee relationship and is going to destroy small business in Connecticut. It is just a statement that says the workers have interests too and they want to be able to contribute to the success of their employer but they also need to be able to live a humane life. Thank you, Madam President.

THE CHAIR:

Thank you, Senator Looney. Will you remark further on the legislation? Will you remark further? If not, the machine will be open and Mr. Clerk, if you would please call the roll call vote.

CLERK:

Immediate roll call vote has been ordered in the Senate on Senate Bill 668 as amended by Senate "A". Immediate roll call vote has been ordered in the Senate on Senate Bill 668 as amended. Immediate roll call vote in the Senate, Senate Bill 668 as amended. Immediate roll call vote in the Senate.

THE CHAIR:

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

CLERK:

Senate Bill 668 as amended:

Total number voting	36
Those voting Yea	20
Those voting Nay	16
Absent and not voting	0

THE CHAIR:

(gavel) And the Measure is adopted. Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, I have items, two Bills for referrals, please.

THE CHAIR:

Please proceed, sir.

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SENATOR DUFF (25TH):

Thank you, Madam President. On Calendar page 26, Calendar 348, Senate Bill 1059. I'd liked to refer that to the Appropriations Committee.

THE CHAIR:

So ordered.

SENATOR DUFF (25TH):

Calendar page 7, Calendar 136, Senate Bill 356. I'd like to refer that item to the Appropriations Committee.

THE CHAIR:

So ordered.

SENATOR DUFF (25TH):

Thank you, Madam President. And is the Clerk in possession of Senate Agenda No. 2?

CLERK:

The Clerk is in possession of Senate Agenda No. 2, dated Tuesday, May 18th, 2021.

SENATOR DUFF (25TH):

Thank you, Madam President. I move all items on Senate Agenda No. 2, dated Tuesday, May 18th, 2021, be act upon as indicated and that the agenda be incorporated by reference in the Senate Journal and Senate Transcript.

THE CHAIR:

So ordered.

CONNECTICUT GENERAL ASSEMBLY
Senate Agenda
No. 2
REGULAR SESSION
Tuesday, May 18, 2021

COMMUNICATION FROM THE GOVERNOR:

May 18, 2021

The Honorable Denise Merrill
Secretary of the State
State Capitol Hartford, CT 06106

Frederick J. Jortner
Clerk of the State House of Representatives
State Capitol
Hartford, CT 06016

Michael Jefferson
Clerk of the State Senate
State Capitol
Hartford, CT 06016

**RE: Declaration of Public Health and Civil
Preparedness Emergencies**

Dear Secretary Merrill and Clerks of the General
Assembly:

On March 10, 2020, in response to the global pandemic of COVID-19 disease associated with a novel coronavirus that was affecting multiple countries and states and had resulted in the spread of infections in Connecticut and surrounding states, as well as resulting shortages of personal protective equipment and other supplies that could jeopardize public safety and civil preparedness, and in order to provide me and other appropriate officials with all authorities necessary to limit the spread of the COVID-19 coronavirus and protect public safety within the State of Connecticut, I declared a public health emergency and civil preparedness emergency

throughout the State, pursuant to Sections 19a-131a and 28-9 of the Connecticut General Statutes. Those states of emergency were to remain in effect through September 9, 2020.

On September 1, 2020, in anticipation of the expiration of those states of emergency and in recognition of continued and newly emerging threats to public health and safety and civil preparedness posed by the COVID-19 pandemic, I renewed the March 10, 2020 declarations and declared new public health and civil preparedness emergencies through February 9, 2021.

On January 26, 2021, again in anticipation of the expiration of those states of emergency and in recognition of the continued threats and challenges posed by the COVID-19 pandemic, including the need to pursue a vigorous vaccination campaign and continue to provide health care and economic relief the Connecticut's citizens, I again renewed the emergency declarations and declared new public health and civil preparedness emergencies until April 20, 2021.

In March 2021 the General Assembly passed, and I signed into law, Special Act 21-2, which ratified my previous declarations and explicitly authorized me to renew such declarations through May 20, 2021, and exercise all authorities granted by Sections 19a-131a and 28-9 of the Connecticut General Statutes. As a result, after consultation with legislative leaders, I renewed such declarations through May 20, 2021, extended many of the COVID-19 Orders through that date, and allowed to expire many more COVID-19 Orders that were no longer required to respond to the pandemic, so that only approximately 28 percent of all executive orders issued during this emergency remain in effect. In addition, I have worked with the General Assembly to codify certain measures that provided additional public health resources, such as a 2-year expansion of access to telehealth services, and business flexibility, such as a year-long

extension of measures to allow expanded outdoor dining with expedited approvals.

Connecticut continues to make considerable progress in responding to COVID-19 and mitigating its devastating public health and economic effects. The steady reduction in positive COVID-19 tests and hospitalizations has been accompanied by steady progress in vaccination, with nearly 60 percent of the population, including more than 92 percent of residents older than 65, having received at least one vaccine dose. In recognition of that progress, I have announced that tomorrow, all remaining business restrictions will be lifted, those who are vaccinated need not wear masks except in certain high-risk or high-density indoor settings, and in the coming weeks, many state employees will return to state offices after having worked remotely. The gradual and safe return to normal operations in many aspects of public and private life will make it possible to end many statutory or regulatory modifications that have provided the necessary flexibility and speed to ensure the health and safety of our citizens and business continuity during these challenging times. As a result, tomorrow, I will be allowing to expire or setting expiration dates on many additional COVID-19 Orders.

Still, COVID-19 remains a global threat, capable of spreading quickly among the significant portion of the population who remain unvaccinated or who, because of certain underlying conditions, cannot derive robust protection from vaccination. An effective mass vaccination program and an adequate response to the continued public health threats and economic impacts of the pandemic require that I retain the flexibility and resources that the declared states of emergency provide.

The General Assembly has thus passed and I have signed into law House Bill 6686 and House Bill 5653, which authorize my renewal of the declarations

through July 20 and establish additional oversight for any continued renewal after that date.

Therefore, for the same reasons I declared emergencies on March 10 and declared new and renewed emergencies on September 1, January 26, and April 19 pursuant to Sections 19a-131a and 28-9 of the General Statutes, I am renewing the existing public health emergency and civil preparedness emergencies throughout the state.

In addition, I will continue to manage several public health and civil preparedness risks. Among many other things, I will need to continue to administer our mass vaccination program, respond to the potential threat posed by new and more infectious COVID-19 variants, such as one recently identified in connection with the outbreak in India, and manage the safe and orderly resumption of more business and government activity, while continuing to administer state and federal relief connected to the state of emergency. As I did in September, January, and April, out of an abundance of caution and to eliminate any confusion about the extent of my emergency powers to address the many risks and concerns that will arise in the coming months and did not constitute clear justifications for the original emergencies I declared in March of 2020 and again in September 2020, January 2021, and April 2021, and pursuant to Sections 19a-131a and 28-9 of the Connecticut General Statutes, I hereby declare that new states of public health and civil preparedness emergency exist throughout the State.

These new and renewed states of emergency shall run concurrently and remain in effect through July 20, 2021, unless earlier terminated by me. The Department of Public Health, along with municipal and district health departments, as well as multiple other state agencies in supporting roles, are responding to these renewed public health and civil preparedness emergencies. As I did at the time I declared and renewed the public health and civil

preparedness emergencies noted above, on March 10, 2020, September 1, 2020, January 26, 2021, and April 19, 2021, and in accordance with Section 19a-131a (f) of the Connecticut General Statutes, I hereby authorize and direct the Commissioner of Public Health to delegate the powers regarding isolation or quarantine to municipal and district directors of public health, while concurrently retaining such authority.

Orders regarding additional measures to protect public health and safety and ensure the state's civil preparedness will follow as I determine to be necessary.

I am filing this declaration with you under my hand and seal on this 18th day of May, 2021.

SENATOR DUFF (25TH):

Thank you, Madam President. I just also want to mentioned that some of our Senators missed votes today due to business outside the Chamber. And I'll yield to any points of personal privilege or announcements.

Okay, seeing none. Madam President, it's our intention to reconvene tomorrow Wednesday at noon, and I look forward to seeing everybody in 12 hours and three minutes.

THE CHAIR:

Thank you.

SENATOR DUFF (25TH):

With that, I move that we adjourn subject to call of the Chair.

THE CHAIR:

Go forth and govern. (Gavel)

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(On the motion of Senator Duff of the 25th, the
Senate at 11:57 p.m. adjourned subject to the call
of the Chair.)

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Senate

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May 19, 2021

CONNECTICUT GENERAL ASSEMBLY

SENATE

Wednesday, May 19, 2021

The Senate was called to order at 1:20 p.m., the President in the Chair.

THE CHAIR:

Will the Senate please come to order? Will members and quests rise and direct your attention to Ms. Kathy Grant of North Haven who is out Guest Chaplain

GUEST CHAPLAIN KATHY GRANT:

When we learn that someone is hurting, help us to know what to do and say. Give us compassion today for the hurting, as compassion is love in action.

THE CHAIR:

Thank you, and now it is my pleasure to invite Senator Matt Lesser to do the Pledge of Allegiance.

SENATOR LESSER (9TH):

(ALL) I pledge Allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation, under God with liberty and justice for all.

THE CHAIR:

Thank you, Senator Lesser. Good Afternoon, Senator Duff.

SENATOR DUFF (25TH):

Good Afternoon, Madam President, is there business on the Clerk's desk?

THE CHAIR:

Mr. Clerk.

CLERK:

Good Afternoon. The Clerk is in possession of Senate Agenda Number 1, dated Wednesday, May 19th, 2021.

THE CHAIR:

Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Move all items on Senate Agenda Number 1 dated Wednesday, May 19, 2021 be acted upon as indicated and the Agenda be incorporated by reference in the Senate Journal and transcripts.

**Senate Agenda
No. 1
REGULAR SESSION
Wednesday, May 19, 2021**

MATTER(S) RETURNED FROM COMMITTEE - to be tabled for the calendar.

NO NEW FILE

FINANCE, REVENUE AND BONDING COMMITTEE

SB NO. 711 AN ACT CONCERNING COVID-19 RELIEF FOR SMALL BUSINESSES AND REQUIRING FEDERAL REGULATORY ANALYSIS FOR PROPOSED STATE REGULATIONS. (As amended by Senate Amendment Schedule "A" (LCO 8236))

REPORT(S) RECEIVED - to be referred to committee(s) indicated.

Report - Auditors of Public Accounts - Department of Labor Fiscal Years Ended June 30, 2017 and 2018. (Pursuant to Section 2-90 of the Connecticut General Statutes.) Date received: February 26, 2020. Referred to Committees on Appropriations and Labor and Public Employees.

THE CHAIR:

So ordered.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President for markings for today.

THE CHAIR:

Please proceed.

SENATOR DUFF (25TH):

Can the Senate stand at ease for a moment, please?

THE CHAIR:

And the Senate can stand at ease.

Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President, I have some items for our Consent Calendar please.

THE CHAIR:

Yes indeed, please proceed and [Gavel] and we just need to keep it quiet so we can hear the items that are going to go on the Consent Calendar.

SENATOR DUFF (25TH):

Thank you, Madam President. On Calendar Page 20, Calendar 293, Senate Bill 986 like to place that item on the Consent Calendar.

THE CHAIR:

So ordered.

SENATOR DUFF (25TH):

Calendar Page 8, Calendar 146, Senate Bill 872, like to place that item on our Consent Calendar.

THE CHAIR:

So ordered.

SENATOR DUFF (25TH):

Calendar Page 18, Calendar 278, Senate Bill 1072, like to place that item on our Consent Calendar.

THE CHAIR:

So ordered.

SENATOR DUFF (25TH):

Calendar Page 42, Calendar 228, Senate Bill 841, like to place that item on our Consent Calendar.

THE CHAIR:

So ordered.

SENATOR DUFF (25TH):

Thank you, Madam President, the Senate can stand at ease.

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THE CHAIR:

And the Senate shall stand at ease.

Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President, I'd like to mark two items for a GO please.

THE CHAIR:

Please proceed.

SENATOR DUFF (25TH):

Calendar Page 43, Calendar 247, Senate Bill 943, mark GO.

THE CHAIR:

So ordered.

SENATOR DUFF (25TH):

Followed by Calendar Page 15, Calendar 248, Senate Bill 999, mark GO please.

THE CHAIR:

So ordered. And here we are again, Senator Kushner. Oh, I do apologize, Mr. Clerk.

CLERK: Page 43, Calendar No. 247, Substitute for Senate Bill No. 943 AN ACT REQUIRING EMPLOYERS TO PROVIDE CERTAIN INFORMATION TO DOMESTIC WORKERS AT THE TIME OF HIRE AND ESTABLISHING AN EDUCATION AND TRAINING GRANT PROGRAM FOR DOMESTIC WORKERS.

THE CHAIR:

Good afternoon, Senator Kushner and here we are again.

SENATOR KUSHNER (24TH):

Here we are again and it feels like ages, right?

THE CHAIR:

Right.

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. The Clerk is in possession of an Amendment LCO No. 8845, I would ask that the Clerk please call the Amendment.

THE CHAIR:

Mr. Clerk.

CLERK:

LCO No. 8845 Senate Schedule "A".

THE CHAIR:

Senator Kushner.

SENATOR KUSHNER (24TH):

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Thank you, Mr. President. I move adoption of the Amendment and ask that it's reading be waived and seek leave of the Chamber to summarize.

THE CHAIR:

Please proceed.

SENATOR KUSHNER (24TH):

Thank you, Madam President. This is a Bill that provides for trusted organizations, qualified organizations that work with domestic workers to aid and assist in providing information and education and training to domestic workers. It also requires the, it requires the employer to provide written explanation of the work and the expectations and specifically the Amendment provides that qualified organizations defined as an organization that is nonprofit that has five or more years of experience providing education advocacy and other related services to domestic workers and that each organization that provides education advocacy or other related service to domestic workers on behalf of the nonprofit described would be covered by this. This is a good Bill and it ought to pass.

THE CHAIR:

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

SENATOR SAMPSON (16TH):

Good Afternoon, Madam President. Just a couple of questions to the proponent of the Bill if I might?

THE CHAIR:

Please proceed, sir.

SENATOR SAMPSON (16TH):

Thank you very much. Just regarding the Amendment although this language appears in the underlying Bill also, when referring to the qualified organizations, are these government organizations? Through you, Madam President.

THE CHAIR:

Senator Kushner.

SENATOR KUSHNER (24TH):

Through you, Madam President, no, these are nonprofit organizations.

THE CHAIR:

Senator Sampson.

SENATOR SAMPSON (16TH):

Thank you, Madam President. So, would this Bill make it so that anyone that would work as a domestic worker have to be affiliated or in contact with one of these organizations? Through you, Madam President.

THE CHAIR:

Senator Kushner.

SENATOR KUSHNER (24TH):

Through you, Madam President, no, it does not.

THE CHAIR:

Senator Sampson.

SENATOR SAMPSON (16TH):

Thank you, Madam President. So I understand, and I think this is affected in the Amendment and the Bill, how would that work if there is no connection between the qualified organization and the particular domestic worker that the requirements of this Bill would be fulfilled, that this notice of information would reach them? I'm just trying to understand how this is supposed to work in the real world. Thank you, Madam President.

THE CHAIR:

Senator Sampson. I mean Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President.

And through you.

This Bill provides that the qualified organizations will do education work in the communities, that they will be a resource for training and that that can answer questions and help advise workers who come to them with a concern about whether or not our state wage and hour laws are being adhered to. In terms of the question regarding written statement, those would be provided directly by the employer under this Bill would be required that they provide that directly to the domestic worker.

THE CHAIR:

Thank you. Senator Sampson.

SENATOR SAMPSON (16TH):

Thank you, Madam President. That was not my question. The Bill has two parts. One of them is about the notice requirement from employers and the other part is about the qualified organizations which are not government organizations and how they

are going to help these domestic workers navigate this work environment.

What I was asking is if they are not government organizations and a domestic worker is not required to be part of that organization how would they ever reach one another, how would they ever come in contact or is this Amendment simply to establish these qualified organizations as a mechanism to provide, I notice there is a note here about an online resource, so they're just simply going to provide information for any domestic workers that look them up to do so? Is that correct?

Through you, Madam President.

THE CHAIR:

Senator Kushner.

SENATOR KUSHNER (24TH):

Through you, Madam President.

These organization have to have been working in this field for at least five years and they have established relationships in the community and they could in fact just be looked up for information. A lot of people will do that. They will search the internet to resolve an issue and they will find, they'll Google for help and that could be one of the ways that they would be led to these organizations.

THE CHAIR:

Senator Sampson.

SENATOR SAMPSON (16TH):

Thank you, Madam President. Thank you for that answer, Madam Chairman, I appreciate it. I am going to support the Amendment because I think the Amendment improves the Bill by eliminating the

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requirement that the Labor Commissioner establish this worker education and training program and then we can certainly resume our conversation about the Bill. I do want to follow up by understanding exactly how all this would work in practice though. Thank you, Madam President.

THE CHAIR:

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

SENATOR KUSHNER (24TH):

Madam President?

THE CHAIR:

Senator Kushner.

SENATOR KUSHNER (24TH):

A voice vote will be fine.

THE CHAIR:

Excellent. So having heard no other Senators that would like to remark on the Amendment, 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. Now we will continue the conversation on the Bill as Amended. Will you remark further on the Bill as Amended? Senator Sampson.

SENATOR SAMPSON (16TH):

Thank you, Madam President. So the Amendment passed as expected and does, as I said, improve the Bill by saving the taxpayers a few dollars for certain. I do have some concerns about the way this is laid-out. Everyone of us wants to make sure obviously that, you know, citizens in our state particularly folks that are maybe new to the country or they are in communities that are necessarily easy to reach as far as education from the government as far as what are laws and rules and requirements are for things that they do in fact have access and those things are available to them.

I don't know if this is the proper mechanism though. What this Bill proposes to do is two things. One of them it is going to put a requirement on employers of domestic workers to give them certain information at the time of hiring. As we discuss often in this Chamber my opinion is that that is a relationship between those individuals, the employer and the employee and they can work out the details of that themselves.

In fact, I don't believe unless someone is public safety is at stake the state government has any interest at all in their arrangement, or their rate of pay, or their hours or their responsibilities. And I guess that is philosophical and ideological difference between me and my friends on the Democrat side of the aisle.

But the other part of this Bill is also a concern of mine because it seems to me to be a precursor to organizing the domestic workers in our state. In the amended language it says, "qualified organizations shall collectively establish a program," etc., etc. This reads like the beginning of an organization of labor for these folks which concerns me because I will tell you, Madam President the homecare program is something that is very near and dear to me.

I believe this is a program that has tremendous benefit for citizens in our state, the Medicaid Waiver Program allows people who would otherwise be institutionalized to stay in their homes and receive treatment. It benefits them in that way and it also benefits us all as taxpayers as a result.

If we begin to meddle with this process and many of these folks are, you know, relatives or family friends that are involved in this process and if we make it so that they've got to be involved in some organization like qualified organization, we're missing the whole point of how this is supposed to work.

And I just don't think it is the right way to go about it. I don't think that anyone who wants to work as a domestic worker or wants to hire one, needs to be involving themselves with the state or any qualified organization and as a result I am going to vote no.

This simply boils down to whether we need laws like this or not, Madam President. As far as I can tell, if the qualified organization wants to get together outside of the government and put together this information then they can do it. They don't need a Bill from us. They don't need us to pass a law that say that they can create a program to inform domestic workers about things. They can do that today. There is no law necessary.

And I think it is fine if they do and that way people can choose to participate or not and determine whether they provide a benefit on their own, we don't need to tell them how to live.

The other part of the Bill I think is just an unnecessary requirement on employers especially when it comes with the potential for what might be sizeable fines. I don't see this as benefiting

anyone, Madam President and I am going to vote no on the Bill. Thank you.

THE CHAIR:

Through you, Senator Sampson. Will you remark further on the Bill? Will you remark further on the Bill as amended? If not, I will open the voting machine, Mr. Clerk kindly call the roll.

CLERK:

An immediate roll call has been ordered in the Senate on Senate Bill 943 as Amended. Immediate roll call has been ordered in the Senate, Senate Bill 943 as Amended. Immediate roll call vote in the Senate on Senate Bill 943 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 and Mr. Clerk, will you kindly announce the tally.

THE CLERK:

Senate Bill 943 as Amended.

Total number voting	33
Those voting Yea	25
Those voting Nay	8
Absent and not voting	3

THE CHAIR:

The measure is adopted. (gavel) Mr. Clerk.

THE CLERK:

Page 15, Calendar No. 248, Substitute for Senate Bill No. 999 AN ACT CONCERNING A JUST TRANSITION TO

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CLIMATE-PROTECTIVE ENERGY PRODUCTION AND COMMUNITY
INVESTMENT.

THE CHAIR:

Senator Kushner.

SENATOR KUSHNER (24TH):

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

THE CHAIR:

The question is on passage. Will you remark?

SENATOR KUSHNER (24TH):

Madam President, the Clerk is in possession of an
Amendment LCO NO. 8860. I would ask the Clerk
please call the Amendment.

THE CHAIR:

Mr. Clerk.

CLERK:

LCO Number 86886 that's 8860 Senate Schedule "A"

THE CHAIR:

Senator Kushner.

SENATOR KUSHNER (24TH):

I move adoption of the Amendment and ask that it's
reading be waved and I seek leave of the Chamber to
summarize.

THE CHAIR:

And the question is on Adoption. Please proceed to summarize.

SENATOR KUSHNER (24TH):

Thank you, Madam President. This is Bill that requires employers who are building Class I renewable energy projects to pay prevailing wage on any project over 4 megawatts.

THE CHAIR:

Thank you, Senator. Will you remark further on the Bill, the Amendment before the Chamber. Senator Sampson.

SENATOR SAMPSON (16TH):

Thank you, Madam President. I just want to make sure I understand this Amendment clearly. The underlying Bill if I recall set a requirement of the things that are in this Bill, the establishment of a project labor agreement and so forth for only projects that are nongovernment projects in excess of \$2.5 million dollars or five megawatts. And the new language is now going to reduce that to two megawatts and there is no more limitation based on the dollar investment. I just want to make sure that is correct. Through you, Madam President.

THE CHAIR:

Senator Kushner.

SENATOR KUSHNER (24TH):

Through you, Madam President, that is correct.

THE CHAIR:

Senator Sampson.

SENATOR SAMPSON (16TH):

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Thank you, Madam President. So just doing a little research on my own, I understand that a two megawatt project is something that might power around 400 homes. I'm just curious is that is an accurate assessment according to the kind Chairwoman of the Labor Committee.

Through you, Madam President.

THE CHAIR:

Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President.

Through you.

It sounds right, I don't have that exact definition in front of me but it sounds about right.

THE CHAIR:

Senator Sampson.

SENATOR SAMPSON (16TH):

Thank you, Madam President. Okay, so what's happening here in this Amendment is we're essentially going to create a requirement that these projects which essentially are an investment in green energy projects will now have to be subjected to these regulations that establish a need for organized labor to participate. That sounds to me like what the Bill does and the Amendment is actually going to make it apply to all but the smallest residential clean energy project.

As a result, I can't support it. I can't support the Bill and I certainly don't support the notion of imposing these requirements on even very small

projects. So I am going to encourage my colleagues to vote no on the Amendment because I think it make a bad Bill even worse and I will be back to discuss the Bill depending on the Amendment. Thank you, Madam President.

THE CHAIR:

Thank you. Will you remark further on the Amendment that is before the Chamber? Good Afternoon, Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. I am also going to speak out in opposition to this Amendment and the entire Bill in general. I believe in the lowest qualified bidder projects because a lot of these projects that we talking about, especially the municipalities are funded by taxpayers. The taxpayers are going to pay for something then it should be the lowest qualified bid.

We should not artificially inflate that in any way because again we're talking about taxpayer monies and to reduce down from the \$2.5 million dollars and make this an even smaller requirement to have these PLAs, I just have a problem with that. I have a problem as a state we should be looking for the lowest qualified bidder on all our projects. This isn't our money. This money is coming from the taxpayers.

Here we are, we are trying to push green energy and we want to increase the cost to it. You know, when I look at this, part of me is thinking, you know, is this part of this to make these more expensive so the people stay with Eversource or is this going to Eversource to increase their costs. I don't understand we're passing all of these different laws and bills and stuff making things more expensive. Taxes are already highest in the country. This has to stop at some point.

I have one question for the proponent of the Bill.

THE CHAIR:

Please proceed, sir.

SENATOR CHAMPAGNE (35TH):

Thank you. Through you, Madam President, can you tell me on average what the PLA would raise an average project to cost on an average project percentage way?

THE CHAIR:

Senator Kushner.

SENATOR KUSHNER (24TH):

Through you, Madam President.

This Bill does not address PLAs.

THE CHAIR:

Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. I understood that project labor agreements were part of this and in fact if you have a project labor that the rest of the Bill doesn't pertain to this. But the Amendment as a whole is doing the same thing. All right. I'll leave that. I don't need any more questions on that.

You should definitely go with the lowest qualified bidder to save taxpayers money especially in a time coming off Covid, especially in a time when businesses are struggling. Thank you, Madam President.

THE CHAIR:

Thank you, Senator. Will you remark further on the Amendment? Good Afternoon, Senator Needleman.

SENATOR NEEDLEMAN (33RD):

Thank you, Madam President, very nice to see you. I would like to speak in favor the Amendment. I just want to say that as the Chair of the Energy Committee we've analyzed this, the Amendment narrows down the actual project that this would apply to, to Class I renewables that are two megawatts or more and the rationale behind this is to be consistent with our requirements for the large wind procurements that the state has approved two years ago which received broad bipartisan support.

I also want to say that this building, this Bill, this Amendment really helps the building trades folks who have been disproportionately hit by the pandemic and the pipeline for work is very limited. We want Connecticut building trades people to be doing work on our renewable projects, our grid level renewal projects. So I think this is a good Amendment. It helps people in the State.

Some of the solar operators have been know to bring in extremely low cost labor. It doesn't impact taxpayers dollars, it impacts ratepayer dollars but solar projects are amongst the lowest component of labor of all energy generating projects because they don't require any long-term operating maintenance. So we calculated that the impact to the ratepayers over the life of this project is almost insignificant at this point and we believe that I believe that it's really important to make sure all building trades people get to do this work and not bring in low cost contract labor that are put four in a room to work on these projects and then leave and go somewhere else.

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We have on the Energy Committee worked tirelessly to, in a bipartisan way, to look at cost structure. We don't want to have unnecessary ratepayer impact. We have held back on different projects that advocate in the environmental community have wanted because we are trying to balance a more renewable future with mitigating ratepayer impact and keeping our people employed.

So, I stand here strongly in support, not only of the Amendment but of the Bill in total because I believe that this is critical for our future and it gives work to our people in this state. Thank you, Madam President.

THE CHAIR:

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

SENATOR FORMICA (20TH):

Good Morning, Madam President.

THE CHAIR:

I think we're on afternoon, that too!

SENATOR FORMICA (20TH):

Sometimes I think morning is more of an attitude than a time of the day.

THE CHAIR:

Indeed.

SENATOR FORMICA (20TH):

Anyway, Good Day to you. Good Morning or Good Afternoon. I rise for a question or two of the proponent.

THE CHAIR:

Please proceed, sir.

SENATOR FORMICA (20TH):

Thank you, Madam President. Good Afternoon, Senator Kushner. On Lines 99 and a followup to the conversations that Senator Champagne had, 99 talks about and 100 "subcontractors and contractors on a covered project shall pay each employee on the project wages and benefits that are not less than prevailing wage and fringe benefit rates", etc.

And then if you go down to 116 again talks about "prevailing wages shall not apply if it covered by a project labor agreement" so it would seem to me to read that this would be another way of saying that these projects through this Amendment would be the same as having a project labor agreement it I am understanding this correctly.

Through you, Madam President.

THE CHAIR:

Senator Kushner.

SENATOR KUSHNER (24TH):

Through you, Madam President.

This Bill only requires prevailing wage and fringe benefits, it does not require a project labor agreement. However if there is one, there is a project labor agreement in place then the provisions in this Bill for prevailing wage and fringe benefits are waived.

THE CHAIR:

Senator Formica.

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SENATOR FORMICA (20TH):

Thank you, Madam President. Sorry, I have a lot of trouble hearing you with the mask on.

SENATOR KUSHNER (24TH):

I'll take it off, can you hear me okay.

SENATOR FORMICA (20TH):

People tend to drop their volumes, you know, as they trail off in the sentence, so the last part of your --

SENATOR KUSHNER (24TH):

I forgot I had it on. I apologize.

SENATOR FORMICA (20TH):

No, so the last part of what you said, I believe if a project labor agreement is already on the project this defers to that?

SENATOR KUSHNER (24TH):

Through you, Madam President.

If there is a project labor agreement then the prevailing wage and fringe benefits requirement of the Bill are waved.

THE CHAIR:

Senator Formica.

SENATOR FORMICA (20TH):

Okay. Thank you very much, Madam President. Thank you for the answer. And with regard to the project labor agreement versus the prevailing wage and the fringe benefits, they are much more covered under

the project labor agreement in term of terms of work or is that basically what they're talking about when they have a project labor agreement?

Through you, Madam President.

THE CHAIR:

Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President.

And through you.

Project labor agreement would typically have more terms and conditions than prevailing wage and fringe benefits.

THE CHAIR:

SENATOR FORMICA (20TH):

Thank you, Madam President. And thank you, Senator Kushner and the rest of this Amendment to the Bill does not include those other criteria that normally would be in a project labor agreement, as I am understanding you to say.

Through you, Madam President.

THE CHAIR:

Senator Kushner.

SENATOR KUSHNER (24TH):

Through you, Madam President.

That is correct.

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Senator Formica.

SENATOR FORMICA (20TH):

Thank you, Madam President. The question I also have is municipal electric companies, are they covered under this Amendment?

THE CHAIR:

Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. Give me one minute to check on that.

SENATOR DUFF (25TH):

Madam President.

THE CHAIR:

Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Can we just stand at ease for a moment?

THE CHAIR:

You can stand at ease for a moment. Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. In response to your question, municipalities would be covered like any other developer. However it would be very uncommon for them to build projects that exceed the threshold.

THE CHAIR:

Senator Formica.

SENATOR FORMICA (20TH):

Thank you, Madam President. So municipal electric companies would be, and I didn't understand what you said about exceeding the threshold, sorry.

THE CHAIR:

Senator Kushner.

SENATOR KUSHNER (24TH):

Through you, Madam President.

The threshold is for two megawatts and it would be unusual for them to exceed that threshold in the developing of a project.

THE CHAIR:

SENATOR FORMICA (20TH):

Thank you very much. Thank you, Madam President. Thank you, I missed the word unusual which is what happened there. All right thank you. I have no further questions, Senator and I want to thank you for answering my questions and I think we can go to the Bill portion or if anybody else is speaking.

Through you, Madam President.

THE CHAIR:

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

SENATOR SAMPSON (16TH):

Thank you very much, Madam President. And I apologize for getting up a second time. I will be very brief. I just wanted to point something out. There was a conversation earlier where we established that the Amendment would reduce the limit to two megawatts and we also established that is a relatively small number of residential homes. I can't remember whether I was told it was 400 homes for one megawatt or two but either way that would be under 1,000 homes.

So, I just want to clarify that since I think we just heard the proponent of the Bill say that it would be unusual for a municipality to exceed that limit and I don't see that at all, I think that it extremely they would exceed that limit and I'd like that on the record. Thank you, Madam President.

THE CHAIR:

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

SENATOR DUFF (25TH):

Thank you, Madam President. I would like to request a roll call vote on the Amendment.

THE CHAIR:

And a roll call vote has in fact been requested. Will you remark further? Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. I do want to further clarify that being a municipality, these projects would fall under the state prevailing wage laws which would be a lot less, it would be \$100,000 for rehab a million dollars for a new project. So there are already exists in municipalities requirement for prevailing wage that would most likely cover these projects. 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, a roll call vote has been requested on the Amendment. Mr. Clerk please call the role.

CLERK:

Senate Bill 999, Senate Amendment "A". Immediate roll call has been ordered in the Senate. Immediate roll call has been ordered in the Senate, Senate Bill 999 Senate Amendment "A" LCO No. 8860. Immediate roll call vote in the Senate, Senate Bill 999 Senate Amendment "A". Immediate roll call vote in the Senate.

Immediate roll call vote in the Senate. Immediate roll call vote in the Senate, Senate Bill 999 Senate Amendment "A". Immediate roll call vote in the Senate, Senate Bill 999 Senate Amendment "A". 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 on the Amendment.

THE CLERK:

LCO 8860

Senate Bill 999, Senate Amendment "A".

Total number voting	33
Those voting Yea	22
Those voting Nay	11
Absent and not voting	3

THE CHAIR:

The Amendment is adopted. (Gavel) Will you remark further on the Bill as Amended? Senator Sampson.

SENATOR SAMPSON (16TH):

Thank you, Madam President. So the Amendment has been adopted and therefore this Bill now is going to effect any renewable energy project that is in excess of two megawatts and there are no longer any provisions for a dollar amount of renewable energy investment. I don't have a lot to say about this Bill, Madam President, I just want to boil it down very simply for the folks that are listening what we're voting on here.

I would start my comments by suggesting that the title is problematic. I'm often frustrated by titles of Bills in this building. It strikes me all the time the title is supposed to create some sort of energy, pun intended, on the legislation that is before us. But Bills, as we know are much more than titles.

The title of this Bill says, "AN ACT CONCERNING A JUST TRANSITION TO CLIMATE PROTECTIVE ENERGY PRODUCTION AND COMMUNITY INVESTMENT." Well first off I don't think any Bill title should ever contain the word "just". I mean this implies anyone that is voting against the Bill is unjust and that is just not acceptable Madam President not when we're making public policy. We should not have the word "just" in a title. And we should not be implying what is just or unjust in a title.

What is also ironic is that this Bill title claims to be in favor of protecting the climate, "AN ACT CONCERNING A JUST TRANSITION TO CLIMATE PROTECTIVE ENERGY PRODUCTION." Anyone looking at that at a glance would say this Bill must be in favor of clean energy. But this Bill is not in favor of clean energy at all.

In fact, it is exactly 100 percent contrary to clean energy. The result of this legislation, ladies and gentlemen, will be that less clean energy projects go forward. No one can deny that. It's very simple. What we're doing is we're putting new restrictions on any private investment for renewable energy projects. That's certainly not going to have the result of having more people wanting to do them. If you go back and look at the testimony on the original Bill which was nowhere near as, in my opinion egregious in how far this actually goes, Madam President.

The only folks that supported the Bill were people that were supporting organized labor. The people that actually invest money in renewable energy projects they were all in opposition. Well this Bill affects private investment of renewable energy. Not state projects just private investment. So what this Bill is actually doing is telling people that want to do private investment in energy projects, go to a different state cause you are not wanted here because what we're gonna do is we're gonna make you follow these new guidelines.

Forgive me if I sound frustrated, Madam President. I do not like having to vote no on a title that implies that this Bill is a good thing, a just thing and that it's somehow designed to protect the environment because the Bill doesn't protect the environment. Don't let anybody get up and tell you it does. It does not. It puts more restrictions on people that want to create renewable energy projects, not less. That will mean less projects, less green energy, less good environment in the future. Thank you, Madam President.

THE CHAIR:

Thank you, Senator Sampson. Will you remark further on the Bill as Amended? Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President. For me this is a really important Bill because I do embrace renewable energy projects. I do embrace. I do understand fully the need for us to move to renewable energy sources for the good of the planet, for the good of the future generations, for the good of my grandkids.

So, for me to have an opportunity to address something so important to our state, while also taking into consideration and insisting that we're doing these projects, these large projects, we also want to make sure that we are fair to the workers in this field who have dedicated their lives to providing, to working on energy projects for us in this state.

That the workers we rely on when we turn on the lights, the lights go on. That when it gets hot in the summer we have air conditioning. All of the energy that's been produced in this state that has been really we talk about companies but what about the workers who've done the building of the projects that allow us to have to these energies.

And in the past, these have been good job with good benefits. When we think of the trades men and women who live in our communities we're so proud that they've been able to send their kids to college, that they've been able to live in a nice house. That they've been able to provide for their families. We're proud of that. This is the backbone of our state. And this Bill shows that we're committed to the future of those families. We're committed to the future of those workers.

What does this Bill require, it requires when you're doing a project like this that you pay a decent wage and you provide decent benefits. These are wages and benefits that our families, our workers in this state have come to enjoy. But we want to ensure that is going to be fair for them in the future. And I believe when we ensure that we strengthen our

commitment as a state to building green energy projects. It's been pointed out to me that in fact the rates are the rates. The rates are set by PURA. They are set. And the rates are the rates. This isn't going to cost taxpayers. What it might mean, it might mean that the big energy companies that come in and develop these projects might not make quite as much money. Be assured they are still going to make plenty of money.

So I think this is good for the State of Connecticut. I think it is good for the people of Connecticut. It moves us forward environmentally into a cleaner greener energy era and the bottom line is we all move forward together. So I want to thank the good Chair of the Energy and Technology Committee for his praise of this Amendment. I really do appreciate my good friend's work on behalf of the people of Connecticut and the work and his explanation and dedication to moving forward good energy projects. So I urge all my colleagues to vote enthusiastically this, you know, really good Bill. Thank you.

THE CHAIR:

Thank you, Senator. Will you remark further on the Bill? Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, I rise to support the Bill as Amended today and want to thank Senator Kushner for her work in brining this to the floor and to thank the Connecticut Building Trades as well for their work, as well as Senator Needleman and others who've been supportive from their perspectives and others who have helped craft the legislation today.

Madam President this Bill is an important Bill for a number of reasons. One is that we are saying today that we're not only standing up for our building

trades but we're saying that we also want to make sure that the work that is done is done in a way that matches the quality that we would expect from jobs here in the State of Connecticut. I chaired the Energy Committee, I was Vice Chair for a number of years including even when I was in the House and this field is a growing field but it is not a field that one just answers a want-ad and says I want to do this work. It takes training, it takes time, it takes apprenticeship, it takes a skill that one develops over time.

And building trades are really the place for the seal of approval. The seal approval of quality and that gets done when this work is accomplished. This is not speaking of smaller projects, this is not interfering with jobs that can be done with more low voltage equipment. This work is being done, this Bill is being done because the work that is happening out in around the state is very technical. It is very difficult and just like when we did natural gas expansion, when replacing an old pipe and that is work that takes a very skilled person years of training to do them as consumers and residents, we would expect that.

We want to make sure when we turn on the lights, the lights come on and that there is no danger. And we want to make sure the work that is being done when we just do the simple things in our lives that we don't have to worry about whether or not the person who performed some of this work did it in a way that put anybody at risk but is doing it because they understand the equipment, they understand the process, they understand the work.

It's almost like the building trades, when the work is done on one of our highways or some other place, or our railroads, we expect people who do that work, complete that work to have the skillset and not just come out of the, you know, just come in again from a want-ad. So, Madam President I think that this Bill is important as we progress in our new economy and

that we are keeping up with the times so that we are saying again, we want the work done, we want it done correctly and we want to make sure that we continue to have that same quality of work that we already expected in our state. Thank you, Madam President.

THE CHAIR:

Thank you, Senator Duff. Will you remark further? Will you remark further? If not, the machine will be opened and Mr. Clerk please announce the roll call vote.

CLERK:

An immediate roll call has been ordered in the Senate. Immediate roll call has been ordered in the Senate on Senate Bill 999 as Amended. Immediate roll call vote has been ordered in the Senate, Senate Bill 999 as Amended. Immediate roll call vote in the Senate, Senate Bill 999 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.

THE CLERK:

Senate Bill 999 as Amended

Total number voting	34
Those voting Yea	23
Those voting Nay	11
Absent and not voting	2

THE CHAIR:

Senator Duff. And I do want to say that legislation is indeed adopted. (Gavel)

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SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, I'd like to refer an item please.

THE CHAIR:

Please proceed.

SENATOR DUFF (25TH):

On Calendar Page 20, Calendar 297, Senate Bill 288, I'd like to refer that to the Appropriations Committee.

THE CHAIR:

So ordered.

SENATOR DUFF (25TH):

Thank you, Madam President. And the next item for us on our Go List is Calendar Page 3, Calendar 57, Senate Bill 416.

THE CHAIR:

Mr. Clerk.

SENATOR DUFF (25TH):

Madam President?

THE CHAIR:

Senator Duff.

SENATOR DUFF (25TH):

I apologize, I meant on Calendar Page 20, Calendar 297, Calendar 288 Amendment to go to the Education Committee not the Appropriations Committee. I misspoke.

THE CHAIR:

I think we had it open. It' will go to Education.

SENATOR DUFF (25TH):

Thank you.

THE CHAIR:

So ordered. Mr. Clerk.

CLERK: Page 3, Calendar No. 57, Substitute for Senate Bill NO. 416, "AN ACT CONCERNING VARIOUS REVISIONS TO THE DEPARTMENT OF DEVELOPMENTAL SERVICES STATUTES."

THE CHAIR:

And Good Afternoon, Senator Abrams.

SENATOR ABRAMS (13TH):

Good Afternoon, Madam President it is a pleasure to get a different viewpoint in the Chamber today. 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 ABRAMS (13TH):

Yes, Madam President. This Bill makes information in DDS abuse and neglect registry available to the Department of Administrative Services. It allows the DDS Regional and Training School Directors to consent to emergency medical treatment for an individual under their custody or control. It expands the circumstances under which perpetrators

of abuse or neglect or individuals who live with them are denied access to certain information about DDS's investigation.

It updates appointments to Camp Harkness Advisory Committee. It requires DDS to submit an individual eligibility denial letter rather than a reassessment to Probate Court during guardianship reviews for adults determined ineligible for DDS services. It also makes some technical and confirming changes. Thank you, Madam President.

THE CHAIR:

Thank you, Senator. And we will go to Senator Somers.

SENATOR SOMERS (18TH):

Yes, Good Afternoon, Madam President. I rise in full support of this Bill and if there is no objections I would ask that it be added to the Consent Calendar.

THE CHAIR:

Seeing no objection. We will indeed move that item to the Consent Calendar. Senator Duff.

SENATOR DUFF (25TH):

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

THE CHAIR:

And the Senate will stand at ease.

Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Would the Clerk please call Calendar, Page 21, Calendar 309, Senate Bill 912.

THE CHAIR:

Mr. Clerk.

CLERK:

Page 21, Calendar 309, Substitute for Senate Bill No. 912, "AN ACT CONCERNING FUNDING AND OVERSIGHT OF FATHERHOOD INITIATIVES."

THE CHAIR:

And Good Afternoon, Senator Moore.

SENATOR MOORE (22ND):

Good Afternoon, Madam President. How are you today?

THE CHAIR:

Oh, it is a beautiful day and even better to see you.

SENATOR MOORE (22ND):

And I wore this pink so we could brighten it up just in case it wasn't bright enough.

THE CHAIR:

Excellent.

SENATOR MOORE (22ND):

So, thank you. Madam President, I move for Acceptance of the Joint Committee's Favorable Report and Passage of the Bill.

THE CHAIR:

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And the question is on Passage. Will you remark?

SENATOR MOORE (22ND):

Madam President, the Clerk is in possession of an Amendment LCO 8292. I would ask the Clerk please call the Amendment and I would see leave of the Chamber to summarize.

THE CHAIR:

Mr. Clerk.

CLERK:

LCO No. 8292 Senate Amendment Schedule "A".

THE CHAIR:

Senator Moore.

SENATOR MOORE (22ND):

Thank you. Madam President, this Amendment is a friendly Amendment inserting after Line 130 the words "Appropriations and the Budget to State Agencies".

THE CHAIR:

And do you move Adoption, Senator.

SENATOR MOORE (22ND):

I move adoption of the Amendment.

THE CHAIR:

Thank you and the question before the Chamber is on adoption. Will you remark further on the Amendment? Good Afternoon, Senator Berthel.

SENATOR BERTHEL (32ND):

And indeed it is a Good Afternoon, Madam President. Good to see you today. I rise in support of this Amendment. I think this makes an important but simple change to the Bill and I urge adoption. Thank you.

THE CHAIR:

Thank you, Senator Berthel. 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 before the Chamber please signify by saying Aye.

(MEMBERS): Aye.

THE CHAIR:

Opposed? And the Amendment is adopted. (gavel) Will you remark further on the Bill as Amended? Senator Moore.

SENATOR MOORE (22ND):

Thank you, Madam President. Madam President, this is the Fatherhood Initiative, started in 2010 and it brings together fathers and systems to try and address the role of fatherhood and having them involved in their families. The Fatherhood Initiative is really, was the brainchild of Pat Pheanious Wilson who was a member of the committee until she wasn't reelected this time and I now sit on the board.

The Bill establishes an office and council to oversee the Department of Social Services. It also establishes the office of Connecticut Fatherhood Initiative within DSS. It changes the structure somewhat of the commissioners, the membership of the commissioners and allows DSS Commissioner to designate a working group from among the council's

members to carry out specific duties required under the Bill. The Bill requires the Commissioner to seek advise and participate in any person and organizations, or state or federal agencies to carry out the Bill provisions. Thank you, Madam President.

THE CHAIR:

Thank you, Senator Moore. Will you remark further on the Bill? Senator Berthel.

SENATOR BERTHEL (32ND):

Thank you, Madam President. I just wanted to highlight some additional components to the Bill that I think are important and I appreciate the good Chair's explanation of what the new CFI will do. Part of what the objectives of the CFI are that are stated in the Bill are to among other things to promote public education concerning financial and emotional responsibilities of fatherhood, assisting fathers for legal, financial and emotional responsibilities of fatherhood, promoting the establishment of paternity at childbirth and encouraging fathers regardless of their marital status to foster their emotional connection to and financial support of their children.

And then, of course, also establishing support mechanisms for fathers in their relationship with their children again regardless of their marital and financial status.

I think these are all very important objectives if we truly believe as a legislature that CFI is important and I think we do. So, I would urge everyone to vote in favor of the Bill. Thank you.

THE CHAIR:

Thank you, Senator Berthel. Will you remark further on the Bill that is before the Chamber? Senator Moore.

SENATOR MOORE (22ND):

I would just like to mention I want to thank the DSS Commissioner and Pat Pheanious Wilson for the work that they've done over the years and I also want to mention that this passed out of the Committee unanimously. If there are no questions or objections. I need to stand at ease for a moment.

THE CHAIR:

And the Chamber will stand at ease. Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. I'm not sure if there is any other, I'll yield to Senator Moore when she is ready.

THE CHAIR:

Senator Moore.

SENATOR MOORE (22ND):

Thank you, Madam President. I am going to ask for a roll call vote please.

THE CHAIR:

Absolutely. A roll call vote has been requested. 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 the machine will be open. Mr. Clerk, please announce the roll call vote.

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Senate Bill 912 as Amended, immediate roll call in the Senate. Immediate roll call vote in the Senate. immediate roll call vote in the Senate. Senate Bill 912 as Amended, immediate roll call vote in the Senate.

Immediate roll call vote in the Senate on Senate Bill 912 as Amended. Immediate roll call vote in the Senate, Senate Bill 912 as Amended. Immediate roll call vote Senate Bill 912 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, Senate Bill 912 as Amended. Immediate roll call vote in the Senate on Senate Bill 912 as Amended. Immediate roll call vote in the Senate.

THE CHAIR:

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

THE CLERK:

Senate Bill 912 as Amended.

Total number voting	34
Those voting Yea	32
Those voting Nay	2
Absent and not voting	2

THE CHAIR:

The Legislation is adopted. (gavel) Senator Duff.

SENATOR DUFF (25TH):

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

THE CHAIR:

Senate will stand at ease. Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, will the Clerk please call Calendar Page 16, Calendar 254, Senate Bill 759.

THE CHAIR:

Mr. Clerk.

CLERK:

Page 16, Calendar 254, Substitute for Senate Bill No. 759, AN ACT CONCERNING GENDER NEUTRALITY IN THE STATE CONSTITUTION.

THE CHAIR:

Good Afternoon, Senator Flexor.

SENATOR FLEXER (29TH):

Good Afternoon, Madam President, nice to see you today. 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, Madam President. Madam President, the Bill before us sets up a commission to study the issue of gender neutrality in the State Constitution. I believe this Bill is very important because when you read, I'll just read the first line of our State Constitution, it says, "We declare all mem when they

form a social compact are equal in rights and no man or set of men are entitled to exclusive public" and it goes on clearly from that first sentence, Madam President you can see that you and I are left out of that language.

And frankly, women deserve better. Our society would not function if it were not for the work of women and it's high time that our State Constitution include women and people who identify in all genders in our State Constitution. So I am hopeful that this legislation will pass, that this commission will do the work that it is being asked to do and we will have a State Constitution that is reflective of all of us, not just men. Thank you, Madam President.

THE CHAIR:

Thank you, Senator. Will you remark further on the Bill before the Chamber? Senator Sampson.

SENATOR SAMPSON (16TH):

Thank you, Madam President. The Bill before us proposes to establish a commission, a taskforce essentially, to identify what is described as gendered language in the text of our State Constitution and then make recommendations for how to update and change that language to make it conform to something that is more gender neutral.

The issue I have with this Bill is really not with the Bill at all. I think it has to do with the presentation of the argument for why this needs to be changed. If folks came to me and said, Senator we believe that language has changed over time and as a result we need to make sure that our official documents as a state need to reflect the language in common use today so that people understand what is going on. I would be far more amenable to supporting policies like this and I mean no disrespect to anyone in this Chamber and certainly

not the proponent of this Bill when I say that I just simply disagree with the assessment that the Constitution does not address women.

The fact of the matter is that the word "men, man, he" when used in the context of our State Constitution and lots of our documents reflects men and women. No one has ever claimed that it does not and I do not believe that is an accurate assessment. And forgive me for saying that I find that offensive to imply that somehow the folks that drafted that document were trying to imply that women were less than men or to leave them out because they were not. You can pickup any dictionary of English from *Merriam-Webster* to anything you can find and you'll discover that those words are inclusive of men and women.

I'm going to say no on this Bill, Madam President but again I would just urge folks that want to see changes like this in the future, to try and do it with a little more tact. Instead of assuming that anyone who appreciates the English language in it's existing form is somehow bigoted in some way. I know I'm certainly not bigoted against women or anything else and when I read our founding documents and our State Constitution, I don't read it to say men, I read it to say people because that is what they meant. Thank you, Madam President.

THE CHAIR:

Thank you Senator. Will you remark further?
Senator Flexor.

SENATOR FLEXER (29TH):

Thank you, Madam President. Madam President I appreciate to a degree the remarks of the Ranking Member of the Committee and I appreciate in general that in our Committee and the leadership of our Committee we were able to talk about the various bills that come before us and try to understand each

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other's perspective but I have to say emphatically this does not say all people. When I read these words all men does not apply to me and that is why this commission's work will be so important. Thank you, Madam President.

THE CHAIR:

Will you remark further on the legislation before us? Will you remark further? Will you remark further? If not, we will open the voting machine and Mr. Clerk please announce the roll call vote.

CLERK:

An immediate roll call has been ordered in the Senate. Immediate roll call has been ordered in the Senate on Senate Bill 759. Immediate roll call vote has been ordered in the Senate on Senate Bill 759. Immediate roll call vote in the Senate Bill 759.

Immediate roll call vote has been ordered in the Senate for Senate Bill 759. Immediate roll call vote in the Senate on Senate Bill 759. Immediate roll call vote in the Senate.

THE CHAIR:

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

THE CLERK:

Senate Bill 759.

Total number voting	34
Those voting Yea	23
Those voting Nay	1
Absent and not voting	2

THE CHAIR:

And the legislation is adopted. (Gavel) 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.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President will the Clerk call the next Bill, Calendar 41, Calendar 164, Senate Bill 925 and will mark that as our Order of the Day, please.

THE CHAIR:

And Mr. Clerk.

THE CLERK:

Page 41, Calendar No. 164, Substitute for Senate Bill No. 925, AN ACT PROHIBITING THE IMPORT, SALE AND POSSESSION OF AFRICAN ELEPHANTS, LIONS, LEOPARDS, BLACK RHINOCEROS, WHITE RHINOCEROS AND GIRAFFES.

THE CHAIR:

Senator Cohen, lions, tigers and no bears in it.

SENATOR COHEN (12TH):

There we go. I'll follow that up with an, Oh, my, 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 COHEN (12TH):

Thank you, Madam President. Madam President, the Clerk is in possession of an Strike-All Amendment LCO 8306, I ask the Clerk please call the Amendment and I be given leave of the Chamber to summarize.

THE CHAIR:

Mr. Clerk.

CLERK:

LCO No. 8306 Senate Schedule "A"

THE CHAIR:

Senator Cohen, please do proceed to summarize.

SENATOR COHEN (12TH):

Thank you so much, Madam President. Many I the Circle today will recall the history on the Bill before us today. This Bill will serve as a complement to our Federal Endangered Species Act by taking action to prevent the import, sale and possession of the African Big Six, or elephants, lions, black rhinos, white rhinos and giraffes. It is really a horrific practice trophy hunting.

In 2015, some may recall the tragic story of Cecil the lion. Cecil was a beloved black-mane lion that lived peacefully on a national park in Zimbabwe. Cecil was supposedly a protected animal that had been tracked since 2008 with constant monitoring by scientists but somehow an American paid \$50,000 dollars to travel to this destination and shot an arrow in this lion who was left to suffer a day before he was tracked by this hunter's group and shot for a second time.

Well the Federal Law does not yet prohibit of ban trophy hunting completely. We have the opportunity here to stop this practice by Connecticut residents. Since 2005 Connecticut residents have killed 71 leopards, 39 lions, 7 elephants and a giraffe in spite being protected by the Endangered Species Act. The good news is the Federal ban is being introduced again this Congress and I certainly hope for it's passage.

Again in the meantime we have a responsibility to protect these beautiful species from these frivolous and incredibly harmful practices. I urge my colleagues to pass this proposal as amended today.

THE CHAIR:

Thank you and do you move the Amendment, Senator. Just wanted to be sure about that so the question is on adoption of the Amendment. Will you remark further on the Amendment? Senator Miner. Senator Duff.

SENATOR DUFF (25TH):

Will the Senate stand at ease?

THE CHAIR:

The Senate will stand at ease. Senator Cohen.

SENATOR COHEN (12TH):

Thank you, Madam President. I would request that Amendment LCO 8306 be withdrawn. Madam President the Clerk is in possession of an Amendment LCO 8888. I move adoption. Oh, I would request that the Clerk please call the Amendment.

THE CHAIR:

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Yes, we will have Mr. Clerk please call that new Amendment.

CLERK:

LCO 8888, Senate Schedule "B".

THE CHAIR:

Senator Cohen.

SENATOR COHEN (12TH):

Thank you, Madam President. My comments remain and I move adoption.

THE CHAIR:

Thank you, Senator Cohen. Will you remark further on the new Amendment before us? Senator Miner.

SENATOR MINER (30TH):

Thank you, Madam President, I'll wait and comment on the Bill. Thank you.

THE CHAIR:

All right, thank you. Will you remark further on the Amendment LCO 8888? 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 Miner.

SENATOR MINER (30TH):

Thank you, Madam President. Madam President, now that we are speaking on the Bill as Amended, let me first say that I appreciate the efforts that my Co-Chair on the Environment Committee, she's the Co-Chair, I'm the Ranking Member, has put in to trying, into this Bill trying to find language that clearly makes policy statement on behalf of those that find the hunting of any of these species objectionable and that's my word, not theirs. They might even have a stronger word than that.

But what I think this language does it seeks to start the process of reminding people that there are some heritage, some legacy items in the State of Connecticut that may have been acquired without licensure, they may have been bought at a tag sale, they may have come here any number of ways and there are provisions in this Bill that would require those items to be registered. You would not be able to sell those items once they're registered.

Madam President, there is some language in the Bill that I think is tough, talks about misdemeanors and felonies. Again I'm not discounting how people feel but I got to say that I think for someone to fail to register their leopard skin that may have hung on their wall for decades they could be facing a pretty significant penalty. So, Madam President the Bill does do a number of things, it preserves a least one business's ability to continue to do taxidermy in the State of Connecticut on these items that is no small order. There are at least seven people that I am aware of that have a job today because these items are brough back into the United States legally and so you will be able to travel to the State of Connecticut with them as you would be under the Federal Law and while I can't support the language I do appreciate every effort that has been put into it to date and I look forward to future discussions

about other opportunities. Thank you, Madam President.

THE CHAIR:

Thank you, Senator Miner. Will you remark further on the Bill as Amended? Will you remark further on the Bill as Amended? Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, I rise to support the legislation and want to thank Senator Cohen and the Environment Committee. I know Senator Miner as well has also been, you know, very interested in this legislation and has had some very good comments to make and constructive comments as well such as the taxidermy piece and other sections that has helped make this Bill one that I believe is a good one and that will preserve jobs and preserve some of the roles we have here in the state but also preserving the Big Six in Africa.

This legislation came to me from a constituent in Darien and through the Friends of Animals had an event after the news of Cecil the lion and so for us it's about putting our mark on what I think is a very important piece of legislation that talks about where we are in the State of Connecticut. So, I just want to thank everybody who has been part of this. It's been a bit of a long haul on it and I think everybody has worked in good faith to try and see it through. So thank you. Thanks to Senator Looney for his work and patience on this Bill as well as well as members of the caucus and our team and again I urge support of the legislation. Thank you, Madam President.

THE CHAIR:

Thank you, Senator Duff. Will you remark further? Will you remark further? If not, I will open the

voting machine. Mr. Clerk please announce the roll call vote.

CLERK:

Immediate roll call has been ordered in the Senate.
Immediate roll call has been ordered in the Senate,
Senate Bill 925 as Amended. Senate Bill 925 as
Amended. Immediate roll call vote has been ordered
in the Senate on Senate Bill 925 as Amended.
Immediate roll call vote in the Senate, Senate Bill
925 as Amended. Immediate roll call vote.

Immediate roll call vote has been ordered in the
Senate. Immediate roll call vote in the Senate,
Senate Bill 925 as Amended. Immediate roll call
vote in the Senate.

THE CHAIR:

We will ask Members to stay close to the Chamber
because we will shortly be voting on the Consent
Calendar so please do not stray far from the
Chamber.

CLERK:

Immediate roll call vote has been ordered in the
Senate. Immediate roll call vote in the Senate,
Senate Bill 925 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.

THE CLERK:

Senate Bill 925 as Amended.

Total number voting

33

rr/km
Senate

55
May 19, 2021

Those voting Yea	30
Those voting Nay	3
Absent and not voting	3

THE CHAIR:

And the legislation is adopted. (Gavel) Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President will the Clerk please call the items on the Consent Calendar for a vote right after?

THE CHAIR:

Mr. Clerk.

THE CLERK:

Consent Calendar No. 1, Page 20, Calendar 293, Senate Bill 986. Page 8, Calendar 146, Senate Bill 872. Page 18, Calendar 278, Senate Bill 1072. Page 42, Calendar 228, Senate Bill 841. Page 3, Calendar 57, Senate Bill 416.

Immediate roll call vote has been ordered in the Senate on Consent Calendar No. 1. Immediate roll call vote in the Senate on Consent Calendar No. 1. Immediate roll call vote in the Senate on Consent Calendar No. 1. Immediate roll call vote.

Immediate roll call vote has been ordered in the Senate, Consent Calendar No. 1. Immediate roll call vote in the Senate, Consent Calendar No. 1. Immediate roll call vote in the Senate, Consent Calendar No. 1.

THE CHAIR:

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

THE CLERK:

Consent Calendar No. 1.

Total number voting	34
Those voting Yea	34
Those voting Nay	0
Absent and not voting	2

THE CHAIR:

Senator Duff. And the Consent Calendar is adopted.
Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. That concludes our business for today unless Senator Looney or I have any points of personal privilege which I doubt. I would move -- we are going to be session tomorrow at noon and I would move that we adjourn subject to the call of the Chair.

THE CHAIR:

And we are adjourned. Go forth. (Gavel)

(On the motion of Senator Duff of the 25th, the Senate at 4:00 p.m. adjourned Sine Die.)