

Legislative History for Connecticut Act

HB 6290

PA 163 (Fax!) 1995

Senate 3736-3737, 3791-3793 (5)

House 1166, 1787-1788, 2588-2589,  
3281-3287 (12)

GAE: 419-420, 421 442-444, 450,  
451, 502-503, 610, 612-613,  
614-617, 629-630, 672, 673-676 (24)  
HIP.

---

Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate  
and House of Representatives Proceedings

Connecticut State Library

Compiled 2013

S-381

CONNECTICUT  
GEN. ASSEMBLY  
SENATE

PROCEEDINGS  
1995

VOL. 38  
PART 11  
3697-4100

we're still waiting for the fiscal note.

THE CHAIR:

Without objection, this item is passed temporarily.

THE CLERK:

Page 13, Calendar 502, Substitute for HB6290, An Act Exempting the Names and Addresses of Hazardous Duty State Employees from the Freedom of Information Act, as amended by House Amendment Schedule A. Favorable report of Committee on Government Administration Elections, Public Safety, Judiciary and Planning Development, File 148, 447, and 815.

THE CHAIR:

Senator Smith?

SEN. SMITH:

Thank you, Madam President.

I would move adoption of the Joint Committee's favorable report and passage of the bill in concurrence with the House.

THE CHAIR:

Questions on passage in concurrence. Will you remark?

SEN. SMITH:

Yes, Madam President.

This provides an exemption under the FOI rules for

certain categories of hazardous duty employees, correction officers, certain magistrates and judges to the extent that they so request their residential addresses will not be subject to FOI disclosure. Again, they have to request that and they have to provide their business addresses in order to be so exempted.

I would urge adoption of the bill.

THE CHAIR:

Questions on passage of the bill. Will you remark further? Will you remark? Senator Smith.

SEN. SMITH:

Madam President, if there are no questions, I would move this to the Consent Calendar.

THE CHAIR:

Without objection, so ordered.

THE CLERK:

Page 14, Calendar 503, HB6921, An Act Concerning Provisions of Potable Water and Environmental Use Restrictions. Committee reports on Environment, Judiciary, Planning and Development, File 563.

THE CHAIR:

Senator Cook.

SEN. COOK:

Thank you, Madam President.

And I'm delighted to say that the money is in the budget to pay for this agreement, so I would move its adoption.

THE CHAIR:

Question is on adoption. Will you remark further? Will you remark further? Senator Genuario?

SEN. GENUARIO:

Madam President, if there's no objection, I believe this one we can put on the Consent Calendar.

THE CHAIR:

Without objection, this item is placed on the Consent Calendar.

At this time -- Senator Upson?

SEN. UPSON:

Yes, Madam President.

I move you call the Consent Calendar for vote.

THE CHAIR:

Would the Clerk please announce a roll call vote and call the Consent Calendar?

THE CLERK:

An immediate roll call on the Consent Calendar is being taken in the Senate. Will all Senators return to the Chamber?

An immediate roll call on the Consent Calendar is being taken in the Senate. Will all Senators please

return to the Chamber?

Page 1, Calendar 525, HJR43.

Page 3, Calendar 148, Substitute for SB1072.

Page 3, Calendar 244, SB998.

Page 4, Calendar 279, Substitute for HB6877.

Page 6, Calendar 396, Substitute for SB552.

Page 7, Calendar 417, Substitute for HB6917.

Page 11, Calendar 472, HB6614.

Page 12, Calendar 495, HB5312.

Page 12, Calendar 496, Substitute for HB6050.

Page 12, Calendar 497, Substitute for HB6963.

Page 13, Calendar 498, Substitute for HB6932.

Page 13, Calendar 499, Substitute for HB6602.

Page 13, Calendar 502, Substitute for HB6290.

Page 14, Calendar 503, HB6921.

Page 20, Calendar 210, Substitute for SB867.

Page 21, Calendar 250, Substitute for SB600.

Page 21, Calendar 324, SB959.

Page 23, Calendar 369, Substitute for SB1063.

Page 23, Calendar 371, Substitute for SB1143.

Page 25, Calendar 71, Substitute for SB850.

Page 25, Calendar 113, SB360.

Page 25, Calendar 150, SB1088.

Page 26, Calendar 223, Substitute for SB154.

Page 27, Calendar 337, Substitute for SB539.

Page 28, Calendar 486, Senate Resolution 46.

Page 28, Calendar 488, Senate Resolution 51.

THE CHAIR:

The machine will be open. If all members have voted, the machine will be locked. Clerk, please take a tally.

THE CLERK:

Total number voting, 35; necessary for passage, 18. Those voting yea, 35; those voting nay, 0.

THE CHAIR:

The Consent Calendar is adopted.

At this time the Chair will entertain points of personal privilege or announcements. Senator McDermott?

SEN. McDERMOTT:

Thank you, Madam President.

I rise for point of personal privilege.

THE CHAIR:

Please proceed.

SEN. McDERMOTT:

I'm honored today to have two very good friends of mine in the Chamber today, people who worked hard on my campaign and are very close friends. Up in the gallery up here is Bob Martino and Alan Jackson, my brother-in-law.

H-723

CONNECTICUT  
GEN. ASSEMBLY  
HOUSE

PROCEEDINGS  
1995

VOL. 38

PART 4

1123-1462

84th.

REPRESENTATIVE DONOVAN: (84th)

Thank you, Mr. Speaker, Mr. Speaker, I have a list of bills to be referred to committee under House Rule 20 (e). This is a list that has been provided by the Majority Leader to the Minority Leader within the time specified under House Rule 20 (e) and the necessary approval has been furnished.

I'd move the following bills under House Rule 20 (e):

To the Committee on Judiciary, H.B. No. 5419, to the Committee on Appropriations, H.B. No. 6916, to the Committee on Public Safety, H.B. No. 6290, to the Committee on Energy and Technology, H.B. No. 6022, to the Committee on Appropriations, H.B. No. 5092, to the Committee on Finance, Revenue and Bonding, H.B. No. 6500 and to the Committee on Appropriations, H.B. No. 5229.

SPEAKER DIAZ:

Hearing no objection, so ordered.

THE CLERK:

Also, Mr. Speaker, the Clerk has a list of favorable reports on House bills recommending a change of reference to the committees indicated.

REPRESENTATIVE DONOVAN: (84th)

H-724

CONNECTICUT  
GEN. ASSEMBLY  
HOUSE

PROCEEDINGS  
1995

VOL. 38  
PART 5  
1463-1852

kmr

001787

House of Representatives

Tuesday, May 2, 1995

Madam Speaker I would move that House Bill Number  
6798 be referred to the Committee on Appropriations.

DEPUTY SPEAKER HARTLEY:

Motion is to refer to Appropriations, without  
objection, so ordered.

CLERK:

On page 20, Calendar 92. House Bill Number 6916.  
AN ACT CONCERNING BENCH-MARKS DEFINED BY THE  
CONNECTICUT PROGRESS COUNCIL. Favorable report of the  
Committee on Appropriations.

DEPUTY SPEAKER HARTLEY:

Representative Lyons.

REP. LYONS: (146th)

Madam Speaker I would move that House Bill Number  
6916 be referred to the Committee on Legislative  
Management.

DEPUTY SPEAKER HARTLEY:

Motion is to refer to Legislative Management,  
without objection, so ordered.

CLERK:

On page 21, Calendar 93. Substitute for House  
Bill Number 6290. AN ACT EXEMPTING THE NAMES AND  
ADDRESSES OF HAZARDOUS DUTY STATE EMPLOYEES FROM THE  
FREEDOM OF INFORMATION ACT. Favorable report of the  
Committee on Public Safety.

kmr

House of Representatives

Tuesday, May 2, 1995

001788

DEPUTY SPEAKER HARTLEY:

Representative Lyons.

REP. LYONS: (146th)

Madam Speaker I would move that House Bill Number 6290 be referred to the Committee on Judiciary.

DEPUTY SPEAKER HARTLEY:

Motion is to refer to the Judiciary Committee, without objection, so ordered.

CLERK:

On page 21, Calendar 101. Substitute for House Bill Number 5092. AN ACT CONCERNING OUTDOOR LIGHTING, ENERGY CONSERVATION, AND REDUCTION OF LIGHT POLLUTION. Favorable report of the Committee on Appropriations.

DEPUTY SPEAKER HARTLEY:

Representative Lyons.

REP. LYONS: (146th)

Madam Speaker I would move that House Bill Number 5092 be referred to the Committee on Transportation.

DEPUTY SPEAKER HARTLEY:

Motion is to refer to Transportation, without objection, so ordered.

CLERK:

On page 22, Calendar 123. House Bill Number 6845.  
AN ACT EXTENDING THE TIME FOR EMERGENCY HOUSING OF  
FAMILIES WITH CHILDREN UNDERGOING LEAD CHELATION

H-726

CONNECTICUT  
GEN. ASSEMBLY  
HOUSE

PROCEEDINGS  
1995

VOL. 38

PART 7

2265-2666

gmh

House of Representatives

Wednesday, May 17, 1995

CLERK:

On page 22, Calendar 472, Substitute for Senate Bill Number 539, AN ACT CONCERNING POWERS OF INLAND WETLANDS COMMISSIONS. Favorable Report of the Committee on Judiciary.

DEPUTY SPEAKER HARTLEY:

Representative Godfrey.

REP. GODFREY: (110th)

Thank you, Madam Speaker. I would move that Substitute for Senate Bill Number 539 be referred to the Committee on Planning and Development.

DEPUTY SPEAKER HARTLEY:

Without objection, so ordered.

CLERK:

On page 25, Calendar 93, Substitute for House Bill Number 6290, AN ACT EXEMPTING THE NAMES AND ADDRESSES OF HAZARDOUS DUTY STATE EMPLOYEES FROM THE FREEDOM OF INFORMATION ACT. Favorable Report of the Committee on Judiciary.

DEPUTY SPEAKER HARTLEY:

Representative Godfrey.

REP. GODFREY: (110th)

Thank you, Madam Speaker. I would move that Substitute for House Bill Number 6290 be referred to the Committee on Planning and Development.

House of Representatives

Wednesday, May 17, 1995

DEPUTY SPEAKER HARTLEY:

Without objection, so ordered.

CLERK:

On page 27, Calendar 175, Substitute for House Bill Number 6087, AN ACT CONCERNING MULTIPLE USE RIVERS. Favorable Report of the Committee on Judiciary.

DEPUTY SPEAKER HARTLEY:

Representative Godfrey.

REP. GODFREY: (110th)

Thank you, Madam Speaker. I would move that Substitute for House Bill Number 6087 be referred to the Committee on Public Health.

DEPUTY SPEAKER HARTLEY:

Without objection, so ordered.

Will the Clerk please call Calendar 325?

CLERK:

On page 8, Calendar 325, Substitute for Senate Bill Number 872, AN ACT CONCERNING SEXUAL OFFENDERS. Favorable Report of the Committee on Judiciary.

DEPUTY SPEAKER HARTLEY:

Representative Amann.

REP. AMANN: (118th)

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

H-728

CONNECTICUT  
GEN. ASSEMBLY  
HOUSE

PROCEEDINGS  
1995

VOL. 38

PART 9

3040-3417

prh

174

House of Representatives

Tuesday, May 23, 1995

DEPUTY SPEAKER HYSLOP:

The Clerk will announce the tally.

CLERK:

SB 1055 as amended by Senate "A" in concurrence with the Senate. Total number voting, 151; necessary for passage, 76; those voting Yea, 151; those voting Nay, zero; absent, not voting, zero.

DEPUTY SPEAKER HYSLOP:

The bill as amended is passed.

Clerk, please call Calendar 93.

CLERK:

On Page 26, Calendar 93, Substitute for HB 6290, AN ACT EXEMPTING THE NAMES AND ADDRESSES OF HAZARDOUS DUTY STATE EMPLOYEES FROM THE FREEDOM OF INFORMATION ACT. Favorable report of the Committee on Planning and Development.

DEPUTY SPEAKER HYSLOP:

The Chair of GAE, Representative Bysiewicz of the 100th.

REP. BYSIEWICZ: (100th)

Yes. Thank you, Mr. Speaker. Mr. Speaker, I move for acceptance of the Joint Committee's favorable report and passage of the bill.

DEPUTY SPEAKER HYSLOP:

The question is on acceptance and passage. Will

prh

175

House of Representatives

Tuesday, May 23, 1995

you remark further?

REP. BYSIEWICZ: (100th)

Yes. Thank you, Mr. Speaker. What this bill does is prohibits State agencies from disclosing the home addresses of Federal Court judges and magistrates, State Court judges, Family Support magistrates, State and municipal police officers, Department of Corrections employees and past or present State Prosecutors. And I move adoption, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

The question is on adoption. Will you remark further?

REP. BYSIEWICZ: (100th)

Thank you, Mr. Speaker. Mr. Speaker, the Clerk has an Amendment, LCO 7593. Would the Clerk please call it and may I have leave to summarize?

DEPUTY SPEAKER HYSLOP:

Will the Clerk please call LCO 7593, designated House Amendment "A"? The Representative has asked leave to summarize.

CLERK:

LCO 7593, House "A", offered by Representative Scalettar.

DEPUTY SPEAKER HYSLOP:

Representative Bysiewicz.

prh

176

House of Representatives

Tuesday, May 23, 1995

REP. BYSIEWICZ: (100th)

Thank you, Mr. Speaker. Mr. Speaker, what this Amendment does is adds to the list of State employees--

DEPUTY SPEAKER HYSLOP:

If you could hold on just a moment, Representative Bysiewicz?

Would the House come to order? The noise level is picking up again. I can hardly hear the Representative who is bringing out the Amendment.

Proceed.

REP. BYSIEWICZ: (100th)

Thank you, Mr. Speaker. Mr. Speaker, what this Amendment does is it adds Public Defenders to the list of covered employees under the bill. As I stated before, the file copy would protect Prosecutors. This Amendment would add Public Defenders. And I move adoption.

DEPUTY SPEAKER HYSLOP:

The question is on adoption. Will you remark?

Representative Radcliffe.

REP. RADCLIFFE: (123rd)

Mr. Speaker, a question to the proponent of the Amendment. The Amendment seems to say persons employed by the Public Defenders Services Division. Would that include Special Public Defenders who are not full-time

prh

177

House of Representatives

Tuesday, May 23, 1995

employees? Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Bysiewicz.

REP. BYSIEWICZ: (100th)

Through you, Mr. Speaker. I believe it to the extent that they are employed by the Public Defenders Services Division. Oh. Pardon me. Through you, Mr. Speaker. I'm informed that it would not include Special Public Defenders.

DEPUTY SPEAKER HYSLOP:

Representative Radcliffe.

REP. RADCLIFFE: (123rd)

Thank you, Mr. Speaker. And thank you, Representative Bysiewicz -- Scalettar for that clarification. I just wanted to make certain of this because the Department of Public Defenders Services does use many people on a contract basis who aren't technically employees but they do this work on a contract basis. I think they even have a couple of agencies that work for them contractually. And that this would only apply to someone who is a full-time Public Defender who is not engaged in the private practice of law, not someone who may be a private practitioner brought into a case for purposes of a conflict or some other purpose and paid on a per diem

prh

178

House of Representatives

Tuesday, May 23, 1995

basis. So with that clarification, I think you, Mr. Speaker, and urge support of the Amendment.

DEPUTY SPEAKER HYSLOP:

Will you remark further on the Amendment? Will you remark further on the Amendment? If not, we'll try your minds. All those in favor signify by saying Aye.

VOICES:

Aye.

DEPUTY SPEAKER HYSLOP:

Those opposed Nay? The Ayes have it. The  
Amendment passes and ruled technical.

Will you remark further on the bill as amended?

REP. JARJURA: (74th)

Mr. Speaker?

DEPUTY SPEAKER HYSLOP:

Representative Jarjura.

REP. JARJURA: (74th)

A question through you to the proponent of the bill?

DEPUTY SPEAKER HYSLOP:

Proceed.

REP. JARJURA: (74th)

Representative Bysiewicz, through you, Mr. Speaker, does this bill also cover Assistant Attorney Generals?

prh

179

House of Representatives

Tuesday, May 23, 1995

DEPUTY SPEAKER HYSLOP:

Representative Bysiewicz.

REP. BYSIEWICZ: (100th)

Through you, Mr. Speaker. I do not believe that it does.

REP. JARJURA: (74th)

Through you, Mr. Speaker. I don't think so, either. But I won't hold it up because I haven't prepared an Amendment. But I may revisit that next session or something. Thank you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Will you remark further on the bill? Will you remark further on the bill? If not, staff and guests to the well of the House. The machine will be open.

CLERK:

The House of Representatives is voting by Roll Call. Members to the Chamber. The House is voting by Roll Call. Members to the Chamber please.

(Roll Call vote taken)

DEPUTY SPEAKER HYSLOP:

Have all members voted? If all members have voted, please check the machine. Make sure that your vote is properly cast. The machine will be locked and the Clerk will take a tally.

(Tally taken)

prh

180

House of Representatives

Tuesday, May 23, 1995

DEPUTY SPEAKER HYSLOP:

The Clerk will announce the tally.

CLERK:

HB 6290 as amended by House "A". Total number voting, 149; necessary for passage, 75; those voting Yea, 149; those voting Nay, one; absent, not voting, two.

DEPUTY SPEAKER HYSLOP:

The bill as amended is passed.

Clerk, please call Calendar 312.

CLERK:

On Page 33, Calendar 312, SB 1057, AN ACT  
CONCERNING PREVENTION OF POTENTIAL CONTAMINATION OF  
WATER SUPPLIES. Favorable report of the Committee on  
Environment.

DEPUTY SPEAKER HYSLOP:

Representative Concannon.

REP. CONCANNON: (34th)

Thank you, Mr. Speaker. I move acceptance of the  
Joint Committee's favorable report and passage of the  
bill in concurrence with the Senate.

DEPUTY SPEAKER HYSLOP:

The question is on acceptance and passage. Will  
you remark further?

REP. CONCANNON: (34th)

JOINT  
STANDING  
COMMITTEE  
HEARINGS

GOVERNMENT  
ADMINISTRATION  
AND ELECTIONS

PART 2  
367-677

1995

MICHAEL FERRUCCI: Well, yes. We're actually looking at Phoenix. And I don't necessarily get the same information. But it will be good to exchange the information to see -- you're talking about some privately-run operations in Phoenix?

REP. KIRKLEY-BEY: The city government routinely has departments bid against private companies and then they take the one, the guy that's the lowest bid.

MICHAEL FERRUCCI: Okay. If we're looking at some models, the most recent one is in the state of Massachusetts. There was recent legislation in the city of Chicago. But I would expect all of those examples on both sides of this question ought to be the kind of stuff we should talk about before we put the For Sale sign up. That's my concern. Not fearful about getting into the debate. But don't let's rush into a program that we may be sorry for later.

Can I speak quickly on this one other bill? Or are there more questions? It's your show.

SEN. SMITH: If you're going to, you could just try to hold it to three minutes?

MICHAEL FERRUCCI: Yes. I can do it very quickly on the next bill because it's very specific and it applies to a very specific actual experience that we're concerned about. When I say "we're concerned about" in this case I'm talking about members that we represent, but all State employees who work in what we call hazardous duty State operations.

Our union represents all the correction officers, all the officers at the Long Lane facility and the juvenile detention officers in our juvenile detention centers.

HB6290 talks about AN ACT EXEMPTING THE NAMES AND ADDRESSES OF HAZARDOUS DUTY STATE EMPLOYEES FROM THE FREEDOM OF INFORMATION ACT. Actually, the way the bill is written, it doesn't go far enough. But here's what I'm after. We had an awful experience recently in the Department of Correction. A long-term inmate doing serious time for a serious crime

45  
prh

GAE

February 14, 1995

wrote a Freedom of Information request demanding all the names, full names, of all of the correction officers that work for the Connecticut Department of Corrections. And when we found out about it, the list was already being generated on advice and opinion of the Attorney General's office. And such a list was generated to this inmate, containing the names of over 4,000, first name, middle initial, last name, of every correction officer that worked in the State of Connecticut.

And while we're trying to appeal this issue through the Labor Relations forum because the list had already been gone out, we're being told that under Freedom of Information rules there is no exemption in terms of information that may be available to the inmate population.

So when I look at this bill, very specifically it's got to include or should include some measure to prevent prison inmates in the State of Connecticut from being able to use the Freedom of Information statute for any reason but, for sure, not to allow prison inmates to secure the names of all the correction officers in the State of Connecticut for obvious safety and security reasons.

So I urge you -- but I think the bill needs to be expanded so that it's more clear in what we're intending to do. I don't think inmates should have any rights. And as it turned out, to add insult to injury on this, not only did the inmate get the list of over 4,000 names, he got it free because he was indigent. He should have thought of that before he committed his series of crimes.

SEN. SMITH: Any other questions from the Committee?

Thank you.

REP. BYSIEWICZ: Representative San Angelo.

REPRESENTATIVE SAN ANGELO: If I could go back to the (HB 6540) previous bill that you were testifying on? I just (HB 6555) have a question in my mind. Do you support any kind of privatization whatsoever or are you completely against privatization?

MICHAEL FERRUCCI: Yes. My opening salvo is I'm against the privatization of State services unless as an absolute last resort and if we're on apples and apples ground. It has to be looked at in that vein. Those are the circumstances.

The dilemma is in the middle, is in this perception now. The dialogue that's going on right now is undermining the process that is being skewed so much for the private sector interest against the public sector work force. And I think that's a sham and a shame to put that dialogue out there and nobody is defending it except Mike Ferrucci, Bob Rinker or unions who sound like we're self-serving.

REP. SAN ANGELO: So -- if I could? So, if all things being equal, you would not totally write out privatization. If it could save the State money, services were better under a private sector and they were both bidding from the same sort of competitive situation, you may be in favor of it?

MICHAEL FERRUCCI: We would look more positively on something like that. I'd still have to be convinced. But, yes, that's the direction and where we're going. Massachusetts has been in that direction. Chicago, Illinois is. We'll take a look at Arizona. But I think that's where we have to go.

REP. SAN ANGELO: All right. To the second bill that HB 6290 you spoke on, I sort of agree with you that criminals should have no right under FOI. But there are situations where they would need information regarding their court cases under FOI. So you're talking about all information under FOI that would pertain to the safety of any State workers?

MICHAEL FERRUCCI: Of any of the staff that work in that agency or department.

REP. SAN ANGELO: Okay. Thank you.

REP. BYSIEWICZ: Thank you, Mr. Ferrucci.

Our next speaker is Mark Ojakian, to be followed by

67  
prh

GAE

February 14, 1995

Thank you. And I don't have copies of the report that we did, but I'd be happy to provide copies to the Chair.

REP. BYSIEWICZ: We would appreciate that.

MICHAEL O'BRIEN: Thank you.

REP. BYSIEWICZ: Next is David McCluskey, to be followed by Brian Holmes.

DAVID McCLUSKEY: Good afternoon, Representative Bysiewicz, Senator Smith and the members of the GAE Committee. My name is David McCluskey, Director of Public and Political Affairs for the Connecticut State Police Union. I'm here to testify very briefly on Committee Bill HB6290, AN ACT EXEMPTING THE NAMES AND ADDRESSES OF HAZARDOUS DUTY STATE EMPLOYEES FROM THE FREEDOM OF INFORMATION ACT.

I just wanted to get very briefly in some of the context that we face in -- about I believe it was two years ago the GAE Committee, on conjunction with the Public Safety Committee and, I believe, the Judiciary Committee, passed a bill allowing State and local police officers to use their troop address on their gun permits. Some police officers have gun permits in addition to their badge which is their gun permit to carry their official piece. Because of a pending FOI case that was before the State Court that would have disclosed those addresses, the General Assembly passed such legislation.

In addition, as you may know, some State employees, judges are allowed to use their business address on their driver's license. State and local police officers, when they testify in court, are allowed to use their business address when they testify where they reside. And as well, being served subpoenas, they're served at the headquarters for the State Police facility. And last year the legislature passed a bill that would allow corrections officers also to have subpoenas served on them at the facility. And, as many of you know, many police officers uses P.O. Boxes for their mailing address and have unlisted phone numbers

because of the very real threat that they may face for having their home address available very easily to the public.

I guess, you know, our focus is specifically on the home address. Obviously, you know, people know who the State Police Officers' names are. But we're just concerned that they would have very easy access, particularly with legislation passed recently by the General Assembly to make on-line data bases of all State agencies. And this would include, for example, you know, payroll for State Police. So you could get, capture the information on the State Police Officer's home address in many different data bases.

And so we would like to urge the Committee to focus narrowly on the home addresses of hazardous duty workers that would be, you know, at risk for, you know, potentially by felons or criminals.

And I'd be happy to answer any questions you have. And thank you for allowing me to testify.

REP. BYSIEWICZ: Thank you, David. I have two questions. Are prosecutors included as hazardous duty employees? Do you know?

DAVID McCLUSKEY: I don't -- I would have to look again at 5-173. And I'd be happy to work with the Committee. Because, understandably, there are -- you know, the public has every right to have as much information available to them that they need. But we would not like to just broadly exempt whole classes of information. But as far as -- I would be happy to work with you and take a look at the statute because maybe that particular way the bill is drafted, that it's more focusing on the hazardous nature of the job whereas prosecutors themselves may not have a hazardous job but they may also be at risk by having this information available.

REP. BYSIEWICZ: Okay. Now, we had a previous speaker who testified about the FOI request that has in part generated this proposed bill. And I know that from his testimony he said that 4,000 names were

disclosed. Were the addresses, were the home addresses disclosed as well or just the names?

DAVID McCLUSKEY: I'm not familiar. I could have Mike Ferrucci come back to the Committee, the staff, and provide that information to you. I believe the thing that I had spoken of earlier was the names and addresses of all gun permit holders that was going to be disclosed in this pending State Court case. That, in fact, when that was going through the process, Attorney General Blumenthal alerted our organization that this, in fact, without pending legislation that we did pass, that that information under the statute had to be disclosed.

REP. BYSIEWICZ: Okay. Any other questions from Committee members?

If not, thank you very much.

DAVID McCLUSKEY: Thank you.

REP. BYSIEWICZ: Brian Holmes, to be followed by Jim Lohr, to be followed by Edward Gales.

BRIAN HOLMES: Good afternoon, Madam Chairman, Mr. Chairman, members of the Committee. My name is Brian Holmes. I'm CCIA's Director of Regulatory Affairs, testifying here today in place of Joyce Wojas who usually testifies on behalf of CCIA.

CCIA is an association of associations representing over 500 horizontal and vertical construction contractors, subcontractors, material and equipment suppliers, surety and insurance companies and allied professions.

We strongly oppose SB422, which would raise retainage from its current level of 2.5 for State projects by a four-fold increase to ten percent. It would double it for municipal projects. In the interest of brevity, I would commend and recommend to the Committee the remarks made by Mitch Sorensen in opposition to this bill.

I would simply add to the response to the question asked by Representative Beals that there are

75  
prh

GAE

February 14, 1995

along with private contractors as well for these typical services.

The third bill is HB5870, AN ACT CONCERNING APPROVAL OF STATE PURCHASING CONTRACTS WHICH ARE NOT AWARDED TO THE LOWEST RESPONSIBLE QUALIFIED BIDDER. Again I recommend approval of lowering the threshold to 100,000. There needs to (Gap in testimony changing from Tape 2-A to Tape 2-B) review of contracts, especially since the State witnessed such contract fiascos with the computer bid, the furniture bid and the emissions contracts.

These three areas I think deserve your approval and consideration. Thank you.

REP. BYSIEWICZ: Mr. Gales, thank you for your succinct testimony.

Any questions?

If not, are there any other members of the public who have signed up to speak who wish to speak? If not, we will move back to our legislator and agency head portion of the program.

SEN. SMITH: And start with Deborah Fuller, to be followed by Alan Plofsky.

DEBORAH FULLER: Good afternoon, Senator Smith, Representative Bysiewicz and members of the Committee. I am here today on behalf of the Judicial Branch to testify briefly on two bills. HB6290 Really, my testimony just concerns some technical matters.

The first bill that I'd like to address is SB889, AN ACT CONCERNING THE STATE CODE OF ETHICS FOR PUBLIC OFFICIALS AND LOBBYISTS. In our review of this bill, we came across an apparent inconsistency in time lines which would result from it. Line 67, from Line 67 on, the bill provides that after 30 days following notice of the imposition of a civil penalty, the Ethics Commission can apply to the court for an order to require payment of that penalty.

76  
prh

GAE

February 14, 1995

However, as set forth in Section 4-183 of the statutes a party ordered to pay a penalty has 45 days to appeal the imposition of that penalty. Therefore, we think that Line 68 should be amended to conform the time line to the 45-day appeal period.

The next bill that I'd like to testify on is HB6290, AN ACT EXEMPTING THE NAMES AND ADDRESSES OF HAZARDOUS DUTY EMPLOYEES FROM THE FREEDOM OF INFORMATION ACT. Again, my testimony just concerns a technical matter. The bill as drafted protects only the names of only those hazardous duty employees who are under the Tier One retirement system. We would suggest that the bill be amended to also include those under the Tier Two retirement system since there really is no difference in job function. It's just a matter of when you came in. I have attached a suggested amendment.

Thank you.

REP. BYSIEWICZ: Any questions from Committee members?

If not -- oh. I'm sorry.

REP. PRELLI: You asked a question earlier on the State Police, about the prosecutors and maybe seeing this

--

DEBORAH FULLER: I'm sorry. I don't know if the prosecutors are covered. Within Judicial, the employees who are covered by this are probation officers. I'm not sure about the prosecutors.

SEN. SMITH: Alan Plofsky, followed by Mitzi Yates Waterhouse.

ALAN PLOFSKY: Good afternoon and Happy Valentine's Day to one and all. Senator Smith, Representative Bysiewicz, members of the Committee, for the record my name is Alan Plofsky. I'm the Executive Director and General Counsel of the Ethics Commission. And I'm here to testify on SB889, which is the Commission's package for this year.

First I wanted to very briefly address a question

000502

**State of Connecticut**  
JUDICIAL BRANCH  
OFFICE OF THE CHIEF COURT ADMINISTRATOR  
Drawer N, Station A  
Hartford, Connecticut 06106

EXTERNAL AFFAIRS DIVISION  
Fax: (203) 566-3308

Director of External Affairs, (203) 566-8210  
Director of Communications, (203) 566-8219  
Staff Attorney, (203) 566-8210

**Testimony of Deborah J. Fuller**  
**Government Administration and Elections Public Hearing**  
**February 14, 1995**

**H.B. 6290, An Act Exempting the Names and Addresses of Hazardous**  
**Duty Employees from the Freedom of Information Act**

On behalf of the Judicial Branch, I appear before you today to address H.B. 6290, An Act Exempting the Names and Addresses of Hazardous Duty State Employees from the Freedom of Information Act. The bill, as drafted, protects the names of only those hazardous duty employees who are under the Tier I retirement system, not those under the Tier II retirement system. Tier I and Tier II hazardous duty employees hold the same jobs, but receive different pension benefits. Therefore, I would suggest that, should the bill be favorably considered, it be amended to include both Tier I and Tier II employees. I have attached an amendment for your consideration.

Thank you.

000503

**State of Connecticut**

JUDICIAL BRANCH  
OFFICE OF THE CHIEF COURT ADMINISTRATOR  
Drawer N, Station A  
Hartford, Connecticut 06106

EXTERNAL AFFAIRS DIVISION  
Fax: (203) 566-3308

Director of External Affairs, (203) 566-8210  
Director of Communications, (203) 566-8219  
Staff Attorney, (203) 566-8210

**Proposed Amendment to H.B. 6290.**  
**An Act Exempting the Names and Addresses of Hazardous Duty State**  
**Employees from the Freedom of Information Act**

1. On line 94, insert "(i)" after the word "IN".
2. On line 95, insert the words "OR (ii) SUBSECTION (d) OF SECTION 5-192f. REGARDLESS OF AGE OR LENGTH OF SERVICE" after the word "SERVICE."

Bysiewicz, members of the committee. My name is Mitchell Pearlman and I am the Executive Director of the Freedom of Information Commission.

First of all, I would like to thank the Chairs of this committee for the courtesy extended to me and delaying the hearings until after I returned from a recent trip. And I would just like to take a few minutes of your time to address four bills concerning freedom of information.

HB 6290

HB 6731

The first bill I would like to discuss is SB885, AN ACT CONCERNING THE FREEDOM OF INFORMATION COMMISSION, and this bill would establish a requirement for a study by the Commission of its own operations.

The Commission has no objection to this bill, but also believes it is really unnecessary. If the Committee or any other member of the Legislature would like a study of the Commission by the Commission, all they have to do is ask us and we will be happy to do it. I don't know if it is necessary to have legislation to do it. And certainly, if the Chairs of this committee would like the Commission to issue a report on any of its operations, I can promise that we will do so within the time period requested.

So I don't see the need for this legislation. A letter or even an informal request will do it. I don't know it is necessary to take up the Committee of the General Assembly's time with the bill to that effect.

The second bill that I would like to address is HB5172, AN ACT CONCERNING THE SCHEDULING OF HEARINGS ON APPEALS TO THE FREEDOM OF INFORMATION COMMISSION.

This bill would require the Freedom of Information Commission to conduct hearings on appeals to the Commission of alleged violations of the Freedom of Information Act in the order in which it receives notices of such appeals, and then it provides a procedure that unless at least of four or five of the members of the Commission vote in favor of

There is a virtue to having expedited hearings. There is a virtue not to have expedited hearings. We lived it with it for 13 or 14 years with just first in-first out and we have lived with having expedited hearings for the last five or seven years.

What I would say, however, is that commenting on this bill, I think the procedure that is contemplated here is one that is unworkable where it would require at least four members of the five members of the Commission to vote in favor of expediting the hearing. By the time you have the Freedom of Information meeting, at which you can vote on it, the time for expediting would have gone by. The Commission meets regularly twice a month and depending upon when the request comes in the particular cycle, it could be as many as three or four weeks before the Commission would even consider expediting it.

And also, I am afraid that the four votes out of five would make it virtually impossible and also subject, perhaps, the political considerations. While no more than three members of the Commission, by statute, can be from one political party, you can have a situation where a majority of the Commission does feel that it should be expedited, but one member or the lack of attendance by one member, would deprive the person of an expedited appeal.

I just think it is important to know that the issue is a tough one. There are arguments to be made on both sides of whether or not that required expedition, but if you are going to have whatever the process is for an expeditious hearing, it is one that has to be workable and one that we can be plugged in within a very fast period of time. Otherwise, you might as well not have a provision whatsoever for expedited hearings.

The third bill that I would like to comment on is HB6290, AN ACT EXEMPTING THE NAMES AND ADDRESSES OF HAZARDOUS DUTY STATE EMPLOYEES FROM THE FREEDOM OF INFORMATION ACT. This is one, at least in part, would like to take serious exception to and that is

the part of keeping confidential the names of any state or government employee. I just came back from a country, the Republic of South Africa which had a secret police and had secret government institutions and they are putting in their constitution as a matter, in the legislation, as a matter of human rights, freedom of information requirements including explicitly, how those would apply to people in -- well maybe not hazardous duty situations as described here, but certainly police officers and I think it would send a very bad message if we could allow anybody who is a public employee to hide that fact from the public.

Addresses present a different question. And we have had any number of Commission decisions in which people who are government employees who are at risk, like police officers, judges, corrections officials, social workers in certain situations, where the Commission has held that their addresses of disclosure would constitute an invasion of privacy and therefore do not have to be disclosed. That is the statement of the law now. That is not true with respect to every public employee, but those particular employees who are at risk. And that, I think, is probably the purpose behind this bill and what I am suggesting to you is that it is already done by case decision. If that is what your concern is. But certainly, we think it is a very bad idea to keep, as any classification, of secret government employees.

The fourth bill that I would like to comment on is HB6731, AN ACT PROTECTING THE CONFIDENTIALITY OF ADDRESSES OF CERTAIN VOTERS. And this sets forth a certain classification of voters who again, might be at risk. Like undercover police officers, F.B.I. officers, people who are subject to domestic violence of stalking, those kinds of situations.

Again, from a Freedom of Information point of view, the names of voters or anybody else in the government document is not the key thing. But it seems to me what is designed to be protected here is the addresses and my knowledge of the Freedom of Information Commission and I have been there for twenty years is never to disclose the addresses of

anybody who is at risk. But I think you have to weigh if there is a problem here and I don't know if there is a problem. It certainly hasn't come to my attention. With what the purpose of having public availability of the names and addresses of voters are. As I understand it is so that the public can contest whether someone is a duly qualified elector or a duly enrolled member of a party. John Smith says I am a resident of Hartford, Connecticut and you don't know his address and you might want to look into it. Well, if the addresses are confidential there is no way to challenge that. That's the counter-meaning argument as to whether the addresses should be confidential on voter lists, but certainly from a Freedom of Information point of view, is that if anybody is seriously at risk by the disclosure of that information as addresses, that would constitute an invasion of personal privacy under the current law and therefore would be exempt from disclosure. And that's the way the Commission has ruled consistently for many years.

Thank you for your attention. I am sorry my voice is giving out. I have been on the road for a long time, but I will be happy to answer your questions.

REP. BYSIEWICZ: Yes, for clarification, Mr. Pearlman. HB6290  
On the bill regarding hazardous duty employees, are you saying that if we amended the bill to exempt not the names, but the addresses of those employees that you could support that concept?

MITCHELL PEARLMAN: We think it is totally unnecessary just putting into statute what is not otherwise necessary. There have been a number of circumstances where the Legislature, for example, has taken specific account. For example, motor vehicle registrations. They provide that a business address or a post office box can be used in lieu of home address. That would certainly work as well here and would still not have a sort of secret government records.

I don't think that there is a problem that you have to fix, but certainly, because the notion of disclosing information that would put a person at

risk is something that is already confidential in the FOI Act. So to do it would just make it more problematical.

REP. BYSIEWICZ: It is redundant, is what you are saying.

MITCHELL PEARLMAN: Redundant and more problematical depending on the way you actually write it.

REP. BYSIEWICZ: The FOI already exempts people's home addresses, is that what you are saying?

MITCHELL PEARLMAN: It discloses any personnel information or any other kinds of information -- the disclosure of which would constitute an invasion of privacy by a consistent body of cases which has been upheld in court, the disclosure of -- the addresses of people like police officers, correction officials, judges, the Commission has held to be -- constitute an invasion of privacy because of their at risk status.

REP. BYSIEWICZ: Does the case law include corrections officers?

MITCHELL PEARLMAN: I believe so.

REP. BYSIEWICZ: Okay. So you are saying it is already -- it is a matter of case law not a matter of statute?

MITCHELL PEARLMAN: That's correct.

REP. BYSIEWICZ: The statute --

MITCHELL PEARLMAN: Well there are some --

REP. BYSIEWICZ: -- by case law?

MITCHELL PEARLMAN: Yes. That is correct. It is already in there. And the second thing is that there are features other than the mere confidentiality-like -- like the statutes dealing with motor vehicle registration that provide for alternative addresses to be on public documents. Like business address, or post office boxes.

Things that would protect the legitimate rights of privacy of the individual without having public officials having to go to the bother of masking things out and doing other kinds of physical activity like that.

SEN. SMITH: Now the case law that you are talking about there, that finds that your Commission had the discretion to withhold those addresses or that it could not distribute them?

MITCHELL PEARLMAN: It is held in those kinds of cases that I have just described. That to disclose this would constitute an invasion of privacy. That it would be prohibited under the exemption for disclosure of personnel -- similar information that disclosure of which would constitute an invasion of privacy.

SEN. SMITH: So you didn't hear -- Public Safety or somewhere I think that the issue came up where an indigent prisoner had written requesting the names and addresses of corrections officers and had gotten them?

MITCHELL PEARLMAN: I don't know.

SEN. SMITH: In fact, the Commission had paid for them because he was indigent.

MITCHELL PEARLMAN: Um --

SEN. SMITH: It is not something --

MITCHELL PEARLMAN: It certainly would not have come to our attention. We have had those cases. I can specifically remember cases where prisoners have asked for the addresses of complaining witnesses in sexual abuse cases for the addresses of police officers who arrested them and we say no. It is not permissible under -- it can be withheld permissibly under the Freedom of Information Act.

SEN. SMITH: It is a little bit different whether it can be withheld permissibly or is impermissible to disclose. Which is --- I am just trying to get at - the issue here.

MITCHELL PEARLMAN: Yes. Actually the way the bill is written, that's the -- the way the Freedom of Information Act works, this amends Section B of 1-19 which says that nothing in the Freedom of Information Act shall require disclose of that then it categorizes a whole bunch of things.

Any agency official can give out any public record subject to being responsible for the consequences of it. The Freedom of Information Act, under the language of the statute, does not compel a public official to give out the information and then allows that decision to be sustained if there is an appeal to the Commission or to the courts. So that is the way the law is actually worded. Nothing in the Freedom of Information Act shall require disclosure of.

If the Commission of Corrections wants to give out the addresses of his employees, there is nothing to prevent them from doing that, however he would be responsible for any consequences as a result of that action.

REP. BYSIEWICZ: Alright. Could you then go over your position with respect to the other bills on the voters' addresses?

What is your argument again? You were saying that if someone came to the FOI Commission and asked for addresses of particular registered voters, you would give them the address or you wouldn't?

HB 6731

MITCHELL PEARLMAN: Well, as I understand the voter registration lists they are generally public for a public policy purpose which is to allow challenges to the qualifications of any elector by anybody who knows or cares about that particular thing. So by allowing for the confidentiality of that information with respect to these classes of people, you are preventing that. So that is the down side.

Then the upside that you would have to look at is what do you gain by it and I am saying that I am not sure that there is a problem with respect to any of these classes of people. And what you have

meeting on a town budget. And somebody needs some information from a town agency and they are just not complying with it. They file a case with us because they haven't gotten compliance and they have got to get the information before that date which might be a month in advance. For us to take them in the order in which they are given -- there will be a six month delay. So, number one we would look to see a date certain. If there is a date certain, as opposed to everybody needs it, because otherwise, we can't make those subjective judgments.

The second thing that we look at is there a possibility that we could do the work, given our caseloads and commitments within that period of time? As I said, we schedule -- we have five commissioners. They are not full-time employees. They come in and they hear cases, usually at the rate of two to four a day over a five day work period. We schedule these cases three weeks, to four weeks, to five weeks in advance so everyone of these slots are initially filled. Cases do withdraw from time to time. Or a Commissioner will volunteer to come in at an odd time or in another room to hear these cases at that time.

If we can't actually do the job within the time period, because we can't cancel other cases, we have already given them time slots. Those are the two considerations that go into my judgment.

There are other issues that come into play and that becomes part of the process by expediting the appeal, is it fair? Has the respondent been given enough time to prepare and to defend themselves? It is sort of a due process issue. Those come into play and they can be challenged at the initial hearing scheduled or at the full commission. So it is sort of two reviews at the initial scheduling process which is done administratively.

REP: BEALS: Thank you.

SEN. SMITH: Representative Knopp.

REP. KNOPP: Thank you. Mr. Pearlman, I suggest that I

would find some written testimony from you helpful on the matter of hazardous duty and on the addresses of voters, if you have a chance.

MITCHELL PEARLMAN: Sure.

REP. KNOPP: Thank you.

SEN. SMITH: Any other questions from committee members? I've got one. I just can't -- this past fall on the expediting of FOI hearings, there were certain situations that seemed to certain people to become politicized. How was it that certain high profile cases get advanced and certain low profile cases get skipped over? Why shouldn't we go to a four to five decision? You said they might get politicized. It sure looked to a whole bunch of us like the process had been fantastically politicized. In fact, what this is designed to do is to de-politicize what became a terribly politicized process this last fall.

MITCHELL PEARLMAN: I certainly agree with you, Senator Smith, that the perception -- if any request that comes in for an expedited hearing, that has a political implication to it, is given it, is going to automatically be seen as being a political decision. Quite frankly, that is the reason the Commission was initially opposed to having expedited hearings when the bill was first proposed and I believe, in 1987. We knew that first in-first out was clean it, it was objective, and no judgment. We couldn't be second guessed on it.

But what you give us is the reason behind having an expedited hearing that there is something that should be done if it is going to be done within a certain time or you might as well, -- the person has lost all of his Freedom of Information rights.

That means that it is subjective. And whether who is making the decision and how many people are making the decision has less to do with it than it can always be second guessed. That is a weakness in the current system.

I am not advocating, particularly, that the

retention of the current system. We lived with the first in-first out for 13 years. We have lived with this. Most of our cases - we have never had a case of the high profile that you are describing in virtually twenty years of history. We have had cases like this on a local level where there has been referendum-type questions. They come all the time.

All I can tell you is that this fall's election, we had two requests by -- involving candidates for election in November. One was for information about a Republican candidate. And one was a request by a Republican candidate about his opponent. Both of them were given expedited hearings for the same reason. If the information was not made available, if it was going to be made available, by the day of the election, it lost all of its value and that we were able to put it into time slots that were opened and could be handled in that matter.

I am not in the position to second guess -- to defend either my decision, administratively, or the Commission's decision, collectively to expedite those cases. I certainly recognize the issue that you are presenting to me as a legitimate one and one that requires some evaluation. You give and you get. If we don't allow expedited hearings, people who need the information by a certain time and if we have a six month backlog or a ten month backlog, depending on any amount of cases that we have, they just lose.

On the other hand, if you give us the ability to make subjective decisions about expediting it, we are always subject to being second guessed and criticized for political or judgmental reasons.

That certainly is your prerogative and as I said, we were initially -- did not want to give up the creditability we would have by not putting ourselves in the situation where we had to make a judgment as to do it. And we grant a lot of expedited requests. Percentage wise, small, numerically, quite high.

SEN. SMITH: I want to let you know that there are a number of us that it looked to us that a system is being manipulated and therefore the system should be changed. And some of us are looking very seriously -- I don't see anything wrong with four or five commissioners being required before you can expedite, particularly in the context of what I saw this past fall.

There is not a question there. It is just a statement, a perception of an outside observer.

MITCHELL PEARLMAN: Yes. There is also one other problem, as I mentioned earlier, and that is if you are going to have an initial decision that is going to take two to three weeks to make because of the Commission's meeting structure, then you don't have an expedited hearing procedure at all.

SEN. SMITH: Then maybe of course, you have to pay if we are going to make sure that your Commission doesn't get tarnished with the kind of events that we saw last fall.

MITCHELL PEARLMAN: I certainly would prefer, as a practical matter, not as a philosophical matter, not to have any expedited hearing procedure than to have one that just doesn't work because nobody can get to use it.

SEN. SMITH: Thank you. Are there any other questions from the committee? Thank you, Mr. Pearlman.

MITCHELL PEARLMAN: Thank you very much.

SEN. SMITH: Next is David White to be followed by the Secretary of the State.

DAVID WHITE: Good afternoon. I am here to speak on behalf of SB201 and SB362, AN ACT DESIGNATING PRUDENCE CRANDALL, THE STATE HEROINE OR THE STATE FEMALE HERO.

My name is David White and I am the Museum Director for the Connecticut Historical Commission which oversees the Prudence Crandall Museum in Canterbury, Connecticut.

While the bills recognizing Prudence Crandall do not represent an initiative by the Connecticut Historical Commission, the agency is excited by the possibility that she will be recognized for her heroic actions in the 1830's.

The house where she conducted her school for young African American women has been a museum for more than ten years and is recognized by the federal government as a national landmark. This designation has been made because of the school that Prudence Crandall conducted in the house and the impact the school has had on American history.

This impact includes a role in the United States Supreme Court desegregation decision in the 1954 Brown versus Board of Education. It seems appropriate that the person who is responsible for turning this fine house into a state and national treasure should receive official state recognition as well.

I have studied the life of Prudence Crandall for many years and I have always considered her a hero or heroine. There are many other little known or unknown persons in our history who are also my heroes and heroines. As with the college sports polls as to who is number one, a determination of who should be recognized as Connecticut's heroine is not as objective as we historians might like, but I can think of no reason why Prudence Crandall does not deserve this designation and believe that she represents for Connecticut what is right about the state.

Thank you for your time and consideration.

SE. SMITH: Thank you. Are there any questions?  
Representative Jarjura.

REP. JARJURA: Yes. Thank you. Obviously, I concur with all the remarks about Prudence Crandall, but just so we would know who else was in the running for the State heroine or who else should be in the running, in your opinion, for the State Heroine?

DAVID WHITE: I don't know of any other one. As I said,

I have had in my study of history for the past twenty-five years here in Connecticut, many, many heroes and heroines and I would be glad to see many of them recognized, but Prudence Crandall is dear to my heart because twenty years ago or so, I did an enormous amount of research on her and written about her and she stands tall, in my mind, because of that. So I can only come and speak for it and if someone speaks against it, then fine.

REP. JARJURA: Okay. Well just one further question, through you, Mr. Chair. We are having a little debate here. Was Harriett Beecher-Stowe born here in Connecticut? You are a historian, right?

DAVID WHITE: I am a historian, yes and I am not sure.

REP. JARJURA: Okay.

DAVID WHITE: But what a lot what she did is known here in Connecticut. I think that's important.

REP. JARJURA: Okay. Thank you.

SEN. SMITH: I guess, Representative Jarjura, that we can say as with the first America's Cup, there is no second place.

DAVID WHITE: Thank you.

SEN. SMITH: Are there any further questions from the committee? If not, thank you very much.

DAVID WHITE: You are welcome.

SEN. SMITH: Secretary of State Rapoport to be followed by Paul Jacob.

SECRETARY OF STATE RAPOPORT: Thank you for affording me the opportunity to testify here on several bills that are being before the committee.

HB 6687 HB 6731 HB 6663 HB 6608 HB 6291

First, I want to urge the committee's support for SB907, AN ACT CONCERNING PUBLIC OFFICIALS APPEARING IN LOBBYING PAID FOR BY LOBBYING ORGANIZATIONS.

This addition to our State's ethic laws for public officials is an important step in maintaining

public trust in our elected officials and the process of government in Connecticut.

Citizens are rightly concerned about the influence of money and politics, whether that be in campaign finance area or in the area like this. A recent poll by Quinnipiac College Polling Institute, indicated that 76% of all Connecticut residents believe that politicians become obligated to those who have given them campaign money.

While this perception is relevant to campaign financing, it is equally relevant to this issue here as well.

I am concerned about the appearance of the potential impact of any organization that lobbies for a specific agenda, providing without any limit whatsoever, large scale funding to an elected official to pursue his or her legislative agenda. There is no question that public officials can and should promote their agenda. Lobbying organizations, whether they represent business, labor or any other organization, ought to be able to promote their agenda as well.

But I think that there is a problem with lobbying organizations paying for lobbying related advertising featuring public officials in our state.

While it is important that this prohibition not be so restrictive as to inhibit a public officials' right or ability to engage in a public debate, I do think that this bill is narrowly drafted and it addresses legitimate concerns about extending the provision of those funds to advertising paid for by a private lobbying concern.

We recognize, in our campaign finance laws, that organizations or individuals that have a stake in legislative matters will be involved in the political process. We have set up a very large scale campaign financing structure with limitations, prohibition, prohibitions against lobbying, lobbyists contributing to legislators during the legislative session, a very elaborate

structure that seeks to put some limitations on it. And what we discovered with the Connecticut Business and Industry Association, paying for Governor Rowland's commercials, that there was no limit. In this case, \$60,000 or twelve times what that organization could have contributed to a gubernatorial election campaign was provided for that commercial.

As I have made clear to the committee before, I don't think that anything that was done was illegal, but I do think that there is a perception among the public that those who can pay for whether it is large scale campaign contributions or in this case, lobbying campaigns, advertising campaigns get in an excessive amount of influence, I think we ought to deal with that both perception, and frankly, deal with that reality.

I would urge the committee to provide the General Assembly an opportunity to consider this legislation. I think it is narrowly and properly drafted and would be a very good addition to our State's ethics laws.

On a couple of other matters, I would also ask the committee to favorably consider HB6687, AN ACT CONCERNING COMMISSIONERS OF DEEDS AND NOTARY PUBLICS, brought to you by my office. This is a small correction in our current notary system which would allow out-of-state notaries to practice in Connecticut. It would be a revenue producing item for the State as to the tune of about \$6,000 by eliminating the position of Commissioner of Deeds and allowing out-of-state notaries to practice in Connecticut.

I would like to express my support, contrary to what Mitch Pearlman said recently, just now, to HB6731, AN ACT PROTECTING THE CONFIDENTIALITY OF ADDRESSES OF CERTAIN VOTERS. What this bill does is to create a system, an accessible, known system for those people who need the protection of addresses so that their addresses will not be listed in the voter list. I think much more likely than the situation that was being described earlier, where someone would call up a Registrar

and say I want to know Jane Smith's address, is a person who is looking for Jane Smith's address would simply go to their town hall and get a copy of the voter list and pursue through to find where Jane Smith lived and as of now, there is no structure to do that and the only alternative that Jane Smith now has, if they don't want -- either because she is being stalked or because she is an undercover agent, is simply not to register and not to vote. I don't believe that because someone is being stalked that that is a reason for them to give up their right to vote in order to protect their address.

I think what we have done in response to the Committee's request is to put together a structure that I think is reasonable and workable, does not unnecessarily widen our FOI limitation. So I would urge support of that bill.

HB6663, is a simple bill that adds the appointment to the Secretary of the State to the State Employee's Campaign Committee. I have been interested and I was when I was a member of this committee, in the State Employee Charitable Campaign. Many, many of the issues that come up before that campaign committee deal with non-profit corporations that are registered in Connecticut so the Secretary of the State's office has a real role to play, I think, in that committee and it would be very helpful to me for my office to be represented on that committee.

On HB6608, David Gay, if I may has very brief -- who is the Director of the State Board of Accountancy, will provide you with a little bit of additional information on that bill, but I would simply state my support for it. It sets funds for the State Board of Accountancy which is a money making account for the State and I think this would allow us to do the kind of work that the Board of Accountancy needs to do properly.

Finally, I would just add my support to HB6291, AN ACT ESTABLISHING A BLUE RIBBON TASK FORCE ON LEGISLATIVE REDISTRICTING. Having participated in the redistricting process several year ago, it was

very clear to me that this is an area that needs some changes and some review. This is a timely bill to look at the public hearing process, the various inputting and the composition of the redistricting committee itself. So I would definitely support that bill.

Thank you for your time and attention and Representative Merrill, if I may, just for a moment, pass to David Gay from my office for another quick comment on the State Board of Accountancy bill. Would that be okay? And then I am available to answer questions if there are any.

DAVID GAY: Ladies and gentlemen of the committee. As the Secretary stated, my name is David Gay. I am the Executive Director of the Connecticut Board of Accountancy. I would like to speak today in support of HB6608, AN ACT CONCERNING FUNDING OF THE STATE BOARD OF ACCOUNTANCY.

Quite simply, I believe this bill reinvents government, to use a very over used phrase. At least it reinvents the part known as the State Board of Accountancy.

Regulation of the accountancy profession is not in general an exciting topic, but I hope the Board's role, its place and its importance in Connecticut's economy is not misunderstood because it isn't an exciting topic. The funding mechanism that is sought in this bill will provide the flexibility required for the Board's three people staff to carry out its statutory role. That is the ability to handle the larger complaint cases, without totally depleting the Board's budget as well as the resources to lessen the regulatory burden placed upon the accountants that the Board regulates.

I respectfully ask for your support of this bill and I thank you very much for your time.

REP. MERRILL: Thank you very much. Questions from the committee for the Secretary. Representative Beals.

REP. BEALS: Thank you, Madam Chairman. You have mentioned that you support the HB6731. I wondered

how you felt about HB6290 which would exempt names and addresses because there seemed to be a question of whether you should exempt just addresses or also names from FOI as hazardous duty state employees.

SECRETARY OF STATE RAPOPORT: Representative Beals, I guess I haven't thought through thoroughly enough that other piece of legislation. Looking very narrowly from my point of view of trying to administer a state election list, I thought that the proposal that we have come up with of allowing people's names to appear at the bottom of the voting district where they would appear is the reasonable way on the one hand of allowing election officials to have a voting list that they can use without too much difficulty. And on the other hand, protecting the address.

Now if a person really didn't want even their name, even the knowledge that they were being in that town or in that area known, that could be a second step and we would review that. But I am not sure if I would go that far, but I would certainly think that the address confidentiality is reasonable.

REP. BEALS: Thank you.

REP. MERRILL: Any other questions from the committee? No. Okay. Thank you.

SECRETARY OF STATE RAPOPORT: Thank you very much.

REP. MERRILL: Paul Jacob to be followed to be followed by Michael Lawlor.

PAUL JACOB: Ladies and gentlemen of the committee, thank you giving me the time. My name is Paul Jacob. I am the Executive Director of U.S. Term Limits. We are --

REP. BYSIEWICZ: Excuse us. I am sorry. You signed up on the legislator and agency head sheet. And sorry about that. We are going to move you over to the public portion. Okay? And you can see the clerk to sign up.

Representative Mike Caron. Representative Mike

Number twenty-three, I agree with Mr. Lorenzini from Common Cause and if you do establish a task force, I would be very interested in serving on that. I support twenty-four. Amend twenty-five. Support twenty-six. And in general, I would just like to say. I have spoken before a lot of different committees and I have really appreciated the openness and the good questioning and the respectfulness that you have had here today and I would like to thank you very much.

REP. BYSIEWICZ: Any questions? If not, (INAUDIBLE - MICROPHONE NOT ON)

The next is Dennis O'Neill to be followed by (INAUDIBLE - MICROPHONE NOT ON)

DENNIS O'NEILL: Good afternoon, Madam Chairman, members of the Committee. My name is Dennis O'Neill. I am the lobbyist for the American Federation of State County and Municipal Employees here in Connecticut, Council 4. We represent sixteen, approximately 16,000 state employees and approximately 16,000 municipal employees across the breadth of the state. HB 6290

I came specifically to testify on two bills very briefly. HB6760 and HB6762. HB6760, AN ACT REQUIRING ALL STATE AGENCIES TO ADOPT HIGH PERFORMANCE WORK STANDARDS and HB6762, AN ACT ESTABLISHING PERFORMANCE BASED BUDGETING FOR STATE AGENCIES.

We support more "bang for the buck". We support better government and better bureaucracy. I was up meeting with Judith Lohman earlier this afternoon and while I was waiting for her and this is going to be the entire sum of my testimony, I guess. While meeting with -- waiting for her, I opened the Governing Magazine and on right on the very front of it, was an advertisement in governing from my union, the international and how our people in Portland, Maine were able to work together with the employer to build a baseball park that couldn't be built by the private sector in a way that was possible to get it done. AFSCME works together with the Town of Portland. Saved a million -- came

in a million dollars under budget and did it in seven months.

In addition to that, we set up a new purchasing program in the City of Portland that resulted in a cut in purchase orders from 40,000 to 1,000 on one year. If you are going to move ahead with HB6760 and HB6762, and we have no problem with that, we believe very strongly that you need to bring front line workers into the process from the day you begin it.

As was said to me earlier, if we are not on the play when it takes off, we can't be on it when it lands. So we hope that you will very much consider that and I am going to leave this with your clerk and if anybody is interested in how our union was able to work with the employer of the City of Portland to do these kinds of things, I would be delighted to work with you on that.

Briefly, I was not planning on testifying on HB6290 as AFSCME already had when this bill came up in a public hearing previously. But I do need to take some exception to what Commissioner Pearlman had to say. You brought up some of those things, but I want to just briefly that Mitchell Pearlman said he did not agree with keeping secret, if you will, the names of hazardous duty employees and he drew a parallel between doing something like that in South Africa. And I kind of resent that. We don't live in a police state here and I don't anticipate that we are moving toward moving into a police state in order to protect my members.

You should know and this was brought up and you need to know this again. An indigent convict just let out of prison asked and was given at taxpayer cost a list of every single correction officer in the State of Connecticut by name. Now you know, you have all run political campaigns. You know that all I have to do is walk into town hall and the name of that voter if he is registered, if he or she is registered to vote, appears under the name of their street.

REP. BYSIEWICZ: Dennis, did they get -- did the

indigent person also request the address? Did the addresses come with the names?

DENNIS O'NEILL: The addresses did not. As Mr. Pearlman pointed out and I want to touch on that briefly and then I will just -- that there is a body of case law or what he said, case decision, that seems to prohibit the release of those addresses of correction officers of state cops, of local police, I should imagine. But what he did say is that the actual language says that nothing shall require, which is if you flip that point over, says nothing shall prohibit. He was asked what happens if that indigent or not indigent ex-con requests from the Commissioner of Corrections a list of every corrections officer in Connecticut and his or her address or a specific one in his or her address. There is nothing to prohibit the Commissioner from giving that out.

He did say and then Mr. Pearlman went on to say, that however the Commissioner or whomever let out that information would be responsible for what they did. But since there is no language statutorily or otherwise prohibiting the commissioner from doing that, he is responsible for what? To whom? Can one bring a lawsuit against someone for doing something for which he is not prohibited, for which there is no law stopping him from doing it?

I am not certain. Some of you are attorneys. I am not. But it seems to me that if you don't prohibit me from doing something and I do it, I haven't broken any laws and I am not in any way, responsible for the outcome of what should happen.

REP. BYSIEWICZ: Dennis, as I asked Mr. Pearlman when he was in your seat whether he could support just a bill which would exempt the addresses from disclosure. Would you have a problem with that? What is the problem with the disclosure of the name without an address?

DENNIS O'NEILL: I think that I spoke to that earlier when I said that if I have the name of Joe Doe, Corrections Officer, and I march into Farmington Town Hall, I look under Acorn Street, 7 Acorn

Street, there is John Doe. Now, if --

REP. BYSIEWICZ: But you have to know that he lived in Farmington.

DENNIS O'NEILL: Yeah, but if I have a list of 800 corrections officers of 4,500 corrections officers and by the way, that list was distributed to every gang in the State of Connecticut. If I have that list and I am a well organized, well healed gang, I can have my members out in every town in the State of Connecticut boring over real estate records, tax records, voting records, motor vehicle records. The people who have to register for gun ownership. My members do that. They are at risk. Two of my members this past September were in a barber shop. Two corrections officers were in a barber shop in Hartford getting their hair cut when a recently released ex-con recognized them. Within ten minutes the place was surrounded. They were pulled out and beaten. One of them is still in the hospital.

So we a have a great -- that is why my members carry guns. And to allow their addresses -- if we could grant across the board to corrections officers the same situation that other public safety types have, which is at across the board when they register their car, when they register their gun, when they register to vote, they can use their employment address or a P.O. Box or something that doesn't have their home address on it and at this current time, that is not the case.

REP. BYSIEWICZ: Then you would be satisfied if we could treat them as we treat judges, for instance?

DENNIS O'NEILL: I think I would be satisfied. I wouldn't sit here and speak for AFSCME Council 4 definitively, but it sounds to me that if I bring this back to the people who sign my paycheck and to our corrections officers themselves who are more important in fact than the people who sign my paycheck relative to this --

REP. BYSIEWICZ: We may be able to reach a position that (INAUDIBLE) objections and yours --

DENNIS O'NEILL: I think that we could probably work something out and I intend to speak to Mr. Pearlman tomorrow.

REP. BYSIEWICZ: Okay. So perhaps we should work up something where we give the corrections officers the same sort of status that we give to judges.

DENNIS O'NEILL: Yes. I think that would be wonderful. I would like, if you would indulge me for less than one minute, point out that it is not only relative to term limits, not only the senior Senator from Massachusetts, who prompts the desire to have term limits in this nation. Thank you. Are there any questions?

REP. BYSIEWICZ: Representative Powers.

REP. POWERS: Yes. I would just like to say and this may surprise you, I support you 100% on this one. Unusual. Unusual. I know.

DENNIS O'NEILL: It is nice to be on the same side, Representative Powers.

REP. POWERS: Well once in a while. I just see it as a fairness issue. You are asking these people to put their lives on the line, literally.

DENNIS O'NEILL: Yes.

REP. POWERS: That we should offer them special protection and I just see it as a fairly simple transition.

DENNIS O'NEILL: I also think that this will include State Police. I do not believe that State Police are protected either in terms of their addresses be given -- in terms of FOI protecting their addresses and names. So I think, yes. Thank you for your support and we can work it out.

REP. BYSIEWICZ: Thank you.

DENNIS O'NEILL: Thank you very much for hearing me.

REP. BYSIEWICZ: Okay. We have Sidney Garvais to be