

**PA13-196**

HB6403

General Law	979, 984-986, 993-995, 1001-1008, 1014, 1087- 1088, 1090-1091, 1146, 1148-1149, 1152-1158	30
House	4784-4788	5
Senate	4957-4966, 5043-5044	12
		<b>47</b>

**H – 1163**

**CONNECTICUT  
GENERAL ASSEMBLY  
HOUSE**

**PROCEEDINGS  
2013**

**VOL.56  
PART 14  
4512 – 4855**

This fine young gentlemen who sits here to my right took the big plunge this weekend and decided to get married. This is why he's a little bit tardy to session today, but I would like the Chamber to please stand, congratulate Representative McGee on his new marriage and give him the welcome.

DEPUTY SPEAKER MILLER:

Congratulations, sir.

Will the Clerk please call Calendar Number 182.

THE CLERK:

On page six, Calendar 182, Favorable Report of the Joint Standing Committee on General Law, Substitute House Bill 6403, AN ACT MAKING MINOR AND TECHNICAL CHANGES TO DEPARTMENT OF CONSUMER PROTECTION STATUTES.

DEPUTY SPEAKER MILLER:

Representative Baram.

REP. BARAM (15th):

Good afternoon, Madam Speaker.

I move for acceptance of the Joint Committee's Favorable Report and passage of the bill.

DEPUTY SPEAKER MILLER:

The question before the Chamber is acceptance of the Joint Committee's Favorable Report and passage of the bill.

Representative Baram you have the floor, sir.

REP. BARAM (15th):

Thank you, Madam Speaker.

This bill makes various unrelated changes to the Department of Consumer Protection statutes. In brief, some of those changes include allowing posting regulations and rosters online instead of by written publication, allowing permit and license applicants to appeal to the Board of Jurisdiction for reinstatement of lapsed licenses, to extend consumer protections to buying clubs, to impose penalties on home improvement contractors who offer services without registration, to allow a longer cancellation period for social referral contracts like dating services. The bill also makes a number of other minor and technical changes. The effective date for all these changes is upon passage. There was a small positive fiscal note of \$1,900. This passed the General Law Committee unanimously and I move its passage.

DEPUTY SPEAKER MILLER:

Will you remark further on the bill? Will you remark further on the bill?

Representative Carter of the 2nd.

REP. CARTER (2nd):

Thank you and good afternoon, Madam Speaker.

DEPUTY SPEAKER MILLER:

Good afternoon, sir.

REP. CARTER (2nd):

As my good colleague recommended, this is the technical bill for the Department. It did pass through the General Law Committee with unanimous consent. There are some -- a few things of note in this bill that I think are good to notice. One in particular is the ability to extend to applicants of licenses the ability to renew which is actually going to help some of the small businesses in the state. There are other things in this bill, it actually extends the amount of time available to charities when they do their reports at the end of the year from 5 to 11 months. So I think all in all it make some good technical changes, and I would urge passage of the bill. Thank you.

DEPUTY SPEAKER MILLER:

Will you remark further on the bill? Will you remark further on the bill?

If not, will staff and guests please come to the well of the House, will the members please take your seats, the machine will be open.

THE CLERK:

The House of Representatives if voting by roll.

The House of Representatives is voting by roll. Will members please return to the Chamber immediately.

DEPUTY SPEAKER MILLER:

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

DEPUTY SPEAKER MILLER:

Will the Clerk please announce the tally.

THE CLERK:

House Bill 6403.

Total number voting 140

Necessary for passage 71

Those voting Yea 140

Those voting Nay 0

Those absent and not voting 10

DEPUTY SPEAKER MILLER:

The bill passes.

Will the Clerk please call Calendar number 547.

THE CLERK:

On page 28, Calendar 547, Favorable Report of the Joint Standing Committee on the Environment, Substitute Senate Bill 564, AN ACT CONCERNING MERCURY EMISSIONS TESTING AT CERTAIN POWER PLANTS.

DEPUTY SPEAKER MILLER:

Representative Gentile.

REP. GENTILE (105th):

Good afternoon, Madam Speaker.

DEPUTY SPEAKER MILLER:

Good afternoon.

REP. GENTILE (105th):

Madam Speaker, I move for acceptance of the Joint Committee's Report -- Favorable Report, and passage of the bill.

DEPUTY SPEAKER MILLER:

The question before the Chamber is on acceptance of the Joint Committee's Favorable Report and passage of the bill.

Representative Gentile, you have the floor, madam.

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**CONNECTICUT  
GENERAL ASSEMBLY  
SENATE**

**PROCEEDINGS  
2013**

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SENATOR DOYLE:

Yes. Madam President, if there's no objection, I refer this bill to the consent calendar.

THE CHAIR:

Seeing no objection, so ordered, sir.

Mr. Clerk?

THE CLERK:

On page 12, Calendar Number 634, Substitute for House Bill Number 6403, AN ACT MAKING MINOR AND TECHNICAL CHANGES THE DEPARTMENT OF CONSUMER PROTECTION STATUTES, favorable report from the Committee on General Law.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Yes. Thank you, Madam President.

I move acceptance of the joint committee's favorable report in passage of the bill in concurrence with the House.

THE CHAIR:

The motion is on acceptance and passage in concurrence.

Will you remark, sir?

SENATOR DOYLE:

Yes. Thank you, Madam President.

What you have before us is the General Law Committee unanimously approved -- this is the tech revisors bill from the Department of Consumer Protection. A similar version of this bill was around last year and didn't

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make it through the process. What it is, is these are recommended kind of cleanup corrections by the department and the department is eager for us to get this passed.

It does a number of things. It modernizes the obligations of the department. Rather than just posting regulations, they can put them on the Internet. It does a number of minor things in terms of providing additional consumer protections for people dealing with buying clubs. It also makes condominium associations as an entity eligible for home-improvement guarantee fund payouts and it also ensures that home-improvement contractor penalties can be imposed on a person that offers fraudulent work. So all and all it's a good bill and I urge the chamber to approve this bill.

Thank you Mr. President.

Senator Duff in the Chair.

THE CHAIR:

Thank you, Senator.

Senator Witkos.

SENATOR WITKOS:

Thank you, Mr. President.

I also rise in support of the bill. It is the Department of Consumer Protection's technical bill. As a good chair said, it makes a few minor technical changes, but that's it. And I urge the chamber's adoption.

Thank you.

THE CHAIR:

Thank you.

Senator Kane.

SENATOR KANE:

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Thank you, Mr. President.

I rise for a question to the proponent of the bill.

THE CHAIR:

Please proceed.

SENATOR KANE:

Thank you, Madam President.

Section 7 and 8 refers to the gaming statutes and talks about the bill eliminates the requirement of DCP to submit to the state treasurer before the 10thtenth of the month gaming money in possession and a monthly report on gaming receipts. Then it goes on to say that it's available online. Is that something that -- I guess, what are the reasons for the change?

Through you, Mr. President.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Through you, Mr. President.

Again, this is a kind of a modernization. It's my understanding this is a modernization section or a recommendation. And you know, in the old days they would submit, I think, a hardcopy -- each of the month. They're using the Core Connecticut system, which is my understanding, that's kind of a computer technology.

I think, Senator, you're more familiar with computers than I am, but I think this is a computer system that the State uses and its kind of a communication between agency. So I think it's a more modern technological ability of the agencies to communicate and get the information there, rather than the old standard which we're, again, eliminating.

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Through you Mr. President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Mr. President.

But we're still going to have this information available through the treasurer -- or to the treasurer. Correct?

Through you, Mr. President.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Through you, Mr. President.

The answer is yes, but again, it's done a more technological way.

Through you, Mr. President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Mr. President.

I appreciate the answer.

THE CHAIR:

Will you remark further on the bill?

Senator Welch.

SENATOR WELCH:

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Thank you, Mr. President.

There's a section here that seems to be a little bit more than technical and I just have a few questions with respect to that section. If I may, through you, Mr. President, and that is section 13 which has to do with buying clubs.

THE CHAIR:

Please proceed.

SENATOR WELCH:

Thank you. Thank you, Mr. President.

So as I understand this legislation, currently buying clubs are clubs that are required to abide by DCP regulations, but prior to this I guess there was either an understanding, or it was the interpretation of the statutes that buying clubs really only dealt with the purchase of consumer goods and now we're changing that from goods to services. And I guess my first question through you, Mr. President, is what do we mean by buying clubs that provide services?

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Through you, Mr. President.

What it is, is apparently these buying clubs are initially -- they are kind of as an evolution of clubs, where they originally were more your kind of club supermarket. Now they are providing additional services such as selling leisure and I think vacations and things like that.

So really, they're definitely a normal supermarket, of course, because you have to be a member, but they now are expanding what they offer. So this is trying to cover and protect the consumer for services similar to, like, leisure and vacation items.

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Through you, Mr. President.

THE CHAIR:

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President.

Through you, was there a particular instance that, I guess, necessitated this change?

Through you Mr. President.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Through you Mr. President.

To be honest, I don't know the answer to that.

Through you Mr. President.

THE CHAIR:

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President.

And that's fair. Just so I'm clear, we're not really talking about new clubs or different clubs, but let's just say there's a -- we're talking about a club like, I guess, Costco might be a club. And you could walk into a Costco and you could buy all sorts of goods.

And there would be certain requirements on Costco with respect to the sale of those goods, but it sounds like prior to the statute you can go into Costco and purchase a service, like a vacation I guess. But the same requirements didn't imply, and so what this statute is intending to do is to make sure that,

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whether you're selling goods or whether you're selling services, as long as you're a club, and by that I mean, you're charged more than \$200 I believe, then you're going to be subject to DCP's regulations. Is that a fair understanding of the statute?

Through you, Mr. President.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Yes. Through you, Mr. President.

Yes, it is. So we're not changing the identity or the definition or the requirements of the clubs. We're just -- we're kind of modernizing it again, saying that they have evolved into providing further services for consumers. That being the case, we're trying to provide further -- define them as selling services and then providing further consumer protections for consumers and the customers of these clubs.

Through you, Mr. President.

THE CHAIR:

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President.

Thank you, Senator Doyle. I guess my final question and in this vein is this. Do we anticipate that there are any other organizations or institutions or companies or clubs that we will now be capturing that we weren't previously capturing under our statutes, if that's a fair question? And let me state it another way. Maybe through you, Mr. President, are there any clubs out there that just sell services only that you might be aware of?

Through you, Mr. President.

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THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Through you, Mr. President.

I do not think there are any clubs. I mean, to the best of my knowledge I don't think there's any clubs exclusively selling services. And I do not think this is geared at attracting new businesses. It's more -- again, we're trying -- this bill is geared to be more technical in nature, really extending the protection for services as we stated, but it's really not intended to create new people coming in. It's really they are now marketing travel services for their members.

Through you, Mr. President.

THE CHAIR:

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President.

Thank you to Senator Doyle. I think that that causes me to qualify my earlier statement that this might not be technical. It sounds like it really is more technical than I initially appreciated.

I also notice, Mr. President, that in Section 24 we are making changes to social referral service contracts. If I might inquire of you, through you, Mr. President, as to what is a social service contract.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Through you, Mr. President.

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The social service is commonly known as a dating service.

Through you, Mr. President.

THE CHAIR:

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President.

Those are all the questions I have.

THE CHAIR:

Senator Boucher.

SENATOR BOUCHER:

Thank you, Mr. President.

Mr. President, I rise just for a question, if I could, through you, Mr. President?

THE CHAIR:

Please proceed.

SENATOR BOUCHER:

Mr. President, could I ask the good Senator if there was testimony in opposition or any really remarks from these large membership stores here in our state?

Through you, Mr. President.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Through you, Madam President, there was no testimony on that provision.

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Through you, Mr. President.

THE CHAIR:

Senator Doyle -- Senator Boucher.

SENATOR DOYLE:

I apologies.

SENATOR BOUCHER:

Thank you very much, Mr. President.

And I thank him for the answer.

THE CHAIR:

Thank you, Senator.

Will you remark further on the bill? Will you remark further on the bill?

If not, Senator Doyle?

SENATOR DOYLE:

If there's no objection, I refer this to the consent calendar.

THE CHAIR:

Seeing and hearing no objection, so ordered.

Mr. Clerk?

THE CLERK:

On page 12, Calendar 636, House Bill Number 6394, AN ACT CONCERNING THE INDEMNIFICATION OF UNIVERSITY POLICE, favorable report of the Committee on Higher Education and Employment Advancement.

THE CHAIR:

Senator Bye.

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Page 3, Calendar 422, Senate Bill 978; on page 4, Calendar 475, Senate Bill 1052; on page 8, Calendar 567, House Bill 6387; Calendar 568, House Bill 6445; and Calendar 580, House Bill 6623.

On page 9, Calendar 583, House Bill 5149; and Calendar 590, House Bill 6680; page 10, Calendar 607, House Bill 6688; and calendar 608, House Bill 6384.

Page 11, Calendar 612, House Bill 6448; and Calendar 621, House Bill 6488. On page 12, Calendar 634, House Bill 6403; and Calendar 636, House Bill 6394; page 13, Calendar 645, House Bill 6454; and page 14, Calendar 652, House Bill 6702.

On page 16, Calendar 674, House Bill 6441; page 17, Calendar 677, House Bill 6644; on page 18, Calendar 685, House Bill 6009; and on page 23, Calendar 380 Senate Bill 1054; page 24, Calendar 452, Senate Bill 1142; and Calendar 566, House Bill 6375.

Page 25, Calendar 646, House Bill 5844; and on page 26, Calendar 304, Senate Bill 1019.

THE CHAIR:

At this time, Mr. Clerk, will you call for a roll call vote on a first consent calendar?

The machine will be open.

THE CLERK:

Immediate roll call has been ordered in the Senate. Senators, please return to the chamber. Immediate roll call on the first consent calendar has been ordered in the Senate.

THE CHAIR:

If all members have voted? All members have voted. The machine will be closed.

Mr. Clerk, will you please call the tally?

THE CLERK:

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The first consent calendar.

Total Number Voting	35
Necessary for Adoption	18
Those voting Yea	35
Those voting Nay	0
Those absent and not voting	1

THE CHAIR:

The consent calendar passes.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, would move for immediate transmittal to the House of Representatives of all items acted on thus far today requiring additional action in that chamber.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Madam President.

Also, Madam President, on an item previously placed on the foot of the Calendar, would now seek to remove that item and just mark it PR, and that is an item calendar page 16, Calendar 672, House Bill 5480, AN ACT PROHIBITING TAMPERING WITH HYDRANTS. Would just move to remove that item from the foot and to mark it PR.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Madam President.

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**GENERAL  
LAW  
PART 4  
892 - 1204**

**2013**

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cah/gbr GENERAL LAW COMMITTEE

March 5, 2013  
6:00 P.M.

I'm more familiar with than the majesty of the Legislative Office Building so I'm actually happy to be here tonight in an auditorium.

REP. BARAM: Commissioner, could you just check to make sure that's working?

COMMISSIONER WILLIAM M. RUBENSTEIN: Hello, hello, I don't know which mic I'm supposed to talk into.

REP. BARAM: I -- I think the larger one might be the better one to speak into.

COMMISSIONER WILLIAM M. RUBENSTEIN: Does that work better?

A VOICE: Yup.

COMMISSIONER WILLIAM M. RUBENSTEIN: Okay, great.

Senator Doyle, Representative Baram, Senator Witkos, Representative Carter and distinguished members of the General Law Committee, I'm Bill Rubenstein the Commissioner of Consumer Protection. I'm here tonight to testify on four bills that are currently on your agenda.

The first three bills on which I'm going to speak are -- are bills that were introduced by my Department and I want to really thank the Committee for raising those bills for consideration be -- before the -- the Committee and providing me this opportunity to speak in support of -- of the Department of Consumer Protection proposals.

HB6406 HB6403  
SB879

The fourth bill which I will testify on is one that I believe was introduced by the Attorney General and I'm pleased to support that.

So the first bill I want to speak about tonight is House Bill 6443, AN ACT CONCERNING

And fifth and finally under the present law there is no requirement that prescribers utilize the program. What we're proposing in this -- in -- in this portion of the bill is to make sure that anybody who has a controlled substance registration that is able to prescribe controlled substances at least registers with the program so they have that tool available to them if they need it.

It's an important tool. It's a valuable tool and we think by -- by having physicians register into the program they'll understand the program better. They'll -- they'll understand what it can do for them and -- and they'll have the opportunity to -- to make use of it in their practice as -- as they see fit.

And finally on -- on the Department's bills, Bill 6403 is a very lengthy bill but it's made up of a series of minor and technical changes to a variety of our statutes. I've submitted written testimony outlining each section of the statute. I don't want to take up everybody's time going through each little minor and technical change.

The first several sections of it deal with ways of -- of streamlining the paperwork allowing us to post certain reports online on the web instead of publishing the paper form. There are some changes with regard to several reports that we are required to provide under the gaming division -- all gaming division statutes which provide reports to the State Treasury who the State Treasurer tells us they don't need those reports so it relieves us of the burden of having to provide those reports.

There are some technical corrections to the real estate broke and real estate sales -- a person's license as -- as well as the Elevator

Board. These are all technical compliance changes which really mirror what is current practice.

We made some substantive but minor changes. For example we've included in the new -- in -- in the statutes pertaining to buying clubs that it doesn't just pertain to buying clubs for goods and commodities but it also applies to buying -- buying clubs that involve services. One of the areas which we've seen lately are things like travel clubs which operate exactly like buying clubs and -- and because of -- of the limitation of buying club statute to commodities we're not able to apply the consumer protections to -- to those buying clubs or services.

We've made some changes to the home improvement contractor statute. One of things we want to do is make it clear that the statute pertains for unregistered people that prohibits them not only from contracting with consumers but offering to make contracts with consumers and that will enhance our -- our enforcement capability so that what we can do is -- is move more people into compliance.

There are some changes with regard to some -- some structures that allow us for example to -- to charge a -- an actual cost for bounced checks rather than the statutory limitation which doesn't cover the cost that banks charge us for bounced checks. We're just trying to straighten -- have that statute keep up with modern practice.

And -- let's see what else I should highlight for you. Some changes to the drug control division regulation where we -- we currently require registration of -- of drug wholesalers and -- and there's a clarification needed to --

to assure that drug wholesalers have to register each -- each separate facility from which they dispense drugs.

I -- you know I -- you know as -- as you've read through the technical and -- and minor bill if -- if I've failed to address a particular thing, I'm sure you can ask me about it and the testimony itself -- the written form of the testimony goes into it in a little more detail.

And the final bill that I'd like to testify on is -- is AN ACT CONCERNING THE CONFIDENTIALITY OF INFORMATION OBTAINED BY THE ATTORNEY GENERAL DURING THE COURSE OF ANTITRUST INVESTIGATIONS. I've submitted written testimony on that bill. We fully support the bill.

SB879

We think it's a -- a really good improvement that balances extremely well the investigatory needs of the Attorney General while preserving the confidentiality concerns of -- of the Attorney General -- of -- of respondents to the Attorney General's investigations.

It's an area that as the Commissioner of Consumer Protection I'm very interested in since we have overlapping authority in the antitrust area with the Attorney General and it's also because I have spent my entire career in -- enforcing or -- or responding to government investigations on the antitrust side.

I know the area very well. I spent 15 years as a government enforcers both as a -- at the federal level and the state level and I spent 15 years in private practice helping respondents respond to governmental investigations to antitrust and -- and the bill that's currently before you and proposed by the

this measure is it creates a -- a -- both a -- an upfront warning system to those who -- before they get into -- in -- into the contract but it also allows campaigns by lots of organizations who are interested in immigration support services to -- to publicize a know your rights campaign built around the prohibition of the statute.

So -- so you know we think -- we don't -- we don't have the numbers in terms of percentages that you ask but we think it will have a significant effect.

SENATOR WITKOS: Okay and my last question is on the technical change. It has to do with the home improvement contractor. It -- it seems like we're really opening up a -- a wide net if we're looking to include the solicitation of work as a tool of enforcement and the word cash.

HB 6403

I -- I just think of -- you know I look at my weekly paper and I look through the -- the ad section that says you know we'll clean out a -- you know one truck load for \$200 and haul away.

Would those types of activities be precluded under this new --

COMMISSIONER WILLIAM M. RUBENSTEIN: That -- that would not be home improvement work so it wouldn't be covered. If it's home improvement work, in order to advertise, we already provide that you're required to be registered and that you -- if you're going to advertise to place the -- your registration number in -- in your advertisement.

SENATOR WITKOS: But say somebody is already -- somebody is a home -- home improvement contractor.

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COMMISSIONER WILLIAM M. RUBENSTEIN: Right.

SENATOR WITKOS: And so business is slow out there so they're trying to look at other ways of -- of making some money and so, you know, they put their name out of their business, they put their number up and they have an advertisement we'll cut down a tree or remove the tree, cash \$1,500. Would that --

COMMISSIONER WILLIAM M. RUBENSTEIN: It doesn't prohibit the solicitation of work. All -- all it says is -- is that -- let -- let me tell you the problem that has generated --

SENATOR WITKOS: Okay.

COMMISSIONER WILLIAM M. RUBENSTEIN: -- what we have here. So every year, for the past several years, the Department has operated a -- a semi-sting operation. So what we've done is take a house that is already owned by the State of Connecticut, the Department of Transportation may have a -- a take in the house through eminent domain waiting for it to be just, you know, torn down for traffic or whatever.

And we're out there trying to find out -- so -- so we then look at Pennysaver, we look at -- at cards up on -- on bulletin boards and we invite people in who are -- who asking -- say -- say they perform home improvement work and ask whether or not they will perform the work.

And if they offer to perform the work, we tell them look you need to be licensed, you need to be registered. What we want you to do is be compliant with the law, here's the law, okay? Here's -- here's how you register. Here's why it's important to register. It provides for protection to -- to consumers and it provides

benefits to you -- as a -- as a registered home improvement contractor.

We often get recidivists, people who come in again and again and haven't taken the -- the hint, the suggestion, the demand that they register as they're required to do. That's bad for registered home improvement contractors. It's bad for consumers.

And so what we want to do is prosecute them either administratively, you know, order a cease and desist order, or if you've admitted it, appropriately so a criminal violation to be out there offering to perform home improvements without registration.

What the statute -- the definition of home improvement says if you enter into a contract, you -- you are violating the statute. And we want to say if you come and offer to do that same contract, we should be able to order you to cease and desist. We shouldn't have to have a consumer enter into a contract and -- and pay money.

We should be able to have a consumer complain to us and say, you know, John this supposed roofer came to my house and offered to do my roof. It turns out he's not registered and I heard from this person down the street that he does lousy -- lousy jobs, how come you're not stopping him from doing it?

I said I'd love to stop him from doing it but you -- you didn't have a contract so he's not in technical violation. So that's what we're trying to get at.

SENATOR WITKOS: Thank you.

Thank you, Mr. Chair.

Another question regarding the -- the House Bill 6443, when you were speaking about the folks who were promised secret citizenship lotteries and of the nature, is there anything right now in federal law or any kind of statute right now where those people can be prosecuted, you know, a lawyer who's promising something like that?

I know you mention that sometimes they will come forward but if somebody does come forward can we prosecute them?

COMMISSIONER WILLIAM M. RUBENSTEIN: Well -- well -- there's -- there's lots of laws already that prevent fraud, that prevent fraud in all sorts of areas. I'm -- I'm sure somewhere in the immigration code there -- there are laws directed at that. They're largely criminal laws. They're -- they're largely looking to -- to stop practices before they happen and none of the laws do what -- what we're proposing to do which is to provide transparency disclosure upfront to consumers and give -- to the immigrants and give them the opportunity to prevent the harm rather than us chase the harm after it happens.

REP. CARTER: Sure. I think it's -- I think it's a laudable concept and I -- I do like it. And a final question. In the technical bill, 6403, there's a section talking about licensing and that in an instance where there's been a lapsed license that you can actually have somebody come back and they can get their license back without taking a test, but in this case it's speaking to the fact that they might have to pay their all back licensing fees.

COMMISSIONER WILLIAM M. RUBENSTEIN: So -- so how -- how -- current law is --

REP. CARTER: Right.

COMMISSIONER WILLIAM M. RUBENSTEIN: -- that if your license lapses and you don't renew it within a year, right -- if -- if you renew it within a year, you have to -- if you renew it within a year, you get to renew it without a test and you pay the last year where -- where you -- you didn't renew it and this current year and you can go along your merry way.

If you miss that year, you have to start the process of applic -- applying all over again and getting licensed all over again. What we find is, particularly in this economy, there are a lot of people missed that deadline by a month, by two months, and they are now prohibited from being able to reinstate their license without going through the entire reapplication process.

We think by expanding that from one year to two years we'll capture virtually all the people who are in that circumstance and -- and do it in a way that -- that doesn't overburden us and doesn't -- doesn't overburden that person who might have missed a deadline now -- now by a year and a month but -- but still within a reasonable period of time.

We think -- we think that's -- we get -- it's an enormous number of requests that we get and -- and we have to every year explain to our constituents, and often to your constituents, why we can't just simply give them their license if they're willing to pay the fee without making them retest.

REP. CARTER: Sure the -- the reason I asked the question is in -- in a separate bill that we've been considering, it -- it related to engineers, professional status of folks who

maybe they've moved to another state and they've been there for a number of years. They come back into the State of Connecticut. Obviously they didn't need to keep up their license when they're in another state and we were looking at those folks and saying okay maybe we can reinstate your license when come here but not charge you ten years worth of licensing.

I look at this and it -- it's kind of has a similar, you know, tune to it that you know we could have somebody who say -- let's say they're a massage therapist and they go and they move to New York and now they're just maintaining their license in New York, they want to come back to Connecticut. Do we really want to stick them with ten years of back licensing fee?

COMMISSIONER WILLIAM M. RUBENSTEIN: Right.

REP. CARTER: My -- my question to you, sir, is there a way that we could maybe work some language in there that would look at those folks too or have you considered that option?

COMMISSIONER WILLIAM M. RUBENSTEIN: There -- there -- the -- the bill that I -- that I think you're thinking about stemmed from what I think was a misinterpretation of our regulations with regard to professional engineers. So the -- the status under the rules for professional engineers have two separate provisions.

One is if you are -- if -- if you had let your license lapsed and you come back within five years --

REP. CARTER: Um-hum.

COMMISSIONER WILLIAM M. RUBENSTEIN: -- you -- you get your license back, just have to pay those five years. If you've been out longer than five years, we don't permit you just to pay your fee. What you have to do is -- is apply all over again and -- and meet the qualifications that exist today, not 20 years ago when you got your license.

So -- so the concern of that bill was that an interpretation of those regs that said if you come back 15 years later and you're willing to reapply, we are still going to make you pay 15 years worth of back.

We -- we think that's a wrong interpretation of our regs and we -- we think that bill is unnecessary as a result. But -- but I -- I think what we're doing here will not let somebody get so far out of hand that they're in this circumstance where they have to pay back but anybody who doesn't apply now within two years will not have to pay any back, they just have to requalify which is similar to what that bill would have made them do.

REP. CARTER: Right I -- I -- I mean I guess I'm just looking at things -- for instance in this economy let's say in medicine, you know, somebody moves away from the state and are practicing out in California. And now we're bringing -- you know making Connecticut the bioscience state as we hope to --

COMMISSIONER WILLIAM M. RUBENSTEIN: Right.

REP. CARTER: -- they're going to be coming back and -- and many of those folks may not have kept up their licensure especially at \$400 a year or 445 or whatever it is now.

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When they come back they're going to be looking at a big nugget to pay. It -- so I just -- I'd like you to think about this as we move forward to make sure that, you know, maybe there's a reasonable time we could put in some of these. I -- I (inaudible) intent.

COMMISSIONER WILLIAM M. RUBENSTEIN: Yeah we -- we don't make pap -- people pay back -- this is actually a benefit that somebody has had their license lapse where they can choose, if they want, to -- to just re -- reinstate by paying the back stuff or saying I'm just going to start all over again and pay this year's and -- and apply for my license. So this actually just gives that person who's let their license lapse a better option for a short period of time just to pay the money to get back into the club so to speak.

REP. CARTER: Listen thank you very much for your time and your testimony.

Thank you, Mr. Chairman.

COMMISSIONER WILLIAM M. RUBENSTEIN: Sure, thank you.

REP. BARAM: Chairman Senator Doyle.

SENATOR DOYLE: Thank you, Mr. Chairman.

Good evening, Commissioner. Thanks again for coming.

COMMISSIONER WILLIAM M. RUBENSTEIN: Sure.

SENATOR DOYLE: A couple quick questions on some of the bills which are probably easier for you. House Bill 6403, the minor technical changes.

COMMISSIONER WILLIAM M. RUBENSTEIN: Yes.

SENATOR DOYLE: You talked to Senator Witkos about that issue about adding -- Section 14, adding the proposed or offered agreements. Would that have to be in writing? It didn't seem clear to me. Any -- to make it applicable would it have to be in writing? It couldn't be just a verbal offer.

COMMISSIONER WILLIAM M. RUBENSTEIN: Well it could -  
- mem -- well -- well all it's doing is saying  
-- currently the statute says you can't perform  
home improvement contracts without a  
registration. And all it is saying is if  
you're offering to perform it, it's the same as  
-- as performing it. We don't want you in the  
consumer's house trying to get them to sign a  
contract that's unlawful, right?

So -- so the contract is already unlawful that  
if you follow through with the consumer and --  
and sign the contract, you give them an  
estimate and you sign the contract, that --  
that's unlawful currently under law and you  
shouldn't be doing it and you shouldn't be  
performing it.

It just makes it difficult for us to -- to stop  
nip in the bud those folks who are out there  
attempting to violate the law and -- and what  
it does is it protects consumers by -- by  
giving them -- us a avenue of enforcement and  
them an avenue of regress if there's -- you  
know when somebody comes to their home who is  
not registered.

You know there's -- there's been a very strong  
decision -- policy decision by the General  
Assembly that home improvement contractors, and  
it's backed up by our complaints, home  
improvement contracting is one of the largest  
area of complaints that -- that we get. It's  
one of the areas which more people in the state

as consumers confront on a daily basis and it's a really important set of protections or laws.

And -- and that's why we have a Guaranty Fund that -- that backs it up. We have all sorts of contractual requirements. We require registration so we know who people are and it defeats the purpose if we can, you know, make it easy for people to -- to put themselves into that system by soliciting contracts that they shouldn't be entering.

SENATOR DOYLE: But -- but if -- if this contractor made a verbal offer and never showed up again would that be -- qualify to this? Because if -- if it's not in writing and he starts doing the work he's clearly violating it but say he made an offer and never showed up again. Under this would he be subject to the (inaudible)?

COMMISSIONER WILLIAM M. RUBENSTEIN: He would -- he would still be -- he would -- he would be in violation of the home improvement act -- contract for offering to make a home improvement without a registration. What's important here for us is that -- is that people register because when -- when contractors register not only do we know who they are but there are really important consumer benefits that flow from that both in terms of the contractual rights that they get and their access to the Guaranty Fund.

Now it may -- it may be at the end of the day if there's no contract --

SENATOR DOYLE: Yeah there's no harm.

COMMISSIONER WILLIAM M. RUBENSTEIN: -- (inaudible) harm to the particular consumer but from our point of view in terms of enforcement it's just

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a matter of time and we should have the  
opportunity --

SENATOR DOYLE: True.

COMMISSIONER WILLIAM M. RUBENSTEIN: -- to nip that  
in the bud, get that person to be registered,  
get --

SENATOR DOYLE: Oh you want it for a future  
agreement okay.

COMMISSIONER WILLIAM M. RUBENSTEIN: Right.

SENATOR DOYLE: I think I asked you last year  
because this bill -- in terms of adding the --  
the condo associations, are you -- does the  
Guaranty Fund have sufficient funds that you're  
comfortable if we add condos that we won't run  
out for residential peop -- individuals?

COMMISSIONER WILLIAM M. RUBENSTEIN: There -- there  
-- the limitation on the Guaranty Fund of  
\$15,000 would apply whether the contract is --  
is an individual or condo association. So a  
condo association contract would only be one  
contract subject to one application to -- to  
the Home Improvement Guaranty Fund but right  
now there's no back -- Guaranty Fund backup for  
that.

So -- so we -- we don't think it -- it would  
impact negatively because we're not saying one  
contract and all of a sudden we're sweeping in  
a 300 (inaudible).

SENATOR DOYLE: Yeah that's what I'm saying. Okay  
so you're comfortable, okay.

COMMISSIONER WILLIAM M. RUBENSTEIN: That's correct.

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COMMISSIONER WILLIAM M. RUBENSTEIN: I -- it would be useful.

SENATOR COLEMAN: For that community as well as the others which you may identify.

COMMISSIONER WILLIAM M. RUBENSTEIN: It -- it would be useful and, you know, we will do it.

SENATOR COLEMAN: Thank you, sir.

REP. BARAM: Representative Rovero.

REP. ROVERO: Thank you, Mr. Chairman.

Commissioner, I -- as you know I'm the first one to jump on you and (inaudible) don't like (inaudible). I like the (inaudible) you're trying to put into the law in home improvements and maybe once and for all that we will get -- we will help our constituents and get rid of those home improvement scam -- scammers and -- and I think that's a wonderful way. Before they had to sign a contract; now they're pres - - if they're presenting their self we know they're going to have a contract sooner or later and I love that idea and this time I'm going to compliment you and say thank you.

HB 6403

COMMISSIONER WILLIAM M. RUBENSTEIN: Thank you.

REP. ROVERO: Thank you, Mr. Chair.

COMMISSIONER WILLIAM M. RUBENSTEIN: Even my father taught me if somebody says something nice to me I should put my hand on my wallet.

REP. BARAM: Any other questions?

Thank you very much, Commissioner.

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Any other questions?

Thank you very much.

DIANE HARP JONES: Surely.

REP. BARAM: Next is Jennifer Jennings.

JENNIFER JENNINGS: Good evening, how are you? I'm Jennifer Jennings, the executive director of the Connecticut Heating and Cooling Contractors Association and I'm up here today to testify in favor of House Bill 6403, AN ACT MAKING MINOR AND TECHNICAL CHANGES TO DEPARTMENT OF CONSUMER PROTECTION STATUTES.

HB6442  
SB924

This did pass last year. It passed through both this Committee and the House and I -- without reading the testimony that you guys already have it is -- we are looking to extent the timeframe that a contractor has to retest for -- for their license.

We were looking to have it match some of the other trades: the electricians, real estate appraisals and to move beyond one year to possibly to go to two. Currently with one year sometimes a contractor is working out-of-state. They could be working down in Florida and not received their renewal. It could be a divorce. They could be -- they could be taking care of an ill parent and just not received their renewal notification.

I have received multiple calls from many contractors and members who are in the -- in the current issue where they need to retest. I know it sounds ludicrous because many of you are attorneys and you would never retake the bar exam or allow that to happen to you.

I can't imagine a doctor would allow his medical license to lapse and retake his boards but there are certain situations out there and we are looking to go ahead and seeking you guys to pass in favor of -- of this bill allowing it to go to two years.

Not saying they shouldn't have to pay the back dues and possibly even a fee on top of that even but to not have to make them retest after just one year.

Also I'm here to testify in opposition to House Bill 6442, AN ACT EXEMPTING CERTAIN DISTRIBUTION WAREHOUSE EMPLOYEES FROM PROFESSIONAL LICENSING REQUIREMENTS. I think this is setting a poor precedent so we are testifying against that.

And then in regards to the med gas certification, that's currently already existing law. The CHCC sees no problem at all with that and to answer I believe it was someone's question regarding the cost, it's anywhere from \$700 to \$1,000 for your certification and you can go to [medgastraining.com](http://medgastraining.com) to get more information on it.

SB 924

REP. BARAM: Thank you.

Any questions?

Senator Witkos.

SENATOR WITKOS: I'm actually surprised that we're going in the direction for requiring a six month renewal of a cost of \$700 to \$1,000 rather than extending it out to an annual fee basis as long as they're continuously working and having a letter saying that I've been working right along. What -- why -- is that

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their license and I do feel I'm talking out of  
turn --

REP. CARTER: Okay.

JENNIFER JENNINGS: -- and Frank and Cam would  
definitely talk better to the actual education.

But I did look it up. It is  
medgastraining.com. It's a -- if a member were  
to call me and they were interested in the  
training, that's the route we would go to make  
-- to -- to offer the program to membership and  
-- and the costs associated is anywhere from  
\$775 to upwards of 875.

REP. CARTER: Is that -- is that --  
medgastraining.com is that the local place in  
Connecticut? I -- I looked that up online the  
other day after I was reviewing these so.

JENNIFER JENNINGS: You can get a local trainer who  
they will come out to the Association to be  
able to offer it, yes.

REP. CARTER: Thank you.

Thank you, Mr. Chairman.

REP. BARAM: Any other questions?

Representative Rovero.

REP. ROVERO: You know on Bill No. 83 -- 6403, going  
from one year to two years, would they have to  
pay any extra fee?

JENNIFER JENNINGS: Um they would have to pay their  
back fees. They wouldn't be waived for not  
paying the year that they -- that they missed  
renewal. They would have to pay that back year

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and also the current year but just not have to retest.

Currently if you -- your registration -- your renewal was due August 31<sup>st</sup> of 2012 and you waited until September 1<sup>st</sup> of 2013, you now have to sit through that rigorous exam again.

REP. ROVERO: I can't believe we're proposing a bill that's going to help the businessman. Is this -- is this right or is this a -- or is this a mistake?

A VOICE: It's (inaudible).

REP. ROVERO: Thank you very much.

Thank you, Mr. Chairman.

REP. BARAM: Okay, Representative Aman.

REP. AMAN: Yeah -- yes going back to Bill 6442, the one about warehouse people, in your testi -- written testimony you say it could be gone farther than just the equipment but I'm reading the bill, and unless I'm reading something wrong, it says that basically they could do, as an unlicensed person, work on the machines that they deal with on a daily basis is the way I'm interpreting that.

If it was limited to that, would you still have the objections that you put forward that -- that they would be able to work on the equipment that they deal with but they could not go and do something else within the plant?

JENNIFER JENNINGS: If it's working on the equipment that they deal with and it doesn't encroach into something that a licensee is require -- you know it falls in the scope of someone's license, then no problem. But if it falls


**CT-PHCC**

PLUMBING HEATING COOLING CONTRACTORS OF CONNECTICUT

**TESTIMONY**  
**TINAMARIE BERGER**  
**EXECUTIVE DIRECTOR**  
**CT ASSOCIATION OF PLUMBING, HEATING & COOLING CONTRACTORS**  
**BEFORE THE**  
**GENERAL LAW COMMITTEE**  
**MARCH 5, 2013**

The Connecticut Association of Plumbing, Heating and Cooling Contractors (CT-PHCC) supports SB-924, An Act Clarifying Renewal Requirements For Medical Gas And Vacuum Systems Certificates. We support the goal of this legislation, which clarifies additional training and certifications for those performing medical gas work. PHCC believes that it is important for those contractors performing licensed work to be properly trained and maintain competence with the latest industry requirements.

Likewise, PHCC also supports HB-6403, An Act Making Minor And Technical Changes To Department Of Consumer Protection Statutes. Section 17 of this bill is a common-sense change supported by the plumbing and HVAC industries that simply allows for the extension of the timeframe from one year to two years that a contractor or journeyman has to apply for license reinstatement without having to take a licensing exam again. This is a reasonable measure that also creates consistency within the Department of Consumer Protection.

PHCC opposes HB-6442, An Act Exempting Certain Distribution Warehouse Employees From Professional Licensing Requirements. Allowing unlicensed individuals to operate in warehouses in Connecticut hurts industry by exposing workers and consumers to potentially unsafe situations. We support efforts to utilize the expertise of the licensing boards in enforcing occupational licensing laws, but allowing for a blanket exemption from the state's well-established occupational licensing laws is bad precedent and unnecessary.

Thank you for your consideration of our comments.

*CT-PHCC is a not-for-profit trade association that represents the professional plumbing, heating and cooling contractors in the state of Connecticut. CT-PHCC and its members are committed to protecting the health and safety of the public. Contractors who belong to the association have demonstrated reliability and trustworthiness and are licensed by the state of Connecticut. For more information, please visit [www.ct-phcc.org](http://www.ct-phcc.org).*

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**Connecticut Heating & Cooling Contractors Association**

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[www.chcca.net](http://www.chcca.net)

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**TESTIMONY OF  
JENNIFER JENNINGS  
EXECUTIVE DIRECTOR  
BEFORE THE  
GENERAL LAW COMMITTEE  
MARCH 5, 2013**

**2013**

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The Connecticut Heating & Cooling Contractors Association (CHCC) submits the following comments supporting HB-6403, AN ACT MAKING MINOR AND TECHNICAL CHANGES TO DEPARTMENT OF CONSUMER PROTECTION STATUTES:

CHCC strongly supports Section 17 of this bill which allows individuals to reinstate an occupational license that he/she has failed to renew within two years rather than one year. In 2012, this common sense legislation, which was contained in HB-5054, unanimously passed both this Committee as well as the House.

In order to obtain an occupational license, individuals must complete a rigorous apprenticeship training program along with classroom training and successfully pass an examination. Under current law, an individual who fails to renew their occupational license within one year of expiration is required to retake their licensing examination if they wish to reinstate their license. This creates an unduly burdensome process for license holders as well as the Department.

Given the amount of time and training individuals devote to obtaining an occupational license, the current law unfairly penalizes individuals who have failed to renew with the department due to difficult circumstances. Many individuals have had to leave Connecticut to find work to help support their families. Others have had to pursue other jobs because jobs in our industry were scarce. This bill simply recognizes that there are circumstances that arise that result in difficulties in renewing a license. Allowing reinstatement within two years will assist the examining boards, the Department and license holders in streamlining the reinstatement process and also makes it more consistent with other licenses administered by the Department.

We therefore urge your support for Section 17 of HB-6403

Thank you for your consideration of our comments.

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## Department of Consumer Protection



### Testimony of William M. Rubenstein Commissioner of Consumer Protection

General Law Committee Public Hearing  
March 5, 2013

HB 6403, "AA Making Minor and Technical changes to Department of Consumer Protection Statutes"

HB 6406, "AAC the Electronic Prescription Drug Monitoring Program"

HB 6443, "AAC Immigration Services Fraud"

Senator Doyle, Representative Baram, Senator Witkos, Representative Carter and distinguished members of the General Law Committee, I am William Rubenstein, Commissioner of Consumer Protection. Your agenda this evening includes three bills that were introduced by my Department, so let me begin by thanking you for agreeing to raise these bills for the consideration of the committee, and for providing me with the opportunity to testify in support of these three important proposals.

The first bill I will comment on is House Bill 6443, "An Act Concerning Immigration Services Fraud." The Department is proposing this bill to address the issue of immigration services fraud. This type of fraud is often referred to as notario fraud since it is often perpetrated in Latino community by providers seeking to deceive people into believing they are lawyers. In many Spanish-speaking countries, a notario is an

3) This proposal gives the Commissioner of Consumer Protection the authority to include other products or drugs in the monitoring program. An example would be to allow the collection of data concerning certain types of antibiotics (which are not on the schedule of controlled drugs) in times of epidemic.

4) We propose to make it impermissible for any person or employer to prohibit, discourage or impede the use of the program. The Department has been made aware of allegations of employers pressuring pharmacists not to use the program, presumably as it takes additional time from the employee's work of filling prescriptions. This change would ensure that pharmacists are allowed to use the program as their professional discretion dictates.

5) Finally, under present law there is no requirement that *prescribers* utilize this program. The Department seeks to make prescribers more aware of the existence and benefits of the program and therefore we have include a proposal to require holders of a DCP "controlled substance practitioner" registration to also register with the prescription drug monitoring program. This modest requirement would serve the purpose of introducing prescribers to its benefits. It is a one-time step, with no fiscal impact to the registrant or to the Department.

The misuse and abuse of prescription drugs continues to take an enormous toll on our society. Connecticut's Prescription Drug Monitoring Program is an important tool in fighting this scourge, and we believe these proposed changes will provide a meaningful impact in this battle.

The Department's third bill, House Bill 6403 is our proposal to make numerous "minor and technical" changes within Department of Consumer Protection statutes.

Sections 1-6 of this proposal are offered primarily as cost savings measures by eliminating the requirement to publish brochures and reports when alternatives are readily available. Section 1 makes it permissible to satisfy the requirements of Section 30-7 by having the agency's Liquor Control regulations posted on the agency's website, as we currently do. Similarly, Section 2 makes it permissible to comply with the requirements of the printing of pamphlets for DCP's Gaming Division by posting our regulations on-line. Section 3 allows for the posting of minutes and a roster of licensees

on-line, rather by paper publication. Section 4 allows for the posting of a roster of registered Interior Designers on the Department's website, rather than in writing. Section 5 allows for the posting of a roster of well drillers on the Department's website, rather than in writing. Section 6 eliminates the requirement for a written report of the testing done in DCP's weights & measures division, replacing it with a requirement that we maintain those records and make them available for inspection.

Section 6 makes an additional change: It makes a minor change within our Weights & Measures statutes that closes a loophole making it consistent with what we believe to be the original intent of the law. Under current law DCP is statutorily required to calibrate dealers testing equipment every other year and may not charge of fee for this service. We are aware that this requirement has allowed numerous out of state businesses to impose this burden on the Department. We propose a change in Sec. 43-3 to keep the service free for Connecticut residents and businesses with an office in Connecticut. We believe this is fair, and that the effect will be that out of state businesses will simply pay for the service in their own state. Consequently, we do not expect this change to raise significant revenue, but rather, significantly reduce the workload to DCP's weights & measures laboratory.

Sections 7 & 8 of this proposal make changes to DCP's Gaming Division statutes. Section 7 eliminates the requirement that a monthly report be prepared and sent to the office of the State Treasurer. The Director of the Cash Management Division states that this is not needed as the information is readily available to them via CORE-CT. Section 8 makes a minor change in Section 7-173, pertaining to individuals applying to operate a bazaar or raffle. This minor change removes unnecessary and overly restrictive requirements that applicants be "electors of the municipality" and replaces with a more reasonable, "residents of the state."

Section 9 makes a minor change in DCP's public charities section, by extending the time charities must renew their registration with the Department after their fiscal year ends from five months to eleven months; while correspondingly removing the provision that grants the Commissioner discretion to extend the requirement to register by 6 months. The net effect is that all charities would be granted the full time limit (11

months) to renew. This change will provide relief to organizations in the charitable community, and decrease unnecessary resource deployment within the Department.

Section 10 makes a minor and conforming change to our customary practice within DCP's Real Estate licensing Division. This change simply recognizes the correct effective dates of license renewals for Real Estate Brokers and Real Estate Salespeople.

Section 11 similarly makes a minor and conforming change regarding late license renewals of New Home Construction Contractors. It clarifies that a late renewal will be valid for the normal full two year period.

Section 12 makes a minor and technical change within the Home Improvement Guaranty statute. It clarifies that contractors' rights to a hearing before the Commissioner are not forfeited while they are making payments in accordance with a court judgment.

Section 13 makes a minor change in DCP's statutes pertaining to "Buying Clubs." This change would extend consumer protection to "services" offered by a company to consumers, in addition to the "goods" as currently written. This change is needed to clarify that companies engaged in selling travel services are to be covered by the existing requirements set forth in Sec. 42-310. The Department feels strongly that this minor change will provide much needed consumer protection in today's marketplace.

Section 14 makes minor changes within the Home Improvement Contractor statute. These changes are needed to clarify that the existing penalties encompassed within the law are able to be enforced by the Department. A minor change within the definition section of the Act is offered here to include "the solicitation of work" by the illegal contractor and also to remove the word "cash" from the price charged by the contractor. These changes will lead to an improvement in our ability to keep the public safe from illegal, unregistered and fly-by-night contractors.

Section 15 makes a minor change within the Real Estate Appraisal statute. This change is made to comply with recent federal requirements that real estate appraisal instructors be made subject to approval. This change will allow DCP to amend our regulations to conform to new federal requirements.

Section 16 makes a minor conforming change in the elevator license section. The current language states that those eligible for an elevator craftsman's license may include someone with at least two years experience in the field. However, the DOL apprenticeship program specifies a four year experience period, making current language obsolete and conflicting with current requirements. This proposal simply makes the minor change to conform to the appropriate requirements.

Section 17 makes a minor change which would enable the Department or licensing board to reinstate a license which a licensee has failed to renew in a timely manner. Under present law, any license holder under Chapter 393 who fails to renew their license within one year of expiration shall be required to retake their licensing examination if they wish to reinstate their license. This proposal increases that limit to two years, which we believe to be fairer to the tradesperson who through human error or due to circumstances beyond their control have failed to renew their license. Allowing reinstatement within two years will assist the boards, the Department and license-holders in streamlining the reinstatement process.

Section 18 makes the same changes proposed in Section 17 applicable to license types contained in CGS chapter 394 (Television and Radio Service Dealers and Electronics Technicians).

Section 19 amends the Shorthand Reporter chapter to clarify that license holders may reinstate a lapsed license within two years from the time they let their license lapse. Further, it provides for a system in which those applicants whose license has lapsed for more than two years may apply to the licensing board for reinstatement at the board's discretion. It makes clear that if the board approves reinstatement, that the applicant must pay all applicable license and late fees.

Section 20 makes changes similar to those in Section 19 in Chapter 416. This change would be applicable to all license types under the jurisdiction of the Department, allowing for license holders whose license has lapsed for more than two years to apply to the appropriate board for consideration of reinstatement. Each board would have the discretion to approve the reinstatement. It further makes clear that should the board approve reinstatement, that the applicant must pay all applicable license and late fees.

Section 21 removes an obsolete and unused provision that allowed for a temporary permit within the Radio & Television licensing chapter.

Section 22 makes a minor change regarding the amount of fine the Department may charge an applicant for “bounced check” costs. Under current statute a fixed fee of \$20 may be charged in such cases, however, presently banks are charging DCP more than \$20 and therefore the Department is losing money and unable to even recoup the amount banks impose on the Department. This change would enable the Department to charge an applicant in such cases a fine amount commensurate with the cost imposed on the Department by the bank.

Section 23 makes a conforming technical change in CGS Sec. 21-33b. Specifically, PA 09-3 (June Special Session) increased certain fees and in CGS Sec. 21-28 increased from one hundred to two hundred dollars annually the amount an applicant must pay into the Itinerant Vendor Guaranty Fund. However, a corresponding change was not made at that time to the Guaranty Fund section (CGS 21-33b). This proposed change simply conforms the two sections at the two hundred dollar amount. Consequently, there is no revenue change to this purely technical fix.

Section 24 provides for additional consumer protections within the Dating Services chapter. This minor language change would ensure that consumers who have entered into a contract to purchase a “social referral service” shall have the right to cancel within 3 days from the time the service has been made available for their use. This minor change is offered by the Department in response to consumer complaints; specifically under present law, the right for the consumer to cancel is offered within 3 days of receipt of the written contract by the company only. This change ensures that the clock doesn’t start ticking until they are able to actual use the product for 3 days.

Section 25 makes one minor/technical change within the Home Improvement Guaranty fund statute. This change simply replaces a reference to “real property” with “personal property” of a home improvement contractor when a judgment has been obtained against said contractor by a consumer. This technical change conforms with the department’s practice in processing applications to the fund by consumers harmed by actions of registered home improvement contractors.

Section 26 makes a clarifying change in the definitions within the Home Improvement Contractors chapter. Specifically, Sec. 20-419 is changed to add "condominium associations" as agents under the definition of "owner." It clarifies the same right under the "private residence" definition. The department offers this minor change in response to consumer complaints wherein condominium unit owners who would otherwise clearly have rights under the Home Improvement Contractor Act and the Home Improvement Guaranty Fund, were less clearly eligible simply because their condominium association had acted as their agent in obtaining contractors to do work on their residence. The Department feels this change is appropriate and clarifies that consumers should not be penalized from their rights under the acts simply because a contract is signed by their condo association acting on their behalf.

Sections 27 through 35 make numerous minor and technical changes within Chapter 392 (Real Estate Brokers and Salespersons). While this appears lengthy, the technical/conforming changes throughout are primarily limited to two separate issues. First, the statute currently makes reference to the "Secretary of Housing and Urban Development." Recent federal changes have made that reference obsolete, so we offer to change the language to read the "appropriate federal agency." Second, we remove obsolete references to the authority of the real estate commission ("commission") and replace with the "department." The duties and responsibilities referred to in this statute are of the Commissioner of Consumer Protection and not of the real estate commission.

Sections 36 and 37 make two similar changes in statutes overseen by DCP's Drug Control Division. The language proposed clarifies that Wholesalers of drugs shall require a separate certificate of registration for each location within the State of Connecticut, as well as for those that have a location outside the State of Connecticut that distributes products into the State. The provisions for wholesalers of non-controlled drugs are amended in Sec. 21a-70 (Chapter 417, Pure Food and Drug Act), while the provisions for wholesalers of controlled substances are amended in Sec. 21a-246 (Chapter 420b, Dependency-Producing Drug Act). This change would provide the department with critical information on all locations from which drugs may be stored and shipped throughout Connecticut. The ability to locate, identify and inspect all such facilities is critical to the mission of the Department.

Thank you for the opportunity to provide these remarks on behalf of the three Department proposals before you today.