

PA13-225

SB0434

Finance	975-983, 1166-1169	13
Government Admin. & Elections	76-77, 79-80, 87-88, 99- 105, 167-177, 1360-1362	27
House	10691-10694	4
Senate	1868-1878, 2068-2070	14
		58

H - 1180

**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2013**

**VETO
SESSION**

**VOL.56
PART 31
10451 - 10795**

will take a tally. The Clerk please announce the tally.

THE CLERK:

In concurrence with the Senate, S.B. 1027 as amended by Senate A.

Total Number Voting	145
Necessary for Adoption	73
Those voting aye	145
Those voting nay	0
Absent and not voting	5

SPEAKER SHARKEY:

The bill as amended passes in concurrence with the Senate. Will the Clerk please call Calendar number 570.

THE CLERK:

On page 21, Calendar 570 favorable report of the joint standing Committee on Judiciary, substitute Senate Bill 437, AN ACT CONCERNING THE DEPARTMENT OF ADMINISTRATIVE SERVICES AND E-GOVERNMENT, EXTENSIONS OF EXISTING CONTRACTS, A STATE AMERICANS WITH DISABILITIES ACT COORDINATOR ADVISORY COMMITTEE AND SETTLEMENTS BY THE CLAIMS COMMISSIONER.

(SB434)

SPEAKER SHARKEY:

Representative Jutila.

REP. JUTILA (37th):

Thank you, Mr. Speaker. I move acceptance of the joint committee's favorable report on Senate Bill 434 in concurrence with the Senate and passage of the bill.

SPEAKER SHARKEY:

The question before the Chamber is acceptance of the joint committee's favorable report and passage of the bill. Will you remark, Sir?

REP. JUTILA (37th):

Yes. Thank you, Mr. Speaker. This bill makes certain changes relating to the Department of Administrative Services and the State Claims Commissioner which will create greater efficiencies, improve services and eliminate certain obsolete statutes. I urge passage of the bill.

SPEAKER SHARKEY:

Would you care to remark? Would you care to remark further on the bill that's before us? Representative Hwang of the 134th.

REP. HWANG (134th):

Thank you, Mr. Speaker. I rise in support of this bill. I want to thank the -- the Chair's work in regards to making the adjustment of raising the claims

limit from 7,500 to 20,000 and listening to the comments of the board members. I also want to extend a thank you to Representative Candelaria for his input on the e-government administrative fee that the money should go back to the agency, not the General Fund. So I urge support. Thank you, Sir.

SPEAKER SHARKEY:

Thank you, Sir. Do you care to remark further on the bill that's before us? Representative Smith.

REP. SMITH (108th):

Thank you, Mr. Speaker. Just a quick comment on the bill as -- you know when this came through the Judiciary Committee I had some real concerns with what was happening with the Claims Commissioner. Since that time and tonight I had the opportunity to speak to him and I just want the Chamber to know that the concerns that I had that I had raised in the Judiciary Committee have been satisfied at least to myself and I think at this point I could certainly support the bill and I urge my colleagues to do so as well. Thank you, Mr. Speaker.

SPEAKER SHARKEY:

Thank you, Sir. Do you care to remark further?
Do you care to remark further on the bill that's

before us? If not -- Representative Hwang. If not, staff and guests to the well of the House, members take your seats. The machine will be opened.

THE CLERK:

The House of Representatives is voting by roll.

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

SPEAKER SHARKEY:

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

THE CLERK:

Senate Bill 434.

Total Number Voting 146

Necessary for Adoption 74

Those voting aye 146

Those voting nay 0

Absent and not voting 4

SPEAKER SHARKEY:

The bill passes in concurrence with the Senate.

Will the Clerk please call Calendar 688.

THE CLERK:

S - 658

**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2013**

**VOL. 56
PART 7
1827 - 2152**

cah/meb/gdm/gbr
SENATE

192
May 14, 2013

Bill 434.

THE CHAIR:

Mr. Clerk.

THE CLERK:

On page 42, Calendar 123, Substitute for Senate Bill Number 434, AN ACT CONCERNING THE DEPARTMENT OF ADMINISTRATIVE SERVICES AND E-GOVERNMENT, EXTENSIONS OF EXISTING CONTRACTS, A STATE AMERICANS WITH DISABILITIES ACT COORDINATOR ADVISORY COMMITTEE AND SETTLEMENTS BY THE CLAIMS COMMISSIONER, favorable report of the Committee on Government Administration and Elections.

THE CHAIR:

Senator Musto.

SENATOR MUSTO:

Thank you, Madam President.

I move the Joint Committee's favorable report and passage of the bill.

THE CHAIR:

The motion is acceptance and passage. Will you remark, sir?

SENATOR MUSTO:

Yes, Madam President. The bill does several things, some of which are what I would consider minor in nature and some of which I would consider more important. The first corrects a problem that we passed last year. It was just a drafting error in the statute. It did put some fees from the government e-portal vendors who help us set up our government e-portal and puts that money into the general fund. That money was anticipated to be compensation for the vendors so that it would not have a budget implication. The vendors would be paid from those fees so it does

allow the vendors to charge those fees as set by the government -- the Finance Committee -- not the Finance Committee -- excuse me -- I'm trying to get the name here for the record -- the Finance Advisory Committee. Thank you.

The second thing it does is allow the commissioner of DS to extend contracts for goods or services for up to one year if the commissioner certifies that failure to extend the contract would compromise the continuity of state systems or operations. It's not the kind of thing where it's simply we don't feel like going out to bid. We're going to try to extend the contracts. It's really where there is a problem with implementation of a new contract and some time period where the state would be without certain services. IT brings to mind as a situation where vendors would have to change and there might be some overlap in moving equipment in and out.

Sections 3 and 4 conforming -- we have committee on career mobility that's being deleted in Section 7 -- excuse me -- Section 9 and the career -- and so it's just taking those words out of certain sections of the general statute. Section 5 revives -- revives and expands the purposes of the committee to encourage employment of persons with disabilities. It basically expands the committee a little bit to broaden its scope so we can really look at employment opportunities in general and not specific things that the current law does. And 6, 7 and 8 of the bill increase from 7500 to 20,000 dollars, the threshold under which the claims commissioner can settle claims. That would basically prevent any claim over \$7500 between 20,000 from either coming to this body -- having to deal with it in this body. The number hasn't been raised since the mid-80s, about 30 years now. So we're hoping to raise it to a more 2013 level.

And the last thing the bill does in 2009 again is it repeals another obsolete statute, not only the career mobility statute, but Section 4a-55, which is laundry cooperative corporations. We just

cah/meb/gdm/gbr
SENATE

194
May 14, 2013

simply don't do them anymore in the state,
assuming we ever did. I would order to pass this
by the chamber. Thank you.

THE CHAIR:

Will you remark? Will you remark further?

Senator McLachlan.

SENATOR MCLACHLAN:

Thank you, Madam President.

I stand for the purpose of a question to the
proponent of the bill.

THE CHAIR:

Please proceed, sir.

SENATOR MCLACHLAN:

Thank you, Madam President.

Through you, Madam President, to Senator Musto.
Senator, could you please clarify for us the new
language in the bill that talks about the
Americans with Disabilities Act coordinator and a
new committee being formed for that purpose.
Through you, Madam President.

THE CHAIR:

Senator Musto.

SENATOR MUSTO:

Yeah. I apologize, Madam President. I may have
misspoken. It does not form a new committee.
What the language does is it expands the
committee to include two new members, the
Department of Construction representative from
the Department of Construction Services and the
Commission on Human Rights and Opportunities.
And what the committee used to do under old law,
and again, I'll just quote it, was to advise and

cah/meb/gdm/gbr
SENATE

195
May 14, 2013

develop written guidelines for the adoption of employment examinations or alternative hiring processes for persons with disabilities and review the programs established to make sure they're compliant with a person with disabilities' needs. What the new language would do is advise the state Americans with Disabilities Act coordinator regarding employment in general by the state of persons with disabilities and to fulfill its other obligations under the Americans with Disabilities Act so it's a much broader scope of inquiry by the American with Disabilities Act coordinator and the purpose of having the expanded body, especially CHRO, I think, Commission on Human Rights and Opportunities is to ensure that we are compliant with the federal ADA, the American with Disabilities Act and the coordinator is going to have the job of really making sure that that happens with the assistance of the committee. The committee is currently comprised of seven members. It's going to increase to nine. So it's not a new committee. It's an expansion so I apologize if I misspoke before. Through you, Madam President.

THE CHAIR:

Senator McLachlan.

SENATOR MCLACHLAN:

Thank you, Madam President.

Thank you, Senator Musto. Through you, Madam President, the responsibilities of the committee are changing and before there were requirements and now there are responsibilities that may be performed. Could you just clarify what's changing there. Are we losing any focus on the priority of Americans with Disabilities Act by this change. Through you, Madam President.

THE CHAIR:

Senator Musto.

SENATOR MUSTO:

Thank you, Madam President. Through you, the -- the language is still mandatory I believe in Section B -- the new language in Section B, it says the committee "shall" on line 147. It is upon request of the Americans with Disabilities Act coordinator although that -- that person that's their job at this point, to make sure that they get -- they are compliant with the ADA and to do those things that are required by the ADA and also by this law regarding coordinating employment by the state -- excuse me -- coordinating employment opportunities for people with disabilities in the state. So I'm not sure that it's -- it's less mandatory. It is broader and it is upon request of the -- of the coordinator and the coordinator is -- that's their job. They are going to be appointed by the Governor to coordinate state compliance with the ADA so I'm not sure that the -- there is any less of a mandate for the state to comply with the ADA. If anything, I think that having a person appointed by the Governor to oversee this is a good idea so we know exactly who we need to be speaking with. Through you, Madam President.

THE CHAIR:

Senator McMachlan.

SENATOR MCLACHLAN:

Thank you, Madam President.

Thank you, Senator Musto. I guess I'm reading it differently. I do believe that the Governor and its administration intends to continue making this a priority, but this legislation does eliminate current language that says the "committee shall advise and develop written guidelines" and it continues. That language is removed and the committee shall upon request do things. So when I see that change in language, that's why I raised the question is there a change in focus of this committee as it relates to the Americans with Disabilities Act, and if

cah/meb/gdm/gbr
SENATE

197
May 14, 2013

so, will that impact in any way state government's focus on the priority of that legislation. Through you, Madam President.

THE CHAIR:

Senator Musto.

SENATOR MUSTO:

Yes, thank you, Madam President. Through you, yes, it expands the duties of the disabilities act coordinator on the committee so I hope it will affect the way state focuses on the ADA. I hope it will make it better. That is the purpose of the legislation. The disabilities act coordinator's job under this is perhaps not -- excuse me -- the committee's job under this is to make sure that the coordinator is doing their job. It's to make sure that the coordinator has the information that they need to comply with the ADA. And again, that's why we're adding, especially the Commission on Human Rights and Opportunities because that commission deals on a regular basis with people with disabilities and claims that the ADA is being violated. So the inclusion of that group specifically as the enforcement agent really for the ADA I think is important.

The other people who are there currently are people who are advocates. You've got the BESB, board of Education Services to the Blind; the Commission on Deaf and Hearing Impaired; Department of Rehabilitation Service, Mental Health and Addiction Office of Advocacy. These are advocates for the disabled population -- for specific populations, I should say. And the Labor Department is already in there as well as looking at labor issues. Now we have the Department of Construction Services who will be dealing hopefully with construction services and we just had a bill about the janitorial program that we had, the PILOT program and now CHRO who again is -- has some of the legal issues that they will be able to bring to the table and really advise, I think, the disabilities act

cah/meb/gdm/gbr
SENATE

198
May 14, 2013

coordinator on those issues much more fully than advocates who are -- have a very specific job and certainly have come before this body on many occasions to advocate for their particular populations, maybe not with the particular legal, practical expertise that CHRO and construction services brings. Through you, Madam President.

THE CHAIR:

Senator McLachlan.

SENATOR MCLACHLAN:

Thank you, Madam President. And thank you, Senator Musto, for your answers.

I think I just disagree with your -- your assessment of what the change in language is. The change in language in my mind makes the committee subservant to the coordinator. The coordinator is the boss in this regard and in this concern and the committee is an assistant, if you will, to the coordinator at the coordinator's request and so that's a very different charge than before it was advised and develop guidelines; whereas now is -- if they're called on at the request of the coordinator. I don't want to make a big deal about this other than to raise the attention that the relationship is changing and I just want to be sure that this administration and our state government continue to make this a high priority so I'll continue to monitor it as we go forward and will be supportive of this bill. Thank you, Madam President.

THE CHAIR:

Thank you.

Will you remark further? Will you remark further?

Senator Fasano, don't run.

SENATOR FASANO:

cah/meb/gdm/gbr
SENATE

199
May 14, 2013

Thank you, Madam President.

Madam President, through you to Senator Musto, if I may.

THE CHAIR:

Please proceed, sir.

SENATOR FASANO:

Madam President, through you, to Senator Musto, on line 60 through 62 -- before we get to that, let me preface this by saying I've always been against the extension of contracts because it seems to me that the extension of contracts avoids the bidding process and the concern I had with this bill was the fact that I had a constituent who had a business and the contract was extended and extended and my constituent had wanted to bid and finally went out to bid, the bids were actually lower, which proves the point for extensions of contracts not being a good policy. That being said, on line 60 through 62, there are instances in order for government to work and switch a contract from one to the other, there is an interim period for which there has to be some flexibility to extend the contract otherwise you have a definite date that one starts and one stops and there is no ability to carryover from one provider to the other.

So with that, for legislative intent, I would ask Senator Musto a question with respect to line 60 to 62, and my question would be, through you, Madam President, is that extension that's talked about in there are relative to the ability to go, say, from one contract to the other. You may have to extend the existing contract for a period of time and in order to have flexibility, you need that language to create that flexibility. Is that the senator's understanding of that particular provision? Through you, Madam President.

THE CHAIR:

Senator Musto.

SENATOR MUSTO:

Thank you, Madam President. Through you, yes, it is. And as I mentioned in my opening explanation of the bill, this is really just for that purpose. I would also point that we are requiring the commissioner to certify in writing how the failure would compromise -- the language would compromise the continuity of the state agencies systems or operations. I would hope that having to put in writing would be a deterrent against any sort of backroom dealing foul play, whatever we are concerned about. And we are concerned about those things, Senator Fasano. And also that we be able to look at them over the course of time and see is it just that we're not getting the contracts to bid on time, is it not that the same people keep getting their contracts extended and then as you pointed out, they come in lower when they are extended -- when they are finally put out to bid, or is it really a situation where we need three months to remove a phone system and put in a new phone system in the new contract. Is it really a situation where the food vendors for, say, our cafeteria here or our prisons or some other systems might need to time to ramp up and get that kind of -- that kind of support in place.

So I would certainly join you in saying we need to keep an eye on those writings and make sure that it's not the kind of -- kind of cronyism that we'll all worried about in government. Through you, Madam President.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Thank you, Madam President. And, Madam President, through you, so it's my understanding the purpose of this is not to extend a contract

and extend it again and extend it again, but the purpose of this is to allow perhaps a transition between reviewing or getting a new vendor in to take the place and it would allow the flexibility with of a stop-gap measure without having to figure out when the exact date to stop and start allowing the old contractor for instance to get their equipment out and a new contractor to install their equipment. There can't be a gap in service and that's part of this process. That's the general intent of that, through you, Madam President, for legislative history.

THE CHAIR:

Senator Musto.

SENATOR MUSTO:

Yes. I agree with that.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Thank you, Madam President. As I stated I think I even have an amendment that's been filed that would get rid of these paragraphs and allow an extension of contracts, but after talking to the commissioner and his staff, I agree that unlike private businesses, you need to extend contracts from time to time to make it work. There is either equipment or materials that have to come in, whether it's an alarm system or other apparatus, there is an overlap. To create that overlap, you may have to extend the underlying contract, leave the equipment there. Give the person an opportunity to get the equipment out and start the new contract. Sometimes it's very difficult I know in private business to predict the end of one contract and the beginning of the other without coming to some agreement in business of an overlap. This gives that flexibility. I think Senator Musto is right with some writing to go along with it, we know there

is some substance for the extension of that contract which can be reviewable.

If it does find out that this is being misused -- and I'm confident that it won't -- but if it does, then the legislative body can take the appropriate remedy and make that a tighter structure. So with that, I thank the good Senator for his answers and I'm supportive of this measure. Thank you, Madam President.

THE CHAIR:

Thank you.

Will you remark further? Will you remark further?

Senator Musto.

SENATOR MUSTO:

Thank you, Madam President.

If there are no other comments, I would ask that this be placed on the consent calendar.

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR MUSTO:

Thank you, Madam President.

THE CHAIR:

Mr. Clerk.

SENATOR LOONEY:

Madam President.

THE CHAIR:

Oh, sorry. Senator Looney.

The bill passes.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, if the Clerk might now call the items on the Consent Calendar before proceeding to a vote on that Consent Calendar.

THE CHAIR:

Mr. Clerk.

THE CLERK:

On Page 1, Calendar 545, Senate Resolution Number 27; also on Page 1, Calendar 546, Senate Resolution Number 28. On Page 2, Number 547, Senate Resolution Number 29. On Page 2, Number 549, Senate Resolution Number 31. On Page 5, Number 184, Senate Bill 1026. On Page 7, Calendar Number 253, Senate Bill Number 763. On Page 16, Calendar Number 412, Senate Bill Number 962. On Page 17, Calendar Number 436, Senate Bill Number 673. On Page 18, Calendar Number 438, Senate Bill Number 761. Also on Page 18, Calendar Number 443, Senate Bill Number 1056. On Page 19, Calendar Number 449, Senate Bill Number 828. On Page 20, Calendar Number 461, House Bill Number 6540.

On Page 21, Number 469, House Bill Number 6574. On Page 23, Number 480, Senate Bill Number 238. On Page 25, Calendar Number 501, House Bill Number 5799. Also on Page 25, Number 507, House Bill Number 5117. On Page 26, Calendar Number 508, House Bill Number 6571. On Page 26, Calendar Number 509, House Bill Number 6348. Also on Page 26, Calendar Number 510, House Bill Number 6007 and on Page 26, Calendar Number 512, House Bill Number 6392.

On Page 40, Calendar Number 48, Senate Bill Number 519. On Page 40, Calendar Number 60, Senate Bill Number 859. Also on Page 40, Calendar Number 104, Senate Bill Number 833.

cah/meb/gdm/gbr
SENATE

393
May 14, 2013

On Page 41, Calendar Number 107, Senate Bill Number 917. On Page 42, Calendar Number 123, Senate Bill Number 434. On Page 43, Calendar Number 129, Senate Bill Number 898. Also on Page 43, Calendar Number 139, Senate Bill Number 158. On Page 43, Calendar Number 167, Senate Bill Number 879.

On Page 45, Calendar Number 195, Senate Bill Number 816. Also on Page 45, Calendar Number 204, Senate Bill 652. On Page 47, Calendar Number 241, Senate Bill 1040. On Page 48, Calendar Number 269, Senate Bill 1003. Also on Page 48, Calendar Number 270, Senate Bill Number 1007.

On Page 50, Calendar Number 304, Senate Bill 1019. Also on Page 50, Calendar Number 310, Senate Bill 903. And finally on Page 53, Calendar Number 399, Senate Bill 1069.

THE CHAIR:

Mr. Clerk, will you call for a roll call vote. The machine will be open on the Consent Calendar.

THE CLERK:

Immediate roll call vote has been ordered in the Senate. Immediate roll call vote has been ordered in the Senate. Senators please return to the Chamber. Immediate roll call vote in the Senate.

THE CHAIR:

If all members have voted, if all members have voted the machine will be locked. Mr. Clerk, will you please call the tally.

THE CLERK:

On Consent Calendar Number 1.

Total Number Voting	36
Necessary for Adoption	19
Those Voting Yea	36
Those Voting Nay	0
Those Absent and not Voting	0

THE CHAIR:

Consent Calendar is passed.

Are there any points of personal privilege?

Senator Doyle.

SENATOR DOYLE:

Thank you, Madam President.

Yeah for a point of information for the Chamber.

THE CHAIR:

Please proceed, sir.

SENATOR DOYLE:

Yes, thank you, Madam President.

Tomorrow the General Law Committee will be meeting at 11:15 outside the Hall of the House. The bulletin said 15 minutes before the early session so now we're making it definitive. Tomorrow at 11:15 outside the Hall of the House the General Law Committee will be considering one bill that was referred to us.

Thank you, Madam President.

THE CHAIR:

Thank you.

Senator Duff next.

SENATOR DUFF:

Thank you, Madam President.

For the point of announcement please.

THE CHAIR:

Please proceed, sir.

**JOINT
STANDING
COMMITTEE
HEARINGS**

**FINANCE
REVENUE
AND BONDING
PART 4
926 - 1174**

2013

125
dp/ch/mb/cd FINANCE, REVENUE AND
BONDING COMMITTEE

March 18, 2013
10:30 A.M.

PINO LUONGO: Thank you.

REP. WIDLITZ: Mark Raymond followed by Mike Zaleski and William Temisky*.

MARK RAYMOND: Good afternoon, Senator Fonfara, Representative Widlitz, Senator Frantz, Representative Williams, and distinguished members of the Finance, Revenue and Bonding Committee. My name is Mark Raymond and I'm the chief information officer for the State of Connecticut. My bureau, the Bureau of Enterprise System and Technology functions within the Department of Administrative Services, DAS. Thank you for giving me the opportunity to offer testimony on House Bill 6601, AN ACT CLARIFYING THE APPROVAL PROCESS FOR CERTAIN ADMINISTRATIVE FEES ALLOWED TO PRIVATE AND NONPROFIT ENTITIES.

House Bill 6601 modifies language that passed in last year's budget implementor bill Section 152 of Public Act 12-2 from the June Special Session. Section 152 provided authorization for state agencies to enter into contracts with private and nonprofit entities to help get more government services and transactions online. Representative Candelora correctly identified an error in this section of the public act when the bill was debated on the House floor. DAS has requested legislation this year to fix this error. That fix is in Section 1 of Senate Bill 434, which was recently heard and unanimously voted out of the GAE Committee.

DAS is concerned that the bill before the committee today, House Bill 6601, removes

the necessary fix that we need in order to move forward with this important IT initiative, specifically the existing statute provides that if we contract with a vendor to help facilitate e-government transactions and services, the state may allow the vendor to charge an administrative fee; however, the statute currently requires that such administrative fees must be deposited into the general funds, if you see Lines 17 and 18. Section 1 of DAS' bill, Senate Bill 434 deletes this requirement that these administrative fees must be deposited into the general fund. This is a critical fix which is not included in House Bill 6601.

Deleting the requirement that these administrative fees be deposited into the general fund enables the state to utilize an increasing popular self-funded model for e-government contracts. In such a model, a competitively-chosen vendor develops, implements, maintains and grows online transactions for the state with no ongoing payments from the state. Instead the vendor is paid for its work through small administrative fees attached to a select set of online services. The agencies of the state of Connecticut are under constant pressure to deliver more services at a time when a shrinking portion of the budget is available for general government purposes. As a result, numerous state agencies and offices are moving forward with e-government initiatives to enable their clients and the public to transact business with the state online and through -- and to provide data and information in an easily accessible web-based format.

127
dp/ch/mb/cd FINANCE, REVENUE AND
BONDING COMMITTEE

March 18, 2013
10:30 A.M.

Using a self-funded e-government model would allow the state to dramatically improve and maintain a new online presence and to expeditiously move forward with e-government services. The chosen vendor or vendors provide the work to transform the state website portals and move state transactions and services online with no online -- with no ongoing cost to the state. The vendor works with the state to recommend certain transactions on which small administrative services fees may be added to support the system. No fees are ever imposed without review by the members of the executive and legislative branches.

We respectfully submit that the committee include in House Bill 6601, the legislative fix outlined in Section 1 of Senate Bill 434, to enable the state to make use of this self-funded e-government model. Almost 50 percent of the states in the United States have turned to self-funded e-government as a way to provide more services quickly and efficiently to those that choose to transact with the government online. Connecticut would continue to lag behind in this area if we were legislatively prohibited from utilizing this tool. House Bill 6601 also changes last year's committee -- last year's legislation to require that the Joint Finance, Revenue and Bonding Committee approve administrative fees before they are imposed rather than the Finance Advisory Committee. Why we're concerned about this change is that the joint committee does not meet regularly outside of the legislative session. In order to be

effective, our e-government initiative must be implemented in a way that is responsive to the rapidly evolving business and technology environment; therefore, whatever group is tasked with approving recommended administrative fees for online services must be able to act quickly.

We would like to work with the committee with regard to this issue so that the statute provides the appropriate oversight needed to approve the recommended administrative fees while ensuring that the process runs efficiently and effectively. Thank you again for the opportunity to testify, and I would be happy to answer any questions that you may have.

REP. WIDLITZ: Thank you. I'm a little confused. Are you saying that you would prefer to have Bill 434 instead of this bill or are you requesting that we take Section 1 of that bill and put it into this bill and then delete the change we've made with the reporting requirement?

MARK RAYMOND: I think either approach would meet our requirements. I know that the other bill has been moved out of committee, but the specific action -- all -- the two changes are to, one, allow the removal of the requirement to put the funds in the general fund, and then second is to have a committee that meets on a frequent basis to oversee the fees.

REP. WIDLITZ: Okay. Are there any questions?

Representative Candelora.

REP. CANDELORA: Thank you, Madam Chair.

And just briefly, in the -- part of the issue I guess with the bill that we took issue with last year, and that's being addressed is, the fact that when we're applying this e-government, we don't want the money going into the general fund. It's not a way to raise revenue. It's really a mechanism for the service provider for the e-government to obtain their service fees for that contract. Am I correct, through you, Madam Chair?

MARK RAYMOND: Yes, that is correct. The -- the self-funded e-government effort is somewhat a modern-day equivalent to delivery by express carrier. If people choose to interact with the government on the same basis that they do today, they don't have to pay the fee; however, if they would like to use online services, they would pay a fee and that fee would go directly for the cost of the service and not into the general fund.

REP. CANDELORA: And that's why it's important for that language to come out of Section 1 of the bill because the money isn't going to the general fund. Correct?

MARK RAYMOND: That is correct.

REP. CANDELORA: And then I just -- the issue then that we're left to decide is -- we're making these contracts. You know, if you registered to go to a campsite in the state, you can do that online and there's a service fee that's charged to you for doing it online. So whether or not that

130
dp/ch/mb/cd FINANCE, REVENUE AND
BONDING COMMITTEE

March 18, 2013
10:30 A.M.

service fee that's charged to that individual should be approved by the FAC or the Finance Committee then that's -- I think what's left open for today, as I see the two competing bills right now.

MARK RAYMOND: I think that's my understanding of the difference between the two.

REP. CANDELORA: Thank you, Madam Chair.

REP. WIDLITZ: Thank you.

Are there any questions?

Representative Becker.

REP. BECKER: Thank you, Madam Chair.

Just one quick question, so on Bill 434, I see that it deleted the language that you refer to by depositing to the General Fund. Does it address the issue of the oversight entity?

MARK RAYMOND: Senate Bill 434 leaves it as it was passed last year, which is the under the oversight FAC for approval of the fees.

REP. BECKER: Thank you.

REP. WIDLITZ: Senator Stillman.

SENATOR STILLMAN: Thank you, Madam Chair.

Good afternoon. I'm a little confused about this bill. Could you give us some examples of private and nonprofit entities -- either one, I know I'm not going to -- that actually pay the state for what type

of service. I'm confused by this -- other than a park.

MARK RAYMOND: There are many instances where a company would pay the state for a service. One example would be an insurance company that would look to obtain driver's license records from the state to determine the driving record of someone or, perhaps, a bus company that would like to understand the background of someone who's applied to drive one of their buses as it relates to their driver's license background. The State would provide that information to the company who is looking for that data.

SENATOR STILLMAN: Okay. When the bill states "private," we're also talking about an individual, just a company. In the title of the bill says "private and nonprofit." So are we talking about fees that an individual would pay to access certain state -- like state parks, that was mentioned by Representative Candelora.

MARK RAYMOND: I think --

SENATOR STILLMAN: Or is that something else?

MARK RAYMOND: I think the purpose of the bill is to allow the State to authorize someone to do this on behalf of the State so whether that company to do so is a private entity or a nonprofit entity, it's through the authorization or entering into a contract by the State to do so. So without a procurement to identify what specific company we're talking about, I think the language is a little broad as it relates to who might actually be providing that service.

132
dp/ch/mb/cd FINANCE, REVENUE AND
BONDING COMMITTEE

March 18, 2013
10:30 A.M.

SENATOR STILLMAN: I appreciate your answer. I'm not sure -- I'm still confused. If there's a company that's interested in -- because I'm not sure how much information is considered proprietary or not, but if there is a company that wants to do business with another company but they need some access to information about that company.

Company 1 wants to do business with Company 2. Company 1 is looking for some information from the State about Company 2 because they're concerned about whether they should embark on their, you know, on a agreement. Is that something that the State would provide, either through the Secretary of State's Office or some other agency?

MARK RAYMOND: I believe under the example you described, they, today, an organization could go to the Secretary of State's Office to understand what's been filed about that company. Some of our agencies, like Consumer Protection, also provide information on the performance on certain companies that work within the State, and the State does provide the information about that to different entities.

SENATOR STILLMAN: And there would be a charge for that?

MARK RAYMOND: Through the bill, the idea is to only create charges on those things for which people see value. So it's not to put a charge on all transactions but for those that the business community would see a value in getting the information

133
dp/ch/mb/cd FINANCE, REVENUE AND
BONDING COMMITTEE

March 18, 2013
10:30 A.M.

even more quickly or in a value-added manner. Somewhat to my example with an express delivery or Federal Express, something like that. You'd see value in getting it quickly, or you would go through the more traditional channels and get the information more slowly.

SENATOR STILLMAN: So it's something that may be expedited, I suppose?

MARK RAYMOND: Yes.

SENATOR STILLMAN: Thank you.

Thank you, Madam Chair.

REP. WIDLITZ: You're welcome.

Any other questions? Okay.

Thank you very much.

MARK RAYMOND: Thank you.

REP. WIDLITZ: Mike Zaleski followed by William Comiskey and Chris Herb.

MICHAEL ZALESKI: Good afternoon, Senator Fonfara, Representative Widlitz and members of the committee. My name is Michael Zaleski, and I am the executive director of the Hartford Business Improvement District. The Hartford Business Improvement District is an organization comprised of taxable property owners in Downtown Hartford and portion of Asylum Hill. Our membership ranges from small commercial owners and property owners with relatively small assessed values all the way to the large owner-

SB1054

**TESTIMONY PRESENTED TO THE FINANCE, REVENUE AND BONDING
COMMITTEE
March 18, 2013**

*Benjamin Barnes
Secretary
Office of Policy and Management*

Testimony On House Bill No. 6601

SB434

**AN ACT CLARIFYING THE APPROVAL PROCESS FOR CERTAIN ADMINISTRATIVE FEES
ALLOWED TO PRIVATE AND NONPROFIT ENTITIES**

Senator Fonfara, Representative Widlitz and distinguished members of the Finance, Revenue and Bonding Committee, thank you for the opportunity to offer testimony on House Bill No. 6601, An Act Clarifying the Approval Process for Certain Administrative Fees Allowed to Private and Nonprofit Entities.

Under current law, the Secretary of OPM may authorize state agencies to enter into agreements with entities who wish to utilize government services and programs electronically. The law also allows for imposition and collection of an administrative fee for such utilization, provided that such fees be approved by the Finance Advisory Committee (FAC) prior to being imposed. This bill would change the approval body from the FAC to the General Assembly's Finance Committee.

I am not supportive of this change as written because it could result in delays in moving forward with agreements to access government services or programs electronically if an administrative fee is essential to any such agreement. I have no particular issue with the Finance Committee or any other committee of the General Assembly exercising oversight of the process. However, the General Assembly is in session for only a short time each year, thus limiting the window for approval of any agreements. The FAC has a monthly meeting schedule, providing year-round availability and flexibility in implementing any administrative fee arrangements. If the Finance Committee decides that the change in approval body should move forward, I ask that you consider adding language deeming any administrative fee proposal approved if the committee does not take action on a request within 30 days of submittal to the committee

In addition, I call your attention to Senate Bill No. 434, submitted by the Department of Administrative Services, which has been referred to the Committee on Government Administration and Elections. Section 1 of that bill proposes another important change to section 4-60u of the general statutes that should also be incorporated into this bill.

I would like to again thank the committee for the opportunity to present this testimony. I respectfully request that the Committee take no action on this bill or to incorporate the revisions noted above.



DEPARTMENT OF ADMINISTRATIVE SERVICES

page: 17
line: 13



STATE OF CONNECTICUT

165 Capitol Avenue
Hartford, CT 06106-1658

House Bill 6601

An Act Clarifying the Approval Process for Certain Administrative Fees Allowed to Private and Non Profit Entities

**Finance Revenue & Bonding Committee
March 18, 2013**

Good morning Senator Fonfara, Representative Widlitz, Senator Franz, Representative Williams, and distinguished members of the Finance, Revenue and Bonding Committee. My name is Mark Raymond, and I am the Chief Information Officer for the State of Connecticut. My bureau, the Bureau of Enterprise Systems & Technology (BEST) functions within the Department of Administrative Services.

Thank you for giving me the opportunity to offer testimony on House Bill 6601, An Act Clarifying the Approval Process for Certain Administrative Fees Allowed to Private and Non Profit Entities.

House Bill 6601 modifies language that passed in last year's budget implementer bill -- Section 152 of P.A. 12-2 (June Spec. Sess.). Section 152 provided authorization for state agencies to enter into contracts with private and non-profit entities to help get more government services and transactions online. Representative Candelora correctly identified an error in that Section of the Public Act when the bill was debated on the House Floor. DAS has requested legislation this year to fix the error. That fix language is in Section 1 of Senate Bill 434, which was recently heard and unanimously voted out of the GA&E Committee.

DAS is concerned that the bill before the Committee today - HB 6601 - removes the necessary fix that we need in order to move forward with this important IT initiative. Specifically, the existing statute provides that, if we contract with a vendor to help facilitate e-government transactions and services, the state may allow the vendor to charge an administrative fee. However, the statute currently requires that such administrative fees must be deposited into the General Fund. (See lines 17-18).

Section 1 of DAS's bill, Senate Bill 434, deletes the requirement that these administrative fees be deposited into the General Fund. This is a critical fix, which is not included in HB 6601.

Deleting the requirement that these administrative fees be deposited into the General Fund enables the State to utilize an increasingly popular "self-funded" model for e-government

contracts. In such a model, a competitively-chosen vendor develops, implements, maintains and grows online transactions for the State **with no ongoing payments from the state**. Instead, the vendor is paid for its work through small administrative fees attached to a select set of on-line services.

The agencies of the State of Connecticut are under constant pressure to deliver more services at a time when a shrinking portion of the budget is available for general government purposes. As a result, numerous state agencies and offices are moving forward with e-government initiatives to enable their clients and the public to transact business with the state online, and to provide data and information in an easily accessible web-based format. Utilizing a self-funded e-government model would allow the State to dramatically improve and maintain a new online presence and to expeditiously move forward with e-government initiatives. The chosen vendor(s) provide the work to transform State website portals and move State transactions and services online, with no ongoing cost to the State. The vendor works with the State to recommend certain transactions on which small administrative service fees may be added to support the system. No fees are ever imposed without review by members of the executive and legislative branches.

We respectfully request that the Committee include in HB 6601 the legislative fix outlined in Section 1 of SB 434 to enable the State to make use of the "self-funded" e-government model. Almost 50% of the states within the United States have turned to self-funded e-government as a way to provide more services, quickly and efficiently to those that choose to transact with the government on-line. Connecticut would continue to lag behind in this area if we were legislatively prohibited from utilizing this tool.

House Bill 6601 also changes last year's legislation to require that the joint Finance, Revenue and Bonding Committee approve administrative fees before they are imposed, rather than the Finance Advisory Committee. One concern about this change is that the joint committee does not meet regularly outside of the legislative session. In order to be effective, our e-government initiative must be implemented in a way that is responsive to the rapidly evolving business and technology environment. Therefore, whatever group is tasked with approving recommended administrative fees for online services must be able to act quickly. We would like to work with the Committee with regard to this issue so that the statute provides the appropriate oversight needed to approve recommended administrative fees, while ensuring that the process runs efficiently and effectively.

Thank you again for the opportunity to testify, and I would be happy to answer any questions that you may have.

**JOINT
STANDING
COMMITTEE
HEARINGS**

**GOVERNMENT
ADMINISTRATION
AND ELECTIONS
PART 1
1 – 321**

**2013
INDEX**

ESSIE LABROT: Wi-Fi.

REP. HWANG: Wi-Fi.

ESSIE LABROT: We have Wi-Fi within our town just a couple months ago, but we've had Internet access for a couple of years. There's -- many years, but the Wi-Fi just became available.

REP. HWANG: Now in regards to some of the -- the voter registration, the events, cross-checking and using Internet and requiring, you know, your -- your moderators in various other places to have Internet access, did that -- is that going to be an additional cost burden to you as well? That -- I'm not sure if you can refer --

ESSIE LABROT: Not to -- not to West Hartford. We already -- we already have the ability on our computers.

REP. HWANG: How about the other towns within your --

ESSIE LABROT: I'd -- I have heard of some towns having some difficulty with technology.

REP. HWANG: Thank you.

REP. JUTILA: Questions from other members of the committee? Any other questions?

If not, thank you for your testimony.

The next speaker will be Commissioner Don DeFronzo of the Department of Administrative Services.

COMMISSIONER DONALD DEFONZO: -- Senator McLachlan, Representative Hwang and distinguished members of the committee, you have my testimony in front of you. I think I'm going to try and summarize it for the sake of time. I want to thank the committee

HB 5598
SB 434
SB 430

for raising three bills on our behalf, House Bill 5598, Senate Bill 434 and Senate Bill 430. And let me just run through these briefly.

Senate Bill -- I mean, House Bill 5598 has a number of provisions, probably the most substantive has to do with reforming and streamlining the State's process of assessing ongoing use or disposition of surplus real property. We have a very protracted duplicative process in place. It takes easily 4 to 600 days, in my experience, limited experience, over there, very often longer than that. It involves multiple agency involvement and interaction with local municipalities, and the time frame not only frustrates those seeking to negotiate the purchase of that land or property from the State but it also costs the State significant amounts of money, and that we're required to maintain the property, provide security on those properties and over time that accumulates to significant amount of money. So we are proposing a series of changes in this statute which would require state agencies to analyze more fully whether available property is useful for their core functions. Secondly, to better inform the public at the front end of the process about the surplus property and establish a procedure for soliciting the input from localities, municipalities and regions with respect to decision-making on that property, would allow the state to make reuse or disposition decisions based on more complete information obtained earlier in the process, and also to streamline the approval process by eliminating redundant steps and shortening the time frames.

I think these are important changes to make that will improve local and regional involvement in the sale of the property and will also improve the State's ability to negotiate more favorable prices and terms for the disposition of surplus property.

Moving on to Raised Bill 434, this is an act concerning the Department of Administrative Services in E-Government, extensions of existing contracts, a state Americans with Disability Act Coordinator Advisory Committee and settlements by the claims commissioner. In the first section of this bill modifies language that passed in last year's budget implementer bill that language authorized state agency to enter into contracts to help get more government services and transactions online rapidly for citizens or if it included a clause that runs counter to the self-funded model that most states are using these days to accomplish these IT goals.

This model enables the State to have a vendor build a new IT system and continually update its use for us without the State having to upfront appropriations or bond funds. Instead the vendor is paid through small service fees, convenience fees, that are applied to selected percentage of online transactions that are approved by the State. These service fees will allow the State to bring new capability in much shorter time than would otherwise be the case.

Mark Raymond, our -- the State's chief information officer, is here with me today would be glad to answer any questions on -- on this specific proposal.

Section 2 of this bill relates to extending contracts for goods and services, and this is a very narrowly crafted extension of authority which would allow us under very specific circumstances to extend contracts for up to one year under very specific situations where the continuity of service, particularly, really relating to IT contracts, would -- would be operative. We'd be

glad to answer any questions on that as we move forward.

Sections 3, 4, 5 and 9 of the bill repeal antiquated DAS statutes and basically calls for the redefinition of an existing committee -- taking an existing committee and making it a committee to provide advice and direction to the state ADA coordinator with respect to services for ADA-impacted residents and employees.

This is really now being something that's -- being moved forward by DAS because the -- the Governor, last year, designated the commissioner of DAS as the ADA coordinator for the State, so I have particular interest in this. But this is an antiquated committee which hasn't met in a number of years, and we're trying to redefine its -- its purpose and these are the reasons for which we're proposing its continuation.

And finally the last section of this bill being submitted on behalf of the claims commissioner, as that office is supported administratively by DAS. The claims commissioner, Paul Vance, Jr., is here and will testify separately on this bill in just a few moments.

And finally, Senate Bill 430, AN ACT CONCERNING STATE FLEET AND MILEAGE, FUEL EMISSIONS STANDARDS, and this bill was before the committee last year and passed out of committee, basically seeking an extension of the deadline to achieve a 40-mile MPG standard for all fleet vehicles. This has proved to be a bit of a -- of a difficult and somewhat unrealistic task in the short run given the -- the needs of our fleet and the operations fleet, and there are a number of reasons I can cite for -- for you as to why we're trying to seek this extension. But, basically, the cost of the more fuel efficiency vehicles is one problem and the very

efficiency. I just would hope that we could find a way to, perhaps, extend the -- the deadline for implementation without necessarily striking the underlying requirement, and I think that the intent of this -- and I just hope you can work with the agency to -- to make sure that that's the actual language that we pass.

COMMISSIONER DONALD DEFRONZO: I'd be glad to look at various options with you.

REP. JUTILA: Other questions?

Yes, Representative Molgano.

REP. MOLGANO: Thank you, Mr. Chairman.

Welcome, Commissioner, and thank you for your report.

Just quickly on your proposal in 434 about enabling more government services to go online. I was just wondering are these all going to be interconnected, like an ERP, or are we talking that these are silos as information to be shared among all these different departments? Is there a grand picture of everything being interconnected?

COMMISSIONER DONALD DEFRONZO: Let me ask CIO Raymond to respond to that.

MARK RAYMOND: Thank you, Commissioner DeFronzo.

My name is Mark Raymond. I'm the chief information officer for the state of Connecticut.

The current approach to providing these online services is to develop a single portal where all of these services would be available to constituents, to businesses, to the public.

We're not proposing, at this time, that we integrate all of the underlying systems that would be a tremendously large endeavor, but making them much easier for our citizens and businesses to both find and transact in their locations and allowing data to move more freely across those different areas is what we're trying to accomplish with this change.

REP. MOLGANO: Thank you.

And just one other question on your ADA Council, if I read this correctly, these are only for positions within the state of Connecticut, it would not that be assisting anyone with disabilities in pursuing any employment outside the state; is that correct?

COMMISSIONER DONALD DEFRONZO: This committee would be -
- as it impacts and advises the state ADA coordinator so that jurisdiction is limited to state employees, individuals applying for state jobs, accommodations within the workplace, building access, all those related issues.

REP. MOLGANO: But the --

COMMISSIONER DONALD DEFRONZO: But for state -- state employee public service primarily.

REP. MOLGANO: Thank you, Mr. Chairman.

REP. JUTILA: Any other questions from members of the committee? Any other questions?

Yes, Senator Musto.

SENATOR MUSTO: Good afternoon, Commissioner.

Real quick, following up on what Senator McLachlan was talking about. It seems like, you know, we

HB 5598

SENATOR MUSTO: Okay. We -- thank you, yes, we did have that discussion.

Questions from members of the committee?

You're getting off easy. All right. Thank you.

So next, Mr. Paul Vance, the claims commissioner.

Mr. Vance welcome.

PAUL VANCE, JR.: Thank you very much. Good afternoon, and just for the record my name is Chief Paul Vance, Jr., not to be confused with the more famous and esteemed Paul Vance, who is my father.

For the past 17 months, I've served as the claims commissioner here in the state. And for those of you who are not familiar, any time there is a claim brought against the State, I have four options.

Rather than read my testimony, which I've already submitted, I'm just going to be brief.

The four options under the statute are: Number one, I can order that the claim be dismissed; number two, I can order an immediate payment for the claim up to \$7500; number three, I can recommend to the General Assembly, the Judiciary Committee, that a just claim be paid in excess of \$7500; or number four, I can give authorization for the claimant to sue the State.

Now we have all different types of claims. They vary from an assault on a correctional facility, slip and falls at some of the state universities, lost property at UConn Health Center so -- so really it runs the gamut. And I'm here asking for your support for Senate Bill 434, which would raise the jurisdictional limits to a \$20,000 number rather than \$7500.

The reason I picked \$20,000, in conjunction with working with DAS, is there are quite a few claims that come before our office and come before me that I think would have the ability to settle without coming to the GA, without coming to the Judicial Department, claims that range from that \$7500 figure to about \$20,000.

I think raising the jurisdictional limit is going to help in -- in several different ways. The attorney generals act as the defense attorney for the State and state agencies. If we have the ability to settle these, the attorney general doesn't have to go to the next level, either to a formal hearing in front of me or to the Judicial Department to bring a lawsuit, which clogs up the judicial department docket. So I think this figure makes a lot of sense. It gives my office and me the flexibility to settle a lot more cases within my jurisdictional limits.

I don't think it would have any cost, in fact, I think it would do what I've tried to do over the past 17 months, make my office run a little bit more efficiently so that we can dispose of claims that are not valid and claims that are valid, we can settle them without having to send them somewhere else to get that done.

And with that being said, if you have any questions for me, I'd be happy to speak specifically to the statute or to my office.

SENATOR MUSTO: Senator McLachlan.

SENATOR MCLACHLAN: Thank you, Mr. Chair.

Thank you, Commissioner. And I wonder if you could share with us how many -- annually, how many claims are you talking about between 7500 and 20,000?

PAUL VANCE, JR.: It would be tough for me to speculate, and that's exactly what I would be doing. The reason I say that is because if it's a claim that's worth more than \$7500, you generally don't ask for somewhere in between there. You would just ask for either permission to sue. I've had -- I can give you examples of cases that have settled for that. And I have two options when they settle for that. I can think of one off the top of my head. It was a slip and fall at UConn, and it settled for about \$13,000.

So my two options are: one, I grant permission to sue and then a judge has to sign off on that settlement; or two, it has to come to the Judiciary Committee and they need to sign off on it.

That's one specific example that sticks in my head, and I know there have been several that have settled over the last year, but most people when they think their case -- most attorneys that -- think their case is worth more than \$7500, they don't even ask for a specific number. They make a demand for permission to sue so that they can get to the next level. And oftentimes these cases, I'm told by the AG settle at the pretrial level. So I think giving me a little bit more jurisdictional latitude, would allow me to have pretrials that are a little but more than just scheduled conferences and allow me to settle more cases.

SENATOR MCLACHLAN: Thank you.

And so I think what you're describing to us is you're willing to take on more work because you're currently passing the responsibility or purview on a number of these cases elsewhere, and you're willing to keep all of that in-house. That's why I asked how many cases you thought they were.

PAUL VANCE, JR.: A little bit. I think these cases are in front of me anyway. How I've tried to structure a case when it comes in is, I -- I try to have two hearings if it has to go that far. First, there's an informal hearing where I get an idea of -- of what the value of the case is, if there's a value to the case; and if there is, do we have some room to settle it?

And I think that would be a lot more valuable for some of these cases where the attorneys or the claimants, who are pro se, have simply asked for permission to sue because they don't think that \$7500 would -- would cover their losses of their alleged damages. So I don't think there would be an increased workload for me. I just think there would be probably more honest brokering in the informal conferences.

SENATOR MCLACHLAN: Thank you, Commissioner.

Thank you, Mr. Chair.

REP. JUTILA: Thank you for your testimony, Mr. Vance.

Just one -- one quick question. I didn't see it in your testimony, and if you said it and I missed it, I apologize but when -- when is the last time that the threshold has been raised?

PAUL VANCE, JR.: About 20 years ago.

REP. JUTILA: Really. Okay. Thank you.

PAUL VANCE, JR.: So I think it's time. And I can add that since a lot of the cases in front of me are medical-type claims, where somebody has a personal injury either from being assaulted, falling down, it's pretty safe to say that over the past 20 years the cost of medical bills has gone up a little bit,

too, so -- so it gives us a little bit more room there to take the bills and give an honest look, it's a -- if there's a value what that value actually is.

REP. JUTILA: Okay. Thank you.

SENATOR MUSTO: Good evening, Commissioner.

PAUL VANCE, JR.: Senator.

SENATOR MUSTO: 20,000, just pick a number. Why is 20,000 the right number? Could you walk us through that a little? Why not 15? why not 25? you know, why not 50? why not 10? What's the -- what's the rationale for 20 as the number?

PAUL VANCE, JR.: It's a combination. I -- my experience has been, as a trial lawyer in practicing personal injury both on the defense side and on the plaintiff side, and I see that most of the cases that are brought in are not those 5 percent whiplash cases that settle for 2 or 3,000 dollars, but I think between 10 and 20,000 dollars seems to be the number, based on my experience.

Also I've seen a lot of claims come before me -- and there's one specific AG who has a lot them and he represents the university system -- a lot of his cases that have been in front of me and I've sort of had to pass the buck because of the jurisdictional limits -- have been somewhere in that range, between 10 and 20. I think -- I haven't seen too many more than 20 and the ones that are more than 20 are so much more than 20, they're millions and 100,000-dollar cases so. And I have one -- one claim that's pending who got sent over here. She wants \$999 billion but I didn't think that would be an appropriate jurisdictional limit.

SENATOR MUSTO: Right. I think you have --

PAUL VANCE, JR.: I can tell you I know, specifically, and I haven't had any conversations, I know that if a grant that claim that I certainly will be looking for a new job.

SENATOR MUSTO: The -- you're dealing with all claims against the State, though, not just the personal injury type claims and, you know, other claims as well, so would this really just take some of the edge off as far as the personal-injury type claims or -- or would other claims also be included, you know, in this -- would other claims be affected by this jurisdictional limit and, if so, what types?

PAUL VANCE, JR.: I think the ones that I see most often are the property damage, especially in light of the giant storms that we've had. There have been, you know, a state tree falls on someone's property. I think you're correct on saying that it will take the edge off most of the personal injury, physical damage claims that -- those are the ones that seem to fall within that 10 to 20,000 dollar range. I think those are the ones that we're really targeting.

Half of our business are inmate claims, and quite often those are personal injury claims. I can say that the balance of them are granted, in fact, it's quite the opposite, but that's the jurisdictional area where we'd like to be able to move them along a little bit further and not have to send them to somebody else and do that.

SENATOR MUSTO: Thank you.

Representative Hwang.

REP. HWANG: Thank you, Mr. Chair.

Just as you mentioned earlier about being mistaken for your dad, if not, it sounded like a great source of pride and I do want to share that -- what your father has done in representing the state in this terrible tragedy is -- is incredible.

PAUL VANCE, JR.: Thank you.

REP. HWANG: And I -- please share that with him.

In regards to the minimum job requirements to be the Claims Commissioner, do you need to be an attorney?

PAUL VANCE, JR.: I believe by statute you have to be an attorney for five years.

REP. HWANG: Okay.

PAUL VANCE, JR.: And I can assure you that I have that and then some, and my student loan bills would -- would show you that that I have that experience and then some.

REP. HWANG: No. I just wanted to check that in the sense that if we appoint another commissioner down the road, 20 years down the road, and we give them that kind of -- him or her -- that kind of authority that I certainly wanted to be able to have that as a minimum qualification to -- to be able to gauge and evaluate and have that determination. Thank you for that answer.

SENATOR MUSTO: Other questions? Anything else?

Commissioner.

PAUL VANCE, JR.: Thank you very much. I appreciate your time. Thank you.

**Commission on Human Rights
and Opportunities**

Memo

To: Government Administration & Elections Committee
 From: Robert J. Brothers, Jr., Executive Director
 Date: January 28, 2013
 Re: **SB 434**, AN ACT CONCERNING THE DEPARTMENT OF ADMINISTRATIVE SERVICES AND E-GOVERNMENT, EXTENSIONS OF EXISTING CONTRACTS, A STATE AMERICANS WITH DISABILITIES ACT COORDINATOR ADVISORY COMMITTEE AND SETTLEMENTS BY THE CLAIMS COMMISSIONER

With the proposed change in Section 5 of this bill from a committee to "encourage the employment by the state of persons with disabilities" to one that "coordinate[s] state compliance with the federal Americans with Disabilities Act of 1990" the Commission believes that a representative of CHRO should be an appointee to this committee

We would suggest the following in lieu of the bill as drafted:

(a) For purposes of this section, "state Americans with Disabilities Act coordinator" means the person appointed by the Governor to coordinate state compliance with the federal Americans with Disabilities Act of 1990. There is established a committee to [encourage the employment by the state of persons with disabilities] advise the state Americans with Disabilities Act coordinator. The [Commissioner of Administrative Services] state Americans with Disabilities Act coordinator shall appoint the members of the committee, which shall be chaired by [such commissioner] said coordinator, or his designee, and include at least one representative of each of the following:

- (1) The Board of Education and Services to the Blind;
- (2) The Commission on the Deaf and Hearing Impaired;
- (3) The Department of Rehabilitation Services; [.]
- (4) The Office of Protection and Advocacy for Persons with Disabilities;
- (5) The Department of Mental Health and Addiction Services;
- (6) The Department of Developmental Services; **[and]**
- (7) The Labor Department;
- (8) The Department of Construction Services; and**
- (9) The Commission on Human Rights and Opportunities.**

Line Number 2Page Number 9Senate Bill 434

An Act Concerning the Department of Administrative Services and E-Government,
Extensions of Existing Contracts, A State Americans with Disabilities Act
Coordinator Advisory Committee and Settlements by the Claims Commissioner

Government Administration & Elections Committee

January 28, 2013

Good afternoon, and thank you Honorable Members of the Government Administrations and Elections Committee. My name is J. Paul Vance, Jr. and I have had the honor of serving for the past seventeen months as the state's Claims Commissioner.

I am here today to testify on, and ask your support for, the sections of Senate Bill 434 that relate to Claims Commissioner operations.

For those of you who are not familiar, my position as Claims Commissioner is similar to an 'internal affairs' judge for the State of Connecticut. Since the State of Connecticut cannot be sued without its consent, by statute the Claims Commissioner has the authority to determine if a claim against the State has merit. We have hundreds of claims that are brought against the State that are different and range from a slip and fall claim in a judicial building to lost property at a state university to an assault in a correctional facility. Many different state agencies have been the 'defendant' so to speak and it is important that I maintain both independence and a sense of fairness to serve as what has been called 'the conscious of the State.' I take this role very seriously and I weigh each claim carefully to ensure that that the resident has been treated fairly and determine if the State has acted appropriately or not.

While I have great responsibility in the position, the authority is guided by C.G.S. Section 4-158, which allows me to: (1) order that a claim be denied or dismissed; (2) order immediate payment for the claim up to \$7,500; (3) recommend to the General Assembly payment of a just claim in an amount exceeding \$7,500; or (4) authorize a claimant to sue the State. Senate Bill 434 raises the thresholds in the statute from \$7,500 to \$20,000, and therefore would allow the Claims Commissioner to expeditiously resolve more cases.

The statutes that set forth the jurisdictional limits of the Claims Commissioner have not been updated in almost twenty years, and I submit that the proposal to increase these limits will save the State resources. By raising the threshold, the claimants and

respondents that appear before me have a bit more room to settle just claims without being compelled to clog the agenda of the GA or clog the docket of the judicial department with lawsuits that have a value of less than \$20,000. Not only will this change help my office be more efficient in attempting to settle valid claims, but it will lessen the strain on the attorneys in the Office of the Attorney General who litigate these claims, giving them greater ability to negotiate settlements and enabling them to avoid going to court.

In my confirmation hearing for this position, I spoke about my desire to make the Office of the Claims Commissioner more efficient, and I believe this is one such step in the right direction.

I thank you for your time, and the opportunity to testify today. I am happy to answer any questions the Committee may have now, or at any time, about this proposal or the work that my office performs.



DEPARTMENT OF ADMINISTRATIVE SERVICES



STATE OF CONNECTICUT

165 Capitol Avenue
Hartford, CT 06106-1658

Testimony in Support of Senate Bill 434

AAC The Department of Administrative Services and E-Government, Extensions of Existing Contracts, A State Americans With Disabilities Act Coordinator Advisory Committee and Settlements By The Claims Commissioner

Government Administration & Elections Committee

January 28, 2013

The Department of Administrative Services offers the following testimony in support of Senate Bill 434.

Section 1 of this proposal modifies language that passed in last year's budget implementer bill P.A. 12-2 (Special Session sec. 152) that provided authorization for state agencies to enter into contracts with private and non-profit entities to help get more government services and transactions online.

The modification enables the State to utilize an increasingly popular "self-funded" model for these contracts requiring the chosen vendor(s) to provide all initial development and on-going development and maintenance services to the State without any up-front financial investment by the State. In these self-funded contracts, the vendor(s) are reimbursed through administrative fees determined by the State. The current language in the statute, which requires these administrative fees to be deposited into the general fund, prohibits the State's use of this self-funded model.

Numerous state agencies and offices are moving forward with e-Government initiatives to enable their clients and the public to transact business with the state online, and to provide data and information in an easily accessible web-based format. Utilizing a self-funded e-government model would enable the State to dramatically improve and maintain a new online presence and to expeditiously move forward with e-Government initiatives. The chosen vendor(s) provide the work to transform State website portals and move State transactions and services online, with no up-front cost to the State, enabling us to move forward with these initiatives with **no general fund appropriations or bond funds**. The vendor works with the State to recommend certain transactions on which small administrative service fees may be added to support the system. No fees are ever imposed without review by members of the executive and legislative branches.

DAS and the Department of Economic & Community Development are currently working to establish a contract for an enterprise E-Government solution. Without the language change proposed in Section 1 of this bill, the State will not be able to utilize the self-funded model to do this work, but would instead have to seek bond funds or general fund appropriations. Additionally, utilizing the self-funded contract model rather than the traditional pay-for-services approach would enable us to do this work more rapidly, and consistently continue to add more on-line government transactions and services to our portal.

Section 2 of this bill modifies C.G.S. § 4a-59a, which relates to the extensions of contracts for goods and services. In general, once contracts expire, they must be competitively bid again. By statute, exceptions to this general rule apply when (1) soliciting competitive bids for a purchase would cause a hardship for the state, (2) when a competitive solicitation would result in a major increase in the cost of the goods or services under contract, or (3) when the contractor is the sole source for the products or services. In such instances, the DAS Commissioner must make a written determination of the exception used, and must also test the marketplace by soliciting at least three competitive quotes in addition to the contractor's quote, and making a written determination that no comparable competitive quote is lower than or equal to the contractor's price.

While DAS agrees that these guidelines are appropriate to protect against frequent, ill-advised, or ad hoc contract extensions, some flexibility is needed to address situations where failure to extend an existing contract would compromise continuity of state agency systems or operations. While infrequent, unforeseen situations do arise, particularly in the Information Technology area, when a new contract is not yet ready to be executed or a newly-chosen vendor is not yet ready to perform at the time an existing contract expires. In such situations, the existing statutory exceptions authorizing contract extensions do not apply, and the State has no recourse but to terminate the existing contract, leaving a gap in service. Such situations create severe problems when the contract at issue provides products or services that are critical to State agency systems or operations.

Existing statutes already recognize the importance of ensuring the continuity of State agency IT facilities, equipment and systems (see C.G.S. § 4d-44). Although contract provisions exist to address these contingencies, they do not help when the statute expressly provides that those contracts cannot be extended after their contract expiration date.

In order to address such situations, and to prevent a gap in critical products or services, DAS proposes a narrow exception allowing the DAS Commissioner to extend an existing contract, for a period not to exceed one additional year, if failure to provide

such extension would compromise continuity of state agency systems or operations. In such a case, the Commissioner would have to provide a written certification.

Lines 41-45 of the bill merely clarify the existing statute. As stated above, under current statute, the DAS Commissioner may extend an existing contract if he can show that (1) soliciting competitive bids for a purchase would cause a hardship for the state, (2) a competitive solicitation would result in a major increase in the cost of the goods or services under contract, or (3) the contractor is the sole source for the products or services. In such instances, the DAS Commissioner must still solicit at least three competitive quotes from other vendors. However, by definition, the requirement to solicit other bids is simply not possible in sole source situations. Therefore, DAS seeks to clarify this part of the statute and only require 3 competitive quotes in situations involving (1) or (2) above.

Section 5 of the bill modifies C.G.S. §4-61aa, which established a committee to encourage the employment by the State of persons with disabilities. To be chaired by DAS and consisting of representatives from the Board of Education and Services to the Blind, the Commission on the Deaf and Hearing Impaired, the Department of Rehabilitation Services, the Office of Protection and Advocacy for Persons with Disabilities, the Department of Mental Health and Addiction Services, the Department of Developmental Services and the Labor Department, this Committee's mandate was to advise and develop written guidelines "regarding the adaptation of employment examinations and alternative hiring processes for, and the reasonable accommodation of, persons with disabilities." This Committee was also expected to review career mobility programs with specific regard to individuals with disabilities.

This Committee has not met in several years. The Auditors have cited DAS for not convening this committee and have recommended that the agency seek its elimination legislatively, or reconstitute it.

The narrow scope of this committee's charge makes a statutorily-required standing committee impractical.

At this time, the Commissioner of DAS has been appointed by the Governor to serve as the Statewide ADA Coordinator. As a result of this experience, DAS believes that an Advisory Committee, comprised of agencies and individuals with experience in the challenges faced by individuals with disabilities and the State's legal obligations under the Americans with Disabilities Act, would provide valuable insight and assistance to the Statewide ADA Coordinator. Therefore, DAS proposes to re-name the Committee to Encourage Employment by the State of Persons with Disabilities, and to modify its charge.

Specifically, DAS proposes that the committee be re-named the "State Americans with Disabilities Act Coordinator Advisory Committee." This Advisory Committee will consist of representatives from the same agencies as its predecessor, as well as any other individuals designated by the State ADA Coordinator. Its function would be to advise the State ADA Coordinator, as needed, on issues relating to not only the employment by the state of individuals with disabilities, but also, on measures the State can take to fulfill its other obligations under the Americans with Disabilities Act, including its obligations as a provider of public services and a place of accommodation.

Sections 6-8 are submitted on behalf of the Claims Commissioner. The Office of the Claims Commissioner ("OCC") was established to assess claims brought against the State to determine which claims have merit, therefore warranting the State to waive its sovereign immunity and agree to be sued; and to expeditiously resolve such claims against the State.

C.G.S. § 4-158 outlines the Claims Commissioner's authority. When a claim is brought against the State or one of its agencies, the Claims Commissioner may 1) order that a claim be denied or dismissed; 2) order immediate payment of a just claim in an amount not exceeding \$7,500; 3) recommend to the General Assembly payment of a just claim in an amount exceeding \$7,500; or 4) authorize a claimant to sue the State.

This statute was originally enacted in 1959. At that time, the Claims Commissioner had the authority to order and enforce judgments up to \$2,000. In 1975, the \$2,000 threshold was increased to \$5,000. In 1984, the threshold was raised again, to \$7,500. The statutes have not been updated in nearly 20 years; the \$7,500 threshold has been in place since 1984. Increasing the threshold to \$20,000 would make the state claims process more efficient by enabling the OCC to handle these smaller cases expeditiously, without clogging up the Judicial dockets.

Currently, for example, if the Claims Commissioner is able to settle a claim for \$10,000, he must grant permission to sue the State and then transfer the case to the Judicial Branch where the matter is placed on a judge's docket for approval and processing. It simply does not make sense to utilize the resources of both the OCC and the Judicial Branch (and the Office of the Attorney General, which is generally involved in these cases both when they are at the OCC and when they are in Court) on these low-dollar claims.

Finally, Section 9 of this bill repeals two obsolete statutes. C.G.S. § 4a-55 provides that any institution or state agency, with the approval of the DAS Commissioner, may become a member of a corporation established to provide hospital laundry services and supplies on a cooperative basis to its members and may, with DAS's approval, enter into a contract with such a corporation.

This statute was enacted in 1969 and was amended only once, in 1977, to update DAS's agency name. No state agency is currently a member of any laundry cooperative corporation, and it is our understanding that these cooperatives have not been established in many years. We respectfully recommend that this statute is repealed. C.G.S § 4-61t makes DAS responsible for appointing members to and chairing the Committee on Career Entry and Mobility. The statute specifies that this unwieldy committee, consisting of designees from DAS, OPM, CHRO, PCSW, and OP&A as well as at least 10 other state employees representing different specified interests, should determine how career counseling can be best provided and training opportunities best met and made available with the funds allotted.

The Committee was also to develop mechanisms to communicate information about State employment opportunities to State employees and persons with disabilities who wish to become State employees; advise the Commissioner of DAS concerning broader usage of classification titles affecting upward mobility, the entry level employment of persons with disabilities and an effective procedure for reporting compliance to the legislature. The committee was to meet at least quarterly and submit periodic reports to the Commissioner of Administrative Services; however, it has not met in several years.

Notwithstanding the Committee's inaction, the goals of the Committee have been achieved through a variety of measures, including the clarification of the process for promotions by reclassification, the establishment of the Connecticut Careers Trainee and Leadership Associate classes, the creation of various trainee classes, and ongoing re-evaluation of the minimum qualifications needed to qualify for state job classifications. DAS has consistently striven to achieve the goal of greater communication about employment opportunities, first by posting information about examinations and job openings on the DAS website, then by establishing the e-Alert system, which enables applicants to receive emails about new examinations and postings automatically, and, coming soon, a web-based applicant examination list information system that will enable applicants to check whether they are on current examination lists and when those lists expire. Also coming soon, DAS is developing an e-Recruit module through the Core-CT system that will simplify the path toward state employment even further. Many of these efforts have been and continue to be achieved through labor-management committees, regular meetings of human resources professionals throughout the state, and with other input from stakeholders.

The Auditors of Public Accounts have recommended that DAS either seek statutory elimination of this committee or resume it. DAS believes that the sheer size of the committee makes the committee unmanageable, and requiring such a committee to meet at least quarterly to continuously review a fairly narrow scope of topics is not practical nor an efficient use of state time or resources. While such a committee may have added value in the 1980s and 1990s, technology advancements, and the establishment of labor-management committees and regular human resources

professional meetings have enabled the goals of this committee to be met in much more practical and efficient ways. This committee is obsolete and should be eliminated.

DAS thanks the Committee for raising this bill, and we respectfully ask for the Committee's support. Please contact DAS's legislative liaison, Terrence Tulloch-Reid (860)713-5085, if you have any questions or require further information.



STATE OF CONNECTICUT

OFFICE OF STATE ETHICS

**OFFICE OF STATE ETHICS' STATEMENT IN SUPPORT OF
SECTION 7 OF RAISED BILL No. 5598
AN ACT CONCERNING THE DEPARTMENT OF ADMINISTRATIVE SERVICES
AND THE DISPOSITION OF SURPLUS STATE PROPERTY, SHORT TERM
EMERGENCY LEASES, THE DEFINITION OF EXECUTIVE SESSION AND
DUPLICATIVE STATEMENTS OF FINANCIAL INTEREST.**

The Office of State Ethics ("OSE") supports section 7 of Raised Bill No. 5598 and respectfully requests that the following comments be considered. The proposed language in section 7 amends section 4b-4 of the general statutes by requiring members of the State Properties Review Board and certain employees of the Department of Administrative Services to file Statements of Financial Interests with the OSE, pursuant to the provisions of section 1-83 of the general statutes. This proposal would reduce the number of duplicative financial filings submitted by public officials and state employees, and create efficiencies by directing financial statements to a centralized repository established and managed by the OSE under section 1-83 of the general statutes.

For further information please contact: Carol Carson, Executive Director, Office of State Ethics, at 860-263-2400; 860-263-2402 (fax).

STATEMENT OF THE FREEDOM OF INFORMATION COMMISSION ON:

HB 5598, AN ACT CONCERNING THE DEPARTMENT OF ADMINISTRATIVE SERVICES AND THE DISPOSITION OF SURPLUS STATE PROPERTY, SHORT TERM EMERGENCY LEASES, THE DEFINITION OF EXECUTIVE SESSION AND DUPLICATIVE STATEMENTS OF FINANCIAL INTEREST.

January 28, 2013

The Freedom of Information (FOI) Commission supports the purpose of section 6 of House Bill 5598, but suggests that the proposed language be amended in order to achieve such purpose.

Section 6 of HB 5598 proposes to amend §1-200(6)(D) of the FOI Act to allow the state (as well as political subdivisions of the state) to meet in executive session to discuss real estate transactions, including the discussion of the selection of a site or the lease, sale or purchase of real estate that would adversely impact the price for the public agency. As written, the proposal would only address situations when publicity regarding the selection of a site, lease, sale, purchase or construction would adversely impact the price paid by the public agency, but would not address situations where the price received by the public agency would be adversely impacted.

The FOI Commission and the Department of Administrative Services have conferred and suggest the following alternative language:

“Executive sessions” means a meeting of a public agency at which the public is excluded for one or more of the following purposes: (A) Discussion concerning the appointment, employment, performance, evaluation, health or dismissal of a public officer or employee, provided that such individual may require that discussion be held at an open meeting; (B) strategy and negotiations with respect to pending claims or pending litigation to which the public agency or a member thereof, because of the member’s conduct as a member of such agency, is a party until such litigation or claim has been finally adjudicated or otherwise settled; (C) matters concerning security strategy or the deployment of security personnel, or devices affecting public security; (D) discussion of the selection of a site or the lease, sale or purchase of real estate by the state or a political subdivision of the state when publicity regarding such site, lease, sale, purchase or construction would [cause a likelihood of increased] adversely impact the price of such site, lease, sale, purchase or construction until such time as all of the property has been acquired or all proceedings or transactions concerning same have been terminated or abandoned; and (E) discussion of any matter which would result in the

**JOINT
STANDING
COMMITTEE
HEARINGS**

**GOVERNMENT
ADMINISTRATION
AND ELECTIONS
PART 5
1351 - 1698**

2013

Dunne, Cynthia

From: Tulloch-Reid, Terrence <Terrence.Reid@ct.gov>
Sent: Friday, March 08, 2013 9:12 AM
To: 'cindy.dunne@cga.ct.gov'; Sen. Musto, Anthony; Rep. Jutila, Ed; Rep. Hwang, Tony; Sen. McLachlan, Michael
Cc: McCarthy, Shannon; Rehm, Angela; Keilty, Andrea; Smith, Chris; Casa, GianCarl; O'Brien, Patrick M.; Sullivan, Michael J; DeFronzo, Donald; Choquette, Erin
Subject: RE: HB 5598 JFS changes--AAC the DAS and the Disposition of Surplus State Property, Short Term Emergency Leases, the Definition of Executive Session and Duplicative Statements of Financial Interest.

Good morning,

We would like to thank the Committee for the favorable actions on DAS proposals at Monday's GAE meeting.

We did want to make the Committee aware that we would like to discuss the Substitute language changes made to Section 1 of HB 5598 – regarding the disposition of state surplus (real) property – including Senator McLachlan's friendly amendment.

First, with regard to Senator McLachlan's amendment (On line 25, after Management, add "and the municipality where the land is located"), we appreciate the intent of this addition – to enable towns and municipalities to get information about surplus state property earlier in the process. However, we would like to discuss the practical application of this language.

As the amendment now stands, an individual agency that anticipates it will no longer need a property would be required to notify the municipality where the land is located at the time it makes that assessment. This language requires notice to the municipalities before the state even determines that the property is surplus (and may be regarding properties that will in fact never be designated as surplus). After an individual agency anticipates it will no longer need a property, other agencies assess their needs and operations to determine if the property can be re-purposed by the state. If it can, the property does not become surplus, but is retained as state owned and controlled. While it a little unusual to notify a town so early in the process – before the state even determines that the property at issue is (or is expected to be) surplus to the state – we can appreciate that the more notice a town has of even potential state surplus property within its borders, the better. However, we do believe that such notification should not be undertaken by individual agencies, but rather should be a centralized process managed by OPM. As a result, we believe the language regarding initial notification to the town should be placed in Line 37-38 of the Substitute Bill.

DAS and OPM would also like to discuss with you other changes in Section 1 of the Substitute bill. Specifically, the mandate that OPM hold a public meeting on each and every surplus property disposition.

We will be reaching out to you shortly to arrange a meeting.

Thanks.

SB430
SB434

-----Original Message-----

From: Tulloch-Reid, Terrence
Sent: Thursday, February 21, 2013 9:46 AM
To: 'cindy.dunne@cga.ct.gov'; 'anthony.musto@cga.ct.gov'; 'ed.jutila@cga.ct.gov'; 'tony.hwang@cga.ct.gov'; 'michael.mclachlan@cga.ct.gov'
Cc: 'shannon.mccarthy@cga.ct.gov'; 'angela.rehm@cga.ct.gov'; Keilty, Andrea; Smith, Chris

Subject: DAS requests for slight modifications

Good morning,

Thank you again for raising and holding public hearings on DAS's three agency bills:

· HB 5598, which includes a number of provisions regarding DAS state property responsibilities; · SB 434, which includes streamlining and other proposals involving a number of DAS programs and offices; and · SB 430, regarding the state fleet.

We are happy to meet with you to discuss any questions or concerns you may have on these bills, prior to your committee's action on these proposals or any time during the session.

After careful review of the language, and in consideration of the questions and comments we received from Committee members, we would respectfully request that the following changes be made to these bills before they are voted out of committee:

HB 5988: AAC the Department of Administrative Services and the Disposition of Surplus State Property, Short Term Emergency Leases, the Definition of Executive Session and Duplicative Statements of Financial Interest.

Section 1 – State Surplus Property. There was discussion during the public hearing about Section 1 of the bill, the section that modifies the process by which the State identifies and disposes of surplus state property. DAS believes that it is very important to take steps to improve the current process -- which takes far too long to complete, costs the state money, and undermines our ability to effectively negotiate favorable prices for these properties. However, we understand Committee members' interest in ensuring that towns and municipalities are able to participate fairly in the process. As a result, we would like to schedule a meeting to discuss this section of the bill with Chairs, Ranking Members and other Committee members with an interest in this topic. We will reach out to staff shortly in an effort to schedule this discussion.

Section 6 – FOI Executive Sessions. DAS respectfully asks the Committee to fix a drafting error in this section, in order to fulfill the intent of this provision. This section clarifies that the state – like municipalities – may go into executive session to discuss the state's real estate transactions, including both sales and purchases, when speaking about these matters in public would adversely impact the state's financial interests. As a result, the existing language in the bill, stating that executive session is appropriate when public discussion would "adversely impact the price paid by the public agency" does not adequately cover situations when the state is selling or leasing out state property. DAS has conferred with the FOIC on this provision, and the agencies mutually agree that lines 318 and 322 of the bill should be modified to read:

"public security; (D) discussion of the selection of a site or the lease, sale or purchase of real estate by the state or a political subdivision of the state when publicity regarding such site, lease, sale, purchase or construction would [cause a likelihood of increased] adversely impact the price of such site, lease, sale, purchase or construction until such time as all of the . . ."

SB 434

SB 430: An Act Concerning the State Fleet and Mileage, Fuel and Emission Standards.

To address the concerns that Representative Lesser raised in the Public Hearing – that subsection (a) of CGS 4a-67d should not be eliminated entirely, but should instead be modified to make the statutory goals more achievable – DAS suggests that Section 1 (a) of SB 430 should be replaced to read as follows:

(a) The fleet average for cars or light duty trucks purchased by the state shall: (1) [On and after October 1, 2001, have a United States Environmental Protection Agency estimated highway gasoline mileage rating of at least thirty-five miles per gallon and on] On and after January 1, [2003] 2016, have a United States Environmental Protection Agency estimated highway gasoline mileage rating of at least forty miles per gallon, (2) comply with the requirements set forth

in 10 CFR 490 concerning the percentage of alternative-fueled vehicles required in the state motor vehicle fleet, and (3) obtain the best achievable mileage per pound of carbon dioxide emitted in its class. The alternative-fueled vehicles purchased by the state to comply with said requirements shall be capable of operating on natural gas or electricity or any other system acceptable to the United States Department of Energy that operates on fuel that is available in the state.

SB 434: AAC the Department of Administrative Services and E-Government, Extensions of Existing Contracts, a State Americans with Disabilities Act Coordinator Advisory Committee and Settlements by the Claims Commissioner.

- No changes necessary
- Please note that DAS does not object to the testimony submitted by the Commission on Human Rights and Opportunities regarding Section 5 of this bill (adding CHRO to the new committee established in this section).

Thank you again for taking DAS concerns into consideration. Please don't hesitate to contact me if you have any questions.