

PA13-304

SB0430

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2013**

**VETO
SESSION**

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

Calendar 546, favorable report of the joint standing Committee on Environment, substitute Senate Bill 430, AN ACT CONCERNING THE STATE FLEET AND MILEAGE FUEL AND EMISSION STANDARDS.

SPEAKER SHARKEY:

Representative McCrory.

REP. McCRORY (7th):

Good evening, Mr. Speaker.

SPEAKER SHARKEY:

Good evening, Sir.

REP. McCRORY (7th):

Mr. Speaker, I move for acceptance of the joint committee's favorable report and passage of the bill.

SPEAKER SHARKEY:

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

REP. McCRORY (7th):

Yes, Mr. Speaker. Mr. Speaker, the Clerk has an amendment LCO 8948. It's a strike all amendment. It will become the bill. I would ask the Clerk to please call the amendment and I will be granted leave of the Chamber to summarize.

SPEAKER SHARKEY:

Will the Clerk please call LCO 8948 which will be designated House Amendment A.

REP. McCRORY (7th):

Thank you. This is a very good bill, Mr. Speaker.

SPEAKER SHARKEY:

No. No. Excuse me.

REP. McCRORY (7th):

I'm sorry.

SPEAKER SHARKEY:

The clerk hasn't called the amendment yet.

THE CLERK:

House Amendment A, LCO 8948 introduced by Representative McCrory et al.

SPEAKER SHARKEY:

The Gentleman seeks leave of the Chamber to summarize. Is there objection. Seeing none, you may proceed with summarization, Sir.

REP. McCRORY (7th):

Thank you, Mr. Speaker. This speaker defines what an independent contractor. This also defines what a minority business enterprise is. The bill also requires the Commissioner of Administration to levy fines for those who pose as minority contractors, Mr.

Speaker. Thank you, Mr. Speaker. I move adoption.

SPEAKER SHARKEY:

The question before the Chamber is adoption. Well done, Sir. Will you remark? Representative Miner.

REP. MINER (66th):

Thank you, Mr. Speaker. If I might just two questions to the proponent of the amendment.

SPEAKER SHARKEY:

Please proceed, Sir.

REP. MINER (66th):

Thank you, Mr. Speaker. As I read through the amendment it appeared that there was a section in there that increased the penalty for those that might pose as a minority contractor. And if the good Gentleman knows what would the determination be? How would someone know, through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative McCrory.

REP. MCCRORY (7th):

Thank you, Mr. Speaker. Through you, Mr. Speaker. The penalty has been increased to no more than \$10,000, Mr. Speaker. Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Miner.

REP. MINER (66th):

Thank you, Mr. Speaker. And what I was trying to ask was the individual that was allegedly posing as the minority contractor, if the good Gentleman knows how would that determination be made? Through you.

SPEAKER SHARKEY:

Representative McCrory.

REP. McCRORY (7th):

Thank you, Mr. Speaker. That determination would be -- the information would be by -- given by the Commissioner of Administration. That person would have to be called in and that information would be reviewed. Thank you, Mr. Speaker. Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Miner.

REP. MINER (66th):

Thank you, Mr. Speaker. And I thank the Gentleman for his answer.

SPEAKER SHARKEY:

Thank you, Sir. Would you care to remark? Would you care to remark further on House Amendment A? If not, let me try your minds. All those in favor of

House Amendment A please signify by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER SHARKEY:

Those opposed, nay. The ayes have it. The amendment is adopted. Would you care to remark further on the bill as amended? Would you care to remark further on the bill as amended? 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? If -- will the members please check the board to make sure your vote is properly cast and if all the members have voted the machine will be locked and the Clerk will take a tally. Clerk, will please announce the tally.

THE CLERK:

Substitute Senate Bill 430 not in concurrence,
House -- amended by House A.

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HOUSE OF REPRESENTATIVES

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Total Number Voting	146
Necessary for Adoption	74
Those voting aye	137
Those voting nay	9
Absent and not voting	4

SPEAKER SHARKEY:

The bill passes. Representative Aresimowicz.

REP. ARESIMOWICZ (30th):

Mr. Speaker, I move that we immediately transmit Senate Bill 430 to the Senate.

SPEAKER SHARKEY:

The question is immediate transmittal to the Senate of the aforementioned bill. If there's objections? Seeing no objections, so ordered. Will the Clerk please call Calendar 195.

THE CLERK:

Mr. Speaker, Calendar 195 favorable report of the joint standing Committee on Transportation, substitute House Bill 6341, AN ACT ADOPTING THE UNIFORM CERTIFICATE -- CERTIFICATE OF TITLE FOR VESSELS ACT.

SPEAKER SHARKEY:

Representative Jerry Fox.

REP. FOX (146th):

Thank you, Mr. Speaker. I move for the

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SENATOR LOONEY:

Thank you, Madam President.

Before returning to the Call of the Calendar, I have a couple of additional items to place on the Consent Calendar. I appreciate the cooperation of the members. The first is Calendar page 20, Calendar 413, Senate Bill 1049, move to place that item on the Consent Calendar.

THE CHAIR:

So ordered.

SENATOR LOONEY:

And also, Madam President, under "Matters Returned," Calendar page 38, Calendar 48, Senate Bill 519, move to place that item also on the Consent Calendar.

THE CHAIR:

Seeing no objection so ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, if you might -- if the Clerk might now return to the items marked earlier: Calendar page 17, Calendar 360; and Calendar page 18, Calendar 372.

THE CHAIR:

Mr. Clerk.

THE CLERK:

On page 17, Calendar 360, Substitute for Senate Bill Number 430, AN ACT CONCERNING THE STATE FLEET AND MILEAGE, FUEL AND EMISSION STANDARDS, favorable report on the Committee on Environment.

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Senator Musto -- whoops, okay -- Senator -- Senator Slossberg? Senator Slossberg? Oh, it's Musto. I did say yes.

SENATOR MUSTO:

You did say yes.

THE CHAIR:

Okay. Never mind.

SENATOR MUSTO:

No -- thank you, Madam President.

No. I was -- I was saying it -- this came out of GAE not Environment. It probably went through Environment but it's a GAE bill, and Senator Slossberg has switched with me.

So I -- yes, I would move the joint favorable report and passage of the bill.

THE CHAIR:

The motion is on passage of the bill.

Will you remark?

SENATOR MUSTO:

Yes, thank you, Madam President.

This bill pushes back the date for implementation of the fuel standards that we set a few years ago. It basically gives the State more time to meet those standards, and that's really all it does. It is a department bill, and I would ask for the support of the chamber. Thank you.

THE CHAIR:

Thank you.

Will you remark further? Will you remark further?
Senator Welch.

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SENATOR WELCH:

Thank you, Madam President.

While I appreciate the intent here, I guess I'm troubled by the theme that -- that I'm beginning to see, and that is we've set, in the past, some very ambitious goals that we're saying today we can't meet. And I'm a little confused by -- by that policy. If we thought the goals were a good idea, at one point in time, then they ought to be a good idea today. And for that reason I will be voting against this bill. Thank you, Madam President.

THE CHAIR:

Will you remark?

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

And through you, a few questions to the proponent of the bill.

THE CHAIR:

Please proceed, sir.

SENATOR KANE:

Thank you, Madam President.

Through you to the Chairman of GAE, can you give us a little bit of history on how, A, this -- goals -- these proposals, let's say, these program that we put -- instituted back in 2003, I believe, where this came about and where we are today?

Through you, Madam President.

THE CHAIR:

Senator Musto.

SENATOR MUSTO:

Thank you, Madam President.

Through you, I'm sorry, I cannot. I was not here in 2001 or 2003 for that matter. Where we are today is we are trying to meet these goals. The problem is that, as you know, we've been trying to get through some fiscal problems in the state and in order to change these vehicles over or replace them with more fuel-efficient vehicles, it costs money, and we're doing -- DAS, I should say, is doing what it can to implement these goals without spending an undue amount of money. So we are trying, the State is, that is, is trying and it's in the process which is why we've tried to push it back a couple years. But as far as the history goes why these goals were picked 12 years ago, I cannot answer that question.

Through you, Madam President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

I guess I asked that question, I think neither one of us were here. We typically came in about the same time I believe so I understand that. What I'm -- I guess what I'm getting at is during the public hearing process there must've been testimony that said, you know, back then we decided that fuel costs were rising so we'd look at more fuel efficient vehicles, maybe they were cheaper, maybe the maintenance was cheaper, maybe just the fuel costs was cheaper. I mean, I'm trying to get an understanding of the original goal that was presented and why this program was put into place.

Through you, Madam President.

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Senator Musto.

SENATOR MUSTO:

Again, I don't have an answer for that. I'm sorry.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Okay. Thank you, Madam President.

So then if -- do we know why we did not achieve this goal that was stated back in 2003?

Through you, Madam President.

THE CHAIR:

Senator Musto.

SENATOR MUSTO:

Yes, thank you, Madam President.

Again, through you, the -- the answer is very -- it's just simply that we're trying but it costs money. The -- as a matter fact the OFA note on this said that it would have a significant cost, but OFA actually was talking about the underlying law, not this bill. This bill would have no cost at all. There was an amendment to the OFA note because once the policy is pushed back, it doesn't cost anything to implement. So we are, again, the State is implementing it as it can, but it -- with significant cost of doing so and trying to do what we can in the budget, there's just not money for this at this time.

Through you, Madam President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

But I guess we -- we've had fiscal problems probably since 2008. I remember we've come into special session a couple of times since then in '08 and '09 with -- with budget deficits, so I mean, the fiscal crisis that we're under is nothing new. I'm just curious why during this entire time there was no effort made in this area to comply with the original legislation.

Through you.

THE CHAIR:

Senator Musto.

SENATOR MUSTO:

Thank you, Madam President.

I don't believe there was no effort to comply. I don't believe I said that. What I said was that we need more time to comply. And DAS has been trying to comply over the last 10 to 12 years replacing vehicles, updating them as necessary. But every year they're falling behind in this goal. And for that reason, we need more time to comply. So it's not that they're not trying at all, they're not doing anything in this matter, but, you know, the report from the department is that they're -- they're doing what they can, which unfortunately is not meeting this goal at this time. It's still I think a laudable goal. I hope that's what Senator Kane is getting at, that we are trying to reduce our emissions, we're trying to save money with reduced emissions trying to save the environment. There's air pollution issues, using less fuel. Whatever the issues may be that initially led this body, back before either Senator Kane or I were here, to try to implement this goal, but we stand here today 13 years later and in spite of the best efforts of the department, whether it's just the money or whether there are some other issues that I'm not aware of, and again, if there's some issues Senator Kane is aware of I'd like to hear them myself because being Chair of GAE I'd like to know what the departments -- what the departments are doing.

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You know, we are not, at this time, in a position to meet these goals and rather than continue to break the law, and continue to have the state auditors come and tell DAS you're not doing the right thing, and continue to have to budget for something, especially again, in -- in what is it more difficult, I think, budget year than we've seen in the past -- certainly then I've seen in my short time here -- we are trying to give DAS a little bit of breathing room and get -- get this extended for a certain period of time.

Through you, Madam President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

And if I said we didn't make an effort to comply, I apologize. It was not my intention, but I guess, let me ask this question, though, if we have -- we have made an effort, but we have not complied, what makes us think that we will by extending the deadline even further down the road?

Through you, Madam President.

THE CHAIR:

Senator Musto.

SENATOR MUSTO:

Thank you, Madam President.

Through you, the department thinks that this is a sufficient amount of time over the next three years that it will be able to finish up its -- its compliance. Whether they're correct or not, I cannot say. Sometimes, obviously, this law when it was written, you know, they were trying to look into the future and the future doesn't always turn out the way we would like it to. Ideally, this would've been done years ago for the reasons we stated earlier: air

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pollution, health problems, using less fuel, perhaps efficiencies, but that didn't happen. So if the department can finalize its plans over the next three years as they expect to, then they will. If they cannot, if it turns out that the future doesn't hold what DAS hopes it holds for us then we may have to extend it again or we may have to change the policy completely.

I think, and I hope the Chamber would agree, that lowering fuel emissions, increasing gas mileage are laudable goals, something we should be working towards, but we, again, have our policy and budget fiscal constraints, and we're, you know, again, the department is doing the best it can at this time.

Through you, Madam President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

I guess my point to that -- thank you, Madam President, is if they didn't comply in nine years, what makes us think that they're going to comply in three? And we, you know, we -- it looks like we implemented this in January of 2003 with a January 2012 deadline, that's nine years that nothing -- well, I shouldn't say nothing was done, I'd be curious to know how much was done during that nine-year period.

Through you, Madam President.

THE CHAIR:

Senator Musto.

SENATOR MUSTO:

I don't have specific information on what percentage of the fleet is currently compliant or how much that has changed over the past year or more.

Through you, Madam President.

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THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

And who monitors this whether they either, A, have done their due diligence for the past nine years or will meet this goal that we've now extended yet again to 2016?

Through you, Madam President.

THE CHAIR:

The Senate will stand at ease for a moment.

(Chamber at ease.)

THE CHAIR:

Senator Musto, are you ready?

SENATOR MUSTO:

I'm sorry. Could you repeat the question please, Senator Kane?

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

And I guess the question would be who would monitor the progress of the department for the past nine years and going forward until the new deadline of 2016?

Through you, Madam President.

THE CHAIR:

Senator Musto.

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SENATOR MUSTO:

Thank you, Madam President.

I was just trying to get an answer to Senator Kane's last question. The fleet is currently at 49 percent. As far as who monitors it, the department reports to the state auditors and the federal government every year.

Through you, Madam President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

So it took nine years to become 49 percent compliant. Do we believe that they're going to become 100 percent compliant, the other 51 percent, in a short period of three years?

Through you, Madam President.

THE CHAIR:

Senator Musto.

SENATOR MUSTO:

I think that is the department's belief. I'd be nice if they were correct.

Through you.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

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I think that's a -- a laudable goal but maybe a bit of an aggressive goal considering the fact that we haven't gotten to 50 percent of the fleet in nine years but we expect to get the other 51 percent in a short period of three years.

So I, too, will be voting in the opposition to this measure because I believe that, again, we're writing legislation that should be done already. We shouldn't need a bill to make sure that our agencies comply with present law.

If the intention in 2003 was to set a goal for 2012 that goal should be met; and if it's not met, and we give them yet another extension of that deadline, then what are we doing? We're just allowing them to continue that same path with no consequences of not having met that goal. So I think we -- that's something that we need to look at internally.

Thank you, Madam President.

THE CHAIR:

Thank you.

Will you remark? Will you remark?

Senator Linares.

SENATOR LINARES:

Thank you, Madam President.

I just have a few questions for the proponent of the bill.

THE CHAIR:

Please proceed, sir.

SENATOR LINARES:

Senator Musto, you mentioned that one of the issues with failing to comply to this new standard or goal is a fiscal -- fiscal issue. Does -- does the department have a plan as far as setting up charging stations for

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these alternative vehicles so that when you do get the extension that these people driving these electric vehicles have a place to charge?

THE CHAIR:

Senator Musto.

SENATOR MUSTO:

Thank you, Madam President.

As far as the State's plan, we would need to budget money for it, and right now we are not budgeting enough money for it. That much is clear. Also, as far as there is some issue with the availability of enough vehicles at an affordable price. The technology is not, perhaps, what we would hoped it would've been 10 years ago. So the price is still somewhat prohibitive but we are -- the department is trying to do what they can, again, with the -- within the constraints of the fiscal realities that we've been dealing with.

Through you, Madam President.

THE CHAIR:

Senator Linares.

SENATOR LINARES:

Thank you, Madam President.

I appreciated it. I think that one of the concerns we may have with alternative vehicles and electric vehicles is the issue with range anxiety, and I think that if we can come up with a plan where -- where people can feel --

THE CHAIR:

Excuse me minute, sir.

I asked the Chamber to please lower their voices a little bit. It's hard hearing Senator Linares. Thank you very much.

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Please proceed, sir.

SENATOR LINARES:

Just saying that I think that if we have a detailed plan where these electric vehicle charging stations may be placed, people may be more likely to feel comfortable driving these cars, and it actually may make fiscal sense, but it's something that I believe we need a detailed plan for it moving forward.

There are electric vehicle charging stations popping up across the state, but I think that -- I think that we need to start looking at rest areas and working with local businesses on setting up stations for people to charge, and I think that we'll -- we can reach this goal in the extended time period that we're allotting here today.

But I'm -- I'm very concerned about setting goals and then doing an end around and trying to fix them because we don't have a detailed plan. So I think that's the real issue here, and I'll be voting "no" on this bill. Thank you.

THE CHAIR:

Thank you.

Will you remark further?

SENATOR MUSTO:

May I respond?

THE CHAIR:

Senator Musto.

SENATOR MUSTO:

Yes, thank you, Madam President.

You know, to Senator Kane and Senator Linares' points, I would point out that this is a different Legislature at this point with a different commissioner and

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different governor then we've had for the past 10 years or 12 years.

We are in the process of doing these things, and I think Senator Linares made some excellent points regarding how some of the things we should be looking at. And I would certainly welcome those conversations in a -- former Senator DeFronzo, who is now the commissioner of -- who -- those of us who did serve with him and do know him -- it was before Senator Linares' time -- but everyone knows him to be an open-minded and efficient person, hard-working, very willing to work with all parties and take good ideas regardless of where they come from. So I would suggest that rather than voting "no" on this bill, considering that we do -- we are in a very different place than we were 10 years ago, indeed, with different leadership and -- and different financial constraints that we do work together on this bill and on some of the ideas. And again, the issue Senator Linares has just brought up I think are excellent ones, and I'm sure that Commissioner DeFronzo would be more than receptive to them.

Thank you, Madam President.

THE CHAIR:

Thank you.

Will you remark?

Senator Fasano.

SENATOR FASANO:

Thank you, Madam President.

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

THE CHAIR:

Please proceed, sir.

SENATOR FASANO:

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Thank you.

Senator Musto, the sum and substance of this bill in your testimony has -- or I should not say testimony -- but what you've talked about in favor of this bill is the fact that the standards that were set a while ago cannot be met and were not met by the State, through you, Madam President; is that accurate?

Through you, Madam President.

THE CHAIR:

Senator Musto.

SENATOR MUSTO:

Yes, through you.

SENATOR FASANO:

And, through you, Madam President, that part of the reason that this bill is coming into effect in order for us to meet the deadline, it's my understanding, would have a significant economic impact -- impact in Fiscal Year '14 and Fiscal Year '15; is that correct?

Through you, Madam President.

THE CHAIR:

Senator Musto.

SENATOR MUSTO:

If the standards were required to be met within the next two years, yes.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

And, through you -- thank you.

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And through you, Madam President, would it be fair to say that over the period of time, the State hasn't done a good enough job to keep pace with the deadline set by this legislature; is that -- is that accurate?

Through you, Madam President.

THE CHAIR:

Senator Musto.

SENATOR MUSTO:

Well, I'm not sure what the State did for the last 10 years. Again, I was not here, but over the last 10 years, again, we had different commissioners, different leadership, the Legislature was composed -- comprised -- well, maybe not that much differently, I'm not sure, frankly, since I wasn't here. But certainly over the last -- since 10 years since the bill was implemented, the State has clearly not done enough to meet the goals. And in fact, I think they were supposed to be met in 2003, so it's -- it's well overdue already, as far as -- if I'm reading the original language of the law correctly.

Through you, Madam President.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

I concur with Senator Musto on that, and I thank him for that. You'll concede, therefore, that the State, after the Legislature passing this, failed to meet the goals within the statute and that's the reason we have to change it.

Through you, Madam President.

THE CHAIR:

Senator Musto.

SENATOR FASANO:

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Yes.

THE CHAIR:

Senator Fasano -- I'm sorry.

SENATOR FASANO:

That's all right. Thank you, Madam President.

And then, through you, Madam President to Senator Musto, that these standards that are in this bill were legislatively enacted and don't specifically tie to a federal mandate; is that accurate?

THE CHAIR:

Senator Musto.

SENATOR MUSTO:

That I cannot say. I am -- I apologize, but I do not know if -- if they were legislatively mandated, if they were signed by a governor at the time, again, 10 years ago what the federal standards were I -- I am not -- I do not know that.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

So, through you, Madam President to use Senator Musto, would it be fair to say that the extension that you put in front of us here to vote on would not violate federal law if we granted the extension?

Through you, Madam President.

THE CHAIR:

Senator Musto.

SENATOR MUSTO:

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I have no information that it would. It may, if -- I assume what you're getting at is that it does, but --

SENATOR FASANO:

No, it doesn't.

SENATOR MUSTO:

-- I do not -- there was no testimony or -- or other legislative legal research that I'm aware of that says this would violate federal law. And I certainly hope that it does not, but we've -- we have no information regarding that.

Through you, Madam President.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

I have no idea if it does or doesn't so we'll let that suspense be over with. But essentially, through you, Madam President, the extension that is requested in this bill is an extension on a deadline that the Legislature imposed upon the State; that the State was unable to --

THE CHAIR:

Excuse me. Excuse me, again. We have to keep the voices down so the two -- two senators who are debating and talking to each other so they can hear each other, so please keep the voices down.

Please proceed, sir.

SENATOR FASANO:

Thank you, Madam President.

So I'll rephrase it if I can, Senator Musto. So essentially, the requirements that were put -- enacted by this Legislature some time ago, that were not met by the State, aren't -- certain requirements that we

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decided to put in that we are now extending because the State was unable to meet those requirements; is that accurate?

Through you, Madam President.

THE CHAIR:

Senator Musto.

SENATOR MUSTO:

Again, I don't know if the State was unable or unwilling or just neglect -- negligent. I don't know why these standards have not been met for the last 13 years. But for whatever reason, it's true that, at this time, they have not been met. We're at 49 percent at this time. To get up to 100 percent would, in fact, require more of an appropriation from the Legislature to the Executive Branch to purchase the technology, overturn -- "overturn" is the wrong word -- when the vehicles turn over, they're replaced with more fuel-efficient vehicles, make modifications to the current fleet using appropriate technology as well, and you know, again, what happened over the past 12 years with the leadership of the department at that time, I am not -- I'm just not privy to that information.

Through you, Madam President.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Thank you.

And I thank Senator Musto for those answers. So essentially what we did was sometime back this Legislature set a particular requirement that the State is going to meet a particular standard. When we didn't meet -- and not a standard that's tied into federal rules or federal regulations, it is a standard that this body at that time believed was in the best interest for the state, and we set that standard.

We're not able to meet that standard so rather than going through a costly issue in a time that we don't have the money, we're going to take the goalpost and we're going to move them back because it's arbitrary, our number, and we're going to move them back so we could slowly reach that goal. It seems reasonable on its face, which begs the question why when we had the Senate Bill 1138, AN ACT CONCERNING CONNECTICUT'S CLEAN ENERGY GOALS, we had goals that said we had to meet these certain goals that we set up by 2017, then 2025 or 2020, and we said we can't meet those goals. And when an amendment came up and said -- put out by the minority party -- well, let's just move the goalpost, let's not bring all that oil down -- oil -- let's not bring all that electricity down from Canada, let's not rush through all the parks and take all the forests out of the way, let's not cause havoc to the bio industry that sat here and said we put all this money and now you're taking those credits away from us.

What we did was to say on 1138, oh, no, we can't move those goalposts, oh, no, that arbitrary number that we put on, we have to stick to it, and we're going to force through a bill that goes through national parks, takes down all sorts of -- of woodlands, highly opposed by environmentalists, highly opposed by all sorts of groups, but we're going to push that through rather than move the goalposts.

But when it comes to the State having to go in their pocket and spend some money to reach goals that we set, well now, now, now, we could move the goalposts a little. Now it's in our best interest to move those goalposts a little.

I don't understand the hypocrisy. That's what bothers me. I think it's good we're moving the goalposts, but why there and why not then? And why when we talk about infringement on businesses when we pass bills that cause problems to businesses and we stand up and say it's costly, folks around this Circle say businesses will deal with it, they'll adapt, they'll figure out a way, they'll absorb the cost.

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But when it comes to us, totally different standards apply, totally different ideology applies. That's what I can't make or equalize those arguments.

One side is to say we can make it easier or we can make it harder, and when it's in the State's best interest, we make it easier; when it's not, make it harder.

I don't get it. I think it's good we're moving those dates out. I don't know the effect environmentally enough and this bill doesn't speak to that, but what it does speak to is someone in this building once says -- said to me, you'll find out, Len, there's no interest like self-interest. That's what a lot of this building deals with. Here's a perfect example of the State not wanting to live by the rules that they set because they can't, and they want us to give them relief. But when 1138 came on and there are other interests out there that wanted 1138 to go through, those interests were more paramount. And no matter what havoc it caused, no matter what problems, no matter what states said don't do it, we said don't worry about it. We even made representations they were on our side, at one point, because it served the interest of that moment.

That's the problem I have with this bill. I agree to it but I just wish we used the same philosophy and the same thought process every time we change rules and every time we try to force our will on others.

Thank you, Madam President.

THE CHAIR:

Thank you.

Will you remark? Will you remark?

Senator McKinney.

SENATOR MCKINNEY:

Thank you, Madam President.

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Madam President, I've been sitting here listening to my colleagues speak on this bill, and I've also been reading the OLR report of the committee -- excuse me -- the joint favorable report which had testimony from the Commissioner of DAS, former colleague and a good state senator and a good commissioner, and what I'm curious about, and if I could ask a question of Senator Musto, through you, Madam President?

THE CHAIR:

Please proceed, sir.

SENATOR MCKINNEY:

Thank you, Madam President.

Senator Musto, it indicates here that in Commissioner DeFronzo's testimony he said that when vehicle size requirement for business needs of client agencies supply market availability vehicles, federal law and low -- and cost factors is not an issue. The State presently purchases some vehicles, such as the 2013 Ford Focus which averages 38 miles per gallon.

I guess my question, through you, Madam President, is what are we talking about when we talk about the size requirement for business needs of client agencies?

Through you, Madam President.

THE CHAIR:

Senator Musto.

SENATOR MUSTO:

The size requirement, was the question?

THE CHAIR:

Senator McKinney.

SENATOR MCKINNEY:

Madam President, as I understand it, one of the things that the secretary -- the Commissioner of DAS, excuse

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me, testified to, as written here in the joint favorable report, is that the vehicle size requirement for business needs of client agencies plays an impact in what DAS can purchase in terms of our state fleet. And I'm wondering if we could have some examples because I'll give you what I'm wondering, Madam President, and perhaps this will help identify the question. I look at state employees driving around in large cars. And I just Googled some of the most fuel-efficient cars on the market and there are Toyota Priuses that get well over 40 miles per gallon, which is what our goal on a fleet average is. I remember a day when our United States senator, now Richard Blumenthal, when he was an attorney general decided not to use the traditional fleet car which was fuel-efficient and drive around in a Prius.

I don't see a lot of Priuses being driven by state employees. And I have a feeling that when we talk about vehicle size requirement for business needs of client agencies, there's some code words there beyond requirements for DDS and DCF, but client agency needs are probably people driving around in big cars because they need it for business.

So I'm asking the good senator if he can help educate me as to what some of the size requirement for business needs of client agencies are, and a follow-up question would be why aren't there Toyota Priuses being driven, say, by our constitutional officers, say for the Governor and yourself, who I think there are legitimate security concerns for?

Thank you, Madam President.

THE CHAIR:

Senator Musto.

SENATOR MUSTO:

Thank you, Madam President.

I think what the Commissioner was referring to was some special duty vehicles, things like pickup trucks, we've got snow plows, certainly law enforcement is excluded, I believe, in the bill anyway. Cars that

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need more power, for example. I don't know what other constitutional officers drive. I doubt it's much different than what's been driven for the past 10 years. Certainly, some agencies may, again, need to do work, heavy duty pickup trucks things like that.

When you're talking about home visits or different -- different types of transportation, maybe DCF has different needs because they may be carting children around. I'm sure a Prius would be fine, for example, if you have a car seat in it, but there may be situations where some other agencies need vans for -- to take Medicaid patients or other people around so. I think what that Commissioner was referring to is just simply, again, the realities of -- of the world we live in that although it would be great to be able to have all of our cars meet the 40-mile-per-gallon requirement or even higher that in some instances that is just not possible and based on the use of the vehicle whether it has to be an all-weather vehicle, whether it needs more power, whether it has to transport more than two to three or four people at a time, whether it's use for towing, plowing, some other -- some other -- some other function that it's just not amenable to the requirements in the bill and that is -- that seems to be what the Commissioner was referring to based on the information I have from the department and the testimony itself.

Through you, Madam President.

THE CHAIR:

Senator McKinney.

SENATOR MCKINNEY:

Thank you, Madam President.

And I heard the good senator in answering my questions say that it would be nice if all of our state cars got over 40 miles to the gallon. I just -- just for point of clarification, I don't think that's what the law is. We're required to have a fleet that has an average of 40 miles per gallon, not that every single vehicle we own have a per gallon of 40 miles per hour. The distinction is significant because we have cars

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out there that get in excess of 40 miles a gallon, in fact again, just a simple Google search shows that there's a car made by Honda that gets 105 miles per gallon being sold, not an inexpensive car, 30 to 40,000 dollars. But I imagine the fleet cars that we're currently buying probably fall within that range. But I don't see our state employees driving around in Honda Fits or Toyota Priuses. I don't see it happening. And I see all kinds of people driving around in cars that are less fuel efficient than cars that are on the market, and here we have the administration -- and the previous administration as well -- not giving us any heads up that they can't meet this fuel efficiency requirement. So we're actually going back on what was intended.

And I was here when we passed this, and one of the reasons why we passed this, similar to one of the reasons why we exempted hybrid cars from a sales tax was to incentivize people to buy them, was because one of the largest sources of air pollution are mobile sources, are cars and trucks. Cars and trucks that are on our roads and highways.

And one in every three people in the state of Connecticut lives within a mile of our highways. So there are significant environmental concerns in the pollution we put into our air. There are significant public health concerns into the -- caused by the air pollution and the quality of the air we have. And we are doing a lot of things to impose on the private sector that they get cleaner, and yet when it comes to leading by example for us, as a state, we just say oh, we can't meet it because there are people in state agencies that like their big car who don't want to squeeze into a Toyota Prius.

And if you don't think that's what's happening with some of these people, you're not paying attention because you can identify the state fleet when you drive on our highways because they're identifiable. And Toyota Priuses have been around for an awful long time, and if the former attorney general could have driven one, why weren't we buying more?

There's another interesting part of this bill which I think, Madam President, is probably just a drafting

error but the current law exempted what were public safety law enforcement officials, now DESPP, this bill, as I understand it, in changing that language would go further to exempt all law enforcement agency vehicles, which is probably not a bad change and was missed in the first bill; in other words, law enforcement at the University of Connecticut, law enforcement at DMV, other agencies that have law enforcement personnel, not just the former Department of Public Safety. But what is interesting about this language is that in giving an exemption for all law enforcement or emergency response vehicles, we allow the commissioner to approve of that exemption in consultation with the commissioner of Emergency Services and Public Protection who, as I understand it, doesn't have oversight over the University of Connecticut police, for example. So he is now in charge of the exemption for UConn and others. Perhaps, that's just a drafting error, I don't think it's a big problem.

But I share some of the frustrations that some of my colleagues have had but from a different perspective. There are -- there are more fuel-efficient cars out there on the market and have been available on the market for years that we have not bought for our fleet, that extends to the prior administration as well as this one, even more for the prior administration because they were there longer to date, but that doesn't mean -- that doesn't mean it's right. Regardless of who weren't buying these cars, they weren't buying them. So I'm just disappointed that we're retreating on the State setting an example of good environmental practices, good public health practices, and I haven't seen any studies, but it -- but it is interesting to note that the perceived cost of this bill is the added cost of buying more fuel-efficient vehicles, but nowhere in there are we told about the added savings when you go from a car that gets 25 miles to the gallon to one that gets 50 miles to the gallon when gas prices have risen as dramatically over the last several years as they have for residents of the state of Connecticut. So I will oppose this bill. Thank you.

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Thank you.

Will you remark? Will you remark?

If not, Mr. Clerk, will you call for a roll call vote and the machine will be open.

THE CLERK:

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

THE CHAIR:

If all members have voted, all members have voted, the machine will be closed.

Mr. Clerk, will you please call a tally.

THE CLERK:

Senate Bill Number 430.

Total Number Voting	36
Those voting Yea	24
Those voting Nay	12
Those absent and not voting	0

THE CHAIR:

The bill passes.

Mr. Clerk.

THE CLERK:

On page 18, Calendar 372, Substitute for Senate Bill Number 977, AN ACT CONCERNING THE MEMBERSHIP OF CONSTRUCTION SERVICE PANELS, favorable report of the Committee on Government, Administration and Elections, and there's an amendment.

THE CHAIR:

Senator Musto.

**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2013**

**VETO
SESSION**

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First, Madam President would move that the item be -- that the items on Senate Agenda Number 6 be placed on our Calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Now I would move, Madam President, that item number -- under letter "B," under "Disagreeing Actions" be taken up for purposes of placing it on our Consent Calendar.

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, therefore, I would move from Senate Agenda Number 6, Substitute Senate Bill Number 430, AN ACT CONCERNING THE STATE FLEET AND MILEAGE FUEL AND EMISSIONS STANDARDS, I would move to place that item on our Consent Calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, if we might stand at ease for a moment just before calling for a final vote on that Consent Calendar.

THE CHAIR:

The Senate will stand at ease.

(Chamber at ease.)

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Yes, Madam President. Madam President, if the clerk would now list the items on the Consent Calendar and then if we might move immediately for a vote on the Consent Calendar.

THE CHAIR:

Mr. Clerk.

THE CLERK:

House Bill 6342, Senate Bill 430.

On page 9, Calendar 626, House Bill 6451.

On page 13, Calendar 683, House Bill 6694.

And on page 21, Calendar 209, Senate Bill 1033.

THE CHAIR:

At this point, I call for a roll call vote. The machine will be open for the last Consent Calendar of this session.

THE CLERK:

Immediate roll call has been ordered in the Senate.
Senators please return to the chamber. Immediate roll call on Consent Calendar Number 3 has been ordered in the Senate.

THE CHAIR:

Senator Bartolomeo, would you like to join us in a vote. Thank you, ma'am.

Since all members have voted, all members have voted the machine shall be closed.

Mr. Clerk, will you call the tally.

THE CLERK:

Consent Calendar Number 3

Total Number Voting	35
Those voting Yea	35
Those voting Nay	0
Those absent and not voting	1

THE CHAIR:

The Consent Calendar has passed.

At this time, I just want everybody to know that under Senate Resolution Number 33, I will appoint three members to inform the House of Representatives that the Senate is ready to meet in a joint convention.

Senator Bartolomeo, Senator Ayala and Senator Linares, take your time because they're not ready, but you're the three that are going to go when it's time to go.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, we have completed our work for the 2013 session with about 17 minutes to spare and thank everyone for their extraordinary work and dedication and commitment to institution of the General Assembly in the State of Connecticut and, Madam President, would move that the Senate stand adjourned sine die.

THE CHAIR:

Mozel Tov.

Ladies and gentlemen, congratulations.

Senator Williams.

**JOINT
STANDING
COMMITTEE
HEARINGS**

**GOVERNMENT
ADMINISTRATION
AND ELECTIONS
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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.

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

unique and differing needs of state agencies is another.

For example, public safety vehicles are included in this mandate. Those -- those vehicles, almost by necessity, have to be more high powered, more -- less fuel efficient and those of you who were on the committee last year probably remember this a bit, so it's back before you again. We've been cited by the auditors for failure to comply but, quite frankly, we probably are not going to be able to comply for a number of years.

We have increased efficiency in fleet operations by about -- well, from 2009 until the present, from about 19 miles a gallon to about 25, almost 26 miles a gallon, so we are making progress but attaining this goal is going to prove to be a bit - a bit difficult.

So with that I'll conclude my testimony and answer any questions; and again, remind you that our CIO, Mark Raymond is here if there are any questions on E-Governance part of the proposal.

REP. JUTILA: Okay. Thank you, Commissioner, for your testimony.

Questions?

Senator McLachlan.

SENATOR MCLACHLAN: Thank you, Mr. Chairman.

Welcome, Commissioner, it's nice to see you. You've done a good job converting to your new assignment, and I have a question, House Bill 5598, specifically Section 1, where you're talking about with surplus property -- the state now will offer the property to the municipality one time. So for clarification, it's my understanding that all

their decision until after a bona fide offer is in place, and so you're actually asking for the right of first refusal to occur before that occurs, and so I just ask you to rethink that a little bit and, perhaps, entertain the thought of -- of adding a second offer at the end of the process that would probably fix the problem and still keep it -- as a very rapid process where they don't have time to think about it. If they're going to pass on it the first time, they know they have a second pass but they're only given a very short period -- window of opportunity to -- to act and then you move on to private --

COMMISSIONER DONALD DEFRONZO: We can work with the committee on that. Our primary goal is to streamline the -- the process from a time prospective and if we can do that and be respectful of both, the municipality and perspective buyer, we'd be glad to try and work on that with you.

SENATOR MCLACHLAN: Thank you, Commissioner.

Thank you, Mr. Chairman.

REP. JUTILA: Other questions?

Representative Lesser.

REP. LESSER: Thank you, Mr. Chairman.

And thank you, Commissioner, for your testimony and for your work of all these bills, most of which seem commonsensical to me or I -- I just have a quick question on Senate -- on Bill 430, which is I know an issue we've seen before, this was about the state mileage requirements. And, you know, I recall the testimony from last year about the difficulty and what -- your remarks earlier about the difficulty of finding trucks and whatnot that meet these requirements. Is this the exact same

text as the -- as the bill from last year, to the best of your knowledge?

COMMISSIONER DONALD DEFRONZO: They tell me it is.

REP. LESSER: So I -- I guess I -- my only concern with it is I see in Section 1, it seems to completely eliminate the requirement that -- of the -- of the 40 mile an hour -- 40 mile per gallon average. And I was wondering if that -- if that's the least onerous way of, you know, of complying with the realities of the current marketplace, or if there's a, you know, if you have any information about what kind of decision process went into -- into that decision to strike that requirement?

COMMISSIONER DONALD DEFRONZO: Well, it has proven to be a somewhat unattainable goal, so I think we could maybe provide a more realistic goal if that's in the interest of the committee. I thought at one point we were looking just to extend the deadline from 2012 to 2016, but apparently -- I mean that was -- that's been modified but, certainly, I mean, we have been making progress.

If we have the opportunity to switch cars out, we purchase about 600 cars a year, and as -- and what we're doing is we're sort of switching out moderate size vehicles for smaller vehicles or more fuel efficient smaller vehicles and so we are -- we are gaining -- making progress. At the same time, we've been much more rigid in terms of the use of state vehicles or gallons -- our utilization of fuel, in general, is down; our mileage per state employee is down; our miles per gallon per vehicle is up. So we're making some dramatic progress, but to get to 40 -- 40 miles per gallon in the -- in the next two or three years is a bit unrealistic.

REP. LESSER: Well, I appreciate that and I applaud you and the Department for your commitment to energy

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.

Line Number 26Page Number 6

Testimony in Support of Senate Bill 430
AAC the State Fleet and Mileage, Fuel and Emissions Standards

165 Capitol Avenue
Hartford, CT 06106-1658

Government Administration & Elections Committee
January 28, 2013

The Department of Administrative Services offers the following testimony in support of Senate Bill 430.

This bill modifies unachievable statutory requirements relating to the state fleet by changing three provisions of C.G.S. 4a-67d.

First, it eliminates the requirement that the DAS fleet have an average estimated highway gas mileage rating of 40 MPG. There are only a limited number of commercially available vehicles with a 40 MPG or higher highway rating. Although the state may be able to purchase some of these vehicles, such as the 2013 Ford Focus, many of the other vehicles are either too expensive or too small to meet the state's vehicle needs.

In addition, the state is also subject to the federal Energy Policy Act, or "EPAct," which makes compliance with the existing provision impossible. EPAct requires that 75% of the state's purchases of light duty fleet vehicles be Alternatively Fueled Vehicles ("AFVs"). Notably, hybrid vehicles, which generally do meet the 40 MPG requirement, do not qualify as AFVs under federal law. DAS will continue to make every effort to purchase the most fuel efficient vehicles in class but respectfully urges the legislature to eliminate this unachievable requirement.

Additionally, the proposal extends the deadline to have 100% of the DAS fleet consist of alternative-fueled, hybrid or electric vehicles from January 1, 2012 to January 1, 2016. DAS was unable to meet the January 2012 deadline because at this time, there are simply not enough commercially available alternative fuel vehicles, hybrids, or plug-in electric vehicles that meet all the state's business needs. Currently, approximately 49% of the state fleet meets the requirements of this section. DAS will continue to buy compact AFVs whenever it is practical and meets the business needs of the agencies, however, the requirement that 100% of all the state's car and light duty truck purchases be alternative-fueled, hybrid electric or plug-in electric by January 1, 2012 is currently unachievable.

Finally, the proposal modifies the 4a-67d exemption for state police vehicles to reflect the reality that not all law enforcement and emergency vehicles belong to the Department of Emergency Services and Public Protection. Under current law, only vehicles that the DESPP Commissioner designates as necessary to carry out the agency's mission are exempted from the standards of the law. However, other agencies, such as DMV, DEEP, DOC and UCONN, also have law enforcement responsibilities and a need for specialized vehicles (with cages, gun boxes, etc.). Expanding the exemption to include all law enforcement and emergency response vehicles also makes this statute more consistent with federal EPCa, which exempts both law enforcement and emergency vehicles, regardless of the agency using the vehicle.

Please note that even with the passage of this bill, the state is still required to:

- (1) Comply with the requirements set forth in 10 CFR 490 concerning the percentage of alternative-fueled vehicles required in the state motor vehicle fleet;
- (2) Purchase vehicles to obtain the best achievable mileage per pound of carbon dioxide emitted in their class;
- (3) Maintain at least fifty per cent of all cars and light duty trucks purchased or leased by the state as alternative-fueled, hybrid electric or plug-in electric vehicles; and
- (4) Ensure that all alternative-fueled vehicles purchased or leased by the state are certified to the California Air Resources Board's Low Emission Vehicle II Ultra Low Emission Vehicle Standard, and all gasoline-powered light duty and hybrid vehicles purchased or leased by the state are, at a minimum, certified to the California Air Resource Board's Low Emission Vehicle II Ultra Low Emission Vehicle Standard.

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.

**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.