

Legislative History for Connecticut Act

**PA 14-202**

SB247

House	6726, 6733-6736	5
Senate	601-604, 625-627	7
Gov. Admin. & <u>Elections</u>	621-624	4
		<hr/>
		<b>16</b>

**H – 1200**

**CONNECTICUT  
GENERAL ASSEMBLY  
HOUSE**

**PROCEEDINGS  
2014**

**VOL.57  
PART 20  
6540 – 6911**

THE CLERK:

House Calendar 326, Favorable Report of the joint standing Committee on Government Administration and Elections, Substitute Senate Bill 247, AN ACT ELIMINATING AND MODIFYING CERTAIN REPORTING AND REGULATORY REQUIREMENTS OF THE DEPARTMENT OF ADMINISTRATION -- ADMINISTRATIVE SERVICES AND REPEALING OBSOLETE PROVISIONS.

DEPUTY SPEAKER GODFREY:

Representative Aresimowicz.

REP. ARESIMOWICZ (30th):

I move, I would like to move the following item to Consent Calendar as amended by Senate "A."

DEPUTY SPEAKER GODFREY:

The question is on moving this onto the Consent Calendar as -- as amended by Senate "A." Is there objection?

Hearing none, so ordered.

Mr. Clerk, 425.

THE CLERK:

House Calendar 425, Favorable Report of the joint standing Committee on Government Administration and Elections, Senate Bill 271, AN ACT CONCERNING THE STATE'S AUTHORITY TO PURCHASE AND TO RECEIVE DONATIONS

506 from the Consent Calendar, please.

DEPUTY SPEAKER GODFREY:

506 is removed from the Consent Calendar.

Representative Aresimowicz.

REP. ARESIMOWICZ (30th):

Mr. Speaker, I'd like to remove Calendar 508 from the Consent Calendar, please.

DEPUTY SPEAKER GODFREY:

Calendar 508 is removed from the Consent Calendar.

SB72

Mr. Clerk, would you kindly call the Consent Calendar.

THE CLERK:

Mr. Speaker, Consent Calendar Number 1, consisting of Calendar Numbers 548; 512, as amended by Senate "A"; 450, as amended by Senate "C"; 236, as amended by Senate "A"; Calendar 425; Calendar 518, as amended by Senate "A"; Calendar 452; Calendar 511; Calendar 5 -- excuse me -- 458; Calendar 491; Calendar 467; Calendar 468; item under suspension, 535; Senate Bill 00114, as considered under suspension; Senate Bill 417, suspension; Calendar Number 537, as amended by Senate "A"; Calendar 498; Calendar 499, as amended by Senate "A"; Calendar 508; and, House Bill -- what

SB176  
SB179  
SB70  
SB247  
SB271  
SB426  
SB154  
SB155  
SB262  
SB456  
SB463  
SB493  
SB114  
SB417  
SB269  
SB309  
HB5312

is it? Is off -- excuse me -- and House Bill 5312,  
which was done under suspension with Senate "A" and  
"B."

DEPUTY SPEAKER GODFREY:

Thank you, Mr. Clerk.

Just -- just for my own clarification, was --  
that was 326 not 236?

THE CLERK:

Three-two-six.

DEPUTY SPEAKER GODFREY:

Thank you, sir.

Representative Aresimowicz, what's your pleasure  
on today's Consent Calendar?

REP. ARESIMOWICZ (30th):

Thank you very much, Mr. Speaker.

Mr. Speaker, I move passage of the bills on  
today's Consent.

DEPUTY SPEAKER GODFREY:

Question is on passage of the bills on the  
Consent Calendar.

Staff and guests please come to the well of the  
House. Members take their seat. The machine will be  
open.

THE CLERK:

The House of Representatives is voting by roll.

The House of Representatives is voting by roll, by --  
on today's first Consent Calendar. Will members  
please report to the Chamber immediately.

DEPUTY SPEAKER GODFREY:

Have all the members voted?

Ladies and gentlemen, before I call for the  
machine being locked, I need to note that the board is  
not completely in line with the motion. Calendar 520  
"A," which unfortunately is up on the board, was --  
there was no motion to put that on the Consent  
Calendar. Unless there's objection, we'll just fix it  
ministerially and proceed on. Is there any objection  
to that solution?

Thank you all.

If all the -- if everyone has voted, the machine  
will be locked. Clerk will take a tally.

And the Clerk will announce the tally.

THE CLERK:

Consent Calendar Number 1.

Total Number Voting	148
Necessary for Passage	75
Those voting Yea	148
Those voting Nay	0

Those absent and not voting 3

DEPUTY SPEAKER GODFREY:

The Consent Calendar as moved, the bills on it  
are passed.

And now, Mr. Clerk, we will do Calendar 528.

THE CLERK:

House Calendar 528, Favorable Report of the joint  
standing Committee on Insurance and Real Estate,  
Senate Bill 480, AN ACT CONCERNING LIFE INSURANCE  
PROCEDURE LICENSES AND REGISTRATIONS OF BROKER-  
DEALERS, AGENTS, INVESTMENT ADVISERS AND INVESTMENT  
ADVISER AGENTS.

DEPUTY SPEAKER GODFREY:

The distinguished Chairman of the Insurance and  
Real Estate Committee, Representative Megna.

REP. MEGNA (97th):

Thank -- thank you, Mr. Speaker.

Mr. Speaker, I move acceptance of the joint  
committee's Favorable Report and passage of the bill,  
in concurrence with the Senate.

DEPUTY SPEAKER GODFREY:

The question is on passage and concurrence.  
Would you explain the bill, please, Representative --

REP. MEGNA (97th):

**S - 670**

**CONNECTICUT  
GENERAL ASSEMBLY  
SENATE**

**PROCEEDINGS  
2014**

**VOL. 57  
PART 2  
341 - 702**

Yes, thank you, Madam President. This bill basically completes the Department of Housing and the conversion of all of their statutes from DECD over to the Department of Housing, so it is truly technical in nature and is a clean up from last year's creation of the Department, and I urge passage of this bill.

THE CHAIR:

Thank you. Will you remark? Will you remark? Seeing none, Senator Bartolomeo.

SENATOR BARTOLOMEO:

Madam President, I ask that we might put this on the Consent Calendar.

THE CHAIR:

Seeing no objection, so ordered. Mr. Clerk.

THE CLERK:

On Page 16, Calendar 182, Senate Bill Number 101 AN ACT ESTABLISHING FIRST RESPONDER DAY. Favorable Report of the Committee on Public Safety.

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President. If that item might be passed temporarily.

Also wanted to mark another item that I think might have been previously marked. I wanted to just indicate Calendar Page 9, Calendar 84, Senate Bill 201 should be marked passed temporarily. We may return to that a little bit later.

And if the Clerk would then proceed to call the next item on the Calendar, which I believe is Calendar Page 17, Calendar 184.

THE CHAIR:

Mr. Clerk.

THE CLERK:

On Page 18, I'm sorry, Page 17, Calendar 184,  
Substitute for Senate Bill Number 247 AN ACT  
ELIMINATING AND MODIFYING CERTAIN REPORTING AND  
REGULATORY REQUIREMENTS OF THE DEPARTMENT OF  
ADMINISTRATIVE SERVICES AND REPEALING OBSOLETE  
PROVISIONS. Favorable Report of the Committee on  
Government Administration and Elections. And there  
are amendments.

THE CHAIR:

Senator Musto.

SENATOR MUSTO:

Thank you, Madam President. I move the Joint  
Committee's Favorable Report and request passage of  
the bill.

THE CHAIR:

Motion is on adoption and passage. Will you remark,  
sir?

SENATOR MUSTO:

Yes, Madam President, I would. This is a relatively  
technical bill. It comes from DAS. It repeals  
certain obsolete provisions of DAS as the title  
implies.

It shifts from individual agencies to DAS the duty of  
some reporting on State Bond Commission. It  
eliminates some of the requirements of DAS regarding  
consultation with OPM, and eliminates a report by DAS  
since they (inaudible) this information from  
technology initiatives and folds most of those  
reporting requirements into the Department's annual  
information and telecommunications strategic plans  
report.

This did come out of the Committee unanimously and again, it is simply largely a technical bill.

There is one amendment I would call at this time. It is LCO Number 3479. I would ask the Clerk to call that amendment at this time.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO Number 3387, Senate "A", offered by Senator Williams et al.

THE CHAIR:

Senator Musto.

SENATOR MUSTO:

Yes, Madam President. Thank you, Mr. Clerk. I was --

THE CHAIR:

Correction?

SENATOR MUSTO:

Yeah, I just read the wrong amendment number.

THE CHAIR:

Thank you.

SENATOR MUSTO:

So that is the correct Amendment and what the Amendment does is simply insert the date for the report and a conforming change, make it annually thereafter. It does not change the substance of the bill other than again, adding the date of January 1, 2015 and I would just ask that we vote on that Amendment.

THE CHAIR:

Thank you. Will you remark further? Will you remark further? If not, I'll try your minds. All those in favor please say aye.

SENATORS:

Aye.

THE CHAIR:

Opposed? The Amendment passes. Senator Musto.

SENATOR MUSTO:

Thank you, Madam President. There is not much more to the underlying bill that we haven't discussed and I would just ask for the Chamber's indulgence in passing this bill. Thank you.

THE CHAIR:

Will you remark? Will you remark? If not, Senator Musto.

SENATOR MUSTO:

Madam President, if there's no objection, I'd ask that this item be placed on Consent.

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR MUSTO:

Thank you, Madam President.

THE CHAIR:

Mr. Clerk.

THE CLERK:

On Page 20, Calendar 202, Senate Bill Number 228 AN ACT ESTABLISHING A PILOT PROGRAM FOR MUNICIPAL CAMPAIGN FINANCE FILING. Favorable Report of the

Consent Calendar Number 2. On Page 6, Calendar 63,  
Senate Bill Number 19.

On Page 7, Calendar 64, Senate Bill Number 20.

Also on Page 7, Calendar 71, Senate Bill 241.

On Page 12, Calendar 156, Senate Bill Number 207.

And on Page 14, Calendar 165, Senate Bill 115.

Page 15, Calendar 171, Senate Bill Number 313.

And on Page 16, Calendar 179, Senate Bill Number 376.

Also on Page 16, Calendar 182, Senate Bill Number 101.

And on Page 17, Calendar 184, Senate Bill Number 247.

Page 19, Calendar 200, Senate Bill 205.

On Page 20, Calendar 201, Senate Bill Number 82.

On Page 35, Calendar 69, Senate Bill 63.

Calendar 75, Senate Bill 112.

And Calendar 77, Senate Bill Number 364.

On Page 36, Calendar 88, Senate Bill 100.

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President. When the Clerk was reading those items, wanted to inquire on the status of Calendar Page 7, Calendar 72, Senate Bill 92.

THE CLERK:

And I should have read, Page 7, Calendar 72, Senate Bill 92.

THE CHAIR:

That's also on the Consent Calendar. Is that correct?

THE CHAIR:

Mr. Clerk, could I ask you about Page 8. I don't know if there has been marked, which bill, Page 8, Calendar 76, 113? Did you say that?

THE CLERK:

Yes, Madam President. It is on the Second Consent Calendar for today.

THE CHAIR:

And Page 9, Calendar 84, Bill 201. Was that read, sir?

THE CLERK:

Yes, ma'am.

THE CHAIR:

Thank you very much. At this time, Mr. Clerk, will you please call for a Roll Call Vote on the Consent Calendar. The machine will be opened.

THE CLERK:

Immediate Roll Call is ordered in the Senate.

Immediate Roll Call on the Second Consent Calendar for today is ordered in the Senate.

THE CHAIR:

If all members have voted, all members voted, the machine will be closed. I ask the Clerk to please call the tally.

THE CLERK:

On the Second Consent Calendar for today.

Total number voting

36

Necessary for adoption	19
Those voting Yea	36
Those voting Nay	0
Those absent and not voting	0

THE CHAIR:

The Consent Calendar passes. Senator Looney.

SENATOR LOONEY:

Yes, Madam President. Thank you. Madam President, would move that all of the bills referred to various Committees earlier in the Session, that those bills be immediately transmitted to the Committees to which they were referred.

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR LOONEY:

Thank you. Thank you, Madam President. Madam President, if the Clerk would now call an item that was marked passed temporarily earlier, and that was Calendar Page 9, Calendar 108, Senate Bill 36.

THE CHAIR:

Mr. Clerk.

THE CLERK:

On Page 9, Calendar 108, Substitute for Senate Bill Number 36 AN ACT CONCERNING THE GOVERNOR'S RECOMMENDATIONS TO IMPROVE ACCESS TO HEALTHCARE. Favorable Report of the Committee on Public Health, and there are amendments.

THE CHAIR:

Good evening, Senator Gerratana.

SENATOR GERRATANA:

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**GOVERNMENT  
ADMINISTRATION  
AND ELECTIONS  
PART 2  
493 – 783**

**2014**

Senate Bill 247**An Act Eliminating and Modifying Certain Reporting and Regulatory Requirements of the Department of Administrative Services and Repealing Obsolete Provisions**

I would like to request that the Committee consider amending Senate Bill 247 to include eliminating Sec. 4b-4 of the general statutes.

**Sec. 4b-4 reads as follows:**

No non clerical employee in the unit in the Department of Administrative Services that is responsible for acquiring, leasing and selling real property on behalf of the state shall be directly involved in any enterprise that does business with the state or be directly or indirectly involved in any enterprise concerned with real estate acquisition or development.

**INTRODUCTION:**

In 2008, I was hired as a Property Agent 2 in the State's Department of Public Work's (DPW) Leasing and Property Transfer Unit which was later consolidated into the Department of Administrative Services (DAS). My job responsibilities include negotiating commercial real estate leases. Before being employed with the State, I held several different positions in the real estate industry and legal field. I am a law school graduate and also a licensed real estate broker. With this being said, Sec. 4b-4 of the general statutes has had a chilling effect on my professional career aspirations outside of state employment. Sec. 4b-4 essentially shuts the door on all outside employment opportunities in my field of expertise. Any real estate related activity I engage in outside of my state employment could be perceived as a violation of 4b-4 depending on who is interrupting the Statute at any particular time.

**REASONS WHY SEC. 4B-4 SHOULD BE ELMINATED:****1) Sec. 4b-4 should be eliminated because it treats certain state employees unfairly.**

The language in the first sentence of Sec. 4b-4 applies only to three property agents (and two supervisors) employed in DAS' Leasing and Property Transfer Unit. There are at least several dozen property agents at other state agencies who are not governed by 4b-4 or any other similar statute. These property agents' outside employment activities are restricted only by the State Code of Ethics laws which all state employees are required to abide by, including employees in DAS' Leasing and Property Transfer Unit. Unlike the 4b-4 statute, the Code of Ethics, Sections 1-84(b) and 1-84(c), does not contain a blanket provision against outside employment. To the best of my knowledge, there are no other job classifications at the State of Connecticut that fall under a statute like 4b-4 that bans outside employment activities in the profession or field of expertise of that particular state employee. This Statute is certainly one of a kind.

**2) Sec. 4b-4 should be eliminated because the Statute's language is overly broad and vague.**

The language in Sec. 4b-4 is expressed in a way that makes it impossible to ascertain the full scope of the law without seeking out the advice of legal counsel. The Statute itself does not explicitly

define any of the terms used in the provision; and there isn't any legislative history which would help explain the legislature's intent behind the use of particular language in the Statute. Seeking out advice from the Office of State Ethics, DAS, and its predecessor DPW, has only resulted in less clarity and more confusion.

The meaning of certain words used in the Statute is still unclear to me. For example, I've received two conflicting opinions with regard to the meaning of the word "enterprise". DPW defined the word "enterprise" broadly as "a project, undertaking or business" while DAS narrowly defines enterprise as "a corporation, business, firm, company, or registered group with a designated purpose". The legislature's intended meaning of the word "enterprise" remains unknown; making it impossible for me to know the true scope of the law since the words used in the Statute can mean different things to different people.

Similarly, the meaning behind the words "acquisition" and "development" has alluded me. What if I limited a real estate brokerage business to the "disposition" of real estate, not the "acquisition or development" of real estate? I've asked my agency this question but DAS maintains that 4b-4 prohibits me from using my real estate license in outside employment in any manner. So what exactly did the legislature intend when it used the words "acquisition or development"? If they intended to include disposition of real estate, why was this term not included in the language, especially since each term has its own distinct legal definition?

3) Sec. 4b-4 should be eliminated because it violates the Constitutional rights of the individual state employee.

I strongly believe that the Statute's language violates my constitutionally protected due process right to economic liberty including the right to gainful employment and the freedom to contract.

Procedurally, there is no formal hearing process or appeal procedure established to hear my concerns or objection to my agency's interpretation of 4b-4. In the beginning, I inquired with the Office of State Ethics about 4b-4 but OSE and the Citizen's Ethics Advisory Board (CEAB) concluded that they did not have the authority to interpret Sec. 4b-4.

Furthermore, there is no rational basis for the existence of this Statute since the State Ethics Code, today, addresses all the same ethical concerns that were presumably in the minds of the drafters of this legislation in the 1970's. The State Ethics Code covers ethical issues such as conflicts of interest, independence of judgment, financial entanglements and confidentiality concerns.

**CLOSING REMARK:**

The State Ethics Code already applies to all State employees; making Sec. 4b-4 redundant, unnecessary and obsolete. For the above reasons, I would like to request that this Committee consider eliminating Sec. 4b-4 from the general statutes. Thank you for your time and I look forward to answering any questions you may have for me.

Mathew Lenganecker



Line Number 3  
 Page Number 1  
 Speaker # 1 - Officials



DEPARTMENT OF ADMINISTRATIVE SERVICES

STATE OF CONNECTICUT

SB 247

165 Capitol Avenue  
 Hartford, CT 06106-1658

**An Act Eliminating and Modifying Certain Reporting and Regulatory Requirements  
 of the Department of Administrative Services and Repealing Obsolete Provisions**

**Government Administrations & Elections Committee  
 March 3, 2014**

The Department of Administrative Services (DAS) thanks the Government Administration & Elections Committee for raising Senate Bill 247, and offers the following testimony in support of the bill.

SB 247 eliminates or modifies a number of obsolete, unnecessary and/or confusing statutory provisions that relate to DAS. Most of these provisions have been identified by the Auditors of Public Accounts, and DAS has committed to the Auditors that we would seek repeal or revision of them.

Section 1 streamlines C.G.S. § 3-21d, a statute that requires a series of ongoing reports as well as a separate annual report, identifying unexpended bond monies authorized and allotted for state public works construction projects providing details on completed construction projects. To eliminate duplication, streamline the production of reports and conform to long-standing practice, SB 247 consolidates these requirements into a single annual report.

Section 2 eliminates the statutory requirement that DAS issue regulations that set forth the procedures used by DAS, OPM and the State Properties Review Board regarding the leasing of state offices. The statute (4b-23(o)) already details the requirements and processes that have been determined by the Legislature to be important in the leasing process; accordingly, separate regulations would be duplicative and, thus, unnecessary. Furthermore, the issue in question is simply how agencies interact with one another and work together; it does not implicate any rights or benefits that impact the public. Traditionally, such issues are not considered to be appropriate topics for regulations.

Section 3 updates and consolidates two separate information technology reports. Specifically, it merges the IT Strategic Plan report currently required under C.G.S. § 4d-7 with the § 4-14 report on expenditures, technology projects, and e-government initiatives. This section also clarifies that the report is due annually on or before September 15<sup>th</sup>, as the statute is currently ambiguous on that point.

Sections 4 & 5 are technical changes included by LCO.

Section 6 repeals subsection (b) of C.G.S. § 10a-151d, an obsolete reporting requirement relating to higher education purchasing. This provision requires DAS to report to the Education & Appropriations Committees all purchasing requests received by DAS from the constituent units of higher education. However, DAS has not handled purchasing on behalf of the constituent units since they received their own purchasing authority in the early 1990s. As a result, this subsection is obsolete.

Section 7 also repeals obsolete and unnecessary requirements. Specifically:

- § 4d-14. All the requirements of this section are merged into § 4d-7, to be modified as described in Section 3 above.
- §§ 4d-45 & 4d-46. In its recent DAS departmental audit, the Auditors of Public Accounts identified these statutes as obsolete and have recommended that we seek repeal. These statutes relate to a particular Request for Proposals ("RFP") from 1997 relating to information technology. No contract was ever awarded pursuant to this RFP.

We again thank the Committee for raising SB 247 and respectfully ask the Committee to support the bill moving forward. If there are any questions about this bill or DAS's testimony, please feel free to contact Terrence Tulloch-Reid ([Terrence.Reid@ct.gov](mailto:Terrence.Reid@ct.gov)) or Andrea Keilty ([Andrea.Keilty@ct.gov](mailto:Andrea.Keilty@ct.gov)).