

Legislative History for Connecticut Act

PA 14-210

SB412

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2014**

**VOL.57
PART 20
6540 – 6911**

Employees, Substitute Senate Bill 412, AN ACT
CONCERNING THE ENFORCEMENT OF CERTAIN OCCUPATIONAL
LICENSING STATUTES.

SPEAKER SHARKEY:

Representative Baram.

REP. BARAM (15th):

Good afternoon, Mr. Speaker.

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

SPEAKER SHARKEY:

Question is on acceptance of the joint
committee's Favorable Report and passage of the bill,
in concurrence with the Senate. Will you remark, sir?

REP. BARAM (15th):

Thank you, Mr. Speaker.

This bill will strengthen our occupational
licensing enforcement and was a collaboration between
organizations representing our licensed trade and
facilitated by our Majority Leader, who we express
appreciation to.

This is considered as a pro-consumer, pro-
industry, and pro-public safety bill. It will ensure
strong enforcement, safety, and will ensure a high

quality of construction.

Mr. Speaker, the Clerk has Amendment LCO 5378. I would ask the Clerk to call the amendment and that I be granted leave to summarize.

SPEAKER SHARKEY:

Will the Clerk please call LCO 5378, which was previously designated Senate Amendment "A."

THE CLERK:

Senate Amendment "A," LCO 5378, introduced by Senator Doyle, et al.

SPEAKER SHARKEY:

The gentleman seeks leave of the Chamber to summarize.

REP. BARAM (15th):

Thank you, Mr. Speaker.

The amendment has three sections. The first section indicates that the Commissioner of the DCP, along with the examining boards can either separately or together file complaints and hear complaints that are presented to them, for violations of these laws. The second section clarifies the civil penalty and fines that can be assessed, and the third section requires DCP to maintain a database and to report annually, beginning January 2015, to the General Law

Committee on the number of licensing complaints received, the investigations, and how they were resolved.

I would move adoption of the amendment, Mr. Speaker.

SPEAKER SHARKEY:

Thank you, sir.

The question before the Chamber is adoption of Senate Amendment "A."

Will you remark?

Representative Carter.

REP. CARTER (2nd):

Thank you very much, Mr. Speaker.

I'd like to ask a few questions, through you, to the proponent of the amendment, please.

SPEAKER SHARKEY:

Please proceed, sir.

REP. CARTER (2nd):

Thank you, Mr. Speaker.

Looking at that first section there, Section 1, in lines 9 through 12, I notice that the, that it's changed now that the examining board is able to operate entirely, I guess -- is it on their own?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Baram.

REP. BARAM (15th):

Through you, Mr. Speaker, each examining board can actually look at a complaint, receive it, and have a hearing on it, and has the ability to assess a fine as does the Commissioner.

SPEAKER SHARKEY:

Representative Carter.

REP. CARTER (2nd):

Thank you very much, Mr. Speaker.

As the examining board now can -- can do this on their own -- I just wanted to make sure -- in the underlying bill there were some problems, I guess, with the examining board being able to stop work on a site. Has that all been removed now from this legislation?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Baram.

REP. BARAM (15th):

Through you, Mr. Speaker, yes, that section has been removed, so there is no independent authority by an examining board to issue a Cease and Desist or a

Stop Work Order.

SPEAKER SHARKEY:

Representative Carter.

REP. CARTER (2nd):

Thank you, Mr. Speaker.

And through you, I notice that the -- in lines 170 through 185, that seems to be nothing more than a reporting mechanism. Is that the part where you're talking about DCP would keep those in file and then report it annually?

Through, Mr. Speaker.

SPEAKER SHARKEY:

Representative Baram.

REP. BARAM (15th):

Through you, Mr. Speaker, that is correct. They will maintain a list of the various complaints, how they were investigated, resolved, whether they were dismissed. And that will be reported each year to General Law so that we can assess the effectiveness of this statute and make any changes we feel might be necessary to help enforcement.

SPEAKER SHARKEY:

Representative Carter.

REP. CARTER (2nd):

Thank you, Mr. Speaker.

And I -- I thank the good Chair of General Law for his work on this bill.

Ladies and gentlemen of the Chamber, when this bill first came through, it was very controversial. There were -- the work board -- the examining board, rather, was able to do a lot more than they had been able to do before, including stop work on a work site; that was very controversial. This amendment fixes that, and I think it puts something in place that's very realistic to make sure we're tracking those complaints over time.

So, ladies and gentlemen, I urge support of the amendment.

Thank you, Mr. Speaker.

SPEAKER SHARKEY:

Thank you, sir.

Would you care to remark? Would you care to remark further on Senate Amendment "A?"

Representative Ackert.

REP. ACKERT (8th):

Thank you, Mr. Speaker.

Through you, Mr. Speaker, a couple questions on the amendment.

SPEAKER SHARKEY:

Please proceed, sir.

REP. ACKERT (8th):

And just for clarification, essentially the goal here is to make sure that those that are inappropriately working on job sites and don't have the appropriate accreditation would be reported. Is that through -- correct -- through you, Mr. Speaker?

SPEAKER SHARKEY:

Representative Baram.

REP. BARAM (15th):

Through you, Mr. Speaker, that's correct. There have been a number of complaints of unlicensed contractors working on jobs, and some of the trades felt that DCP was a little lax in its enforcement. So this gets the trade and the examining boards involved so that they can strengthen that enforcement.

SPEAKER SHARKEY:

Representative Ackert.

REP. ACKERT (8th):

Thank you, Mr. Speaker.

One of the drawbacks, having worked with this department -- and I'm not sure about in the language, so I'll just ask it -- one of the issues that they

have is a very limited staff that actually does any of these, follow up on these violations. It's not really a fact that they're not being reported; it's that they just do not have the manpower at all. They're top-heavy and they don't have the boots on the, on the ground doing the work.

Through you, Mr. Speaker, is there any additional staff included? We've -- we've added on some additional work; is there any additional staff, through you, and as part of this amendment to -- to accomplish this work?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Baram.

REP. BARAM (15th):

Through you, Mr. Speaker, no. This amendment does not deal with staffing, although many of us on General Law in the upcoming session would like to take a look at the staffing component of DCP to see if we could perhaps rearrange and augment the staffing so that these kinds of things can be better enforced in the future. But I think you're exactly right; there is a lack of staff to do all the many things that this agency is assigned responsibility for.

SPEAKER SHARKEY:

Representative Ackert.

REP. ACKERT (8th):

Thank you, Mr. Speaker, and thank you to the good Chair.

This is exactly the problem that we have, though, is that we have tens of thousands of licensed contractors, many of them, the majority of them doing the job correctly, having licensed staff, having the appropriate apprenticeships. But we do not have the manpower in this department to do the work that they're supposed to be doing and any additional work, and that's really the problem that we have. And if you can break the law because there's no oversight, then you do, so I look forward to additional work from that committee in making sure that we have the appropriate investigators to accomplish this work.

Thank you, Mr. Speaker.

SPEAKER SHARKEY:

Thank you, sir.

Would you care to remark? Would you care to remark further on Senate Amendment "A?"

Representative Smith.

REP. SMITH (108th):

Thank you, Mr. Speaker.

A few questions to the proponent of the amendment, please.

SPEAKER SHARKEY:

Please proceed, sir.

REP. SMITH (108th):

Just looking at lines 44 through 47, there's a phrase there that talks about a -- a penalty for each violation. And I'm trying to determine in my mind whether a violation would occur on every particular day or if, how that actually plays out if somebody were actually to be caught with or without a license -- I guess without a license, working on a job that they should have had a license for.

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Baram.

REP. BARAM (15th):

Through you, Mr. Speaker, it could entail a violation occurring each day that the unlicensed contractor is working. It could occur by having different jobs at different times. So the -- the intent of this bill is to try and create a deterrence so that people realize that by being fined for each

violation, it won't be worth trying to avoid getting properly licensed and they'll do so to avoid the fine.

SPEAKER SHARKEY:

Representative Smith.

REP. SMITH (108th):

Thank you, Mr. Speaker.

I had a little difficulty hearing, but I'm just wondering, again, if -- I'll just rephrase the question and maybe -- maybe the good representative had already answered or good Chairman already answered it. But if I, if I'm supposed to have a license on Monday and I'm caught doing work that I'm not supposed to be doing, and then on Tuesday I show up on the same job, and again I'm found to be in violation, would those be two separate violations or is it a continuum violation, seeing I was found on Monday not to have had the license but yet continued to work?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Baram.

REP. BARAM (15th):

Through you, Mr. Speaker, DCP would interpret that as two, separate violations.

SPEAKER SHARKEY:

Representative Smith.

REP. SMITH (108th):

I thank the Chairman for his answer.

The -- I think Representative Ackert said it well in -- in a sense that we want to protect our contractors who have taken the time to get the proper training, get proper license, to be protected from those tradesmen who have not received that training and experience yet or perform and work on consumers' homes. And often we find that there's a lot of faulty workmanship because of the lack of training.

I guess one more question -- and I notice there's some language in here that hasn't changed as part of this amendment, but to just to be sure -- so if I'm an apprentice and I failed to have a proper registration but I'm in the apprenticeship program, would I be subject to a violation under the terms as set forth herein?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Baram.

REP. BARAM (15th):

Through you, Mr. Speaker, if you did not have the correct registration or licensure, you might be in

violation of a statute. But, again, if you read the various fines that can be assessed, it's always "up to, " so there's a discretion based upon whether it was a willful violation or unintentional or a mistake, that DCP has that discretion to decide that in determining what the fine should be.

SPEAKER SHARKEY:

Representative Smith.

REP. SMITH (108th):

And I'm -- I'm -- thank you, Mr. Speaker -- I'm happy to hear that. I think discretion is key, because I think we do have some contractors out there who are trying to comply and may not, for whatever reason. And we should just encourage them to keep on that road to compliance and help them become better work and tradesmen through our -- our good state.

So thank you, Mr. Speaker, and thank you, Mr. Chairman.

SPEAKER SHARKEY:

Thank you, sir.

Would you care to remark? Would you care to remark further on Senate Amendment "A?"

If not, let me try your minds. All those in favor of Senate "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.

(Deputy Speaker Berger in the Chair.)

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.

DEPUTY SPEAKER BERGER:

Have all the members voted? Have all the members
voted?

If all the members voted, if you could, check the board to see if your vote has been properly cast. If all the members vote, the machine will be locked. And

the Clerk will take the tally.

Will the Clerk please announce the tally.

THE CLERK:

Senate Bill 412 as amended by Senate "A" and in
concurrence with the Senate.

Total Number Voting	146
Necessary for Passage	74
Those voting Yea	120
Those voting Nay	26
Those absent and not voting	5

DEPUTY SPEAKER BERGER:

The bill, as amended, passes in concurrence with
the Senate.

Will the Clerk please call House Calendar Number
361.

THE CLERK:

On page 12, House Calendar 361, Favorable Report
of the joint standing Committee on Judiciary,
Substitute House Bill 5525, AN ACT CONCERNING CHILD
PORNOGRAPHY.

DEPUTY SPEAKER BERGER:

Representative Ritter, sir.

REP. RITTER (1st):

Thank you, Mr. Speaker.

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THE CHAIR:

Seeing no objection, so ordered, sir.

Mr. Clerk.

THE CLERK:

On page 38, Calendar 229, Substitute for Senate Bill Number 412, AN ACT CONCERNING THE ENFORCEMENT OF CERTAIN OCCUPATIONAL LICENSING STATUTES, favorable report of the Committee on General Law. There are amendments.

THE CHAIR:

Good afternoon, Senator Doyle.

SENATOR DOYLE:

Good afternoon, Madam -- Madam President. I move acceptance of the Joint Committee's favorable report and passage of the bill.

THE CHAIR:

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

SENATOR DOYLE:

Yes, thank you, Madam President.

This bill was originally from the General Law Committee, it deals with the occupational licensing enforcement laws of the Department of Consumer Protection. The file copy voted out of Committee has a fiscal note to it. And since the Committee (inaudible) the bill, there's been a lot of discussion amongst the many interested party and it has been significantly narrowed to really result in a zero fiscal note, which is a good thing. So, therefore, I'd have the Clerk call LCO 5378 and I be allowed to summarize.

Thank you, Madam President.

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THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO Number 5378 offered by Senator Doyle -- Senate "A"
offered by Senator Doyle, et al.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Thank you, Madam President.

I first move adoption of the amendment.

THE CHAIR:

The motion is on adoption. Will you remark, sir?

SENATOR DOYLE:

Yes, thank you. Yes, this amendment again is a strike-everything amendment, it narrows the focus of the original file copy. But what it does is it clarifies that there is concurrent jurisdiction between the Department of Consumer Protection Commissioner and the miscellaneous examining boards because. We're dealing here with people or permit holders who are doing work in our state that don't have the proper licenses, the contractors' licenses, you know, to perform services. And basically this bill seeks to further the enforcement of people doing work in our projects that aren't properly licensed and could lead to further injuries and improper construction of buildings. So again first it clarifies that the Commissioner -- DCP Commissioner and the assorted examining boards can report to the State's Attorney individuals or entities that are violating the laws.

It also clarifies that for each violation of these laws, a person can be fined. So rather than just say if you have 30 workers that are illegally working on a

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project, this clarifies that there would be 30
violations. And the main reason it may sound harsh,
but we want to make sure people are properly licensed,
that workers are protected, and the projects are
properly constructed. The bill also, section three,
provides for the General Law Committee, the DCP
Commissioner has to report back on an annual basis
starting on January 15th, basically the total number
of complaints made to the agency and also then give
the results of the Department's investigation and
ultimately the results of any formal hearings. So
this bill will -- the goal of this amendment which
will become the bill is to strengthen our enforcement
of illegal workers at our different projects. I urge
the Chamber to approve this amendment.

Thank you, Madam President.

THE CHAIR:

Thank you. Will you remark?

Senator Witkos, good afternoon, sir.

SENATOR WITKOS:

Good afternoon, Madam President. I rise in support of
the amendment. As Senator Doyle said, it puts a
little more teeth into the current legislation and
also provides a mechanism so the General Law Committee
which has oversight of the Department of Consumer
Protection can actually see and monitor how many
violations have occurred, and to what avenue they have
occurred in, and what type of enforcement action has
taken place. I think it's a good bill and urge my
colleagues to support it as well. Thank you.

THE CHAIR:

Will you remark on Senate "A"? Will you remark on
Senate "A"?

If not, I'll try your minds. All those in favor of
Senate "A" please say aye.

SENATORS:

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Aye.

THE CHAIR:

Opposed?

Senate "A" passes.

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

If not, Senator Doyle?

SENATOR DOYLE:

Yes, Madam President. If there is no objection, I move this bill to the Consent Calendar.

THE CHAIR:

Seeing no objection, so ordered, sir.

Mr. Clerk.

SENATOR LOONEY:

Madam President.

THE CHAIR:

Senator Looney, so sorry, sir.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, if we might stand at ease for just a moment. I believe we are awaiting a correcting amendment on the third bill that was announced as a go. So if we might wait for a moment.

THE CHAIR:

The Senate will stand at ease.

(Chamber at ease.)

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We're -- we're going to wait. I think (inaudible):

Senator Looney.

SENATOR LOONEY:

Madam President, I believe that there is an amendment coming to that -- that item. So if we might just vote the -- the Consent Calendar from earlier today.

THE CHAIR:

Mr. Clerk, will you please call the -- the bills on the Consent Calendar please.

THE CLERK:

On today's Consent Calendar we have on page 38, Calendar 229, Senate Bill 412, and page 42, Calendar 373, Senate Bill 465.

THE CHAIR:

Please announce for a roll call vote on the Consent Calendar. The machine is open.

THE CLERK:

Immediate roll call has been ordered in the Senate.
Immediate roll call on the first Consent Calendar of the day has been ordered in the Senate.

THE CHAIR:

Senator LeBeau, would you like to vote?

Senator Boucher, would you like to vote?

Thank you both very much.

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

Mr. Clerk, will you call the tally.

THE CLERK:

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On today's first Consent Calendar.

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 passes.

Senator Looney.

SENATOR LOONEY:

Thank you, Madame President.

Madame President since the bills on that Consent Calendar were both Senate Bills, we'd move for immediate transmittal of those items to the House of Representatives.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Madame President.

If we might stand at ease for a moment?

THE CHAIR:

The Senate will stand at ease.

(Chamber at ease.)

SENATOR LOONEY:

Madame President.

THE CHAIR:

**JOINT
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Any questions from the committee?

Representative Carter.

REP. CARTER: Thank you, Mr. Chairman.

So I just want to make sure I understand this. Is there still some THC in the product, in hemp?

REP. ZIOBRON: Yeah. I guess it's less than 1 percent. From what I have been reading about it, it's so small that you would literally die of carbon monoxide poisoning if you attempted to use it in the same way as marijuana is used.

And when they import it, I guess, from other countries, they do test it for that, and if it's above a certain level it's not brought into the United States.

REP. CARTER: Okay. Thank you very much.

SENATOR DOYLE: Thank you.

Are there any further questions? Are we all set? Okay. Thank you.

REP. ZIOBRON: Thank you.

SENATOR DOYLE: Next speaker, David Waskowicz.

Is David Waskowicz here?

DAVID WASKOWICZ: Good afternoon, Senator Doyle, Representative Baram, and members of the General Law Committee.

David Waskowicz, Chairman of the Fire Protection Sprinkler System Work Examining Board for the State of Connecticut, Department

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of Consumer Protection.

I also have two other board chairmen, Ed Fusco and Bob Barrio. I'll let them introduce themselves.

ED FUSCO: My name is Ed Fusco, the Auto and (inaudible) chairman.

ROBERT BARRIO: My name is Robert Barrio, chairman of the Heating Cooling Sheet Metal Board.

DAVID WASKOWICZ: I want to ask for your support of Senate Bill 412 for the enforcement of certain occupational licensing laws. This bill would benefit the public and the consumers in the State of Connecticut, with the addition of the cease work order. It's in the proposed legislation.

The addition of the cease work order stops the violator and the violation when unlicensed individuals are determined to be doing work in the State of Connecticut. The existing language needs to be strengthened, and the proposed changes involve the appropriate boards in the Department of Consumer Protection with conjunction -- in conjunction with the Commissioner of Consumer Protection.

I believe the citizens and the consumers would be better served with the passage of S.B. 412. I thank you for your time and your consideration. I wanted to keep it brief so the other two gentlemen can speak.

SENATOR DOYLE: Okay. Yeah, please keep it brief, because there are a lot of people. You want to make some brief comments?

ED FUSCO: Thank you.

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Sorry about that. Yes, my name is Ed Fusco, like I said, and I concur with Dave. I support the bill heartily. We've been working on this bill for a while and I think it is definitely going to help the consumer.

SENATOR DOYLE: Thank you.

ROBERT BARRIO: Thank you. On this bill it's been proposed -- Raised Bill 412 -- the entire Heating Cooling Board, all of the board members of the Department of Consumer Protection 100 percent are for this bill.

We just feel that there's a lack of enforcement, either through budget contradictions, not enough inspectors, but thousands and thousands of dollars in fines had to go on the loss. There's no enforcement that we can see of. They do the best they can but they don't have an awful lot of people.

Thank you.

SENATOR DOYLE: Thank you.

Senator Witkos.

SENATOR WITKOS: Thank you.

Under this bill, is there any time where the commissioner would differ from the examining board's decision on whether a violation occurred or not in your experiences?

DAVID WASKOWICZ: I would say it's a possibility. I mean, yeah, it's possible, but I could speak for the Fire Protection Board. It's comprised of two licensed journeymen, two licensed contractors, state fire marshal, local fire marshal, and three public members.

So then there is a hearing or something comes before the board, the people there will know the ramifications and the seriousness of the offense. And I would like to believe it would be, you know, in conjunction with the commissioner.

SENATOR WITKOS: 'Cause it gives you the ability to either do it jointly or separately, and that's why I was wondering if most of the times it's done it's unanimous I guess, for lack of better words, and decisions.

DAVID WASKOWICZ: The reason this proposal came up was back in '07 the word and/or and that small word, and/or kind of eliminated -- the commissioner could rule without the board. This language would put it back into the board.

Like I say, when, you know, you have the board's comprised of the people that are familiar with the type of work that's being done and the seriousness of the offense, you know, hearing the case, if it goes to --

SENATOR WITKOS: Well, that's the premise of my question is because are we doing this because we didn't necessarily agree with the position of the commissioner more often than not? And that's why we wanted this?

DAVID WASKOWICZ: No.

SENATOR WITKOS: Or is it because just to clarify the language.

DAVID WASKOWICZ: No, Senator.

I've been on the board for 17 years, and there hasn't been a hearing before the board since '07.

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SENATOR WITKOS: Okay.

DAVID WASKOWICZ: And the streamlined things, it's gone to what they call an "assurance of voluntary compliance" where the offender or the violator comes in, sits down with the commissioner, and the board is not hearing the case and I think it's, you know, it should --

SENATOR WITKOS: And one of the things that somebody mentioned, there was a staffing issue. This doesn't address the staffing issue, I don't think. It says that if you render a decision and you found that the person is in violation, then a cease order work order will be delivered as soon as practical.

And who would be doing that work of delivering the cease order?

DAVID WASKOWICZ: I believe ultimately it would come out of the commissioner's off-, or his delegative representative. That's the way I interpret the bill.

SENATOR WITKOS: And how is that done now if somebody has a stop --

DAVID WASKOWICZ: There is no stop order. There is no -- the violator doesn't, you know, the inspector shows up, observes a violation, the person is asked to leave the job. I mean, you know, there's no guarantee that that person can't show up again tomorrow and continue working illegally in the State of Connecticut.

SENATOR WITKOS: And is there -- under the current statutes is there a fine involved that can be levied either by the commissioner or by the examining board or a license revocation?

I mean, basically we're doing -- we're giving

-- granting authority to issue a cease and desist order basically from continuing the work based on the violation.

SENATOR WITKOS: What happens after that?

DAVID WASKOWICZ: Well, there would be a hearing. The language was adopted -- the Department of Labor has that ability right now when they find a violator out there to cease and work order issued, cease and desist order.

And this would just extend it to the Department of Consumer protection if they found a violation of licensing laws.

I hope that answered -- I don't know if that answered --

SENATOR WITKOS: Yes. Both entities now will have the ability -- the Department of Labor and through the Department of Consumer Protection -- the ability to issue a cease order?

DAVID WASKOWICZ: It's two different departments.

SENATOR WITKOS: Right.

DAVID WASKOWICZ: The licensing is covered by Consumer Protection. The wage and insurance, when they find a fraud over there in the Department of Labor, that's a different entity. So this would give Consumer Protection basically the same power to have a cease work order issued.

SENATOR WITKOS: How often do we have issues like this or hearings where we have to bring somebody in to have a hearing, whether -- regardless of what the outcome is. Is that often?

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DAVID WASKOWICZ: As I stated, we haven't -- on the Fire Protection Board we haven't had a hearing since '07. Prior to that we had --

SENATOR DOYLE: (Inaudible).

DAVID WASKOWICZ: We've been so far out of the loop we're literally ignored.

SENATOR WITKOS: Okay.

DAVID WASKOWICZ: A perfect example, sir, we recently had a board meeting. Gentlemen will come in with notarized statements that I've been employed for this employer for three or four years. He feels justified that I can sit for my S-2 exam.

Well, he's never been registered as an apprentice, and he's never been to school. And there's a \$1,500 fine. We refer that over to Consumer Protection for enforcement, and they'll give a \$250 civil penalty or they'll dismiss it or something.

The enforcement at best is extremely lax, and without bloating, there's probably 2 -- \$250,000 a year in fines just with that at our board meetings that's just gone.

And that's just our board. That's not the plumbing board, the sprinkler board.

SENATOR WITKOS: Okay. Thank you. Thank you, gentlemen. Thank you, Mr. Chair.

SENATOR DOYLE: Thank you.

Are there any further questions from the committee? Seeing none, thank you very much, gentlemen.

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Thank you very much. I see you have a packed house here today, so maybe you should have switched with Labor. They've got a lot of open space up there.

SENATOR DOYLE: We will be talking later I think in terms of how these rooms work. We were hoping to start at 1:00 but we couldn't get a room. That's why we're so late.

REP. ARESIMOWICZ: Oh.

SENATOR DOYLE: And I think to be honest some of these rooms aren't being used. So maybe later on we'll speak to leadership about that issue.

REP. ARESIMOWICZ: Senator Doyle, stop up and we'll have a discussion about this.

SENATOR DOYLE: Thank you. Thank you very much.

REP. ARESIMOWICZ: After the JF deadline, though, okay?

Members of the committee, Chairmen, I'm here to testify on behalf of two bills that came to me probably in the same very fashion that many of the bills that you introduced here. It was constituents reaching out to me in areas of concern for them.

SB 412

The first being House Bill 5491, AN ACT CONCERNING CUSTOMER SALES AND SERVICE CALLS MADE FROM OUTSIDE THE UNITED STATES.

This is a constituent issue that came to me. A lot of things are happening in this country, one of which is outsourcing is taking place to either for efficiency in some terms. Some say simply just to cut costs.

But it is putting our safety and security of

our residents in the State of Connecticut at risk. Especially when we're talking about secure information, Social Security numbers, bank accounts.

We get the phone calls. We hear from folks all the time that their information has gotten out there in way, shape or form.

So what this bill essentially does is we're not here to say you can't outsource for whatever reason you decide, but what it does say is that within the first 30 seconds of the call, if you're requesting certain information, sensitive information, then at least you should tell them where you're calling from and give them the opportunity to request to speak with somebody in the United States for their own safety and security.

This is a bill that just makes sense. I think it's time for it, and affording the option. We're not making a judgment here. We're just saying safety and security. If they feel that strongly about it, to go ahead and offer them the opportunity.

The other one is another bill that's Senate Bill 412, AN ACT CONCERNING ENFORCEMENT OF CERTAIN OCCUPATIONAL LICENSE STATUTES.

This was a young lady from my district that happens to run a large contracting company that was saying that we just simply we're not getting the enforcement that we needed on the work sites. That in some cases complaints were being sent forward that were never heard by the boards.

And I think you heard some of that testimony earlier. And in other cases, nobody would ever even show up out to the site to find out

whether trade work, licensed trade work within the State of Connecticut, was being performed by non-licensed folks. Whether it be a journeyman, apprentices, people just weren't checking the paperwork.

So that onto itself is a problem, but I think what the bigger problem was is because of that companies from outside of the State of Connecticut that were very used to the idea of not playing by the rules were coming into the State of Connecticut and actually being the lower bidder on some jobs.

So we were actually displacing or disqualifying some of our very own contractors that were, for all intents and purposes, playing by the rules and doing the right thing, with folks that weren't.

So this bill is the effort of a committee. We formed a committee. We opened it up to all trades people, whether it be union, non-union, and told them to sit down and really look at the issue and come up with a bill that made sense.

It is my understanding that the bill before you today that you're having in the public hearing is the final product of those efforts. And it requires increased enforcement, it puts a greater role with the boards in working with the commissioner.

So we're not replacing one with the other, it's either or. And it provides the opportunity for the stop work orders. We've seen those with the Department of Labor. They have an effect at curtailing bad behavior.

We all opened up the paper just a couple weeks ago and saw what was going on up at UConn. And

I think we need to take more progressive steps like that. If you're going to dance around Connecticut laws, there has to be swift and severe repercussions, especially in this area.

God forbid we had a situation to where we had unlicensed folks on a job that was found out later simply because an accident happened. I don't think anybody in this building or any of the state agencies or any of the trades, for that matter, would live with themselves knowing that people were hurt by us not doing all that we could.

So both of the bills are pretty simple. I really appreciate the committee raising the bills, drawing them up, and if you have any questions I'll attempt to answer them. One of them is really not my area of expertise but I'll try.

SENATOR DOYLE: Sure. Thank you, sir.

I'll just make a quick comment about the Senate Bill 412. In the past several years this committee has JFed a bill out and it struggled, so we're glad to have your muscle behind it.

There was -- in the past there were criticisms because it's always a question of they didn't want to invest money in more, you know, employees. We were arguing you can justify it by getting more fines.

So having you behind it we're hoping will help the -- I think it was a bipartisan bill that passed several years. So with you behind it we appreciate that.

REP. ARESIMOWICZ: Well, and to your credit, Senator Doyle and Representative Baram, you both actually stopped in the little task force

meetings that were happening and sat in for them. So you know how the process worked.

And essentially when I walked away from that process saying so do we have an agreement? Everybody in this room is in agreement. And all the head nodding occurred, I said okay, I think we have a bill.

And I know we've tweaked it, especially with the help of your LCO attorney, to get it to the point that it's at now.

SENATOR DOYLE: Good. Thank you.

Any questions?

Representative Altobello.

REP. ALTOBELLO: Thank you, Mr. Chairman.

Good afternoon, Majority Leader Aresimowicz.

REP. ARESIMOWICZ: Good afternoon, Deputy Speaker Altobello.

REP. ALTOBELLO: Well, we got that out of the way.

Now, in your bill concerning the customer sales and service calls made from outside of the United States and America, it calls for a Connecticut company that engages someone outside the country to put into their contract with that entity the following provisions.

What's the enforcement here? I don't see any penalties, I don't see -- it's going to be very difficult to get someone, say in Canada, to say the things that need to be said in the first 30 seconds. You may be monitored. You may have the -- if I asked for sensitive information, it may request that someone -- and you speak with

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Connecticut company.

REP. ALTOBELLO: So we need to think about that some more. Thank you very much, sir.

REP. ARESIMOWICZ: Sure.

REP. ALTOBELLO: Thank you, Mr. Chairman.

SENATOR DOYLE: Thank you.

Representative Aman.

REP. AMAN: Yes, welcome to the meeting.

Looking at this, the one concern that I have is I can understand with the license trades and the license trades. None of us want someone who is not an electrician doing electrical work.

SB412

But on any large job site, there are a variety of licensed trades and non-licensed trades. Speaking from the general contractor's point of view, I'm very concerned that this can be used in disputes between trades as to who is responsible for it so a cease work order is issued, the job stops while the two unions are arguing about who gets to do the work.

REP. ARESIMOWICZ: Why does it have to be unions?

REP. AMAN: While the state -- since most of these jobs are either done by the state or the municipalities, the taxpayers are paying the cost of the delay. And I'm wondering how this bill addresses that issue.

REP. ARESIMOWICZ: So we do have some S language. We've been reacting to some of the concerns that have been raised by folks, both in house and externally. As I said, it was a bipartisan

bill.

So we do have some S language that should clear that up. I believe the chairs are in possession of it, and we've been working with the LCO on that also, which would take that out of the factor. It would only be covering the licensed trades.

REP. AMAN: The other question tied in directly to that is I don't see any time limits for decisions to be made. And again my concern of a job being stopped while a decision is being determined and while government may say, "Oh, we responded in three weeks. I don't see what the problem is."

A job that shuts down in November for three weeks is a major problem. And again does the S language address that issue or --

REP. ARESIMOWICZ: So the S language doesn't address the timelines. Obviously if you get the stop work order you have the -- I think it's the 10 days to appeal it over to the commissioner and then the commissioner ultimately could bring it to the board.

It's my understanding that the boards currently meet once a month on average, or they have the potential to meet once a month.

I think that's an excellent point and, you know, we may want to put into language some function for an emergency meeting or at least getting a quorum of emergency meeting. But I understand the timeline issue.

REP. AMAN: Thank you very much.

REP. ARESIMOWICZ: No problem.

THE COURT: Thank you.

Any further questions?

Representative Rovero.

REP. ROVERO: Thank you for your testimony. I have a question, but not pertaining to either one of these.

(Inaudible) tell me you have pull around this building, and I wonder if it's possible you ask them not to shut the heat off at 4:30. Thank you very much.

SENATOR DOYLE: Representative Rovero, it's part of our cost-saving message.

SENATOR DOYLE: Any further questions?

Representative Carter.

REP. CARTER: Thank you, Mr. Chairman.

The one quick question I had was could you tell us a little more about the constituent who requested the service calls outside the United States? I mean, were they a victim of identity theft or something?

HB5491

REP. ARESIMOWICZ: Yes. So it actually came from two different areas. One happened to be one of the folks that were being laid off or in the process of being laid off from Northeast Utilities. And they were just talking general sense of their opinion about sourcing and one of the concerns that they had.

In this particular case with Northeast Utilities it was IT. So they were very concerned about the overall electrical infrastructure of the state and security.

And, you know, from my own personal standpoint, I want to do it by the letter of the law. If I'm supposed to have three to one, I'm going to do three to one. Do I like it? No. I'm a larger company that I have the cash flow, I have the work flow to develop jobs in the state. I don't think I need to go down that exception road. It's not a good statement from my standpoint.

SENATOR DOYLE: Thank you.

Any further questions from the committee?

Seeing none, thank you very much.

Next speaker is Todd Berch.

TODD BERCH: Good evening, Senator Doyle, Representative Baram, members of the General Law Committee.

My name is Todd Berch. I'm with the Connecticut AFL/CIO. I'm here on behalf of Executive Secretary Treasurer Lori Pelletier.

SB412

Before you I have two bills, the first one in opposition to Senate Bill 268, AN ACT CONCERNING APPRENTICE RATIOS.

An apprentice in construction trades is an entry-level employee. Most construction trades affiliates of the Connecticut AFL/CIO have multiyear apprenticeships in order for the apprentice to hone their skills.

Upon completion and testing and the required on-the-job training, these apprentices become journey persons. Regardless of the vocation one chooses, apprenticeship is nothing more than learning the craft.

Apprenticeship teaches someone how to go about working in a safe manner and not harming themselves or others in the process. Learning a skill from a journey person, the proper and professional manager of the craft, is being at the side of a journey person, not off to the side.

Proponents of this bill claim there is a large demand for people to become apprentices. We agree with that. The proponents are excluding the fact that there are also an availability of journey persons that are available and unemployed at this time seeking the same opportunity.

Do not be fooled the difference is purely cost. A journey person's qualification is the equivalent to having a college degree. The apprentice is working towards getting that degree, but is no expert until requirements have been met.

Therefore, they're unqualified to be by themselves, producing work, or having enough experience to keep them from working in a safe manner. Never mind the fact it's against the law. That is why a one-to-one ratio, regardless of how far out you go with it, is not only correct, it's proper.

With regard to Senate Bill 412, AN ACT CONCERNING THE ENFORCEMENT OF CERTAIN OCCUPATION LICENSING STATUTES, we support this bill as it pertains to the augmenting, to augmenting the ability of the commissioner of Consumer Protection, in concert with the various licensing boards, with greater enforcement capabilities to level the playing field for those that abide by current laws.

This bill is necessary for ensuring that public safety and health measures are upheld to the highest standard by properly trained and licensed craftspeople performing their work.

We appreciate the committee holding this hearing, and we urge passage of this bill. Thank you.

SENATOR DOYLE: Thank you.

Senator Witkos.

SB268

SENATOR WITKOS: Thank you. Mr. Berch, you testified that we should not change the one-to-one ratio of journeymen to apprentice, and I don't believe the bill does that.

TODD BERCH: I agree.

SENATOR WITKOS: So

TODD BERCH: It's on the onset, correct? When it goes about three to one, am I correct?

SENATOR WITKOS: No. It always maintains the one-to-one ratio up until five, and then you have to have -- then it goes back to the original language where you have to have four -- 14 journeymen to six apprentices.

So there's no change in the ratio of apprentices to licenses, they're always on a one-to-one basis.

TODD BERCH: All right.

SENATOR WITKOS: Thank you.

SENATOR DOYLE: Thank you.

Any further questions from the committee?

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myself.

The trainee program is just a gateway to growth. It's very hard to craft guys and have a template to do it. the clarified scope of work at operations like mine, a template that kind of puts us on par with companies that have dedicated service departments or a safety officer.

I mean, I see this is a real -- this is a gift to a smaller business. It's kind of like giving us a human resource department with the trainee program, and that's why I support it.

SENATOR DOYLE: Thank you.

Any further questions from the committee?

Seeing none, thank you.

Glenn Marshall, please. Then Joe Wrinn and there's three people signed under one name, so I guess each has got a minute. But first from (inaudible).

The first one is Glenn Marshall.

GLENN MARSHALL: Good afternoon, Senator Doyle, Representative Baram and members of the General Law Committee.

My name is Glenn Marshall, and I am a business manager for the New England Regional Council of Carpenters in Connecticut, representing thousands of carpenters. I am here today to testify in opposition to Raised Bill 412, AN ACT CONCERNING THE ENFORCEMENT OF CERTAIN OCCUPATIONAL LICENSING STATUTES as it is currently written.

Connecticut first enacted licensing laws

starting in 1967 to protect the general public's safety. First for plumbers and electricians, and over the following decades for other crafts such as sheet metal workers and glazers.

In fact, we are one of the only states that has licensing for glazers. As more and more trades have attained licenses, we have seen a rise in jurisdictional problems on job sites. Some trades are using their licensed status as a means to grab work and claim jurisdiction from non-licensed crafts such as carpenters.

There are many examples on record, and a few years ago one of our contractors spent in excess of \$100,000 defending themselves.

There are many conflicts and issues with the way this bill is currently written, and I will give a few examples.

Cease work orders for individuals who perform work without a license is a problem because there are many gray areas or overlap of work between licensed and unlicensed crafts.

The proposed language states that either the commissioner or the board can either jointly or separately issue a cease work order. There is a potential conflict if the commissioner and the board are in disagreement as to whether a violation has occurred or not.

Who makes the final determination? I believe that the commissioner should make the final decision with the advice of the board for sake of consistency.

The board members' terms, by statute, expire every four years, which can lead to turnover and inconsistent decisions being rendered. And

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although the commissioner's term may be short as well, they rely on the recommendations of their managers, who have an historical institutional knowledge of the industry.

As an ex-commissioner, I can attest to this myself. Also, negligently is being added too willfully to determine someone's culpability of working without a license. Willful is a much higher standard than negligent, so it can't be both.

We prefer to see it left as just willful, as someone can make an honest mistake.

In closing, we would be supportive of more enforcement agents being added to help the depleted staff enforce the current licensing laws, but we are opposed to the changes that are in this bill as they currently are written.

We look forward to working with the committee and the leadership on substitute language to address our concerns and others in the industry.

I want to thank you all for your time and your consideration and I would gladly answer any questions.

SENATOR DOYLE: Thank you very much.

I would ask if you have copies of your substitute language, to make sure our legal counsel receives that.

Any questions from the committee?

Representative Aman?

REP. AMAN: Yeah. Looking at it, it talks about the violations and says any person. Just to be

clear, is that a person, and individual, or a company that has people working for them that aren't being licensed?

GLENN MARSHALL: It's referring to an individual.

REP. AMAN: Okay. And it's willfully or is that -- if someone doesn't have their license with them because it's laying on their dresser at home, they're willfully not having it with them. Is that how you would interpret that?

GLENN MARSHALL: I guess it could be. Willful is a higher standard. Negligently has been added to it, so there you have a conflict too. Is it willful or is it negligent? Negligent is less -- it's a lower standard.

So if it was negligent, and you have in the bill that the enforcement agent shall within 48 hours issue a cease work, they're going to probably be more inclined for that individual that you just referred to to stop them from working.

And then the process would start. It could take a long time for that individual to go back to work.

REP. AMAN: That's one of my concerns, the way the language is written is that you have the individual on the job and for whatever reason if he stays there a stop work order is going to be issued. The contractor is going to immediately dismiss that person, hire someone else to do the job.

Earlier today we heard that it could be three, four weeks before a hearing was held, and it doesn't seem like the person that was dismissed from the job has got any real recourse at that point other than going a month without pay.

Is that a scenario that the carpenters are concerned about?

GLENN MARSHALL: Absolutely. Because, as I said, you know, most people when asked the question do you want to see somebody doing electrical or plumbing without a license? No. You don't want to see anybody get hurt or the public.

But there is gray areas. The semantics of the existing statutes sometimes are twisted, and people that are out there doing the work, you know, contractors don't know. And, you know, a licensing person or a trades person shows up and says hey, you got carpenters putting louvers in. We think that's licensable.

Louvers are a generic term. You could put them on homes and a gable ends. They're made out of wood. Or they could be part of a balanced system, which then would be licensable.

So there's architectural louvers and there's part of the system with louvers. Sometimes in the past we've had situations. The contractor that I alluded to, you know, had a similar situation and then had to defend himself.

Usually the institutional knowledge that the enforcement agents that are within DCP, they've been around a long time so they know how to deal these. Our concern is an unlicensed craft is you could have carpenters doing something that they've been doing historically that really at the end of the day might not be licensed.

But if an enforcement agent feels pressure because the bill says he shall shut them down within 48 hours, he's going to look to cover himself and then it's those individuals who

could be harmed.

REP. AMAN: Again, I'm looking for the change in language when the bill comes out, because right now I don't see how this is going to be really workable and I see some of the poor guys doing the work themselves as the ones that are going to be caught in the middle, as various trade unions are starting to have disputes.

The trade union leaders are fine. The person on the job is sitting there for a month without a paycheck. That bothers me.

GLENN MARSHALL: Yeah. I think we could work this out, but the language has to be the right language, and we talked to Representative (Inaudible) about, you know, trying to get to that point, but we do have concerns as it's currently written.

REP. BARAM: Thank you.

Other questions?

Thank you very much. We appreciate your comments.

Next I have Joe Wrinn, and he will be followed by the trio of John Yusza, Andy Wilson and Joel Kent.

SB 270

JOSEPH WRINN: Chairman Baram, members of the General Law Committee, good evening.

My name is Joseph Wrinn. I'm commercial realtor with Goodfellow, Ashmore in Danbury, Connecticut.

On behalf of the Connecticut Association of Realtors and the Society of Industrial and Office Realtors, I'm here to speak about Senate

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committee?

Seeing none, thank you.

Next speaker is Jim Lohr. Is Jim here? Yeah.

Then Jeff Shelden, Bob Louvier, Curt Stubbs.

JIM LOHR: Thank you, Mr. Chairman, members of the
General Law Committee.

My name is Jim Lohr and I'm the deputy director
of the Carpenters Labor Management Program, a
coalition of approximately 2,000 signatory
contractors and more than 20,000 union
carpenters throughout New England.

I'm here to testify against Raised Bill 412, AN
ACT CONCERNING THE ENFORCEMENT OF CERTAIN
OCCUPATIONAL LICENSING STATUTES AS WRITTEN.

First I want to acknowledge Melissa Sheffie
(phonetic) of Network Interiors, Representative
(inaudible) constituent who did a superb job
organizing the various factions of the
Connecticut construction industry who discussed
the problems in enforcement.

She's a tireless advocate for improving the
construction industry, and I want to personally
thank her for strong leadership on this
important issue.

From the beginning of the coalition meetings,
there was unanimous support for the idea of
additional investigators as a way to improve
enforcement of existing licensing laws.

Unfortunately when the bill finally emerged
late last week, there was no mention of
additional investigators from enforcement, the

one issue where there was 100 percent industry support.

Instead there was a variety of changes, which as drafted could be detrimental for not only the unlicensed trades but the construction industry in general.

The bill increased the authority of the boards, which could add to confusion between the agency and the boards, create a cumbersome stop work order process where the board would in effect be prosecutor, judge and jury, and it's likely that the number of jurisdictional disputes between the licensed and unlicensed trades will increase.

I understand that people are working behind scenes on substitute language to try to address some of these concerns. That's encouraging. What isn't encouraging is that after the bill was introduced last week I reached out to my colleagues in Massachusetts.

They indicated that since the boards have expanded authority in Massachusetts there has been marked increase in jurisdictional disputes to the point there there's pending litigation between the state's largest contract association and one of the Massachusetts boards.

Unfortunately licensing has become one more weapon for a small number of licensed crafts to claim work in jurisdictional disputes with the unlicensed crafts.

So the last thing we need to do in Connecticut is create chaos in the construction industry by encouraging more jurisdictional disputes, which would likely be the unintended consequence in the bill as written.

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Again, we recognize the efforts of Melissa Sheffie and the others in the coalition to address the problem of leveling the playing field, but unfortunately we have to oppose the bill as written. And our sincere hope is that the committee will support the original goal of the industry coalition, beef up the ECP enforcement of existing laws.

Thank you for your time.

SENATOR DOYLE: Thank you.

Any questions for Jim?

Jim, I have a quick question. So you're saying you -- in the past we've sought additional inspectors also and that's not in the bill, but are you saying if we were able to add that to the bill you would still be opposed to the language here?

JIM LOHR: To the current language as it exists, yeah. So I know that there's some efforts to try to come up with, you know, to address some of the concerns. We're hopeful that can be done. You know, we'll see how that plays out.

SENATOR DOYLE: Okay.

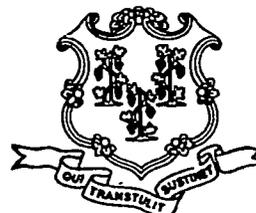
JIM LOHR: So anyway, but, you know, enforcement is a huge issue. It's an issue across the board, and that's something we're definitely supportive of improved enforcement of the existing laws.

SENATOR DOYLE: Okay. Thank you.

JIM LOHR: Yep.

SENATOR DOYLE: Are there any further questions from

Department of Consumer Protection



**Testimony of William M. Rubenstein,
Commissioner of Consumer Protection**

**General Law Committee Public Hearing
March 11, 2014**

**S.B. 378 "AN ACT CONCERNING THE COLLECTION AND DISPOSAL OF
UNWANTED PHARMACEUTICALS"**

**S.B. 412 "AN ACT CONCERNING THE ENFORCEMENT OF CERTAIN
OCCUPATIONAL LICENSING STATUTES"**

**H.B. 5333 "AN ACT CONCERNING THE RETURN OF OUTDATED DRUGS FROM
PHARMACIES TO WHOLESALERS, MANUFACTURERS AND DISTRIBUTORS"**

**H.B. 5474 "AN ACT EXEMPTING VETERINARIANS FROM THE ELECTRONIC
PRESCRIPTION DRUG MONITORING PROGRAM"**

Sen. Doyle, Rep. Baram, Sen. Witkos, Rep. Carter and Honorable members of the General Law Committee. I am William Rubenstein, Commissioner of Consumer Protection. Thank you for the opportunity to provide written comments regarding four bills that are on your committee's agenda today.

currently have placed a drop box in their police station: currently the number is 35, with more on the way. The only costs to the town are for the purchase of the drop box (between \$500-\$1,000) and the minimal allocation of police resources needed to transport the contents to the incinerator.

This program has met with wide-ranging support including the Connecticut Prevention Network, Regional Action Councils, and other drug abuse prevention groups. This program provides benefits to our citizens by giving them a way to dispose of unwanted medications safely and without charge, and in an environmentally safe way that gives them an easy alternative to flushing the meds down the toilet. Towns benefit by seeing fewer medications being stolen from households and abused, and they have developed a partnership with DCP's Drug Control Division. And DCP has been able to accomplish this without an appropriation or significant fiscal or resource impact.

The Department believes that allowing more time for the expansion of this voluntary program is preferable to the new programs and mandates that these two bills would require.

S.B. 412 "AN ACT CONCERNING THE ENFORCEMENT OF CERTAIN OCCUPATIONAL LICENSING STATUTES"

This bill, in Section 2, amends the "Penalties" section of chapter 393 to criminalize negligence by contractors. Under current law, "wilful" violations of the licensing requirements of this chapter may be prosecuted criminally. The Department is not aware of concerns that recommend changing the current threshold, but questions whether it is wise to treat acts of negligence equal to wilful violations. Also in Section 2, the bill proposes to give the Commissioner and the appropriate examining board the authority to issue "cease work orders." The precise language states that these orders are triggered "when any person is found in violation

of the provisions of this section," and mandates the board or Commissioner to issue such an order within 48 hours after "the finding" to do so. It is unclear what the term "found in violation" means relative to an investigation taken up by the Commissioner or the board. What determinations must be made before a violation is "found"? What are the standards for such determination? Clear and appropriate standards are important, since mandatorily and summarily issuing a "cease work order" raises due process concerns. Finally, the department is concerned that the mandatory nature of this provision removes appropriate administrative discretion as to the proper range of action necessary to address suspected violations of differing degrees. As drafted we find this section unworkable, and without sufficient statutory standards to implement such a drastic step as issuing a cease work order.

The Department has concerns with Section 3 of the bill. Under current law the Commissioner is authorized to enter into a settlement agreement with a respondent. The language proposes that in a matter in which a board declines to accept a settlement proposal, the Commissioner is required to pursue and prosecute a formal administrative hearing before the board. Current law provides the Commissioner appropriate prosecutorial discretion to determine whether formal procedures should be pursued. Removing such discretion is contrary to the Department's policy of judiciously determining when a matter ought to be pursued by acting against a licensee and when to work with a business or licensee that is working hard and in good faith to correct any problems. This change would be unfair to license holders, impose undue costs and resource burdens on the State and the Department and greatly complicate good enforcement practices.

Finally, Section 4 of the bill would require boards and commissions to approve any new or amended regulation promulgated by the Department before the Department may propose such regulations to the General Assembly's Regulation Review Committee. Requiring that the board or commission consent before a regulation may be proposed to the Regulation Review Committee

creates potential to delay or prevent the adoption of regulations about which reasonable minds might differ. Under present law, boards and commissions are afforded a "reasonable opportunity to review" such proposed regulations. The opportunity to review and comment assures that there is a public record as to the position of any board or commission so that both the Department and the Regulation Review Committee may consider it. The Department is unsure why this change is requested, and believes it may lead to unnecessary and lengthy delays in adopting regulations.

The Department understands the interest in the statutes and procedures that govern enforcement of occupational license-holders under DCP's jurisdiction. It is appropriate to review these statutes from time-to-time, and we welcome the comments and suggestions from all stakeholders. We have, however, noted the concerns we have with the current proposed bill.

H.B. 5474 "AN ACT EXEMPTING VETERINARIANS FROM THE ELECTRONIC PRESCRIPTION DRUG MONITORING PROGRAM"

This bill proposes to exempt veterinarians from the current law of reporting the dispensing of controlled substances into the Connecticut Prescription Drug Monitoring Program. The Department of Consumer Protection opposes this bill. The prescription drug monitoring program is an internet-based computer application system designed to help prescribers of controlled systems provide better patient care and to help reduce the incidences of substance misuse, abuse and diversion. The program requires DCP-registered "Controlled Substance Practitioners" to report the dispensing of all Schedule II-V controlled substances. It also allows those practitioners to review the history of dispensing to check for patterns of misuse, diversion or abuse. As part of a nationwide movement to reduce the epidemic of abuse of controlled substances, the Department and the legislature strengthened the Prescription Drug Monitoring program statutes in 2013. This bill would have the opposite effect, by removing certain dispensers of controlled substances from reporting requirements which may open the door for

TESTIMONY
GENERAL LAW PUBLIC HEARING – MARCH 11, 2014 – 4:30 P.M.

RE: S.B. 412 – AAC ENFORCEMENT OF CERTAIN OCCUPATIONAL LICENSING STATUTES

SUBMITTED BY: Joyce A. Wojtas, Mechanical Contractors Association of Connecticut (MCAC)

The MCAC strongly supports S.B. 412 which is the result of many months of meetings and discussions by both **union and non-union representatives** of the licensed trades and other interested parties. To the best of my knowledge, this bill is strongly supported by most licensed trades and the contractors who employ them.

S.B. 412 does not make any drastic changes to the law. In the interest of public safety, it simply reinstates the licensing boards' participation in the hearing and penalty process for violators of the licensing laws. This participation existed until 2007, when a bill was passed, initiated by the DCP, to institute criminal penalties for serious violations of the licensing laws, however, it also inadvertently disengaged the boards from participation in the process. Some interested parties, were told by DCP that this would be corrected in a future session. This covers the occupational licensing boards established in C.G.S. Chapter 393.

That move on the checkerboard of the bureaucracy may not have so inadvertent, because simultaneously bills had been introduced and raised in 2007 and subsequent years to eliminate the licensing boards in their entirety. After being in this building for 37 years as both a legislator and lobbyist, I tend to be a conspiracy theorist and I do believe that the action taken in 2007 was the first step in elimination of the boards.

The occupational licensing boards are a great asset to the State of Connecticut and its citizens. They are made up of **both union and non-union journey persons and contractors** and members of the public. They are **volunteers who do not get any "per diem allowance"** but can get mileage expense when they attend meetings. Many members do not even claim mileage expenses. The significant value of the boards is that the members are experts in the trades they represent; a value that would be "cost prohibitive" to the state. They have the **required expertise in these trades to determine when and if a violation has occurred, the level of the violation and inherent threat to the safety of the public** and the appropriate fine that should be levied against the violator. They are serving, on their own time, to protect the **integrity of the occupational licensing laws that govern the day-to-day lives of more than 40,000 licensed trades persons and contractors in the state.** This in turn protects the safety of the consumer and the public as a whole. The boards should be totally involved in the process.

During these difficult economic times, cheating is on the rise because consumers often look for the cheapest way out, which can not only be foolish, but also dangerous. **The cheater not only underbids the legitimate contractor, but also does not provide workers' compensation or unemployment compensation coverage for its employees or pay the taxes due the state.** Swift action that hits the cheaters in the "pocketbook" will go a long way to prevent them from endangering lives. **The licensing boards are ready, willing and able to help the DCP in its mission to keep the public safe and their participation is more than cost effective.**

There is one change that I believe should be made in this bill: In Section (2), Subsection (b) Line 44, after the word "section," insert **"provided such violation is determined not to be a bona fide dispute between persons engaged in any trade or craft as described in subsection (a) of this section,"**. This change was discussed and endorsed by the group that worked on this bill and is currently in Subsection (a) of this section. In the construction industry, disputes between trades do occur and this language will eliminate the shutting down a job because of a dispute that has another avenue for resolution.

Please allow the Occupation Licensing Boards to participate in the process by supporting this bill and the amendment favorably. Thank you for your consideration.

For further information: Joyce Wojtas joyce.wojtas@outlook.com 860-280-4623

GENERAL LAW COMMITTEE PUBLIC HEARING MARCH 11, 2014**RE: S.B. - 412 AN ACT CONCERNING CERTAIN OCCUPATIONAL
LICENSING STATUTES**

SUBMITTED BY: Cameron Champlin representing Plumbers and Pipe Fitters
Local Union 777

Senator Doyle, Representative Baram and members of the committee, Local 777 is in strong support of this bill. I have been a member of the Heating and Cooling Piping and Sheet Metal Occupational Licensing Board since 1988. Until 2007 the boards would conduct hearings and impose the penalty that they thought was appropriate for the severity of the infraction. The decision was then sent to the Commissioner for his approval or his suggestion of what he thought was appropriate. That decision was brought back to the board for a final vote. It would then go to the legal division for further action.

In 2007 H.B. Bill - 6983 was passed and became Public Act No. 07-188. This bill was supposed to make it a felony for any person or company that willfully violated the law. That didn't happen, it did however make it a class B misdemeanor. During the discussions for the final draft of the bill the issue of the boards not being involved in these decisions was brought out. At that time the Commissioner of DPC and the person in charge of the enforcement division said it was an error in drafting the bill. It was late in the session and they were afraid if any changes were made it might not have the time required to pass. We were promised at that time that it would be corrected in the next session. That never happened.

Since that time hearings for violations are done internally and the amount of money collected from fines has dropped dramatically. Instead of fining violators in many cases the department has them sign an Agreement of Voluntary Compliance. This is not fair to the companies that are complying with all of Connecticut's rules and regulations and have to compete with these violators.

I believe there are no better individuals more qualified to make the judgment of how serious an offense is than people that have experience in that field. This bill would give back the authority to the boards along with the commissioner to make these decisions

For these reasons we respectfully request that you vote to move this bill forward.

Thank you for the opportunity to testify on this very important issue. If any more information is needed please contact at camc@att.net or my cell (860) 287-0020.

TESTIMONY OF JIM LOHR
CARPENTERS LABOR MANAGEMENT PROGRAM
RAISED BILL 412 AN ACT CONCERNING THE ENFORCEMENT OF CERTAIN OCCUPATIONAL
LICENSING STATUTES

Members of the General Law Committee. My name is Jim Lohr, and I am the Deputy Director of the Carpenter's Labor-Management Program, a coalition of approximately 2,000 signatory contractors and more than 20,000 union carpenters throughout New England.

Today, I am here to testify against Raised Bill 412, An Act Concerning the Enforcement of Certain Occupational Licensing Statutes.

First, I want to acknowledge Melissa Sheffy of Network Interiors who did a superb job organizing the various factions of the Connecticut construction industry to discuss the problems of enforcement. She is a tireless advocate for improving the construction industry, and I want to personally thank her for her strong leadership on this important issue.

From the beginning of the coalition meetings, there was unanimous support for the idea of additional investigators as a way to improve enforcement of existing licensing laws. Unfortunately, when the bill finally emerged late last week there was no mention of additional investigators for enforcement—the one issue where there was 100 percent industry support. Instead there was a variety of changes which, as drafted, could be detrimental for not only the unlicensed trades but the construction industry in general.

The bill will increase the authority of the boards, which could add to confusion between the agency and the boards, create a cumbersome stopwork order, and it is likely that the number of jurisdictional disputes between the license and unlicensed trades will increase.

I understand that people are working behind the scenes on substitute language to try to address some of these concerns. That is encouraging.

What isn't encouraging is that after the bill was introduced last week, I reached out to my colleagues in Massachusetts. They indicated that since the boards have expanded authority in Massachusetts, there has been a marked increase in jurisdictional disputes to the point where there is pending litigation between the state's largest contractor association and one of the Massachusetts' boards.

Unfortunately, licensing has become one more weapon for a small number of licensed crafts to claim work in jurisdictional disputes with unlicensed crafts. The last thing we need to do in Connecticut is create chaos in the Connecticut construction industry by encouraging more jurisdictional disputes, which would likely be the unintended consequence of this bill as written.

Again, we recognize the efforts of Melissa Sheffy and others in the coalition to address the problem of leveling the playing field but, unfortunately, we have to oppose this bill as written. And our sincere hope is that the committee will support the original goal of the industry coalition-- to beef up DCP enforcement of existing laws—which is good for everyone in the industry.



**HOME BUILDERS & REMODELERS ASSOCIATION
OF CONNECTICUT, INC.**

3 Regency Drive, Suite 204, Bloomfield, CT 06002
Tel: 860-216-5858 Fax: 860-206-8954 Web: www.hbact.org

*Your Home
Is Our
Business*

March 11, 2014

To: Senator Paul R. Doyle, Co-Chairman
Representative David A. Baram, Co-Chairman
Members of the General Law Committee

From: Bill Ethier, CAE, Chief Executive Officer

Re: **Raised Bill 412, AAC the Enforcement of Occupational Licensing Statutes**

The HBRA of Connecticut is a professional trade association with about nine hundred (900) member firms statewide employing tens of thousands of CT's citizens. Our members, all small businesses, are residential and commercial builders, land developers, remodelers, general contractors, subcontractors, suppliers and those businesses and professionals that provide services to our diverse industry and to consumers. Our members build between 70% and 80% of all new homes and apartments in the state each year and perform countless home improvements.

The HBRA of Connecticut has serious concerns with SB 412. Many of our associate members are in the licensed trades and our builder and remodeler members routinely hire the licensed trades to help construct new homes and renovate existing homes.

Background: We are very aware of the tug of war among various licensed and unlicensed trades when it comes to scope of practice. In the past, we have opposed certain licensing bills because the scope of work under the license is not well defined or subject to too much interpretation. Such a license could intrude on the work routinely done by others. Disputes would arise between various trades (again, licensed and unlicensed), and such disputes create havoc on the job site. Projects are delayed or become more expensive. Individual businesses could be caught up in appeals to various licensing boards at DCP. None of these results are good for the end consumer, nor for individual businesses who feel wrongly accused of conducting work that a licensed trade contractor or group alleges should be licensed work.

Unfortunately, SB 412 provides more authority, and exclusive authority, to the licensed trade boards. These boards are populated by individuals in a particular licensed trade. They have a vested interest in protecting the scope of work of their own area. They should not be sole arbiters of scope of practice disputes. Rather, the current construct of requiring boards to report alleged licensing violations to the more objective review at the Department level is a better approach. **SB 412 will lead to unfair results and an increase in disciplinary actions, including more referrals to the Attorney General.** We do not see how this is warranted, and urge the committee to take no action on SB 412.

Thank you for the opportunity to comment on this legislation.



LOCAL 90

INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS

2 NORTH PLAINS INDUSTRIAL ROAD WALLINGFORD, CT 06492
203-265-9267 FAX 203-265-9312SEAN W. DALY
REPRESENTATIVE

The International Brotherhood of Electrical Workers

Testimony to the General Law Committee

In Support of SB 412 AAC the Enforcement of Certain Occupational Licensing Statutes

March 11th, 2014

To Senator Doyle, Representative Baram, and members of the General Law committee, I am writing on behalf of the International Brotherhood of Electrical Workers in support of SB 412, An Act Concerning the Enforcement of Certain Occupational Licensing Statutes.

The IBEW represents nearly 6,000 licensed electrical journeymen and apprentices in the State of Connecticut. We take pride in our training and apprenticeship programs, and our top priorities are safety and integrity of our workforce. The IBEW has three representatives on the Electrical Work Examining Board within the Department of Consumer Protection (DCP), and therefore we are an active participant in the efforts of the board and the DCP to enforce our occupational licensing laws and regulations.

As some of you may know, there was legislation enacted in 2007, Public Act 07-188, which made a variety of changes to the occupational licensing and certification laws within the DCP statutes. The IBEW worked with the DCP on some aspects of that bill, as there were some provisions within the legislation that the IBEW could support. Having said that, a portion of the 2007 act granted authority to the Commissioner of DCP that was previously held by the occupational licensing boards. The IBEW, and other members of the various licensing boards, feel an unintended consequence of this provision has been a decrease in enforcement activity. There has been concern over the years that such diminished enforcement is a result of lesser involvement by the licensing boards after the passage of 07-188. In fact, there is evidence that fines collected for violations under the licensing statutes have reduced significantly.

As a result of these concerns, members representing the various licensing boards got together to discuss possible remedies. This group was comprised of individuals from the construction trades, both union and non-union, as well as business owners. There was consensus amongst the participants that the licensing boards were not nearly as involved with enforcement as they had been prior to the passage of 07-188, and there are signs licensing violations are on the uptick, but penalties are not. This legislation attempts to remedy this by awarding some previously held authority back to the boards, while keeping the Commissioner's current authority in-tact

We understand the DCP is in the process of hiring more inspectors, which is a welcome development and will help bolster enforcement. However, without this legislation the boards would continue to be largely left in the dark when it comes to the number of complaints and violations which come through the Department. We feel that if the Examining Boards are included in the disciplinary process, we can feel confident offenders will receive suitable penalties, and the integrity and safety of the construction industry will be maintained. We would like to thank the committee for raising this bill, as well as the House Majority Leader, Rep. Aresimowicz, for his support of this issue. We are happy to participate in any ongoing discussions regarding the legislation. Thank you.

Sean Daly
President
IBEW Local 90



International Union of Elevator Constructors

LOCAL NO 91, 914 MAIN ST., SUITE 203, EAST HARTFORD, CONN. 06108
PHONE 860-289-8689

Testimony of the International Union of Elevator Constructors Local 91

General Law Committee

Connecticut General Assembly

Raised Bill No. 412 An Act Concerning The Enforcement Of Certain Occupational Licensing Statutes.

March 7, 2014

Senator Doyle, Representative Baram, Ranking Members and Members of the General Law Committee:

My name is John DeRosa of Tolland, Connecticut. I am writing this letter in *support of Raised Bill No. 412.*

I have been licensed in Connecticut for more than thirty years as an R2 Journeyperson. I am currently serving as Chairman of the Elevator Installation, Repair, and Maintenance Work Examination Board for the State of Connecticut.

As a member of the "Elevator Board" I have strongly supported the efforts of the State of Connecticut to promote the protection of the health, safety and welfare of the general public through current licensing laws and regulations.

Raised Bill 412 provides the appropriate licensing governing bodies the ability to issue 'cease work' orders to any person who willfully or negligently practices work without a license. The bill would provide the Commissioner of the Department of Consumer Protection and state Examining Boards with the necessary procedures needed to keep the general public and all workers in the State of Connecticut safe.

Thank you for your time and attention on this important matter.



TESTIMONY
JACK CAWLEY
PRESIDENT
CT PLUMBING, HEATING & COOLING CONTRACTORS ASSOCIATION
BEFORE THE
GENERAL LAW COMMITTEE
MARCH 11, 2014

The Connecticut Plumbing, Heating and Cooling Contractors Association (CT-PHCC) strongly supports SB-412. An Act Concerning the Enforcement of Certain Occupational Licensing Statutes.

SB-412 will allow the state Department of Consumer Protection and the occupational trades appropriate examining boards to vigorously enforce the state's occupational licensing laws, including the ability to shut down a work site for violations.

Strong and proper enforcement of state licensing laws relative to plumbing and piping work is paramount. Our strong support for this bill is based upon safety concerns. Unlicensed individuals are not prepared for many of the issues that trained and licensed Plumbing, Heating and Cooling Contractors face on the job each day. When you are working with natural and propane gas, electricity and fuel oil you must have the training and qualifications on how to handle these issues when they arise. Also, it is important that they are educated on the proper disposal of sewage and the dangers of drinking water contamination.

Allowing unlicensed contractors to operate in Connecticut hurts our entire industry by exposing workers and consumers to potentially unsafe situations. In addition, apprentices, who are supposed to be given credit for hours worked on the job, are unfairly penalized by unscrupulous contractors who often fail to register them as apprentices.

We therefore urge support for this bill, which would enhance enforcement of the state's occupational licensing laws. **CT-PHCC urges lawmakers to approve SB-412.**

CT-PHCC is a not-for-profit trade association that represents the professional plumbing, heating and cooling contractors in the state of Connecticut. CT-PHCC and its members are committed to protecting the health and safety of the public. Contractors who belong to the association have demonstrated reliability and trustworthiness and are licensed by the state of Connecticut.

**State-Wide Electric, Inc.
109 Commerce Street
Glastonbury, CT 06033
860.659.0537
larry@state-wideelectric.com**

To: Honorable Members of the General Law Committee
From: Larry Vallieres, President, State-Wide Electric, Inc.
Chairman, State of Connecticut Electrical Work Examining Board
Board Member, Independent Electrical Contractors of New England
Date: March 11, 2014
Re: Support of SB-412
"AN ACT CONCERNING THE ENFORCEMENT OF CERTAIN OCCUPATIONAL
LICENSING STATUES"

As a licensed electrical contractor in the State of Connecticut for over 40 years, Chairman of the State of Connecticut Electrical Work Examining Board, and Board member of the Independent Electrical Contractors of New England, I respectfully ask members of the General Law Committee to **SUPPORT SB-412, "An Act Concerning The Enforcement of Certain Occupational Licensing Laws"**.

These proposed changes will significantly help to clarify the responsibilities of both the Commissioner of Consumer Protection and the occupational licensing boards. The addition of the "Cease work Order" language will help to protect the consumer from persons who illegally perform work without a proper license or apprenticeship registration. With the ability to issue a "Cease Work Order" within 48 hours of a determined violation of this section, any person found in violation will be required to immediately stop work and leave the worksite. This will eliminate the possibility for an unlicensed or unregistered person to continue to perform work in violation of our statutes.

Continued strong enforcement of the state's occupational licensing and apprenticeship laws relative to electrical work is clearly a life safety issue. Shoddy and unsafe work installed by unlicensed individuals can result in fires that could destroy property and take lives. By ensuring that individuals performing electrical work are held to high standards, (which includes continuing education for electricians), statewide licensing requirements have helped to maintain the highest possible level of safety and training for our industry.

In closing, I respectfully urge you to **SUPPORT SB-412**. Thank you for your consideration of my comments, and please do not hesitate to contact me if I may be of further assistance.

3/11/14

To Members of the General Law Committee:

As an electrical contractor in Connecticut, I am in favor of SB-412. We need strong enforcement to the licensing laws in our state. Please pass this bill.

Thank you,

Ron Bish, E1
Middletown, CT
ron@biselectric.comcastbiz.net



Connecticut Chapter

Testimony by Chris Syrek, Vice President of
Associated Builders & Contractors

Before the General Law Committee on March 11, 2014

SB 412 An Act Concerning Enforcement of Certain Occupational Licensing Statutes

Good afternoon, my name is Chris Syrek; I am the Vice President of Associated Builders and Contractors of Connecticut (CT ABC). CT ABC is a statewide trade association of almost 200 members that represents merit shop contractors.

CT ABC supports the intent of SB 412 – An Act Concerning Enforcement of Certain Occupational Licensing Statutes. The purpose of this legislation has always been about catching the “bad actors” and those that willfully violate the law. Workers that don’t have the proper licenses and are not trained and certified to perform their work, should face the appropriate penalties. It is a potential safety hazard and liability for workers that have not obtained their licenses to be working on certain jobsites.

It is also important that quality contractors, who do obey the law, are not caught in the “wide net” that this legislation might cause. The majority of contractors take immense pride in complying with all the laws and regulations from everything from prevailing wage reporting to licensing and safety protocols. It would be unfair for those who operate their businesses in a legal manner to be subject to the same penalties of contractors who willfully violate the law.

CT ABC would like to see this bill reviewed and revised, before we offer our full support. CT ABC is supportive of most aspects of the bill, however certain language risks unfairly punishing contractors who abide by the rules.

It is in the best interest of the construction industry that all parties involved work together with the General Law Committee to make sure this legislation gets done the right way, and that there are no unintended consequences in the bill that could be harmful to honest and qualified contractors.



From the desk of Melissa Sheffy
Melissa@network-interiors.com
 860-793-1188 x15

Testimony for Public Hearing
 General Law Committee
 March 11, 2014

Melissa C Sheffy
 401 Rockwood Drive
 Southington, CT 06489

Raised Bill No: 412 – An Act Concerning the Enforcement of Certain Occupational Licensing Statutes

Good Afternoon Senator Doyle, Representative Baram and General Law Committee, My name is Melissa Sheffy and I am the owner of a small open shop commercial contracting firm that specializes in metal framing, drywall and small general contracting projects. In addition to managing my business, I volunteer as a member of the Building Committee for the Southington Middle School projects, am Chair of the Board of the Construction Education Center focusing on apprenticeship training within the construction industry, and President of the Board of Directors of the Southington Cheshire YMCA. Why I am interested in SB 412 is my role as a Public Member of the State Plumbing and Pipe Work Board.

As a Public Member of the Plumbing Board since October 2007, I am a steadfast advocate for making sure that plumbing be done by CT licensed plumbers, who hold either a P1 or P2 license issued by the CT Department of Consumer Protection (DCP). Connecticut's plumbing licensing requirement provides safety, not only for the individual plumber, but for all CT citizens. The classroom and on-the-job training standards behind a CT P1 or P2 license assures a well-trained plumber.

As a business owner who strives to adhere to CT's rules and regulations, I was surprised to learn during my service on the Plumbing Board that the CT DCP's efforts to enforce occupational trade licensing standards are minimal. The Plumbing Board receives a report of recent enforcement actions and notices of violations issued by the DCP. It is a very short enforcement report with few violations noted or fined. When I've asked why the fines are so minimal, I was told that the DCP did not want to issue a fine that is so high it cannot be paid. In reality, such an enforcement policy is counterproductive to the legitimate businesses and a slap on the wrist to violators.

To be clear, I don't have specific first hand knowledge of how the DCP inspections work. What I do have firsthand knowledge of is sitting at monthly Plumbing Board meetings where we enforce the licensing laws but with minimal fines issued to violators through the DCP's Assurance of Voluntary Compliance (AVC). I mean no disrespect to the Department which is understaffed. To assist the DCP's inspectors, I respectfully request that you pass this legislation in the interest of public safety and by doing so will allow all of the CT Occupational Licensing Boards to assist DCP in keeping the citizens of CT safe. The majority of the Occupational Licensing Boards are made up of professional license holders of their specific trade and represent the professionals in their trade.

Let me be clear on what we hope to accomplish with this bill:

- Keeping the general public safe.
- Ensuring that individuals and contractors work within their license descriptions that have gone through the proper apprenticeship training, testing and continuing education classes to make sure they are current with the latest laws and procedures.
- Stopping individuals and companies from performing work outside of their license description therefore putting the public at risk.
- There are family owned and operated businesses that employ family members for years without putting them through the proper apprenticeship, licensing and continuing education classes. This has to stop.

- Since we are a state with such close proximity to surrounding states, we have out-of-state tradespeople working in CT that have not gone through the same schooling, apprenticeship and testing that our CT plumbers are required to do.
- Since I've been on the Plumbing and Pipe Work Board there have been multiple properties with gas explosions resulting in injuries and fatalities.
- This bill is intended to stop the violators of the current license requirements to keep the CT public safe.
- Passing this legislation will reinforce current legislation that the local building officials may assist DCP inspectors as well as allowing the Occupational Licensing Boards the ability to help investigate.
- This legislation will assist the DCP with enforcement while adding no additional expenses to their budget.
- The fines levied will be shared with the municipality and the state.

Let me be clear about what this legislation is **not** intended for:

- Blurring lines of trade jurisdiction and stopping work on construction projects and waiting for a board meeting to settle a jurisdictional dispute.
- Broadening license descriptions to encompass non-licensed trade's scope of work.
- For this reason, I ask that the following proposed language be included as it was proposed: "and such violation is not determined to be a bona fide dispute between persons engaged in any trade or craft as described in subsection (a) of this section".

I respectfully ask that you consider the safety of the general public and allow the CT Occupational Licensing Boards to help the DCP with hearings and enforcement. By doing so, you will be taking a step toward protecting the public when they turn on their lights, faucets, furnace and/or gas fireplaces, step onto an elevator, ensure a building's fire protection system works in the event of a fire and more.

Living in Southington makes me a constituent of Representative Aresimowicz, Representative Zoni, Representative Adinolfi, Representative Sampson and Senator Joe Markley. I would like to formally thank them for their time and interest in this important matter of Public Safety and am fortunate to have accessible legislators that listen to the issues and care about the safety of the citizens of CT. I would especially like to thank Representative Aresimowicz and his staff for making themselves accessible to my questions and comments.

I will be out of town on Tuesday and unable to attend this important hearing so I'm submitting my written testimony in my absence.

Thank you for your time and consideration.

Respectfully,



Melissa Sheffy

STATE OF CONNECTICUT
HOUSE OF REPRESENTATIVESJOE ARESIMOWICZ
HOUSE MAJORITY LEADER

Good Afternoon Senator Doyle, Representative Baram and members of the General Law Committee. I am Representative Joe Aresimowicz from the thirtieth district, serving Berlin and Southington. I am here today to testify in full support of HB 5491- AN ACT CONCERNING CUSTOMER SALES AND SERVICE CALLS MADE FROM OUTSIDE THE UNITED STATES and SB 412 - AN ACT CONCERNING THE ENFORCEMENT OF CERTAIN OCCUPATIONAL LICENSING STATUTES.

HB 5491- AN ACT CONCERNING CUSTOMER SALES AND SERVICE CALLS MADE FROM OUTSIDE THE UNITED STATES

I am here today testifying in support of HB 5491- *An Act Concerning Customer Sales and Services Calls Made from outside the United States*. The idea behind this proposed legislation was prompted by the regrettable decision of a Connecticut-based company to outsource hundreds of jobs to foreign companies purely to cut costs, despite the fact that the company's profits and share prices have been steadily increasing.

While foreign outsourcing obviously results in the loss of good jobs for U.S. citizens, it also raises concerns about transparency, privacy and the security of information, especially when it involves customer service and information technology. This bill seeks to provide more transparency for our residents by informing the customer who has contact with a call center of the location of the worker with whom they are speaking. If a call center employee requests any confidential or sensitive information, the customer will have the ability to request to be transferred to a representative located anywhere in the United States. This protection will give the customer a heightened sense of transparency, privacy and security, because they will know when their personal and confidential information is about to be shared with someone outside the

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HOUSE OF REPRESENTATIVESJOE ARESIMOWICZ
HOUSE MAJORITY LEADER

United States and they will have the option of disclosing only to someone inside the U.S. who is subject to the privacy laws of our federal and state governments. If companies doing business in the United States insist on using contractors outside of the country to handle sensitive and confidential customer information, giving customers the right to know and to request a higher level of protection is not much to ask.

For these reasons, I am in full support of this important piece of legislation and urge your support.

**SB 412- AN ACT CONCERNING THE ENFORCEMENT OF CERTAIN
OCCUPATIONAL LICENSING STATUTES.**

I also would like to testify in support of SB 412- *An Act Concerning the Enforcement of Certain Occupational Licensing Statutes* During the 2013 session, I met with a constituent who was seeing, far too often, unlicensed sub-contractors doing jobs that required a properly licensed professional. From this meeting, I formed a task force during the interim to address this issue and to find solutions that would prevent general contractors from hiring unlicensed professionals in the future.

It happens far too often in this state and across the nation that general contractors hire sub-contractors based on their low bid with little to no regard for proper licensing and apprenticeship requirements. The state currently requires occupational trade licenses for the following trades: auto glass and flat glass, electrical work, elevator installation/repair/maintenance, fire protection/sprinklers, heating/piping/cooling and plumbing and pipe work. Every one of these trades requires an immense amount of training due to potentially hazardous and deadly outcomes

STATE OF CONNECTICUT
HOUSE OF REPRESENTATIVESJOE ARESIMOWICZ
HOUSE MAJORITY LEADER

that could result from improper installation and maintenance. These individuals go through rigorous testing and apprenticeship programs, and pay annual fees to be classified as a licensed member of their occupational trade in Connecticut. It is unfair that these qualified and properly licensed workers are losing jobs to unlicensed, inexperienced workers who can offer lower prices.

This bill states that if someone willingly or negligently performs without a license or hires a contractor to perform without a license a job that state statute requires a licensed occupational trade professional to perform, they may be issued a stop work order by the Department of Consumer Protection or the appropriate licensing board. Under current law, they may also be subject to a civil penalty for each violation. The bill also increases the involvement of the licensing boards in the enforcement of existing licensing laws. As a result, this proposal will increase and improve the overall enforcement of current laws governing licensed occupational trades, which in turn will deter general contractors from hiring unlicensed sub-contractors and will encourage the hiring of Connecticut licensed trade professionals.

This is an industry-wide issue that affects union and non-union tradespeople, and this bill proposes solutions that the boards and trade associations alike agree are needed. For these reasons, I am in full support of this important piece of legislation and urge your support.

CONNECTICUT CONSTRUCTION INDUSTRIES ASSOCIATION, INC.



912 Silas Deane Highway
Wethersfield, CT 06109

Tel: 860.529.6855

Fax: 860.563.0616

ccia-info@ctconstruction.org

www.ctconstruction.org

Raised Bill No. 412, AAC The Enforcement of Certain Licensing Statutes

Committee on General Law

March 11, 2014

CCIA Position: Supports Concept with Amendments

The Connecticut Construction Industries Association is comprised of a number of substantial firms in various sectors of the construction industry who have a great deal of experience performing work under the state occupational licensing statutes. Those firms include union and non-union building contractors, heavy civil contractors, environmental contractors, utility contractors, and transportation contractors that rely on employees who are properly credentialed to perform licensed work as part of the normal course of conducting business.

CCIA has been a principle supporter of the Connecticut Department of Labor's administration of statutes that provide for the use of stop work orders for wage and hour violations. CCIA understands that Raised Bill No. 412 attempts to apply a similar concept to licensing enforcement. Our association fully appreciates the attention that leadership in the General Assembly is paying to this important issue, and respects the work that the task force has done to enhance the Connecticut General Statutes to address licensing violations.

CCIA supports the concept of this bill, however has serious concerns that the provisions in this measure create a statutory scheme that can be abused in unintended ways for improper purposes. CCIA respectfully requests that the committee consider amending this bill to guard against the improper abuse that may arise if this measure is used as a means to exploit licensing laws to gain leverage and threaten contractors when jurisdictional disputes are being contested.

Jurisdictional disputes between construction trade unions are common in the industry. Disputes between licensed and unlicensed trades are more dynamic due to the potential consequences of a person or contractor being found in violation of occupational licensing laws. Contractors take the threat of licensing violations very seriously and can be caught in very challenging situations when trade unions dispute the assignment of work on a project and one trade claims the work is licensable. Contractors also know that delays on scheduled work can be expensive on construction project, and that a cease work order placed on an employee, several members of a crew, or every participant in an operation when a licensed trade is engaged in a jurisdictional dispute with an unlicensed trade can irrevocably harm all of the project participants, including an owner.



Shaping the future of the construction industry

CCIA Testimony - Raised Bill 412
March 11, 2014
Page 2

CCIA suggests that bona fide jurisdictional disputes be specifically excluded from the provisions of this bill.

Several other provisions in this bill that are intended to improve enforcement may have similar unintended consequences as jurisdictional disputes interact with licensing laws.

- The bill lowers the legal standard for violations from willful to negligent which makes it more subjective and vastly broadens the scope of potential threats against contractors assigning work that is subject to jurisdictional disputes on licensing grounds. CCIA suggests that the negligence provisions be removed from the bill.
- The bill makes the cease work order mandatory, which takes needed discretion away from judicious enforcement and raises the stakes to a contractor when unions engage in these jurisdictional disputes. CCIA suggests that the mandatory requirement be replaced with a permissive provision.
- The bill places the licensing boards on par with the Commissioner, which can lead to conflicting decisions between the board and the Commissioner that could take weeks or months to resolve. CCIA suggests that the authority of the commissioner be maintained.

Any one of these provisions as drafted, or all of them taken together, can exacerbate the situation when a contractor is caught in the middle of a jurisdictional dispute between trade unions.

For all of these reasons and more, CCIA respectfully requests that this committee amend the bill to guard against potential abuse before considering whether it is an effective and appropriate measure to address licensing violations in the construction trades.

Please contact Don Shubert, CCIA President, at 860-529-6855, or at dshubert@ctconstruction.org if you have any questions or if you need additional information.

For more than 80 years, CCIA has represented the commercial construction industry in Connecticut, carrying on its founding members' belief in the power of collective action and cooperation to grow the industry. One of the Association's oldest entities, the Connecticut Road Builders Association, was formed in 1933. CCIA is an organization of associations, where various segments of the commercial construction industry work together to advance and promote their shared interests. CCIA is comprised of over 300 members, including contractors, subcontractors, material producers, equipment and material suppliers, professionals such as accountants, attorneys, engineers, surety and insurance companies, as well as other professionals allied with the state's construction industry.

**TESTIMONY OF GLENN MARSHALL, BUSINESS MANAGER OF CARPENTERS LOCAL
210, RAISED BILL 412 AN ACT CONCERNING THE ENFORCEMENT OF CERTAIN
OCCUPATIONAL LICENSING STATUTES**

Good Afternoon Senator Doyle, Representative Baram and members of the General Law Committee. My name is Glenn Marshall and I am a Business Manager for the New England Regional Council of Carpenters in Connecticut representing thousands of carpenters. I am here today to testify in opposition to Raised Bill 412 An Act Concerning The Enforcement Of Certain Occupational Licensing Statutes as it is currently written.

Connecticut first enacted licensing laws starting in 1967 to protect the general public's safety; first for plumbers and electricians and over the following decades for other crafts, such as the sheetmetal workers and glaziers. In fact, we are one of the only states that has licensing for glaziers. As more and more trades have attained licenses we have seen a rise in jurisdictional problems on jobsites. Some trades are using their licensed status as a means to grab work and claim jurisdiction from non-licensed crafts such as the carpenters. There are many examples on record and a few years ago one of our contractors spent in excess of one-hundred thousand dollars defending themselves.

There are many conflicts and issues with the way this bill is currently written, and I will give a few examples.

- Cease work orders for individuals who perform work without a license is a problem because there are many "grey areas" or "overlap" of work between licensed and non-licensed crafts.
- The proposed language states that either the commissioner or the board can either jointly or separately issue a cease work order. There is a potential conflict if the commissioner and the board are in disagreement as to whether a violation has occurred or not. Who makes the final determination? I believe that the commissioner should make the final decision, with the advice of the Board for the sake of consistency. The board members terms, by statute, expire every four years which can lead to turnover and inconsistent

decisions being rendered and although the commissioner's term may be short as well, they rely on the recommendations of their managers, who have an historical, institutional knowledge of the industry. As an ex-commissioner I can attest to this myself.

Also, "negligently" is being added to "willfully" to determine someone's culpability of working without a license. Willful is a much higher standard than negligent so it can't be both. We prefer to see it left as just willful as someone can make an honest mistake.

In closing, we would be supportive of more enforcement agents being added to help a depleted staff enforce the current licensing laws, but we are opposed to the changes that are in this bill as written.

We look forward to working with the committee on substitute language to address our concerns and others in the industry.

Thank you for your time and consideration. I would be happy to answer any questions.



Testimony of the Connecticut AFL-CIO

Before the General Law Committee

March 11th, 2014

Senator Doyle, Representative Baram and members of the General Law Committee,

We submit this testimony on behalf of the 900 affiliated local unions who represent 200,000 working men and women from every city and town in our great state in support of:

S.B. No. 412 An Act Concerning The Enforcement Of Certain Occupational Licensing Statutes

We support this bill as it pertains to augmenting the ability of the Commissioner of Consumer Protection in concert with the various licensing boards with greater enforcement capabilities to level the playing field for those that abide by current laws. This bill is necessary for ensuring that public health and safety measures are upheld to the highest standard by properly trained and licensed craftspeople performing their work.

We appreciate the committee holding this public hearing and urge passage of this bill.

Respectfully Submitted,

Todd G. Berch

Field Director