

CONNECTICUT GENERAL ASSEMBLY

SENATE

Thursday, October 1, 2020

The Senate was called to order at 1:28 o'clock p.m.,
the President in the Chair.

THE CHAIR:

Senator Duff.

SENATOR DUFF (25TH):

Madam President, we need to convene our September
special session.

THE CHAIR:

Thank you, sir, and we do call the session to order
and I would like to bring our Senate Chaplain, Tim
Kehoe, for our prayer. Please stand.

ACTING CHAPLAIN TIMOTHY KEHOE:

May the work that we do benefit all those we serve.

THE CHAIR:

Senator Fasano, would you kindly lead us in the
Pledge of Allegiance, please, sir?

SENATOR FASANO (34TH):

(ALL) I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

THE CHAIR:

Thank you so much, and Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, I know we have some point of personal privilege and I would like to now yield to Senator Osten.

THE CHAIR:

Senator Osten, do you accept the yield or would you like to come up?

SENATOR OSTEN (19TH):

I accept the yield. I'll just come up here if that's okay with you.

THE CHAIR:

Please proceed, ma'am, it's your show.

SENATOR OSTEN (19TH):

[inaudible 39:11 off mic]

THE CHAIR:

Yes, we do invite our Chamber leaders to please come up to assist in the presentation and while they're doing that, I will say that Senator Osten, who is a US veteran of our military service is going to be making some very special presentations of the Quilts of Valor. The Quilts of Valor is a foundation that was established in 2003 by Catherine Roberts, formerly of Delaware. Her hope was to be able to cover those touched by war with the Quilts of Valor. Since 2003 and up until September of 2020, over 255,000 Quilts of Valor have been made and presented, some through major treatment centers such as Walter Reed and Brooke Army Medical and through many smaller more local VA centers and facilities or through personal contact. So they are hoping to someday cover all service people who've been physically or emotionally touched by war and prior conflicts and it is their way of saying thank you to those who receive quilts for their service and their sacrifices that they have made for our country. So with that, we're going to call some of our colleagues who are veterans and our first is Senator Dan Champagne. Senator Champagne served in the Army Reserves from 1987 to 1992, and what a beautiful quilt [applause].

SENATOR OSTEN (19TH):

[inaudible 41:45 off mic]

THE CHAIR:

Yes. Absolutely. [Applause].

SENATOR OSTEN (19TH):

[inaudible 42:55 off mic]

THE CHAIR:

Thank you and we are now going to call the second recipient, also a United States Air Force veteran, our own Senator Carlo Leone who served from 1981 to 1987. Also a very beautiful quilt.

SENATOR OSTEN (19TH):

[inaudible 43:58 off mic] [Applause]

SENATOR OSTEN (19TH):

[inaudible 44:50 off mic]

THE CHAIR:

Beautiful and our third Senate recipient, Senator Gary Winfield, who served in the United States Navy from 1994 to 2000. [Applause]

SENATOR OSTEN (19TH):

[inaudible 45:25 off mic]

THE CHAIR:

[Applause]. Congratulations. [Applause]. And now we're going to move to two of our esteemed staff members here at the General Assembly and we're gonna start with Avery Gaddis, who served in the United States Army from 1994 to 2002. [Applause]

SENATOR OSTEN (19TH):

[inaudible 47:12 off mic]

THE CHAIR:

[Applause] Congratulations. And our final staff recipient is Paul Tarbox who served in the Army National Guard from 1999 to 2009. [Applause]

SENATOR OSTEN (19TH):

[inaudible 48:43 off mic]

THE CHAIR:

Beautiful. [Applause] Paul, congratulations. And could we just have a round of applause for Senator Osten, thanking her for her service. [Applause].

SENATOR OSTEN (19TH):

[inaudible 49:55 off mic]

THE CHAIR:

Senator Looney.

SENATOR LOONEY (11TH):

Thank you, Madam President, for a point of personal privilege? I wanted to certainly congratulate all of our honorees, both our members of our Chamber, Senator Osten and Senator Winfield, Senator Leone, Senator Champagne and our staff members of course as well, but also I wanted to offer a special thanks to Senator Osten who of course, as we said, she is herself a US Army Veteran. She is actively involved in the Veterans' organizations who put together the Quilt of Valor, and I'm so pleased that we had this ceremony here today in our Senate Chamber as well as

the lovely ceremony yesterday in the House Chamber honoring veterans there so thank you very much. On behalf of all of us, thank you to Senator Osten for coordinating and putting all of this together for us.

THE CHAIR:

Good afternoon, Senator Cohen.

SENATOR COHEN (12TH):

Hi, good afternoon, Madam President. I rise for a point of personal privilege today?

THE CHAIR:

Please proceed.

SENATOR COHEN (12TH):

Thank you, Madam President. I want to say that I am incredibly honored to serve the constituents of Connecticut and so grateful to be able to do that each and every day. Sometimes, this job takes us away from things that are very important special moments in our family. Never before have I missed a child's birthday, but today that day has come and so I just want to send out a special birthday wish to my daughter, Ashlyn Perry, who is 13 years old today so very Happy Birthday wishes to her and I look forward to celebrating with her at the end of session so thank you.

THE CHAIR:

Senator, thank you, and Happy Birthday to your daughter. [Applause] Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. On Senate Agenda number, have we called the agenda yet?

THE CHAIR:

I do not believe we have, sir.

SENATOR DUFF (25TH):

Thank you, Madam President. Would the, is there business on the Clerk's desk?

THE CHAIR:

Mr. Clerk.

THE CLERK:

The Clerk is in position of Senate Agenda Number 1 dated Thursday, October 1, 2020.

THE CHAIR:

Yes?

SENATOR DUFF (25TH):

Stand at ease for a moment, please?

THE CHAIR:

Yes. The Senate will stand at ease. Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, before I begin marking the bills, let me move the agenda first, I apologize. Madam President, I move all items on Senate Agenda Number 1, dated Thursday, October 1, 2020, be acted upon as indicated and that the agenda be incorporated reference in the Senate Journal and the Senate transcripts.

THE CHAIR:

So ordered.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, I'd like to mark all the items on Senate Agenda Number 1 as go.

THE CHAIR:

So noted.

SENATOR DUFF (25TH):

Thank you, Madam President and before we begin putting the order, I'd like to mark three items for our consent calendar, please?

THE CHAIR:

Please proceed, sir.

SENATOR DUFF (25TH):

Thank you, Madam President. First item would be House Bill Number 7002 to please put on the consent calendar.

THE CHAIR:

Yes, please. Mr. Clerk. Oh, okay, yep. So noted, sir.

SENATOR DUFF (25TH):

Thank you, Madam President. The second item for our consent calendar would be House Bill 7003. I'd like to place that item on the consent calendar.

THE CHAIR:

So noted.

SENATOR DUFF (25TH):

Thank you, Madam President and for the third and final item on our consent calendar, House Bill 7009 to be placed on our consent calendar.

THE CHAIR:

So noted.

SENATOR DUFF (25TH):

Thank you, Madam President. And, Madam President, if I can now call the order of the bills.

THE CHAIR:

Yes, please proceed, sir.

SENATOR DUFF (25TH):

Our first item, please, is House Bill 7004. Our second item will be House Bill 7006. Our third bill will be House Bill 7005. Our fourth bill will be House Bill 7010. Our fifth bill will be House Bill 7008 and our final bill will be House Bill 7001. I'd like the clerk to please call them in that order and if we can just stand at ease for a moment, please.

THE CHAIR:

Senate will stand at ease.

SENATOR DUFF (25TH):

Madam President?

THE CHAIR:

Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. We can start with the first bill, please.

THE CHAIR:

Indeed, Mr. Clerk.

CLERK:

House Bill 7004, AN ACT CONCERNING ELIGIBILITY FOR THE SUPPLEMENTAL COLLAPSING FOUNDATION LOAN PROGRAM.

THE CHAIR:

Good afternoon, Senator Anwar.

SENATOR ANWAR (3RD):

Good afternoon, Madam President. Madam President, I move passage of the emergency certified bill in concurrence with the House and seek leave to summarize.

THE CHAIR:

Please proceed, sir.

SENATOR ANWAR (3RD):

Thank you, Madam President. Madam President, this is something that's well known to our communities in the northeast of our state where we have had the collapsing foundation challenges that have impacted hundreds if not thousands of homes. Just the recognized ones in my district including the towns of East Hartford, South Windsor, Ellington, and East Windsor, there's some 321 homes that have been identified, but there are hundreds more in all of the communities, the neighboring communities and we have, as a state have a captive insurance that has been working independently and has done an amazing job. We recently celebrated 200 or so homes that have been addressed and fixed with this. This bill is actually a technical fix on the definition to include condominiums and there are many homes, many homeowners who have been deeply impacted by the crumbling foundations. Because of this technical fix, they are unable to use the self-fix support at

this time so once we are able to pass this, we would be able to take care of the homeowners who are very close to losing their homes and condominium owners as well, and this is something that would be a very important fix for our community so Madam President, I ask that my colleagues would join me in supporting this and approving this. Thank you.

THE CHAIR:

Thank you, Senator Anwar. Will you remark further on the bill? Good afternoon, Senator Champagne.

SENATOR CHAMPAGNE: (35TH):

Thank you, Madam President, and my district is affected throughout every one of my 13 towns and this is a fix for the condominiums and allows them to be part of the supplemental collapsing foundation loan program. This is provided already to the homes and this is a fix so they can also take part in that. Right along from the beginning, condos have had a tough ride on this, not fitting into the definitions and I think this is the final piece of the puzzle so that they will get covered. So I support this bill and I ask that everybody else support it as well. Thank you.

THE CHAIR:

Thank you so much, Senator. Will you remark further? Will you remark further on the bill that is before the Chamber? If not, Mr. Clerk, would you kindly announce the vote and the machine will be opened?

CLERK:

An immediate roll call vote has been ordered in the Senate. An immediate roll call vote has been ordered in the Senate on House Bill 7004. An immediate roll call vote has been ordered in the Senate.

SENATOR CHAMPAGNE (35TH):

Thank you.

CLERK:

An immediate roll call vote has been ordered in the Senate. An immediate roll call vote has been ordered in the Senate on House Bill 7004.

THE CHAIR:

Have all the members voted? Have all the members voted? Please check to make sure your vote has been properly cast. If so, Mr. Clerk, if you would take the tally, lock the machine and take the tally? Mr. Clerk?

CLERK:

House Joint Resolution No. 7004.

Total number voting	35
Those voting Yea	34
Those voting Nay	1
Absent and not voting	1

THE CHAIR:

Thank you, Mr. Clerk. The measures passes.
[Gavel]. Mr. Clerk.

CLERK:

House Bill Number 7006, AN ACT CONCERNING THE
EMERGENCY RESPONSE BY ELECTRIC DISTRIBUTION
COMPANIES, THE REGULATION OF OTHER PUBLIC UTILITIES
AND NEXUS PROVISIONS FOR CERTAIN DISASTER-RELATED OR
EMERGENCY-RELATED WORK PERFORMED IN THE STATE.

THE CHAIR:

Thank you, Mr. Clerk. The Chair recognizes Senator
Needleman, the distinguished chair of the Energy
Committee. Senator Needleman.

SENATOR NEEDLEMAN (33RD):

Thank you, Mr. President. I'm not often called
distinguished [laughter] but I appreciate the
comment. So I'm here to bring out, I have to find
the bill number, I'm sorry. LCO 4144. Can we stand
at ease for a moment?

THE CHAIR:

And the Senate will stand at ease. Senator
Needleman.

SENATOR NEEDLEMAN (33RD):

Thank you, Madam President. I'm glad to see you up
there. I'm here to bring out emergency certified
bill, House Bill Number 7006.

THE CHAIR:

Will you remark?

SENATOR NEEDLEMAN (33RD):

Yes, I will. Thank you so much. First of all, I'd like to thank my co-chair, Dave Arconti, my House chair, and also the members, commissioner from PURA, Marissa Gillett and Commissioner Dykes from DEEP for all their help. I'd like to thank my leadership, Senator Duff and Senator Looney, for giving me the opportunity to chair this committee and move such an important bill across. Also, for my entire caucus for all their hard work, but perhaps most important, I'd like to thank my ranking members, Senator Formica and Representative Ferraro. In contrast to the madness gripping Washington in an era of partisan rancor, they stepped up and helped us construct a bipartisan bill that makes sense for the ratepayers of Connecticut. To craft legislation like this is why I ran for the Senate in the first place; to help bring people together, to find common sense solutions and to get real results.

Ladies and gentlemen, it is time to put Main Street ahead of Wall Street. It's time to put the ratepayers ahead of the shareholders. It's time to take back our grid. This is an important first step. There will be more, many more. Now, let me tell you what the bill will do.

Section 1 requires PURA to initiate a proceeding by June 1, 2022 to adopt a framework for implementing performance-based regulation of EDC's, electric distribution companies, that does the following: It establishes standards in metrics to measure EDC performance on various objectives; safety,

reliability, equity, customer satisfaction, municipal engagement, resilience, and environmental goals. It identifies how these new standards in metrics will be used to apply existing rate-making principles and guidelines when establishing, investigating and regulating rates. It identifies specific mechanisms to align utility performance with established and existing standards in metrics, review of revenue and decoupling mechanisms. Decoupling mechanisms are those that allow the ratepayer, the electric distribution companies to adjust their rates periodically based on the amount of electricity that goes across their grid and adjust it either up or down by the amount of volume that goes across the grid itself. Defines resilience as the ability to prepare for and adapt to changing conditions and would stand and recovery rapidly from deliberate attacks, accidents or naturally occurring threats or incidents, e.g. climate change attacks.

The time to begin this is now, as currently utilities are incentivized to do anything that would increase their rate base, especially any capital expenditures because they have the opportunity to return a recovery on their physical plan. Our utilities are not financially incentivized to do what is best for their customers, and that is what we are trying to change. Presently, PURA lacks the ability to make adjustments based on performance or the lack thereof. This legislation allows the utilities financial performance to be tied to performance and positive outcomes ensuring Connecticut citizens have the best quality electric service possible and if the electric utilities fall short, it gives our regulators the tools they need to penalize them.

Section 2 allows PURA, when deciding on a proposed rate change for a regulated utility company to evaluate the company's performance using any applicable metrics or standards it establishes in its performance-based regulations to determine whether a company's allowed rate of return is reasonable based on that evaluation. It changes the deadline for PURA to issue a final decision on rate cases extending it by 200 days from 150 to 350 for both EDC's and gas companies, and 200 for all others like water companies and phone companies. It adds an additional 50 days for their filings. These changes would bring Connecticut closer to the standard review length across the country. Sixty-six percent of all states have higher review times than we do.

Section 3 requires PURA to consider performance-based regulation in all future rate cases, which serves as the primary vehicle by which PURA sets the distribution rates of electric gas and water companies over which it has authority. This section requires PURA to include a framework for period monitoring and review and its approval of performance-based incentives, penalties and metrics. It also makes conforming changes that eliminates provisions in current law that prioritize rather than require PURA to approve performance-based incentives for EDC's and gas companies that include specific criteria. We are making this change to ensure that PURA can and will utilize all of the tools at its disposal in future rate cases to hold utilities accountable for their performance and allows them to penalize them for non-performance.

Section 4. This gives PURA the power to require that any rate recovery for compensation to company executives, officers or incentive compensation to employees is dependent on the company achieving its performance targets set out in section 1. We are not trying to cap the compensation for private business executives. This simply provides a limit to the utility executives' compensation that can be paid by the ratepayers. If the shareholders believe the executives should be paid more, they can give them whatever additional compensation they wish. It must be paid out of company profit and not ratepayer money.

Section 5. This allows PURA by November 1, 2020 to begin a proceeding to consider an interim rate decrease, low-income rates, and economic development rates. Consideration of interim rate decreases could provide much needed relief to all ratepayers during these unprecedented pandemic times. Implementing low-income and economic development rates better aligns public policy with electric utility performance and cost, providing needed relief to our poorest citizens and incentives for economic development which results in lower rates for all.

Section 6 extends the amount of time from 30-60 days that PURA has to approve or reject a utility company's request to issue financial instruments like notes, bonds, or securities, amend provisions that would affect them, and lend or borrow money for more than one year. This will improve PURA's review process by allowing them proper time to thoroughly review these applications.

Section 7. Beginning on January 1, 2021, this section would prohibit utility companies to go through a merger, acquisition or change of control unless they change the makeup of their board of directors so that the number of Connecticut-based ratepayers equals, is proportional to the number of directors they have on their board. That means if 70 percent of the customers are in Connecticut, 70 percent of the board needs to be in Connecticut. It increases from 30 to 60 days the time PURA has on such a hearing on a merger, acquisition or change in control. It also increases from 120 to 200 days the time PURA has to approve or disapprove such a merger, acquisition or change of control. PURA will also have capability to extend the time by 30 more days if necessary. Lengthening the period of review brings us more in line with our peer states. Current timeline significantly impedes PURA's ability to properly evaluate these complicated transactions in the best interest of our ratepayers.

Section 8 prohibits the electric distribution companies from recovery costs associated with attending and participating in rate-making proceedings at PURA from ratepayers. Utilities employ all kinds of costly experts to advocate for rate increases at PURA including lawyers, accountants, engineers, rate specialists, and other highly paid consultants. Utilities currently recover these costs associated with proceedings in which they demand more money from ratepayers and presently, the only way PURA can disallow this is by a legal finding that the costs were unjustified, which can be challenged on appeal by the utilities. These costs are quite significant. For example, in 2014 rate case, Eversource requested \$1.5 million dollars for rate cases.

Section 9 raises the percentage amount from 2.5 to 4 percent of the utilities' annual distribution revenue from which PURA can fine a utility for their underperformance or noncompliance in connection with an emergency event. These penalties are not recoverable in consumer rates. This is a critically important change that can have a meaningful impact on all customer classes. Given that storm recovery costs are traditionally recouped from ratepayers, it is only fair that utilities face fines if their underperformance or noncompliance worsened the storm impact, worsened the storm's impact and recovery efforts. Other states impose even greater fines. For example, Massachusetts imposed fines on Eversource, \$24.8 million dollars following Hurricane Sandy and Hurricane Irene. In New York, Governor Cuomo proposed legislation that would eliminate or significantly increase the compound penalties for utilities for underperformance in emergency response efforts.

Section 10 and section 11. Beginning on July 1, 2021, in the event of an outage that lasts more than 96 consecutive hours due to an emergency, i.e. a tornado, hurricane, storm, flood, EDC's will be required to give residential customers a 25-day account credit for each additional day that a customer has an outage. They also must compensate each residential customer up to \$250 in the aggregate for any food or medication that expires or spoils as a result. EDC's are prohibited from recovering these credits from ratepayers. Other jurisdictions require utilities to also compensate non-residential customers. Our next door neighbor, New York, has a similar residential reimbursement provision and I might add that did voluntarily or

by statute offer that to their ratepayers. The totals for credit and compensation were arrived at based on numerous studies based on credit amounts described by other states. The bill allows EDC's to petition PURA for a waiver of these credit requirements within 14 days. They must prove the request is reasonable and warranted. In deciding the waiver request, PURA must consider if the EDC received approval and reasonable funding allowances to meet infrastructure resiliency efforts to improve the EDC's performance. Furthermore, the bill's language gives PURA the flexibility to redesign or sunset these provisions once performance-based regulation is fully up and running. Equally important, these provisions don't unintentionally shift utility priorities during a storm away from the lifesaving work to restoration activities. The state's make safe protocols are part of the utility's emergency response plan. If a utility re-routes crews away from first priority of addressing immediate life-threatening situations, public health and safety, it's abandoning its regulatory responsibilities. The bill's language authorizes PURA to set up the conditions and circumstances under which this provision would apply. If PURA finds as part of its proceeding that the 96-hour window shouldn't begin until life-saving work is complete, it can do so, ensuring the safety of both line workers and the public. It is important to note this bill does not mandate that the utilities restore power within 90 days. Rather, it provides customer credits similar to warranty payments from utility shareholders in return for the hundreds of millions of dollars that ratepayers have invested in the grid over the past decade, investments on which those shareholders have earned a handsome profit.

This bears repeating. It is not a restoration deadline.

The utilities have put out misinformation suggesting that they would have to spend and recover from repairs billions of dollars to avoid taking a nominal hit to their shareholders' bottom line. Let's take the most recent tropical storm as an example. Ninety-six hours after, Eversource had roughly 255,000 customers still out of power. Even if we assumed all 255,000 customers were residential and thus, entitled to these credits, Eversource shareholders would have had to pay approximately 19 million dollars, roughly what the CEO of Eversource earned last year. The EDC's do not want us to think about the hundreds of millions of dollars ratepayers financed over the last decade to avoid such prolonged outages, and it seems like the EDC's feel entitled to cost recovery from ratepayers for everything. We need to ask the utilities why they claim it will cost billions of dollars more to restore power.

Section 12 requires the EDC companies to provide to the ENT committee benchmarking information regarding their response to the last five storm events, as well as classified as level 3, 4 or 5, as well as a cost benefit analysis as to whether its response effort would've improved under different scenarios, under different staffing scenarios. Cost benefit analysis must identify the resources spent and a review of the number of line crew workers that the company has employed distinguishing between trainees and actually fully certified line persons, distinguishing also between those directly employed by the EDC in Connecticut, those employed by the EDC

in another state, and those hired as contractors or sub-contractors.

The report to the ENT Committee must also include information about the EDC's planning for at-risk and vulnerable customers, their communication policies with state and local officials and customers including customer restoration estimates and their accuracy, and the condition of the EDC's infrastructure facilities and equipment and the equipment to see if the company follows the standard industry practice to maintain them. PURA is directed to use this information to set minimum staffing levels for the electric distribution companies outage planning, and restoration personnel including linemen, technician, and system engineer, tree trimming crews and those responsible for directing operations and communicating with public officials, which we know was a major failure this past storm. These levels can vary based on the severity of the emergency.

PURA is also to establish other performance standards for EDC's to ensure reliability in an emergency and prevent and minimize outages. PURA is empowered to enforce the standards and levy civil penalties for failure to comply with them. These penalties cannot be recovered by the EDC and passed onto ratepayers as an operating expense.

Section 13 expands PURA's ability to direct where civil penalties imposed by PURA are payable. This does not create a new financial liability for utilities. It simply expands the ways in which PURA can direct utilities to pay civil penalties. Rather than fines going back to the general fund, PURA can direct the fine to be repaid as a restitution to

individual customers who were specifically harmed or non-profit agencies engaged in energy assistance programs helping prevent cost increases for all customers. Existing statutory language already sets the penalty amounts which are not impacted by this proposed section.

Section 14. This has to do with ISO. It mandates DEEP to report the ENT Committee by January 15, 2021, an evaluation regarding Connecticut's reliance on wholesale energy markets administered by ISO New England and how they benefit Connecticut ratepayers or don't benefit Connecticut ratepayers. There is a strong belief that Connecticut and its ratepayers are being underserved by the grid managed by ISO New England because they focus on investing in and maintaining fossil fuel plants contrary to our energy policy goals. By directing DEEP to evaluate alternative approaches, we help ensure that our ratepayers aren't paying twice for the capacity that we're procuring.

Section 15. This is about Microgrid Grant and Loan Program. This expands a pilot program and directs DEEP to prioritize Microgrid and Resilience Grant and Loan Program proposals benefiting vulnerable committee including, but not limited to low-income communities and to cover resilience projects which help electrical grids to withstand weather events and other disasters. This is critical. If we do not improve the grid, then we are only responding to outages as a result of storms. It is important to recognize and prioritize Connecticut's vulnerable communities because they are often impacted in a much greater way during and after emergency events. This is also true for critical facilities and those customers on the grid edge. Microgrids and other

applications will play an increasingly important role in delivering critical resilience benefits. This section does not prevent a non-vulnerable community from being able to receive a grant or loan through this program. Although the language mandates DEEP prioritized proposals that benefit vulnerable communities, they are also encouraged to evenly distribute the awards between small, medium and large municipalities.

With that, Madam President, I think I will turn it back to you.

THE CHAIR:

Thank you. Thank you, sir. Will you remark further on the legislature before the Chamber? Good afternoon, Senator Formica.

SENATOR FORMICA (20TH):

Good afternoon, Madam President. I rise for a few comments and then I will ask some questions of the proponent of the bill.

THE CHAIR:

Please proceed, sir.

SENATOR FORMICA (20TH):

Thank you very much, Madam President. First, I'd like to thank the Chairs for the bipartisan way in which conducted the conversations that led to this bill. I've been doing energy conversation a long a time and it is not a partisan issue. It is a bipartisan issue that affects everybody here in the

State of Connecticut and I'd like to just start and go back a little bit, Madam President, if I may. What brought us to this point here in this special session today and why we're talking about energy today and what we need to do, I believe, in the future.

The rate increase that was approved by PURA for July 1 and the transmission cost by Eversource struck a nerve in the population here in the State of Connecticut, as it impacted every ratepayer significantly. Combining with the fact that people were home working, using more power, generating more electricity, it was even more hurtful to the average ratepayer in terms of the increase in the bill.

Immediately upon that being brought to light, the storm hit and it was the failure of the management specifically at Eversource, I believe, to respond to that storm's restoration and move forward that led the Energy Committee and others to call for a change in how we do business here in the State of Connecticut. Now, let me just say at the outset that this is not a criticism of the line men and women who work so hard under difficult conditions to restore power and to keep power running each and every day here in the State of Connecticut. This is about a management issue that we believe can be fixed and we are beginning the conversation today or yesterday about how we move forward in a new way. How do we move forward, how do utilities move forward in a new way that creates a better output and a better situation for all of the ratepayers here in the State of Connecticut.

Energy is complicated and one bill is not gonna do it and I propose that if whoever is here on that

committee in the January session coming up in just a few short months will need to take a look at a variety of situations. We're gonna need to take a look at how energy is generated in this state, how energy is transmitted in this state, how renewables are going to be affordable and available to take the next generation of energy generation. What about battery storage? Where does that play? How is that affordable and practical and applicable and how can we promote that technology here in the State of Connecticut? What about our baseload? Are we gonna shift away from fossil fuel and nuclear? What are we going to do? What is the plan for the next ten years? Energy efficiency. How are we gonna bring mindful energy efficiency to everyone in the state so that everyone can benefit by using less or using it more effectively in terms of energy.

Transparency on electric bills. There's so many hidden conversations and costs within each one of those line items. I think this is something we have to talk about. Wholesale markets. How do they affect the average person on the street, the ratepayer and what is the next step in that and then finally, I think regional conversations and when I say regional conversations, I mean multi-state conversations that we can work together to try to move energy into the next generation.

I believe this bill starts that conversation. There are some punitive methods in this bill to do that, to get the attention of some of the utilities, but we think that there are opportunities throughout the bill for all of the utilities to be able to adhere to this, to develop good new management practices, develop better communication and collaboration with the cities and towns so that we can restore our

power when it goes down because we all know storms are gonna happen, and we all know trees are getting taller, and we all know we will run out of power once again. But, Madam President, I can say that I go back to 2010 or 2011 as a first selectman during those two major hurricanes and I experienced a lot of the same problems that we were having in 2017 when there was a storm, and then a couple of years ago when there was a storm and then certainly a few weeks ago. Those problems seem to be the same and it's time to change. It's time for the utilities to take it to the next level and treat the ratepayers with the respect that they deserve.

So with that, Madam President, I just have a few questions for clarification from the proponent of the bill?

THE CHAIR:

Please proceed.

SENATOR FORMICA (20TH):

Thank you, Madam President. Good afternoon, Senator Needleman.

SENATOR NEEDLEMAN (33RD):

Good afternoon, Senator Formica.

SENATOR FORMICA (20TH):

One of the complaints that we heard and I just alluded to going back to my time as first selectman was communication, and performance-based metrics that will be developed. I just want to make sure

that communication and collaboration with cities and towns is gonna be high on the list in terms of performance rate-making, in terms of the performance metrics that are gonna be implemented.

THE CHAIR:

Senator Needleman.

SENATOR NEEDLEMAN (33RD):

Thank you, Madam President. That is absolutely one of the critical components of performance-based rate making that we're looking for. Like you, I was a first selectman in 2011 through those storms and through subsequent storms, and I will tell you that categorically, it appears that they got worse, not better, not only with the ratepayers, but with first selectman, town managers and mayors and that made this situation so much worse. So it is absolutely part of what we're asking PURA to do.

THE CHAIR:

Senator Formica.

SENATOR FORMICA (20TH):

Thank you, Madam President. Thank you, Senator, for that answer. I appreciate it. Now PURA is going to develop the metrics and standards by which this new performance-based rate making will be implemented. Are there other states that use this type of method or will this be unique to the State of Connecticut? Through you, Madam President.

THE CHAIR:

Senator Needleman.

SENATOR NEEDLEMAN (33RD):

Through you, Madam President. I believe that Hawaii does. I believe Massachusetts is looking at it as well as several other states now and this is one of the areas where I think that Connecticut can really lead the way so although there are other people looking at it, I think we are putting concrete steps into place. I believe that PURA has been talking about and initiating a docket on this, but we're sort of mandating that they do this now to make sure that the picture is not just one thing upon which they're judged. We want them to be judged on an array of things that will improve customer outcomes across the state and I think this is a perfect way to do it.

THE CHAIR:

Senator Formica.

SENATOR FORMICA (20TH):

Thank you, Madam President. Thank you, Senator. Does that, well, let me back up. We are in the middle of a number of dockets that PURA has opened, one the rate increase of July. We put a letter together along with the leaders of the General Assembly and the leaders of the Energy Committee asking for PURA to suspend that rate increase which they did. They opened a docket that in simple terms means they're investigating what are the reasons behind that rate increase, and they're also investigating a number of other things in terms of I

believe another docket is opened up for restoration response. So this legislation would provide them yet another opportunity to open up performance-based. They probably will put all of these together at some point and say you know we can't do all these in separate lanes. We'll probably do, probably kind of bridge them together and then come out with one product, but it should take a few months at least I would guess? Through you, Madam President.

THE CHAIR:

Senator Needleman.

SENATOR NEEDLEMAN (33RD):

Through you, Madam President. I believe it will take several months for them to do that and to take a comprehensive look both at the storm response as well as the rates and we're requesting that they look at reducing the rates in addition to just freezing them and roll back the increases. I believe that there is opportunity for PURA to work on reducing those rates and that is essential now, given peoples' circumstances. So many people are struggling and in the middle of the pandemic in July, as you said, people got what appeared to be quite exorbitant rate increase and we're not sure that they were calculated correctly so we want PURA to look at that, not only freeze it or roll it back to where it was, but roll it back maybe even more if that's possible.

THE CHAIR:

Senator Formica.

SENATOR FORMICA (20TH):

Thank you, Madam President. Thank you, Senator. In some of the later sections of the bill, sections 9, 10, and 11, we talk about some punitive measures that would be held against the utilities for failure to respond appropriately and failure to respond to some of these metrics that PURA will be developing. The increase from 2.5 to 4 percent is one, the \$25-dollar-per-day bill credit for 96 hours if you're out of power, and also up to \$250 dollars in food spoilage. We know that not all storms are created equal and 96 hours is a reasonable start, but there's a waiver in this legislation that allows further discussion should there be a category 5 hurricane and things are more in terms of rebuilding instead of restoring. Can you speak to that for just a moment if you will? Through you, Madam President.

THE CHAIR:

Senator Needleman.

SENATOR NEEDLEMAN (33RD):

Yeah, through you, Madam President. We deliberately put the waiver in there so that PURA would have the opportunity to review the circumstances under which the 96 hours would apply and where the penalties wouldn't apply. I want to say to just get intent very clearly on the books here, I have believed in my almost nine years now of being a first selectman in my fifth term, and eight years as a first selectman before that, that they can certainly do better than they've done, not only in terms of the pure calculation of outages, but also in terms of

communication and other areas that I think that they've been weak and I have not been shy about telling them how to run their business, and I'm sure, I remember some of the calls in 2011 where you were not shy either. So the intent here is never to be punitive for the sake of being punitive. The intent is to put penalties in place similar to a speeding ticket, that if you don't do what's right, you may get a slap on the wrist and a warning and if for some reason, the person next to you is having a heart attack, you can drive faster and the cop won't pull you over, but here, we want them to improve. I think the message is loud and clear. We want them to improve across many metrics and you're absolutely right, not all storms are created equal and 96 hours are a target, but it's not an absolute. It's never meant to be an absolute and that's why we work together to put the waiver clause in there. Through you, Madam President.

THE CHAIR:

Senator Formica.

SENATOR FORMICA (20TH):

Thank you, Madam President. Thank you, Senator. In regard to some of the things that we know we have to do and we've had plenty of conversations about moving infrastructure underground, those are conversations we're gonna have to have to begin to start because it's gonna take decades for that to be affected. Microgrids which are small individual power sources within communities that can be brought up to speed a little faster, we address that situation here in this bill and then ISO New England which is the wholesale manager I guess of power as

it's distributed through New England, there's a clause in here that talks about the commissioner of DEEP putting together a study to evaluate the wholesale market. So I believe this to be comprehensive legislation and begin the conversation that certainly we can't have here today, but we can start it here today and we can have these conversations with the Energy Committee in conjunction with ISO, in conjunction with our neighboring states as we move into the next session, and hopefully this will be an opportunity to bring rates down or at least keep them stable as we move into the next generation of energy generation. So I just want to thank you for the opportunity to put this bill together in a bipartisan manner and Madam President, I would urge my colleagues to support this legislation today and the Governor to sign and that we can begin to move forward and really take it as a base for improving the energy situation here in the State of Connecticut. Thank you, Madam President. Thank you, Senator.

THE CHAIR:

Thank you, Senator. Will you remark further on the bill that is before the Chamber? Will you remark further? Senator Looney. Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. May we stand at ease for a moment? We do have a number of people who would like to speak on the bill. Thank you.

THE CHAIR:

Thank you. We'll stand at ease. Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, I'd like to yield to Senator Osten.

THE CHAIR:

Senator Osten, do you accept the yield?

SENATOR OSTEN: (19TH):

Yes, Madam President, thank you very much. Madam President, I rise for a few questions to the proponent of the bill?

THE CHAIR:

Please proceed.

SENATOR OSTEN: (19TH):

Thank you very much. I have just a few questions. I want to talk a little bit about executive compensation paid in both Eversource and United Illuminating. Is there anything in this bill that will address the need to in some way couple together executive compensation in the work that is done through performance targets?

THE CHAIR:

Senator Needleman.

SENATOR NEEDLEMAN (33RD):

Thank you, Madam President. Yes, we believe we addressed that in I think it's section 4. We want to tie that compensation to performance. We also want to make sure that it's not excessive and it doesn't come on the backs of ratepayers so I do believe that we've done that.

THE CHAIR:

Senator Osten.

SENATOR OSTEN: (19TH):

Thank you very much, Madam President. And, Madam President, I would just say that when Eversource talked about their Chief Executive Officer's compensation this last year of \$19 million dollars, that was in my district what at least more than four of my towns would have made in a single year and so I just think that we really have to be mindful of the fact that ratepayers who pay that need to have some return on their investment and that is something that I consider an important piece of this legislation. I do think that we have to revisit this and become a bit stronger in the next, the next regular session that would happen in January.

I want to talk, I have a couple more questions, Madam President, and another question I have is about staffing levels. I was on the Two Storm Panel, lucky enough to be appointed to the Two Storm Panel by then Governor Malloy before I was a legislator and while I was on that panel, we talked a lot about staffing, in particular for linemen and tree crews and other such things. Does this bill, through you, Madam President, talk a bit about staffing levels and having a minimum base and does

it also have a certain timeline that Eversource and United Illuminating would have to accomplish this such if there is such a thing as a minimum staffing level? Through you, Madam President.

THE CHAIR:

Senator Needleman.

SENATOR NEEDLEMAN (33RD):

Through you, Madam President. Yes. Section 12 speaks to that quite directly. We're requesting a report from the EDC's regarding benchmarking information for staffing levels from the last five major storms that they've had that were level 3, 4 or 5. We want to know what their staffing levels were. We want to know the level of fully trained people that they have under their employee, number of trainees, as well as the number of contractors and it's a good opportunity for me to say that I firmly believe and I have believed this for a long time, that the ratepayers of the State of Connecticut are better served by these companies having employees that live and work in our communities, that are knowledgeable about the grid that they're expected to maintain, that they have investments of being here. They're not, I have nothing against contractors, they have a perfectly valid place in the system, but what has happened is particularly Eversource has swayed in the direction of contractor crews which are basically hired guns and they go wherever they're paid the most money. They're great people, a lot of retired people go to work for them now, a lot of people are leaving a company to go to work for them because now that they don't have pensions at Eversource for new employees,

the actual salaries are better with the contractors, so I believe that losing all that institutional knowledge and not replacing it in a timely way has cost that company communication and good will with the State of Connecticut. I do not believe that UI has done the same thing, but I would like to see the ratio of contractor crews to staff crews that are fully trained to be flipped. Not more contractors and less staff; more staff and less contractors. I believe in the end it will save the ratepayers money, it will give us a better product, and it's gonna take years to get there because all those years that they did not hire people are a gap in their hiring. It takes five to eight years to train a person to do the job of a line person so the answer is, I hope so. It's our goal to make that happen. It was the first bill that I put in, in this Chamber so this is not a new issue to me. I believe that they have fallen down on the job and we've paid a price for it.

SENATOR OSTEN: (19TH):

Thank you very much.

THE CHAIR:

Senator Osten.

SENATOR OSTEN: (19TH):

I'm sorry, Madam President. Thank you very much. Thank you very much, Senator. Because the Two Storm Panel also required a staffing level change and my understanding is there was a docket that PURA had on staffing and so I'm curious, you know, can we in some manner or shape figure out the staffing level

so that we have a real timeline on when we're going to hire people for this job and are there enough work training programs that will allow this workforce to be developed? Through you, Madam President.

THE CHAIR:

Thank you, Senator. Senator Needleman.

SENATOR NEEDLEMAN (33RD):

Yeah, through you, Madam President. Look, I don't want to run their company. If I did, I would go run their company, but what I do want to do is create legislation that pushes them in a direction that they need to go in and I absolutely agree, not only do I think that they need to do a better job of recruiting and training, I think they need to make a very specific effort at minority hiring as well as you know putting these programs in community colleges throughout the state so that people are better trained to deal with a modern grid. It's not just hanging wires on poles anymore. These are more complicated, more electronically controlled. They need to have skilled people on the ground who can move up the ladder in their company and do the work that a modern grid is going to require. Just like in any business, they need to improve, but they can't do it with no employees so these training programs in community colleges throughout the state are essential. They need to do it and they need to do it soon.

THE CHAIR:

Senator Osten.

SENATOR OSTEN: (19TH):

Thank you very much, Madam President and through you, is on the work training programs, will there be a moment when we can talk with the workforce investment boards and codify dollars out of the \$50 million dollars already appropriated for workforce training for workers to start this? Again, as someone who was in the Two Storm Panel, that was a decade ago and we still have not accomplished that because we were not specific enough so through you, Madam President, is there a plan to address specificity on this issue on workforce training in the next regular session, which would start in January?

THE CHAIR:

Senator Needleman.

SENATOR NEEDLEMAN (33RD):

Thank you, Madam President. Through you, so I guess that's the first bill to come out of today's discussion that we will begin to contemplate. I know that the House had some very specific thoughts on what else we should be addressing and that will be one of them. I think that we do need to be specific in directing them to do that so thank you. Through you.

SENATOR OSTEN: (19TH):

Thank you very much.

SENATOR NEEDLEMAN (33RD):

Through you.

SENATOR OSTEN: (19TH):

Sorry.

THE CHAIR:

Senator Osten.

THE CHAIR:

Senator Osten.

SENATOR OSTEN: (19TH):

Oh goodness. We're out of practice, Madam President. I'm so sorry.

THE CHAIR:

I know and passionate as well.

SENATOR OSTEN: (19TH):

[Laughs]. So I have another question that revolves around tree trimming and tree removal. So I know people are very enamored with their trees, but trees taken down a lot of lines and they take down poles and transformers and any other piece of electronic equipment and quite frankly, our tree stock has in many cases reached the end of its useful life so is there a way that we can figure out how do we remove enough trees away from the lines to allow us to not have to worry about a branch, a full tree, whatever because most of these trees are 60 to 100 feet tall

and their root structure has disintegrated, in particular for anything in the fur or pine rule, so I'm wondering is there anything in here that addresses vegetation management? Through you, Madam President.

THE CHAIR:

Senator Needleman.

SENATOR NEEDLEMAN (33RD):

Through you, Madam President. So we've addressed it in the bill, but not fully. As I was driving up here today, I was looking around and looking at the number of trees that are literally dying before our eyes. We have a major, major problem in the state. I've spoken at a lot with people at the utility and people that I know that are in the business. If the utilities have a 20-foot right-of-way on either side of the lines and there are 80-foot trees 30 feet out of the right-of-way, we have a problem and nothing will prevent that from being a problem; however, I will say that where they have built new poles, replaced poles, many of which are 75 years old in the state and are definitely at the end of their lifespan and where they have re-cabled and used the wire that has more elasticity, what we saw were giant trees and limbs that came down and put the wires on the ground, but when we cut those trees, they sprung back up. Now, in many cases, when there are poles that have been broken, older poles, and they've come in as a result of storms and they've replaced those poles, they haven't come back necessarily and replaced the cross-arms so you need poles, cross-arms and wires, and I believe that when Senator Fonfara was chair of the Energy Committee,

as a result of the Two Storm Panel, money was requested or required to be spent on grid resiliency and in this state, there are not a lot of choices. You either make the grid more resilient, improve the switching, improve the poles, improve the wires, replace them and bring them up to the best standard, trim trees and create new switching so that circuits can be fed from both directions, or bury lines, or just accept the fact that we're gonna have outages. I will tell you that my thought is that we should be doing all three. We need to continue to upgrade the grid, continue to upgrade the switching, replace more poles and where necessary, where important on main circuits, do some undergrounding of wires and we need to understand that in a state that has a large tree population that is aging, there will be outages as a result of storms. That means we as individuals that run municipalities have to be prepared for that, our citizens need to be prepared for that. However, in those cases, we expect the EDC's to respond appropriately and efficiently and communicatively in those incidents where those trees come down. Through you.

THE CHAIR:

Senator Osten.

SENATOR OSTEN: (19TH):

Thank you very much, Madam President. And my last question, only because I could talk about this for a very long time, but I know the time is short, is when we're talking about burying lines, when we look at the difference between a United Illuminating and an Eversource, Eversource has the predominance of small towns and often, those small towns have

populations of less than 5000 people, sometimes less than 2000 people so we're looking at burying lines. Are we looking at burying lines in the urban and more densely populated suburban areas versus the rural areas based on cost? Through you, Madam President.

THE CHAIR:

Senator Needleman.

SENATOR NEEDLEMAN (33RD):

Through you, Madam President. So obviously when you analyze it on a pure cost-benefit basis, that would be what you would think should be done. However, I don't think that that's what we should be doing. I think that we should be looking at primary circuits that feed whole communities. For example, Sprague, where you're from is at the end of a circuit so everything before you has to go back on before you come back on and that is much of what happened in Northwestern Connecticut. That is not acceptable and that's where I mean selective, thoughtful undergrounding because you can't look at a town and say it's 4000 people, they're gonna be last. You have to look at that whole circuit and say that circuit serves 30,000 people or 40,000 people. That circuit needs to be hardened in an appropriate way. You won't ever solve every cul-de-sac and every individual home, but the circuits themselves should be more secure and I just want to add a sidebar. I met a woman the other day who came up to me and thanked me for working on this Eversource bill and she said that she was from Finland. Her mom still lived in Finland. Her mother lived on a road that had two houses on it that was three-quarters of a

mile long. It wasn't a new house, it wasn't a subdivision. She said that they were just burying the lines in a community where there were two houses on a three-quarter mile long road. If they can do it in Finland, why can't the richest country in the world do that? Why can't we make a more resilient grid and do things wiser with our money than we have been? So I believe we need to attack this on all fronts, but we should always be asking the question, what's happening to our money? It's our money. They're spending our money. They're making money on our money. We need to get the best product that we can get and I don't think anybody believes that we're getting the best product we can get.

THE CHAIR:

Thank you, Senator. Senator Osten.

SENATOR OSTEN: (19TH):

Thank you very much, Madam President. I want to thank Senator Needleman and Senator Formica for working on this bill together to come up with a product that while I think needs to be stronger in some areas, has addressed in part most every issue that we have talked about for years and I want to thank them for their diligence in working together. Thank you very much, Madam President. Thank you, Senators.

THE CHAIR:

Thank you, Senator. Will you remark further on the legislation? Good afternoon, Senator Miner.

SENATOR MINER: (30TH):

Good afternoon, Madam President. Madam President, I don't have any questions. I've listened to the discussion already today and spent some time last evening listening to the deliberations in the House and just as Senator Osten just said, I do think that the Chairs and the ranking members have worked diligently to try and make this bill as good as it can be. My skepticism, therefore, is not with their effort. My skepticism is whether or not we can ever fully fulfill what I think we've all heard from our constituents. Madam President, I think depending on where you live in Connecticut, I think this storm was probably equal to or greater than many other storms that have hit Connecticut. And I don't know to what degree maybe COVID may have played a role in peoples' lack of understanding and heightened awareness to you know just one more problem in the same year, but all that having been said, with no exception, every time I reached out to a chief elected official, a member of a public works department, a member of emergency services throughout the 30th district, to a person, they all offered the same exact recommendations and it came back to staffing. And they weren't suggesting that perhaps Eversource should bulk up for 365 days a year. Many of them were very creative. They suggested that many of the retirees that understood what the grid actually was built out to be could very well have come back and worked as kind of triage individuals in a community, but instead, Eversource brought people from another state. So they had the obligation as I understand it to actually manage the people that were from a state even farther than that and so Warren, which is a small community that I represent, actually no one even arrived there. No one touched a wire or a

branch for four days and some people in Warren believe it was because the Governor was able to extract a commitment on the part of Eversource that 95 percent of the people in Connecticut would have power by Sunday evening. And they all know the math. You can chase customers in Cornwall and Warren and a couple of others in the northwest corner from now till I die and not get to 95 percent. You won't even get to 5 percent and so I am concerned and they are concerned that as we pursue a better model, that we don't jump to an effort to quickly restore energy to that 95 necessarily, especially if we've yet to open up all the roads. I had individuals that responded to emergencies that had to cut their way in because there was no other way and at the same time, Eversource was taking the position unless the poles were tagged, unless the wires were certified as dead, even the public works department couldn't touch them and so as we go through this process, I think we need to be very clear of, as the Senator said, we don't want to run their business necessarily, but they certainly have gotten us close to the point where maybe we should and I'm kind of a free market guy so it's a bit of problem for me to even think that way, but this is not a regular free market business. This is a utility and so you know when they wanted to downsize, we all I think were understanding because it was gonna be helpful to ratepayers, but clearly in my mind and the minds of my constituents, it's not worked. The electric bill has risen without the increased staff and the delays to get restoration has gone on a long, long time. Nine days in some cases in the northwest corner. Nine days. An eighth of a mile from the center of Litchfield where electricity probably was never lost in an elderly housing complex. An eighth of a mile

they went without power until Sunday night. There was no solution. The first selectman was on the phone every day, it was on their list as a high priority, and everybody had something else to do and I looked in the center of town and there was an open switch. I drove down the street and there was not a downed wire and I saw closed switches and I called Eversource and I said if these switches are open to isolate the problem beyond them and these switches are closed, don't we put power on to that senior center? And they said well, we don't know. We don't know. I said well how about if I give you 20 minutes to get here and then I'll show you whether it works or not and they showed up and they said you're right, it does work. And so someone with some understanding of that circuit being called back might say hey, you know what? Did anybody look at this? Did anybody look at that? We don't need to string eight new poles to give them power. We can give them power and by the way, it'll work towards our 95 percent, but more than that, people that are probably in the last five, six, seven, eight years of their life don't have to spend it without taking a shower or a hot meal and that's the part that really irked me about the things that happened during this storm. The other thing is because I think there is no clear guidance from somebody here who's close. Everything comes from outside the State of Connecticut. Anytime you want to get an answer, you've almost gotta steal a number from somebody else and then sooner or later, you're almost in Massachusetts or New Hampshire and I don't see how any functioning company could work that way, especially with the intricacies of a power company so I really do think that some of this hands-on effort, some of this local control effort, some of the communication center that you talked about with

the municipalities, of the high priorities really needs to be studied again and it needs to be done sooner rather than later.

Yesterday, I woke up to no power. Not a big deal for me. I can get up, go out and turn the generator on and make power, but for people that don't have that option, it is a big deal and so it's not like the next one of these storms is gonna be sometime next year and so I'm hopeful that this, let me see, good first step, moving forward, all of the things that I heard last night and today really are taken to heart by corporate Eversource. I'm not sure it's happened yet. I hope it does happen as a result of the passage of this bill. I intend to support it. I don't think it's perfect. I think Senator Osten said that already, but I do think it's a step in the right direction and if nothing else, it's a message. We send a lot of messages around here. I'm hopeful that this message is heard loud and clear and the changes happen sooner rather than later. I gotta believe some of this stuff can be done before the DEEP, UC or PURA requires them to do it so thank you very much, Madam President, for the time and I do thank you two gentlemen for your work.

THE CHAIR:

Thank you, Senator Miner. Will you remark further on the legislation that is before us? Good afternoon, Senator Fonfara.

SENATOR FONFARA (1ST):

Good afternoon, Madam President. It is still afternoon, it feels longer than that, but it's good to see you, good to be back I think. Madam

President, I rise to remark on the bill before us and as everyone knows, the bill considers several areas relating to the operations and regulations of the two utilities in the State of Connecticut. I'll speak on a few aspects of that which have the potential, in my opinion, to negatively impact my constituents as well as those of the members of the circle.

I believe it is the intention of the proponents to hold the companies accountable if they don't meet the standards of restoration of power and I strongly support that objective. If the companies don't perform, penalize them. Penalize them severely. However, the language of the bill before us, and the language is all we have to consider, not the intention or the desire or the hope, the language establishes a framework that could result in consequences far different than the proponents may have intended. I'm gonna focus my remarks primarily on sections 10, 11, and 12.

Madam President, in sections 10 and 11, they include language that gives the public and lawmakers the belief that cost or in this case, penalties incurred by the utilities, shall not be recoverable. The language in the bill is definitive. However, the US Supreme Court and in fact, the Connecticut Supreme Court and a number of other lower courts across the country have language that is equally definitive and it says otherwise. It is clear that if the companies perform to their obligations as established by the regulatory agencies, they have the opportunity to recover irrespective of any language in this bill before us today. The companies will ramp up to whatever standard is expected of them or whatever standard they believe

is expected of them. Ninety-six hours is the standard in the bill. That's what they'll ramp up to. It has no connection to the level of storm. It could be a level 5 storm, it could be a level 1 storm, 96 hours, and they will do their utmost to prepare for that to avoid being penalized for a percent of their revenue. To avoid having to pay \$25 dollars for every customer that is out beyond 96 hours. To avoid having to pay for customers' medicine and food. They will do that. The difference is, they will, unlike what this bill would have us believe, they will have the opportunity to recover and I believe they will get recovery. That means that ratepayers will bear those costs. Ratepayers will bear those costs. Not just the penalties. Not just the cost of food, medicine, and the number of days, \$25 dollars a day, which will be in the millions, hundreds of millions, but also the ramping up costs that they will do to avoid those penalties, which will be significant. It will make the impact of Millstone look minor. That is what we are putting, what is before us today, what we will be voting on. The companies will do what is expected and they will recover.

The second issue is the cost to ratepayers to meet the 96-hour standard. It requires the utility to meet this standard irrespective of the level or severity of the storm. Now you've heard that there is some ability by the regulators to modify the 96 hours, but that is discretionary and it does not acknowledge the pressure that will likely be brought to bear by the public and, in fact, legislators on PURA to not lessen that standard. Legislators in this building historically have had a significant effect in letters and other communication in the consideration as they should on the authority, as

they should; however, that will lessen in all likelihood the ability of the language that provides for modification of the standard to be enacted and therefore, the cost of the ramp-up by the utilities to avoid these penalties, to meet the 96-hour standard will be subject to significantly increased costs to be borne by ratepayers and you don't have to believe me about this. The chairwoman of the authority just this past May, seven months ago in a report that she authored said the following: A review of the evidence reveals that both EDC's have sufficient levels of interlined local contract line resources to respond to common event level 5 storms. Staffing internal resources and by the way, Isaias was much greater than level 5, staffing internal resources for events more extreme than an event level 5 would require a significant investment in operating investment cost and would at least double the staffing and equipment levels for events that exceed the act threshold and by the way, the act threshold is 10 percent of an EDC's customer base that are without service for more than 76 hours, I'm sorry, more than 48 hours. A 96-hour threshold far exceeds that. It comes to about a level 4, a moderate sized level 4 storm so what has already been reported on and acknowledged by PURA is that to reach the level that we're talking about here that the companies will pursue, will result in at least a doubling of the staffing and equipment levels. A doubling of the staffing and equipment levels. And in fact, in that report, it's indicated that anything of that nature that the companies would want to pursue would have to come back to PURA for approval because of the likely impact on ratepayers.

The bill focuses exclusively on what I believe and common sense supports or I should say it should

focus on is the smartest use of ratepayer dollars and that's prevention. The most expeditious approach to get a customer's power back on is not having it go off in the first place. The equation is simple; power lines, trees and weather. You put those three together and you have what the state experienced with Isaias and the two storms in 2012 and many more in between. But the bill is essentially silent as it relates to tree maintenance. It's mentioned one time in the bill. We love our trees in Connecticut and we hate it when our power goes out. Those two facts lead us to considering the bill before us today. As an example, in 2017, 2.8 million Eversource customers lost power in 23 storms. Of those, 2.6 million outages or 92 percent of all the customer outages during that period were caused by trees impacting power lines; 92 percent. The bill essentially ignores that fact and says companies, we don't care what's causing it. We want you to restore the outages in less time. The companies can do that. They can meet the 96-hour requirement, but ratepayers are gonna pay for it and no language in the bill saying otherwise will hold that up. We can become Finland. We can underground. They have the capability to do that. The costs are enormous. It's sort of déjà vu because in 2012 after the two storms, we went through this same process and I believe that ever legislator then and the regulators that were in position then wanted what this bill seek to have happen, to reduce the number of outages, to repair the storms quicker. But I think they recognized, the regulators recognized when they got to work that the cost to achieve that would not be accepted by ratepayers. There's no magic here. There's no stardust here. Somebody pays and in my opinion, it won't be the companies. Energy issues

are, I'll just say one more thing on this and that is, there's currently a docket before PURA. It's just beginning but it addresses or seeks to address the efficacy of resiliency of the system since 2012. It's my hope that PURA before deciding on any standards in this bill, that it will take into consideration with findings and conclusions in that docket. If it's proven that the investments and further resiliency to avoid further outages, then certainly the standards in this bill are appropriate in terms of restoration after the fact. But if it's proven otherwise, I would hope that's where the emphasis is and the investments are. I think all of us, including constituents and other urban areas of the state who are not causing many of these outages, where there aren't anywhere near the number of trees, where there has been redundancy in place, that even those constituents of mine and others around the circle would be willing to pay increased cost for a system that will reduce outages further beyond where we are today. Resiliency investments since 2012 have already paid dividends in reducing the number of outages. We need to go forward, but this docket will tell us how much more we should do and I hope that PURA will make findings in that docket before establishing standards here. These issues are complex. It's why we establish the regulatory body that has the capacity to deal with these difficult issues in a deliberative forum. They're talented, highly experienced commissioners and highly talented and experienced staff. This body has every right to establish a framework, but including specific standards without the benefit of the personal, the personnel, the experience and the expertise can lead us to consequences that no one here desires.

Madam President, despite my grave concerns with the product before us, I intend to support the bill because it's my belief that if the authority has the ability, however, ambiguous it might be, to protect ratepayers as it seeks to comply with the provisions of this bill while giving consideration to the benefits of resiliency, and including a comprehensive look at a tree policy that can balance the desires of the residents of our state to keep what's really a positive aspect of our state, the bucolic nature that it is, I support that, but also recognizing if we want to have an outcome that's better than what we may have had, we have to make choices and there may be ways to do that which are smarter; there may not be, but asking ratepayers or asking legislators to vote for something that suggests it will not impact ratepayers, I do not believe is likely to be an outcome. Thank you, Madam President.

THE CHAIR:

Thank you, Senator Fonfara. Will you remark further? Good afternoon, Senator Sampson.

SENATOR SAMPSON (16TH):

Good afternoon, Madam President. I'm delighted to see you up there today and to be back in the Chamber today. I want to start by acknowledging the previous several speakers who spoke expertly on the subject matter before us, particularly Senator Fonfara and Senator Miner, who spoke at length about many of the same concerns that I have and I would venture a guess they probably know far more about the intricate details of our energy policy in Connecticut than I do. I've never served on the

Energy Committee personally, but like the people watching today and everyone in this room, I pay for electricity. I've got electric heat in my home and believe me, I pay very close attention when I get that bill each month, particularly in the winter when it approaches you know even \$1000 dollars on occasion.

This past summer has brought into clear view that we have specific concerns in regard to electricity and energy policy in our state, partially because of the tremendous storm that we had and the response which many people feel was less than desirable from our utility companies and that in conjunction with a large spike in electricity rates I think really has made this an important issue that we've genuinely got to address and I'm pleased by that. In fact, I would say that if any good has come out of those things, the public is angry enough to force us into action, to do something and to me, that's the way our government should work.

So I want to just give a little background to start with. Connecticut electric rates are some of the highest in the entire country and I guess what I want to do is break this down in a way that I would want to hear it if I was listening as a ratepayer at home and the questions are why? Why are my rates so high? Why did I not have my power restored in a timely manner? Who is responsible for those things and what is the legislature going to do about it? Those are the questions people want to know. So Connecticut has very high electricity rates and there's a number of reasons for it, but the number one reason I think is that we are part of the New England electric grid, which is very reliant on natural gas and the reason we're reliant on natural

gas is because of environmental policy over the years which restricts our use of other types of fuel like nuclear, coal and oil. And since we don't have any natural gas ourselves, we have to pipe that gas into Connecticut. So you can imagine that all by itself is going to contribute to having high electricity rates in Connecticut. But there are secondary effects of that also. At certain times of the year, particularly in the winter when there is a large demand for natural gas for heating purposes, this means that there's not enough natural gas to go around or to go to our electric generation facilities and of course, that raises the premium and we end up paying for it essentially twice.

I know there's a big concern also when I talk to my constituents when they receive their bills and they're looking on there and they see that there is a charge for delivery and then a charge for the supply and they are wondering why the delivery charge can be so high. So for information purposes, I would break it down and say number one, the delivery charge is high because it reflects all of the infrastructure that exists out there to get the electricity from where it's generated to your home or business and you can imagine what it costs to install telephone poles and run wires across the state. You might also say that our electricity providers, Eversource and UI, are certainly not suffering. You can look at their value as corporations and you can see that they are very profitable and some folks might want to go after that a source of retribution. You know, it's a funny thing because I keep hearing folks on one hand say that Eversource is a private company and on the other hand, it is a public utility. Both things are true and I've got a funny way of looking at it in I

guess I'm very much a free market oriented person and I don't like to tell companies or corporations how to run their business, but at the same time, if you decide you're going to do business with the government, you've got to take whatever comes with that territory and I think it's time for Eversource to start receiving some of the criticism and critical review that is contained in the bill before us.

I want to just say one other thing in their defense, which is that many of my colleagues especially in the House yesterday brought up the fact that many of the municipal electric companies seem to do a very good job and they do it for less money. They had a faster response during the storm and their electricity rates are lower and there's a lot of reasons for that, but the one reason I would really point out to say it's really unfair to criticize Eversource or UI in comparison to the town of Wallingford, for example, is that the town of Wallingford has many advantages that those companies do not and the number one advantage is that being a municipality, they do not pay property taxes on their equipment. You can imagine what Eversource pays in property taxes to the towns that they locate their facilities in and vehicles and so forth as well as the items that they need to make repairs, whereas the towns can stockpile materials and repair items at will without any concern over the property taxes. And the other thing is that Eversource is responsible basically everything everywhere. They have situations where they've got to run ten miles of poles and wire to get to one customer, which is really not the case in some of the smaller towns where they're kind of a defined location. That being said, I think that there is a significant

difference in the cost of electricity between the town of Wallingford say and someone who's an Eversource customer one town over in Meriden or Cheshire, and that's not realistic and it shouldn't be that way. So we've got to close that gap for some reason. The other thing I would say and I wish I knew a lot more about this. I didn't really even intend on speaking on this bill cause I'm not an energy expert, but I voted on a number of these bills over the years, and I felt like each time I did, I made the right choice and I feel even more like that today and we'll get into those bills in just a moment. But the thing I would say is that on the bill, between the delivery and the supply two portions, there's an expectation that consumers have that the supply part is for the actual electricity that is being generated and the delivery is what it cost to get to your home or business and I always thought that was completely and utterly true but it turns out, it's not. There are a great many things that are showing up in that delivery side of the column which I think really belong on the other side. Now, I don't know what the answer is to that and I know that we're here in special session and that this bill really did not have the proper you know process and timeline necessary to generate a complete energy policy, but I'm hopeful that sometime when we come back, we really address this issue because I believe consumers deserve to know where those charges are coming from and I have a concern that many, the reason why many generation charges are showing up on the delivery side is really on purpose. The simple answer that I received was that when we go out to purchase certain types of renewable energy, we don't actually get that renewable energy and then sell it to the consumer at the same time as an electricity

provider. It has to be sold back to the market first and because of that, it ends up on the delivery side and not the supply side. Well to me, that's energy that's being purchased and it belongs on the supply side. I wonder why it's gotten so out of hand in the way we look at the bill that it doesn't identify what those charges are for the consumer. I think that's wrong and something that has to be addressed.

There's a lot of other things that are driving up that delivery charge also. There's energy efficiency and weatherization programs that are being paid for in those amounts. There are the costs of covering customers that are low income or for whatever reason they can't afford to keep their energy flowing in the winter months. The rest of us pay for that by you know paying more in that delivery charge. There's the Green Bank and there are procurements of offshore wind and solar farm energy sources. All of that ends up in the bill in some way. All of these things combine to give Connecticut some of the highest energy rates in the whole country, not to mention the costs to maintain and you know upgrade the transmission lines that we were speaking about earlier and of course, that maintenance is critical. I asked someone how much of that bill really goes to maintaining the infrastructure necessary to deliver electricity and I was told that it counts for between 40 to 50 percent of the total cost of electric service across both portions of the bill. And as Senator Fonfara said, I don't know how we can overcome that because trees are gonna continue to grow and it is generally speaking very cost prohibitive to bury electricity lines for any sort of distance.

I guess we'll move on to you know those are the reasons why the electricity costs so much, but who's responsible and I think we can lay some of the blame at the feet of the energy companies that are making a pretty penny on the backs of consumers in Connecticut. But I wouldn't put the majority of the blame there. I would say it's more of a 75/25 and I would give them the 25 percent blame and I would blame the Connecticut General Assembly for the other 75 percent. And the reason why is that over the last ten years that I've been here, we have passed a great many bills that have contributed to the cost of electricity. I'm not gonna go into great detail about all of them, but if you're the kind of person that wants to do some research and you want to find out exactly what policy is in Connecticut and how it's driving up the cost of electricity, I would refer to the following bills.

The very first one would be Public Act 11-80. This was a bill that essentially reframed who was responsible for oversight of electricity delivery companies in Connecticut. You may have heard of PURA which is the Public Utilities Regulatory Authority which is who does it today, but they do it almost as a bureaucratic body and not a body that has significant power to make decisions because they essentially respond to another state agency which is the Department of Energy and Environmental Protection in the state and before 2011, they had a lot more autonomy and a lot more staff able to really look out for energy consumers and I would suggest that's something we might want to revisit in the future.

There's Public Act 15-303 which expanded the amount of solar and wind purchases that we require

Eversource and UI to make part of their portfolio, and obviously these sources of energy cost a lot more than gas or even cheaper types of energy. There is Public Act 15-107 which was the creation of a lot of energy efficiency projects and the creation of some of the additional fees and charges that each of us see on our bill, one of the things I wanted to talk about, but I cut from my remarks today because I don't want to go too long was the issue of the combined public benefit charge I think it's called and it's a series of fees and programs that exist as a line item on our electric bills.

Public Act 15-194, Public Act 17-3, and the most recent one, which is Public Act 18-50, which was an act concerning Connecticut's energy future and I think that's the most recent example of a major energy policy revision done in the State of Connecticut. And if you want to take a look at that and simply just look it up on the Connecticut General Assembly website, and note that the very first paragraph of the summary says number one, annually increases the state's renewable portfolio standard starting in 2020 until it reaches 40 percent in 2030. This is the number one reason why electricity rates cost what they do in Connecticut in my mind. And I would just say that I completely agree that we need to be on a path towards cleaner more renewable energy. I think every person agrees with that. The question is how fast should we be on this path? We need to protect our environment, we need to be forward thinking about clean and renewable energy, but we need to do it on a schedule that is affordable and achievable and my issue with that bill when it passes, I don't know that it is even achievable today, two years after that, to get to 40 percent renewable energy by 2030. And the sad

part is that most of the people in this body, the Senate and House of the Connecticut legislature, the bill passed overwhelmingly and I'm afraid a lot of people in here knew that; that it's not even achievable at this point. We need to be a little more thoughtful when we pass policy like that, to recognize what we can actually get to and the damage that we might be doing along the way when we make decisions by simply pressing a red or green button.

I think the House did a really good job going over this bill last night. They covered the most important factor which affects each of us in our vote today which is are you sure this isn't really gonna raise rates because the word on the street is that even though this bill is designed to hold Eversource accountable, take our grid back, there's a concern that some of the provisions in the bill will raise rates and that was my concern also and I'm not gonna bother asking the good chairman of the Energy Committee the same question again because I've heard it asked and answered no less than 20 times now. The bill says no. The bill says that anything that is going to generate additional costs has gotta come out of Eversource and UI's end and not out of the pocket of the consumers. Now, I want to believe that and I'm gonna have to today cause I've no choice. I can only vote on the language that's before me and because I do think that the bill is a good step forward. I think the bill does do the one critical thing that's been missing in recent years and that is it creates identifiable and strict performance standards on those electricity providers so we can measure their performance, and I'm gonna support it largely because of that reason and because I do think that we are setting up a framework that we can come back and do a much better

job. If I have a complaint about this bill, it's that it does tackle the storm response in a big way, but it fails on the other issue which is what about electricity rates? A large portion of my district are senior citizens on fixed incomes. They cannot afford to pay any more for electricity. They can't and this past year has been brutal on the citizens of this state. A lot of people are struggling and we've gotta do everything in our power. We really do to make sure that we make Connecticut a more affordable and attractive place for people to live, to work, to start and run a business and to retire also.

I'll just leave you with my couple of recommendations which are when we come for special session next year, let's look at what our renewable energy portfolio requirements are. I don't say we back off on trying to do things for a cleaner environment, but let's try and look at it in a way that we are being respectful of what we can actually accomplish and what we can do with our pocketbook as a state and with respect to the consumers that are actually paying for the electricity. And the other thing I would suggest doing is giving PURA a little more autonomy to do their job so that they can really be responsible and responsive in a way that they were designed to be and with that, Medrol Dosepak, I will return to the microphone to the stand and suggest that my colleagues do support this bill.

THE CHAIR:

Thank you, Senator Sampson. Will you remark further on the legislation before us? Good afternoon, Senator Slap.

SENATOR SLAP (5th):

Good afternoon, Madam Chair, good to see you. I rise in support of the bill and I'm gonna make some relatively brief remarks. I do want to start by commending Senator Needleman and Senator Formica for, and of course the Chair and the ranking member in the House as well for their bipartisan work on this. I do think very often that the product, the legislative product is better when we work together and when we reach across the aisle to try to find consensus and I think this is a good example of that.

Energy prices are really important to the State of Connecticut, right? That's a pretty simple thing to say, but it can't be overstated. We hear often the high price, the cost of doing business in the State of Connecticut for small businesses, for large corporations, and for consumers of course that in many cases we need to work together to make Connecticut a more affordable state to live and certainly utility costs play a really important role. And that's why I'm compelled to stand up here today to say a few words in my support of the bill.

The storm this summer revealed not only to me, but I believe to many of us in the circle and certainly to our constituents that the current system is broken. And if we look specifically at Eversource which provides in terms of distribution a large amount of energy, of electricity to the State of Connecticut, I think it's a perfect example. It is a for-profit corporation, but still a public utility. It's a monopoly not located in the State of Connecticut, and let's look at Eversource over the past ten

years. Executive pay has increased from an average of around \$2 million dollars to about \$7 million dollars. In the last couple of years, stock prices soaring, I believe up 37 percent so shareholders are doing great. Hedge funds are getting in on the action now so over the last few years, the number of hedge funds who are investing in Eversource has doubled.

So if you're invested in Eversource or if you're an executive at Eversource, times are really good. If you are a consumer, if you are a ratepayer, it's a very different story. We see prices steadily increasing, we see service declining, the number of linesmen in recent years has gone from around 700 to I believe about 500. So if there's one I think example to show, to reveal how broken it is, it's when Eversource reported to the SEC recently and said that the storm would not have a material impact on their profits. And I thought wow, that must be nice. And try telling that to our constituents who have been suffering for months now, many of them furloughed and laid off and losing money because of the pandemic, trapped in their house, relying on electricity to work and to live, and then a storm comes and they're out of power for many, many days and they're throwing out hundreds of dollars of groceries. They look across the border to New York State. Con Edison is giving a rebate. Not in Connecticut. Again, ratepayers and consumers are suffering, but if you're an executive, if you're a hedge fund, if you're a shareholder for Eversource, you're doing really well. And that stinks. That's not fair and it's our job to represent our constituents and I'm sure I am no different than other people around this circle who have hundreds of emails from their constituents this past summer.

Mark from West Hartford says we're sick and tired of big corporations getting all the breaks and high compensation and we have to pick it up. We have to pay the tab. Michael from West Hartford says Eversource is like a power company that acts like a financial service company. Bernie from West Hartford wrote, I want compensation for my lost groceries and finally, Gary from Burlington told me, we the ratepayers feel helpless. That's what this bill addresses. We need to give them a stronger voice and I do believe that this is going to help by doing that, giving them a stronger voice and helping to keep a lid on cost which is so critical for our economy so once again, I do want to thank both Senator Needleman, Senator Formica here in the circle for working together, reaching across party lines to come up with a good piece of legislation that should be the beginning, not the end of the reforms that we need to make. So thank you very much, Madam Chair.

SENATOR CHAMPAGNE (35TH): Thank you, Senator Slap. Will you remark further on the bill? Will you remark further on the bill? If not, Senator Duff.

SENATOR DUFF (25TH): Thank you, Madam President. I believe we do have some more Senators who want to speak on the bill and why don't we just stand at ease while we make our changes. Thank you.

THE CHAIR:

The Senate will stand at ease. The Senate will come back to order and the chair recognizes Senator Anwar.

SENATOR ANWAR (3RD): Thank you, Mr. President. Thank you so much for allowing me to speak here today and I stand in support of taking back our grid act. I wanted to first thank the people who've been making sure that this place is safe and clean after each and every individual who speaks so we appreciate your work, and I also wanted to thank Senator Needleman for his strong work. The last many weeks he's been working nonstop to try and make the best bill to address the challenges that we as a state recently faced. The challenges were multifold and the people who are listening to my speaking r now, I would ask them to look at an exhibit that is in their homes; that is their electricity bill. And that will exhibit will show us that is compared to the last year, and there is a significant increase, but that increase is also in the distribution. If you look at the numbers that have been, the trajectory that we are seeing, this is not sustainable for individuals in their home budgets and this is not sustainable for our state and that's why this bill becomes very important. So in the broader spectrum, what I want to talk about is that when you have a public utility, the public utility's responsibility is to make sure that the utility is providing the power in this particular case, but of course this bill looks at far more than that and when you're providing the power and electricity at this time, there is public support for it which is built in because of this state that is allowing them to be able to do that and the regulatory agencies have had a responsibility to take care of it. This bill is enhancing the capacity of the regulatory agencies to regulate this and reduce the risk of the abuse that we have recently seen. And I think we have to empower our regulatory agencies and give them the guidelines that are going to allow them to

be able to oversee and make sure that what we have seen in the recent past does not happen.

So, Mr. President, this bill is very important from that perspective and I think it's important that we, and I would urge my colleagues to support this bill as well. But I do want to make one more observation at this time. I think what has happened recently is when a public utility is publicly traded, what they end up doing is they actually make the public part of the trading and the stock prices and the stockholders as their priority, and when the stockholders are their priority, the public utility is not making us the people in the State of Connecticut as their priority, and I think that's a fundamental issue that we will have to address. This bill is movement in the right direction. This is going to help us. This is going to make sure that the unchecked power that we have for the public utility will be checked through PURA and giving it the capacity to be able to check that. This is going to give us some power as the people. Having said that, the ultimate solution in my mind would be to make sure that public utilities are not publicly traded so their commitment is to the public in general and not to the stockholders and I think that's something that we will have to talk about if this does not solve the problems. With that, I again would urge all my colleagues to support this bill. This is a step in the right direction. This is going to help our communities. This is going to try to have some checks and balances on the unchecked power that we have seen with Eversource in the recent past and again, what they have done with their workforce, their line workers, they have reduced the number of line workers and stacked up their administration and paid them such higher

prices that is actually leading for the impact to the, our people who are paying the bills for the distribution and beyond. Thank you again, Madam President, for the opportunity. Thank you.

THE CHAIR:

Thank you, Senator Anwar. Will you remark further on the legislation that is before the Chamber? And we will stand at ease while we have the next speaker. Will you remark further on the legislation that is before us? Good evening, Senator Abrams, good afternoon. We're right on the cusp there.

SENATOR ABRAMS (13TH):

Thank you very much, Madam President. It's nice to see you today.

THE CHAIR:

Nice to see you as well.

SENATOR ABRAMS (13TH):

I stand in strong support of this bill. I think one of the first things I heard about when running for office was peoples' dissatisfaction with public utilities, particularly with Eversource and they were concerned about the rates they were paying and whether or not they were getting their money's worth. So actually in 2019, I introduced some legislation to the Energy Committee to try to look at alternative ways of finding energy sources and although that legislation didn't go forward, it opened a conversation between myself and my colleague, Senator Needleman, and this is the

culmination of all of that. People have reached out to us. They've said what they are dissatisfied with and I'm so very proud of my colleague and his team in putting together this legislation. I very much appreciate how collegial it was, how much everyone was listening to feedback so that we could let what people wanted be known and be addressed through this bill.

I think the storm that happened was just the straw that broke the camel's back. We had people who were going through a pandemic and because of that, had been keeping their grocery shopping to a minimum and stocking up, keeping their freezers packed with food, getting extra supplies of medicine, all of those things because they didn't know what was gonna happen due to the pandemic. Then we get this storm. Then there's no communication. They don't know. Do I take these things and bring them to my friend's house who does have electricity? Do I wait? How long is this going to take and there were no answers. People were reaching out to everyone. All of us I know were flooded with constituents calling with local elected officials calling, wondering what was happening, how this was going to get taken care of.

We already knew that there were issues in terms of workers and the workforce that was happening in Eversource. We already knew that there were issues when it came to rate hikes and what I really applaud is the ability that this group of people took to really look at those issues and find the best way to address them at this time. It does not mean that this is done. It does not mean that everything was addressed, but I've heard my colleagues already speak about the fact that this has been an ongoing

issue and to my knowledge, this is our first time of being able to get together, come together and make real change and I am so very proud to be a part of that. I think that's what we get elected to do, to listen to our constituents and to respond to their concerns and to work together to make change and so I thank you very much for all of your hard work. I thank you for being so inclusive in coming together and dealing with these issues, and I'm very proud to cast my vote in support of this bill. Thank you very much.

THE CHAIR:

Thank you, Senator Abrams. Will you remark further on the legislation that is before us? Good afternoon, Senator Haskell.

SENATOR HASKELL (26TH):

Good afternoon, Madam President. Good to see you today. I just wanted to rise and thank my colleague, Senator Needleman, for his incredible work in the wake of this tropical storm to craft legislation that is endlessly nuanced and certainly far from inevitable. I think he has done the impossible today in bringing us all together to pass this bill so thank you, Senator Needleman. You know, it's become abundantly clear to me and of course to so many of my constituents more importantly that our grid in Connecticut is neither affordable nor reliable. In the wake of the tropical storm, it just couldn't be more clear that Eversource has prioritized corporate bonuses instead of grid hardening and storm preparedness so I'm just so proud that this legislation is going to allow a regulatory authority to do its job to financially

incentivize our supposed public utilities to actually be held accountable to the public. And without meeting certain thresholds of power restoration and customer service, it's my hope that any future rate hike request will be summarily denied.

Madam President, I had the pleasure, not pleasure actually, I had the responsibility and unique perspective of representing the district in southwestern Connecticut that was among the hardest hit by this storm. Many of constituents were without power for ten days or more. Among the calls that my staff and I received, I will not easily forget the seniors who were at risk of overheating, the asthma patients who were having difficulty breathing, the constituents who saw their sewage pipes back up into their homes and when I went door to door and I checked in on neighbors, I met constituents who needed to charge their wheelchair or their oxygen machine, but they were left powerless. Many families I met couldn't afford to throw out the hundreds of dollars of spoiled food or medication that was in their refrigerator. Time and time again my constituents came to me and said that they could justify paying more for electricity if they saw some return on that investment. Yet in the days after the storm, our energy monopoly failed to deliver for Connecticut. Look, I don't blame Eversource for the weather. We live in New England and storms happen, but a company that makes billions in profits off of serving our community should be prepared for a problem that announced itself five days in advance in the southern Caribbean. It's our job in this Chamber to demand better. My constituents have exactly one choice as to who they buy electricity from. That's why we rely on PURA to

impose strict regulations and demand that public interest come before corporate bonuses. I'm so proud that that's what we're doing today and I look forward to supporting this bill. I urge my colleagues to do the same.

THE CHAIR:

Thank you, Senator Haskell. Will you remark further on the bill that is before the Chamber? Good afternoon, Senator Leone.

SENATOR LEONE (27TH):

Good afternoon, Madam President. It's a pleasure to see you up there once again and thank you for giving me the opportunity to speak today, and to my colleagues in the Chamber. You know, we're here today to pass many types of legislation very important to the State of Connecticut, but when it comes to this particular legislation regarding our electricity, the delivery of service for our public utilities. You know the question becomes why are we here? Why are we doing this bill here today? And it's really simple in a sense. There have been emergencies in the past on how the public utilities have responded and you can go back all the way to Super Storm Sandy when it was really, really tested and the similar occurrences occurred where a storm that was telegraphed in advance and the industry was just not prepared. It was overwhelmed to the response that was necessary. Back then, even then the response by the public, they were upset that they didn't have the response that they thought and what they deserved. But the utilities and us, we had the discussion. We figured okay, it was a one-time event. Emergency preparations were put into

place so that it wouldn't occur again and we thought that that would be a measure of success going forward into the future to keep the current system working. But then just recently, the recent Hurricane Isaias came forward, again telegraphed days in advance. It wasn't something unforeseen. It was coming. It was being predicted that it was something to take seriously and to prepare yourselves and everyone knew that you may lose power, but not to the extent that it occurred. And then not just a response on how the utilities responded because they just were caught off guard, but their public response to questions that were being asked were not being answered by the officials whose very job was to do just that. Not to the satisfaction of the public and certainly not to the satisfaction of elected officials who were hearing from their constituents that this was too much, too extreme, and with no end in sight as to when their power was gonna be restored, what could be done, what should be done. That is the reason why we're here today and to try and figure out to correct a solution that was implemented 20 years ago when we were told deregulating the industry would lower rates. Competition by other groups and other players would come in and lower rates in the long-term. That just simply hasn't happened. It hasn't happened. The rates have not gone down. If anything, they've gone up. And even before the storm, a utility bill came in almost to a person, their rates doubled in one month because of the distribution changes that occurred seemingly out of the blue. Now, there may be reasons for that, but it was not communicated and it could have been communicated. So you take a person whose electric bill was, I don't know, \$150, \$250 dollars and all of a sudden, the very next month it's \$500 dollars

or more in the middle of a pandemic, in the middle of a crisis where people have lost their jobs. They don't have any money coming in, they can't pay their rent, they're being foreclosed. The list is endless and if you're a small business where your bill was \$2000 or \$3000 dollars and all of a sudden it's \$7000 or \$8000 dollars and again, you don't have people visiting your establishment and your business is about to go under, the calls to the state and to the legislators and to the Governor's office and to everybody was what are we gonna do about it? That is the reason why we're here today is to try and figure out how to improve the system. How to make sure that a public utility that should serve the public interest is not served by a private entity for the welfare and benefit of their shareholders. So that dichotomy needs to change. Can we do this in one piece of legislation? Most likely not, but is it a step in the right direction to put in some simple control, some simple oversight, tighter oversight to do just that and to work on this problem in each coming successive session until we actually get it right? In my mind, the answer is yes and I have to give a lot of congratulatory efforts to the chairman, Senator Needleman, the ranking member, Senator Formica, for taking, and the members in the House as well, for taking on this bill that is highly technical. Both have come to that position of leadership in a very short timeframe and had to understand and decipher something that's very technical, very arcane, very complicated given the dynamics, and have to come up with a proposal that we could all live with and hope that it's the right thing to do. And the fact that we've been able to do this bipartisanly, to do this in steps that move us forward for the benefit of the public, not for the benefit of the private entities

that run this utility that are not from this state, that do not have a connection to our community or the very people that live and need this service in order to survive, that dynamic has to change. That is the reason why we're here. This is not -- we're not here by choice. We are here because we must act. We are here because our constituents demanded it of us to be here to act. That is the reason why this legislation is before us. That is the reason why we must support it. That is the reason why we have to work toward improving it in the next session, in the subsequent session, to take back the grid, to take back this public utility and provide it back to the public service where it demands. So I wholeheartedly support the efforts that we're here today. I thank you, Madam President for indulging me and offering my words of support to the chairs who have done a stellar job in putting this piece of legislation together and most importantly, the job is not complete. It is not done. We still have work to do on this, but this is a step in the right direction and I would say my final comment, my final comment on this, I had heard that people were fearful that whatever we do, even if it's unintended, might drive up the cost and that should caution us. Well my response to that is, the costs have been rising for 20 years. They have not declined so to think that they're not gonna rise again if we do nothing is just simply untrue so again, we are here because we must act. We have to try and reign in those costs because we cannot continue to double those costs to our constituents or the small and medium and large businesses that have to pay those bills because quite simply, they won't be able to afford to do that and what then? That's a question I don't want to have to answer in the future. Thank you, Madam President.

THE CHAIR:

Thank you, Senator Leone. Good evening, Senator Lesser.

SENATOR LESSER (9TH):

Good evening, Madam President and good to see you. Is it evening already?

THE CHAIR:

We're on the cusp.

SENATOR LESSER (9TH):

Okay.

THE CHAIR:

I've decided after 5:00 is evening.

SENATOR LESSER (9TH):

Well, you would have the power to make it so. Madam President, I rise in support of this legislation and first of all, I want to thank Senator Needleman for his extraordinary leadership on this issue as well as the supported engagement of the ranking member, Senator Formica. You know this bill is called the take back the grid act, but what I hope that it is, is more than just taking back the grid. We're taking back energy policy making. For too long, at least since the deregulation passed in the 1990's, energy policy in this state has been dominated by special interests and we can see that. We can see

that in our electric rates, we can see that in the service that we receive. You can see that or hear that from any constituent in this state just simply by talking to them, by listening to them. For too long, electric rates have been a millstone around the neck of Connecticut families, Connecticut businesses, the entire Connecticut economy. And Madam President, that was true before the pandemic, but it's sure true now during the pandemic at a time when we're facing challenges we've never faced before. Year after year after year, I heard my friend, Senator Sampson, we don't agree on a whole lot, but we did agree on this which is for years and years there has been legislation written that has had the effect of enriching a few special interests at the expense of the public interest. My hope is that the legislation here today starts us down the path of reversing that trend in a way that will provide real relief to ratepayers at a time, and also make sure that we never have to go through another period like what we experienced this summer with a prolonged power outage because that simply is not acceptable.

Madam President, I've heard firsthand from constituents in my district. I've heard from seniors with major medical issues, Senator Haskell referenced them earlier, who were trying to figure out when can we get our power restored and could not get an answer. Then I would call the power company and try to get an answer and I couldn't get an answer, but I also heard from one of the largest employers in the state, a major manufacturer producing world class aerospace equipment. They had the same question; when can we get the power restored? That, Madam President, is not acceptable.

This bill does a lot of things that will help improve storm response, make sure that we've got adequate staffing, make sure that we're doing what we can to harden the grid including what Europe did decades ago looking at undergrounding power lines in certain areas. But it also gives additional tools to PURA, our state regulators, to hold the line on proposed rate increases. I think that is incredibly important. I gotta give a lot of credit to Senator Needleman and Representative Arconti for pushing those.

There are some parts of this, the bill, that I have questions about. I don't know how effective performance rates will be. I hope they are effective, but we're gonna have to watch and see and we'll learn quickly whether that way of setting rates is effective. We've got a lot of work to do, to rebalance our policymaking, to put the ratepayers first. Ratepayers, our families, businesses, everyone in this state relies and needs electricity. You know, I do think one of the benefits of this bill is it holds Eversource and it holds UI accountable for their rates and their service and for sure, over the last few years, their stock price of Eversource has tripled. CEO pay has climbed, but I was just talking to a frontline Eversource worker this morning, one of my constituents who told me that since he was hired, the number of frontline line workers has dropped precipitously. And yes, they've made up some of that difference by contracting out the work, oftentimes to people who are out of state, but when those out of state guys come in during a storm, they don't know where anything is in the grid. They can't find their way around the grid. Setting minimum staffing levels

will help solve that problem, help reverse that decline and I think that is really important.

But while Eversource has made a lot of mistakes, they are by no means the only bad actor in the energy sphere and we have to make sure that we're holding all of the other players accountable too. The generators, the gas plants, the nuclear plants, all of these guys because as they get the special interest bills through, we've seen our rates rise and rise and rise and Madam President, the people of Connecticut can't afford it. Thank you.

THE CHAIR:

Senator Lesser, thank you so much. Will you remark further on the bill? I do believe that Senator McCrory is next and good evening to you, sir.

SENATOR MCCRORY (2ND):

Thank you. Good evening, Madam President.

THE CHAIR:

Good evening.

SENATOR MCCRORY (2ND):

I just have a couple of comments. Listening to my colleagues talk about this very important piece of legislation, first of all I want to thank Senator Needleman and the ranking member for bringing this legislation out. Very, very important, great job working bipartisanly, but as I'm listening to the conversation, a couple of things stood out to me. One was rates and I will say this and not in a

joking manner, I have never seen a rate down, never seen a rate decrease and one thing that concerns me is the fact that in July, PURA or Eversource had the opportunity to raise their rates right in the middle of a storm and everyone went bonkers. It was ridiculous. People were upset right in the middle of a pandemic and all of a sudden our rates went up and it was put off. Mind you, that rate increase was just put off. Doesn't mean it's not coming back. It was just put off and like I said, I haven't seen a rate go down, but I have seen enough rates go up. What we're trying to do here is bring some balance to this industry. I understand that, but I am afraid that our rates as Connecticut taxpayers will continue to rise and as they continue to rise, there are gonna be populations in this state that cannot afford, cannot afford these utility rates. In the industry it says that no more than 6 percent of anyone's income should not have to go towards paying utility rates and I know in my community, in parts of my community that we're already budging up against that right now. We have senior citizens that are on fixed incomes that barely can afford this. We have a number of low-income individuals that can barely afford where we are now so what concerns me is the fact that if we don't get this right and we have to come back again to adjust it, we're gonna lose a whole lot of people and they're gonna be a lot of unfortunate situations.

And I'll say this in regard to the storm. Yes, I had the same concerns as everyone else. People said their power wasn't on in 72 hours or 96 hours, that was a concern, yes. Not as much as the other concern that I received from people, my constituents and their concern was this. They said hey McCrory,

how come when everyone comes out here to fix these power lines, no one from my community is working? I don't see anyone from my community that's working on these power lines. It sounds like we pay our rates, we pay our cost for this, but we can't get employment and that's become a little problematic for me. I didn't quite get what they were saying cause this is a large company, I'm sure there's diversity in this company, but then I did some research and I was not happy with what I came up with. As a matter of fact, I was very disappointed. And what I started doing was every time I saw an Eversource truck in my community, I looked at the demographics of the people that was working for the corporation and by, low and behold, my constituents were right. Not all the time, but most of the time they were absolutely right so when we start talking about staffing levels, we're gonna require them to be at certain staffing levels, I want those staffing levels reflect Connecticut. I want to see programs in place so we will start educating individuals from all over Connecticut so they have an opportunity to work for Eversource or UI. That's what I want to see. That's what my constituents wanna see. Someone used the term, I think it was Senator Needleman, he wants people to live and work in those communities. I like that phrase. Individuals who live and work in those communities. I like that.

This is an opportunity for us in Connecticut, to do things differently. To do things not the way we traditionally did things, but do things for the 21st century and everything I do from this point on, I told this to some of my colleagues, I'm gonna look at everything through a social justice lens and this is another opportunity where we can put a social justice lens because all of us are in this together,

whether rates go up or stay where they are. We're all in this together and if we're all gonna be in this together, we all should get an opportunity to work together so I would suggest, I would encourage when we look at these staffing levels, we be intentional about that. We be intentional about what we want our people who are working for these companies. We want to be intentional about giving people opportunity. We want to be intentional about training. We want to be intentional about being sure more than 6 percent of someone's income doesn't go to utilities. So that's what I wanna see happen as we move forward. If we have to do something in the next session, then so be it. But that's my goal and again, I want to thank everyone that worked on this cause I know everyone means well. I know everyone means well. We want to do this for everybody in the State of Connecticut and in some cases, we put ourselves in this situation a few years ago, but now we've got an opportunity to get ourselves out of it and when we do come out of it, I want everybody to come out of it with smiles on their faces and opportunities in their back packet. Thank you, Madam President.

THE CHAIR:

Thank you, Senator McCrory. Will you remark further on the bill? And I do see Senator Kushner back there.

SENATOR DUFF (25TH):

Madam President, will the Senate stand at ease for a moment?

THE CHAIR:

The Senate will indeed stand at ease. Good evening, Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Madam President, and thank you for giving me this opportunity to address the Chamber. I want to thank our Chairman, Senator Needleman and our ranking member, Senator Formica, for all the work that you put in to bring us to this point where we can begin to address some terrible problems that befell our state and I have to say that I know you've heard from a lot of people today but it's really important to remember what happened to the people of Connecticut during that storm.

Now, I live in Danbury, Connecticut, a town that was hit very hard by the storm. I represent Sherman, Connecticut, a town that lost 90 percent of its power. I was in New Fairfield right after the storm and there were three poles on fire and they couldn't get it addressed by Eversource, and I also represent a part of Bethel which you probably know was the last town in Connecticut to get fully restored. So this hit us hard. And some of the people are saying well why are we doing this now? Why aren't we waiting until January? And I want to tell you how important it is that you brought this to us now because I can already feel what would happen in January. The building would be swarming with lobbyists. The process would be slowed down. People would forget how devastating this storm was to so many families and being here today is responding to the need. Being here and taking this step is saying that we hear from our constituents and we're gonna address the problems that they felt.

Now, some of us have generators. I had a generator. You know, I lost a lot of trees, I had massive devastation on my property, but I had a generator. But I know people who lost medication that cost hundreds of dollars. I know families that had stocked their refrigerators and freezers full to save money and then ended up losing all of that. I know people that were extremely distressed that they weren't gonna have the lifesaving measures that they might need because their street was still blocked days after days after days. People on ventilators, people who had equipment in their home that wasn't running and it was really devastating, and I talked to first selectman, I talked to our mayor, and they couldn't through to Eversource. And they told me that in other storms, that those problems hadn't existed, that they did have good communication, but in this storm the liaisons were nonexistent or they had no power to make decisions to make changes. So there is so much that we need to do.

To me, the timing of this storm was particularly brutal because as you all know, it came just weeks after the storm of calls and pleas that we got about the rate hikes and so the combination of a devastating storm and rate hikes that were crushing people really brought to the forefront how important it is that we look at how do we address the energy needs in our state. Now, I know these problems are not easy to solve. You know, this is not my specialty area, but I know what my job is. My job is to be here and represent the people of my district and to make it clear to you that we are with you on this bill. To make it clear to you that we've heard this is a first step and it's an important first step and we appreciate that. We're

here to support here. We're here to say to you what you need to do next session is to take this even further. People need to have recourse. I think that the way this bill is structured is really right on because you started talking about how rates are established and that is bottom line. If we're going to have high energy rates, which we've all suffered for a long time, then we have to have the very best energy resource here and we haven't had that. That has just, the performance of this company has just escaped us and so for me, I feel very honored to be here. I want to thank you for all the work you put into this bill. I want to encourage you to continue this good work so that we take it even farther because the people of Connecticut really deserve good energy, energy they can count on, and a company that is responsible to them, not just to the shareholders.

So I really appreciate everything you did here today and I look forward to voting for this bill shortly. Thank you.

THE CHAIR:

Thank you, Senator Kushner. Will you remark further on the bill? Senator Needleman.

SENATOR NEEDLEMAN (33RD):

Thank you, Madam President. I rise to thank all my colleagues for their support, some that have had suggestions and concerns. I don't discount any of them. I do want to make sure that I thank one more person that's not in the room and that is Governor Lamont. I think he has had made some excellent hiring decisions, one of which is the new

chairperson of PURA. To me, her expertise, her knowledge, her common sense approach to solving problems has been indispensable. I understand that how things were done in the past may have led people to believe that this could all lead to rate increases. I don't believe that. I believe that the way we're structuring the legislation and providing a framework for when the 96 hours will hold will eliminate that possibility. I also -- so I think the Governor has made some excellent choices. Commissioner Dykes is another person who has forgotten more about energy policy than I'm likely to ever know and so the state has people here that hopefully will move us forward to have more reliability, better price structure, more conscious attempt to not hurt ratepayers and not disproportionately hurt ratepayers. Senator McCrory's comments about making sure that the utilities do have hiring policies that reach out to all communities is part of what I felt was important as we are reporting to Senator's Osten's comments about training programs. We need to do that everywhere in the state and we need to encourage all people to be willing to reach out for these kinds of jobs. These are hard jobs, but they're excellent paying jobs for people who do them.

I also want to make a couple of quick comments. This was not done in a vacuum and my co-chair and I had multiple meetings with leadership of United Illuminating. Tony Marone and Jim Judge and his team came down. The second time they came to my office in Essex late at night for a rushed meeting. They knew how we felt. Their suggestions, some of them were a bit tone deaf, but they were at the table making suggestions and I think that's important because we can't do this, we can't

legislate this improvement on our own. We need to have them respond to us, but be willing partners in the process because they are the people who we have assigned, who have bought the electric company in Connecticut. I would say we should be thoughtful going forward, the regulators should be thoughtful. I am not sure that owning public utilities, the ownership of public utilities by large corporations that are owned by hedge funds, private equity funds and mutual funds should be located out of the State of Connecticut. You know, what we've heard is the smaller utilities, the municipal utilities have lower rates and better reliability. Things seem to be in communication with United Illuminating. The bigger, the further away, the worse the service and the worse the communication so I do believe we should be thoughtful about letting our resources in this state be acquired by other states because it's kind of a difficult thing to regulate a public utility that functions in multiple jurisdictions and that delivers multiple services in those jurisdictions. To me, it seems like it's a license to print money, but I do appreciate Mr. Judge and Mr. Marone for coming to visit.

I just want to address lastly, this bill now, to me, we would be tone deaf. Senator Formica understands that, my ranking member under -- ranking House member and my co-chair, we all understood that the ratepayers have been screaming that we need to do something and we need to do it now. This bill is the first start. It's just a first start. We want to move quickly, but deliberately, finding common solutions and making changes that make sense. I urge everyone to support the passage of this bill. Thank you, Madam President. I yield.

THE CHAIR:

Thank you, Senator Needleman. Will you remark further? Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President, and briefly, I'd like to rise just to say, ask my colleagues to support the measure that has been put forward to us by Senator Needleman, Senator Formica, Representative Arconti, and Representative Ferraro, who have done a really yeoman's work to bring forth a complicated bill to the legislature during this special session. I know they have worked very closely with the Governor's staff, with DEEP, with PURA to put forward the best bill that is the first step in what we view as multiple iterations to bring relief to the consumers in the State of Connecticut.

Madam President, I had the honor and distinction for two years of being the Senate Energy Chair. Prior to that, I was the vice-chair of the committee so I spent a lot of time on energy issues during most of my tenure here in the legislature, and I can say that it is complicated policy for sure and one that is not for the faint of heart. It requires people who want to dive into that to learn quickly on the nuances of energy legislation and after the Two Storm Panel, once that was put together by former Governor Malloy and we went to work to craft some legislation with that, we certainly thought that we had almost solved a problem that seemed too big and that we had finally made some strides with the energy companies to be more responsive and more accountable during these horrific storms that we now see more often. But unfortunately, it seems to be a

little bit of a game of Whack-a-Mole where we think we're solving the problem and yet, more problems exist and I think that's for a number of reasons.

First off, now that we have a multi-state corporation that serves ratepayers here in Connecticut that is also regulated to an extent by three different states, I think it is a difficult beast to slay from one state's perspective, that in order for us to see real reform, not only does the Connecticut legislature have to act, but the Connecticut regulatory body has to act and so do the other legislatures and regulatory bodies from the other two states, and we need to be rowing in the same direction. I don't know if we can pass that law here to have that kind of coordination, but I would certainly say on the record and on this floor that in order to see the change and not get kind of death by 1000 cuts, that we need to ensure that the three regulatory bodies are working simultaneously together in order to meet the energy needs of three states and that I think is going to be very important.

The other is, is that what I saw over this last storm is what I've seen in previous storms. The number one driver for frustration for ratepayers across the State of Connecticut has been the lack of communication from the company to the mayors, first select people, and legislators where the lights are out. We as legislators and also I would say chief elected officials in the communities end up being the defacto customer service for a public company that is making hundreds of millions of dollars a year. Why I need to sit at my iPad or my laptop for 14 hours a day, which I'm happy to do to convey information, but why I have to sit to try and needle

the company into a response as to where the crews are, how many we have, where are they going and not get information and because my constituents don't have that information, boggles my mind. I thought we had that problem solved long ago, but it seems like we did not and so I have urged the company to have better communication plans on the ground. When it came to how many make safe crews do we have in the city of Norwalk or the town of Darien, we didn't know in the beginning, where the crews are or where they're going. We didn't know and we never knew who was getting restored. We didn't know and when they were getting restored. Those answers were not even available. There was no guess. There was no estimate. We just, no micro-targeting of neighborhoods as to when people might get their power back on. That is extremely frustrating for people especially when some of them were out for five, six or seven days. Even one or two days is a lot, which you can understand in a big storm, some of this might be more complicated, but when you get past two or three days and you don't have that information, that's when the wheels start falling off the wagon and that's where, when you see a company with the profits that it has and not being able to communicate in a way that we would expect in the year 2020 doesn't make sense and that's why I think you see this human cry for reform and continued reform of a publicly regulated company that is not serving the ratepayers as best as we think that they can.

So again, I want to thank everybody who is part of this bill and getting us here today because I know that it won't be the final iteration of what happens or what we try and do because this is complicated. We want to see rates stabilized, we want to see

rates go down, and we want to see a better customer service experience for our constituents around the State of Connecticut. But we have to start somewhere and starting today, we have vote yes on this legislation and send that message and get those reforms in place so that we can continue to move the ball forward on what is complicated energy policy, but should be simplistic for our constituents when they think of keeping the lights on, good customer service and responsiveness from a regulatory company that is serving them. Thank you, Madam President.

THE CHAIR:

Thank you, Senator Duff. Will you remark further on the legislation that is before us? Good evening, Senator Fasano.

SENATOR FASANO (34TH):

Good evening, Madam President. Madam President, on the bill before us, I do want to thank the chair, Senator Needleman, and the ranking member, Paul Formica, for working together along with your co-chair and the ranking of the House in a cooperative fashion. I know this bill has had numerous reiterations and that was the result of both of you keeping the door open and listening to people who bring different knowledge on the bill, and that's the way this Chamber should work and that's the reason why this bill is before us here in the best shape it could be. But, Madam President, I'd like to take the opportunity perhaps to make it a little bit stronger or better I should say. I would ask that the Clerk to call LCO 4493.

THE CHAIR:

Mr. Clerk.

CLERK:

Senate Amendment LCO No. 4493, Schedule A.

THE CHAIR:

Senator Fasano.

SENATOR FASANO (34TH):

Thank you, Madam President. I would move the amendment and request permission to summarize.

THE CHAIR:

Please proceed, sir.

SENATOR FASANO (34TH):

Thank you, Madam President. Madam President, what this does is two things. First, it separates PURA from DEEP. In other words, we take PURA and we don't make it under DEEP and number two, it places the energy conservation management board with PURA, but let's talk about the first one because that to me is the most important. Years ago, PURA was separate from DEEP and then under Governor Malloy's administration, Commissioner Esty, who was very knowledgeable in electricity, he wrote a bunch of books, one of which Green to Gold, which I did read and the other two which came after and which now I can't recall, and his big issue was trying to get renewables and energy and focusing on the combination of environmental concerns and energy

concerns and figuring out the best way to approach that.

Madam President, with respect to that, Governor Malloy then made in a budget bill as I recall combining DEEP and then underneath that, PURA. I would argue, Madam President, DEEP having environmental policies and PURA delivering electricity to consumers at a reasonable rate, we're on a collision course. You can't serve two masters and the regulatory aspect of DEEP played into PURA which plays into our electrical companies causing them, I would argue because of DEEP's influence, greater cost. PURA being unable to deliver what it is accountable for, which is energy at a reasonable rate, we're subject to different regulatory aspects as an environmental concern. I'm not saying the environmental concerns are not worthy. I'm not saying they shouldn't be followed. What I am saying is you need to separate them and PURA runs the electrical and DEEP can make the recommendations to PURA without the influence that it now has over PURA, and then it can be judged by PURA what they shall take up and what they should not, based upon the evidence presented.

Madam President, that's the essential element of this; to separate them. Two separate functions as opposed to what we have now. I think that would serve this state well. I think there'd be open conversations regarding environmental concerns which we can all weigh in both public and legislature and determine a balance test for what we feel we need to do as opposed to it being done through regulation, which a lot of us don't even know what's really happening out there.

The second part is very nominal in that it takes the Conservation Management Board, which DEEP is still on, but puts it under PURA and out of DEEP for the reasons that the first part really mandates that's where it should be. So, Madam President, I would move the adoption of this amendment. Thank you, Madam President.

THE CHAIR:

Thank you, Senator Fasano. Will you remark further on the amendment that is before us? Senator Needleman.

SENATOR NEEDLEMAN (33RD):

Thank you, Madam President and thank you, Senator Fasano. I can't say that I haven't had the same thoughts and I believe that our regulatory body, PURA, maybe should have a seat at the senior management table at the Governor's office. I think that when those two were combined, they also combined energy and environment. It's a huge portfolio and although there's a firewall between DEEP and PURA, I believe that this is something that we should absolutely look at next session. I think that Senator Formica and I and the House members were very careful about keeping the focus in this bill on rates and ratepayers. This is, I believe, a very worthwhile thing to consider. I just think that in the interest of staying focused on what we're doing, it would be great if we weren't dealing with this amendment now so I just, I don't disagree. I just think that we should be thinking about it in January and you have my word that we will do that.

THE CHAIR:

Thank you, sir.

SENATOR NEEDLEMAN (33RD):

And I'm gonna miss you not being here.

THE CHAIR:

Thank you, Senator Needleman. Senator Fasano.

SENATOR FASANO (34TH):

Thank you, Madam President. Madam President, I take Senator Needleman at his word and I also had a conversation with Senator Formica and I know both of them will have this on their agenda. I may not, not I may not, I will not be here. I may be up there watching from the gallery, but I take you for your word and I thank you for thinking of that. Madam President, at this time, I will withdraw that amendment before this body.

THE CHAIR:

Thank you, sir. With that, will you remark further on the bill? Senator Fasano, please, sir.

SENATOR FASANO (34TH):

Thank you, Madam President. Madam President, I do want to talk a little bit about the bill. I know why we're doing the bill. I get it. There has been a tremendous outcry. There's been tremendous public attention. There's been issues with storms. This is a remake of the movie that we had back when we had Irene and Sandy and we did a Two Storm overview

of everything and perhaps it's fine to take a look at it again and I think that we have bill in front of us, but I think we should go further. I think it is premature to do this now, but it doesn't mean we should vote no on this, but I think it needs a lot more work in it that could not be done, not for the efforts of the folks in this Chamber who led that discussion, but because energy is extraordinarily complicated. I think Paul Formica said it correctly in our caucus, it is a spider web of issues that are all over the place on energy and it's gonna take a long discussion I think to be competent with the folks in this Chamber to deal with it. It bothers me a little bit that we're rushing it because sometimes you take an issue off the table, people feel you did it, we don't have to revisit it, it's already been done. You know, certain folks who are with the electric company say look, you already beat us up, why are you taking a second shot, you should have done it back in special session. That happens in this building. Don't let it happen. We need to look at energy seriously.

A lot of people spoke about the high rate of energy. Let's be crystal clear, crystal clear. The high rate of energy is a combination of things, not the least of which and I think Senator Fonfara might have mentioned it and I think Senator Sampson might have mentioned it, is when we say we want to use renewables, which is a good idea, we have to be able to stand up in this Senate Chamber and say we're gonna be renewables, but to be honest it's gonna cost us more. The efficiency on renewables is just not there. The cost of renewables is high. Now, that is a policy issue for all of us or all of you to decide next session, but you can't have it both ways. You can't tell the people we need to have

renewable energy used, but we're upset that the rates are gonna go up. They are coupled together irrespective. When you say you're gonna reduce carbon emissions in 2035, I forget the date now, to zero, you gotta say what is gonna be that replacement and how much more is that going to cost. That's the question. How much more, to get to that, we've got to invest in some certain higher cost energy, some of which we're gonna be losers on investment, but if that's what we want to do, we have to be honest with the State of Connecticut and the people in it and say we own it. It isn't fair that we put the utility companies in a position because of our policies that the rate goes up and when the people complain, we yell at them. That's just not fair. You need to stand up for what you believe in across the board.

It was mentioned a couple of times in this Chamber that local municipal electric companies have the lowest rates. Wallingford just happens to be a town that I represent. They have low rates. One, as it was correctly pointed out at least in our conference inside our conference room, that because they don't pay property taxes for property that they own businesses, municipal property, true. But the second and most important reason is that they're deregulated. They're regulated, but not nearly as many mandates, not nearly as much regulation as we put on the utility company, that we, not PURA, we in this Chamber add every single year and then we're shocked when the rates go up and then we blame the evil folks because we don't want to do it. Look, if we had the courage, if we had the courage, this is what I would do. Why not let PURA make a recommendation to what the rates would be, let it come to this Chamber and you vote it up or down.

You vote it up or down. Let's be clear. The reason why PURA exists is for one reason. Way back when, they said voting for increase in electrical rates is a deathblow to reelections. You don't wanna be the guy to get the 5 x 7 card or the person to get the 5 x 7 card that says you voted for a rate increase, even though you have to because the thing will go broke unless you have a rate increase, but we don't want that so we give it to PURA to do that dirty work and then we yell at PURA or we yell at the electric companies, but not at us. So why don't we do it like we do the union contracts? Let PURA make the recommendation, let it go to the Energy Committee for a full hearing, let it come to the floor of the House and the Senate and then we stand up and say yea or nay. That's courage. That's taking the responsibility for electrical rates in this Chamber and downstairs in front of the public. I don't think that's gonna happen. I did with an amendment that I'm obviously not gonna call that does that very thing because the cognizance of understanding the implications of our policies is what we have to understand as legislators and we would know that when PURA comes in front of the Energy Committee and they say why is it going up x and they could say here's why. And if it's our policies that are reflected in that going up, then we as a legislature have to say we have to change the policies. But we are immune to that because we can point fingers and we can stomp our feet, write letters to constituents that we're mad about this rate increase and mad about that rate increase and how dare they, but sit behind our desk and tell our constituents we're fighting for you. So we have to make decisions and we have to be accountable for those decisions, and if those decisions are we want more renewable energy at the cost of electricity,

let's say it. Let's vote it, let's say it. Let's come in here and vote for that but let's not say renewables are needed, but we're not gonna talk about the consequences. That's the problem. That has to be looked at the realm of everything else cause that is as much a part of the problem as any other problem that has been talked about in this circle since we started the debate on this bill.

We have a policy that says everybody use a lot less electricity. Then when the use of electricity goes down, our rates go up because the use went down. So we're trying to get people to use less electricity to get them off the grid, right? That's the magic words, get them off the grid, and the more people get off the grid, the more it costs our consumers, once again, something Senator Fonfara talked about a little bit. As the usage goes down, our rates have to go up. We gotta break that and I don't know as much about this stuff as Paul said, despite our web effect, but that's something that you all have to look at next session. There are a lot of dynamics here based on the way we approached electricity many, many years ago, and that's the effect we're seeing.

So, Madam President, I am going to support this bill cause I know people worked hard. I know they did and they worked collaboratively which is equally as important as working hard, and I thank them for that. And that allowed voices to be heard and the bill to be changed for the better. Obviously as everyone said, there's a lot more work, but don't just focus the attention on distribution companies and PURA. Look at the attention that we're doing as policymakers in this Capitol that's equally adding to the problem. So thank you, Madam President, once

again, Senator Formica, Senator Needleman, thank you very much.

THE CHAIR:

Thank you, Senator Fasano. Will you remark further?
Good evening, Senator Looney.

SENATOR LOONEY (11TH):

Good evening, Madam President. Speaking in support of passage of the emergency certified bill in concurrence with the House. Madam President, the need for this bill became evident in the days and weeks after August 4 and the major storm that we suffered on that day, and the concern that was raised when we found out that all of the expenditures that had been undertaken in terms of hardening of our utilities and all of the improvements that we, that had been made and money that had been spent had not really had the desired results because of the level of outages and the long time it took to repair them in many cases was as bad or worse in this 2020 storm as it was back in 2011 and 2012 in super storm Sandy and storm Irene so there was a great sense of urgency to do something that has brought here today.

And I wanted to begin first of all by commending Senator Needleman who has done such a superb job in this highly complex area along with Senator Formica and Representative Arconti, Representative Ferraro in the House. I know exactly how hard Senator Needleman has worked on this because he kept in regular contact with me after all of the lengthy meetings that he had to give me a digest of all the conversations he had as the process went along with

all of the stakeholders. And I know how conscientious he was, how hardworking he was in this, and how effective he was as well. It also gave him an opportunity -- when I appointed him chair of the committee as a first-term Senator, he expressed to me that he had a lot of frustrations based upon his dealings with the utilities over his years as first selectman in Essex, and I said well I hope to be able to give you some chance to do something about it and it probably came about in a more dramatic way than either of us expected with the storm that came up in August and then the later storm as well. But this is an important bill and it's important for us to do it now because there are so many issues that have been raised in the discussions of other members here that need to be addressed, and there really is a sense of urgency. The move toward a performance-based system of regulation of the utilities. This is something that will finally align the financial incentives of the utilities, that is their return on equity, with the important performance metrics and service of the ratepayers. Their focus has been so heavily weighted to their shareholders, the ratepayers have really gotten short thrift I think over the years and it's important, I think, to recognize that our utilities are currently not really financially incentivized to do what's best for their customers and that needs to be much more front and center in their deliberations and I think what we do here today, what the House did yesterday, what we're doing here this evening will move in that direction.

One of the things that's important, I think, as Senator Needleman pointed out at the beginning is that within a five-month period to consider rate requests, it's one of the shortest in the country

and the voluminous documentation that is provided by the utilities, it is a challenge for PURA to go over that adequately and assess that and this now will increase that to 350 days and we'll bring us in line with what is more of a national standard in that area, still less than some other states have and some don't have an open-ended process without actual limits, but we're at least within the mainstream with what we do in that section of the bill.

It is also important to recognize that we have now a system that will provide some penalties potentially for egregious delays and some compensation for customers who have lost food or lost emergency supplies of medications. My grandson had to store his insulin in our refrigerator because at his house, the power was out for several days so it's been said by some that is gonna be, why has this happened may be covered, why is this needed may be covered by homeowners insurance, that kind of loss, but most of the time, that's not the case because most people have deductibles on their homeowners insurance that will be substantially higher and they'll wind up paying for this out-of-pocket even if they do have coverage because unless it goes on for a very long time, they're not likely to reach the deductible threshold. So this will provide some potential general relief here.

It's also important I think to keep in mind that the language in the bill as written would improve our current PURA review process that's related to the issuance of financial instruments by allowing PURA an appropriate amount of time to thoroughly review all of these and I think, as we said earlier, that's critical because PURA is a relatively small agency with only about 70 employees. So we have that I

think as a greater accountability factor that's important in this bill. Also, I agree with Senator Fasano's and Senator Needleman's earlier comment that it may be time in the next session to reassess the structure of PURA and DEEP, that it may be possible and reasonable once again to separate those functions because DEEP's is essentially different than a regulatory function. It's a policymaking function with a broad range of responsibilities, but PURA's responsibility as a regulator is inherently different and while that combination was made for reasons of cost savings a number of years ago, in terms of policy, it may not be the best decision and should be revisited I think in 2021.

Again, we also have in section 9 of the bill, it increases the percentage amount from 2.5 to 4 percent by which PURA can fine a regulated gas or utility for underperformance or noncompliance and that is a substantial percentage increase, but it is something again that is in line with what other states do. The Massachusetts Regulatory Commission imposes fines on its regulated utilities including Eversource, which has more customers in Massachusetts than it has in Connecticut. And again, where fines are imposed, it is not a situation where any fines could be imposed without ample due process for the utility to make its case and to make a defense. And the \$25 dollar-per-day residential customer credit and the \$250-dollar reimbursement for spoiled food and expired medicine again, is something that is in line with what other states already do including New York with Con Ed and again, it is not an absolute mandate that the power be restored within 96 hours. Obviously the severity of the storm would be a significant determinant as

to whether or not 96 hours was reasonable, given the scope, size and level of devastation of the storm.

Some have said that with this penalty provision in place that utilities might have an incentive to shift away from lifesaving work to restoration activities because that's where the penalty comes in, but that would not actually happen even because the Make Safe protocols that we have are really already deep enshrined in the utilities' emergency response plan so they would not be able to make that kind of choice for purely financial reasons.

So again, Madam President, this is a detailed work as was said earlier, as Senator Formica said, as Senator Needleman said, the language of energy legislation is complex, arcane. The members in this Chamber including our distinguished majority leader, Senator Duff, who have chaired the committee, it is really almost like learning a second language to deal with all of the complex and arcane systems that are all operating all at once and sort of the web of interconnectedness that Senator Formica referred to. So it is a specialized undertaking that all of us depend on those who immerse themselves in it to take on that responsibility and to go through that thicket of complexity on our behalf so again, Madam President, this is I think a bill that is timely. It's one that the people of our state expect us to take up in this special session. I happen to live in a part of the state served by United Illuminating where we had a somewhat better experience I think overall than in the parts of the state represented by Eversource in these most recent storms, and there have been so many concerns reported to us. Some might say anecdotally, but they've been reported so many times that there is a source of grave concern,

especially about Eversource being understaffed and relying so heavily on out-of-state contractors to be brought in only in the event of an emergency and not having sufficient staff of its own to be responsive. I heard a number of reports from several different sources that during the storms, we had crews brought in from out-of-state and also supplemented by our own National Guard personnel who assembled at locations from which they were supposed to be dispersed under the guidance of Eversource employees to fan out and begin repairs, and they were forced to sit and cool their heels for hours and hours waiting for the Eversource person to show up, to show them where they should go. They had all of those trucks and powerlifts and equipment just sitting there waiting for direction and so even though we had the out-of-state crews on hand and National Guard people on hand, their efforts were frustrated and delayed because of the lack of cooperation and participation and responsiveness by Eversource at that time. So that can't continue to happen. That's why we have to focus on their readiness in so many ways.

So again, Madam President, this is really something of critical importance. It's something that all of us have heard about. We know the situation can be desperate in terms of threat to health. It was mentioned earlier about the problems of someone in an electric wheelchair, those who have dialysis equipment, those who have oxygen equipment, those who depend very heavily for their health and for their very lives on the readiness and response of electricity. Not everyone can afford a generator and there was a report on the news, I think it was from a neighboring state where there were crews of emergency workers installing a generator in the home

of someone who needed a breathing device in his home, it was a matter of life and death in order to keep that going so this is not something that we can talk about as something optional, as something that we might like to improve a little bit, but the urgency of it is not there. The urgency, of course, is there, Madam President. Hence, this bill. In other words, this is not the end of the process, but it is what we can manage I think in a special session in the limited amount of time as has been discussed today. There are other issues regarding energy, regarding utility regulation, and our oversight that are appropriate subjects for the 2021 session, and I think our agenda in that regard is already pretty clearly laid out for us. So again, thank you, Madam President. Thanks to our majority leader, Senator Duff, as I said, a former chair of the committee, to Senator Fasano for his hard work and his expertise in this issue developed over the years, Senator Formica, their counterparts in the House, Representative Arconti was a strong partner in this along with Representative Ferraro. So again, Madam President, I would urge overwhelming unanimous support for this essential bill. Thank you, Madam President.

THE CHAIR:

Thank you so much, Senator. Mr. Clerk, if you would kindly call the roll call vote, the machine has been opened.

CLERK:

An immediate roll call vote has been ordered in the Senate. An immediate roll call vote has been ordered in the Senate on House Bill No. 7006. An

immediate roll call vote has been ordered in the Senate.

THE CHAIR:

Have all the Senators voted? Have all the Senators voted? The machine will be locked and, Mr. Clerk, would you kindly announce the tally?

CLERK:

House Joint Resolution No. 7006.

Total number voting	35
Those voting Yea	35
Those voting Nay	0
Absent and not voting	1

THE CHAIR:

[Gavel]. And the legislation is adopted. Senator Duff.

SENATOR DUFF (25TH):

Thank you, Mr. President. Mr. President, good to see you up there this evening on your final day.

THE CHAIR:

Good to see you.

SENATOR DUFF (25TH):

Great to have you presiding over the State Senate, Senator Fasano.

THE CHAIR:

Thank you.

SENATOR DUFF (25TH):

Senator Fasano, if the Clerk would now call the next bill on our list.

THE CHAIR:

Mr. Clerk.

CLERK:

House Bill No. 7005, AN ACT CONCERNING A MUNICIPAL ELECTION MONITOR AT THE 2020 STATE ELECTION AND PROCESSING OF ABSENTEE BALLOTS FOR THE 2020 STATE ELECTION.

THE CHAIR:

Senator Flexer.

SENATOR FLEXER (79TH):

Good evening, Mr. President. Nice to see you up there.

THE CHAIR:

It's good to see you as well, Senator. Thank you.

SENATOR FLEXER (79TH):

Mr. President, I move for passage of the emergency certified bill in concurrence with the House of Representatives.

THE CHAIR:

Move for passage, you may proceed.

SENATOR FLEXER (79TH):

Thank you, Madam President, excuse me, not Madam President, Mr. President. I'm just used to madam. I apologize [laughs]. Mr. President, before us this evening is a piece of legislation that passed the house yesterday evening with strong bipartisan support and I'm hopeful that this measure will have a similar outcome in the debate in this Chamber this evening. It is a continuation of the work that we began in July together collectively to ensure that the election on November 3 of this year goes as smoothly as possible in the face of the reality of the COVID-19 pandemic.

There are two main parts to this bill, as the title states. One part concerns the election monitor in the city of Bridgeport, which it's my understanding was a request of the bicameral delegation from the city of Bridgeport and the resources for that monitor are through the federal COVID-19 relief funds to support that measure, and then the main part of the bill is in regard to the processing of absentee ballots and again, Mr. President, it builds on the work that we did together back in July. This allows our communities if they so choose to begin the process of opening the outer envelopes of absentee ballots as they're delivered in the coming weeks. We've seen almost 400,000 requests for absentee ballots already come into town clerk's offices throughout every municipality in our state and these offices are being overwhelmed with the

number of ballot requests that are coming in. And so this legislation that is before us will allow for towns if they choose to begin the process of processing the ballots, not actually counting the ballots, not opening the ballots, but just counting the, excuse me, just opening the envelopes to make sure that on election night, there isn't a crush of thousands of absentee ballots that have to be fully processed on November 3. This was a bill that was worked on with a variety of stakeholders. Some town clerks really want this measure and would like to have this extra window of time to begin the processing of absentee ballots and some will choose not to do it depending on the needs of their unique municipality, but I think this is important measure, Mr. President, and I'm hopeful that my colleagues this evening will support this measure and again, it's really nice to see you up there and I hope you get to enjoy every minute of this evening, as strange as this legislative session is. So thank you, Mr. President.

THE CHAIR:

Thank you, Senator Flexer. As strange as it is, it's strange to be up here. Is there anyone else? Senator Sampson.

SENATOR SAMPSON (16TH):

Good evening, Mr. President, and I'm extremely delighted to see you at the podium and I could get used to that. I want to start by saying that on this bill, I was very pleased to be able to vote during the July special session for the bill that made COVID-19 an acceptable reason to ask for and receive an absentee ballot application and to vote

in a way that makes people feel safe. I think that was a positive that this legislature enacted in light of the COVID-19 pandemic. I do feel that the process since then has not been as good. I would've liked to see something completely different. The absentee ballot process has existed in our state for many, many years and has worked well and I think that it would've been far better for the existing process to have been continued. Basically what I'm saying is that normally, a person who is not able to vote in person on election day is able to contact their local town government and make a request or through the Secretary of State and ask for an absentee ballot application to be completed and to vote absentee, and that law remains in effect. I would've preferred to see the Secretary of State use resources provided by the federal government for the purpose of informing the public so that they would have the ability to make that decision for themselves. But instead, what we got was a very different process, a process by which the Secretary of State took upon herself, of course with the executive authority of the Governor of our State, to do a mass mailing to every person on the voter rolls in our state instead so that they would all receive absentee ballot applications.

The first thing is that is an extremely expensive thing to do. Imagine what it costs to mail a single letter and now you're talking about sending absentee ballot applications to well over a million people and then also having to process the ballot applications and send ballots when they respond. That expense is something that's completely unnecessary when a great many of those people would still choose to vote in person and in fact, they still will this November election.

The other concern, and I pointed this out in July when we were here discussing the previous bill in this very Chamber, I went through a laundry list of emails, letters and correspondence I received from my own constituents, just a small segment of the population of our state indicating, showing and showcasing all of the many different ways this process has caused confusion. There are voters in our state who don't know the difference between receiving the absentee ballot application versus the ballot. They don't know that they can vote in person in some cases so we're answering a lot of questions about well, I did get this form, do I have to fill this out in order to vote, is this, so they're confusing this in a lot of ways with whether it's a registration or an actual vote. That's one problem, but the larger problem is the number of people that are receiving these documents that are incorrect.

I have constituents who have received multiple ballot applications to their address that don't reflect the occupants of that address at all. You have children that have moved away to another state. You have previous residents that have lived at a particular address. You have folks that got married and now they're receiving a ballot application form in both their married name and their maiden name. This is a lot of extra expense, as I mentioned, and a lot of extra confusion and now, we are faced with a new problem which is because so many people are going to vote by absentee ballot in this election, which I think would not necessarily have happened without the mass mailing, again, I will stop just for a second to make it abundantly clear to anyone watching this, I am in favor of letting people vote

in absentee because of COVID-19. I am not in favor of sending a ballot application unsolicited to every person in this state living or dead, to the dog, to the neighbor, to the previous occupant or the multitude of other things that have happened along the way.

The bill that's before us essentially is a Band-Aid to that problem. I'm told that the reason why this bill is before us is essentially because it's going to fix election day. Well the only reason, ladies and gentleman, why we have to fix election day is because election day is going to be a problem and election day is going to be a problem because of the mass mailing of absentee ballot applications which is overwhelmed our town clerks and registrars across the state. It's a grave concern to me because if America stands for any single thing, it is that we have a genuine Democratic Republican government. That's what type of government we have. We are a representative form of government that requires that we have elections that are beyond reproach, that elections have to matter, and people have to trust the results of those elections, and I'm here to tell you that there are people that will not trust these elections. They are going to be concerned that these elections did not happen the way they were supposed to; that ballots were not counted. I forgot to mention when I was listing the problems with the mass mailings that there are a great many people who will not receive a ballot application even though they are eligible voters also. So you have a problem with people receiving too many ballot applications, and people not receiving them at all. That is no way to ensure the integrity of our election process in our state. It would've been so much more simple to inform the public that they have

the right to ask for an absentee ballot. This would've limited the number of them to only the people that sincerely wanted to vote in that manner and we would've done a service to the people of our community on the different ways to be part of our democracy.

I do have a couple of questions about the bill, Mr. President, so let me just ask them before I move on. I guess the first section of the bill establishes an election monitor and just looking at this, it says it applies only to cities that have a population over 140,000 and we all know from experience in this Chamber that that means that it's going to apply to only one city, and that's Bridgeport and I certainly don't object to having an election monitor in Bridgeport, but I'm just curious, Mr. President, through you to the proponent of the bill if there's a reason why we chose only Bridgeport to have an election monitor.

THE CHAIR:

Thank you, sir Sampson. Senator Haskell.

SENATOR HASKELL (26TH):

Thank you very much, Mr. President, and it's great to see you up there. I thank my friend, Senator Sampson, for his question. My understanding, Senator, is that this was at the request of the Bridgeport delegation, both in the House and in the Senate. I'm not aware of any other delegation that has requested an election monitor for the upcoming election. Thank you. Through you, Mr. President.

THE CHAIR:

Thank you, sir Haskell. Senator Sampson.

SENATOR SAMPSON (16TH):

Thank you very much, Mr. President, and I thank the gentleman for his answer. Again, I think that having an election monitor makes a lot of sense based on our experience with elections in the major cities. Certainly, Bridgeport is a place where it seems to me almost every November Wednesday morning after election day, there seems to be a news story about something that happened in one of our major cities including Bridgeport as far as elections, and this goes back to my earlier point which is we want to make sure that the ensure the integrity of our elections in every way possible. I noticed that the election monitor will be contracted through December 31 of this year, and I'm just curious to know why that is. Through you, Mr. President.

THE CHAIR:

Thank you, sir Sampson. Senator Haskell.

SENATOR HASKELL (26TH):

Thank you very much, Mr. President. My understanding is that the election monitor will serve in their capacity until December 31, 2020. This will be paid for, of course, as my colleague and friend, Senator Flexer mentioned, through the COVID relief funds that the federal government provided to Connecticut under the CARES Act and I believe the reason that we're seeing it sometime after election day would relate to any recanvassing or later inspection of the absentee ballot process

and procedure. Thank you, Mr. President. Through you.

THE CHAIR:

Senator Sampson.

SENATOR SAMPSON (16TH):

Thank you, Mr. President, and thank you for that answer. That makes perfect sense. I just wanted to have it on the record, the reason why we are carrying that contract so far beyond election day and so people understand that in fact, there could be a recount or other things that might require the services of that election monitor. I listened to the House debate on this bill yesterday and I think that they did a very good job of going through section by section and discussing what each thing does and to be honest with the people in the room and anyone listening, I don't have any significant objections to what is before us in the language, but there are some questions that I think might cause someone who is not completely informed with the election process to scratch their head and wonder why we're allowing certain things or why certain language is in the bill, and one of the big things is about the outer envelope versus the inner envelope of an absentee ballot. So when a voter requests a ballot via their ballot application, they are mailed the document which they would complete their ballot, sign it, and then it goes inside of an outer envelope and that gets sent off to be part of the election and when it is received, that is in our laws kept sealed up until election day under normal circumstances. This bill allows the outer envelope to be removed prior to that. The language in the

bill I think allows for seven days ahead of time and my understanding is that the purpose of that is simply to allow one step to be processed ahead of election day, hopefully to save some time and that is to allow the folks that are going to be tallying the ballots to put them in their respective polling locations so that they can properly sorted to be tallied later, and I would just like to confirm for legislative intent and for the record that there is nothing that would allow someone to be able to identify how a person voted by virtue of opening just the outer ballot; is that correct? Through you, Mr. President.

THE CHAIR:

Thank you, sir Sampson. Senator Haskell.

SENATOR HASKELL (26TH):

Thank you, Mr. President. Through you, yes, that is correct. Through existing law, nothing is altered in the statute as to the content of the inner versus the outer envelope. Absentee ballots consist of an outer envelope that contains the elector's name and address and an inner envelope which contains the elector's marked ballot and a statement signed by the elector under penalty of false statement. Just for the purpose of clarity, I think it's important we be abundantly clear, this allows for four days if municipalities decide to opt in so starting 5:00 p.m., Friday, four days before the election. This year it would be Friday, October 30. They can begin the process of separating the outer envelope from the inner envelope, rejecting inner envelopes that are not signed, but not counting those ballots themselves. Thank you, Mr. President. Through you.

THE CHAIR:

Thank you, sir Haskell. Senator Sampson.

SENATOR SAMPSON (16TH):

Thank you, Mr. President, and thank you for that clarification. Forgive me, there are quite a few dates in this legislation before us and it's easy to get confused by which one is which and that is correct, Friday at 5:00 p.m. is the deadline for the outer envelopes. I make a note also that when the good chairman of the GAE Committee was speaking earlier, she had made mention that there would be no counting of the ballots, and I know that she meant there'd be no tallying of the votes, but there will indeed be counting of the ballots. They'll be counting the number of ballots that are actually submitted and I think she in fact mentioned that we've received over 400,000 thus far so there is certainly a count taken of how many people are voting by absentee, but that is not the same thing as determining how many people have actually voted or how they have voted, all things that are obviously very important to maintain the integrity of the election.

I also want to clarify that this bill is vastly improved over previous versions that I have seen because it is not in fact a mandate. It is permissive and allows the various municipalities to use these new procedures where they see it might be necessary and again, my position on this language before us is that these things may in fact be helpful under the circumstances to allow these town clerks to be able to manage this election and the

mountains of absentee ballots that they will ultimately receive.

There is one aspect of the bill language that I'm a little uncomfortable with, and I would like to just clarify for the record what the change is for the timeframe for someone to withdraw an absentee ballot presuming that they would be in town. The current law I believe allows them to do that up until the Monday before election day and I'd like to know what the change is. Through you, Mr. President.

THE CHAIR:

Thank you. Senator Haskell.

SENATOR HASKELL (26TH):

Thank you, Mr. President. Thank the good Senator for his question. I've spoken with many town clerks about this legislation that's before us today and while it is only permissive and does not include a mandate, for the purpose of clarity across the state, it does, whether a municipal decides to opt in to those pre-processing procedures or decides to maintain their current procedures, it does make sure that absentee ballots cannot be withdrawn any later than 5:00 p.m. on Friday. The reason is, for those municipalities that do opt in to the pre-processing procedure, it will become logistically difficult if not impossible to determine which ballots belong to whom after they've begun to separate the inner envelope from the outer envelope. The reason that it's a statewide decision at this point is because it will become incredibly complex for voters to try to figure out which towns are actually participating in the pre-processing procedure, which is

contemplated in this bill, as opposed to which towns have decided not to and as a result, a statewide policy that absentee ballots can't be withdrawn any later than Friday at 5:00 p.m. This election, of course, that's Friday, October 30, four days before the election, that's the reform contained in this bill. Thank you, Mr. President.

THE CHAIR:

Thank you, sir Haskell. Senator Sampson.

SENATOR SAMPSON (16TH):

Thank you, Mr. President and I appreciate that answer and that clarification. It is a minor concern of mine that we are changing what has been a longstanding provision in our laws, that I think some people who have voted absentee you know several times in the past may be aware of, and I'm not sure how we are going to publicize this change in a way that you know our constituents are going to be aware of it.

I also have a little bit of an issue with us being here a month before election day changing the election laws for which each of us are likely on the ballot. I think there's something that's dangerous about that and I do have a concern from that perspective. I have one final question and that is simply a question of, I don't know, I guess I would say to create confidence for people. I would like to ask the good vice-chair of the GA&E Committee if he can explain for us why folks should be confident in this process given that town clerks are gonna receive ballot applications and ballots far more than they've ever seen. They may not have the staff

to do so and what exactly happens when someone shows up on election day and they have voted before? Does the process that has always protected that situation before where they're marked off on a list by absentee still stand? I guess I'm looking just for the proponent's vision for why this is the most effective policy we can put forward? Through you, Mr. President.

THE CHAIR:

Thank you, sir Sampson. Senator Haskell.

SENATOR HASKELL (26TH):

Thank you very much, Mr. Chair, and thank you, Senator for your question. Look, I don't think it's ideal for any of us to be here so close the election at a time when the legislature isn't normally convened and where we're taking up a pretty narrow agenda, but under the leadership of Senator Flexer and of course, Representative Fox, we're taking up this bill because it is so critically important to do exactly what I believe you're talking about today, Senator, and that's making sure that voters have confidence in the integrity and the accessibility of our election so for anyone who is at home and perhaps listening to this special session, recognize that one, you can go onto the Secretary of State's website to confirm that your absentee ballot was received by the town clerk. That is a surefire way to make sure that your vote is counted. Another critical thing, every day, Senator, every day I hear from my constituents, anxiety about the sanctity of our democracy, anxiety about the US Postal Service not being able to handle the influx of absentee ballots. That's why this

legislature so critically approved the installation of absentee ballot drop boxes which can be used both for the deposit of absentee ballots, but also absentee ballot applications in Connecticut at every town hall, in some municipalities multiple drop boxes across the state, but I think we're here today largely because our constituents are ringing their hands about the upcoming historic election, that we anticipate to be record-setting participation and the fact that we're processing this election in the moment of a global pandemic both here in Connecticut and across the country. We can't control what happens in Florida or Ohio or Iowa or Michigan, but we can in this Chamber control what happens in Connecticut and give each our constituents, whether they vote for us or not, the peace of mind that their vote will be counted and that it will be done so safely and pertinent to this bill that it will be done so promptly and they will not have to wait days for an election result. I hope that answers your question. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator Haskell. Senator Sampson.

SENATOR SAMPSON (16TH):

Thank you, Mr. President and I appreciate the answer very much and I appreciate the desire of the majority to try and reassure the people in our state that this election is going to be held to the highest standards possible. However, I stand by my position that the mass mailing of absentee ballots has created almost an impossible set of circumstances for that to happen, and I know I said I wasn't gonna ask any more questions, but I do have

one or two more followups based on the recent conversation. One of them is when, through you, Mr. President, do we expect to get results for cities and towns across Connecticut for the November 3 election? Normally, we find out at some point on the evening of that Tuesday in November. Is that going to be the case here or are we going to have to wait until long after before we have legitimate results? Through you, Mr. President.

THE CHAIR:

Thank you, Senator Sampson. Senator Haskell.

SENATOR HASKELL (26TH):

Thank you, Mr. President. Thank you, Senator for your question. I wouldn't presume to speak for the municipal clerks and registrars who will be doing this work on the ground, and I imagine that it will vary, the answer to your question will vary widely between Connecticut's 169 municipalities and it will be of course impacted by the level of turnout that we see. That said, it is abundantly clear from political scientists to those who are working on both Republican and Democratic campaigns that we are not going to know nationwide the results of the presidential election on election night, as this country is so accustomed to. What we're doing today is making sure that rather than throwing up our hands, at least in this state, we're rolling up our sleeves to make sure that results will be a little bit more prompt. We believe that the steps that we took in July to make sure that absentee ballots can begin to be counted at 6:00 a.m. on election day will give town clerks and registrars and the staff that they employ temporarily for election day 14

more critical hours to process those ballots, speeding up the process a little bit. But this permissive language allows municipalities that are seeing an influx in absentee ballots to go one step further, to make sure that they can also begin to process those ballots, process inner and outer envelopes, reject ballots that haven't been signed, sort them into piles according to their voting district, things that will just make the process run a little bit more smoothly. I certainly don't have a crystal ball and while I would love to have results on election night, I don't know if we'll be so lucky but we will at least not be waiting quite as long as those states that are not being as proactive as Connecticut is by taking up this legislation. Thanks, Mr. President.

THE CHAIR:

Thank you, Senator Haskell. Senator Sampson.

SENATOR SAMPSON (16TH):

Thank you, Mr. President. And, thank you very much, to the distinguished vice-chairman. I appreciate the answer very much and your effort to give me as complete an answer as possible, but at the end of the day it sounds like I don't know is really the answer and I'm not trying to say that is an inadequate response because I don't think that any of us do, but I think that is a concern and I think that republic people are used to getting relatively quick response to elections. I mean it is 2020 and we have the ability to do a great many things using technology and it seems that this process is almost archaic in looking at it and the results might take a substantial amount of time and that opens a lot of

concern, not just of delaying actual results, but when that delay occurs, then you have questions about the integrity of the election [inaudible - 04:52:43] I'm going to close just by saying we can go back and forth on you know the language that's before us is reasonable in that it really is trying to accommodate a set of possible circumstances. We have put our local staff that is going to be responsible tallying the ballots for this election process and that position is difficult as it is and this process is going to make it even much more long and grueling. It also begs the important question about whether or not it is actually safe to vote on election day and I believe that that in all of the locations and I visited a number of them on primary day, in every case it seemed that they were practicing safe distancing and certainly wearing masks and the polling stations were widely you know dispersed in order to accommodate folks and they certainly did a good job of managing the foot traffic, so I believe it's completely safe to go in person and I'm tempted to have a conversation about whether or not it's safe for us to be in this Chamber [inaudible - 04:54:38] of that and this session that has been a bit of a struggle for me because I have a lot of things I would like to say about this process I know I have to stay on target so I will close and say that again, this bill is up for one reason and that is because we need to come up with Band-Aids to fix a major problem. The major problem is what I consider to be a criminal act which was the mass mailing of absentee ballot applications to the state's residents unsolicited with very little concern or effort [inaudible - 04:55:24] this supposed fix to that problem is not gonna be a fix at all the concern about whether the election is gonna be legitimate and I am beside

myself and it is such a shame. And because of that I just cannot support this Bill. terrible, terrible process [inaudible - 04:56:02].

THE CHAIR:

Thank you, Senator Sampson. Will you remark further? Senator Haskell.

SENATOR HASKELL (26TH):

Thank you, Mr. President. And I thank the good Senator for the exchange of ideas. While I happen to believe that it was a good idea that it was a good idea to mail out absentee ballot applications, since it's not contemplated in this bill, I won't dwell on that point, but I do want to take just a minute to say something I don't often have a chance to say in this Chamber which is I actually agree with Senator Sampson. Our voting laws are, I believe the word he said was archaic and if he and I both have an opportunity to return to this Chamber in the 2021 session, I would love to partner with him and other colleagues on dragging those laws into the 21st century. Let's bring early voting to Connecticut, as 40 other states already provide an opportunity to cast a ballot before election day. Let's allow folks to apply for an absentee ballot online, something so many of my constituents have asked or something that would've saved the many taxpayer dollars that Senator Sampson referenced. Unfortunately, we're not able to do even though that bill has become before the legislature many times. So again, we won't get into those elements that aren't contemplated in the bill, but I do hope to have the opportunity to try to bring our elections into the 21st century and to make it easier for

people to cast their ballot. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator Haskell. Senator Haskell, there hasn't been a motion for roll call vote. Is that something that you'd contemplate on this bill? Senator Duff.

SENATOR DUFF (25TH):

Thank you, Mr. President. I know we have a few other speakers on this, on the bill as well.

THE CHAIR:

Would you remark further on the bill? Senator Leone.

SENATOR LEONE (27TH):

Thank you, Mr. President. It's good to see you up there. You're doing a stellar job.

THE CHAIR:

Thank you.

SENATOR LEONE (27TH):

I just want to rise briefly. I'll make some very brief remarks and I want to thank the proponents of the bill, all of who have had a chance to craft this legislation, to sort of echo the remarks of Senator Haskell as we are trying to move into the 21st century, to change some of our voter laws so that it

makes it actually easier for people to participate in the voting process. It's very clear, or at least it is to me that the more people that we have that get involved and actually come out to vote, that can only improve our democracy. That increased participation in voting for who you believe your best candidate should be to represent you either at the local level, the state level, or the national level, it doesn't matter. Having your vote counted is really what is most critical for a democracy to really exist, for a democracy to succeed and for a democracy to continue to be one of the best systems on this planet on how we should be able to govern ourselves and take care of each other. When we don't have people who vote, it erodes the confidence in the process. Having absentee ballots and increasing the ability to use absentee ballots especially in the age of a COVID-19 pandemic and crisis that has put the fear of peoples' safety and health into question, it was incumbent upon us to come up with an alternative to increase the ability to have absentee ballot voting so that people could get their vote counted and not have to go and register the very day of election day and be into a long line at a six-foot distance that then would shut off at 8:00 at night and force people not to have their vote counted.

So as we are trying to live through what we are living through, this piece of legislation aims to sort of give another opportunity to have your vote counted and you get to choose whether you want to use the absentee ballot method or still show up on election day to vote. So the very fact that we're giving people an extra opportunity, an improved opportunity other than the very stringent rules that we've worked under in the past under the absentee

ballot system where if you didn't meet the very few requirements, you couldn't use it, but because of this new situation that we're living in and health and safety are a critical issue, and the fact that we do need to move into the 21st century, I believe this bill, this piece of legislation is a step in the right direction and again, I think anything that improves voter participation to have their vote and their voice counted can only improve democracy for everyone so I would wholeheartedly hope that everyone would support this legislation and I want to thank the proponents of the bill here in the Senate and in the House that have brought this measure before us. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator Leone. Would you remark further?
Would you remark further? Senator Slap.

SENATOR SLAP (5TH):

Thank you, Mr. Chair. I'll be brief. This bill is critical for three reasons and I hope that my colleagues will join me in supporting it. The first reason is fairly obvious. It's because of COVID-19 and the pandemic and many people understandably are very concerned about going to their polling place to vote so there are estimates that well more than 60 percent of votes will be cast by absentee ballot this election cycle so it's critical that we give our local officials and the registrars of voters tools so that they can start processing those ballots as soon as possible because we know there's gonna be an avalanche of absentee ballots. We've already seen it.

Second reason that this bill is so critical is because Connecticut is already so far behind all of the other states in the country with the exception of seven when it comes to early voting. Forty-two states in the country have some form of early voting or all mail-in voting systems so they already have a lot of the apparatus and a lot of the rules in place. Florida is actually one example where they actually allow for the counting, not only the processing, but the counting of ballots, I believe it's 22 days before election day. So many, many other states have already done that but we are the land of steady habits and we have not done the reforms when it comes to voting that we need to yet. I hope that we will continue to march down that road next session by passing once again early voting so then that can go to referendum and the people of Connecticut can approve that. We should have automatic voter registration. Those things I know are not part of this bill, but that is part of the reason though that making these reforms now are so critical.

The final reason is because we are operating in an environment right now where the President of the United States is trying to delegitimize any votes that are not counted on election day and we know this just by listening to the presidential debate and watching that just a few days ago. And many people unfortunately will listen to his message and will have doubt about the tally and about the votes that are not counted on election day itself. So by passing this, we will increase the likelihood that there will be more votes that can actually get processed and counted on election day and in some ways, it's sad that we're operating in this environment, but we have to make sure that people's

votes are counted and that their voice is not disenfranchised, but the message out of the White House is dangerous. It's dangerous to our democracy and this is a small, but I would say significant step to fight back. So for those three reasons, I'll be voting for the bill. I hope my colleagues join me. Thank you very much, Mr. Chair.

THE CHAIR:

Thank you, Senator Slap. Senator Moore.

SENATOR MOORE (22ND):

Good evening, Mr. President. I rise in support of this bill particularly the piece on Bridgeport to have a monitor assigned during the general election. We did try to do this in the last special session for the primary, but didn't have the total support, but it's really very important that we move forward on this and do this for Bridgeport. I stand here on behalf of the many residents of Bridgeport and organizations like Bridgeport Generation Now who've been fighting for over two years to have an independent oversight on elections. Bridgeport is unique in its handling of AB's in primaries and in the general election. It's no secret that the outcomes of several of our elections have been challenged in court and by the people, and it's not because of the AB process, but it's because some bad actors have manipulated the process and abused the process also by securing AB's from the most vulnerable populations in high-rise and senior buildings. Just in the last primary, because of COVID-19, we saw that when everyone received an absentee ballot, you created a level playing field and that's what we want in everyone election. We

want democracy to reign and we want a level playing field.

We hope that we can come back in two years and ask for full funding for this for another two years, but I know that this is an important election and that we will show that when it is fair and equal, we see the votes being counted, we can trust the process. On behalf of the Bridgeport voter, I thank the Committee for their work on this bill and giving Bridgeport a fair shot a democracy. It sends a message to those bad actors and people who participate in the AB ballot counting that we are in a direction that's going forth and that's fair for everyone. Thank you. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator Moore. Would you remark further on the bill? Would you remark further on the bill? Hearing none, Mr. Clerk, would you please call for roll call vote.

CLERK:

An immediate roll call vote has been ordered in the Senate. An immediate roll call vote has been ordered in the Senate on House Bill No. 7005.

THE CHAIR:

The machine is opened, is it working? The machine is opened. Will all Senators please report to the Chamber and vote? Will all Senators please report to the Chamber? [microphone check] Have all the Senators voted? Have all the Senators voted? The machine will be closed. Mr. Clerk.

CLERK:

House Joint Resolution No. 7005.

Total number voting	36
Those voting Yea	35
Those voting Nay	1
Absent and not voting	0

THE CHAIR:

Thank you, Mr. Clerk. The bill passes. [Gavel].
Mr. Clerk.

THE CLERK:

House Bill No. 7010, AN ACT CONCERNING THE
AUTHORIZATION OF STATE GRANT COMMITMENTS FOR SCHOOL
BUILDING PROJECTS, THE RECOGNITION OF GOODWIN
UNIVERSITY AS A LOCAL EDUCATION AGENCY FOR PURPOSES
OF FEDERAL LAW, CERTAIN EXCLUSIONS TO THE
CALCULATION OF A SCHOOL DISTRICT'S MINIMUM BUDGET
REQUIREMENT, AND DELAYING CERTAIN REVISIONS TO THE
LAW REGARDING THE PROVISION OF CONSTRUCTION
MANAGEMENT SERVICES.

THE CHAIR:

Senator Duff.

SENATOR DUFF (25TH):

Thank you, Mr. President. Would the Senate stand at
ease for a moment?

THE CHAIR:

The Senate will stand at ease. Mr. Majority Leader.

SENATOR DUFF (25TH):

Thank you, Mr. President. Mr. President, I would now like to yield to Senator McCrory.

THE CHAIR:

Senator McCrory, do you accept the yield?

SENATOR MCCRORY (2ND):

Yes, Mr. President, thank you. Mr. President, I move passage of the emergency certified bill in concurrence with the House and seek leave to summarize.

THE CHAIR:

Motion is made for passage. Please summarize.

SENATOR MCCRORY (2ND):

Thank you, Mr. President. Mr. President, this is our annual school construction bill. Basically, this bill authorizes 12 school construction grants totaling \$290 million dollars towards total project cost of \$503 million dollars. Under the State School Construction Grant Program, the state reimburses towns and local districts for a percentage of eligible school construction costs. The towns pay a portion of the cost and the state picks up the rest. This bill consists of 10 sections. Section 1 speaks to 12 districts that are on our school priority list. They include

Brookfield, Darien, Mansfield, New Britain, New Fairfield, Hamden, Manchester, Norwalk and Winchester. Sections 2-7 speak to the language we use as notwithstanding language. Basically our new projects that appear as notwithstanding can be given the status of being on the priority list by us, the legislature, if it misses its June 30 deadline. This is commonly referred to as jumping the list. Notwithstanding projects still must be verified with all expenses just as the priority list projects must be verified all expenses in order to, for DES to approve or reimburse them for construction.

Section 8 specifies that all magnet schools are operated by local boards of education or regional educational service centers. Goodwin University is a nonprofit higher education institution that is collaboration with LEARN. The rest board in New London operates two magnet schools. Section 9 speaks to our MBI process. Basically what we're referring to in section 9 is we're not allowing costs related to COVID-19 to affect our school districts MBR. And the last section, section 10, speaks to our construction management projects and basically, it delays the implementation of a bill we passed in 2019 in regard to construction management projects. With that being said, I will ask for adoption.

THE CHAIR:

Thank you, Senator McCrory. Senator Berthel.

SENATOR BERTHEL (32ND):

Good evening, Mr. President. It is truly wonderful to see you on the dais this evening. Mr. President,

I rise in full support of the legislation before us. As my esteemed colleague, the Chair of the Education Committee just explained and summarized, the school construction projects were all properly vetted through the committee process before the shutdown of the regular session back in March. The Committee had actually finished all of its Committee work which is a tribute to a Committee working well together and getting things done for the people of the State of Connecticut and the children that we're entrusted to care for ultimately through this Committee.

Notwithstanding language is of course something that we endure every year in every session, and it while sometimes looked as maybe an unnecessary burden, it's something that we do and we allow because especially in this situation that we're in now with COVID-19, some systems lost track of what was going on and paying attention and had to be focused on other issues related to running their districts and getting schools back open and whatnot so I think this is a fair part of this legislation as well.

And then lastly, the other pieces were already summarized. Lastly, the only other piece I wanted to address is the MBR allowance that we're making, that should not be part of the consideration for budgets next year when we are perhaps in a more normal cycle so Mr. President, again, I rise in support of the bill and I urge adoption. Thank you, sir.

THE CHAIR:

Thank you, Senator Berthel. Would you remark further? Would you remark further? Senator Logan?

SENATOR LOGAN (17TH):

Thank you, Mr. President. I rise to speak in support of House Bill 7010. There are many good aspects and qualities of this bill and I think it's important that during this pandemic, we continue to do the work of the legislature, the work of the state and make sure, particularly when it comes to education, that we are here to do what we can to support our communities and support the good work of our teachers and administrators throughout the state.

One particular aspect of this bill is a prime example of that, is the fact that we're gonna be looking at providing for one of the Hamden schools, Hamden Middle School, nearly \$7.5 million dollars towards an estimated project construction costs of nearly over \$11 million dollars. I think it's imperative and important this being one prime example of where the state is putting money in an area, making it a priority to help a community that is certainly in need of this work. This work at the Hamden Middle School will help to make necessary maintenance improvements at the facility, something that we know is an issue in Hamden and in other of our communities and it allows a town like Hamden to consolidate and make sure that the work that they're doing in terms of trying to teach the children is in line with whether it's enrollment numbers, changing demographics in terms of where people are living throughout that particular town. It allows Hamden in this case to again consolidate, close a couple of schools that now the children will be, many of them will be at the middle school in a nice environment for learning, but what I like most about what these

funds are gonna allow us to do in the town of Hamden, something that I've always thought was incredibly important and necessary and I would love to see one day in all of the towns I represent, in all of the state, these monies, these dollars, this grant will allow us to have a universal pre-K in Hamden for our children and I think that is something that is going to benefit our children now and for years into the future. So for that and many other reasons, I stand here in support of House Bill 7010. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator Logan. Will you remark further?
Senator Kushner.

SENATOR KUSHNER (24TH):

Thank you, Mr. President. I want to just thank our colleagues on the Education Committee, particularly my good friend, Representative, Senator McCrory, I'm so sorry. People do that to me all the time, [laughs] and I do want to say how important this bill is, this school construction bill is to our district. First of all, there are two new schools that are gonna be built in New Fairfield and you know, I am very proud to represent that city particularly after seeing how they took on the issue of building new schools. I've never been in such an environment where people were very thorough in understanding what was wrong with the schools, making sure that there were tours of the schools all summer long so we could go in and examine the problems and look at what needed to be done and really weigh the options before us, whether a renovation was better or a demolition and building

new schools, and in the end, there was obviously a referendum vote on that and the people spoke and the people said we want to build new schools. And I thought it was one of the best examples I've ever seen of participatory democracy where people really got involved and got something done and now, we get to play our part in helping to make that a reality and helping New Fairfield to be able to have these new schools that are so much needed. So that was a wonderful experience for me, but I think tonight what's even more heartening to me is to have the State come to the aid of Danbury. Danbury, where I've lived for almost 30 years, where I raised my three kids, where they went to the public schools had become incredibly overcrowded. We are one of the few school districts in the state that is growing and it's growing beyond what was anticipated. And I believe it will grow even more as a result of the crowd crisis that we've been in as we see people coming for New York in larger numbers to our community and we welcome them, and we welcome their families, but we also know that we have a serious problem because we don't have enough space for the children that we have. And the problem isn't a problem that we're gonna face in a few years. It's a problem that we have faced already for a few years.

Now, one of the problems in Danbury that doesn't make me very proud to acknowledge is that we are spending on our students the least amount of money per student in the State. We are 169 out of 169 towns and cities in the State of Connecticut. That's not something I'm proud of and it's something I believe we have to change on the local level as well as on the state level. And so when I see the state taking a very proactive approach through the

efforts of our leadership here in the Senate, through the efforts of our chair of this committee, I have to applaud them because they're coming to our rescue. We've looked at all kinds of solutions for Danbury and I think we landed upon the best solution, a career academy that will actually focus on taking high school students and giving them opportunities to really experience what the future might look like for them.

This is a new path for Danbury and it's something that's very badly needed. It will also be able to seat 1400 students. Now, if you've ever been to the Danbury Public High School, which my kids went to, it was big, it was the biggest one in the state when my kids went there. It's got over 3000 students. In this time of pandemic, we're not able to open it partly because of the spike, but even if a third of the students stay home and even if we do hybrid, we're gonna have 1000 kids in that building every day. It's just, we have just grown beyond what we can accommodate. So my deep appreciation to the State of Connecticut, and my, I'm so proud to be here to be able to vote on this because really, all of you, we're coming to the rescue of these students in Danbury in a much needed way and I'm so, you know I feel so honored to be part of the vote and so thankful to all of my colleagues who will vote for this school construction bill and so with that, I strongly urge support of this bill and intend, not just to vote for it, but to cheer and root for this bill. Thank you.

THE CHAIR:

Thank you, Senator Kushner. Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Mr. President. I rise in support of this bill. This is for the Birch Grove Elementary School. This is a school that is being replaced due to crumbling foundation and the cost overruns due to material costs have pushed this a little out of reach for the school, and bringing the reimbursement rate to 100 percent and replacing this school, it means everything to this community. When you walked around the building prior to them tearing it down, the walls were literally bulging out. When you walked through the school, you could actually see where it was cracking because the walls, ceiling and the floor left their marks.

So to replace this school, to make it a safe school for the elementary school children in Tolland to learn is beyond words so I do rise in support of this. This will take care of the community and I urge everybody to vote for this. thank you.

THE CHAIR:

Thank you, Senator Champagne. Are there any other remarks? Senator Duff.

SENATOR DUFF (25TH):

Thank you, Mr. President, and thank you for the opportunity to comment on the school construction bill as it is before us this session. There are some important parts of this bill of the communities which I represent, Norwalk and Darien. There's funding in there for the Ox Ridge Elementary School for a new building there. There's funding for renovation for Jefferson Elementary School. Both

schools are extremely old. Ox Ridge will be replaced. Jefferson will be renovated. It is high time that both of those see improvement, and then there is the Norwalk High School project.

Mr. President, I wanted to thank first of all senator McCrory, Senator Berthel, for their work in putting this bill together. There have not been any new schools built in Norwalk in at least 45-50 years. While other districts around the state for many years, decades, were building new fiscal plans, it went past, it went by the city of Norwalk. There was not the leadership to be able to build or renovate new schools and so what we saw at the time and up until now is basically schools that have been generations old falling apart, unhealthy, not up the standards that we expect from buildings today and therefore, needing some serious attention and so I am just very glad that we now have a mayor, a city council, Board of Education, superintendent that are putting these projects forward for us for consideration.

I'd just like to again thank everybody for their support of these projects, especially again the Norwalk High School project. Senator Looney, when we first talked about it was extremely supportive of it. It is a big project. We have a building that is 50 years old. I went to that building. You can't even get WiFi in that building because it is a concrete super structure. As a matter of fact, it was designed after a prison. That is no way to be teaching our kids today. I joke that you could be on the third floor of that building and use it as a fallout shelter because the concrete is so thick there, and it doesn't have the ability any longer to meet the needs of the students. There's mold, the

place is falling apart, and it in no way represents what we expect from our educational system. We put a lot of pressure on our teachers and our students to do the very best that they can and they're doing it in a building that is falling apart.

So I believe that time has come to move this forward. I want to also thank the Democratic staff for their help with this, Vinnie Morrow and Courtney Cullen and Ken Saccente, Shirley Harrell, for all their work and I want to thank the Department of Administrative Services, School Construction area, Costa Deamantes and his team along with the Office of Policy and Management, Department of Education, and the Governor and the Governor's office for their help as well. You don't do these things on your own. It takes a lot of people and I certainly appreciate that. I also want to thank Representatives Perone, Sims, and Dathan for their support as well.

So, Mr. President, again, I know I'm speaking more parochially for me on this bill. Generally, I also just wanted to again say thank you to the chairs and to the ranking members, Representative McCarty and then Representative Sanchez who led the bill last night in the House for his work because school construction again should not be a bipartisan issue. This should be an issue where we should be fixing up our schools all across the State of Connecticut. We should be saying that our kids should be learning in the best environments because it is a competitive world out there, and so whether it's in Danbury, whether it's in Senator Champagne's district, whether it is in Senator Looney's district or Senator Logan's district or any other district, Senator Kushner's district, we should be aiming for

good schools for the students around the State of Connecticut. Schools like the new Norwalk High School where it has a PTEC to it, where IBM is a partner and allows kids to get computer engineering or advanced degrees where they can get a high school diploma and an associate's degree within 4-6 years for free and get an internship with IBM and also get jobs with IBM. So this concept and this proposal I believe is a good one, a sound one, and will be one that only matches many other schools like we have like Brien McMahon High School in Norwalk, we have the Center for Global Studies. Kids from all over the place come to it. This will be the same and again, I think that any of these kinds of concepts we have that help to move our kids in a direction for advanced education to be prepared for the jobs of the 21st century is what we should be doing so thank you and thank you again, Senator Looney for all your support, Senator Berthel and Senator McCrory, Senator Fasano, thank you and I urge passage of the bill. thank you.

THE CHAIR:

Thank you, Senator Duff. Senate President, Senator Looney.

SENATOR LOONEY (11TH):

Thank you very much, Mr. President. Rising in support of the emergency certified bill. This is always an important bill every year, the school construction bill is something that every legislator in every district, in every town, every Board of Ed, every mayor, every first selectman has an interest in because this is one of the true areas of partnership between the State of Connecticut and its

municipalities. As we know, we reimburse school construction at varying levels depending on the formula that we have, but it's critically important that this partnership occur because education is such an important function of government that the quality of the facilities in which that education occurs is also an emblem of how important we believe that function to be. And again, it's important not only in terms of that key mission of education which in many ways is more important than anything else we do because our future depends upon it, but also as a practical matter, it is a measure, a jobs bill for the construction trades, for all of the well-paid positions that exist in those varying industries and the more robust a school construction bill we have, the more economic stimulus there is. Certainly the city of New Haven greatly benefited from that over the years when it had a major program of building new schools and renovating older schools over a period of about a dozen years. It was a \$1.5-billion-dollar program of which \$1.2 billion dollars was paid by the State of Connecticut, just a complete transformation of the physical plan of the city schools and this is something that every community participates in to some degree and is one of the major areas of partnership between the state and its municipalities.

So again, I want to thank Senator McCrory, Senator Berthel, their counterparts in the House and everyone who worked on this certainly also with DAS and OPM as well in this product. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator Looney. Senator Duff? Senator McCrory.

SENATOR MCCRORY (2ND):

Thank you, Mr. President. I just want to say again lastly, I want to thank Senator Berthel for all his work, Representative McCarthy, the ranking member in the House, and my colleague, Bobby Sanchez, for putting this together. Again, this is the bill that everyone loves. This is the Christmas tree and I think we did a great job working together making sure all of our communities are taken care of. And lastly, just on a personal note, Mr. President, I just want to say I know you're leaving. I will say this quick story. It was about six years ago I was in the House and it was the last night and you know we're rushing and trying to get bills done back and forth, back and forth, and I was trying to get a bill passed, it was about half an hour, 45 minutes before we end session and they told me I had to come upstairs to the Senate and I had to talk to you and if you were okay with it, then we would get it done and I'll never forget it. I came up here, I had to find out who you were. They pointed me to you. Then I explained to you why it was important to me and to my district, the piece of legislation, and it was a minor revision but you just looked at me, you asked me is this good for you and I said absolutely. And you said okay, we'll do it and I just think from that point on, I always saw you as a person of high standards and integrity and a person who did a very good representing your community and your party and I really respect that. I know you're leaving us, you're retiring, but I hope I can continue the same type of work you've been doing, being steadfast, being honest, holding people accountable cause

that's what I've seen you do, but also just being a good person in the circle so I appreciate that. I know you're retiring and I just want you to have a great career and also, send me your tailor cause I like your suits too. [Laughs]. Thank you and I ask my colleagues to support this measure. Thank you.

THE CHAIR:

Thank you very much, Senator McCrory and thank you for those very, very kind words. Will you remark further on the bill? Senator Duff.

SENATOR DUFF (25TH):

Thank you, Mr. President. If there's no objection, I'd like to place this bill on the consent calendar, please.

THE CHAIR:

Is there an objection for it to be placed on the consent calendar? Is there objection? Seeing no objection, so ordered. [Gavel].

THE CHAIR:

Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, I'd like the Clerk to please call the next bill and I will yield to Senator Cohen.

THE CHAIR:

Mr. Clerk.

CLERK:

House Bill No. 7008, AN ACT CONCERNING ENHANCEMENTS
TO THE STATE'S ENVIRONMENTAL JUSTICE LAW.

THE CHAIR:

Good evening, Senator Cohen.

SENATOR COHEN (12TH):

Good evening, Madam President. I move passage of
the emergency certified bill in concurrence with the
House and seek leave to summarize.

THE CHAIR:

Please proceed and the question is indeed on
passage.

SENATOR COHEN (12TH):

Thank you, Madam President. So what we have before
us is an act concerning enhancements to the state's
environmental justice law, a law that has been on
the books for quite some time. This bill seeks to
make improvements to the state's law. It comes with
the recognition that there are communities across
our beautiful state that are adversely impacted by
polluting facilities and as a representative of the
fine people of this state, we have a responsibility
to protect the people of their communities, their
homes and their health. We have 48 municipalities
that would be considered environmental justice
communities that may have to contend with serious

health implications and financial impacts due to affecting facilities. I would urge my colleagues' support of this legislative proposal we have before us to strengthen the future permitting process for potential affecting facilities in environmental justice communities and allow people to be noticed and their voices heard.

THE CHAIR:

Thank you, Senator Cohen. Will you remark further on the legislation before the Chamber? Good evening, Senator Miner.

SENATOR MINER (30TH):

Thank you, Madam President. Madam President, I have a couple of questions if I might to the gentle lady from the Environment Committee?

THE CHAIR:

Absolutely. Please proceed, and Senator Cohen, prepare yourself.

SENATOR MINER (30TH):

Thank you. So for purposes of trying to determine what the impact of this bill would be on a facility that requires I think the way it's drafted, it is either an expansion of a permit or a new permit, can you tell me on line 46, quality of life, how that would be benchmarked? How that would be graded so that if someone was thinking about applying for a permit to site something in one of these 48 communities, what they would think would be a

reasonable gauge for that? Through you, Madam President.

THE CHAIR:

Thank you, Senator Miner. Senator Cohen.

SENATOR COHEN (12TH):

Thank you, Madam President and through you, I would anticipate you know that various facilities may have an impact on perhaps the financial feasibility of resale of their home, rental properties in the area, how perhaps it affects their health adversely, how perhaps it affects you know the neighborhood scenery, but by and large, I believe that you know it would be up to the folks involved in developing those community benefits agreement how they would perceive quality of life.

THE CHAIR:

Thank you. Senator Miner.

SENATOR MINER (30TH):

And so through you, Madam President, do you foresee that the quality of life lists and the criteria for that would be established in each of the communities and it might be different? Through you, Madam President.

THE CHAIR:

Senator Cohen.

SENATOR COHEN (12TH):

Thank you, Madam President and through you, to my good colleague, I do think it might be different. Perhaps in some communities it might be related to noise pollution, it might be related to water pollution, it may be related to smog. There are varying degrees to which it might affect one community versus another and to exactly what it is that's impacting quality of life. Through you, Madam President.

THE CHAIR:

Thank you. Senator Miner.

SENATOR MINER (30TH):

Thank you, Madam President and so to the extent that the permit being requested actually is for a facility that would be improved, the emissions would be reduced, in that case, what would keep the negotiation from moving towards an additional expense in that case? Is there -- is it anticipated that there'll be a regulation developed to help guide this process or is this process going to be as you say up to 48 different municipalities to strike their own balance? Through you.

THE CHAIR:

Thank you. Senator Cohen.

SENATOR COHEN (12TH):

Thank you, Madam President, and through you, if I understand my good colleague, the question pertains to how different municipalities might handle

different permits which could be different depending on the various facilities that may be erected in any given municipality, and so I do expect that those situations would be different depending on the type of facility that is going into that particular municipality.

THE CHAIR:

Senator Miner.

SENATOR MINER (30TH):

Thank you, Madam President. So in the case where the application and the permit are necessary to create the improvement, there's no guidance here as to whether under any of these listed criteria that if the net positive, if there's a net positive in every single category, is there something in here in the language of the bill that would restrict this organization or this group from requiring an additional expenditure of resources for something like asthma treatment or a wellness clinic or other infrastructure construction as the bill lays out in lines 128, 129, 130 and on?

THE CHAIR:

Senator Cohen.

SENATOR COHEN (12TH):

Thank you, Madam President and through you, if I understand the good Senator, the question relates to if a facility were to expand and has a net zero relationship in terms of pollution, then I wouldn't expect it would be classified necessarily as an

affecting facility. There is a list of you know types of affecting facilities, they are defined within the bill itself. In terms of the types, my good colleague cited lines 128 through 132 which list suggestions that mitigation may include some of these items in a community benefits agreement. These are simply suggestions. The list is you know really up to the municipalities and those involved in creating that community benefits agreement. Through you, Madam President.

THE CHAIR:

Thank you. Senator Miner.

SENATOR MINER (30TH):

So through you, Madam President, while it doesn't say it specifically, it is your understanding that with the passage of this bill, it is entirely possible that through that negotiation, it may be determined that no additional expenditures are required even though there was a permit required for either the expansion of the siting of a new facility? Through you.

THE CHAIR:

Senator Cohen.

SENATOR COHEN (12TH):

Thank you, Madam President and through you, I would say that one, we should clarify that if this is an affecting facility that is expanding, that there would likely be some degree of pollution involved, but I also would say that the good Senator is

correct that not every benefits agreement may be financially cumbersome. Through you, Madam President.

THE CHAIR:

Thank you. Senator Miner.

SENATOR MINER (30TH):

And through you, Madam President, when it speaks to, I think it says expanded or new, is it the gentle lady's understanding that renewals would also be covered in this? Through you, Madam President, for existing structures as existing facilities that may exist in these communities? Through you.

THE CHAIR:

Senator Cohen.

SENATOR COHEN (12TH):

Thank you, Madam President and through you, no, they would not be subject to this. Thank you.

THE CHAIR:

Senator Miner.

SENATOR MINER (30TH):

And in the case, through you, Madam President, if the DEEP were to require some change and that change could only be facilitated through a new permit for an existing structure, in that case, would the DEEP

action trigger this agreement being negotiated and put in place? Through you.

THE CHAIR:

Senator Cohen.

SENATOR COHEN (12TH):

Thank you, Madam President and through you, no, it is, I believe that would be classified as a renewal, Senator Miner. Through you, Madam President.

THE CHAIR:

Thank you. Senator Miner.

SENATOR MINER (30TH):

Thank you, Madam President. Madam President, I don't have any further questions. I, you know, this is one of the bills that as I think back in the time that I've been in the legislature probably would've benefited from a number of opportunities to actually sit down and talk about what the implications might be. During the time that we heard this bill some months back, I think it was, I can't remember what the day was but it was you know before the 11th obviously of March, we really haven't had much discussion on this item and I think most of us when we left session and there was a decision made that we were gonna deep clean all the buildings and then the decision was made that we were really gonna kind of shut things down for a while and see where this COVID went, didn't anticipate that this was going to rise to the level of dealing with the COVID health pandemic, dealing with the finances of the state,

wasn't one of those bills that I think most of us that had been involved in the Environment Committee had really focused on again until I got a call to take a look at the language. I'm still concerned about the bill, Madam President. I'm concerned about it for a number of reasons.

One of the reasons is that the Department of Energy and Environmental Protection and the Department of Public Health have, at least with the siting of sewer treatment plants, have guided the development policy in the State of Connecticut and so communities adjacent to perhaps the City of New Haven or some other larger community have more often than not been the depository, rightly or wrongly, of these discharges. The agencies have fought relentlessly against the development of any other kind of a sewer treatment plan whether it's on site, whether it's creative as other states have done, in favor of long stretches of pipe and pumps to send this discharge to communities that clearly don't want it and it's not because communities in some cases that I've represented or represent necessarily wanted to do it that way; it's the way they were directed to do it.

I also have some concerns, Madam President, that we are I would say probably at the very beginning of conversations about how to reduce the level of waste that we incinerate in this state and in order to do that, you've gotta separate it. I don't think there's anybody that's had any part of the conversation about municipal solid waste, whether they're recyclables or food or anything else, that has engaged in those conversations and not come away thinking we have to look at this a different way and in order to do that, whether we're source separating

glass to produce concrete or whether we're source separating food to produce energy in some residual, all of those appear to me to be requiring of a permit. I don't think there are any of those processes associated with solid waste that would get around having a permit and so if we are looking at those circumstances where they aren't necessarily polluters as it was already suggested, I would argue that they're actually improvers of the environment. We've gotten ourselves to the point where we are working to educate Connecticut residents in the hopes of not doing the wrong thing with this, turning as little as possible to ash and so as little as possible to be incinerated, yet we're gonna add an additional burden on the cost of developing a facility that may very well not be that much of a problem environmentally. In fact, would be much safer and much better on the environment than all the other alternatives. And so that's been my struggle with this bill.

My struggle with this bill is the additional expense which is outlined here for any number of things in this bill that become the subject of negotiation and it's the negotiation before you can get a permit and as long as we're gonna do that, I think we're going to end up siting some of these facilities and locations that A, may not be any better in terms of trying to reduce the numbers that we need, any better in terms of their proximity to rail lines or highways and as I said, in those cases where every one of those items that I've spoken about doesn't include incineration, I'm not sure where the exposure is and so I'm not there yet on this bill. As I said in the beginning, I think this is one of those bills that had we the benefit of a lot more deliberation through the Committee process by

bringing people in from other municipalities to find out whether they see this as being an issue, whether we could move the Department of Public Health and the DEEP towards different permitting processes that might allow municipalities to deal with their sewage let's say more locally, then I think you wouldn't be left in this situation where we have a limited number of places. I don't want there to be any misunderstanding. I have I think more often than not supported technologies that try to reduce the amount of waste that we burn, whether it is through separation, whether it is through reuse and so, you know my perfect world would be that less of this gets incinerated, but even those facilities are gonna require this permit and if we make it too expensive, my fear is that the user, the public that isn't enamored with a deposit on a can or a bottle now, and certainly isn't gonna be enamored with a number of other fees that would go on other products presumably to pay for this or the tax base. Might just choose to either ship it all out-of-state which is not gonna be the best answer in my opinion in the long run, or continue to deal with it as it currently being dealt with which is also not the best way to do it in my opinion in the long run so for tonight, Madam President, I believe I'm probably gonna be opposed to the bill. I do recognize that there are constituencies that are more impacted and therefore, I would like to try and work towards different solutions, certainly one different than this. Thank you.

THE CHAIR:

Thank you, Senator Miner. Will you remark further on the bill that is before us? Will you remark further? If not, Mr. Clerk, if you would kind call,

oh, pardon me. I see that Senator Looney would like to remark. Good evening, Senator Looney.

SENATOR LOONEY (11TH):

Good evening, Madam President. I thought that there were other people waiting to speak on this matter, but seeing that that's not the case, I would like to express my support for this emergency certified bill in concurrence with the House and to commend Senator Cohen for all of the excellent work that she did on this bill along with Senator Hartley and others. I will yield to Senator Abrams at this point. I knew there were more people looking to speak.

THE CHAIR:

Excellent, Senator Looney. Senator Abrams, do you accept the yield, ma'am?

SENATOR ABRAMS (13TH):

I do, Madam President, and I thank Senator Looney for that. I stand in strong support of this bill. Two of the towns that I represent will be directly affected by it, but beyond that, as the Chair of Public Health, I'm particularly concerned about the environmental impact on health that facilities can have and so I very much appreciate the work of Senator Cohen and her colleagues to put this forward.

Businesses have an obligation to plan for and acknowledge the impact on the environment of their facilities, and we need to hold them accountable for that so this bill will do that and I ask for the

strong support of my colleagues in having it passed.
Thank you.

THE CHAIR:

Thank you, Senator Abrams. Will you remark further on the bill? And it looks like Senator Fasano is rushing to his seat. Senator Fasano.

SENATOR FASANO (34TH):

Thank you, Madam President and I thank Senator Abrams for getting up and this way, there was a yield that gave me an opportunity to get into the Chamber. Madam President, I do support this bill, but my concerns are twofold and I think we're gonna be here next session to modify this bill. First, I think Senator Miner is correct. If you were to decide voluntarily to improve the quality of your facility and there's six facilities that are affected facilities as defined by the statute or the bill, and you decide unilaterally you are gonna make it less polluting, you would be required to fall under this bill so one would think if you could make it better for the neighborhood, and better for the environment, why would you put them through the rigors of having to do either an asthma place or a wellness clinic or a bicycle thing. The company would say why am I gonna do it and walk into this bill? I'm better off staying silent and I think that's a problem. I think it's bad policy. I think we want to encourage these facilities to go ahead and do everything they can to make it better and if you exclude them from the bill, if they're able to establish to DEEP or the council, however you wanna phrase it, that it is going to improve the quality of the environment, they should have exemption out.

The second problem that I think is in this bill is as follows: There are regulations established by DEEP and maybe even by the feds EPA, and if they were to change their regulations once again to put in some apparatus which would reduce the environmental impact, let's say they have purify the air even more or purify the water even more, by regulatory action you would automatically fall under the purview of this bill. That would put a facility in a very bad position. Either they'd have to acquiesce to all of what the enhancements require in this bill in order to get that permit and if they didn't, they would go out of business so that is a problem that I think should be looked at maybe next session, to take the bill and say this was good, but any time you improve the air quality, water quality, environmental quality, you have an exemption or a waiver from this bill thus allowing those types of either unilateral or regulatory provisions not to affect these facilities.

It would be harmful, I believe, if you don't do otherwise. So, Madam President, I'm gonna support the bill. I'll throw a caution flag out there and say I hope next session they take a look at these items and maybe work them into the bill. But thank you very much and thank those, Senator Miner, Senator Cohen for working very hard on this bill. Thank you, Madam President.

THE CHAIR:

Thank you, Senator Fasano. Will you remark further on the bill that is before us? Good evening, Senator Hartley.

SENATOR HARTLEY (15TH):

Good evening, Madam Speaker, and hopefully this will be an almost short evening and we can move on, but yes, I stand in strong support of the bill that is before us and I want to first of all recognize the leadership in the Environment Committee that really highlighted this concept and worked on its development over these last two years. You know it basically is addressing the underlying issue, recognizing that environmental injustice is endemic to our urban centers, to our distressed municipalities, to our communities where they are very densely populated, high poverty rates, and equally high in serious health issues and it's that combination of factors which actually brought this to my attention and it so happens that there was an application for an expanded permit in my town, and as we began to discuss it and look at where this was, it was in an area that had a number of other facilities. And so the question became, what's the saturation point? At what point is it the tipping point where it's too much, that a community can't absorb it and you know we've been particularly I think aware of all of the components that we're dealing with and we need to deal with in far more specific ways with regard to racial injustice and obviously, these are communities, they're minority communities. This particular community I'm talking about is primarily a Hispanic community where the graduation rates are low, the asthma instances are at the top of the chart with regard to state statistics, the corresponding absences from school for elementary school children is equally high, and many times it is explained by virtue of you know respiratory situations and respiratory illnesses. And so this is trying to reasonably recognize that

these industries are part of our world, a necessary part of our world and they need to be recognized as such and we need to work together, but when you find a community that is saturated and so this, this particular bill for the first time and I think will put us quite frankly you know on a national model level, institutes a threshold which says if there are more than five cited facilities in a particular census block, then this happens. And the this is that there is a requirement to develop a community benefits agreement. Now, in doing that community benefits agreement, there are many options. One might be [inaudible - 06:14:09] negotiate our chief elected officials who represent the community and are accountable to the community and in so doing where you have this done by local control, then it could be in direct relation to a particular community. There are some geographic locations where they're completely industrial and the expansion of the siting of such a facility is totally appropriate. In the one that I reference, it actually is a community that has coexisted and grown up with a very strong industrial presence as well as a very densely populated community. There are at least ten churches, there are about five or six schools and these, it's like pre-WWII housing, triple decker housing, you know very, very densely populated and so in this instance, we have to recognize that there is a community that calls this home and there is a community that is dealing with the health effects of these kinds of situations every single day so I think that the underlying bill gives much flexibility to craft a community benefits agreement specific to the circumstances. If it is completely industrial, then it is very appropriate that the chief elected official could have some kind of relationship with the facility so as to be good

corporate citizens and neighbors, but if it is a situation where there is an overabundance and in this instance the threshold is five sited facilities or more, there needs to be a recognition that there has to be a standard and a quality of life and therefore, a community benefits agreement would be crafted along those circumstances.

So I think that there is room for latitude and flexibility to once and for all protect the community, to give a facility the opportunity to be a good corporate neighbor, and that we work together to address the underlying in this particular health issues that come with the density and siting and I should also mention that the designation of affected facility could be determined by existing permits in DEEP and that's how you would know that for example a, I don't know a carwash or some other kind of facility did not fit within this category. It might be industrial, but it is not an affected facility and so if there are five, then you're in [inaudible - 06:18:11 audio cut out] if you look at the DEEP permitting process, you will see that there are very few and far between where there are five and that is where we need to focus the attention on these issues. I thank you, Madam President, and I once again want to recognize Senator Cohen and the Environment Committee for bringing this forward because I think it's very topical and certainly is something that helps to move the needle on these discussions. Thank you.

THE CHAIR:

Thank you so much, Senator Hartley. Will you remark further on the bill? Senator Looney.

SENATOR LOONEY (11TH):

Thank you, Madam President. Speaking in support of the emergency certified bill, this is, Madam President, as has been said, a very important bill for communities in this state that have been overburdened historically by noxious and toxic uses of all kinds. In fact, the communities that are protected by this are some of the neediest and some of those who have already had their climates and their quality of life blighted. In some cases, these are communities of great density, communities with high asthma rates, communities with high poverty rates overall. This will give them some additional due process protections so that the residents of those communities will be made aware of what has been proposed, will be able to organize, will be able to develop a strategy and opposition to make their views heard, to be on record, and to not have what happens too often in many communities where the populous may not be as tuned in as in some other communities where everyone is aware of everything that's going on in the town. With this, it will be less likely that communities will be ambushed or taken by surprise by a proposal of this kind, which could affect the quality of life in the entire community. In some cases, it can affect an entire community where entire cities are in the category of being distressed municipalities. But it is not only distressed municipalities, Madam President, but there are other communities that have certain census blocks within them where the entire community may not be in the category of distress, but there are certain sections of those communities that are very needy and that have been overburdened in the past.

So if we look at the list of 48 communities that would be affected, the 25 municipalities that are categorized as distressed, but the other 23 that are also designated as environmental justice communities that have census block groups that are impacted, in the aggregate these 48 communities contain a very significant portion of our state's overall population. In the first category obviously in the distressed municipality category as you would expect, the major cities, Hartford, New Haven, Bridgeport, Waterbury, but not only those major cities but also a number of communities in Eastern Connecticut. For instance, Norwich, Sprague, Voluntown, Putnam, New London, Montville, Griswold, Windham, but also, Madam President, towns in the Naugatuck Valley, Ansonia and Derby and in first-ring suburbs like East Haven, like Stratford and also we have West Haven, also another New Haven suburb in that category of distressed and then the other category, of course, of those who have at least some sections that fit that category and have been overly victimized with this kind of noxious and toxic use, again we have large cities like Norwalk, Danbury, Stamford, of course, but also other first-ring suburbs like Fairfield and West Hartford which are both generally affluent, but do have pockets that don't share in the general affluence of that community. Windsor and Bloomfield, other first-ring suburbs. Wethersfield, another first-ring suburb. Hamden and North Haven, first-ring suburbs of New Haven and again, a number of more towns in Eastern Connecticut, Groton, Plainville, Westbrook, Stonington so communities all over the state are affected, communities of all sizes, not just central cities, not just first-ring suburbs, not just small towns, but an aggregate of all of them. Forty-eight communities will benefit from this with the

opportunity for a greater support for the vigilance of those communities, a greater opportunity to be heard, better due process in the siting of these uses that have compromised the health of communities that are already struggling so, Madam President, I commend all of those who've worked so hard on this bill with a strong sense of its necessity during the session and now in the process of this special session. Thank you, Madam President.

THE CHAIR:

Thank you, Senator Looney. Will you remark further? If not, Mr. Clerk, if you would kindly call the roll call vote, the machine will indeed be opened.

CLERK:

An immediate roll call vote has been ordered in the Senate. An immediate roll call vote has been ordered in the Senate on House Bill No. 7008. An immediate roll call vote has been ordered in the Senate. An immediate roll call vote has been ordered in the Senate on House Bill No. 7008. Immediate roll call vote has been ordered in the Senate.

THE CHAIR:

Have all the Senators voted? Have all the Senators voted? They indeed have vote so we will lock the machines and, Mr. Clerk, would you kindly announce the tally?

CLERK:

House Joint Resolution No. 7008.

Total number voting	36
Those voting Yea	35
Those voting Nay	1
Absent and not voting	0

THE CHAIR:

[Gavel]. And the measure is adopted. Mr. Clerk.

CLERK:

House Bill No. 7001, AN ACT REVISING PROVISIONS OF THE TRANSFER ACT AND AUTHORIZING THE DEVELOPMENT AND IMPLEMENTATION OF A RELEASE-BASED REMEDIATION PROGRAM, AS AMENDED BY HOUSE AMENDMENT SCHEDULE A, LCO 4433.

THE CHAIR:

Good evening, Senator Needleman.

SENATOR NEEDLEMAN (33RD):

Good evening, Madam President. Out of an abundance of caution, under rule 15, I'm recusing myself from this bill.

THE CHAIR:

And the record will so note. Thank you, sir.
Senator Hartley, good evening.

SENATOR HARTLEY (15TH):

Good evening, Madam President, and as we wind down the evening, this is a very appropriate way I think

to end. Madam President, I move acceptance and passage of the emergency certified bill in accordance with the House, which adopted House Amendment A, LCO 4423.

THE CHAIR: And the question is on passage. Will you remark?

SENATOR HARTLEY (15TH):

Yes, indeed. Thank you very much, Madam President. Madam President, the issue before us today in House Bill 7001 is a very vexing issue. It has been really three decades in the making and it is about protecting our environment, the human health and environment in concert with, not in opposition to, our economy. This bill, 7001, actually represents countless hours involving a very, very diverse group of people stakeholders from really all aspects of this particular issue, but I would like to first off recognize some of those folks who have been so instrumental in bringing us to this point today and first of all, I would like to recognize my colleague, Christine Cohen, who is the Chair of the Environment Committee who will be tag teaming with me here tonight, and also I would like to recognize my colleague and ranking member on the Commerce Committee, Senator Henry Martin, who really lived through what was probably best described as kind of a tortuous process that was in some instances interminable, but it was because of him and all of these people who kind of stayed at the table that we are able today to have I think a piece of legislation in front of us which is probably gonna be a signature piece for economic development in this round, in this legislative session.

I'd like to recognize the Senate leadership on both sides for their participation and support in getting us here, and also a big nod to Governor Lamont who immediately recognized the importance of this issue and also recognizing also the complexity of it, fully engaged in trying to get to go essentially, get to a good place here and with that, his team, the commissioners of Economic and Community Development and commissioner of Environment and their teams who really rolled up their sleeves and invested in working through this process.

I also, Madam President, would be remiss if I didn't give a big shout out to the members of the working group, Senator Cohen being one, Senator Martin, but also we had three co-chairs from the private sector, that was Beth Barton, Veronica De Rosa, and Pam Elcott who really spent long hours on this and also Eric Brown working through some very challenging issues. The fact is, this had been tried three other times in 2008, in 2011, and in 2013, and each time, kind of didn't get over the goal post. Today I am hoping we do get over the goal post. I should also mention that this bill has, it was a diverse group of people, but it also has a very broad base of supporters amongst the regulated community as well as the environmental advocacy community, the Connecticut realtors, the ECOM, the Connecticut manufacturing collaborative, the CCM group, COST, the EPOC, the Engineer and Professionals of Connecticut, Save the Sound and the Rivers Alliance, Connecticut Fund for the Environment are among some of them who are now very actively supporting this proposal.

So the Transfer Act. It kind of has gotten this tainted impression. It was at the time I think

probably one of the first to identify the fact that we needed to recognize and be very cognizant in supporting human health and the environment. It was with the laudable goal, the goal that we all embrace to protect the environment. The model though was imperfect so the theory was sound, the practice kind of was weak. Typically, what it did was when a property was sold, if there had been certain activities involving hazardous waste materials and so forth, then it would be triggered just by virtue of the sale to go into this Transfer Act, whether or not there was a significant environmental hazard that existed or not. The effect was over time that it was a very chilling effect that it had on our economy. Property owners, site selectors and so forth quickly recognized the fact that this Act, once you were in it, and some quite frankly have described it as the Hotel California, you can go in, but you're never getting out because the process was so laborious, it was expensive and time-consuming and so we kind of became recognized for the wrong reasons. Typically, I have learned that real estate investors, developers and so forth, one of the first questions that they would ask when looking for a particular site, trying to do development is the question, is this a Transfer Act property and if the answer was affirmative, many times they would walk away. There was a very good report that was done which did case studies and gave specific examples of that happening. For example, a developer looking for more warehouse expansion space and when he or the group recognized that this was a Transfer Act site, they said no, thank you and they went to Rhode Island and that happened repeatedly.

You know, the fact is that we in Connecticut are really only one of two states that have this

construct, Transfer Site, and the other state which enjoys this distinction and this model with us is New Jersey, and I understand that even they are not as prescriptive as we are so we kind of put a bullseye on our back and it hasn't served us well. It turns out that there were about 7000 filings into the Transfer Act and actually 4200 properties. Since 1985, 4200 properties have gone into the Transfer Act and interestingly enough, only 25 percent of them have made it through the process and are out. A thousand of those 4200 have been able to go through the steps and no longer be within, and I don't think anyone would disagree with me by saying the clutches of the Transfer Act.

So our legacy in the northeast is an industrial legacy and we're very proud of it. In my city of Waterbury, we were known as the brass center of the world and as you know, Madam President, visiting there very often, you drive through those vestiges. Many of them are covered in weeds and in ruins and have been abandoned, shuttered or are moth balled and that has really happened in many, many locations. In fact, of our 169 towns, there are only 11 in the State of Connecticut that do not have Transfer Act sites. So in all likelihood, perhaps all of my colleagues in the circle have Transfer Act sites in their district.

Interestingly enough, there's a high concentration, many of them are in our urban areas. Now we just finished a bill about environmental justice. This kind of you know is the next discussion on that. These properties once again you know have lied fell out for years now and they are no longer places of employment for folks in the cities, they are no longer on the tax rolls, they are hazards in every

way and eyesores and they are many, many of them in distressed municipalities and economically disadvantaged communities.

So our five largest cities are on the top of the list in terms of the number of Transfer Act sites and I'll just share with you Stamford has 397 Transfer Act sites. Hartford has 240. My own city of Waterbury has 265, New Haven has 234, and Norwalk, Norwalk has 202 so those are the top six in the State of Connecticut, but as I said, there are only 11 towns in the state that have not had a property that were in the clutches of this Transfer Act.

So I'm going to talk about the first part of the bill and Senator Cohen, Chair of the Environment Committee, will talk about the second part of the bill. The first of the bill actually encompasses section 1 through 5 and it essentially is the product of the working group that I talked about just a few minutes ago. That group came together to modernize, the streamline, and to update this construct that we know of as the Transfer Act, and so it was a product of the working group. The definition of transfer itself is defined in the negative and there are actually 29 exceptions in the definition of transfer. The working group labored on all 29 and it so turns out that they were only able to come to consensus on 10 of these so there is nothing in sections 1 through 5 that was not completely part of a consensus working product and that was by all of the members in the working group.

And so a few things that it did; it adjusted an area of a parcel which was considered to be by definition an establishment requiring an investigation from the

entire parcel previously in regard to its environment history, footprint to just the area or the business where the environmental, where there was an environmental activity in a situation where there are multi-tenants. So you have a tenant in a building who maybe was a drycleaner and previously, if you wanted to transfer that property, to sell that property, you would have to, because it was deemed and establishment by virtue of the activity there, you would have to go through the process, the remediation process, the remediation investigation monitoring on the entire parcel so whoever the other tenants were, they were dragged in and so the change here is to confine it to the specific geography of where that particular enterprise, in this instance the drycleaners, was located. And the same change was also made for the industrial condo construct too so in a larger situation where you have multiple tenants, maybe an industrial park of the like and one tenant was a printer and previously if you wanted to do a property transfer, you would have to go through all the Transfer Act steps for all of the other parts of that industrial condominium and now, once again, it will be focused on the area where that particular environmental activity, environmental footprint was contained.

Additionally, there was streamlining done to the, a lot of streamlining -- so this section 1 through 5 I should say has a lot of technical corrections in it. It has a lot of conforming language in it because as it establishes a conduit, a bridge, a process by which it moves onto a new model, a new construct, that being release base, there needs to be an integration of existing language in statute and so there's a lot of that in sections 1 through 5.

Also, there was -- we increased the threshold of interest from 40 percent to 50 percent in the instance where there is a change in the corporate structure. So a company wants to take on a partner. They need an infusion of cash or something like that. Previously, if that partner was to acquire 40 percent of the business, then it would be triggered as a transfer and once again, have to go through all of the processes in the Transfer Act. So it's now moved up to 50 percent so theoretically, you can take on a partner who invests or takes on up to 49 percent of the company and it is not then categorized as a transfer meaning you have to go through this process of the Transfer Act.

There was also streamlining in here of our Brownfields Programs. As we know and are so proud, we have a sterling national model for our brownfields and there were four sections here. They have been combined because part of the problem also it has come back to us over the years that in particular out-of-state attorneys and developers and so forth, they look at the act and it is so convoluted in the way it is structured and defined, it kind of makes you dizzy and so there was a lot of trying to streamline and simplify so that they you know, when they have to work with it, it's a simpler format. And additionally, there was a streamlining of exemptions for residential condos. Once again, the thought was that the onus should not be on a residential condominium owner if it happens to be in an establishment in regard to putting out notice if there's going to be a sale. So in many instances, you have some of these former mill sites or industrial locations that have been turned into a condominium, residential condominiums and in that instance, the individual owner will not be shackled

so to speak if in fact they want to do a sale, but it would, the requirements for noticing and complying on the terms of the Transfer Act would fall on the declared, effectively the developer.

So, Madam President, those in a thumbnail are the five sections which encompassed the work and the report from the Transfer Act working group, but I want to take a minute if I could to answer the question why now because it has come up and appropriately so. We are now in this very strange peculiar moment with regard to COVID and previously, you know our Achilles always was that we don't have a modern metropolitan transit system. We are not metropolitan area. We can't compete with our neighbors to the north and to the south. We can't compete with New York and Boston, we know that we can never, but all of a sudden, those issues are totally blunted by the world that we find ourselves in during COVID. People want less dense communities. They want walkable communities. They don't want to have to travel by mass transit, by the T, by the subway and coincidentally, Connecticut has just been rated fifth best place to work in during COVID. We've also been recognized as the seventh best place in the United States based upon our budget reserve fund, which thankfully is a cushion as we weather this storm. We've managed the virus very well. We stand out when you look at all the national reports and you look at the colors on the map. It's Connecticut and so what's really happening is there's a lot of people taking a new look at us. Also, Moody's reported that we were at an 84 percent recovery rate for pre-COVID activity compared to the national percentage right now which is about 76 percent and if you talk to people in the industry, the real estate industry, they will

describe that the industry right now is hot, that real estate is really moving. There are multiple inquiries, there are bidding wars, and the same is also true by the way of office space too. Companies and their workers, they don't want to be in high rises anymore and while the company still has to try to maintain a presence in the regional metropolitan area, they are looking for these places to meet the needs of their workers as they begin to phase them and bring them back in.

And the other thing is that we recognize the fact that we are not in a position right now to be crafting tax incentives, tax credits and the like, and so what is it that we can do? It's regulatory. It's regulatory. We can make ourselves very attractive by changing our regulatory horizon. This is probably one of the big topics on the regulatory horizon and the discussion and so I think that is the reason for why now.

There is one thing I omitted, Madam President, if I might and that is, and it's very important actually and it's right in the beginning of this section and it also appears I think in two other sections in the 500 area, but it is the sunset language. So the timeframe is such that we will upon passage adopt all of these changes and simplifications and updating to the existing structure, to the existing transfer act and at the same time, there will be, and Senator Cohen will talk about this, a group coming together to begin to work towards the transition to the model that 48 other states use. But the very important part about this is that nothing happens to the Transfer Act. It is in place with these improvements until the time that regulations are adopted and because this is a very

complicated subject, we recognize that it certainly is not perfect and undoubtedly, we will be continuing to refine it and to tweak it as we go through and make this transition so with that, Madam President, at this moment with your indulgence, I'd like to yield to Senator Cohen.

THE CHAIR:

Thank you so much, Senator Hartley. Do you accept the yield, Senator Cohen?

SENATOR COHEN (12TH):

I do accept the yield, Madam President. Thank you. As we heard so nicely put and you know in great detail from Senator Hartley, I want to thank her first and foremost for all of her hard work on the Transfer Act. I know it's something that she has been working on long before my short tenure here in the Senate and it has just been a pleasure working with her on that, both as the vice-chair of the Commerce Committee as well as the Senate chair of the Environment Committee. As we've heard tonight, only two states have a system which requires investigation and obligates cleanup based on the transfer of a property and while well-intentioned at the time, it has just turned into something that's complicated, confusing, and convoluted and really has you know for the lack of a better word, has taken properties across the State of Connecticut into its grips unrelentingly and failed to release those properties. And it was really well-intentioned from an environmental standpoint, but unfortunately, not serving its purpose because what we've seen instead is cleanups not occurring due to burdensome regulations or perhaps lack of regulation

in some cases, and costly cleanups and as a result of folks not wanting to go through with these cleanups as Senator Hartley had mentioned, leads to abandoned properties.

So you've heard about the thousands of properties and we've lost millions of dollars of revenue here in the State of Connecticut really halting the growth of current and potential businesses by limiting these real estate transactions and limiting job opportunities. In addition to these tremendous burdens, we've not accomplished what the Transfer Act really set out to do in 1985, which was to clean up the environment and really get these sites cleaned up.

So the portion of the bill that I'm speaking on is where the bill seeks to sunset this antiquated and cumbersome system that we call the Transfer Act, and move to a released based remediation system upon promulgation of corresponding regulations. We would be moving to a system employed by 48 other states across the country; if you spill it or if you find it, you clean it up. So this bill seeks to maximize the use of our well-trained licensed environmental professionals and create a system of tiered standards, spill standards, freeing up resources at the Department of Energy and Environmental Protection to only provide oversight on the most high-risk contaminations. Addressing environmental contamination would no longer be tied to the transfer of properties and would not hold up sales as a result. We're all impacted by this in the State. As Senator Hartley mentioned, only 11 towns are not impacted. I myself have 134 Transfer Act properties in my district alone. This is a great proposal that will protect our environment and

public health as well as promote economic development by providing for expeditious cleanups that require less government involvement and funding and cost less for property owners. I'm really excited whenever we can meld two of my absolute favorite topics which are economic development or business and the environment.

So I want to just take a moment to thank my environment co-chair, Representative Demicco as well as my colleague and Senate chair of the Commerce Committee, Senator Hartley, and her co-chair, Representative Simmons as well as the ranking members who are sitting in the circle right now, Senator Miner and Senator Martin and the ranking members in the House. We have all been gathered together. We've been working as Senator Hartley mentioned on a working group on the Transfer Act and then most recently, certainly in the best interest of Connecticut I believe really working together. This is proof positive of how to do and come to really great consensus-based legislation and I hope that we'll enjoy bipartisan widespread support of this bill tonight. We had many stakeholders around the table and I want to give special thanks to them as well as our DEEP and DECD who worked so hard with us to help craft this language and get it right for the people of Connecticut.

So you know I'd be remiss and also I mentioned the stakeholders but there's just so many and I know Senator Hartley mentioned some in particular, but I do want to thank all of the environmental advocates particularly who came to the table in the last couple of weeks as we were really trying to get this right from an environmental standpoint. So everyone's put in so many hours and many late nights

and we've managed to create a terrific bill that benefits both as I said the economy and the environment so I would urge my colleagues' passage of this fine bill tonight. Thank you, Madam President.

THE CHAIR:

Thank you, Senator Cohen. Will you remark further?
Good evening, Senator Martin.

SENATOR MARTIN (31ST):

Thank you. Good evening, Madam President. Thank you so much. Thank you to my chair and vice-chair of the Commerce Committee. I think we did a pretty good job in assembling this Transfer Act and the starting steps I guess towards a release-based system here for the State of Connecticut. I know we've heard a lot, you know we heard it when we were first listening to the proposal for this bill when we were at the Commerce Committee meeting and then you know we left and we had the testimonies, the joint testimony in front of the Commerce Committee as well as the Environmental Committee regarding the release basis and we heard all the pushback and you know the encouragement that we should move forward with this. So we've done a lot in a short amount of time and I believe that what we're doing is the right thing. It's definitely a, it's an economic and an environmental bill combined and I think we should be proud of that. Both of you have done an exceptionally good job. The working group, I can't say enough about them. We learned so much listening to them, but I think you know the, all the players, had we not had them at the table and I'm pleased to see that this bill addresses forming a new group to

address the release basis, but going to specifically to the Transfer Act portion of this, had we not had all those players at the table, I don't think we would have the product that we have today or we would be here today without them. So I want to thank them and there's a multitude that we have to thank and Joan, you did a great job naming all of them as well as you, Christine so, but I wanted to thank them as well.

You know the intent in 1985 was to, with the passage of the Transfer Act was to identify contaminated soils and to make sites environmentally clean and it didn't take too long, I guess with 26, 29 different amendments to that Transfer Act or the change of regulations. We learned that the Transfer Act was very complex and difficult and left many properties still contaminated and it's not what we were really trying to achieve so today, you know we realize that we fell short and properties that were identified as establishments are being held up from them being transferred. And we realize that to do this investigative work to find out what is contaminated, what portions of a property. It could be small, it could be large and what's the cost of remediating that and who's gonna pay for it created a lot of uncertainty for buyers specifically and as a result and what we see and acknowledge here today, is that properties didn't move and buyers went looking somewhere else, maybe in our state found something, but what we've learned is they went to other states and we lost that type of economic development here in our state. So the sites remain unsold, undeveloped, and undeveloped to what they could possibly be.

Thanks to the working group, you know we've made some changes. We started I think last year to the year before, we made some changes. We defined, better defined what an establishment was and that created some activity and we heard it almost instantaneously that gee, what we did was very positive. I can hardly wait after we pass this bill tonight what's going to happen with our real estate here in the State of Connecticut and the development and the cleaning of the sites and that's what we're trying to achieve is to clean these sites. I'm looking forward to it.

So I am going to urge passage of this bill. The goal I believe we're going to achieve and that is to clean these sites, to protect our environment, simplify the process, and by doing that, I think that we're gonna be helping our, well, not think, I know we're gonna be helping our economy to turning unmarketable properties into very desirable and developable sites. So I want to urge my colleagues to support this bill tonight and again, thank you to both my chairs and vice-chairs of the Commerce Committee for doing a good job.

THE CHAIR:

Thank you, Senator Martin. Will you remark further on the legislation before the Chamber? Good evening, Senator Osten.

SENATOR OSTEN (19TH):

Thank you very much, Madam President, and, Madam President, I will have a few questions for the proponent of the bill.

THE CHAIR:

Absolutely and to whom would you like to direct the questions, to Senator Hartley or Senator Cohen?

SENATOR OSTEN (19TH):

[Laughs]. On the environmental components of the bill.

THE CHAIR:

Then we'll give that to Senator Cohen.

SENATOR OSTEN (19TH):

Actually, it'll be really easy. I told her I would only ask her easy questions tonight because the hour is so late in particular, but first, I would like to day, I would like to thank everyone that worked on this bill, Senator Hartley, Senator Cohen, Senator Martin, Senator Miner. This bill I think is a game changer for properties in Connecticut. It will return real estate to the tax rolls and I think it will be something that will actually clean the properties up earlier, and that brings me to my first question. Through you, Madam President, does the good chair of the Environment Committee know how many properties in Connecticut have made their way into the Transfer Act?

THE CHAIR:

Senator Cohen.

SENATOR COHEN (12TH):

Thank you, Madam President, and through you, 4200 properties have been in the Transfer Act.

THE CHAIR:

Senator Osten.

SENATOR OSTEN (19TH):

Thank you very much, Madam President and through you, how many of those properties became clean and were ultimately put back on the tax rolls?

THE CHAIR:

Senator Cohen.

SENATOR COHEN (12TH):

Only about, through you, Madam President, only about a quarter of the properties have made it through a verification process and out of the Transfer Act.

THE CHAIR:

Senator Osten.

SENATOR OSTEN (19TH):

Thank you very much, Madam President and through you, that means that three-quarters of those properties were left to lie fallow and did not achieve either the goal of being cleaned up or put back on the tax polls? Through you, Madam President.

THE CHAIR:

Senator Cohen.

SENATOR COHEN (12TH) :

Through you, Madam President, that is correct.

THE CHAIR:

Senator Osten.

SENATOR OSTEN (19TH) :

Thank you very much, Madam President, I'm sorry. Again, out of practice. Through you, Madam President, the properties that were left to stay fallow and not be used again, did they, are they, what kind of properties are they? Are they industrial properties, commercial properties, residential properties? Through you, Madam President.

THE CHAIR:

Senator Cohen.

SENATOR COHEN (12TH) :

Through you, Madam President, for the most part, we are, as Senator Hartley mentioned, we have this rich industrial history, many of them are old mills, manufacturing locations, that sort. There are some residential properties that were built on these mills, condominiums, apartments that are part of the act, but by and large, these are commercial properties that we're talking about within the act.

THE CHAIR:

Senator Osten.

SENATOR OSTEN (19TH):

Thank you very much, Madam President and through you, the industrial or commercial properties or both that are left on the, that are left fallow, not being used, kind of eyesores around the area, creating unsafe environments for young people to just sort of possibly get hurt in or hang in, what do you envision that being turned into now? What do you think will happen with a property that's an old industrial site that has not been able to be cleaned up and put back on the tax rolls? Through you.

THE CHAIR:

Senator Cohen.

SENATOR COHEN (12TH):

Thank you, Madam President and through you, and I may yield to my good colleague, Senator Hartley, on this, as it does pertain to the commerce side and the Transfer Act, but I certainly think the opportunities are endless with these properties and any number of uses could come about, but if I may, Madam President, I'd like to yield that question to the good Senator Hartley.

THE CHAIR:

Senator Hartley, do you accept the yield?

SENATOR HARTLEY (15TH):

Yes, indeed.

THE CHAIR:

Since clearly, the hard questions are going to you, Senator. [Laughter].

SENATOR HARTLEY (15TH):

Thank you, Madam President and yes, to Senator Osten, to put it probably very succinctly and bluntly, we're back in the game with this. We can compete with 49 other states. We can have our site selectors talk about the fact that we have an expedited process and quite frankly, we have right now as we talked about a number of properties that we are going to be trying to move through the pipeline. They will enjoy the benefit of this expedited process which also happens to enjoy the benefits of the new regulations that are being promulgated right now by the department and they will help those that are in the act right now to be expedited in a more efficient, less costly, anything that takes less time, is less money and is more attractive so and because of our geographic location, we are in between obviously two you know major areas and our highway system which connects east to west, north to south, we are primed and so that was quite frankly the tragedy of being shackled here by a very dated set of regulations and statute.

THE CHAIR:

Senator Osten.

SENATOR OSTEN (19TH):

Thank you very much, Madam President and through you, so Senator Hartley, I'll just stay and end my questions with you. Many of the sites that we're talking about lay along beautiful vistas, beautiful rivers. Many of our industrial sites were in sort of those prime locations. Do you envision these to be able to turn into residential units or are you looking forward to additional companies coming into Connecticut to sort of work alongside some of the best fishing areas or the best sites in Connecticut? In particular, I know that there are quite a few industrial sites in Eastern Connecticut along the rivers. How do you envision that to move along?

THE CHAIR:

Senator Hartley.

SENATOR HARTLEY (15TH):

Through you, Madam President, to Senator Osten. Well, I think the potential is very vast. If you, there was a report that was done in 2019 by CIRC which has now morphed into Connecticut CT, they did an expert job in terms of spelling out the locations and there is one particular slide in the deck which shows a map of Connecticut and it shows the locations of these sites and they are primarily along the shore, and obviously that is prime for a lot of reasons, and then they are in the center of the state, the Hartford area, my own city of Waterbury and so they're on these major corridors and to your point with regard to Eastern Connecticut, I think that Rhode Island's gonna be very concerned about us having these changes because they were a default choice when folks came to us

first. And so I think that we can see any combination of development. It could be residential, it could be commercial, parks and the like. I will give you a for instance in my own town of Waterbury. We have along the river, the Naugatuck River, which is home to Osprey and kinds of waterfowl and so forth, but overgrown and all along the banks are the vestiges of the brass industry. We were the brass center of the world and those of course industrial sites you know have long gone and gone dark, but we have just recently been the beneficiary of a TIGER grant which is now a new acronym from the feds so there will be a walkway all along that watercourse which then you know abuts on these industrial sites and we are right now reclaiming one of them to start, and it has already opened up a regional food hub and so this is a food hub that will meet all the requirements for the USDA and truckers from all over the region will stop there and they will do their food preparation and the packaging and so forth that USDA now requires, and in conjunction with that, we will have the community college having a culinary program and we will have a community garden and obviously we have jobs. And so the possibilities are endless and exciting.

THE CHAIR:

Thank you. Senator Osten.

SENATOR OSTEN (19TH):

Thank you very much, Madam President. And thank you very much, Senator Hartley. I think that you've got the, you've indicated in clear vision where we can end up in Connecticut. I am thoroughly excited that

we have modernized this component, this piece of legislation that helped Connecticut back from developing sites, making them usable again and I am really, really thrilled to throw my support for this piece of legislation and the work that all four of you accomplished here is the kind of work that moves Connecticut in the right direction. We have so many things to be proud of and this is one of those main things that we can be absolutely proud of. I know you worked excessively hard on these, on this over the last year or so, but in particular over the last month to bring it to closure. I want to thank you for putting Connecticut first and getting us moving again in the right direction and I look forward to all of those properties in the next year to be back on the tax rolls. Thank you very much, Madam President.

THE CHAIR:

Thank you, Senator Osten. Will you remark further on the bill that is before us? Will you remark further? Senator Miner.

SENATOR MINER (30TH):

Thank you, Madam President. Madam President, I also have a couple of questions if I might to the Senate Chair of the Commerce Committee please if I might, through you?

THE CHAIR:

Yes, please do proceed.

SENATOR MINER (30TH):

Thank you, Madam President. Madam President, on page 4 of the bill, line 75, there's been a change in the current language as it pertains to I believe there are establishments, the number of 40 percent ownership has been changed to 50 percent or less. Through you, if the gentle lady knows why that change was made.

THE CHAIR:

Senator Hartley.

SENATOR HARTLEY (15TH):

Through you, Madam President, to Senator Miner, so this was one of the consensus items from the working group where they were trying to build in more opportunity. This is an instance where there is an establishment enterprise in the Transfer Act and perhaps they want to take on a partner, they need an infusion of cash, something of that sort. So if the partner wants to come in, previous to this, up to 39 percent ownership of the company, then they would not trigger the definition of transfer and have to go through this as a sale and so they just are giving them an additional latitude for investment in a company. Through you, Madam President.

THE CHAIR:

Thank you, Senator Hartley. Senator Miner.

SENATOR MINER (30TH):

Thank you, Madam President. And so is it the gentle lady's understanding that this will occur only after the development of regulations for the spill

language, the, yeah, the spill language that is yet to come in the bill? So this is not something that would occur on the effective date of the bill, but rather when the Transfer Act goes away? Through you.

THE CHAIR:

Senator Hartley.

SENATOR HARTLEY (15TH):

Through you, Madam President. So sections 1 through 5 are on passage, effective upon passage because they are the streamlining and the cleaning up of the Transfer Act. The benefit of the proposal that we have before us is it addresses a lot of the issues that were real flashpoints under this act, tries to make, modernize and simplify them and in this instance, give them a little more latitude if they want to take on an investor and so we wanted those to happen right away and that, what doesn't happen right away though is the sections which go into the transition to the release base. That only happens as the sunset language in section 1 indicate and then it is in two other sections on the latter part upon adoption and promulgation of regulations and in all candor, Senator Miner, that's going to be a process. Having lived through, as Senator Martin indicated and Senator Cohen, the first two iterations of this, this indeed will be laborious, sir. Through you, Madam President.

THE CHAIR:

Thank you. Senator Miner.

SENATOR MINER (30TH):

Thank you, Madam President and so, kind of sticking in that same area, the changes that are anticipated upon passage would reflect perhaps different relationships based upon marketability of this real estate, knowing that we're gonna get away from the Transfer Act? Through you.

THE CHAIR:

Senator Hartley.

SENATOR HARTLEY (15TH):

Through you, Madam President, thank you for your question on this, Senator Miner, because this has been a question. So we talked about the fact that only a thousand of these properties have made it through the process and we've got 3200 or so still in there and so those, because they are under agreements right now with LEP's, with engineers, with attorneys, we could not contemplate reaching those arrangements so they will proceed, well, everybody will still proceed now under the Transfer Act as it is, but once we are into this release base, they will continue to proceed under those provisions, but will have the benefit of the revised regulations which are right now as you so well know, being so involved in the Environment Committee, the spill regulations, the RSR's, the EUR's, and those will speak to having a more expedited, more efficient process on remediation's. And so they will be beneficiaries of those new regulations. Through you, Madam President.

THE CHAIR:

Thank you, Senator Hartley. Senator Miner.

SENATOR MINER (30TH):

Thank you, Madam President. And so in terms of the current list of establishments, I remember during the listening session that there was some number of establishments that were on that list by virtue of merely handing certain products over a certain threshold level. There had never been a recorded release. There had never been any finding of contamination, but they were in that business of doing something that they handled and managed those commodities. So under the bill as it's currently drafted, at what point in time do those bills cease becoming establishments? Is it upon passage or is it upon the development of the new regulation, the new regulatory process for release? Through you.

THE CHAIR:

Senator Hartley.

SENATOR HARTLEY (15TH):

Thank you, Madam President. So we've already started to address that actually in legislation that was approved last year when we initiated this whole process and we actually accomplished three changes, but one of them was to identify the fact and you talk about these cases. One of them that really sticks in my mind was an office park which did an upgrade to their offices and painted the entire facility and then they, like many of us, had the excess paint and so forth which was stored away, but then when they were looking to transfer the

property, sell the property, they did what they were supposed to do, they did it the right way. They you know filed a form manifest and to dispose of the excess paint. Well it triggered the threshold and they were clawed into the Transfer Act. I mean this is you know an establishment that was not involved in anything but an upgrade to their facility so we changed it to say that if you have one such instance where you were doing building maintenance, you were perhaps moving or you know there was a sale of your business and you know were making these changes, that only one time in one month, that you would not be triggered into the Transfer Act so we've started to do these things and they are resonating quite frankly in the industry. Thank you, Madam President.

THE CHAIR:

Thank you, Senator. Senator Miner.

SENATOR MINER (30TH):

Thank you, Madam President and so understanding the circumstances that the gentle lady just described, I'm trying to understand whether there are other properties that are on that list of some 4200 that weren't let's say a one-time situation. It wasn't a matter that they had extra paint. It was a matter of they were in the business of doing something. Maybe it was a drycleaner and never had a release. Upon passage, does this change their status in any way where they would become not an establishment, but the same as any other property given the fact that they've never contaminated anything? Through you.

THE CHAIR:

Senator Hartley.

SENATOR HARTLEY (15TH):

Thank you, Madam President. That, because they are in the act right now and they are going through whatever stages they are at and I'm assuming in the ones that you're describing they probably only had to file a form one, you know because as you get into more serious cases you've got to go into more serious protocols of investigating, make borings and testing and so forth, so I'm assuming that those companies are probably you know the very top tier in terms of getting through the process and they will not, nothing will change in this act that's happening but for the fact that we are now in an expedited fashion to finish these regulations and then they will be the beneficiary. So it probably won't be upon passage, but it will be eminent and the other part of that is one of the things about this whole situation was the uncertainty. People didn't know you know how long they were gonna be banished for example and now there will be certainty so that changes you know a lot of the horizon. They can plan and that's gonna change you know their whole business plan.

THE CHAIR:

Senator Miner.

SENATOR MINER (30TH):

Thank you, Madam President. So as I understand your answer, with the passage of this bill, nothing

changes in the status of that real estate until the new regulations are developed and so they don't necessarily become more marketable or do they become more marketable? Through you.

THE CHAIR:

Senator Hartley.

SENATOR HARTLEY (15TH):

Madam President, through you, so, Senator Miner, I would say that they are more marketable because they're in the process right now, there will be certainty and times you know certain about when this is completed as opposed to this process that really was lingering. One of the things that is also going to happen as we begin to change our model is that we are going to rely more on the expertise of our licensed environmental professionals and therefore, because we recognize and by the way, that was a large driver in these conversations amongst the department, amongst DEEP, that you know they're, in many instances might be losing a lot of institutional knowledge with impending retirements and so this LEP program will be very elevated if you will and much more involved and quite frankly, able to be more nimble in getting through all of this so I would say that this is going to be telegraphed quite frankly through the whole industry. There's a lot of eyes on this, watching this. The three simple changes that we made thus far have really translated into a lot of changes, a lot of movement in the market. This now will and I would say that probably one of the groups that was really in the forefront for these changes, the first section 1 through 5, what you're referring to, were the

relators and the commercial realtors so this to them gives them certainty, gives them assurance you know that they're going to have many more opportunities for marketing. Through you, Madam President.

THE CHAIR:

Thank you, Senator Hartley. Senator Miner.

SENATOR MINER (30TH):

Thank you, Madam President and I thank the gentle lady for her response to my questions. I, you know when I listen to the testimony I guess I'll call it cause it was informational or a listening session, it was clear to me that there are a number of reasons why we should be moving from the Transfer Act which may have had its time and we may have thought back when it was passed that it was a way that we could get to more cleanups, more marketable real estate, more reuse and we've fallen short on what our expectations were. And so this new generation that we want to move to is actually tracking spills and that's where the Environment Committee I think has kind of spent its focus.

I'm not opposed to property owners who have real estate that will benefit because what we're doing here is going to add value to that real estate. It's gonna add value to it because it's gonna take less time for it to go through a process of certification that we can find no reason for it ever having been an establishment if we were worried about contamination because it never contaminated anything and so it just seems to me that moving from the transfer act to something is the right direction. So then you get to the situation of

moving to a spill-based policy which is the step and so when I've asked questions of people about going from the Transfer Act to the next generation, my questions have been specific to which parcels are in and which parcels are out and every single time I ask that question, peoples' eyes kind of glaze over and they say well we're getting out of the Transfer Act. And I say well only 4200 parcels were in it and so it seems to me that everything will be in it once the Transfer Act goes away. So all commercial real estate, all industrial real estate, all residential real estate, all open land, all becomes part of this new spill concept. And I'm not saying that's a bad thing. From an environmental perspective, I can understand why we should be concerned that there may be releases on parcels that were never part of the Transfer Act. But through all the discussion that we've had publicly and I know the Senate Chair of the Environment Committee and I have spoken about this, I don't ever remember anybody having an open dialogue about its impact on residential real estate. And in fact, when I spoke with the DEP, they say well there are programs and you're already supposed to notify the DEP when there's been a release so I happen to know, having sold a piece of property that had an underground oil tank, that you're required to call a licensed contractor and if there is a spill, someone has to certify that it's been cleaned up and it's strongly recommended that you don't put another back in because they're much more marketable, banks will loan money on them and so on.

So I've been aware probably for 20 odd years that that's the case, but not everybody is. Not every parcel of property had an underground waste oil tank, not a waste oil tank, heating oil tank, and so

therefore, they never, maybe never even knew or never had to deal with that issue with regard to the DEP.

The other thing as I was speaking with people, I was speaking with a couple of first selectmen in the northwest corner, and they said you know we used to oil gravel roads all the time. Oil gravel roads all the time. It was a common practice to keep dust down. It wasn't that was looked at you know was scant. It was something that was done because everybody that lived on those gravel roads said the dust is driving me crazy. Now, it's been a long, long time since that's been done. I'm sure it's not in anyone's policy manual, probably hasn't been for years. And so when I get to section 16 of the bill, it says no person shall create or maintain a release and every conversation I've had with the DEP about how this transition is going to work, they've made it clear to me that it will be triggered by a release. So if I have a five-gallon can of diesel fuel for a tractor on my property and somehow it gets knocked over, it hits a threshold of regulations that are contemplated where it should be recorded, you should be hiring somebody to clean it up and whatever it costs, you should be taking care of it because that's the right thing to do for the environment. I'm not quarreling with the right thing to do for the environment. I think we have an obligation to make it clear that what this bill does for the very first time publicly in my estimation is expand the conversation to things that people would not have assumed to be dirty.

Now, I was actually moving along pretty peacefully until I got to the comment of the Chair of the Environment Committee when I believe she said and

I'll quote, or if you find it, you clean it up. So that says to me that it's not the spill that you created post-passage of the regulations. It would in fact include retroactive cleanups if someone was installing a driveway and if there was discoloration in the soil and someone was called upon to test the soil and the soil ended up having diesel fuel in it. And so my question to the gentle lady from the Environment Committee is, did she intend to say that past spills had to be cleaned up if found or if they were spills subsequent to a release, subsequent to the passage of new regulations? Through you, Madam President.

THE CHAIR:

Senator Cohen.

SENATOR COHEN (12TH):

Thank you, Madam President and through you, to my good ranking member of the Environment Committee, so basically the way this would work is that the establishment or residence in this case I believe my colleague is talking about would only come into the program if they investigated and found pollution and it was above a reporting threshold as would be indicated by regulation, which this would take effect upon promulgation of such regulations so, and it would have had to have been newly discovered. So newly discovered and above a reportable concentration would then yes, need to be cleaned up on accordance with the new regs that would be put forth prior to the sunset of the Transfer Act. Through you, Madam President.

THE CHAIR:

Thank you, Senator Cohen. Senator Miner.

SENATOR MINER (30TH):

Thank you, Madam President. I thank the gentle lady for her response. So there you have it. The questions that I've been asking for the last three weeks, there it is. And to be quite honest with you, Madam Chair, it's not funny. The problem here is that the cost associated with cleaning up spills is probably in most cases greater than a new septic system, probably more than an addition on a house could be depending on what's there, and the vast majority of the people in the State of Connecticut have acquired real estate having no idea whether there's been a release. Zero. And as the gentle lady has said, after you discover it and so if I acquire 230 East Chestnut Hill Road in Litchfield, Connecticut and want to have a driveway put in, and the guy putting the driveway in says hey, it looks like there's some contamination here. This new regulation passed, we're gonna have to have somebody come take a look at this. It's not prospective the way it was originally described. It's not prospective I think advocates for the bill have said it's intended to follow releases prospectively and that's what we should be doing. And I agree. That's what we should be doing prospectively. It's the gotcha moment of people that have never even heard that this was part of the conversation because we were always focused on the Transfer Act. We were focused on the 4000, 5000 parcels that we're gonna be able to move in this state to a place of marketability, we're gonna move to a higher place of value, we're gonna move to a higher place of reuse. Now, I do think we have time and in fact, I said to

the gentle lady if I had my druthers, I would be putting this new classification of real estate on a delay, not indefinitely but certainly a delay for the retrospective acts that I think are included in this bill and it's not because I think leaving material in the ground is necessarily harmful or not harmful because some of it could be encapsulated by an asphalt driveway. But I have no idea what these regs are gonna look like. None. Too much work has been put into this bill in my opinion at this point in time to try and change course, but I would hope people would agree that this portion of the bill really needs to be looked at again in the next legislative session because I think LEP's have been under the impression that their liability is not at risk for anything that happened retrospectively, that it's all prospective and so if an LEP were called to 230 East Chestnut Hill Road for the spill of a gallon and a half, whatever the regulation comes up with, and they say whoa, wait a minute, there's a lot more here than that. You got something else going on here, leaving it there, if I understand your explanation of if you find it, you clean it up, they then have to be responsible to make sure that you clean it up. They can't walk away from it. In fact, they can't even call timeout the way I read this bill. Otherwise, they would actually be maintaining or at least somehow involved in the maintenance of a release.

So I think that all the work that's been done on the Transfer Act actually gets us to where we need to go. I think there's probably no one here that would disagree that the Transfer Act, the time has come for that bill. It's the release language that I think has had very limited public discussion, partially because the session kind of ended in the

middle of March and it would I'm sure benefit from a more robust conversation just because of the potential impact. I am aware that there was a kerosene spill I think in one of the communities I represent. The current tab is \$55,000 dollars; \$55,000 dollars, and I would suggest to you that most homeowners aren't going to their savings account to find \$55,000 dollars and they may not be able to add it to a mortgage so we've got some work to do in my estimation in terms of what the impact might be to Connecticut residents. As I said, prior to the comments that I heard about the retrospective you find it, you clean it up part, it seemed to me that this was very easily the right decision to make to move forward. I'm gonna sit and listen a little more. Maybe other people have questions, other people have comments. I do thank all the people that have been involved here in the circle in this bill. It's been a lot of hard work. A lot of ground has been covered. There are a lot of interested parties in this bill and I believe that all of the discussion that's gone on has been helpful to the language already, but that's not to say that some other language might even be more helpful to the bill as we move forward so thank you, Madam President. Again, I say thank you to those who have worked on the bill.

THE CHAIR:

Thank you, Senator Miner. Will you remark further on the bill? Senator Cohen.

SENATOR COHEN (12TH):

Thank you, Madam President and I, through you, want to thank my good ranking member of the Environment

Committee for his thoughtful comments. I do want to point out and I did mention this in response to his question, but I do want to reiterate that residential property owners currently should be reporting spills to DEEP under current law, 22a-450. Those spills, for example, in 2019 there were 6000 spills reported to DEEP and 64 percent of those spills were petroleum-based spills and 73 percent of those were under 5 gallons and what that says to me is these are lower level spills. DEEP's intention, and those regs have not been promulgated at this point, we haven't even seen regulations or will be as set forth in the bill, a working group to advise DEEP and DECD, the co-conveners of said working group on the regulations that DEEP will ultimately create going forward, but we have had discussions about this and recognizing that this could be burdensome to homeowners currently, as I said 6000 reports reported in 2019, 73 percent of those under 5 gallons, DEEP's intention I believe through the regulations going forward and time will tell, would be to have reportable spills be in excess of 5 gallons, therefore, eliminating some of these reporting requirements by 50 percent. So I believe that contrary to my good colleague's statement on being overly burdensome now to residential property owners, I feel quite the opposite. In fact, that this will be less onerous on residential properties as well as our Department of Energy and Environmental Protection going forward. So again, I urge my colleagues' passage of this bill. Thank you, Madam President.

THE CHAIR:

Thank you, Senator Cohen. Will you remark further?
Good evening, Senator Leone.

SENATOR LEONE (27TH):

Thank you, Madam President. I rise in support of this legislation and I'll keep my remarks brief, as the hour is getting late, but I did want to touch upon some of the aspects of the merits of the bill and I look upon the language that's before us, and even as I've been hearing a little bit of the recent debate, it's clear to me that the way we have treated the land that is gonna be affected in this bill has been languishing for some time due to some older standards that just have not pushed the ball forward if you will to improve those said properties. This bill, as mentioned, covers roughly around a little bit over 4000 pieces of property, of which 25 percent have actually moved forward. That leaves about 3000 or more pieces of land throughout Connecticut that can be improved upon, and when I say improved upon, that's an investment in the future. That's an investment in cleaning up the property. That's an investment in putting people back to work. That's an investment in developers to come in and present a better option than what is currently there. All those types of measures, I look at as an economic relief and it's a way to put people back to work, and as we've looked at the legislation that we've worked on this evening, I kind of see it as every piece that we've worked on is some form of relief.

We had the energy bill that we spoke about earlier and that's relief to the consumer for the excessive rates and the costs that are driving them crazy. We spoke about the absentee balloting bill and that's about providing relief to voters to get their votes counted and to not have undue burdens for their

safety and health concerns because of the crisis we're in. So when it comes to this piece of legislation, it's also to provide relief to these properties that have been languishing that have not been providing any benefit to the state even though our best efforts were to do just that. And I have to commend the chairs of the two communities and the ranking members as well, both in the Senate and the House, that have worked very, very hard to craft this bit of legislation that is some complex and technical in nature that everybody had an interest to see it a certain way, and each one of those certain ways could've made this bill falter. But because of the leadership of the two communities, and I want to applaud their efforts for keeping their eye on the ball, for bringing in all parties, having the Commissioner of Environment, the Commissioner of DECD, having the Governor's staff, and having all the other parties that are interested in both the environment and the economic opportunities that lie there, to bring this legislation forward and provide that relief to go into the future to provide that investment, again, it's a relief to putting people and to companies and investors and developers to come to this state and say we have a solution to move forward, to get those 3000 pieces of property, and put a value to it that can actually be meaningful for the benefit of everyone involved.

And that doesn't mean there's not gonna be some issues, as mentioned by Senator Miner, but as we go into the next session, those are issues that can continue the conversation and I know the chairs and the members of these two committees are gonna be open to all that dialogue to make sure we improve this bit of legislation. But if we weren't to pass

this bill, if we were to do nothing because of the concerns of well this one issue that may or may not affect all the properties, it just does not move the ball forward. It prevents that investment, it prevents that opportunity for the future, and keeps those properties undervalued and overlooked and we don't have the ability to put people back to work. And so as we move forward and come out of this crisis, people want jobs. This is the kind of legislation that will provide that opportunity for many and it would be great if we could provide opportunity for all, but if we do nothing, then no one has an opportunity and that is the reason why I would support this legislation, and I do want to thank everyone that has worked so diligently on this because the hours were long, the discussions were complicated, but the leaders of these two committees made sure that it could be presented to us here today to give us all a chance to move forward so I thank you.

THE CHAIR:

Thank you, Senator Leone. Will you remark further on the bill? Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. We need to just clean one area there so if the Senate could stand at ease for a moment.

THE CHAIR:

We will stand at ease. Thank you, sir. I think we have it worked out. Good evening, Senator Fasano.

SENATOR FASANO (34TH):

Thank you, Madam President. Madam President, if I may, I have some questions for the Chair of the Environment Committee.

THE CHAIR:

Please do proceed.

SENATOR FASANO (34TH):

Through you, Madam President. So there's been a back and forth with Senator Miner with respect to residential property. Is it my understanding that the bill gets passed, the section dealing with the residential properties would be on the release basis we'll call it, that section of the bill becomes effective when the regulations are going to take place and approved, then that section becomes into effect; is that correct? Through you, Madam President.

THE CHAIR:

Senator Cohen.

SENATOR COHEN (12TH):

Thank you, Madam President and through you, yes, that is correct.

SENATOR FASANO (34TH):

And any --

THE CHAIR:

Senator Fasano.

SENATOR FASANO (34TH):

Thank you, Madam President, I apologize. And any contamination or spills or what have you prior to that time that the regs are passed and that becomes effective, whatever the law is as of today remains the law until this becomes effective; is that correct? Through you, Madam President.

THE CHAIR:

Senator Cohen.

SENATOR COHEN (12TH):

Thank you, Madam President and through you, yes, that is correct. This does not change the current interpretation of the law.

THE CHAIR:

Senator Fasano.

SENATOR FASANO (34TH):

And after the passage of this bill, through you, Madam President, when the regulations become effective and the release part about the bill becomes effective, clearly anybody who spills whatever the gallonage or whatever that issue is gonna be vetted out, would have an obligation to report once these become effective. Through you, Madam President.

THE CHAIR:

Senator Cohen.

SENATOR COHEN (12TH):

Thank you, Madam President and through you, yes, that is correct. Whatever is set forth in the regulations in terms of a reportable quantity would then become reportable through this new law.

THE CHAIR:

Senator Fasano.

SENATOR FASANO (34TH):

Thank you, Madam President. I thank the Chair of Environment for those answers. Madam President, this is a very complicated matter. I think the first portion relative to the commercial end of the transaction is very important for reasons so stated in the circle and I won't go back through that. The residential portion is a very important part, we all know so we'll say it here in case it wasn't said, I apologize if it was, we would not be having the commercial part about this allowing the establishment rules to be somewhat changed unless there was an agreement for the backend of the release, as I call it the release end of the statute or the bill, that they were married by virtue of the advocates in this building on one side or the other. But I raise this issue because there are gonna be regulations coming through and I think it is important when those regulations come through that we be very mindful of the impact that that's gonna have on a lot more properties; residential, non-

residential, ones that weren't establishments that are now gonna be captured in the backend of release language of this bill. And I just want to be sure, once again, I'm not gonna be here, but I think those who are here have to be vigilant to ensure it is not too onerous because we've given a lot to get what we want on the commercial side, it doesn't become so onerous that it becomes problematic for transactions in this state because doing that is gonna put us maybe not in a commercial problem, but in a residential problem. That is an argument or discussion yet to come but I think it cannot be more stressed that is a very, very delicate balance. I'm gonna support the bill this evening. I won't be able to do anything else after that, but I'm gonna support this bill this evening, but I think people have got to be mindful of the impact of this bill that it is gonna have when the regulations go through. So thank you, Madam President, and I hope it isn't rushed as we kind of went through this tonight. Thank you, Madam President.

THE CHAIR:

Thank you, Senator Fasano. Will you remark further on the bill that is before us? Will you remark further? Senator Hartley.

SENATOR HARTLEY (15TH):

Thank you, Madam President. Yeah, and just very briefly, I am very grateful for the exchange tonight in helping to vet this very complicated, but very crucial and important piece of legislation and I just want to highlight again that so it took you know kind of yeoman's force of all of these folks, stakeholders coming to the table on this and this

change, this transition to another model, the model that is embraced by 48 other states, will not happen until we go through the regulatory process, but working parallel to that will be a robust working group whose task it will be to really have the conversations, some of which we barely touched upon tonight, and so where some folks described what we accomplished in the first part of the cleanup of the Transfer Act as kind of the Paris Peace Accords, I don't know what this next piece is gonna be described as because it is going to you know be so much more involved and detailed and that was one of the primary reasons why we did not put a date certain on this because we do not want to be boxed in to a deadline when in fact, we are not ready. So it's going to be a process. We all recognize that, but with all of the right people around the table to vet this and to serve in an advisory fashion to the department in preparation for this transition and the promulgation of regulations, I think that we should do this. But with regard to this conversation on the residential piece, it is obviously very important, but we have the benefit of models that existed, exist in 48 other states and it works there so we're going to have to perfect it so that it's going to work here, not to the disadvantage of one sector over the other, the residential over the commercial or vice versa. We're going to have to ensure that and that's why this working group is so very important and so you know that is a to be continued subject. But I'll just give you a for instance cause there were conversations and references to the LEP's, the licensed injuring professionals in this conversation, which are going to be very crucial going forward in this new model to be the expertise that quite frankly we do not have the ability to

have resident in the department, and for example, we look at places like Florida and Massachusetts where they implemented a self-implementing risk assessment process, which sets criteria which are a framework, which are a blueprint for the LEP's to then do these risk assessments and quite frankly, just be more nimble through this process. So we're looking forward to the benefit of those kind of models, being able to incorporate those into what we're doing, and recognizing that there's a long road ahead of us here, but once again, 48 other states seem to be doing very well with this on both sectors and so we will have the benefit of taking all of the best practices and elevating our program to be a national model and thank you very much, Madam President.

THE CHAIR:

Thank you, Senator Hartley. Will you remark further? Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President and good evening. I just wanted to rise again briefly on, to ask members to support this bill and it goes in concern with the environmental justice bill that we also passed before. One can really not go without the other. I want to thank Senator Cohen, Senator Hartley, the working group, all the, there are so many folks that were a part of this whole process, my friends on the other side of the aisle who were involved in this as well, those in the House, the Executive Branch, and the reason why I just wanted to briefly stand up and say I support this legislation is because I believe that this, these two bills are a really big deal for

Connecticut in that it reverses policies that we put in place a very long time ago about how we view the State of Connecticut. For too long, the State of Connecticut went all in on our suburbs and abandoned our cities and when there were many efforts over years where we tried to redevelop our cities, we couldn't because of contamination, because of the fact that we put things in our cities that no other communities would want, so that's where everything got put and dumped into our urban areas, and the results of that were that more and more people ended up moving out of the cities and into the suburbs. In some cities, we have half of our communities that aren't even on the tax rolls. We have prisons, we have power plants, we have others, we have, which leads to the contamination that we see now in our industrial areas and so that's why I believe that two bills are so important to be done together tonight and that it will lead towards a better future for our state and especially for our urban areas, that these are joined together in a way that really will make sense. This is, the Transfer Act is not something that may make front page news, but I believe that the impact of the Transfer Act and the compromises that have been worked out will prove to be very, very important in the long run.

More and more people are looking to move into our cities and our urban areas and being able to put those properties back on the market again and have those properties on the tax rolls is going to be important towards bringing confidence back to those communities and helping to keep taxes down and to making them more competitive with our suburban communities than they have been in the past. So I just think that there is a lot of good that can come out of these two pieces of legislation that is very,

very important and I just want to commend everyone, Democrats, Republicans, Executive Branch, Legislative Branch, people outside this building who have been a part of this process to get us here tonight and thank them sincerely for something that has been talked about for a very, very long time, but not acted upon until this very moment. Thank you, Madam President.

THE CHAIR:

Thank you, Senator Duff. Will you remark further on the legislation? Senator Looney.

SENATOR LOONEY (11TH):

Thank you, Madam President. Good evening once again. Speaking in support of the proposed legislation, the emergency certified bill in concurrence with the House, I would first like to begin by thanking Senator Hartley, Senator Cohen for all of their extraordinary work on this bill. It was a very difficult negotiation, a very complex one, they were very collegial in their approach. I also wanted to thank all of those who participated in the working group for discussion, their House counterparts and others because this is certainly an important environmental bill, but it's also a very important bill having to do with potential business development and restoration of sites that have lain fallow for a long time.

Our cities and not only our cities, but many of our first-ring suburbs as well were sites of significant manufacturing activities from the mid-19th century through the first three-quarters of the 20th century, at least 125 years, in some cases more.

Many of those factories closed, there were many environmental problems associated with them, both large and small facilities. We know that there are also problems in other kinds of properties as well including some residential, and what we have seen up to now is a significant lack of momentum to redevelop, restore and find adaptive reuse of all of those properties. It was interesting, I thought, especially in the question that Senator Osten asked of Senator Cohen about how many properties are there, affected and impacted properties are there in this category around the state. The answer was over 4200. What that means if you divide that by the 169 communities in the state, there are at least 25 such, on average 25 such impacted or affected sites in each of the 169 communities in this state, but as Senator Hartley said in her initial presentation, there are some communities that have more than 200, which points out exactly the devastating effect of pollution over the years and the fact that we have not been able up until now to successfully get a handle on restoring and readapting those properties. Those communities, Madam President, have seen an extraordinary loss of productive activities on this sites. Just as we have so many tax exempt properties, religious properties or colleges and hospitals or state-owned property, this is another category of unproductive property, which are located in the same cities that also seem to have a lot of other property that's not paying taxes either because they have a high level of tax exempt uses. So just the cascading effect of that is something that has dealt a hard blow to so many of those communities over the years.

This bill, I think, and I agree very much with Senator Duff, that the environmental justice bill is

a companion bill in so many important ways because it deals in many ways with the same communities who have suffered the high level of impact. It shows a path to a better way of restoring these properties, making them useful again, putting them back on the tax rolls, finding ways that they will be used as sites to employ people or having once again marketable properties with some value for a town's grant list so the initial experiment under the Transfer Act as it stands today as we see has not been a successful one because there's such a low level of restoration properties in it. But I think this is a new beginning, a hopeful one and I again want to commend all of those who worked on this because this is an important environmental and economic development initiative and that's why I think it was so important to have the Environment Committee and the Commerce Committee so closely intertwined and working together on this bill. So Madam President, I would urge an overwhelming and unanimous vote for this as a vote of confidence in our economic development future and reclamation of what had been in many ways lost properties. Thank you, Madam President.

THE CHAIR:

Thank you, Senator Looney. With that, Mr. Clerk, if you would kindly announce the roll call vote and the machine will be opened?

CLERK:

An immediate roll call vote has been ordered in the Senate. An immediate roll call vote has been ordered in the Senate on House Bill 7001. We are going to have a consent calendar vote as well coming

up right after this vote so if the Senators could stay somewhere close the Chamber. An immediate roll call vote has been ordered in the Senate. An immediate roll call vote has been ordered in the Senate on House Bill 7001.

THE CHAIR:

While we are waiting for the remaining Senators to vote on this bill, just a reminder to stay in the immediate vicinity, socially distanced, please, because we will be voting on the consent calendar. Have all the Senators voted? Have all the Senators voted? It appears they have, the machine will be locked. Mr. Clerk, please announce the tally?

CLERK:

House Joint Resolution No. 7001.

Total number voting	35
Those voting Yea	35
Those voting Nay	0
Absent and not voting	1

THE CHAIR:

[Gavel]. And the measure is adopted. Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, we're gonna vote on our consent calendar if the clerk can call the bills on the consent calendar, please.

THE CHAIR:

Mr. Clerk.

CLERK:

Consent Calendar No. 1. House Bill 7002, House Bill 7003, House Bill 7009, and House Bill 7010.

THE CHAIR:

Please call the bill for a vote and the machine will indeed be opened.

CLERK:

An immediate roll call vote has been ordered in the Senate on House Bill, on Senate, I'm sorry, on Consent Bill 1.

THE CHAIR:

And this is Consent Calendar No. 1 for this second session and technology cannot capture that, but we'll make sure the journal does do that. Have all the Senators voted? Have all the Senators voted? Indeed, they have. Mr. Clerk, would you please announce the tally?

CLERK:

Consent calendar No. 1.

Total number voting	36
Those voting Yea	36
Those voting Nay	0
Absent and not voting	0

THE CHAIR:

And the consent calendar is adopted and congratulations on your last vote, Senator Fasano. It's been a great pleasure working with you and we'll miss you. And Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Before I move to point of personal privilege, I just wanted to make a motion to immediately transmit the bills to the Governor, please.

THE CHAIR:

So moved. Thank you. Senator Duff.

SENATOR DUFF (25TH):

I just want to clarify, all the bills we passed today, not just the ones on the Consent Calendar, every one. Thank you.

THE CHAIR:

All of them are transmitted. All of them are transmitted. Yes, indeed.

SENATOR DUFF (25TH):

Right to the Governor. Right now. Thanks. Thank you.

THE CHAIR:

Thank you. Senator Looney.

SENATOR LOONEY (11TH):

Thank you, Madam President for a point of personal privilege before we conclude?

THE CHAIR:

Please do proceed.

SENATOR LOONEY (11TH):

Thank you, Madam President. I wanted to thank all of the members so much for their hard work in the sessions today, actually since we had two separate ones bringing the business to a successful conclusion and working in collaboration. I wanted to especially thank in addition to Senator Duff who has been a stalwart in all of this, our staff headed by Vinnie Morrow and Courtney Cullen and Joel Rudikoff and Ken Saccente and Kevin Coughlin and so many others who worked hard behind the scenes and staff worked to bring this about. The final point I would like to make regards my dear friend and colleague, Senator Fasano. We are, even though it was his choice not to have a celebratory event this evening in his honor as the House did for retiring members yesterday, we are going to insist on one for him at some time in the future weeks because of the esteem in which he is held by all of us here, that will be a celebratory event for Senator Fasano to celebrate his 18 years in this Chamber and the innumerable amount of good work that he has done as a friend, as a colleague, as someone who has brought enormous knowledge based upon his skill as an attorney and his capacity for detailed and precise research and advocacy, but especially I think because of his great love for this Chamber, his

great love for this institution, and the fact that he reminds us every single day about what an honor it is to be chosen by a district in this state to be in the State Senate. Thank you, Madam President.

THE CHAIR:

Thank you, Senator Looney. Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. I also want to just before we go Sine Die, just also thank everybody who's part of this special session today. I thank my good friend and colleague, Senate President, Senator Looney, for all his work in getting us here today. It is not easy getting everyone together and to get the bills on the floor and to negotiate those and I just want to say thank you to Senator Looney for his good work always and Senator Fasano, hopefully we'll have another time to have a proper farewell for you at some point so you're not off the hook at this point. We've all had a pleasure working with you over many, many years and any other point of personal privilege or notes? Senator Fasano?

SENATOR FASANO (34TH):

Thank you, Senator Looney, thank you, Senator Duff for the very kind words. I will have more to say obviously to the Chamber one way or the other. Today is a very sad day for me. This Chamber has done so much for me and I can never repay it, for the experience that it has given me. Thank you. [Applause].

THE CHAIR:

Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, I believe that concludes our business for today and I would move that we adjourn Sine Die. [Applause].

THE CHAIR: We will adjourn Sine Die. [Applause].

On motion of Senator Duff of the 25th, the Senate adjourned at 10:24 p.m. Sine Die.