

Legislative History for Connecticut Act

PA15-61

SB1082

House	4103-4112	9
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Transcripts from the Joint Standing Committee Public
Hearing(s) and/or Senate and House of Representatives
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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2015**

**VOL.58
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[gavel] Calling the House back to order.

Will the Clerk please call Calendar No. 489.

CLERK:

House Calendar 489, on Page 32, Favorable Report of the Joint Standing Committee on Government Administration and Elections, Substitute, Senate Bill 1082, AN ACT PERMITTING STATE AGENCIES TO ESTABLISH ELECTRONIC FILING SYSTEMS FOR AGENCY PROCEEDINGS.

DEPUTY SPEAKER MORRIS:

Representative Jutila.

REP. JUTILA (37th):

Thank you, Mr. Speaker. I move acceptance of the Joint Committee's Favorable Report and passage of the bill.

DEPUTY SPEAKER MORRIS:

The question is acceptance of the Joint Committee's Favorable Report and passage of the bill. Representative Jutila, you have the floor, sir.

REP. JUTILA (37th):

Thank you, Mr. Speaker. First, a little history. Under current law, in Section 4-60r of the General Statutes, state agencies are required

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to review existing policies and use electronic notification and correspondence with clients where appropriate. Also, in 4-60s, agencies must explore conversion of all applications and forms used by the public to electronic format.

This bill, Senate Bill 1082, amends Section 4-60s and what it does is provide that agencies may suspend paper documents and establish electronic filing. Agencies are also required to grant exemptions when requested in writing by any individual due to hardship. And finally, the bill defines personal delivery for purposes of the Administrative Procedures Act to include email.

Mr. Speaker, earlier this session, the General Assembly passed Senate Bill 384. Senate Bill 384 was very similar to 1082 and amended both sections, 4-60r and 4-60s, having to do with electronic filing. And what that bill did was provide that any agency requiring electronic notification and correspondence may waive that. The problem is that we have two different standards that're being applied; one in 384 and a different one in the bill before us, so we need to correct those conflicting standards.

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And so the Clerk has an amendment and the amendment is LCO 7129 and I would ask that the Clerk please call the amendment and that I be granted leave to summarize.

DEPUTY SPEAKER MORRIS:

Will the Clerk please call LCO 7129, which will be designated House Amendment Schedule "A."

CLERK:

House Amendment Schedule "A," LCO 7129, as introduced by Representative Jutila.

DEPUTY SPEAKER MORRIS:

The representative seeks leave of the Chamber to summarize the amendment. Is there objection to summarization? Is there objection? Hearing none, Representative Jutila, you may proceed with summarization.

REP. JUTILA (37th):

Thank you, Mr. Speaker. So this amendment will bring consistency to the two standards by applying the single standard used in the bill before us, 1082, which will allow for a waiver of electronic notification for correspondence, notifications, applications, and forms simply by having the individual requesting the exemption to

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communicate the hardship in writing. And I would
move adoption of the amendment.

DEPUTY SPEAKER MORRIS:

The question before the Chamber is adoption of
House Amendment Schedule "A." Will you remark on
the amendment? Representative Smith of the 99th.

REP. SMITH (99th):

Thank you, Mr. Speaker. Good afternoon, sir.
A few questions for the proponent of the amendment,
please. Mr. Speaker, a few questions for the
proponent.

DEPUTY SPEAKER MORRIS:

You may proceed, sir.

REP. SMITH (99th):

Thank you. The questions I have - I just
wanna make sure that the amendment does what we're
tryin' to do here and that is there are those
individuals or businesses out there that may not be
able to comply with the electronic filing
requirement of the underlying bill and the current
statute. And this amendment, as I understand it
and based on the description from our good
Chairman, allows for a business to seek a waiver of
the compliance if he or she has a hardship. And

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I'm just wonderin' if we could delve a little bit into the hardship aspect of it and what the business hasta show or needs to show in order to make sure that the waiver is applied. Through you, Mr. Speaker.

DEPUTY SPEAKER MORRIS:

Representative Jutila.

REP. JUTILA (37th):

Thank you, Mr. Speaker, and I thank the good ranking member for his question. The standard is a very low bar here. The business or individual simply has to communicate the fact that they have some hardship and do that in writing. And the bill does provide that the hardship could include but not be limited to a lack of access to a device capable of communicating electronically or the incompatibility of a specific document with electronic correspondence. But I stress, through you, Mr. Speaker, that those are simply examples with the - but not be limited to language. So it really could be any hardship as long as it's communicated in writing. The agency would be required to grant the exemption. Through you.

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Representative Smith.

REP. SMITH (99th):

Thank you, Mr. Speaker, and I thank the Chairman for the clarification. So, as I understand, the response then it's not really a discretionary act on behalf of the agency if, in fact, a communication is made in writing, indicating that there is a hardship regardless of the type of hardship. Is my understanding of the language of the bill as I just recited correct? Through you, Mr. Speaker.

DEPUTY SPEAKER MORRIS:

Representative Jutila.

REP. JUTILA (37th):

Through you, Mr. Speaker, yes. That is correct.

DEPUTY SPEAKER MORRIS:

Representative Smith.

REP. SMITH (99th):

And just a look at the language of the bill when it talks about the incompatibility of a device. So thinkin' this out loud. I mean, some of our businesses, they may be a mom and pop and maybe they have a computer that dates back a little

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bit and not so much the - as lucky as we are here today in the Chamber and have these nice laptops. And their particular computer may not be compatible with the agency's, let's see, hardware and software, etc. So there's no ability to actually send the communication electronically. In that situation, as I read the bill, that in and of itself would be a hardship. Am I correct? Through you, Mr. Speaker.

DEPUTY SPEAKER MORRIS:

Representative Jutila.

REP. JUTILA (37th):

Through you, Mr. Speaker, absolutely. That would be a hardship under the bill.

DEPUTY SPEAKER MORRIS:

Representative Smith.

REP. SMITH (99th):

And, ladies and gentlemen of the Chamber, we often try to find ways to make sure that we're not hurting our businesses. I understand the need to step into the 21st century and communicate electronically. Most of us do. It becomes part of our daily habit now. We all look to our emails, our cell phones, our Surfaces, our you-name-it. We

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all have 'em. But some people just don't. They're not there yet and they may never get there.

So this is a bill that actually seeks out to help those individuals who decided for whatever reason that they're not ready to step into the 21st century and - but they can still operate their business and file the old-fashioned way. So I encourage my colleagues to support the bill and I thank the Chairman for his answers.

DEPUTY SPEAKER MORRIS:

Will you remark further? Will you remark further on the amendment before us? If not, I will try your minds. All those in favor, signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER MORRIS:

All those opposed, nay.

The ayes have it and the amendment is adopted.

[gavel]

Will you remark further on the bill as amended? Will you remark further on the bill as amended? If not, will staff and guests please come

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to the Well of the House. Will the members please
take your seats. The machine will be opened.

CLERK:

[bell ringing] The House of Representatives is
voting by roll. The House of Representatives is
voting by roll. Will members please report to the
Chamber immediately.

[pause]

DEPUTY SPEAKER MORRIS:

[gavel] Have all members voted? Have all the
members voted? Will the members please check the
board to determine if your vote is properly cast.
If all members have voted, the machine will be
locked and the Clerk will take a tally.

The Clerk will please announce the tally.

CLERK:

Senate Bill 1082, as amended by House "A," not
in concurrence with the Senate

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

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Absent and not voting 3

DEPUTY SPEAKER MORRIS:

The bill, as amended, is passed. [gavel]

[pause]

DEPUTY SPEAKER MORRIS:

[gavel] Will the Clerk please call Calendar
No. 558.

CLERK:

On Page 41, House Calendar 558, Favorable
Report of the Joint Standing Committee on
Judiciary, Substitute Senate Bill 906, AN ACT
CREATING THE INCREASED VETERANS REINTEGRATION
COUNCIL.

DEPUTY SPEAKER MORRIS:

Representative Hennessy.

REP. HENNESSY (127th):

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

DEPUTY SPEAKER MORRIS:

The question is acceptance of the Joint
Committee's Favorable Report and passage of the

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do those, to call and take off the Consent Calendar, Calendar page 4, Calendar 81, Senate Bill 891. That needs an amendment and a referral. Thank you, Madam President.

THE CHAIR:

Thank you. Mr. -

SENATOR DUFF:

If the Clerk can please call the Calendar page 29, Calendar page 351, Senate Bill 1082.

THE CHAIR:

Mr. Clerk.

CLERK:

On page 29, Calendar 351, Senate Bill No. 1082, Substitute for Senate Bill No. 1082: AN ACT PERMITTING STATE AGENCIES TO ESTABLISH ELECTRONIC FILING SYSTEMS FOR AGENCY PROCEEDINGS. Favorable Report of the Committee on Government Administration and Elections.

THE CHAIR:

Senator Cassano.

SENATOR CASSANO:

Thank you, Madam Chair. I do have this file. I move acceptance of the Joint Committee's Favorable Report and passage of the bill and wave its reading.

THE CHAIR:

Motion's on acceptance and passage. Will you remark? Sir.

SENATOR CASSANO:

Yes. This bill does a couple of things. It allows agencies to use electronic communication for the first time actually. There are a couple of ways this is done. It allows email delivery by state agencies to

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recipients. A final decision's made in Uniform Administrative Procedure Act, what we know as the UAPA, contested cases, rulings and actions in response to petitions with declaratory rulings, copies of declaratory rulings. It does so by defining personal delivery under the act as delivery directly to the intended recipient or his or her designated Representative, including email delivery to an address the recipient identifies as acceptable. Most important, it also allows for the recipient to request that they not be communicated by email, that they do not have the means to do so or the desire to do so. And in that case then, they will be communicated with the normal mail.

So it's a money saver and clearly a time saver and a good bill for the State of Connecticut.

THE CHAIR:

Will you remark? Will you remark? Senator McLachlan.
Good afternoon, sir.

SENATOR MCLACHLAN:

Good afternoon, Madam President. Glad to see you today.

THE CHAIR:

Great to be seen too. Thank you.

SENATOR MCLACHLAN:

Through you, Madam President, a question to the proponent of the bill.

THE CHAIR:

Please proceed, sir.

SENATOR MCLACHLAN:

Thank you, Madam President. Senator Cassano. For clarification, this bill has an opt-out provision. And I guess our concern may be for those perhaps individuals, senior citizens, who don't have access to

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a computer, or email. Is it assumed that if someone doesn't provide an email address that they have effectively opted out of this procedure? Through you, Madam President.

THE CHAIR:

Senator Cassano?

SENATOR CASSANO:

Yes. I would assume that would be correct because they need to be communicated with. If there is no email address on file, then they would have to use mail.

THE CHAIR:

Senator McLachlan.

SENATOR MCLACHLAN:

Thank you, Madam President. Through you, Madam President. Senator, does this include all agencies of state government? Through you, Madam President.

THE CHAIR:

Senator Cassano?

SENATOR CASSANO:

It is intended to include all agencies, yes.

THE CHAIR:

Senator McLachlan.

SENATOR MCLACHLAN:

Thank you, Madam President. Madam President, I think this is a good idea assuming that we are making it perfectly clear that those who choose not to communicate via email don't have to do anything special to opt out. I think that it should be an opt-in requirement. And I'm hopeful that when the procedures are written that it will be very clearly delineated that it is optional for someone to

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participate in this, not required. Thank you, Madam President.

THE CHAIR:

Thank you, Senator. Will you remark further? Senator Kelly.

SENATOR KELLY:

Thank you, Madam President. I rise for a few questions to the proponent.

THE CHAIR:

Please proceed, sir.

SENATOR KELLY:

Thank you. I know that Senator McLachlan just went through and asked about whether or not this was opt out or opt in, and I know that part of your response indicated that this is applicable to all state agencies, including the Department Of Social Services, which administers, among other things, a lot of programs for seniors. And I wanna make sure that, in this situation, it's clear because many individuals on these programs who are seniors don't have computers or aren't computer savvy.

Now, you mentioned that it's an opt in. Is that done when the email address is given? Because I know on a lot of the Medicaid and DSS applications, it asks for all different ways to communicate, among which are email. Would there be a specific or separate opt-in box that would have to be checked so that I may provide an email address but not want to get all the important information that's part of this bill through email - I'd still want it mailed - because that might go to a caregiver and not to the actual applicant or recipient of state assistance. Through you, Madam President.

THE CHAIR:

Senator Cassano?

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SENATOR CASSANO:

Yes, Madam President. First of all, it permits agencies, it does not require it, and I would assume that there are some state agencies that it simply isn't going to work as well for, and you've hit the one I'm thinking of obviously. If you have a tremendous amount of contact with seniors, with people who don't own computers, and so on, it's either gonna be voice or mail contact. If they are filling out paperwork, if they're in for an interview, if they're in a program, and so on, and they have an email that they can be communicated with, we're hoping that the good judgment of the State will take place.

And that's the only, I don't know what will happen. I know what we'd like to happen. We wanna accommodate the citizens of Connecticut in the best way we can. And there's two ways we can, to make this a good bill, promptly through email if they want it. And if not, the regular way that we communicate with them.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

Thank you Senator for the response. One of my concerns is, and having worked in DSS and understanding what the case workers deal with on a daily basis. They have enumerable cases, the phone's ringing. And many times, and I see this now as an attorney. Many times you get notices and communication late. Sometimes the cases get denied. Because of the confusion within the internal operation of the department, I wouldn't wanna see something like this just be assumed. You gave me an email, so therefore, now we can communicate electronically all the time on all issues, and a senior who may not be up to speed on this, something could happen to them. They could have a broken hip or some other illness that puts them on the chronic care continuum so that they're not looking at their computer if they are computer savvy. And all of a sudden this gets denied or they don't get the relief that they're seeking not because they didn't have it, but either they or their caregiver didn't see that

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actual letter come over the desk and say, "Hey. This is an issue of import."

And I understand this is permissive, but I'd like to know that it's gonna be clearly delineated that it's an opt in and that there has to be some affirmative opt in. Because I can see, as Senator McLachlan said, there are efficiencies in savings here. I'm not blind to that fact, but I do wanna make sure that we preserve and protect people that may not be up on social media and email and computer savvy.

So I guess the question is are departments going to look through this and be that affirmative in the opt in? Through you, Madam President.

THE CHAIR:

Senator Cassano?

SENATOR CASSANO:

Yes, through you, Madam Chair. Under the bill, such hardships - the bill requires agencies to exempt a person from electronic filing if the person provides written notice to the agency of a hardship. Under the bill, such hardships include a lack of access to a device capable of electronic filing or incompatibility of a specific filing with the electronic filing system. So you do have to notify the agency.

I sympathize if you have to work on a regular basis with DSS. I understand what that means. Manchester's DSS office just celebrated that now phone call'll only take 55 minutes to be answered. If that's the kind of a situation we're dealing with in the agency, then there are going to be problems no matter what we do here. I can't imagine the communication is that good to the clients at this particular time if, in fact, you're on hold for 55 minutes for a phone call. So this is where we need to rely on commissioners and leaders of agencies to do their jobs and do their jobs well, and I think they're capable of doing that.

THE CHAIR:

Senator Kelly.

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SENATOR KELLY:

Thank you, Madam President. I guess it's there that I'm troubled. Because what it requires is the agency to exempt the person upon filing of some written document demonstrating a hardship. And what I think that says is that the general rule is to do the electronic filing unless and until that person comes forward and asks to be exempt and demonstrate a hardship. That, to me, I think is the opposite of what we were saying, that it's an opt in. So the general rule should be not to do this unless the person comes to the agency and says, "I would prefer electronic communication."

That's a big difference than what this bill says. I think this bill's - are, you know, is set up the opposite, in just the language. An exemption based on a hardship. That's - to me, if I'm a commissioner, I'm looking at that, I might not come to the conclusion that "Oh. That means there's an opt in." That means I have a general rule that there's an exception to but only upon a certain hardship. I understand the purpose and the why we would want something like this. But I'm also concerned at the language in this bill. I don't think it's an opt in. I think the language, as I just showed, is an opt out. And given that circumstance and the fact that this is applicable to all state agencies, I'm seriously concerned that this is gonna have an adverse impact on our aging population in Connecticut. Thank you, Madam President.

THE CHAIR:

Thank you. Will you remark further? Will you remark further? Seeing -

SENATOR CASSANO:

I would ask -

THE CHAIR:

Sen -

SENATOR CASSANO:

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Do you want a voice -

THE CHAIR:

Seeing, at this time, no further questions, I'd ask the Clerk to call for a roll call vote. The machine will be open.

SENATOR CASSANO:

Thank you.

CLERK:

Immediate roll call has been ordered in the Senate.
Immediate roll call ordered in the Senate.

THE CHAIR:

Senator Hwang. Senator Boucher.

THE CHAIR:

If all members have voted, all members voted, the machine will be closed. Mr. Clerk, will you please take a tally?

CLERK:

Senate Bill 1082

Total Number of Voting	36
Those voting Yea	31
Those voting Nay	5
Absent/not voting	0

THE CHAIR:

The bill is passed. [gavel] At this time, I take - I'd ask for a point - the personal - any points of personal privilege. Senator Guglielmo?

SENATOR GUGLIELMO:

Thank you, Madam President. I appreciate it. For purposes of an introduction, Madam President.

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THE CHAIR:

Okay. Page 48, sir.

CLERK:

On page 48, Calendar 351, substitute for Senate Bill No. 1082 AN ACT PERMITTING STATE AGENCIES TO ESTABLISH ELECTRONIC FILING SYSTEMS FOR AGENCY PROCEEDINGS AND REQUIRING THE WAIVER OF STATE AGENCY ELECTRONIC FILING AND COMMUNICATION REQUIREMENTS. It's been amended by House Amendment Schedule "A" on May 20.

THE CHAIR:

Senator Cassano.

SENATOR CASSANO:

Madam President, I move acceptance of the Joint Committee Favorable Report and passage of the bill.

THE CHAIR:

Motion's on acceptance and passage. Will you remark, sir?

SENATOR CASSANO:

Yes. This is an interesting bill in some ways. This is Senate Bill 1082 which was passed by the Senate back on April 22nd, however, is in conflict with another bill that we passed on April 14th which is Senate Bill 384. The problem is that the bills use different standards for agency waiver requirements for filing documents electronically.

Senate Bill 384 which passed both chambers and was signed by the Governor says that agencies may waive the requirements if the person can demonstrate good cause. Senate Bill 1082 says the agency shall waive the requirements. The amendment passed in the House brings consistency to the standards.

LCO 7129 brings consistency to the standards for waiver of electronic notification. It would bring in the standards to the one contained in this bill,

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Senate Bill 1082, which says we shall waive. And that would mean, in effect, that a person will write in, ask for permission to be taken off the list of electronic mailings, and the State will have an obligation to do those mailings by mail.

THE CHAIR:

Thank you. Will you remark? Will you remark? Senator McLachlan.

SENATOR MCLACHLAN:

Thank you, Madam President. I stand in support of the revision that we have from the House and I'd also like to thank Senator Cassano for raising the point with Senator Kennedy on the pesticide notification process for municipalities. This certainly should apply to municipalities and not just state government, and hopefully we can make that available to municipalities as well. Thank you, Madam President.

THE CHAIR:

Thank you. Will you remark further on this bill? Will you remark further on this bill? Senator Kelly. Good afternoon, sir.

SENATOR KELLY:

Good afternoon, Madam President. The last time that this bill was before the circle we had a conversation wherein it talked about - the conversation was talking about this being an opt-in procedure.

That with regards to state agency notification that people were gonna have the right to opt in to get it via email but - and when the bill was last before us, I voted no for that reason is that it not only required a writing, and that then there was conditions placed on that writing that there had to be a demonstration of some sort of hardship in order to get out of being caught into this.

However, while the amendment before us has improved that, because now it's not only the writing that requires a condition it still requires a writing. So I

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wanna be sure this is an opt-out. So everybody is included. And I wanna make sure I'm reading this right. You still have to do a writing to opt out? Through you, Madam President.

THE CHAIR:

Senator Cassano.

SENATOR CASSANO:

Yes, that is correct. The state agency that may be sendin' out the email will send it to everybody on the email list. Several people will not receive that. They will find out through the grapevine, however they find out they're not receivin' it. It would be up to them to write a letter sayin' I want to continue to receive the mailings. However, I do not have email. Please mail to - and so on.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

Okay, so when we look at this bill, given that protocol, every state agency of the Executive Department - so that would include the Department of Social Services. That would include DDS. It would include the Department on Aging. Anybody that does any business with the State of Connecticut is going to fall under this bill. Through you, Madam President, is that correct?

THE CHAIR:

Senator Cassano.

SENATOR CASSANO:

Basically, yes, between the two bills that would be correct. In the cases that you have mentioned, the good part for those people involved, for the clients as an example of various agencies, they do have a person that serves them. And that person whether it's a senior citizen or Department of Aging or Social

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Services that person would be, I assume, the contact person to be in - to verify, in fact, that they do not want email and that the written mail would come to them in writing.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

Thank you, Madam President. But this is where my problem lies is that you deal with certain client population, the aging in Connecticut. And we are seventh oldest State in the nation. We have a sizeable population. Baby boomers are moving into retirement, and when we move into retirement it's a time of life when we're not looking to be engaged in state business and regulation and, quite frankly, electronic communication.

But yet what we're doing with this bill is requiring them to not to be able to go on there and live their life the way they've been doing it. And then if they want to take advantage of such technology have the choice - we're taking away that choice to our seniors to be able to opt in.

Instead what we're saying to them is no, we're not gonna give you choice and opportunity. We're gonna take that away. You're gonna be in unless and until you choose to get out. That's not the way this was presented last time, and while this does improve that by taking the hardship aspect of the opt-out, it still doesn't go far enough.

We still have a situation where I don't have that choice. I'm put in. It says right here that a grant, a request from a client communicated in writing to the agency for an exemption from such requirement due to a hardship including, but not limited to, lack of access.

So I guess part of my question now is where in the amendment - and the one I'm reading is - I wanna make sure I'm on the right amendment - is the one passed in the House - would be 1071.

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THE CHAIR:

Senator, when the amendment passed in the House, it was 1082, LCO 1082. That's House "A" that was passed in the House.

SENATOR KELLY:

That I believe is the Senate Bill.

THE CHAIR:

I'm sorry. I'm being corrected. That LCO number is 7129.

SENATOR KELLY:

Right, 7129 passed in the House.

THE CHAIR:

Right.

SENATOR KELLY:

And I believe, according to that, Lines 26 to 31 is what I was just reading from which talks about still a writing with a requirement of hardship. So you not only still have an opt-out, but you still have a conditional opt-out. Am I reading that incorrectly? Through you, Madam President.

THE CHAIR:

Senator Cassano.

SENATOR CASSANO:

Yes, and please, I'm not bein' a wise guy here with an answer. Alright, but I don't know how else to say it. Let's say that we're talkin' about Mary Brown who we send 1000 emails off from an agency. Mary Brown is not on an email list 'cause she doesn't have email. So she's not really gonna opt out because she doesn't have it. But as she becomes aware of it she has the right to opt in through mail.

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If Mary Brown is on a computer and decides to get rid of her computer, she can notify them and say notify me by mail. There is no restriction that you can't go back and forth. But a large number of people - if we only allow electronic communication to all of our clients, I have no idea what the number would be, but I would venture that it would be relatively good percentage of people who'll never received the communication because they don't have the ability, they don't have the technology available in the homes.

Even though they may have a cell phone. If I'm one of the people, and it comes on my cell phone it's delete 'cause I don't know who they are. So that's the dilemma, through you, Madam President.

THE CHAIR:

Senator Kelly:

SENATOR KELLY:

Thank you, Madam President. And I think that, you know, we agree on that aspect of this is that there are folks out there that don't have the technological capability to receive and send electronic correspondence. But I think - so I think we're both sensitive to that population and I don't mean to indicate that you're not.

But where I think this bill falls down is that it's on an opt-out. So first of all, the people without that technological capability aren't given the opportunity to say I want in or out. They're automatically put in.

And I get that the agencies are gonna be communicating first via electronic means and then following it up with some sort of written communication. But then what has to happen is the person that doesn't have the email has to give a writing back to the agency. And then also has a requirement to demonstrate that they have a hardship, and they're gonna have to prove lack of access to a device capable of communicating electronically or the incompatibility of a specific document with electronic correspondence.

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So we've not only made this an opt-out, but then how does somebody prove something that they don't have? You're trying to prove that something doesn't exist. And I can see an administrative agency saying okay, well, show me you don't have it. Well, how does someone do that?

But that requirement is located in the bill, and that's what I'm troubled by is that we're now putting a burden on our seniors. That they are not only given the burden to opt out of something, but then they also have to prove that they don't have possession of the capability to communicate in this manner.

And I don't think that's the proper approach. I think a better approach would be to have an opt-in. Where people who have the electronic capability can communicate with the state agencies and say you know something, I'd like to take advantage of that and use the ease and efficiency of the electronic media to communicate with my government, and allow opting in.

I think that's the better way to handle this. And so, Madam President, the Clerk has an amendment LCO 8275. Will the Clerk please call the amendment?

THE CHAIR:

Mr. Clerk.

CLERK:

LCO No. 8275, Senate "A," offered by Senator Kelly.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

Thank you, Madam President. I move adoption by roll call and seek leave to summarize.

THE CHAIR:

Motion's on adoption, and then there will be a roll call vote. Please proceed, sir.

/rc
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SENATOR KELLY:

Thank you, Madam President. Basically what this does is it amends the file copy that was approved in the House by creating the system that I just talked about. It's gonna require an opt-in and would enable people to use the electronic media to opt in to this type of communication rather than the way we have it right now in this bill which is an opt-out.

I think it's the better way to deal with it. I think it enables people to take advantage of electronic media as well as the efficiencies afforded thereby, and I would move its support. Thank you.

THE CHAIR:

Will you remark? Will you remark? Senator Cassano.

SENATOR CASSANO:

Yes, Madam President, I would urge rejection of the amendment simply because anybody that can be reached by electronic mail will be reached. Clearly, there is an opt-in for any senior, any person with a disability, any persons dealing with Social Services, who deals with a counselor. That counselor has the responsibility of urging their clients to opt in. That is the only way they're gonna get into the system because they're not gonna be aware without somebody giving them direction.

And so the opt-in process is there for many of the needy that we both care about, and we're both concerned about. But it is going to be others that help them opt in 'cause they will not be communicated with to opt out. So I would urge rejection.

THE CHAIR:

Will you remark further? Will you remark further? If not, Mr. Clerk, will you please call for a roll call vote, and the machine will be open on Senate "A."

CLERK:

/rc
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Immediate roll call has been ordered in the Senate.
Immediate roll call has on Senate Amendment Schedule
"A" has been ordered in the Senate.

[pause]

THE CHAIR:

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

CLERK:

On Senate Amendment Schedule "A"

Total Number Voting	36
Necessary for Adoption	17
Those voting Yea	15
Those voting Nay	21
Absent/not voting	0

THE CHAIR:

Amendment fails. [gavel] Will you remark further? Will you remark further on the bill? If not, Senator Cassano. Or can I just call for a vote?

SENATOR CASSANO:

I think we'll probably have to call for a vote. There's several votes against it.

THE CHAIR:

Definitely have to call for a vote. Mr. Clerk, will you call for a roll call vote on the bill? Machine is open.

CLERK:

Immediate roll call has been ordered in the Senate.
Immediate roll call has been ordered in the Senate.

[pause]

THE CHAIR:

/rc
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All members have voted. All members have voted. The machine will be closed. Mr. Clerk, will you read the tally, please?

CLERK:

Senate Bill No. 1082

Total Number Voting	35
Necessary for Passage	17
Those voting Yea	27
Those voting Nay	8
Absent/not voting	1

THE CHAIR:

The bill passes. [gavel] Senator Duff.

SENATOR DUFF:

Thank you, Madam President. Madam President, is Senate Agenda No. 2 on the Clerk's desk?

THE CHAIR:

Mr. Clerk.

CLERK:

The Clerk is in possession of Senate Agenda No. 2, dated Wednesday, May 27, 2015.

THE CHAIR:

Senator Duff.

SENATOR DUFF:

Thank you, Madam President. I move that all items on Senate Agenda No. 2, dated Wednesday, May 27, 2015 be acted upon as indicated and that the agenda be incorporated by reference into the Senate Journal and Transcript. If we can -

THE CHAIR: