JOURNAL OF THE HOUSE

Monday, July 22, 2019

On Monday, the 22nd day of July, 2019, in accordance with the Constitution of the State of Connecticut and the Call of the Secretary of the State, the House of Representatives reconvened at the State Capitol at 10:00 o’clock a.m., Speaker Joe Aresimowicz in the Chair.

Prayer was offered by Deputy Chaplain, Imam Refai Arefin of Berlin, Connecticut.

The following is the prayer:

"Let us pray. Dear God - benevolent, compassionate and gracious; abundant in loving kindness and truth - guide our Representatives in this special session to create space where healthy debate is encouraged and the dignity and autonomy of all human beings is respected and appreciated.

As these last few matters are wrapped up, we are reminded that with every ending comes a great beginning of another chapter, and that how we end matters more than how we begin. We ask from the one God that he give us wisdom to make the right decisions, persistence to support them and radiance that will win others to work with us. Amen.

The Pledge of Allegiance was led by Representative Allie-Brennan of the 2nd District.

The Call of the Session was read by the Clerk and ordered printed in the Journal.

The following is the Call:

CALL RECONVENING THE 2019 REGULAR SESSION OF THE GENERAL ASSEMBLY

WHEREAS, the regular session of the 2019 General Assembly adjourned on June 5, 2019, in accordance with the Constitution of Connecticut; and,

WHEREAS, the Governor has disapproved bills passed by the regular session of the 2019 General Assembly, and has transmitted same to the Secretary of the State with his objections; and,

WHEREAS, said bills were not reconsidered by the General Assembly or were so disapproved by the Governor after said adjournment;

NOW THEREFORE, as required by Article Third of the Amendments to the Constitution of Connecticut, I hereby call the 2019 General Assembly to reconvene in session at Hartford on July 22, 2019 at ten o’clock in the morning, for a period not to exceed three days following such reconvening for the sole purpose of reconsidering and, if the General Assembly so desires, repassing said bills.
Given under my hand and Seal of the
State at the City of Hartford, this
16th day of July, 2019.

Denise W. Merrill
Secretary of the State

COMMUNICATIONS FROM THE SECRETARY OF THE STATE
GOVERNOR’S VETO MESSAGES

The following communications were received from the Honorable Denise W. Merrill, Secretary of the State, on the date indicated, read by the Clerk and ordered printed in the Journal.

July 12, 2019

The Honorable Denise W. Merrill
Secretary of the State
30 Trinity Street
Hartford, CT 06106

Dear Madam Secretary:

I hereby return, without my signature, House Bill No. 5001, An Act Requiring a Study of Workforce Training Needs in the State. This bill addresses two entirely separate and distinct issues.

Sections 1-4 of the bill amend existing state laws governing the Workforce Training Authority within the Department of Labor. Among other things, the bill: (1) makes public entities eligible for grants awarded by the Authority; (2) changes the membership of the Authority; and (3) expands the industry sectors eligible for training assistance from the Authority to include the areas of construction, health care, and early childhood education. Section 4 of the bill also requires the Department of Labor, in collaboration with workforce development boards within the State, to study programs offered to individuals seeking employment within the State.

Sections 5 and 7 of the bill address an entirely separate set of issues. Section 7 repeals section 31-62-E4 of the Regulations of Connecticut State Agencies, entitled “Diversified employment within the restaurant industry.” That repeal is “effective from passage and applicable to actions pending on or filed on or after said date.” Section 5 of the bill, in turn, requires the Department of Labor to promulgate new regulations replacing the repealed regulation and provides that, in doing so, the Commissioner of Labor must consult with representatives of the restaurant industry and consider the federal laws and regulations governing the issues addressed by these regulations.

Broadly speaking, the current state regulations addressed by these sections of the bill govern the minimum wage a restaurant must pay an employee who spends some, but not all, of his or her time engaged in activities for which tips or gratuities are customarily received. Under State law, employers may pay an employee a lower minimum wage if the employee is engaged in work for which such tips are customarily received. If, however, during the course of one’s shift an employee performs such work but also performs work for which the higher, standard minimum wage is required, the employer must segregate and record the hours spent doing each task and pay the employee the appropriate wage for the respective hours worked. If the employer cannot or does not so segregate and record an employee’s time, the employer must pay the employee the higher minimum wage for all hours worked.

Section 7 repeals the regulation setting forth these requirements. Section 5 requires the Commissioner to adopt new regulations that look to federal law for guidance. Generally, federal
law permits an employer to pay an employee engaged in both service and non-service work the lower minimum wage under a broader set of circumstances than the state law.

These sections of the bill make significant policy changes to a complex area of the law governing the rights of workers to a fair wage. While it may be reasonable to conclude that state and federal laws should be consistent in this area, that conclusion ought to be made only after sufficient study, debate and input from affected stakeholders. That did not happen here.

More problematic, however, is the provision of the bill purporting to make the repeal of the State regulation retroactive to any civil actions pending or filed on or after the bill’s passage. Any such civil actions, of course, would be brought to pursue claims for wages earned at a time when the regulation at issue was in effect. This retroactive attempt to extinguish a worker’s right to recover wages in an amount lawfully required and earned is patently unfair to the affected workers. It also raises serious due process and other constitutional concerns.


NED LAMONT
Governor
July 12, 2019

The Honorable Denise W. Merrill
Secretary of the State
30 Trinity Street
Hartford, CT 06106

Dear Madam Secretary:

I hereby return, without my signature, House Bill No. 7107, An Act Concerning the Theft of Waste Vegetable Oil or Animal Fats. This bill classifies the theft of certain cooking products as 4th degree larceny regardless of the value.

Under current law, a person commits larceny when, with intent to deprive another of property or to appropriate the same to himself or a third person, he wrongfully takes, obtains or withholds such property from an owner. The degree of the offense and the penalty associated with it generally depends not on the kind of stolen property, but on its value. The theft of up to $500 of property is 6th degree larceny, a class C misdemeanor punishable by up to three months in prison and/or a fine of up to $500; the theft of property worth more than $500 and up to $1,000 is 5th degree larceny, a class B misdemeanor punishable by up to six months in prison and/or a fine of up to $1,000; and the theft of property worth more than $1,000 and up to $2,000 is 4th degree larceny, a class A misdemeanor punishable by up to one year in prison and/or a fine of up to $2,000. The theft of property of even greater value is a class D, C, or B felony.

This bill would make the theft of even a de minimis amount of waste vegetable oil or animal fats a class A misdemeanor punishable by up to one year in prison. This bill makes the theft of certain cooking products as 4th degree larceny regardless of the value of the stolen product, and in derogation of the penal code’s value-based classification of larcenies, privileges the theft of one particular product and the protection of one particular industry over other Connecticut property owners. A person who steals $35 worth of waste vegetable oil should not face the prospect of a prison sentence four times greater than that faced by a person who steals $35 worth of gasoline.

NED LAMONT
Governor

July 12, 2019

The Honorable Denise W. Merrill
Secretary of the State
30 Trinity Street
Hartford, CT 06106

Dear Madam Secretary:

I hereby return, without my signature, House Bill No. 7178, An Act Concerning Disclosures by Real Estate Brokers and Salespersons. This bill removes existing consumer protections that require agents of sellers of residential properties to disclose whom they represent to potential buyers before significant discussions or negotiations begin.

Under current law, a broker or salesperson acting as an agent in a residential real estate transaction (a transaction involving a one- to four-family residential real property located in the state) must disclose in writing whom they represent at the beginning of the first personal meeting about the purchaser’s or lessee’s specific needs or about the seller’s or lessor’s specific real property. The bill instead allows this disclosure at any time before a prospective purchaser or lessee signs the purchase contract or lease.

This bill would allow, for example, a seller’s agent to negotiate all terms of a purchase agreement without disclosing the fact that they represent the seller, as long as the agent tells the buyer that they do not represent the buyer at some point before the buyer signs the purchase agreement - even as late as the meeting to sign the agreement. Current law requires agents to disclose this fact when they first begin speaking to a prospective buyer. The proposed weakening of this common-sense consumer protection could create confusion and uncertainty for consumers in the residential real estate market, especially those who believe, incorrectly, that a seller’s agent is acting solely as the buyer’s representative or as a neutral broker, with no commission at stake for completing the sale. The risk is even greater for first-time homebuyers and those with little previous experience in the residential real estate market. The current law strikes the right balance between simplicity of transactions and transparency for consumers.

This law was previously amended in 2017 through Public Act 17-169. That bill allowed agents in commercial transactions to disclose the identity of their clients at any time before a purchase agreement was signed, instead of during the first personal meeting about a purchaser’s or lessee’s specific needs or seller’s or lessor’s real property, as was required for both residential and commercial sales before 2017. This was an acceptable reform to streamline the rules for business transactions. Commercial purchasers and lessees are typically more experienced market participants, and are often not buying or leasing for the first time. Commercial buyers and lessees also more often use their own agents or are represented by attorneys throughout the process.

This is not the case for residential buyers, and House Bill No. 7178 significantly weakens a disclosure requirement that protects them. Indeed, members of the Connecticut Real Estate Commission, the body that works with the Department of Consumer Protection to regulate the real estate industry, have reached out to my office to express serious concerns regarding the weakening of consumer protections in this bill, and I agree.

NED LAMONT
Governor

HOUSE RESOLUTION ADOPTED

H.R. No. 101 REP. RITTER, 1ST DIST. RESOLUTION CONCERNING THE RULES OF THE HOUSE FOR THE RECONVENED SESSION OF THE 2019 GENERAL ASSEMBLY.

The resolution was explained by Representative Ritter of the 1st.

On a voice vote House Resolution No. 101 was adopted.

The following is the Resolution:

Resolved by this House:
That the rules of the House at this reconvened session of the 2019 General Assembly shall be the same as the rules of the House in force at the 2019 regular session, except as said rules are amended, altered or repealed in this resolution and by the addition of the following rules, which additional rules are hereby made a part of said House rules.

Strike out Rule 10 and insert in lieu thereof the following:
Rule 10. The clerk shall keep a journal of the House and shall enter therein a record of each day's proceedings.

Strike out Rule 11 and insert in lieu thereof the following:
Rule 11. The clerk shall keep a calendar on which he shall enter daily all House bills disapproved by the Governor and all bills and joint resolutions received from the Senate for action.

Strike out Rule 12 and insert in lieu thereof the following:
Rule 12. Any matter requiring further action by the Senate shall be immediately transmitted to the Senate upon final action by the House.

Strike out Rule 15.
Strike out Rules 19 and 20.
Strike out Rule 21 and insert in lieu thereof the following:
Rule 21. The order of business shall be as follows:
1. Reception of communications from the Governor and Secretary of the State.
2. Introduction of resolutions.
4. Reception of business from the Senate.

Strike out Rule 31.
Add a new Rule 48 as follows:
Rule 48. Except as provided in joint rule 33, no resolutions shall be received other than those expressing sympathy on the demise of a legislator or a member of a legislator's family or those pertaining to the rules of this reconvened session and the printing of the journals of the Senate and the House of Representatives and the expenses of this reconvened session.

DEPUTY SPEAKER PRO TEMPORE GODFREY IN THE CHAIR

SENATE JOINT RESOLUTIONS ADOPTED

S.J. No. 51 SEN. DUFF, 25TH DIST.; REP. RITTER, 1ST DIST. RESOLUTION CONCERNING THE JOINT RULES OF THE RECONVENED SESSION OF THE 2019 GENERAL ASSEMBLY.
The resolution was explained by Representative Ritter of the 1st.

On a voice vote Senate Joint Resolution No. 51 was adopted in concurrence with the Senate.

The following is the Resolution:

Resolved by this Assembly:

That the joint rules of this reconvened session of the 2019 General Assembly shall be the same as the joint rules in force at the 2019 regular session, except as said rules are amended, altered or repealed in this resolution and by the addition of the following rules, which additional rules are hereby made a part of the joint rules of this reconvened session.

Strike out Rule 6.

Strike out Rule 7 and insert in lieu thereof the following:

Rule 7. The reconvened session of the 2019 General Assembly shall be for the sole purpose of reconsidering bills approved by the 2019 General Assembly and disapproved by the Governor. Except as provided in joint rule 33, no substantive resolutions shall be received other than those pertaining to the rules applicable to this reconvened session and the printing of the journals of the Senate and House of Representatives and the expenses of this reconvened session. The reconvened session shall adjourn sine die not later than midnight, July 25, 2019.

Strike out Rules 8, 9, 10 and 11.

Strike out Rule 12 and insert in lieu thereof the following:

Rule 12. No amendments shall be permitted to any disapproved bill submitted to the reconvened session.

Strike out Rule 13.

Strike out Rule 14 and insert in lieu thereof the following:

Rule 14. Each disapproved bill shall be submitted to the chamber of origin for reconsideration. If, after such reconsideration, that chamber shall again pass it, but by the approval of at least two-thirds of the membership, it shall be immediately transmitted with the veto message to the other chamber, which shall also reconsider it. The votes of each chamber shall be determined by the yeas and nays and the names of the members voting for and against the bill shall be entered on the journals of each chamber respectively.

Strike out Rules 15, 16, 17, 18, 19 and 20.

Strike out Rule 21 and insert in lieu thereof the following:

Rule 21. After the time has elapsed for the reconsideration of any vote upon any bill, no resolution or motion to recall such bill from the other chamber shall be allowed for the purposes of reconsideration, except when there has clearly been a mistake in the vote on such bill.

Strike out Rules 22, 23 and 24.

Strike out Rule 25 and insert in lieu thereof the following:

Rule 25. The respective clerks of the House and Senate shall immediately notify the Secretary of the State and the Legislative Commissioners of the final action taken on each disapproved bill and its engrossed copy shall bear the notation of such final action and if repassed, the date of final passage.

Strike out Rule 26.

Strike out Rule 27 and insert in lieu thereof the following:

Rule 27. The official copies of all disapproved bills repassed by the General Assembly shall be delivered to the Secretary of the State.

Strike out Rules 31 and 32.

S.J. No. 52 SEN. DUFF, 25TH DIST.; REP. RITTER, 1ST DIST. RESOLUTION CONCERNING THE EXPENSES OF THE RECONVENED SESSION OF THE 2019 GENERAL ASSEMBLY.

The resolution was explained by Representative Ritter of the 1st.
On a voice vote Senate Joint Resolution No. 52 was adopted in concurrence with the Senate.

The following is the Resolution:

Resolved by this Assembly:
That the Joint Committee on Legislative Management is authorized to pay the necessary expenses of this reconvened session of the 2019 General Assembly.


The resolution was explained by Representative Ritter of the 1st.

On a voice vote Senate Joint Resolution No. 53 was adopted in concurrence with the Senate.

The following is the Resolution:

Resolved by this Assembly:
That the journals of the proceedings of the Senate and House of Representatives at this reconvened session shall be printed as provided in section 2-49 of the general statutes with the journals of the January 2019 session of the General Assembly.

S.J. No. 54 SEN. LOONEY, 11TH DIST.; SEN. DUFF, 25TH DIST.; REP. ARESIMOWICZ, 30TH DIST.; REP. RITTER, 1ST DIST. RESOLUTION CONVENING THE GENERAL ASSEMBLY IN SPECIAL SESSION.

The resolution was explained by Representative Ritter of the 1st.

The Speaker ordered the vote be taken by roll call at 11:23 a.m.

The following is the result of the vote:

Total Number Voting .......................................................... 125
Necessary for Adoption .......................................................... 76
Those voting Yea ................................................................. 125
Those voting Nay ............................................................... 0
Those absent and not voting .................................................. 26

On a roll call vote Senate Joint Resolution No. 54 was adopted in concurrence with the Senate.

The following is the roll call vote:

Y ABERCROMBIE Y LOPES X ZIOGAS Y MACLACHLAN
Y ALLIE-BRANNAN Y LUXENBERG Y MASTROFRANCESCO
Y ALTObello Y MCCARTHY VAHEY Y MCCARTY, K.
Y ARCONTI X MCGEE Y ACKERT Y MCGORTY, B.
Y ARNONE Y MESKERS Y BETTS Y O’DEA
Y BAKER Y MICHEL Y BOLINSKY Y O’NEILL
Y BARRY Y MILLER Y BUCKBEE Y PAVALOCK-D’AMATO
Y BLUMENTHAL Y MUSHINSKY Y CAMILLO Y PERILLO
Y BORER Y NAPOLI X CANDELORA, V. Y PETIT
Y BOYD Y NOLAN Y CARNEY Y PISCOPO
The following is the Resolution:

Resolved by this Assembly:

That pursuant to Article III of the amendments to the state constitution, and Rule 33 of the Joint Rules of this session, we the members of this General Assembly judge it necessary that there be a special session of the General Assembly, that said session be convened not earlier than 12:01 a.m. on July 22, 2019, and that the call of the session be solely for the purpose of considering and enacting bills (1) concerning school construction, and (2) conveying parcels of state land and interests in state land, which conveyances received a public hearing under the following bill numbers during the January Session, 2019, in accordance with Article XXXIII of the amendments to the state constitution and Rules 6 and 9(e) of the Joint Rules of the January Session, 2019:

(i) House Bill 7283, as amended by House Amendment Schedules "A" and "B";
(ii) House Bill 7417;
(iii) Substitute House Bill 7418, as amended by House Amendment Schedule "A";
(iv) House Bill 7419, as amended by House Amendment Schedule "A";
(v) House Bill 7420;
(vi) House Bill 7421;
(vii) Substitute House Bill 7422;
(viii) House Bill 7423, as amended by House Amendment Schedule "A"; and
(ix) Substitute Senate Bill 1123, as amended by House Amendment Schedule "A".

BE IT FURTHER RESOLVED, that the clerks of the Senate and the House of Representatives deliver a copy of this resolution to the Secretary of the State forthwith.

RECESS

On motion of Representative Ritter of the 1st District, the House recessed at 11:24 o’clock a.m., to reconvene at the Call of the Chair.
AFTER RECESS

The House reconvened at 11:33 o’clock a.m., Deputy Speaker Pro Tempore Godfrey in the Chair.

HOUSE JOINT RESOLUTION ADOPTED

H.J. No. 204 REP. ARESIMOWICZ, 30TH DIST.; REP. RITTER, 1ST DIST.; SEN. LOONEY, 11TH DIST.; SEN. DUFF, 25TH DIST.  RESOLUTION CONVENING THE GENERAL ASSEMBLY IN SPECIAL SESSION.

The resolution was explained by Representative Ritter of the 1st.

The Speaker ordered the vote be taken by roll call at 11:50 a.m.

The following is the result of the vote:

Total Number Voting ................................................................. 130
Necessary for Adoption ................................................................. 76
Those voting Yea ................................................................. 130
Those voting Nay ................................................................. 0
Those absent and not voting ......................................................... 21

On a roll call vote House Joint Resolution No. 204 was adopted.

The following is the roll call vote:

Y   ABERCROMBIE Y    LOPES X   ZIOGAS Y   MACLACHLAN
Y   ALLIE-BRENNAN Y   LUXENBERG Y   MASTROFRANCESCO
Y   ALTOBELLO Y   MCCARTHY VAHEY Y   MCCARTY, K.
Y   ARCONTI X   MCGEE Y   ACKERT Y   MCGORTY, B.
Y   ARNONE Y   MESKERS Y   BETTS Y   O’DEA
Y   BAKER Y   MICHEL Y   BOLINSKY Y   O’NEILL
Y   BARRY Y   MILLER Y   BUCKBEE Y   PAVALOCK-D’AMATO
Y   BLUMENTHAL Y   MUSHINSKY Y   CAMILLO Y   PERILLO
Y   BORER Y   NAPOLI X   CANDELORA, V. Y   PETIT
Y   BOYD Y   NOLAN Y   CARNEY Y   PISCOPO
Y   CONEY Y   PALM Y   CARPINO Y   POLLETTA
Y   CONCEPCION Y   PAOLILLO Y   CASE Y   REBIMBAS
Y   CONLEY Y   PERONE Y   CHEESEMAN Y   RUTIGLIANO
Y   CURREY Y   PHIPPS Y   CUMMINGS Y   SIMANSKI
Y   D’AGOSTINO Y   PORTER X   D’AMELIO X   SMITH
Y   DATHAN Y   REYES Y   DAUPHINAIS X   SREDZINSKI
X DE LA CRUZ Y   RILEY Y   DAVIS Y   VAIL
Y   DEMICCO Y   RITTER Y   DELNICKI X   WILSON
Y   DILLON Y   ROCHELLE Y   DEVLIN Y   WOOD, T.
Y   DIMASSA Y   ROJAS Y   DUBITSKY Y   YACCARINO
Y   DOUCETTE Y   ROSE X   FERRARO Y   ZAWISTOWSKI
Y   ELLIOTT Y   ROTELLA X   FISHEIN Y   ZULLO
Y   EXUM X   SANCHEZ Y   FLOREN Y   ZUPKUS
Y   FELIPE Y   SANTIAGO, H. Y   FRANCE
Y   FOX Y   SCANLON Y   FREY
Y   GARIBAY X   SERRA X   FUSCO
Y   GENG A Y   SIMMONS, C. Y   GREEN Y   ARESIMOWICZ
Y   GIBSON Y   SIMMS, T. X   HAINES
X GILCHREST Y   STAFSTROM Y   HALL, C.
Y   GONZALEZ Y   STALLWORTH Y   HARDING Y   GODFREY
Y   GRESKO Y   STEINBERG Y   HAYES
Y   GUCKER Y   TERCYAK Y   HILL
The following is the Resolution:

Resolved by this Assembly:
That pursuant to Article III of the amendments to the state constitution, and Rule 33 of the Joint Rules of this session, we the members of this General Assembly judge it necessary that there be a special session of the General Assembly, that said session be convened not earlier than 12:01 a.m. on July 22, 2019, and that the call of the session be solely for the purposes of considering and enacting bills concerning workforce training needs, revision to and regulation of gratuities permitted or applied as part of the minimum fair wage and evidence of good faith belief that underpayment of wages for less than the minimum fair wage was lawful.

BE IT FURTHER RESOLVED, that the clerks of the Senate and the House of Representatives deliver a copy of this resolution to the Secretary of the State forthwith.

RECESS

On motion of Representative Currey of the 11th District, the House recessed at 11:51 o’clock a.m., to reconvene at the Call of the Chair.

AFTER RECESS

The House reconvened at 1:48 o’clock p.m., Deputy Speaker Pro Tempore Robert Godfrey in the Chair.

REPRESENTATIVES ABSENT

The following Representatives were absent today or may have missed some votes due to the following:

Representative Butler of the 72nd District - illness
Representative Gilchrest of the 18th District - illness
Representative Morin of the 28th District - personal business
Representative Orange of the 48th District - family business
Representative Sanchez of the 25th District - personal business
Representative Walker of the 93rd District - illness

ADJOURNMENT

On motion of Representative Currey of the 11th District, the House adjourned at 1:49 o’clock p.m., sine die.

ATTEST:  Frederick J. Jortner
Clerk of the House of Representatives
Hartford, Connecticut
July 22, 2019 at 1:49 o’clock p.m.