

Legislative History for Connecticut Act

PA 17-108

HB7311

House	4206-4216	11
Senate	2849, 2852-2854	4
Judiciary	4880-4881, 5319	3
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Transcripts from the Joint Standing Committee Public
Hearing(s) and/or Senate and House of Representatives
Proceedings

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GENERAL ASSEMBLY
HOUSE**

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Are there any other announcements or
introductions? Any other announcements or
introductions?

DEPUTY SPEAKER MORRIS (140TH):

Will the Clerk please call Calendar No. 455?

CLERK:

On page 32, House Calendar 455, Substitute
House Bill No. 7311, AN ACT CONCERNING LIMITED
LIABILITY COMPANIES AND BUSINESS CORPORATIONS.
Favorable report of the Joint Standing Committee on
Judiciary.

DEPUTY SPEAKER MORRIS (140TH):

Representative Stafstrom.

REP. STAFSTROM (129TH):

Good afternoon, Mr. Speaker. Mr. Speaker, I
move for acceptance of the Joint Committee's
favorable report and passage of the bill.

DEPUTY SPEAKER MORRIS (140TH):

The question is acceptance of the Joint
Committee's favorable report and passage of the
bill. Representative Stafstrom, you have the floor,
Sir.

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REP. STAFSTROM (129TH):

Thank you, Mr. Speaker. Mr. Speaker, the Clerk is in possession of an amendment, LCO No. 7632. I ask the member be called and I be granted leave of the Chamber to summarize.

DEPUTY SPEAKER MORRIS (140TH):

Will the Clerk please call LCO 7632, which will be designated House Amendment Schedule "A".

CLERK:

House Amendment Schedule "A" LCO No. 7632 offered by Representative Tong, Representative Rebimbas, et al.

DEPUTY SPEAKER MORRIS (140TH):

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

REP. STAFSTROM (129TH):

Thank you, Mr. Speaker. Mr. Speaker, this is a strike-all amendment, which becomes the bill. It contains several sections and is a fairly lengthy

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amendment, much of which comes from the Connecticut Bar Association as well as our business community, and continues the bipartisan effort that the Judiciary Committee has engaged in over the last couple years to try to clean up, strengthen, and improve our business and corporation statutes.

The first several sections of the bill, the first 30 or so sections, actually make changes to our existing Business Corporations Act. The second half of the bill generally makes technical changes, and I do mean most of those are generally technical changes to the Limited Liability Company statute, which we passed last year and which becomes effective as of July 1 of this year. The final section of the bill actually requires the Secretary of the State to report back to the Committee next year on efforts to fund ongoing efforts to improve our Concord Business Registration System and our other business registration software. I urge adoption.

DEPUTY SPEAKER MORRIS (140TH):

The question for the Chamber is adoption of

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House Amendment Schedule "A". Will you remark on the amendment? Representative Rebimbas of the 70th District.

REP. REBIMBAS (70TH):

Good afternoon, Mr. Speaker.

DEPUTY SPEAKER MORRIS (140TH):

Good afternoon, Madam.

REP. REBIMBAS (70TH):

Mr. Speaker, I do rise in support of the amendment before us, and if I could, just a few questions for the good Vice Chair.

DEPUTY SPEAKER MORRIS (140TH):

You may proceed, Ma'am.

REP. REBIMBAS (70TH):

Thank you. I also, just to start off, want to thank the Chairs of the Judiciary Committee as well as the Vice Chair and also Representative Cummings for their interest in the legislation that's before us. And so a few questions to the Vice Chairman, which this is a piece of legislation that certainly will be a positive step for our business community in the state of Connecticut.

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This legislation and the amendment that ultimately would become the bill is substantially different from the bill that was heard and had a public hearing in the Judiciary Committee; is that correct?

Through you.

DEPUTY SPEAKER MORRIS (140TH):

Representative Stafstrom.

REP. STAFSTROM (129TH):

Thank you, Mr. Speaker. Mr. Speaker, I don't know that I would say it's substantially different. I think several of the sections of the bill were part of the public hearing process and were introduced as stand-alone pieces of legislation. I believe this was combined -- sort of three separate concepts was combined early on in the process. One of those concepts was to create a series LLC mechanism and statute -- in our statutes. That provision has been stripped from this latest amendment before us.

Through you.

DEPUTY SPEAKER MORRIS (140TH):

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Representative Rebimbas.

REP. REBIMBAS (70TH):

Thank you, Mr. Speaker, and I would just further then clarify that, that yes, of course, what we have before us was part of the public hearing, but there were sections that was also part of the public hearing that now are not in the amendment before us, and as the good Vice Chairman indicated, that was a series LLC. And through you, Mr. Speaker, if the good Vice Chair could just let us know exactly how and why the decision was made to take that from the legislation before us.

Through you.

DEPUTY SPEAKER MORRIS (140TH):

Representative Stafstrom.

REP. STAFSTROM (129TH):

Through you, Mr. Speaker, Sections 1 through 33 of the underlying bill, which would've enabled series LLCs in the state of Connecticut would've required significant computer reprogramming through the Secretary of State's Office. The proponent of that bill, Representative Cummings, as well as the

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leadership of the Committee worked with the Secretary of State's Office, but we decided late in the game here that given our financial circumstances, we could not do that computer programming at this time, which is why we put in the reporting mechanism, which I referenced earlier.

Through you.

DEPUTY SPEAKER MORRIS (140TH):

Representative Rebimbas.

REP. REBIMBAS (70TH):

Thank you, Mr. Speaker, and I'd like to thank the Vice Chairman for his explanation in that regard, and certainly, it was a decision that was reached in a bipartisan manner. Ultimately, even though sections we believed would be very positive steps for the State of Connecticut and certainly also steps of interest that was taken by the Connecticut Bar Association and their business section. So, we hope to revive that and bring that back in the future, but as we concede that would have a fiscal impact that we just, unfortunately, would not be able to manage under our budget

challenges that we currently have.

So, what we've attempted to do, because we have to make sure that we foresee the future and try to plan for the future in a responsible way, and this is ultimately a goal that we would like to achieve in the future, we do have the new Section 43, which does request from the Secretary of State's Office some ideas, thoughts, and options as to how we can already prepare to implement that if this were to pass in the future.

And I certainly then also want to thank the Secretary of State's Office for meeting with us because we were attempting to do everything possible to see if that was possible in this legislative session, but unfortunately, because of the fiscal challenges that we are in, it's not possible. But with that said, we certainly did everything that we could without a fiscal impact, and that is the amendment that's before us that, if passed, will become the underlying bill.

So, I'd like to once again just thank everyone for their cooperation and working in a bipartisan

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manner again with a insight and foresight of making Connecticut a better business community, which ultimately is what we would all like and share in. So, I do encourage everyone to support the amendment that's before us.

DEPUTY SPEAKER MORRIS (140TH):

Thank you, good Madam. Will you remark further on the amendment that is before us? Representative Cummings of the 74th.

REP. CUMMINGS (74TH):

Thank you, Mr. Speaker. Mr. Speaker, I rise in strong support of this bill. I would like to thank the leadership of the Judiciary Committee for all of their bipartisan support in doing this. This is very important for our small businesses. LLCs are one of the most highly utilized small business entity, and doing anything to make it more business-friendly is incredibly important to me and, I'm sure, to all of my colleagues, particularly Section 43, which does require the Secretary of State to report to us different ways that we can expand our current system to allow for more business-friendly

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legislation and product in the future, and I am
looking forward to that. Thank you, Mr. Speaker.

DEPUTY SPEAKER MORRIS (140TH):

Thank you, Madam. Will you remark further?
Will you remark further on the amendment that is
before us? If not, I'll try your minds. All those
in favor, signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER MORRIS (140TH):

All those opposed, Nay. The ayes have it. The
amendment is adopted. Will you remark further on
the bill as amended? 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 to the well of the House, will the
members please take your seats, the machine will be
opened. (Ringing)

CLERK:

The House of Representatives is voting by roll.

Members to the Chamber. The House of
Representatives is voting by roll. Members to the

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Chamber.

DEPUTY SPEAKER MORRIS (140TH):

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

The Clerk will please announce the tally.

CLERK:

House Bill 7311, as amended by House "A":

Total Number Voting	148
Necessary for Passage	75
Those Voting Yea	148
Those Voting Nay	0
Absent and Not Voting	3

DEPUTY SPEAKER MORRIS (140TH):

The bill as amended has passed.

(Gavel)

Will the Clerk please call Calendar No. 366 on page 52, House Calendar 366, House Bill No. 7251, AN ACT CONCERNING REFORM DISTRICT TURNAROUND PLANS. Favorable report of the Joint Standing Committee on

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SENATOR DUFF (25TH):

Thank you, Madam President. Madam President I have a few more items for our Consent Calendar please.

THE CHAIR:

Please proceed, sir.

SENATOR DUFF (25TH):

Thank you, Madam President. On calendar page 33, Calendar 535, House Bill 7195 like to mark that item for our Consent Calendar.

THE CHAIR:

Seeing no objections, so ordered, sir.

SENATOR DUFF (25TH):

On calendar page 33, Calendar 536, House Bill 7311. Would like to mark that item for Consent Calendar.

THE CHAIR:

Seeing no objections, so ordered, sir.

SENATOR DUFF (25TH):

Thank you, Madam President. On calendar page 33, Calendar 538, House Bill 5963. Like to mark that item for our Consent Calendar.

THE CHAIR:

Seeing no objections, so ordered, sir.

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Seeing no objections, so ordered, sir.

SENATOR DUFF (25TH):

Thank you, Madam President. I apologize for that error and now Madam President if the Clerk can call the items on the Consent Calendar and followed by a vote please.

THE CHAIR:

We will stand at ease for two seconds. Well maybe a minute, got to get this all done.

Mr. Clerk, now will you start calling the, what's on the Consent Calendar please.

THE CLERK:

On page 8, Calendar 260, House Bill 5884; page 8, Calendar 259 House Bill 5583; also on page 8, Calendar 265 House Bill 7007; on page 14, Calendar 364 House Bill 7062; page 15, Calendar 370 House Bill 7002; page 16, Calendar 381 House Bill 7169; on page 17, Calendar 393 House Bill 7161; page 17, Calendar 395, House Bill 7230; page 18, Calendar 402 House Bill 7082; on page 18, Calendar 401 House Bill 7081; on page 18 Calendar 397 House Bill 7120; page 20 Calendar 413 House Bill 5764; on page 21, Calendar 416 House Bill 7243; also on page 21, Calendar 418 House Bill 6741; page 22, Calendar 432 House Bill 5077; page 23, Calendar 426 House Bill 7214; also on page 23, Calendar 437 House Bill 7284; page 25, Calendar 457 House Bill 7164; also on page 25, Calendar 455 House Bill 7102; page 26, Calendar 465 Senate Bill 1056; page 26, Calendar 471 House Bill 7032; on page 28, Calendar 482 House Bill 7194;

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on page 29, Calendar 486, House Bill 7020; page 29, Calendar 487 House Bill 7205; also on page 29, Calendar 488 House Bill 5554; page 30, Calendar 492 House Bill 7080; page 30, Calendar 493 House Bill 7132; page 32, Calendar 530 House Bill 7202; on page 32, Calendar 533 House Bill 7202; page 32, Calendar 532 House Bill 7198; page 32 again, 534 House Bill 7190; on page 33, Calendar 535 House Bill 7195; also on page 33, Calendar 536 House Bill 7311; page 33 again, Calendar 538 House Bill 5963; on page 34, Calendar 542 House Bill 6992; page 35, Calendar 551 House Bill 7013; on page 38 Calendar 562 House Bill 7263; on page 39, Calendar 567 House Bill 7312; page 48, Calendar 240 Senate Bill No. 966; also on page 48, Calendar 291 Senate Bill 644; page 50, Calendar 480 House Bill 7059; on page 51, Calendar 443 House Joint Resolution No. 63; and on page 51, Calendar 444 House Joint Resolution No. 67; page 51, Calendar 445 House Joint Resolution No. 3 and House Joint Resolution No. 74.

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THE CHAIR:

Do you want to repeat that back?

THE CLERK:

No.

THE CHAIR:

No? (Laughter and Gavel). At this time, I call for a Roll Call Vote on the Consent Calendar and the machine is open.

THE CLERK:

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Immediate Roll Call has been ordered in the Senate on the Consent Calendar for the day. Immediate Roll Call has been ordered in the Senate.

THE CHAIR:

If all members have voted, all members have voted the machine will be closed. Mr. Clerk.

THE CLERK:

On the Consent Calendar for today:

Total number voting	36
Necessary for Adoption	19
Those voting Yea	36
Those voting Nay	0
Those absent and not voting	0

THE CHAIR:

The Consent Calendar has passed. (Gavel)

SENATOR DUFF (25TH):

Madam President, may we stand at ease for a moment?

THE CHAIR:

Senate will stand at ease.

SENATOR DUFF (25TH):

Madam President.

THE CHAIR:

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Many of the victims that The Alliance serves annually make their first contact through one of our two statewide 24-7 crisis hotlines. The hotline which are operated in both English and Spanish provide crisis counseling and intervention and information for victims of sexual assault and those who support them. The advocates and volunteers that keep the hotline running serve as a front line response to callers, offering support, giving them options to report or get medical attention, offering them a variety of free of charge counseling and advocacy services, and connecting them to other community resources if necessary.

This similar hotline model can help tackle the unfortunately growing problem of hate crimes in our state. A hotline will not only help CT residents who experience hate crimes have timely access to information and resources, but will help our state to better assess the number of hate crimes that occur, regardless of whether a victim ultimately reports the crime to the police.

Thank you for your attention to these matters. I am happy to answer any questions you may have.

Respectfully submitted,

Kaitlyn Fydenkevez, Esq.
kaitlyn@endsexualviolencect.org

FIRST DRAFT

**Testimony of Kaitlyn Fydenkevez, Esq.
Director of Policy & Public Relations
Connecticut Alliance to End Sexual Violence**

**Judiciary Committee Public Hearing
Monday, March 27, 2017**

Good morning, Senator Kissel, Senator Doyle, Representative Tong, and members of the Judiciary Committee. My name is Kaitlyn Fydenkevez and I am the Director of Policy and Public Relations at Connecticut Alliance to End Sexual Violence. For over 35 years, The Alliance, formerly known as CONNSACS, has been the state's leading voice to end sexual violence and the coalition of nine community based sexual assault service programs providing confidential and no cost support to thousands of child, adolescent and adult survivors throughout our state.

I appreciate the opportunity to come before you today to provide testimony on a several bills.

H.B. 7310 An Act Concerning Sex Trafficking

We support the increase in the penalty proposed in H.B. 7310 for patronizing a minor to a Class B felony. Our sexual assault victim advocates at our nine-member centers around the state provide services to child victims of sexual assault every day, and this bill acknowledges the importance of holding those who commit offenses against children accountable.

Regarding the xxxx found in xxxx ...you may know during the 2015 session, the Connecticut General Assembly passed *Special Act 15-2, An Act Concerning A Study of the Sexual Offender Registration System*. The act requires the Connecticut Sentencing Commission to take a comprehensive look at the registration, management, and sentencing of sexual offenders in Connecticut including the utilization of the sex offender registry. The Alliance is an active member of the Special Committee on Sex Offender which was formed to make recommendations regarding these matters. The committee will consider the offenses that require placement on the registry and will make recommendations to the Sentencing Commission which will issue a final report in December of this year. Because of the ongoing work of the Special Committee on Sex Offenders, we ask that the Committee take no action on this section.

S.B. 1043 An Act Concerning Privileged Communications Made by Victims of Human Trafficking to a Human Trafficking Counselor

The Alliance opposes S.B. 1043, which would create a new class of counselor for human trafficking victims for the purposes of confidentiality. The Alliance's nine community-based member programs provide services to victims of human trafficking through our certified sexual assault crisis counselors. Our certification standards reflect a long-standing contractual relationship with the Department of Public Health, as well as our own internal standards for the education and certification of our advocates and crisis hotline volunteers. These rigorous training and certification of 40 hours are above and beyond the state's confidentiality statute, which affords our advocates confidentiality in their communications with clients that they serve, some of which are victims of human trafficking.

This bill creates a potential area of conflict between human trafficking victims who seek services at our member programs, and those who seek services from any agency that would be deemed an agency of "human trafficking counselors", and potentially puts our advocates in a position of needing to meet further certification standards to provide services that they already provide. Our advocates served over 6300 child, adolescent, and adult victims of sexual assault last year, and their time and resources are often stretched incredibly thin. This bill has the potential of subjecting The Alliance's advocates to further certification standards, with no clear determination of which agency or organization would be accrediting those standards or administering certification.

Due to the lack of clarity in S.B. 1043, and the potential for creating higher barriers to The Alliance's victim advocates to provide services that they're currently providing, The Alliance asks that the committee take no action on this bill.

H.B. 5743 An Act Concerning Hate Crimes

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staff lawyers would allow for some limited use of public defender investigators and social workers and would also keep the representation cost more fixed. Using Assigned Counsel contract lawyers would be much less cost effective as they would need to be paid by the case and would employ outside experts.

The Judicial Branch publishes quarterly statistics on the number of restraining order applications. Since January 2014, the quarterly filings for restraining orders have ranged from a low of 1831 to a high of 2504. This represents a significant number of cases, even if the pilot is restricted to three courts. The proposed funding would not be sufficient to pay for the coverage necessary to properly handle these cases in three sites.

The Office of Chief Public Defender has a long history of representing poor and underserved litigants in our judicial system. We are willing to assist but should be provided with adequate funding to provide the same high quality representation that our clients should expect. We believe that limiting the project to two sites with adequate funding and control over the budget by DPDS will give the best chance for success and propose Hartford and Middletown as the pilot sites. This Office would be happy to work with this Committee and the Task Force to Improve Access to Legal Counsel in Civil Matters to develop other alternatives.