OFFICE OF LEGISLATIVE RESEARCH
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SpecialReport

2019 Veto Package

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July 18, 2019 | 2019-R-0155

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Summary

This report lists the three vetoed acts from the 2019 regular legislative session and provides for each a brief summary, the final vote tallies, and excerpts from the governor's veto message.

A vetoed act will not become law unless it is reconsidered and passed again by a two-thirds vote of each legislative chamber. The legislature will meet for a veto session to consider regular session acts on July 22, 2019.

Overview

Table 1 lists the 2019 acts vetoed by the governor and provides their respective vote tallies.

Table 1: 2019 Vetoed Acts

Act No. (Bill No.)	Title	Vote Tally (Date Taken)
PA 19-198 (HB 5001)	*An Act Requiring a Study of Workforce Training Needs in the State*	Senate: *36 to 0 (June 5)* House: *145 to 0 (June 5)*
PA 19-158 (HB 7178)	*An Act Concerning Disclosures by Real Estate Brokers and Salespersons*	Senate: *32 to 2 (June 5)* House: *141 to 2 (April 17)*
PA 19-138 (HB 7107)	*An Act Concerning the Theft of Waste Vegetable Oil or Animal Fats*	Senate: *36 to 0 (June 5)* House: *116 to 22 (May 30)*

Summaries and Governor's Explanation

An Act Requiring a Study of Workforce Training Needs in the State

The act makes several changes to the Workforce Training Authority (WTA), including changing its board membership, making public entities eligible for authority-awarded grants, and expanding the industry sectors eligible for training assistance. The act specifies that the authority is within the Department of Labor (DOL) and its purpose is to oversee the grant assistance it provides to eligible recipients.

The act also repeals the state regulation that governs how the minimum wage tip credit can be applied to restaurant service employees who spend some, but not all, of their shift engaged in work for which tips or gratuities are typically received. It requires the labor commissioner to post a notice of intent to adopt regulations concerning the tip credit and to (1) consult with the restaurant industry and (2) consider recent U.S. Department of Labor guidance.

In addition, the act requires DOL to conduct a study of programs offered to people seeking employment in the state. DOL must submit its findings to the Labor and Public Employees Committee by January 1, 2020 (PA 19-198, effective (1) October 1, 2019, for the WTA changes; (2) July 1, 2019, for the workforce study; (3) upon passage for posting a notice of intent to adopt new regulations and updating the compilation of regulations; and (4) upon passage and applicable to actions pending on, or filed on or after, the effective date for repealing the tip credit regulation).

Excerpt from governor's veto message:

> Broadly speaking, the current state regulations addressed by [sections 5 and 7] 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.
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> Section 7 repeals the regulation setting forth these requirements. Section 5 requires the [labor] 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.

An Act Concerning Disclosures by Real Estate Brokers and Salespersons

This act delays when a licensed real estate broker or salesperson acting as an agent must disclose whom he or she represents, thus applying to residential real estate transactions the same representation disclosure requirement existing law applies to commercial transactions.

Under prior law, a broker or salesperson acting as an agent in a residential real estate (i.e., one- to four-family residential real property located in the state) transaction had to disclose in writing whom he or she represents at the beginning of the first personal meeting about a (a) purchaser's or lessee's specific needs or (b) seller's or lessor's real property. The act instead requires this disclosure to be made before a prospective purchaser or lessee signs the purchase contract or lease, respectively.

The act also allows, rather than requires, the consumer protection commissioner to adopt implementing regulations for residential and commercial representation disclosures (PA 19-158, effective January 1, 2020).

Excerpt from governor's veto message:

> 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.

An Act Concerning the Theft of Waste Vegetable Oil or Animal Fats

This act increases the penalty for the theft of waste vegetable oil or animal fats valued at $1,000 or less. It does so by classifying the theft of these products as 4th degree larceny, which is a class A misdemeanor punishable by up to one year in prison, a fine of up to $2,000, or both.

Under prior law, (1) the theft of up to $500 of these products was 6th degree larceny, a class C misdemeanor punishable by up to three months in prison, a fine of up to $500, or both, and (2) the theft of over $500 and up to $1,000 was 5th degree larceny, a class B misdemeanor punishable by up to six months in prison, a fine of up to $1,000, or both. Under existing law and unchanged by the act, the theft of these products valued at over $1,000 and up to $2,000 is already 4th degree larceny (PA 19-138, effective October 1, 2019).

Excerpt from governor's veto message:

> 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. The theft of those products is a crime, and should be seriously policed and prosecuted as one. But aggravating that theft to 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.

Cover image from Flaticon.com