



JOURNAL OF THE SENATE

Tuesday, September 29, 2020

The Senate was called to order in special session at 1:01 p.m. in accordance with a Proclamation from the Governor dated September 25, 2020. Senator Looney of the 11th District in the Chair.

The prayer was offered by Acting Chaplain, Timothy Kehoe of East Hartford, Connecticut.

The following is the prayer:

Please bless us with an inner strength so that our lives and our work may be a blessing on others.

PLEDGE

Senators Maroney of the 14th and Witkos of the 8th led the Senate in the Pledge of Allegiance.

COMMUNICATIONS FROM HIS EXCELLENCY THE GOVERNOR

The following communications were received from His Excellency, the Governor, read by the Clerk.

WHEREAS, on July 20, 2020, pursuant to Section 2-40 of the Connecticut General Statutes, I appointed the Honorable Christine E. Keller of Hartford to serve as a Justice of the Connecticut Supreme Court until the sixth Wednesday of the next regular session of the General Assembly; and

WHEREAS, also on July 20, 2020, pursuant to Section 2-40 of the Connecticut General Statutes, I appointed the Honorable Jose A. Suarez of Chester, the Honorable Melanie L. Cradle of Durham, and the Honorable Joan K. Alexander of Cromwell to serve as judges of the Connecticut Appellate Court until the sixth Wednesday of the next regular session of the General Assembly; and

WHEREAS, I intend to nominate Justice Keller and Judges Suarez, Cradle, and Alexander to serve full terms on their respective courts pursuant to Section 51-44a of the Connecticut General Statutes; and

WHEREAS, on August 12, 2020, the Judiciary Committee passed resolutions approving the interim appointments of the aforementioned judges to their respective courts; and

WHEREAS, I have determined that it will be beneficial for the continuity and stability of Connecticut's judicial system to give the General Assembly the opportunity to confirm the aforementioned judges to full terms during a Special Session of the General Assembly in September, 2020;

NOW THEREFORE, by the authority vested in me under Article III of the Amendments to the Constitution of Connecticut and Section 2-7 of the Connecticut General Statutes, I, in order to preserve orderly and decent government, do hereby:

Convene the General Assembly in Special Session in Hartford no earlier than September 29, 2020 at 9:00 a.m. to:

1. Consider and approve the nomination and appointment of the four aforementioned judicial candidates to full terms on the Connecticut Supreme Court and the Connecticut Appellate Court, respectively.

Given under my hand and Seal of the State at the City of Hartford, this 25th Day of September in the year two thousand and twenty.

Ned Lamont
Governor

**INTRODUCTION OF
SENATE RESOLUTIONS
RESOLUTION ADOPTED**

The following resolutions were introduced, read and adopted.

S.R. No. **50** RESOLUTION CONCERNING THE RULES OF THE SENATE FOR THE SEPTEMBER 29 SPECIAL SESSION, 2020.

Senator Duff of the 25th explained the resolution and moved adoption.

On a voice vote the resolution was adopted.

The following was the resolution:

Resolved by the Senate:

That the rules of the Senate at this Special Session shall be the same as the rules of the Senate in force at the 2020 regular session, except as said rules are amended, altered or repealed in this resolution.

Strike out Rules 7, 9, 13, 17 and 18 and insert in lieu thereof the following:

9. A bill or resolution certified in accordance with section 2-26 of the general statutes, if filed in the House, may be transmitted to and acted upon first by the Senate with the consent of the Speaker; and if filed in the Senate, may be transmitted to and acted upon first by the House with the consent of the President Pro Tempore.

Strike out Rule 19 and insert in lieu thereof the following:

19. The order of business shall be as follows:

1. Reception of communications from the Governor and the Secretary of the State.
2. Introduction of bills and resolutions.
3. Reports of committees.
4. Reception of business from the House.

Strike out Rule 29 and insert in lieu thereof the following:

29. When a question is under debate, no motion shall be received except:

1. To adjourn.
2. To recess.
3. For the previous question.
4. To close the debate at a specified time.
5. To pass temporarily.
6. To pass retain.
7. To postpone to a certain time.
8. To divide the question.
9. To amend.
10. To postpone indefinitely.

These several motions shall have precedence in the order listed in this rule, and no motion to continue to the next General Assembly or to postpone indefinitely, having been once decided, shall be again allowed at the same session and at the same state of the bill or subject matter.

Strike out Rule 30 and insert in lieu thereof the following:

30. Amendments shall be filed with the clerk of the Senate.

Any member who offers an amendment, originating in the Senate which, if adopted, would reduce state revenues or increase state expenditures by a specified amount or which would involve a significant fiscal impact, shall make available to the president, president pro tempore, the majority leader of the Senate and the minority leader of the Senate at the time the amendment is offered, in addition to a fiscal note, a signed and typewritten explanation, of the decrease in expenditures or the source of the increased revenues required to balance the state budget.

Whenever a bill is substantively amended, it may be referred to the legislative commissioners to be re-examined for the purposes set forth in Rule 13 of the Joint Rules for the 2020 regular session and to be reprinted as amended. The Legislative Commissioners' Office shall complete its examination of any such bill within three calendar days of its receipt. The bill shall then be transmitted to the clerk.

Strike out Rule 34 and insert in lieu thereof the following:

34. No person shall use a wireless telephone or similar device in the Senate chamber or gallery to take photographs or to make video or sound recordings while the Senate is in session. The presiding officer shall enforce this rule.

Add new Rule 37 follows:

37. Only those bills and substantive resolutions specified in paragraph 1 of Rule 7 of the Joint Rules for this Special Session, certified as provided in Rule 9 of said Joint Rules, and, except as provided in Rule 33 of said Joint Rules, only those resolutions pertaining to the rules of this Special Session, the printing of the journals of the Senate and the House of Representatives, and the expenses of this Special Session, shall be received.

**INTRODUCTION OF
HOUSE JOINT RESOLUTIONS
RESOLUTION ADOPTED**

The following resolutions were introduced, read and adopted.

H.J. No. **201** RESOLUTION CONCERNING THE JOINT RULES FOR THE SEPTEMBER 29 SPECIAL SESSION, 2020.

Senator Duff of the 25th explained the resolution and moved adoption

On a voice vote the resolution was adopted in concurrence with the House.

The following was the resolution:

Resolved by this Assembly:

That the joint rules of this Special Session shall be the same as the joint rules in force at the 2020 regular session, except as said rules are amended, altered or repealed in this resolution.

Strike out Rule 3 and insert in lieu thereof the following:

3. There shall be one joint standing committee: A committee on judiciary, which shall consist of the same members, and have the same chairpersons, and the same cognizance of judicial nominations, as the committee had under the joint rules in force at the 2020 regular session.

Strike out Rules 4, 5 and 6.

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

BILLS AND RESOLUTIONS GENERALLY

7. (a) Only bills and substantive resolutions concerning the appointment of judges as specified in the two-page Proclamation by the Governor, dated September 25, 2020, convening the General Assembly in Special Session no earlier than September 29, 2020, at 9:00 a.m., shall be received.

(b) The Legislative Commissioners' Office shall prepare all bills and resolutions. When a bill or resolution has been prepared by the Legislative Commissioners' Office and signed by the Speaker and President Pro Tempore, the bill or resolution shall immediately be given to the clerk of the Senate or the House as designated. Before or at the time the bill or resolution is given to the clerk, the Legislative Commissioners' Office shall provide to the Office of Fiscal Analysis copies of each bill or resolution to prepare a fiscal note if required by Rule 15 of the joint rules.

(c) Each bill and resolution shall be printed, without interlineation or erasure. The duplicate copies of each bill or resolution shall be made on yellow-colored and blue-colored paper, respectively, of the same size and format as the original.

(d) Each bill amending any statute or special act shall set forth in full the section or subsection of the statute or the special act to be amended. Matter to be omitted or repealed shall be surrounded by brackets or overstricken so that the omitted or repealed matter remains readable, and new matter shall be indicated by capitalization or underscoring of all words in the original bill and by capitalization, underscoring or italics in its printed form. In the case of a section or subsection not amending an existing section of the general statutes but intended to be part of the general statutes, the section or subsection may be in upper and lower case letters preceded by the word (NEW).

(e) Each bill and resolution shall be transmitted, in triplicate, by the Legislative Commissioners' Office to the clerks of the House or Senate.

(f) The clerks shall number each bill and resolution.

(g) The clerks shall certify and keep on file a duplicate copy of each bill and resolution. The certified duplicate copy shall remain at all times in the clerk's office. If the original cannot be located, a copy of such certified duplicate copy shall be made by the clerk and used in lieu of the original.

(h) The clerk shall make a notation on the certified duplicate copy of all action taken on the original.

(i) Any member of the General Assembly may co-sponsor a bill or resolution by making a request in writing after it has been filed, to the clerk of the chamber in which the bill or resolution has been filed to add his or her name as a co-sponsor of the bill or resolution, but not later than the date of the signing of the bill, or the deadline for the signing of the bill, by the Governor, whichever is earlier, or the adoption of the resolution.

(j) After introduction no bill or resolution shall be altered except by the legislative commissioners.

Strike out Rule 8.

Strike out Rule 9 and insert in lieu thereof the following:

EMERGENCY CERTIFIED BILLS AND RESOLUTIONS

9. Only bills and substantive resolutions certified by the Speaker and President Pro Tempore in accordance with section 2-26 of the general statutes, including substantive resolutions to appoint judges to the Superior Court, Appellate Court and Supreme Court, may be introduced. Bills and resolutions so certified by the Speaker and the President Pro Tempore shall be identified as "bills" or "resolutions".

Strike out Rules 10, 11 and 13.

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

TRANSMITTAL BETWEEN HOUSES

14. Upon passage in the first house, the bill or resolution shall be transmitted immediately to the second house, except that, during a declaration of a public health or civil preparedness emergency by the Governor, the bill or resolution may be transmitted at a later time on request of the second house.

Strike out Rule 15 and insert in lieu thereof the following:

15. (a) The committee on judiciary shall report favorably or unfavorably on each judicial nomination referred to it by the clerks of the House or Senate. Prior to making its report, the committee on judiciary may, after notice, hold a hearing on such nomination. The committee's report shall be submitted forthwith to the clerks of the House and Senate.

(b) Any bill or substantive resolution which if passed or adopted, would affect state or municipal revenue, or would require the expenditure of state or municipal funds, shall have a fiscal note attached. Any fiscal note printed with or prepared for a bill or resolution shall be solely for the purpose of information, summarization and explanation for members of the General Assembly and shall not be construed to represent the intent of the General Assembly or either chamber thereof for any purpose. Each such fiscal note shall bear the following disclaimer: "The following Fiscal Impact Statement is prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and does not represent the intent of the General Assembly or either chamber thereof for any purpose." When an amendment is offered to a bill or resolution in the House or the Senate, which, if adopted, would require the expenditure of state or municipal funds or affect state or municipal revenue, a fiscal note shall be available at the time the amendment is offered. Any fiscal note prepared for such an amendment shall be construed in accordance with the provisions of this rule and shall bear the disclaimer required under this rule.

Strike out Rule 16 and insert in lieu thereof the following:

BILLS AND RESOLUTIONS READINGS

16. First reading of a bill or resolution shall be by title and number. Second reading shall be passage or rejection of the bill or resolution.

Strike out Rule 17 and insert in lieu thereof the following:

17. (a) Each bill or substantive resolution may be acted upon immediately. No bill or substantive resolution may be acted upon unless it is accompanied by a fiscal note.

(b) Each bill and substantive resolution shall be voted upon by a roll call vote. A bill or resolution, certified in accordance with section 2-26 of the general statutes, if filed in the House, may be transmitted to and acted upon first by the Senate with the consent of the Speaker; and if filed in the Senate, may be transmitted to and acted upon first by the House with the consent of the President Pro Tempore.

Strike out Rules 18 and 19.

Strike out Rule 28 and insert in lieu thereof the following:

28. (a) If there is any disturbance, disorderly conduct or other activity in or about the State Capitol or the Legislative Office Building or the grounds thereof which, in the opinion of the President Pro Tempore and the Speaker, may impede the orderly transaction of the business of the General Assembly or any of its committees, they may take whatever action they deem necessary to preserve and restore order.

(b) During a declaration of a public health or civil preparedness emergency by the Governor, which, in the opinion of the President Pro Tempore and the Speaker, may impede the orderly transaction of the business of the General Assembly or any of its committees, they may take whatever action they deem necessary to preserve public health and maintain order. Such action may include prohibiting access to the Hall of the House, the Senate, or the State Capitol or Legislative Office Building, except for the members, the Governor, Lieutenant Governor,

Secretary of the State, authorized staff of the legislative, executive and judicial departments, authorized telecommunications personnel and authorized or credentialed members of the media.

Strike out Rule 30 and insert in lieu thereof the following:

30. (a) *Smoking*. No person shall smoke in the State Capitol or Legislative Office Building.

(b) *Nonpartisan Offices*. Lobbyists shall be prohibited from the Legislative Commissioners' Office, the Office of Fiscal Analysis and the Office of Legislative Research.

Strike out Rules 31, 32 and 34.

Add a new Rule 36 as follows:

36. Notwithstanding the provisions of subsection (a) of section 2-40 of the general statutes, substantive resolutions confirming judicial nominations may be introduced subject to the provisions of Rule 9.

H.J. No. **202** RESOLUTION CONCERNING THE EXPENSES OF THE SEPTEMBER 29 SPECIAL SESSION, 2020.

Senator Duff of the 25th explained the resolution and moved adoption.

On a voice vote the resolution was adopted in concurrence with the House.

The following was the resolution:

Resolved by this Assembly:

That the Joint Committee on Legislative Management is authorized to pay the necessary expenses of this Special Session of the General Assembly

H.J. No. **203** RESOLUTION CONCERNING THE PRINTING OF THE JOURNALS OF THE SENATE AND HOUSE OF REPRESENTATIVES FOR THE SEPTEMBER 29 SPECIAL SESSION, 2020.

Senator Duff of the 25th explained the resolution and moved adoption.

On a voice vote the resolution was adopted in concurrence with the House.

The following was the resolution:

Resolved by this Assembly:

That the journals of the proceedings of the Senate and House of Representatives at this Special Session shall be printed as provided in section 2-49 of the general statutes.

**COMMUNICATIONS FROM HIS EXCELLENCY
THE GOVERNOR**

The following communications were received from His Excellency, the Governor, read by the Clerk and referred to the Joint Standing Committee on Judiciary:

September 29, 2020

TO THE HONORABLE GENERAL ASSEMBLY:

Pursuant to Article Twenty-Fifth of the Amendments to the Constitution of the State and Sections 51-44a(h), 51-165 and 51-197c of the Connecticut General Statutes, I have the honor and privilege to nominate for appointment by you the Honorable Joan K. Alexander, of Cromwell, to be a Judge of the Appellate Court and a Judge of the Superior Court, to serve for a term of eight years from the date of confirmation by you, in succession to the Honorable Alexandria DiPentima, who has retired.

Sincerely,

Ned Lamont
Governor

September 29, 2020

TO THE HONORABLE GENERAL ASSEMBLY:

Pursuant to Article Twenty-Fifth of the Amendments to the Constitution of the State and Sections 51-44a(h), 51-165 and 51-197c of the Connecticut General Statutes, I have the honor and privilege to nominate for appointment by you the Honorable Melanie L. Cradle, of Durham, to be a Judge of the Appellate Court and a Judge of the Superior Court, to serve for a term of eight years from the date of confirmation by you, in succession to the Honorable Robert J. Devlin, Jr., who has reached the age of mandatory retirement.

Sincerely,

Ned Lamont
Governor

September 29, 2020

TO THE HONORABLE GENERAL ASSEMBLY:

Pursuant to Article Twenty-Fifth of the Amendments to the Constitution of the State and Sections 51-44a(h), 51-165 and 51-198 of the Connecticut General Statutes, I have the honor and privilege to nominate for appointment by you the Honorable Christine E. Keller, of Hartford, to be an Associate Judge of the Supreme Court and a Judge of the Superior Court, to serve for a term of eight years from the date of confirmation by you, in succession to the Honorable Richard N. Palmer, who has reached the age of mandatory retirement.

Sincerely,

Ned Lamont
Governor

September 29, 2020

TO THE HONORABLE GENERAL ASSEMBLY:

Pursuant to Article Twenty-Fifth of the Amendments to the Constitution of the State and Sections 51-44a(h), 51-165 and 51-197c of the Connecticut General Statutes, I have the honor and privilege to nominate for appointment by you the Honorable Jose A. Suarez, of Chester, to be a Judge of the Appellate Court and a Judge of the Superior Court, to serve for a term of eight years from the date of confirmation by you, in succession to the Honorable Christine E. Keller, who has been elevated to the Supreme Court.

Sincerely,

Ned Lamont
Governor

ADJOURNMENT

On motion of Senator Duff of the 25th, the Senate at 1:23 p.m. adjourned subject to the call of the chair.