

Legislative History for Connecticut Act

HB 8340	PA 75-605	1975
House	2098, 5937-5939	(4)
Senate	3132-3137	(6)
Government Admin & Policy	406-408	(3)
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**CONNECTICUT
GEN. ASSEMBLY
HOUSE**

**PROCEEDINGS
1975**

**VOL. 18
PART 5
2022-2502**

House of Representatives

Wednesday, April 30, 1975

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No. 215; Calendar No. 635, substitute for H.B. No. 5380, An Act Concerning the Power of a Town to Sell and Buy Real Property, File No. 419; Calendar No. 637, substitute for H.B. No. 6865, An Act Concerning Determination of claims Against Solvent Estates, File No. 426; Calendar No. 638, substitute for H.B. No. 8340, An Act Concerning the Commission on ^Claims, File No. 424; Calendar No. 640, substitute H.B. No. 6349, An Act Concerning the Disposition of Admission and Enrolment Applications, file No. 425; Calendar No. 642, substitute for H.B. No. 7806, An Act Concerning Restrictions on Election Commission Members, File No. 418; on page 4, at the top of the page, Calendar No. 647, substitute for S.B. No. 914, An Act Concerning Borrowing by Credit Unions, File No. 306; Calendar No. 648, substitute for S.B. No. 1510, An Act Concerning Membership on the Indian Affairs Council, File No. 309; Calendar No. 652, substitute for S.B. No. 915, An Act Concerning Construction Mortgage Loans by Credit Unions, File No. 272; Calendar No. 653, S.B. No. 968, An Act Concerning Disallowance of Claims Upon Notice by Creditor, File No. 276; Calendar No. 654, substitute for S.B. No. 1399, An Act Validating the Late Notice of Concetta Stillo to the City of New Britain, File No. 204.

THE SPEAKER:

You have the motion. Is there objection? Is there objection? If not, the question is on the motion. All those in favor of passage of the matters enumerated in the item in today's consent calendar will indicate by saying aye. Opposed? The bills are PASSED.

MR. O'LEARY (60th):

Mr. Speaker, I move the following items to today's consent calendar.

THE SPEAKER:

Please proceed.

MR. O'LEARY (60th):

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THE CLERK:

Page 12, on page 12, Calendar No. 638, substitute for H.B. No. 8340,
An Act Concerning the Commission on Claims, as amended by Senate Amendment Schedule
"A", File No. 424.

MR. DZIALO (33rd):

Mr. Speaker, I move acceptance of the joint committee's favorable re-
port and passage of the bill.

THE SPEAKER:

Question is on acceptance and passage. Will you remark, sir?

MR. DZIALO (33rd):

Yes, Mr. Speaker. The Clerk has an amendment. Would he please
call Amendment LCO No. 6568 and may I be given permission to summarize?

THE CLERK:

Senate Amendment Schedule "A", LCO No. 6568.

THE SPEAKER:

Is there objection to the gentleman from the 33rd summarizing Senate
"A"? Hearing none, the gentleman from the 33rd.

MR. DZIALO (33rd):

Yes, Mr. Speaker, what this amendment basically does is it changes the
structure of the commission by eliminating the current membership and replacing
same with one person who must be an attorney and who will be known as the claims
commissioner. The commissioner will have a clerk and, when necessary, may request
additional administrative assistance from the joint committee on legislative manage-
ment.

Further, the amendment provides that the commissioner may waive hearings
on any claim less than \$700 rather than \$200 as it was originally and authorizes
the commissioner to pay claims up to \$5,000 rather than the old amount of \$2,500.

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without coming to the legislature for authorization.

The bill also removes the dollar limitation on the commissioner's power to decide whether claimants should be given the right to sue the state. This was done at the request of the commission which felt that a determination should be made on the nature of the claim itself, rather than the dollar amount involved.

Finally, the amendment also adds a section to prevent the commissioner from paying claims which have been subrogated or assigned to a third party. This assures that all awards will go to the party who really suffered the loss.

Mr. Speaker, it's a good amendment and I urge its passage.

THE SPEAKER:

Will you remark further on Senate "A"?

MR. TIFFANY (36th):

Mr. Speaker, through you sir, what is the effective date of the amendment or the bill as amended?

MR. DZIALO (33rd):

Mr. Speaker, through you, this act shall take effect 1 July 1975.

THE SPEAKER:

Will you remark further? If not, will the members please be seated and the staff come to the well--oh, the question is on Senate Amendment Schedule "A". All those in favor of its adoption will remark by, will indicate by saying aye. All those opposed? Senate "A" is ADOPTED.

Will you remark further on the bill as amended by Senate "A"?

MR. DZIALO (33rd):

Mr. Speaker, the amendment is the bill and I urge its passage.

THE SPEAKER:

Will you remark further on the bill as amended? Will the members

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be seated and the staff come to the well. The machine will be open. Have all the members voted and is your vote properly recorded? If so, the machine will be closed and the Clerk will take a tally.

THE ASSISTANT CLERK:

(record
10)

Total Number Voting.....	142
Necessary for Passage.....	72
Those Voting Yea.....	142
Those Voting Nay.....	0
Those Absent and Not Voting.....	9

THE SPEAKER:

The bill as amended is PASSED.

THE CLERK:

Page 13, Calendar No. 906, substitute for H.B. No. 7224, An Act Concerning Unit Ownership, Files Nos. 673 and 1098, favorable report in accordance with Joint Rule 19.

MR. WEBBER (92nd):

Mr. Speaker, although many, many hours were put into to structure this measure, our attention has been called to some apparent defects in the bill and as a result, Mr. Speaker, I would recommend or suggest that this matter be referred back to General Law for further study in conjunction with the sub-committee of the Judiciary Committee.

THE SPEAKER:

Motion is to recommit. Will you remark?

MR. HEALEY (72nd):

Mr. Speaker, I join with Chairman Webber in that recommendation and motion and I pledge to him that we will actively work through the sub-committee with people on his committee who have put a tremendous amount of work into this field with the hope and intention the first week in February next year we will have a bill on the floor.

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objection, I would move this Bill to the Consent Calendar.

THE CHAIR: (Senator Guidera in the Chair.)

Hearing no objection, it is transferred to the Consent Calendar.

THE CLERK:

The Clerk has finished the Calendar and can go back to those items we passed temporarily.

SENATOR LIEBERMAN:

Mr. President, it was one other item under Foot of the Calendar on page twenty, Calendar No. 558.

THE CLERK:

Calendar No. 558, File 424, Favorable Report of the Committee on Government Administration and Policy on Substitute for House Bill No. 3340, AN ACT CONCERNING THE COMMISSION ON CLAIMS.

THE CHAIR:

Senator Julianelle.

SENATOR JULIANELLE:

Mr. President, I move acceptance of the Committee's Joint Favorable Report and passage of the Bill. The Clerk has an Amendment, I believe. The Amendment is rather lengthy and a copy of it has been deposited on each Senator's desk. I'd move to waive the reading of it and I'd like to explain it briefly.

THE CLERK:

May I just interrupt to say the Clerk has no Amendment.

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SENATOR JULIANELLE:

May this be passed temporarily?

THE CHAIR:

It will be passed temporarily.

THE CLERK:

The Clerk has Senate Amendment, Schedule A, LCO No. 6568 as offered by Senator Julianelle.

THE CHAIR:

Senator Julianelle.

SENATOR JULIANELLE:

This Amendment basically changes the Commission on Claims to a Commissioner on Claims. Other than that, the present statute remains the same except in three instances. (1) it puts into the law the practice of the Commission to not entertain subrogation claims. It increases from \$250.00 to \$750.00 which is the Small Claims jurisdiction and those claims that can be taken on affidavit and it increases from \$2500.00 to \$5,000.00 those claims that the Claims Commission can pass upon without the General Assembly. I think it's a good Amendment and I move adoption of the Amendment, if there are no further remarks.

THE CHAIR:

Are there any further remarks on Senate Amendment, Schedule A? Hearing none, all those in favor say aye. Opposed nay. The Chair is in doubt. Senator Julianelle.

SENATOR JULIANELLE:

Mr. President, may we have a roll call on it?

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THE CHAIR:

Roll call has been ordered.

SENATOR ROME:

Mr. President, I think a standing vote of ayes probably would convince the Chair that he was listening in the wrong direction.

THE CHAIR:

I'm sorry, Senator Rome. It sounded even to me.

SENATOR JULIANELLE:

I'll withdraw the Motion for a roll call and ask for a standing vote.

THE CHAIR:

All those in favor of Senate Amendment, Schedule A, please rise. All those in opposition please rise. The Amendment is adopted.

SENATOR JULIANELLE:

Mr. President, I move passage of the Bill as amended. If there is no objection, I ask that it be placed on the Consent Calendar.

THE CHAIR:

Hearing no objection, it is transferred to the Consent Calendar.
Senator Dinielli.

SENATOR DINIELLI:

Mr. President, through you to Senator Julianelle. A question - does this abolish any members of the Claims Commission, Senator?

SENATOR JULIANELLE:

It will abolish the Claims Commission and as it presently exists

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and will go to a Claims Commissioner.

SENATOR DINIELLI:

Mr. President, then I must object. I feel I should be consistent with my vote last night on the PUC - the abolishment of that Commission. I would like to have the opportunity to be recorded in the negative on that basis.

THE CHAIR:

Thank you, Senator Dinielli. Are there any further remarks? If not, the Clerk will call a roll call vote.

THE CLERK:

There will be an immediate roll call vote in the Senate. Will all Senators please return to the Chamber.

THE CHAIR: (The President Pro Tempore in the Chair.)

Senator Dinielli, did you move for a roll call because of the position you're taking? Is that the position you want?

SENATOR DINIELLI:

Mr. President, I understand that's the only way I can be recorded in the negative.

THE CHAIR:

You are now recording yourself as being in the negative. However, we'll call the roll call.

SENATOR DINIELLI:

It's not necessary, if I be recorded in the minutes or the Journal.

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SENATOR ROME:

Roll call is requested.

THE CHAIR:

Then there are two people that want it and we can proceed with the roll call.

THE CLERK:

There will be an immediate roll call vote in the Senate. Will all Senators please return to the Chamber.

THE CHAIR:

We'll proceed with the roll call. Machine may be opened. Senators may record their vote. Have all the Senators voted? The machine may be closed and the Clerk may tally the vote. Senator De Nardis.

SENATOR DE NARDIS:

Mr. President, while the Clerk is tallying the vote, I rise on a point of personal privilege to make an introduction.

THE CHAIR:

Proceed.

SENATOR DE NARDIS:

There is in the gallery today, a good friend and constituent of mine from the Town of Hamden who has been active in our community with the Electrical Workers, with the Democratic Party, with church groups and many other civic endeavors. Would the Senate rise and salute Bill Natalie.

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THE CHAIR:

The result of the vote.

TOTAL VOTING	31
NECESSARY FOR PASSAGE	16
YEA	26
NAY	5

The Bill is adopted. Senator Lieberman.

SENATOR LIEBERMAN:

Mr. President, I believe that completes the business that we had marked for now. I'd like to ask that we go ahead and adopt the Consent Calendar and, if we could, immediately thereafter go into a joint caucus, at which point we would intend to go over the entire Calendar and create a Consent Calendar and then return for a brief Session. We've set an outer limit on the Session today of 4:00 and if we can get out before that, we certainly will. So, the short of it is that at this point, I'd move for adoption of the Consent Calendar as we have created it.

THE CHAIR:

All right. May I have your indulgence and the Clerk will prepare the Consent Calendar and the list will be read. Will you please give your attention and at the end, will you please call our attention to any omissions or corrections.

THE CLERK:

Please turn to page three of the Calendar, on the Consent Calendar for today, SB 827 Calendar 375. Page four of the Calendar, HB 5972, HB 5550 824, 841. Page five

JOINT
STANDING
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GOVERNMENT ADMINISTRATION & POLICY

April 15, 1975
10:00 a.m.

Congressional Act--of course the literacy test is suspended until August 5, 1975 and it is anticipated that it will either be permanently abolished or suspended by the Congress for another five to ten years. And then, of course, the proposed amendment would substitute for the residence requirement bona fide residence which was the only authority of residence that the Supreme Court in the Dunn versus Bloomstein case said could be a precondition for voting.

And House Resolution 50, as Mrs. Shaffer pointed out, unfortunately the postal card registration on the federal level appears to -- it appears that it is going to pass. It's a cause of great distress to election administrators throughout the country because no alternative method -- you know, if Congress is going to pass this act, apparently they're going with postal card registration all the way, and they're not even proposing an alternative method that could be utilized by the states until the states can amend their constitutional requirements.

We've been through this nightmare of the dual elective before. You know we went through it with the eighteen year old voting and the 25th Amendment to the federal Constitution really was rushed through in a hurry just to avoid that situation that could have resulted.

So that these are really of fundamental importance -- both these -- 48 and 50 are of extreme importance in order that we may hope to continue to have orderly elections in the future.

SEN. JULIANELLE: Thank you. Thank you very much. Mr. Fay, Claims Commissioner.

MR. FAY: Good morning. I'm here appearing in support of Committee Bill 8340, AN ACT CONCERNING THE COMMISSION ON CLAIMS. This Act purports to change the claims act in three categories.

One, that to request an increase in the authority of the Commission to waive hearings and hear claims up to \$750 rather than \$250 which was formerly granted by the Legislature. The reason for that is, I think, obvious. For us to require people to come in and the Assistant Attorney General to come in to the Claims Commission and argue a case, there's certainly no interest to the economy, for one thing. People have to take time off from work and so on, where if they would simply make out affidavits and if there's no conflict of the fact situation in the affidavit, well then the Commission could decide the case on the basis of the facts that are presented.

The second portion of the claim is -- of the Claims Act in this bill is to increase the authority of the Claims Commission to handle claims up to \$5000 rather than the \$2500 which was limited before.

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And this follows about the same kind of a principle. Now, all claims in excess of twenty-five hundred dollars, which require that we appear before the Legislature -- before this body -- to get a determination of -- as to whether or not we have acted correctly or whether the Commission or the Legislature wants us to change the status of the claim.

I think that most of the time these people have to wait a long period of time before they have their claim actually adjudicated. I don't think the five thousand dollars in an inflated economy is a great deal.

The third part of the thing is new. It was never in the Claims Act before, and that is that the Commission with claims -- not accept or pay any subrogated claims or any claims directly or indirectly paid by an assigned or third party.

We have consistently operated under the policy which was laid down by the Legislature many years ago that we should not pay any subrogated claims or any claims for which people had received compensation from any source whatsoever. Now, we're getting a lot more interest in the Claims Commission and a lot of lawyers want to know where that policy is written down, and I think it's about time we adopted it and put it under the Claims Act. It's been the policy of the Commission, I think, since 1960 and it was approved by this Legislature every year that we've come in because we've had to explain.

Now, another part of the Bill which disturbed me a little bit after I read it, and that is Section 4(a). When the Commission deems it just and equitable it may authorize suit against the State on any claim for more than twenty-five hundred or five thousand dollars, which in the opinion of the Commission, presents an issue of law fact which the state or a private person could be held liable.

I don't think that the authorization to grant suit should be tied to any amount of money. It puts us in a position perhaps of making law. For example, would we hold a child of three years old, for example, contributorily negligent by stepping into a fire down at one of the state parks which was left burning. Would we not then be making law as to the contributory negligence of a child of three, for example?

I think these are matters which ought to be decided by the court and not be related to whether or not the claim is for more than five thousand dollars or twenty-five hundred dollars, and so forth.

SEN. JULIANELLE: You would be satisfied with that section if we removed

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the dollar threshold?

MR. FAY: Yes. Thank you very much.

SEN. JULIANELLE: Thank you, Mr. Fay.

Senate Joint No. 77. Mr. O'Keefe.

ATTORNEY ANDREW O'KEEFE: Mr. Chairman, Members of the Committee. My name is Andrew O'Keefe. I'm a Hartford attorney and I'm president of the Connecticut Right To Life Corporation.

As I entered this chamber this morning, I observed the signs which appear in the back of the room, Protect Our Wildlife. Support the Deer. Support the Quail. Support the Raccoon. I was struck by the inconsistency of those who would demean human life.

I rise today to support the value of human life and to support Senate Joint Resolution 77. Abortion is an unpleasant subject to discuss, a distasteful operation for doctors to perform, and a wretched experience for women to undergo.

The consequences of abortion are far-reaching. This Legislature therefore is faced with the grave responsibility. The implications of the actions taken here will be far-reaching. The ultimate issue at stake is whether or not society will protect life at every stage of development.

I speak today for the unborn child, intact or deformed, wanted or unwanted, illegitimate or high-born. I speak for life and the preservation of life. When a medical society lists the social advantages of the taking of the life of an unborn child--when parents sue a hospital because their unborn child was not aborted, and when a court defines a successful abortion as one in which the life of the child has been terminated, then one must question the direction which this society takes.

Alexander Solzhenitsyn said it for us recently. He said this: The timid, civilized world has found nothing with which to oppose the onslaught of the sudden revival of barbarity other than concessions and smiles. The spirit of the unit is a sickness of a world of successful people. It is the daily condition of those who have given themselves up after the thirst for prosperity at any price. Such people elect passivity and retreat. Just so as not to step over the hardship -- or the threshold of hardship today. They think that tomorrow will be all right, but it will never be all right. The price of cowardice will always be uneven.