

Legislative History for Connecticut Act

SB 302	PA 85	1996
Senate : 1100, 1111-1112		(3)
House : 2034-2036		(3)
Judiciary : 627, 628, 785		(3)
		Total 9 p.

Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate and House of Representatives Proceedings

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CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS
1996

VOL. 39

PART 4

993-1342

on Environment. Without objection, so ordered.

SEN. FLEMING:

Calendar 222, Madam President, I would move that
that item be referred to the Committee on
Transportation.

SB 491

THE CHAIR:

The motion is to refer this item to the Committee
on Transportation. Without objection, so ordered.

SEN. FLEMING:

Calendar 223, Madam President, I would move that
that item be referred to the Committee on Finance,
Revenue and Bonding.

SB 421

THE CHAIR:

The motion is to refer this item to the Committee
on Finance, Revenue and Bonding. Without objection, so
ordered.

SEN. FLEMING:

Calendar 224, SB302, File 298. Madam President, I
would move that that be placed on the Consent Calendar.

THE CHAIR:

The motion is to refer to the Consent Calendar.
Without objection, so ordered.

SEN. FLEMING:

Calendar page 10, Calendar 225, Madam President, I
would move that that item be referred to the Committee

SB 259

THE CHAIR:

The motion is to refer to the Consent Calendar.

Without objection, so ordered.

SEN. FLEMING:

Calendar 289, is marked pass retained.

Madam President, those items, those are the markings on today's Calendar.

THE CHAIR:

Thank you Senator Fleming.

SEN. FLEMING:

Yes, Madam President, at this time, I'd like to ask that the Clerk call the Consent Calendar.

THE CHAIR:

Would the Clerk please call the Consent Calendar and alert the members that we will be voting the Consent Calendar.

THE CLERK:

The Senate is about to vote on the Consent Calendar. Will all Senators return to the Chamber. The Senate is about to vote on the Consent Calendar. Will all Senators please return to the Chamber.

Page 6, SB 304 Calendar 203. Page 7, SB 75 Calendar 208. Page 9, SB 302 Calendar 224. Page 13, SB 358 Calendar 245. Page 16, SB 593 Calendar 285. Page 26, HJ 3 Calendar 263 and HJ 5 265. Page 27, HJ 6 Calendar 266, HJ 7 267, HJ 9 269, HJ 10 270. Page 28, HJ 11 Calendar 271.

HJ13 HJ14 HJ15 HJ16 HJ17 HJ18 HJ20
272, 273, 274, 275. Page 29, Calendar 276, 277, 278,
HJ21 HJ23
279. And page 30, Calendar 281.

THE CHAIR:

The machine will be open. Would members please cast their vote.

THE CHAIR:

Have all members voted? Have all members voted?
 If all members have voted, the machine will be locked.
 Clerk please take a tally.

THE CLERK:

Total Number Voting	31
Necessary for passage	16
Those voting Yea	31
Those voting Nay	0

THE CHAIR:

The Consent Calendar is adopted. At this time the Chair will entertain points of personal privilege or announcements. Senator Crisco.

SEN. CRISCO: Thank you Madam President. Point of personal privilege.

THE CHAIR:

Please proceed.

SEN. CRISCO: Yes, Madam President, in the galley, I see has a guest, the First Select Person from Beacon Falls and her guests, and I would appreciate if the

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CONNECTICUT
GEN. ASSEMBLY
HOUSE

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PART 6

1755-2147

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002034
173

House of Representatives

Wednesday, April 24, 1996

Those voting Yea 82
Those voting Nay 50
Those absent and not voting 18

SPEAKER PRO TEMPORE PUDLIN:

The bill passes.

Clerk, please call Calendar 392.

CLERK:

On page 9, Calendar Number 392, Senate Bill Number 302, AN ACT CONCERNING CLAIMS AGAINST THE STATE.

Favorable Report of the Committee on Judiciary.

SPEAKER PRO TEMPORE PUDLIN:

Good afternoon, Representative Scalettar.

REP. SCALETTAR: (114TH)

Thank you, Mr. Speaker. I move acceptance of the Joint Committee's Favorable Report and passage of the bill.

SPEAKER PRO TEMPORE PUDLIN:

On acceptance and passage, will you remark?

REP. SCALETTAR: (114TH)

Thank you, Mr. Speaker. This bill clarifies the procedures with respect to bringing a claim before the Claims Commissioner and the fact that a claim cannot be simultaneously brought before the Claims Commissioner and in a court of law.

Although some people believe that the lowest --

gmh

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House of Representatives

Wednesday, April 24, 1996

there was a recent court decision where a lawsuit and a claim were pursued at the same time based upon the same underlying facts and seeking the same relief. This bill would clarify that that is not appropriate under the statute.

I move passage of the bill, Mr. Speaker. Thank you.

SPEAKER PRO TEMPORE PUDLIN:

On passage, will you remark? Will you remark? If not, staff and guests to the well of the House. Members, please be seated. The machine is open.

CLERK:

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

SPEAKER PRO TEMPORE PUDLIN:

If all the members have voted and if your votes are properly recorded, the machine will be locked. For what reason do you rise, sir? The gentleman from the 71st, in the affirmative.

Clerk, please take the tally.

Clerk, please announce that tally.

CLERK:

Senate Bill Number 302, in concurrence with the
Senate

gmh

175 002036

House of Representatives

Wednesday, April 24, 1996

Total Number Voting	137
Necessary for Passage	69
Those voting Yea	137
Those voting Nay	0
Those absent and not voting	13

SPEAKER PRO TEMPORE PUDLIN:

The bill passes.

Clerk, please call Calendar 230.

CLERK:

On page --

SPEAKER PRO TEMPORE PUDLIN:

Mr. Clerk, 230, please.

CLERK:

On page 27, Calendar 230, House Bill Number 5647,

AN ACT CLARIFYING WORKERS' COMPENSATION COVERAGE FOR SOCIAL AND RECREATIONAL INJURIES. Favorable Report of the Committee on Appropriations.

SPEAKER PRO TEMPORE PUDLIN:

Representative O'Rourke.

REP. O'ROURKE: (32ND)

Mr. Speaker, I move acceptance of the Joint Committee's Favorable Report and passage of the bill.

SPEAKER PRO TEMPORE PUDLIN:

On acceptance and passage, will you remark?

REP. O'ROURKE: (32ND)

**JOINT
STANDING
COMMITTEE
HEARINGS**

**JUDICIARY
PART 3
342-713**

1996

REP. RADCLIFFE: And with this referencing of the agreement, the May 17th agreement and the May 17th gaming compact between the State and the Mohegan Tribe, that will assure that any action by the State of Connecticut or its agents is with the express consent of both the federal government and the Mohegan Tribe?

KEVIN KANE: That is the way that I understand it, sir.

REP. RADCLIFFE: Alright. Thank you.

JACK BAILEY: Thank you.

REP. LAWLOR: Are there other questions? If not, thank you very much, gentlemen.

KEVIN KANE: Thank you.

REP. LAWLOR: Next is Andy Groher.

ANDY GROHER: Good afternoon, Mr. Chairman and members of the committee. My name is Any Groher and I am an officer in the Connecticut Trial Lawyers Association and I am here today to speak on several bills on behalf of the Association.

I have six bills I intend to speak on very briefly. They are SB302, SB307, HB5442, HB5446, HB5447, GB5448, and HB5452.

Starting with SB302, the trial lawyers are speaking in support of that bill. This is a bill that would restore the state of the law as it applies to lessor liability to what it was, we believe, originally intended by the legislature before the (INAUDIBLE) Villano case and we are in support of that bill. We do think, however, that the -- I am sorry. That is -- I am mis-speaking. That is the House bill. That is not the Senate bill. That would be HB5442, that I am speaking to which involves lessor liability and that is the bill we are in support of.

We do feel the bill goes a little far in terms of the language of fraud or duress, but generally, we are in support of that bill.

SB302 is a bill which pertains to the jurisdiction of the Claims Commissioner and we are generally in support of the concept expressed in that bill. I think that the bill does not quite -- the language is a little bit confusing and does not quite clarify the situation, but essentially, this would address situations such as a claim against -- say for example, in a medical malpractice action against Hartford Hospital, where maybe one of the actors was a resident out of the University of Connecticut Health Center Program. He would then have one claim against the resident going to the Claims Commissioner. The claim against the hospital would be brought in the Superior Court and I think as the intent of this language is to resolve that type of an anomolous situation so that both claims would go forward together and we are generally in support of that bill.

SB307, we are in support of also. This bill simply allows a judgment creditor to obtain additional discovery after judgment and during the collection process and we are supporting that bill.

HB5442, I spoke to. HB5446 is the bill which would exempt municipal attorneys from having to pay the occupation tax. Generally speaking, we don't have objection to that as long as it is clear from the bill and it should be that that only applies to full-time employees of the municipality. There are a lot of part-time municipal employees or municipal attorneys out there that also have private practices and we don't see any reason why they should be exempt from paying the occupation tax.

As to HB5447, we are also in support of that bill. I spoke with Commissioner Frankl earlier and he is very much in support of that bill. This bill would give really the Governor much greater flexibility in appointing commissioners because it would do away with the residency requirement. That requirement is largely irrelevant today anyway because all the commissioners have at-large jurisdiction.

With respect to HB5448, we are in support of that bill with one change which is that it would seem to

**JOINT
STANDING
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HEARINGS**

**JUDICIARY
PART 4
714-1033**

1996

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Office of The Attorney General
State of Connecticut

**TESTIMONY OF
ATTORNEY GENERAL RICHARD BLUMENTHAL
BEFORE THE JUDICIARY COMMITTEE**

MARCH 1, 1996

I appreciate the opportunity to speak in favor of Senate Bill 302, An Act Concerning Claims Against the State.

The Claims Commission was established to provide an administrative forum for people who seek monetary damages because of the actions of a state official or employee. The Claims Commissioner reviews a petition for damages and may either award damages, dismiss the claim or authorize the claimant to bring an action against the state in superior court.

In some limited circumstances, the General Assembly has allowed people to bring a lawsuit directly to the superior court, bypassing the Claims Commissioner. The Claims Commissioner may not review claims which could be brought directly in the superior court. Specifically, the statute provides that the Claims Commissioner is not authorized to review claims "upon which suit otherwise is authorized by law". Conn. Gen. Stat. § 4-142.

Despite the statutory prohibition against the Claims Commissioner hearing cases which could be otherwise brought in court, my office is defending several suits simultaneously in two forums -- both the Claims Commission and the superior court -- although the claim arises out of the same action of a state employee or official and both requests are for money damages. In essence, these claimants are afforded two opportunities to collect from the state.

Senate Bill 302 would clarify the original intent of the Claims Commission statute by specifying that a claimant who is seeking money damages from the state, and who is authorized to bring a direct action in superior court, cannot bring a claim based on the same set of facts simultaneously through the Claims Commissioner.

Thank you.