

PA12-168

HB5290

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|---------------|--|----------|
| House | 1675-1679 | 5 |
| Judiciary | 1682-1683, 1686-1687, 1691, 1823, 1869, 1872- 1873 | 9 |
| <u>Senate</u> | <u>4443, 4497-4499</u> | <u>4</u> |

H – 1127

**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2012**

**VOL.55
PART 5
1395 – 1745**

with the House in Chambers today. She was here for an art event downstairs, earlier, but she is the director of the poetry festival at the Hill-Stead Museum, and I encourage all of you to come out there during the summer to participate in that process.

Thank you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Thank you, Representative.

And it's good to see you as -- with us here today, safe and sound.

Will the Clerk please call Calendar Number 297.

THE CLERK:

Connecticut House of Representatives Calendar for April 18, 2012. On page 21, Calendar 297, House Bill Number 5290, AN ACT CONCERNING THE LEASING OF JUDICIAL BRANCH FACILITIES, favorable report by the Committee on the Judiciary.

DEPUTY SPEAKER RYAN:

Representative Holder-Winfield, of the 44th -- 94th; excuse me.

REP. HOLDER-WINFIELD (94th):

Thank you, Mr. Speaker, and good morning.

I move acceptance of the Joint Committee's favorable report and passage of the bill.

DEPUTY SPEAKER RYAN:

The question is acceptance of the Joint Committee's favorable report and passage of the bill.

Representative Holder-Winfield, you have the floor.

REP. HOLDER-WINFIELD (94th):

Ah, yes. Thank you, again, Mr. Speaker.

This bill comes to us from the Judiciary Committee, having passed unanimously, has support from the Chief Court Administrator and the Department of Administrative Services.

In the last session, the Judicial Branch came to us asking if the Public Works, which had controlled their contracts for leasing, if the -- if the Judicial Branch could take over that. Since that time, there's been a shift in who has cognizance, and it's gone to the Department of Administrative Services. And there's been agreement, by working together with the Department of Administrative Services, the staff with the State Property's Review Board and the Judicial Branch on how to handle the leasing in the Judicial Branch. And what this bill would do would make that

agreement effective.

I urge passage, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Thank you, Representative.

Will you remark further?

Representative Hetherington, of the 125th.

REP. HETHERINGTON (125th):

Thank you, Mr. Speaker.

I rise in support of this bill. It permits -- as the proponent described -- it permits the Director of Administrative Services to delegate to the Judicial Branch the ability to conduct the leasing of their own -- of -- of space for their own facilities. I think it's in order. It's going to result in efficiencies. And it will permit the branch of government that knows its needs best, presumably, to conduct the management of their real estate, so I urge passage.

Thank you.

DEPUTY SPEAKER RYAN:

Thank you, Representative.

Will you remark further on the bill? Will you remark further on the bill?

If not, will staff and guests please come to

the well of the House. Will the guests -- members please take your seats. The machine will be open.

THE CLERK:

The House of Representatives is voting by roll call; members to the Chamber. The House is taking a roll call vote; members to the Chamber, please.

Deputy Speaker Godfrey in the Chair.

DEPUTY SPEAKER GODFREY:

Have all the members voted? Have all the members voted? If all the members have voted, the machine will be locked.

The Clerk will take a tally.

Representative Verrengia, for what purpose do you rise?

REP. VERRENGIA (20th):

I'd like to be recorded in the affirmative.

DEPUTY SPEAKER GODFREY:

Representative Verrengia, in the affirmative.

Representative Candelaria.

REP. CANDELARIA (95th):

Mr. Speaker, I would like to be recorded in the affirmative, please.

DEPUTY SPEAKER GODFREY:

Representative Candelaria, in the affirmative.

Mr. Clerk, would you kindly announce the tally.

THE CLERK:

House Bill 5290.

| | |
|-----------------------|-----|
| Total number voting | 137 |
| Necessary for passage | 69 |
| Yea | 137 |
| Nay | 0 |
| Absent and not voting | 14 |

DEPUTY SPEAKER GODFREY:

The bill is passed.

Will the Clerk please call Calendar 121.

THE CLERK:

On page 5, Calendar 121, Substitute for House
Bill Number 5294, AN ACT CONCERNING LATERAL
CERTIFICATION OF POLICE OFFICERS, favorable report
by the Committee on Public Safety.

DEPUTY SPEAKER GODFREY:

The distinguished Vice Chairman of the Public
Safety Committee, Representative Jutila.

REP. JUTILA (37th):

Thank you, Mr. Speaker.

I move acceptance of the Joint Committee's

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STANDING
COMMITTEE
HEARINGS**

**JUDICIARY
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changes, interest rates, everything changes and folks say, whoa. You know, we're losing money here. Or that, you know, that actuarial calculation was off. I mean, is it a one-time thing or can it get revisited? How does that work?

KAREN BUFFKIN: Is a formula that's normally used based on life expectancy, your age, you know, the age of your spouse if you provided for your spouse. And so it's a number of things.

And I'd have to verify whether or not that comes out as a percentage or a flat dollar amount, but I believe it is a percentage.

REP. SHABAN: And it's a one-time calculation, is -- and I guess that kind of makes sense, because the theory here is this is sort of toward the end of the career, so maybe that does make sense. But my -- I guess I'm answering my own question.

KAREN BUFFKIN: Yes. I believe it is a one-time calculation. I apologize for not answering that part of the question.

REP. SHABAN: Thank you, Mr. Chairman.

SENATOR COLEMAN: Are there other questions for either Attorney McDonald or Secretary Buffkin?

Seeing none, thank you both.

KAREN BUFFKIN: Thank you very much.

SENATOR COLEMAN: Next is Judge Barbara Quinn.

Good morning -- afternoon.

THE HON. BARBARA M. QUINN: Good afternoon, Senator Coleman, Senator Kissel, distinguished members

HB 5388 HB 5365
HB 5290 HB 5034

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rgd/gbr JUDICIARY COMMITTEE

March 9, 2012
11:00 A.M.

of the committee. I appear before you today to testify in favor of four bills that are important to the judicial branch. I will start out with three bills that are part of our legislative package. The first --

SENATOR COLEMAN: Excuse me, Judge Quinn. Could you pull the microphone a little bit closer?

THE HON. BARBARA M. QUINN: That better?

SENATOR COLEMAN: Yeah. Thank you.

THE HON. BARBARA M. QUINN: Sorry.

The first of those is House Bill 5388, An Act Concerning Court Fees and the Delivery of Legal Services. Next is An Act Concerning Court Operations and Victim Services, that's House Bill 5365. And the third of those bills is House Bill 5290, An Act Concerning the Leasing of Judicial Branch Facilities. And the last is the one that you just heard testified about, which is House Bill 5034, An Act Concerning the Retirement Provisions Relating to Judges, Family Support Magistrates and Compensation Commissioners, which is a Governor's bill.

Let me start with An Act Concerning Court Fees and the Delivery of Legal Services to the Court. This bill calls for an increase in certain court fees and requires that the revenue realized would provide additional funding for legal services for the indigent and for judicial branch technology.

HB 5388

As you know, there is a significant crisis in funding for legal services and we believe this proposal begins to address their need for level funding. And if something is not done to increase funding for legal services we

we can continue to provide free access to our website information. So we urge you to support this proposal.

Let me turn now to the second bill, which is HB5365
An Act Concerning Court Operations and Victim Services. This bill, much of which was before you last year, would make a number of changes that will approve the operation of the judicial branch. It covers a variety of topics so I'll just highlight a few of those.

One section would allow for the electronic communication of court orders, one more necessary step to move to an electronic rather than a paper-based system. Other sections codify into statute a common practice in our criminal courts regarding fee amounts and their collection.

Some sections improve and clarify certain victims compensation provisions and there are technical provisions, for example, regarding the authority of our courts to handle dissolution of civil unions that were solemnized in other states. There are some changes to eviction and some reprocess procedures. Some sections would repeal obsolete provisions. Each of these items taken individually is relatively minor, but as a whole I think they would allow us to operate more efficiently and effectively.

Let me turn just briefly to the leasing of judicial branch facilities. This bill would allow the commissioner of administrative services to delegate leasing authority to the branch under certain circumstances. Currently it has entered into 47 leases for facilities and parking, which are about 20 percent of the State's overall leasing portfolio. Our lease facilities include court locations and office

HB5290

space for various functions like adult probation, support enforcement, information technology and so on.

We have previously proposed a methodology so that the smaller, less complicated leases would be something we would have a little more authority over. During this past year we have worked very closely with DAS and OPM and the staff at the state properties review board to define a scope and workflow that would promote timely processing of our leases. And this cooperative process resulted in an agreement that would allow the branch, with the approval of the commissioner to negotiate some of the more routine and minor leases in our inventory.

And I would like on behalf of the branch to thank Commissioner DeFronzo for his understanding of our plight and his cooperation in identifying and innovating a mutually agreed-upon solution.

You have heard from OPM a lot about the next bill I'm going to talk about, which is the retirement provision relating to judges and family support magistrates and compensation commissioners. And I won't go through that again, except to say that they do make technical corrections and additions that were overlooked last year in the time that the SEBAC agreement was negotiated.

In closing, let me just say that all of these proposals are important to the bridge because they would allow us to operate in a more efficient and cost-effective manner and will address issues that have come to our attention over the last few years. Many of them do, in fact, allow us to do more with less, which has become our mantra and everyone's mantra in the

HB 5034

They do continue to receive the funds from the previous increases. The primary avenue for funding for legal services used to be the interest on lawyers' trust accounts. That source of money is more or less completely gone. And so we obviously have struggled in this State to come up with a mechanism whereby some level funding can be secured.

And I know that they will -- certainly you will hear from them in a more eloquent way than I can express what they need. It is certainly the case that there are considerable unmet legal needs of the poor and we've never had adequate funding to even begin to address all of that. So to say it's adequate, I don't know. But it's probably a reasonable amount that we can move forward with.

REP. BARAM: And just one last question switching topics to the 5290, the leasing bill.

THE HON. BARBARA M. QUINN: Yes.

REP. BARAM: Does that legislation in some way define the kind of lease that the judicial department wants to assume responsibility for? And you said, you know, some of the more mundane and minor --

THE HON. BARBARA M. QUINN: Yes.

REP. SHABAN: Is that defined somehow?

THE HON. BARBARA M. QUINN: It is defined in a bit and, of course, we need in each and every instance to secure the approvals. So there's appropriate control, if you will, in the agency that must have the oversight function, and I think probably does.

REP. BARAM: Thank you very much.



165 Capitol Avenue
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House Bill 5290
An Act Concerning the Leasing of Judicial Branch Facilities

Judiciary Committee
March 9, 2012

The Department of Administrative Services ("DAS") offers the following testimony in support of House Bill 5290, An Act Concerning Leasing of Judicial Branch Facilities.

Currently, DAS has the authority to represent the state in its dealings with third parties for the leasing of real estate for state offices, including most Judicial Branch facilities. The Judicial Branch leases comprise more than 25% of the DAS lease portfolio. During the 2011 legislative session, the Judicial Branch raised some concerns about the leasing process and, initially, sought a legislative change giving the Judicial Branch authority over its own leases. DAS and the Judicial Branch, in conjunction with the State Properties Review Board and the Office of Policy and Management, have been working cooperatively to address these concerns.

This group has implemented administrative changes to the process including, among other things, regular and ongoing meetings for the stakeholders. In addition to the administrative changes, the parties have agreed it would be more efficient to allow the Judicial Branch authority over some aspects of its leasing activity, within the discretion of the DAS Commissioner. Statutory changes, however, are necessary to provide the authority to implement this plan.

Specifically, HB 5290 gives the Chief Court Administrator the authority to represent the state in real estate matters affecting the Judicial Branch if delegated to do so by DAS Commissioner; and allows the DAS Commissioner to delegate authority to the Chief Court Administrator to negotiate and enter into leases for office, court or parking facilities for the Judicial Branch.

DAS notes that HB 5290 mirrors sSb 1219 (file 697), which was voted out of the Judiciary Committee and adopted on the Consent Calendar in the Senate last year.

DAS respectfully urges the Committee to approve HB 5290 and help DAS and the Judicial Branch continue their efforts to improve the state leasing process. We would be happy to meet with the Committee at any time to discuss it further.



STATE OF CONNECTICUT
JUDICIAL BRANCH

EXTERNAL AFFAIRS DIVISION

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Testimony of the Honorable Barbara M. Quinn,
Chief Court Administrator
Judiciary Committee Public Hearing
March 9, 2012

H.B. 5388, An Act Concerning Court Fees and the Delivery
of Legal Services to the Poor

H.B. 5365, An Act Concerning Court Operations and Victim Services

H.B. 5290, An Act Concerning the Leasing of Judicial Branch Facilities

H.B. 5034, An Act Concerning Retirement Provisions Relating to Judges, Family
Support Magistrates and Compensation Commissioners

Good morning, Senator Coleman, Representative Fox, Senator Kissel, Representative Hetherington, and members of the Judiciary Committee. I appear before you today to testify in favor of four bills that are important to the Judicial Branch. I will start out by discussing the three bills that are part of the Judicial Branch's legislative package: H.B. 5388, An Act Concerning Court Fees and the Delivery of Legal Services to the Poor; H.B. 5365, An Act Concerning Court Operations and Victim Services, and H.B. 5290, An Act Concerning the Leasing of Judicial Branch Facilities, and will conclude with H.B. 5034, An Act Concerning Retirement Provisions Relating to Judges, Family Support Magistrates and Compensation Commissioners, which is a Governor's bill.

H.B. 5388, An Act Concerning Court Fees and the Delivery of
Legal Services to the Poor

This proposal calls for an increase in certain court fees and requires the revenue realized from these fee increases be used to provide additional funding for legal services for the poor and Judicial Branch technology. There is a significant crisis in funding for legal

day's testimony from their own computer, without the expense or delay of an official transcript.

Let me add that, unlike many other states, the Judicial Branch does not charge the public or attorneys for access to the information we make available on our website, and it is not our intent to start doing so. When we considered the various options that would provide us with consistent and reliable funding to support the technology that is integral to making this information readily available, we made a conscious decision not to begin charging for website access. Passage of this bill will ensure that we can continue to provide free access to our website information.

House Bill 5365, An Act Concerning Court Operations and Victim Services

This bill would make a number of changes that will improve the operation of the Judicial Branch. It covers a variety of topics, so I thought it would be best not to go through it section by section, but to highlight the most significant provisions of the bill.

One section allows for electronic communication of court orders, one more necessary step to move to an electronic rather than a paper based court system. Other sections codify into statute a common practice in our criminal courts regarding fee amounts and their collection. Some sections improve and clarify certain victims' compensation provisions. There are technical provisions regarding the authority of our courts to handle dissolutions of civil unions solemnized in other states, there are other technical provisions concerning evictions and summary process procedures. Some sections would repeal obsolete provisions of the General Statutes. As you can see, each of these items taken individual is relatively minor, but as a whole they are important to ensuring that the Judicial Branch is able to function more effectively and efficiently.

House Bill 5290, An Act Concerning the Leasing of Judicial Branch Facilities

This bill would allow the Commissioner of Administrative Services (DAS) to delegate leasing authority to the Judicial Branch under certain circumstances.

On behalf of the Branch, DAS has entered into approximately 47 leases for facilities and parking, which comprises approximately twenty percent of the state's overall lease

portfolio. Leased facilities include court locations as well as office space for various functions including Adult Probation, Support Enforcement, Information Technology, Family Services, and various administrative and training functions. During the 2011 legislative session, the Judicial Branch proposed a bill that would have transferred the authority to process our leases from the Department of Public Works (DPW) to the Judicial Branch. We felt at the time that although we were a major client of the DPW, we were not getting the service and the timely results we needed to support the diverse space needs of the Branch.

Since that time, the authority to enter into state leases was transferred from DPW to DAS. During this past year we have been working closely with DAS, the Office of Policy and Management (OPM) and staff of the State Properties Review Board (SPRB) to define a scope and work flow that would promote the timely processing of our leases. This inter-branch cooperative process resulted in an agreement that would allow the Judicial Branch, with the approval of the Commissioner of DAS, to negotiate some of the more routine and minor leases in our inventory. Specifically the Commissioner could delegate to the Branch the authority to handle parking leases, routine lease renewals, new leases at existing locations where no expansion of space is requested, certain lease amendments and inter-agency MOU's.

Passage of this bill is important because it will allow this agreement to come to fruition, resulting in a more efficient process to execute leases without the need for additional staff.

On behalf of the Branch, I would like to thank Commissioner DeFronzo for his understanding of our plight and his cooperation in identifying an innovative and mutually agreed upon solution.

H.B. 5034, An Act Concerning Retirement Provisions Relating to Judges, Family Support Magistrates and Compensation Commissioners

The purpose of this bill, which was submitted by the Governor, is to make important technical changes to the legislation passed last year that amended the statutes governing retirement of judges, family support magistrates and worker's compensation commissioners. The intent of that legislation was to apply the same changes that were made to the state employees' retirement system as the result of the SEBAC agreement to

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**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
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SENATE

264
May 9, 2012

SENATOR LOONEY:

All right. We might stand at ease. Let me -- we'll skip those, Madam President. Come back to them later.

THE CHAIR:

Okay.

SENATOR LOONEY:

And we'll move to other items, Madam President.

THE CHAIR:

Please proceed, sir.

SENATOR LOONEY:

Yes. Thank you, Madam President.

Madam President, calendar page 3, Calendar 240, House Bill 5283, move to place this item on the consent calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

No -- excuse me, Madam President. Strike that item from the consent calendar. We may -- we will be taking that up later.

Let me, instead, move to calendar page 7. Calendar page 7, Calendar 387, House Bill 5290, Madam President, move to place that item on the consent calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

rgd/tmj/gdm/gbr
SENATE

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May 9, 2012

(HB 5283)

On page 3, Calendar 240, House Bill 3283; page 3, Calendar 299, House Bill 5437; page 5, Calendar 349, Senate Bill 374; page 6, Calendar 375, House Bill 5440; page 6, 362, House Bill 5011.

On page 7, Calendar 376, House Bill 5279; on page 7, 387, House Bill 5290; on page 8, 394, House Bill 5032; on page 8, 396, House Bill 5230.

Also on page 8, Calendar 398, House Bill 5241; on page 8, Calendar 393, House Bill 5307; on page 9, Calendar 403, House Bill 5087; on page 9, Calendar 406, House Bill 5276; on page 9, 407, House Bill 5484; on page 11, Calendar 424, House Bill 5495; on page 12, Calendar 435, House Bill 5232; on page 13, Calendar 5 -- excuse me Calendar 450, House Bill 5447; on page 14, Calendar 455, House Bill 3 -- I'm sorry -- House Bill 5353.

On page 14, Calendar 453, House Bill 5543; on page 14, Calendar 459, House Bill 5271; on page 15, Calendar 464, House Bill 5344; on page 15, Calendar 465, House Bill 5034; on page 16, Calendar 469, House Bill 5038; on page 17, Calendar 475, House Bill 5550; on page 17, Calendar 474, House Bill 5233; on page 17, Calendar 477, House Bill 5421.

Page 18, 480, House Bill 5258; on page 18, Calendar 479, House Bill 5500; page 18, Calendar 482, House Bill 5106; on page 18, Calendar 483, House Bill 5355; on page 19, Calendar 489, House Bill 5248; on page 19, Calendar 488, House Bill 5321; on page 20, Calendar 496, House Bill 5412.

On page 21, Calendar 504, House Bill 5319; page 21, Calendar 505, House Bill 5328; on page 22, Calendar 508, House Bill 5365; on page 22, Calendar 510, House Bill 5170; on page 23, Calendar 514, House Bill 5540; on page 23, Calendar 517, House Bill 5521.

Page 24, Calendar 521, House Bill 5343; page 24, Calendar 518, House Bill 5298; page 24, Calendar 523, House Bill 5504; page 29, Calendar 355, Senate Bill 418; on page 13, Calendar 444, 5037; and Calendar 507, House Bill 5467.

THE CHAIR:

Senator -- Senator Suzio.

SENATOR SUZIO:



State of Connecticut

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ERNEST J. COTNOIR
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TIMOTHY B. KEHOE
PERMANENT ASSISTANT
CLERK OF THE SENATE

Bills placed on the Consent Calendar on May 9, 2012

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Bills from Senate Agenda Number 3 from the May 9th Senate Session that were placed on the Consent Calendar

HB5304
HB 5342

rgd/tmj/gdm/gbr
SENATE

319
May 9, 2012

Good evening, Madam President.

I just want to clarify. I thought I heard the Clerk call House Bill 5034? Is that on the consent calendar?

THE CHAIR:

Do you know what page that is, sir?

SENATOR SUZIO:

No I -- he was reading so fast, Madam, I couldn't get it.

THE CHAIR:

It's -- yes it's 53 -- I don't know.

SENATOR SUZIO:

5034.

THE CHAIR:

5034, yes sir.

SENATOR SUZIO:

I object to that being put on the consent calendar, Madam President.

THE CHAIR:

Okay, that will be removed.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Yes, just seeing that -- ask to remove that item from the consent calendar.

THE CHAIR:

So ordered.

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May 9, 2012

At this time we'll call a roll call vote on the consent calendar.

Mr. Clerk.

THE CLERK:

Immediate roll call has been ordered in the Senate.
Senators please return to the Chamber. Immediate roll call has been ordered in the Senate.

THE CHAIR:

Senator Coleman, we need your vote, sir.

Senator Kissel, Senator Kissel. Senator Kissel, will you vote on the consent calendar please?

All members have voted?

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

Mr. Clerk, will you call the amendment -- I meant the tally.

THE CLERK:

On today's consent calendar.

| | |
|-----------------------------|----|
| 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.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, I believe the Clerk is in possession of Senate Agenda Number 6 for today's session.