

Legislative History for Connecticut Act

**Public Act:** 00-191

**Bill Number:** 5130

**Senate Pages:** 2491-2493, 2597-2599 6

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**Committee:** Judiciary: 11, 12, 99-100, 143-144 6

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Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate  
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CONNECTICUT  
GEN. ASSEMBLY  
SENATE

PROCEEDINGS  
2000

VOL. 43  
PART 8  
2433-2756

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Senate

Wednesday, May 3, 2000

Senate. Will all Senators please return to the Chamber.

THE CHAIR:

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

THE CLERK:

Motion is on passage of HB5830 in concurrence with the House.

Total number voting, 36. Those voting "yea", 31; those voting "nay", 5. Those absent and not voting, 0.

THE CHAIR:

The bill is passed.

THE CLERK:

Calendar 532, File 22, Substitute for HB5130 An Act Concerning Court Operations, as amended by House Amendment Schedule "A" and "C". Favorable Reports of the Committees on Judiciary, Finance, Revenue and Bonding and Appropriations.

THE CHAIR:

Senator Williams, just a moment please. (GAVEL)

Senator Williams.

SEN. WILLIAMS:

Thank you, Madam President. I move adoption of the Joint Committee's Favorable Report and passage of the bill.

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THE CHAIR:

The question is on passage. Will you remark?

SEN. WILLIAMS:

The court operations bill before us contains a number of technical changes and substantive ones as well, including the fact that it will now require the State Treasurer to credit to the client security fund, any interest the fund earns and any it has earned since its inception.

It allows the Revenue Services Commission to designate another person or entity to collect and record payments and deposit them in the fund.

It eliminates the requirement that municipal service rules be filed and preserved and indexed by court clerks.

It changes the location where municipal hearing officers must file unpaid parking violation and citation assessments.

And it also allows supreme court justices who reach the age of 70 to continue to work on cases submitted to them before they had reached the age of 70.

THE CHAIR:

Will you remark further? Will you remark further?

Senator Williams.

SEN. WILLIAMS:

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Thank you, Madam President. If there's no objection, I would move this to the Consent Calendar.

THE CHAIR:

Without objection, so ordered.

THE CLERK:

Calendar Page 7, Calendar 188, Substitute for SB554  
An Act Providing For A Single State Permit To Carry  
Pistols Or Revolvers. Favorable Report of the Committee  
on Public Safety, Planning and Development and Finance,  
Revenue and Bonding.

THE CHAIR:

Senator Penn.

SEN. PENN:

Thank you, Madam President. I move the adoption of  
the Joint Committee's Favorable Report and passage of  
the bill.

THE CHAIR:

The question is on passage. Will you remark? I  
believe the Clerk is in possession of one amendment and  
I yield to Senator Sullivan.

THE CHAIR:

Senator Sullivan, do you accept the yield?

SEN. SULLIVAN:

I do, Madam President. If you could just bear with  
me for one moment. Thank you, Madam President. Thank

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Senate

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the machine, please.

THE CLERK:

An immediate roll call has been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber.

An immediate roll call has been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber.

Madam President, the First Consent Calendar begins on Calendar Page 3, Calendar 518, Substitute for HB5317.

Calendar 523, Substitute for HB5023.

Calendar Page 4, Calendar 527, HB5750.

Calendar 532, Substitute for HB5130.

Calendar Page 5, Calendar 536, Substitute for HB5889.

Calendar 539, Substitute for HB5734.

Calendar Page 6, Calendar 540, Substitute for HB5885.

Calendar 543, HB5664.

Calendar Page 7, Calendar 225, SB543.

Calendar Page 9, Calendar 153, SB553.

Calendar 171, Substitute for SB475.

Calendar Page 10, Calendar 246, SB160.

Calendar 325, SB472.

Calendar Page 11, Calendar 111, SB125.

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Calendar Page 15, Calendar 324, SB392.

Calling from today's Agendas. Agenda No. 1,  
Substitute for HB5763.

Agenda No. 1, Page 2, Substitute for HB5883.

Senate Agenda No. 2, Page 1, HB5911.

Madam President, I believe that completes the  
Consent Calendar No. 1. It's confirmed, Madam  
President, I believe that completes the first Consent  
Calendar.

THE CHAIR:

Thank you, Sir. Would you once again announce a  
roll call vote. The machine will be opened.

THE CLERK:

The Senate is now voting by roll call on the  
Consent Calendar. Will all Senators please return to  
the Chamber.

The Senate is now voting by roll call on the  
Consent Calendar. Will all Senators please return to  
the Chamber.

THE CHAIR:

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

THE CLERK:

Motion is on adoption of Consent Calendar No. 1.

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Total number voting, 36. Those voting "yea", 36;  
those voting "nay", 0. Those absent and not voting, 0.

THE CHAIR:

The Consent Calendar is adopted.

SEN. JEPSEN:

Madam President.

THE CHAIR:

Senator Jepsen.

SEN. JEPSEN:

I move immediate transmittal of all items  
previously acted upon as appropriate to the House of  
Representatives.

THE CHAIR:

Without objection, so ordered.

SEN. JEPSEN:

Madam President.

THE CHAIR:

Senator Jepsen.

SEN. JEPSEN:

By way of information to this body, it is our  
intention to run three more bills and take a break. The  
last of those bills will be the Education implementer.  
The next two are Page 4, Calendar 528, HB5107 previously  
marked Go and Page 87, I'm sorry, whoops! Page 9,  
Calendar 87.

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HOUSE

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PART 15  
4789-5146

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House of Representatives

Monday, May 1, 2000

CLERK:

On page 19, Calendar 80, Substitute for House Bill  
Number 5130, AN ACT CONCERNING COURT OPERATIONS.

Favorable Report of the Committee on Appropriations.

DEPUTY SPEAKER CURREY:

Representative Doyle of the 28th.

REP. DOYLE: (28TH)

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

DEPUTY SPEAKER CURREY:

The question before us is on acceptance and passage. Please proceed, sir.

REP. DOYLE: (28TH)

Thank you, Madam Speaker. This bill is our annual court operations bill. It does a number of things. From a majority point, they're kind of clean-up issues. I'll highlight a few of the issues.

First of all, it allows the State Treasurer to transfer any interest that's created in the Client Security Fund back into the fund instead of going to the General Fund or elsewhere. And as you know, the Client Security Fund is a fund we recently created that the goal is to help clients that are defrauded by members of the bar.

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It also eliminates an old archaic rule where municipal civil service clerks file rules with themselves. That's just an old requirement from the old court system.

It also requires and cleans up the registration for federal or out of state judgments that are filed with the Supreme Court clerk and Madam Speaker, the Clerk has an amendment, LCO Number 4916. May the Clerk please call and I be allowed to summarize?

DEPUTY SPEAKER CURREY:

Will the Clerk please call LCO 4916, designated House "A"?

CLERK:

LCO Number 4916, House "A" offered by Representative Tulisano.

DEPUTY SPEAKER CURREY:

Representative Doyle.

REP. DOYLE: (28TH)

Thank you, Madam Speaker. I move adoption of the amendment.

DEPUTY SPEAKER CURREY:

The question before us is on adoption. Please proceed, sir.

REP. DOYLE: (28TH)

Thank you, Madam Speaker. This amendment cleans up

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an existing language in there. The issue was -- the pending issue before the Chamber is when we have a pending judge of the Supreme Court, when he hits the mandatory retirement age of 70 whether or not he can complete his work on pending decisions. There some constitutional issues involved with this matter, but the bottom line is this was narrowed and it appears to be acceptable and the conclusion of it is that any pending Supreme Court Justice who has a case before him can act on it until the decision on the case before him and the time prior to 70 is officially released. He also may get involved with any motion for reconsideration of the pending case before him. So it's an issue of judicial efficiency and judicial branch efficiency.

It also does a couple of minor things. It clarifies a few issues regarding when an individual is appointed to be Chief Justice of the Supreme Court. For instance, when a candidate or an incumbent judge who is nominated by us to become Chief Justice, he has the ability to serve for a term of eight years, but when an associate judge, which recently happened before us, Associate Justice of the Supreme Court has been nominated, he would serve in that capacity as Chief Justice just until the completion of his term that he received through us prior as associate justice.

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This amendment also does some minor affidavit requests. I move its adoption, Madam Speaker.

DEPUTY SPEAKER CURREY:

Representative Fox of the 144th.

REP. FOX: (144TH)

Thank you, Madam Speaker. I have an amendment.

DEPUTY SPEAKER CURREY:

I'm sorry, Representative Fox. We're still on amendment House "A".

REP. FOX: (144TH)

I apologize.

DEPUTY SPEAKER CURREY:

Representative Doyle, did you wish to comment further?

Representative Farr of the 19th.

REP. FARR: (19TH)

Yes. Thank you, Madam Speaker. I would support the amendment. I think it's reasonable language. I know Representative Tulisano spent a lot of time on it and I think it works well and I would support the amendment.

Thank you.

DEPUTY SPEAKER CURREY:

Representative Prelli of the 63rd.

REP. PRELLI: (63RD)

Thank you, Madam Speaker. Madam Speaker, I also

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rise to support the amendment. I think the words especially done in lines 170 to 179 really clarifies the issue on when the retiring Supreme Court judge can serve.

I just have one question, through you to Representative Doyle.

DEPUTY SPEAKER CURREY:

Please frame your question, sir.

REP. PRELLI: (63RD)

Thank you, Madam Speaker. Through you, Madam Speaker to Representative Doyle. In line 18 when it says, "or incumbent judge" it says, "any candidate or incumbent judge". Is the intent of that to be the incumbent Chief Justice when they run for reappointment?

Through you, Madam Speaker.

DEPUTY SPEAKER CURREY:

Representative Doyle.

REP. DOYLE: (28TH)

Through you, Madam Speaker. No. The intent of that is, I believe, is to be another like sitting Appellate Judge or Superior Court. A regular Superior Court judge that's elevated up to the Supreme Court. On line 40 to 45 that deals with the example of a sitting associate justice of the Supreme Court.

Through you, Madam Speaker.

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DEPUTY SPEAKER CURREY:

Representative Prelli.

REP. PRELLI: (63RD)

Through you, Madam Speaker. Then for legislative intent, just to make sure we understand that, an incumbent judge then is not an incumbent Supreme Court associate judge. Is that correct?

Through you, Madam Speaker.

DEPUTY SPEAKER CURREY:

Representative Doyle.

REP. DOYLE: (28TH)

Through you, Madam Speaker. Yes, that is a correct interpretation and the intention of this amendment.

Through you, Madam Speaker.

DEPUTY SPEAKER CURREY:

Representative Prelli.

REP. PRELLI: (63RD)

Thank you, Madam Speaker. Madam Speaker, just that would also include the current Chief Justice who might, let's say, if they're under 70 run for -- be reappointed after they've served an eight year term. Is that also correct?

Through you, Madam Speaker.

DEPUTY SPEAKER CURREY:

Representative Doyle.

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REP. DOYLE: (28TH)

Yes, if the current were to be up for another eight year term, he would have to go through the process again.

Through you, Madam Speaker.

DEPUTY SPEAKER CURREY:

Representative Prelli.

REP. PRELLI: (63RD)

Thank you, Madam Speaker. And I thank the gentleman for his answer. Again, it was a little questionable reading that and I just wanted to make sure we understood exactly what we were saying there.

Thank you, Madam Speaker.

DEPUTY SPEAKER CURREY:

Representative Belden of the 113th.

REP. BELDEN: (113TH)

Thank you, Madam Speaker. Madam Speaker, through you to the gentleman bringing out the amendment, if I might.

DEPUTY SPEAKER CURREY:

Please frame your question, sir.

REP. BELDEN: (113TH)

With regards to lines 3 to 9 of the proposed amendment, I think it's kind of a grey area and just for the record, is there any constitutional problems with

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extending the duties of a sitting judge past age 70? I assume, since they, in fact, have sat on the case that the grey area here will be taken care of statutorily. I just wanted to get something in the record with regard to that issue, if I might, through you, Madam Speaker.

DEPUTY SPEAKER CURREY:

Representative Doyle.

REP. DOYLE: (28TH)

Through you, Madam Speaker. The original file copy was a little broader and this issue was raised. The intention here is to keep it narrowly focused because of some concerns that you expressed. The bottom line is here we're dealing with a Justice of the Supreme Court who has cases before him pending prior to his 70th birthday. It's our interpretation to keep it very limited to what the cases pending before him before 70. After 70, he simply can deal with the few matters that he may have before him and it's really judicial efficiency and this language is applicable to the Appellate Court and the Superior Court judges when they hit 70. So, it's common practice and we don't foresee any constitutional problems with it.

Through you, Madam Speaker.

DEPUTY SPEAKER CURREY:

Representative Belden.

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REP. BELDEN: (113TH)

I thank the gentleman for his response. I just wanted to put something into the record that certainly this body enacting on this legislation today was cognizant of the particular issues involved and, in fact, ratifies the fact that a sitting Supreme Court judge who attains the age of 70 because of the fact he has participated in those cases it's a very logical sequence to continue that to its completion.

Thank you, Madam Speaker.

DEPUTY SPEAKER CURREY:

Would you care to remark further? Representative Davis of the 50th.

Would you care to remark further on the amendment before us? Would you care to remark further on the amendment before us?

If not, I'll try your minds. All those in favor, please signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER CURREY:

Those opposed, nay. The ayes have it. The amendment is adopted. Would you care to remark further on the bill before us, as amended? Representative Fox of the 144th.

REP. FOX: (144TH)

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Thank you, Madam Speaker. I'll try that again. Madam Speaker, the Clerk has an amendment and it is LCO Number 4112. I would ask that that be called and I be allowed to summarize.

DEPUTY SPEAKER CURREY:

Will the Clerk please call LCO 4112, designated House "B"?

CLERK:

LCO Number 4112, House "B" offered by Representative Fox.

DEPUTY SPEAKER CURREY:

Representative Fox.

REP. FOX: (144TH)

Thank you, Madam Speaker. This amendment would expand, although I believe ever so slightly, the authority of the constables and in particular --

DEPUTY SPEAKER CURREY:

Excuse me, Representative Fox. Representative Prelli, for what purpose do you rise, sir?

REP. PRELLI: (63RD)

Madam Speaker, we're waiting for copies of the amendment. If the gentleman would give us a minute.

DEPUTY SPEAKER CURREY:

This Chamber will stand at ease while we obtain copies.

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(Chamber at ease)

DEPUTY SPEAKER CURREY:

The Chamber will come back to order. Now, that we have copies on that side of the aisle, Representative Fox from the 144th, please proceed, sir.

REP. FOX: (144TH)

Thank you, Madam Speaker. Madam Speaker, this amendment would, in my opinion, expand, although I feel ever so slightly, the authority of constables. At the present time constables are allowed to serve in a particular town from which they have been elected. This would allow constables to serve within the judicial district so that in my town, for example, they would be allowed to serve not only within the City of Stamford, but also within the immediate surrounding areas for the judicial district of Stamford which I believe encompasses some nine other towns including Greenwich, Norwalk, Weston, Wilton, and Westport.

I would move adoption of the amendment, Madam Speaker.

DEPUTY SPEAKER CURREY:

The question before us is on adoption. Would you care to remark further? Representative Powers of the 151st.

REP. POWERS: (151ST)

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Thank you, Madam Speaker. A question, through you to the proponent of the amendment.

DEPUTY SPEAKER CURREY:

Please frame your question, Ma'am.

REP. POWERS: (151ST)

Thank you, Madam Speaker. Why are we proposing this?

Through you.

DEPUTY SPEAKER CURREY:

Representative Fox.

REP. FOX: (144TH)

Through you, Madam Speaker. We are proposing it because in my opinion there is frequently a shortage of available individuals to serve papers on what many times is rather short notice. It is not uncommon in the practice of law to be in need of a sheriff to institute an action or to serve the papers to institute the action on a very limited timeframe. Without much advance notice it sometimes can become difficult to find or obtain a sheriff that is available.

I have found, in my experience, that constables are more readily available and this would allow the constables to be more readily available in a slightly larger geographical area.

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Representative Powers.

REP. POWERS: (151ST)

Thank you, Madam Speaker. Through you to the proponent of the amendment. What does the Sheriffs' Department feel about this?

Through you, Madam Speaker.

DEPUTY SPEAKER CURREY:

Representative Fox.

REP. FOX: (144TH)

Through you, Madam Speaker. I have not discussed it with the Sheriffs' Department. So I don't know what their position would be. I would assume that there has been such a great deal of controversy surrounding that department over the last several months that they may not have had the opportunity to give it significant thought. I have not heard from the indicating a concern over it. My feeling would be that it should not be of great concern to them because this expands the power of the constables only in a very limited area. It does not, as you can see, give a constable the authority to compete with a sheriff in the entire county. If, in fact, this was to expand the jurisdiction of a constable through Fairfield County, for the sake of discussion, then I can see that it maybe of concern to them.

In reality, I have found that in conjunction with

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the service of papers, it is not inappropriate for there to be some competition. This may well increase the competition, it may result in a service that is provided in a better and more efficient manner, but in my opinion it ought not to be a serious concern to them because it is an increase in the jurisdiction by only a very small amount.

DEPUTY SPEAKER CURREY:

Representative Powers.

REP. POWERS: (151ST)

Thank you, Madam Speaker. Through you. Have you run this by the Judiciary Department?

DEPUTY SPEAKER CURREY:

Representative Fox.

REP. FOX: (144TH)

Through you, Madam Speaker. These folks, as you know, do not come within the control or authority of the Judicial Department. Just before this was called I had a very brief discussion with someone from the Judicial Department about it. To the best of my knowledge they are not objecting to it, but I don't know that it would be for them to object to it because it doesn't come within the jurisdiction.

DEPUTY SPEAKER CURREY:

Representative Powers.

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REP. POWERS: (151ST)

Thank you, Madam Speaker. I understand they're not directly - they're not a straight line to the Judiciary, but we're dealing with a bill that talks about court operations which is why I'm asking the questions.

Through you, Madam Speaker. How does this -- we elect constables locally. How would this change effect kind of the control of state constables who aren't doing a good job and they're now spread out through the judicial district?

Through you, Madam Speaker.

DEPUTY SPEAKER CURREY:

Representative Fox.

REP. FOX: (144TH)

Through you, Madam Speaker. In my opinion, it wouldn't change it at all. They would still be elected within the towns in which they are chosen. It would give them some additional power, but in terms of being responsive or not being responsive or doing their job or not doing their job, I don't think it would effect them at all.

DEPUTY SPEAKER CURREY:

Representative Powers.

REP. POWERS: (151ST)

Thank you, Madam Speaker. And I thank the gentleman

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for his answers.

I'm not quite sure how I'm going to vote on this. It's kind of an interesting idea, but I'm not sure that we had a public hearing or a full discussion on this particular idea.

Thank you.

DEPUTY SPEAKER CURREY:

Representative Prelli of the 63rd.

REP. PRELLI: (63RD)

Thank you, Madam Speaker. Madam Speaker, I understand very well what the gentleman is trying to do. In some respects I think it does address the problem in certain areas, but the question is when you look at Litchfield County and you say within that court's jurisdiction you would have sheriffs going over a 60 to 70 or you would have constables going over a 60 to 70 mile district, Madam Chairman.

For that reason, I would also point that the underlying bill talks about court operations and the underlying bill is strictly limited to court operations. This amendment deals with constables and the current sheriff operations which aren't the same. So under Masons 402 I would call a point of order and question the germaneness of this amendment to the underlying bill.

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DEPUTY SPEAKER CURREY:

The House will stand at ease for a moment.

(Chamber at ease)

DEPUTY SPEAKER CURREY:

The Chamber will come back to order.

Looking at the file, in sections 5, 9 and 10 there is service of process. This amendment also deals with the service of process. Hence, I would rule it is germane.

Would you care to remark further? Representative Prelli of the 63rd.

REP. PRELLI: (63RD)

Thank you, Madam Speaker. Then following up on my remarks and I thank the lady for her ruling. We have just the opposite problem in Litchfield County and as I brought up, it's 50 to 60 miles across Litchfield County that's all in one courthouse. And I would think this would cause more problems. We already have a problem with some constables and deputy sheriffs. I don't think this is thought out thoroughly because everybody thinks about their own area. I think in the more rural parts of the state this is going to cause problems and I would urge rejection of the amendment.

DEPUTY SPEAKER CURREY:

Would you care to remark further on the amendment

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before us? Representative Farr of the 19th.

REP. FARR: (19TH)

Yes. Thank you, Madam Speaker. Just a couple of comments on the amendment.

I think this maybe an interesting area to revisit through the public hearing process, but there's a couple of things that concern me.

First of all, when we reformed our sheriff system with the bill that hopefully will become law with the passage of the constitutional amendment, we provided that the sheriffs would have some oversight so that there will be some regulations and control of the sheriffs.

The problem as I see it here is that the constables will have no control. There's no one in charge of them.

Now, the argument is that constables, unlike sheriffs, are directly accountable and responsible to the individual who elected them, but the difficulty here is what you're saying is that you elect a constable in one town. He can then serve throughout the JD and if he's doing things wrong in the rest of the JD, he's not going to be accountable to anybody except those people in his own town and if he's not spending his time in his time, those folks aren't going to be concerned whether he wants to get re-elected or not.

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So I think that there's some real critical problems here. I think this is something we ought to revisit, but I think if we're going to give constables expanded power, we also ought to have some control and regulation over them as we're going to have with sheriffs. I think otherwise we're going to have some of the same problems we had with the sheriff system.

And for those reasons, I would oppose the amendment.

DEPUTY SPEAKER CURREY:

Representative Ward.

REP. WARD: (86TH)

Madam Speaker, I rise to a point of parliamentary inquiry. As I read the amendment it appears that it changes powers of elected officials, constables and in addition grants to those municipal elected officials greater powers. So my question is, if this amendment is adopted, whether it properly must go to both the GAE Committee and the Planning and Development Committee upon adoption of the amendment.

DEPUTY SPEAKER CURREY:

If the Chamber would please stand at ease for a moment.

(Chamber at ease)

DEPUTY SPEAKER CURREY:

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The Chamber will come back to order.

Representative Ward.

REP. WARD: (86TH)

Thank you, Madam Speaker. At this time to avoid to rule on it, I request permission to withdraw the point of parliamentary inquiry.

DEPUTY SPEAKER CURREY:

Hearing no objection, so ordered.

Representative Fox of the 144th.

REP. FOX: (144TH)

Thank you, Madam Speaker. Based on the discussions I've had with Representative Lawlor and also with Representative Paul Doyle and in light of importance of the underlying bill, I would request that my amendment be withdrawn.

DEPUTY SPEAKER CURREY:

Hearing no objection, so ordered.

Would you care to remark further on the bill before us? Would you care to remark further on the bill before us?

Representative Bernhard of the 136th.

REP. BERNHARD: (136TH)

Thank you, Madam Speaker. The Clerk has LCO Number 5094. I would ask that he call the amendment and I be allowed to summarize.

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DEPUTY SPEAKER CURREY:

The Chamber will stand at ease while the amendment is distributed.

(Chamber at ease.)

DEPUTY SPEAKER CURREY:

The Chamber will come back to order.

Will the Clerk please call LCO 5094.

CLERK:

LCO Number 5094, House "C" offered by Representative Bernhard.

DEPUTY SPEAKER CURREY:

Representative Bernhard.

REP. BERNHARD: (136TH)

Thank you, Madam Speaker. This is a simple amendment to try to address the problem that exists in the Superior Court with regard to clogging the docket. There are presently a great number of administrative appeals, that is appeals from planning and zoning commissions and zoning boards of appeal and conservation commissions that are clogging up the docket because there is a determination that all of these cases must be heard by a Superior Court judge and may not be referred to the Attorney Trial Referee Program that presently exists for other cases.

My amendment is trying to address this to empower a

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Superior Court judge the ability to refer an appropriate administrative appeal case to a qualified member of the bar for the purposes of determining facts and resolutions and making recommendations to the Superior Court on how the appeal should ultimately be resolved.

I believe that this is a method of relieving some of the courts' congestion taking some of the burden off of the Superior Court judges, allowing qualified members of the bar to step in and assist the court system in getting cases through the system and ultimately resolved.

And I move its adoption, Madam Speaker.

DEPUTY SPEAKER CURREY:

The question before us is on adoption. Would you care to remark further on the amendment before us?

Representative Doyle of the 28th.

REP. DOYLE: (28TH)

Thank you, Madam Speaker. I have a question to the proponent of the amendment.

DEPUTY SPEAKER CURREY:

Please frame your question, sir.

REP. DOYLE: (28TH)

Yes. Thank you, Madam Speaker. From my reading of it, it doesn't appear clear to me that any referral under this act would be at -- it would have to be

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jointly agreed to by the two attorneys in the case.

Through you, Madam Speaker, is my interpretation correct or could you clarify for the record what your intention is?

Through you, Madam Speaker.

DEPUTY SPEAKER CURREY:

Representative Bernhard.

REP. BERNHARD: (136TH)

Thank you, Madam Speaker. It was my intent to have that language put in the amendment. Regrettably it didn't make it, but I would point out that the language that's in there, one, it refers to qualified members of the bar. Two, it enables a Superior Court judge to make such a referral. It doesn't mandate that he make such a referral and for legislative intent, it would certainly be appropriate for us to include the fact that this should be -- that the permissive authority given to the Superior Court judge should be when both parties, that is the Appellant and the Appellee concur with the referral.

Through you, Madam Speaker.

DEPUTY SPEAKER CURREY:

Representative Doyle.

REP. DOYLE: (28TH)

Through you, Madam Speaker. I have another question

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and I would like to have the proponent answer it.

It appears that this section may apply to attorney referees. Could you clarify whether it's judicial judge referees of just attorneys?

Through you, Madam Speaker.

DEPUTY SPEAKER CURREY:

Representative Bernhard.

REP. BERNHARD: (136TH)

It is my intention to refer to attorney trial referees. That's exactly right. Qualified members of the bar who handle this kind of administrative work ought to be able to -- as we do now. The Attorney Trial Referee Program enables a Superior Court judge to refer matters of major consequence involving major sums of money and complicated legal issues when in an appropriate instance a Superior Court judge feels it's appropriate for an attorney trial referee whose qualified to hear such cases, he may refer it to a qualified member of the bar for that purpose. And that's the intent of this bill is to allow members of the bar who are willing to give up their time for little or no compensation to assist the court system in relieving the congestion that exists now in administrative appeals.

Just for the record, in that I do quite a bit of this work or I defend a great deal of it for municipal

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entities, it can sometimes take a year, a year and one-half before an appeal is resolved because the Superior Court judge docket is so congested.

What that does is it prevents an applicant who has presented an application to a planning and zoning commission to get ultimately the relief he's seeking. If he gets an approval, he may have to wait a year, a year and one-half if a neighbor has taken an appeal and he doesn't know what the ultimate resolution is going to be. Projects are held up and I think unfairly. And the purpose of this is to allow, again, discretion for our Superior Court judges to allow qualified members of the bar who have experience in this field to take evidence and I would make note of the fact that ultimately the decision is always made by the Superior Court judge. He doesn't have to accept the facts or the opinions rendered by the attorney trial referee. It's for the purposes of gathering evidence, drawing conclusions and making recommendations to a Superior Court judge.

There is still the opportunity after that's done with an attorney trial referee program for a Superior Court judge to hear oral argument as to why that report should not be accepted by the court and in the event that there was determined to be some error or fault in the process, a Superior Court judge can step in and

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either accept or reject all or parts of the report rendered by the attorney child referee.

Thank you, Madam Speaker.

DEPUTY SPEAKER CURREY:

Representative Doyle.

REP. DOYLE: (28TH)

Thank you, Madam Speaker. I do support this amendment and consider it friendly, but I would just like to point for purposes of legislative intent to clarify that it's our intention that this amendment can only be - it applies to cases only when both counsel consent to the appointment to make it clear and I would submit, as further evidence, it does say the Superior Court may appoint. So I would, for purposes of legislative intent, emphasize that's may and it's our intention to require both counsel in a case to consent to any designation or appointment to a state referee.

Thank you, Madam Speaker.

DEPUTY SPEAKER CURREY:

Would you care to remark further on the amendment before us? Would you care to remark further on the amendment before us?

If not, I'll try your minds. All those in favor, please signify by saying aye.

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Aye.

DEPUTY SPEAKER CURREY:

Those opposed, nay.

REPRESENTATIVES:

No.

DEPUTY SPEAKER CURREY:

The Chair is in doubt. I would like to try your minds again.

All those in favor, please signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER CURREY:

All those not in favor, signify by saying nay,.

REPRESENTATIVES:

No,

DEPUTY SPEAKER CURREY:

The ayes have it. The amendment is passes.

Would you care to remark further on the bill before us, as amended? Would you care to remark further on the bill before us, as amended?

If not, staff and guests to the well of the House.

The machine will be opened.

CLERK:

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

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roll call. Members to the Chamber, please.

DEPUTY SPEAKER CURREY:

Have all members voted? Have all members voted?  
Please check the board and make sure your vote is  
properly cast. If all members have voted, the machine  
will be locked. The Clerk will please take a tally.

The Clerk will please announce the tally.

CLERK:

House Bill Number 5130, as amended by House  
Amendment Schedules "A" and "C"

Total Number Voting	150
Necessary for Passage	76
Those voting Yea	148
Those voting Nay	2
Those absent and not Voting	1

DEPUTY SPEAKER CURREY:

The bill, as amended passes.

Representative Prelli of the -- excuse me,  
Representative Fahrback of the 61st.

REP. FAHRBACH: (61ST)

Thank you, Madam Speaker. For a point of personal  
privilege.

DEPUTY SPEAKER CURREY:

Please proceed.

REP. FAHRBACH: (61ST)

JOINT  
STANDING  
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idea what the monitoring fee would be, what it actually costs to monitor somebody electronically?

MELISSA FARLEY: It costs between \$5 to \$7 per day per offender.

REP. WINKLER: And what's the average length of time that someone would wear this device?

MELISSA FARLEY: Approximately sixty days.

SEN. WILLIAMS: Further questions? Thank you, Attorney Farley.

Attorney Fuller.

DEBORAH FULLER: Good afternoon. My name is Deborah HB 5130 HB 5131 HB 5136 HB 5145 Fuller. I'm here today to testify also on a few judicial branch proposals, as well as a couple of other bills on the list.

The first bill that I'd like to address is SB58, AN ACT CONCERNING JURORS. This bill was really -- is being requested in order to address some of the problems that we've had in the area of jury service. And a lot of those -- I would say that one of our most common constituent type calls that we get is regarding jurors, so we're very familiar with what the problems are and we'd like to try to address some of the issues that seem to cause a lot of the problems by getting dates of birth from Revenue Services, by getting a death list from the Department of Health so that we can try to eliminate minors and dead people from being summons for jury duty. As well as allowing us to maintain a cumulative file so that people who are disqualified because they're over 70 and they don't want to serve or they have some kind of disability that prevents them from serving won't keep getting called every year and have to send back in the notice saying.

The jury statutes are very specific, so everything that we do is set out in those. So we need to amend the statutes in order to be able to do these additional things.

We also want to allow ourselves to use a master list from last year because we had a technical problem last year with that and finally, change the postponement period.

The next bill is HB5130, our annual court operations bill. This year it contains even -- it contains several proposals that will allow us to operate more efficiently and I've enumerated them in the testimony, but they're all relatively minor.

HB5131, AN ACT CONCERNING CHILD PROTECTION PROCEEDINGS. This bill is what's proposed by the Chief Administrative Judge for Juvenile Matters. It contains several provisions that she believed when necessary in child protection cases particularly to move those cases along through the system. There are several minor changes in the bill that are sort of clean-up things from things that we've done in past years, but one change is more significant. It would change the procedure for determining the length of time that a child who has been found neglected or abused is committed to the Department of Children and Families.

Currently, it's for a twelve month period and it may be extended every twelve months. This would shift the burden in those cases. It would make the commitment for an indefinite time. There would still be a twelve month hearing. It would still be the parent in those cases, parent or guardian could always move to revoke the commitment, but it wouldn't be re-litigating every year whether or not the cause for commitment continues to exist.

There is a permanency plan for all children and those are reviewed every twelve months.

The bill also makes some changes required by federal law. This bill is really the proverbial or work in progress. We're working with the Office of Attorney General and the Department of Children and Families on the language on the bill and what you have before you is not final language because regulations have just come out that may have to change the language of the bill, federal regulations.

Lawlor's participation on this national committee to look at this issue. We had several comments which are in our written testimony basically emphasizing the importance of timely victim notification, a recommendation that the interstate commission state council include a national group representing the interest of sexual assault victims and a recommendation that subjects to be discussed in the activities of the interstate commission be addressed as soon as possible. It has a reference there to twelve months.

And finally, raised SB52, AN ACT CONCERNING THE REGISTRATION OF SEXUAL OFFENDERS. This legislation, as it is currently written, is of concern to us that those who were convicted of risk of injury to a minor would not have to register. It's important that the distinction between not having to register and not having -- the court having the discretion to have the court -- the information disseminated.

And we want to make sure that that is clear in this situation.

Did that make sense?

SEN. WILLIAMS: Yes, given the hour of the day, that makes perfect sense.

BEVERLY BRAKEMAN-COLBATHE: Okay. Basically, the dissemination of the information is what we're mostly concerned about and that person convicted of the sexual offense should still have to register with law enforcement.

SEN. WILLIAMS: Thank you. Are there questions? Thanks very much.

BEVERLY BRAKEMAN-COLBATHE: Thank you.

SEN. WILLIAMS: Raphael Podolsky is next to be followed by Bennett Milstein. Is Ron Colonara here? I might be mispronouncing that. Thank you. Paul Knupinski and Paul Listro. Okay. Great.

Raphael.

RAPHAEL PODOLSKY: Thank you, Mr. Chairman. I'm Raphael

HB 5130  
HB 5131  
HB 5145

Podolosky with the Legal Assistance Resource Center of Connecticut.

I want to testify, very briefly, on three bills in front of the committee.

The first is HB5130 which is the judicial branch bill on court operations. We would ask that you take two sections out of the bill, section 8 and section 9.

Section 9 deals with mobile home parks and I believe judicial viewed it as a technical bill, but I think it's actually unintentionally substantive.

What it does, it's a landlord/tenant matter, I should say. It attempts to conform the timeframe for the CAPA notice in mobile home parks to that for the regular landlord/tenant law which you changed in 1997.

I would just suggest to you in mobile home parks there are numerous areas where the time limit are much longer and I don't think this was meant to cover mobile home parks since I don't think it's technical at all. And so I would hope that you would take that section out so as not to make that change.

In Section 8 it deals with venue in small claims cases. And here again I think there maybe an unintentional impact where it changes one of the venue rules that it does not mean to. We tried to fix this a couple of years ago and I think it is fixed okay and does not need to be changed. That is, when you have a consumer lawsuit, particularly a collection lawsuit, the lawsuit has to be brought where the consumer is where the transaction occurred and not where the business has a place of business. This seems to set up a conflict between subsections (d) and subsections (g) of 51-345.

In my written testimony I've suggested an alternative approach to taking this section out which is to amend the section.

The second bill is HB5131, that deals with child

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STATE OF CONNECTICUT  
JUDICIAL BRANCH

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Testimony of Deborah J. Fuller  
Judiciary Committee Public Hearing  
February 14, 2000

House Bill 5130, An Act Concerning Court Operations

Good afternoon. I am here to testify on behalf of the Judicial Branch in support of *House Bill 5130, An Act Concerning Court Operations*.

This bill, which is part of the Judicial Branch's legislative package, contains several provisions that will allow the Branch to operate more efficiently. I would like to take this opportunity to highlight a few:

- It provides that any interest generated by the Client Security Fund, which was established pursuant to Public Act 97-267 two years ago to reimburse victims of dishonest conduct by attorneys, be credited to that fund;
- It makes technical changes pertaining to venue for administrative appeals and small claims that were inadvertently omitted from legislation regarding those areas last year;
- It deletes the requirement that municipal Civil Service Rules and Regulations be filed, preserved and indexed by court clerks;
- It requires a return receipt for service of process by mail on nonresident individuals and foreign corporations; and
- It requires additional notices in foreign judgment collection cases.

I ask that the committee act favorably on this proposal.

Thank you for the opportunity to testify.

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**Legal Assistance Resource Center**  
**❖ of Connecticut, Inc. ❖**

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**H.B. 5130 -- COURT OPERATIONS**

**Judiciary Committee Public Hearing**

**February 14, 2000**

Recommended Committee action: **DELETE SECTIONS 8 AND 9**

It is our understanding that this bill from the Judicial Branch is intended as a technical bill. Sections 8 and 9, however, are not technical and should therefore be deleted from the bill.

Section 8: Existing Connecticut law protects consumers from being sued in inconvenient venues by requiring that such suits be brought where the consumer resides or where the transaction occurred and not in any district where the business happens to have an office. Section 8, as drafted, appears to conflict with this principle by allowing small claims plaintiffs other than corporations (i.e., partnerships and unincorporated businesses) to sue in any small claims district where it is doing business, without regard to where the transaction occurred. There is no need to change the statute, and Section 8 should therefore be deleted. In the alternative, the proposed limiting language in l. 129-134 of the bill could be rewritten to correlate with subsection (d) of C.G.S. 51-345, which applies this consumer venue rule to all "consumer transactions." In such a case, l. 129-134 could be changed to read: "...provided that, in all actions involving consumer transactions, as defined in subsection (d) of this subsection, civil process shall be made returnable to a Superior Court facility designated by the Chief Court Administrator to serve the small claims area within the boundaries of the judicial district where the consumer resides or where the transaction or injury occurred" [underlining shows difference from Judicial Branch draft].

Section 9: Section 9 applies P.A. 97-231, which shortened the pre-termination notice period in evictions (the so-called "Kapa" notice), to evictions from mobile home parks. While mobile home park evictions follow many of the rules for other evictions, the mobile home park statutes often give substantially more time to mobile home park residents, and a "conforming" change is not technical. For example, a non-payment notice to quit in a mobile home park is 30 days and other notices to quit are 60 days (a lapse-of-time notice to quit for a park closing is 545 days). To my knowledge, the change made in 1997 was not intended to apply to mobile home parks, is not appropriate for mobile home parks, and should not be part of a technical bill.

-- Submitted by Raphael L. Podolsky