

Legislative History for Connecticut Act

PA 16-112

HB5364

Senate 3074, 3078-3079 3

Judiciary 1189-1190, 1195-1196, 1259-1261, 1328, 1333, 1364-1366 12

House Transcripts have not been received. They are available on CGA website, but are not the Official copy. Contact House Clerk for assistance (860) 240-0400 15

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

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**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2016**

**VOL. 59
PART 9
2751 - 3097**

/je
SENATE

324
May 4, 2016

Seeing no objection, so ordered. The Senate will stand at ease for a moment. Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. If I could add some items to our Consent Calendar please.

THE CHAIR:

Please do sir.

SENATOR DUFF (25TH):

Thank you. On Calendar page 8, Calendar 418, House Bill 5364, I'd like to place that item on the Consent Calendar.

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR DUFF (25TH):

On Calendar page 30, Calendar 590, House Bill 5407, I'd like to place that item on the Consent Calendar.

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR DUFF (25TH):

On Calendar page 6, Calendar 391, House Bill 5456, I'd like to place that item on the Consent Calendar.

THE CHAIR:

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SENATE

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May 4, 2016

Mr. Clerk. Will you please call the numbers on the Consent Calendar Number 2.

THE CLERK:

House Bill 5612; House Bill 5189; House Bill 5138;
on page 5, Calendar 377, House bill 5467; page 6,
Calendar 391, House Bill 5456; on page 8, Calendar
418, House Bill 5364; page 10, Calendar 442, House
Bill 5468; on page 14, Calendar 478, House Bill
5366; on page 15, Calendar 47, House Bill 5317; page
19, Calendar 513, House Bill 5553; page 21, Calendar
528, House Bill 5420; page 26, Calendar 560, House
Bill 5069; page 29, Calendar 581, House Bill 5547;
page 30, Calendar 590, House Bill 5407.

THE CHAIR:

The machine will be open.

THE CLERK:

Immediate roll call has been ordered in the Senate.
Immediate roll call on Consent Calendar Number 2 has
been ordered in the Senate.

THE CHAIR:

Senator Fasano, would you like to vote on this
Consent Calendar please? Thank you.

All members have voted? All members have voted?
The machine will be closed. Mr. Clerk, will you
please call the tally on Consent Calendar 2.

THE CLERK:

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SENATE

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May 4, 2016

Consent Calendar Number 2,

Total Number Voting	36
Those voting Yea	36
Those voting Nay	0
Absent and not voting	0

THE CHAIR:

The Consent Calendar passes. Senator Duff. Senator Duff.

SENATOR DUFF (25TH):

Can the Clerk please call Calendar page 13, Calendar 472, House Bill 5311.

THE CHAIR:

Mr. Clerk.

THE CLERK:

On page 13, Calendar 472, Substitute for House Bill Number 5311, AN ACT CONCERNING TELECOMMUNICATIONS PROVIDER TARIFFS FOR SERVICES OFFERED TO BUSINESS RETAIL END USERS AND CERTAIN TELECOMMUNICATIONS SERVICE-RELATED EFFORTS. It's amended by House A.

THE CHAIR:

I'm sorry, is that, Senate, not yours --

SENATOR DUFF (25TH):

The Senate will stand at ease.

THE CHAIR:

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SENATE

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May 4, 2016

Senator Doyle.

SENATOR DOYLE (9TH):

I move acceptance of the Joint Committee's favorable report and passage of the bill in concurrence with the House.

THE CHAIR:

The motion is on acceptance and passage. Will you remark, Senator Doyle, in concurrence.

SENATOR DOYLE (9TH):

Yes, Madam President, this piece of legislation simply in approval with PURA reduces some obligations for the telecommunications to file reports. I urge the Chamber to approve this piece of legislation. Thank you, bye.

THE CHAIR:

Will you remark further? Will you remark further?
If not, Senator Doyle.

SENATOR DOYLE (9TH):

I ask for a roll call vote. Motion to Consent.

THE CHAIR:

Seeing no objection, we will put it on Consent Calendar. Senator Duff.

SENATOR DUFF (25TH):

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SENATE

331
May 4, 2016

Thank you, Madam President. Will the Clerk now please call Calendar Page 27, Calendar 568, House Bill 5259.

THE CHAIR:

Mr. Clerk.

THE CLERK:

On page 27, Calendar 568, Substitute for House Bill Number 5259, AN ACT CONCERNING ADOPTION OF THE CONNECTICUT UNIFORM LIMITED LIABILITY COMPANY ACT.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

Thank you very much, Madam President. I move acceptance of the Joint Committee's favorable report and passage of the bill in concurrence with the House.

THE CHAIR:

The motion is on acceptance and passage in concurrence. Will you remark, sir?

SENATOR COLEMAN (2ND):

Madam President, this is a bill which makes some changes to the laws governing limited liability companies. Its rules generally apply when an LLC operating agreement does not cover a particular matter except for certain items that the bill does not allow in an agreement or that an agreement

**JOINT
STANDING
COMMITTEE
HEARINGS**

**JUDICIARY
PART 3
902 – 1382**

2016

REP. TONG (147TH): Mayor David Martin. Good afternoon.

MAYOR MARTIN: Good afternoon.

REP. TONG (147TH): You're lookin' fit as a fiddle.

MAYOR MARTIN: I apologize here, I'm tryin' out for a part -- a brother of Frankenstein. My -- as many of you probably know, I was in surgery last Friday and I am still recovering from that, as you can see. I advise you two things -- if you see something odd on your skin, get to your dermatologist and it might save your life, as it will save mine. I am fine. And secondly, wear sunscreen. It'll make a difference. But I'm gonna' be fine, it does hurt and I don't like wearing glasses, so I apologize if I get a little bit discombobulated up here, but -- in any event, it's -- it's for me, a pleasure, Representative Tong, Senator Coleman, that you guys have made a special effort to come down to Stamford.

Yes, I cannot recall any committee coming down to Stamford other than the Education Committee which was like 10 years ago, and it's deeply appreciated. I've come to recognize that every community in this great state is unique and I appreciate you coming down to recognize and hear some of the uniqueness of our community, which is different than any of the other larger municipalities and is different than -- than any of the other communities in Lower Fairfield County and I just have to say thank you as well to ranking member Rebimbas -- did I say that right?

REP. REBIMBAS (70TH): You did.

MAYOR MARTIN: Thank you, and of course, it's good to see that you've got Representative Fox and Simmons workin' hard here, I appreciate that as well. So, if I may, I actually am the Mayor of

SB244
SB246
HB5403
HB5364
SB245
HB5400

Stamford and I actually wanted to speak to six of the items on your agenda.

I will take them one at a time. The testimony is rather short on each one, but I understand that it'll be a little bit time consuming to handle all six.

First, Senate Bill 244, AN ACT CONCERNING THE REPORTING OF INJURIES RESULTING FROM THE DISCHARGE OF A FIREARM AND STAB WOUNDS. This bill would make the mandatory reporting of stab wounds the same as reporting the wound from a firearm. When there's an incident involving a firearm, chances are, there's a need for a criminal investigation, which is why we have a mandatory reporting for firearm wounds. Along those same lines, stab wounds are often also the result of criminal activity and should also be investigated. But without a law like this, they often go underreported, and in Stamford there are certain communities that tend to use knives as -- more than they use guns and we have had some situations where there were wounds that were treated but not reported that later came back into criminal investigations. So, what happens is the reporting of a stab or even a firearm, sometimes those wounds is sometimes the only way that law enforcement knows that a criminal act has taken place. To keep the reporting as effective and simple as possible, we don't want there to be one set of rules for reporting a firearm incident and a different set of rules for reporting a stab wound. We think they should be the same, and therefore, we don't think the immunity portion in the bill that was -- was written in is necessary and I would note that there have been few, if any, instances where any hospital's reluctance to meet the requirements of firearm reporting on the statute because of fear or liability or of any action has been brought against

that there are going to be large fines for not exercising caution when sharing the road.

So, I therefore believe that in just passing this legislation, it will create news, it will create a greater awareness and a greater responsibility on behalf of the motorists.

House Bill 5364, AN ACT CONCERNING THE FILING OF WORKERS' COMPENSATION CLAIMS WHEN A MUNICIPALITY IS THE EMPLOYER. Employees that suffer a work-related injury have to report that to the city, but there is no official designation of where that workers' comp claim should go.

In some cases, necessary personnel in the city are not receiving the report and that may be because the report, while given to a city employee is given to a person who is on vacation or maternity leave and in fact, it could be given to -- you know, hundreds of different people and still they make the claim that they've made the report.

We are proposing that workers' comp claims should be handled like all other claims against the city and be required to be submitted to the town clerk. This is a simple, clear process that is easy for everyone to follow. An employee can get a stamped receipt and know that their claim was officially received and this will settle any possible confusion about when a claim is submitted -- or if a claim is submitted -- and help ensure from -- from the city's side, a more expeditious processing of the claim, rather than it sitting in an employee's outbox for three weeks because they were on vacation.

This bill adds language to the current statute to require that a municipal employee shall send a copy of the notice to the workers' comp claim to the town clerk's office, thus codifying the process for

filing workers' comp claim. An employee gets the stamped receipt and note that the claim was officially received and it will end this confusion.

If there is a better and simpler process than what we have proposed in Stamford, then we are willing to consider it, but right now, there is no clear process and it's creating chaos, confusion, and it's actually not treating the employees fairly, nor is it treating the city fairly.

Senate Bill 245, AN ACT CONCERNING MUNICIPAL RECOVERY OF MONEYS PAID ON BEHALF OF DISPLACED TENANTS. The City of Stamford, like all municipalities, is required to provide temporary housing for families that are displaced from their apartment or rental housing because it has been deemed unsafe or unsanitary.

Frequently, we have a landlord that is violating codes. This often requires the city to put the family into a hotel while their dwelling is being remediated or in some cases, the family needs assistance finding new permanent housing.

Normally, the city has to front the money to put the tenants in temporary, emergency housing, and I don't think it's any surprise these are typically low income tenants, and while -- and then presumably, the landlord is expected to reimburse the city for these temporary housing costs while the rental apartment is being repaired and brought up to the proper code.

The problem is, the current law does not explicitly state that municipality can use a hotel for temporary housing, and so landlords often do not pay this expense, basically claiming that they don't have a responsibility for something the city does that isn't explicitly provided -- and because they

the Judiciary Committee. I'm here to testify on the same bill -- Raised Bill 245 -- I really have nothing else to add.

Couple of -- I have written testimony, which you have -- couple of comments, I just wanted to -- to respond to something Representative Rebimbas -- Rebimbas, right? Asked Attorney Cooper -- I could tell from your follow-up comments that you're totally aware of this, but I just wanted to state -- on the spectrum of code compliance issues -- it takes really severe ones for our health department to actually order something condemned, so that in terms of landlord knowledge -- even if a landlord were negligent enough not to inspect periodically, his or her property -- the -- the degree to which a property would have to be rundown and unsafe and uninhabitable before it got condemned, would be significant enough that it would be -- gross negligence on their part not to have taken a look at the property.

REP. TONG (147TH): Further questions. Thank you.

ELLEN BROWLEY: That was easy. Thank you.

REP. TONG (147TH): Yep. Ann Marie Mones. Good afternoon.

ANN MARIE MONES: Good afternoon. Good afternoon, Senator Coleman, Representative Tong, Representative Rebimbas, and members of the Judiciary Committee. It's been a long afternoon for you already. I'm Ann Marie Mones and I'm the Risk Manager for the City of Stamford and I thank you for the opportunity to come here before you to testify in favor of House Bill 5364, AN ACT CONCERNING THE FILING OF WORKERS' COMPENSATION CLAIMS WHEN A MUNICIPALITY IS THE EMPLOYER. The proposed bill would establish a definitive person the town clerk for the

municipality to which a workers' compensation form 30C or form 30D must be delivered to as a representative of the employer. This would streamline the process, reduce the possibility of documents not being responded to within a timely fashion, which is the 28 days allotted by the Workers Compensation Commission. Currently, there is case law which shows that a form 30C or form 30D can be sent to basically anybody in a municipality and it becomes a legal notice of claim.

When a form 30C or form 30D is received by an employer, the employer has the opportunity to deny the claim within 28 days or you must assume responsibility for that claim.

This has made a negative financial impact on the City of Stamford and to other municipalities in Connecticut. An example being a form 30C was delivered to a particular department in Stamford. The form was allegedly placed in a file in that department and never forwarded to the town clerk or to risk management or to the third party administrator that handles our workers' compensation claims. The claim was not denied in a timely fashion and though it was litigated and we really tried, we still ended up paying on that claim. This particular claim will continue to cost the City of Stamford money for many years to come.

This is not the only claim to have been sent to the wrong person, resulting in the city being precluded from denying claims, if it was not a legitimate claim. At this time, for persons employed by the State of Connecticut, in addition to serving upon the State of Connecticut Commissioner for Workers' Compensation, employees must serve their employer by serving the notices upon the Commissioner for administrative services. By doing so, there is one

central location the notices are served and become legal documents.

Instructions for doing so appear on the form 30C and form 30D. I support requiring all municipal employees to serve notices of claims such as the 30C and 30D, not only upon the commissioner for worker's compensation but also upon the town clerk for the municipality in which they are employed.

This requirement should be added to the instructions for completing these forms and also should be added to the instructions on the form 30C and 30D.

In summary, I do support proposed Bill 5364, AN ACT CONCERNING THE FILING OF WORKERS' COMPENSATION CLAIMS WHEN A MUNICIPALITY IS THE EMPLOYER. I believe the effect will reduce an unnecessary burden on municipalities and tax payers when and if the particular claims for workers' comp benefits should have been denied and allowed the municipality the opportunity to investigate and defend when appropriate.

REP. TONG (147TH): Thank you. Questions. Thank you very much for your testimony.

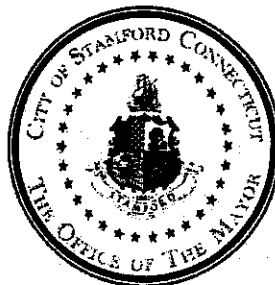
ANN MARIE MONES: Thank you.

REP. TONG (147TH): Tom Kuraski. Good afternoon.

TOM KURASKI: Good afternoon. It's been a long afternoon. [throat clearing] Good afternoon, Senator Eric Coleman, Representative William Tong, and members of the Judiciary Committee. My name is Thomas Kuraski -- or Tom Kuraski -- I am the current president for the Newtown Federation of Teachers. I have been for the past six years and I have been a teacher in Newtown public schools for the past 31 years.

SB 246
HB 5400

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Judiciary Committee Public Hearing

March 2, 2016

Testimony of David Martin, Mayor of Stamford, regarding:

- An Act Concerning The Reporting of Injuries Resulting From the Discharge of a Firearm and Stab Wounds (SB244)
- An Act Concerning The Zero-Tolerance Safe School Environment Act (SB246)
- An Act Increasing Penalties for Failure to Yield to Pedestrians in Crosswalks and Failure to Exercise Due Care to Avoid Hitting A Pedestrian or Cyclist (HB5403)
- An Act Concerning The Filing of Workers' Compensation Claims When A Municipality Is The Employer (HB5364)
- An Act Concerning Municipal Recovery of Moneys Paid on Behalf of Displaced Tenants (SB245)
- An Act Concerning The Disclosure Of Certain Education Personnel Records (HB5400)

Good Afternoon Senator Coleman, Representative Tong, Senator Kissel, Representative Rebimbas and members of the Judiciary Committee. Thank you for holding a public hearing today in Stamford to allow my Administration and Stamford residents to testify on a number of bills that affect Stamford. I am going to speak about a few bills that will benefit the City and residents of Stamford.

- **House Bill 5364, An Act Concerning The Filing Of Workers' Compensation Claims When A Municipality Is The Employer**

Employees who suffer a work-related injury have to report that to the city. But there is no official designation of where claims should go. In some cases the necessary personnel in the city are not receiving the report, whether it is because the supervisor is on vacation or maternity leave, or if the paperwork is misplaced.

We are proposing that workers' compensation claims should be handled like all other claims against the city and be submitted to the Town Clerk. This is a simple, clear process that is easy for everyone to follow. An employee can get a stamped receipt and know that their claim was officially received. This will settle any confusion about when a claim is submitted and help ensure more expeditious processing of the claim.

This bill adds language to current statute to require that a municipal employee shall send a copy of the notice of their workers' compensation claim to their Town Clerk's Office, thus codifying the process for filing a workers' compensation claim. An employee can get a stamped receipt and know that their claim was officially received. This will settle any confusion about when a claim is submitted and help ensure expeditious processing of the claim by the city.

If there is a better and simpler process than what we have proposed, we are willing to consider it.

**JUDICIARY COMMITTEE**

March 2, 2016

The Connecticut Conference of Municipalities (CCM) is Connecticut's statewide association of towns and cities and the voice of local government - your partners in governing Connecticut. Our members represent over 96% of Connecticut's population. We appreciate the opportunity to testify on bills of interest to towns and cities.

HB 5364 "An Act Concerning the Filing of Workers' Compensation Claims When a Municipality is the Employer"

The bill would establish that the Town Clerk be the person to whom a municipal employee must file a Worker's Compensation Form 30C or Form 30D.

CCM supports the bill as it would streamline the process and reduce the possibility that these forms not be acted upon within the specific timeframe required. Currently, the forms have the possibility to be sent to anyone within the municipality. This bill would therefore eliminate any ambiguity.

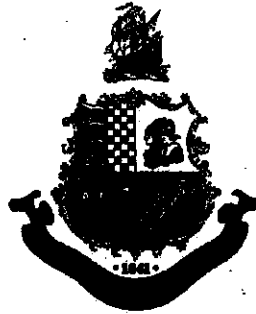
When either a Form 30C or Form 30D is filed, the municipality (or any employer) has the opportunity to deny or accept the claim within only 28 days. An employer's failure to act would assume responsibility for the claim. Denying a claim does not insinuate that the municipality outright denies the claim, but rather gives the municipality the necessary time to properly investigate the claim - which can often not be determined within 28 days.

This bill would often align with provisions for state employees filing similar claims with the State, as they have central mechanism to serve notice.

CCM asks the Committee to *favorably report* on HB 5364.

★★★★

If you have any questions, please contact Mike Muszynski, Advocacy Manager of CCM at mmuszynski@ccm-ct.org or (203) 500-7556.



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Judiciary Committee
Public Hearing
March 2, 2016
Bill # HB05364

**AN ACT CONCERNING THE FILING OF WORKERS' COMPENSATION CLAIMS
WHEN A MUNICIPALITY IS THE EMPLOYER.**

Good Afternoon Senator Coleman, Representative Tong, Senator Kissel, Representative Rebimbas, and members of the Judiciary Committee. My name is Ann Marie Mones, and I am the Risk Manager for the City of Stamford. Thank you for the opportunity to appear before you today to testify in favor of Proposed HB05364 An Act concerning the filing of workers' compensation claims when a municipality is the employer.

The proposed bill would establish a definitive person, the Town Clerk for the municipality, to which a Worker's Compensation Form 30C or Form 30D must be delivered to, as a representative of the employer. This would streamline the process and reduce the possibility of documents not being responded to within a timely fashion; which is the 28 days allotted by the Workers' Compensation Commission.

Currently there is case law which shows that a Form 30C or Form 30D can be sent to basically anyone in a municipality and become a legal notice of claim. When a Form 30C or Form 30D is received by an employer, the employer has the opportunity to deny the claim within 28 days or you must assume responsibility for the claim. This has made a negative financial impact on the City of Stamford and other municipalities in Connecticut. An example being: a Form 30C was delivered to a particular department in Stamford. The form was allegedly placed in a file in that department, and never forwarded to the Town Clerk, Risk Management, or the third party administrator for our workers' compensation claims. The claim was not denied in a timely fashion, and though it was litigated, we still ended up paying on the claim. This particular claim will continue to cost the City of Stamford money for years to come. It is not the only claim to have

been sent to the wrong person, resulting in the City being precluded from denying the claim, if it was not a legitimate claim.

At this time, for persons employed by the State of Connecticut, in addition to serving upon the State of Connecticut Commissioner for Workers' Compensation, employees must serve their employer by serving the notices upon the Commissioner of Administrative Services. By doing so, there is one central location the notices are served and become legal documents. Instructions for doing so appear on the Forms 30C and 30D. I support requiring all municipal employees to serve notices of claims such as the 30C and 30D not only upon the Commissioner for Workers' Compensation, but also upon the Town Clerk for the municipality in which they are employed. This requirement should be added to the instructions for completing these forms, and also should be added to the instructions on to the Form 30C and 30D.

In summary, I do support Proposed H.B. No. 05364 An Act Concerning the Filing of Workers' Compensation Claims When a Municipality is the Employer. I believe the effect will reduce an unnecessary burden on municipalities and taxpayers, when and if the particular claims for workers' compensation benefits should have been denied, and allow the municipality the opportunity to investigate and defend when appropriate.