

Legislative History for Connecticut Act

PA 16-127

SB458

Senate	2431-2442	12
Judiciary	3262	1
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		13

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

**Connecticut State Library
Compiled 2017**

S - 698

**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2016**

**VOL. 59
PART 8
2400 – 2750**

/je
SENATE

325
May 2, 2016

Thank you, Madam President. With regards to the Excel Center, or not the Excel Center, the Webster Bank Arena in Bridgeport, would that be inclusive or exclusive of the [inaudible]. I withdraw my question, Madam President.

THE CHAIR:

Thank you very much, sir. Will you remark further on Senate A? If not, I will try your minds. All those in favor of Senate A, please say Aye.

SENATORS:

Aye.

THE CHAIR:

Opposed. Senate A is adopted. Will you remark further on the bill? Will you remark further on the bill? If not, Senator Fonfara.

SENATOR FONFARA (1ST):

Thank you, Madam President. Madam President, if there is no objection, I would move this to the Consent Calendar.

THE CHAIR:

Thank you very much, sir. Mr. Clerk.

THE CLERK:

On page 10, Calendar 409, Substitute for Senate Bill Number 458, AN ACT CONCERNING THE OFFICE OF THE CLAIMS COMMISSIONER. There are amendments.

/je
SENATE

May 2, 2016

THE CHAIR:

Good morning, Senator Coleman.

SENATOR COLEMAN (2ND):

Good morning, Madam President. Madam President, I move acceptance of the Joint Committee's favorable report and passage of the bill.

THE CHAIR:

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

SENATOR COLEMAN (2ND):

Madam President, the Clerk is in possession of LCO 5789 and asks that the Clerk please call that amendment.

THE CLERK:

LCO Number 5789, Senate A, offered by Senator Coleman, et al.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

I move adoption of this amendment, Madam President, and request permission to summarize.

THE CHAIR:

/je
SENATE

May 2, 2016

The motion is on adoption. Will you remark, sir?

SENATOR COLEMAN (2ND):

Madam President, this is a strike-all amendment so that the amendment becomes the bill, and it seeks to address some of the issues that we become aware of with respect to the Claims Commissioner's office. Without assigning fault for some of the challenges and some of the situations that have occurred in the Claims Commissioner's office, the amendment seeks to do at least three things. The first is to provide for some restructuring of the Claims Commissioner's office. Secondly to put in place a method for calculating compensation for wrongful incarceration and the role of the Claims Commissioner's office in that kind of a situation. Finally, to validate some of the claims that have not been decided, as required, within two years from the filing that validation to occur by stipulation of the parties, written stipulation of the parties. So first, with respect to the reconstruction [phonetic] of the Claims Commission office, the most important or major feature in that is the chief court administrator being authorized to appoint a judge trial referee to provide assistance to the Claims Commissioner in hearing some of the claims that are filed with that office. In doing so, the judge trial referee assisting the Claims Commissioner would have the same authorities that the Claims Commissioner possesses with respect to hearing claims.

Secondary, we have over the years experienced a number of people who have been exonerated after having been sentenced and convicted to relatively lengthy prison terms, and in connection with that,

there have been some awards in compensation for those individuals having been wrongly convicted. One of the criticisms of those awards is that there seem to be some arbitrariness in the making of the awards, and so what provisions of this amendment do is to put in place not a formula but a method of calculating what amounts should be awarded in the event of wrongful incarceration and compensation for that wrongful incarceration. The center piece of that is to rely upon the median household income and to authorize the Commissioner to make an award up to twice the amount of the median household income times the number of years served that turned out to be a result of wrongful incarceration.

Finally, as I indicated, there are some claims that have not been acted upon by the Claims Commissioner's office as required to have been within two years of the filing of the claim so that the parties can, and in some instances, have already entered into written stipulations seeking to extend the time for the Claims Commissioner to make a decision. The provision in this amendment, which becomes the bill, serves to validate those claims.

Madam President, I ask for the support of my colleagues for this amendment. Thank you.

THE CHAIR:

Thank you. Will you remark? Senator Kissel, good morning, sir.

SENATOR KISSEL (7TH):

Good morning, Madam President. I rise in support of the amendment, which becomes the bill. Again, to

the Chairman's great credit, he is combining three separate bills into one bill so it can be more expeditiously moved through the process in these waning days of this legislative session. The last thing without getting into too much detail, the extensions of time, stipulations thereof, there are some very serious claims out there. Death and serious bodily and personal property interest at stake. That's a good things as far as allowing greater resources to the Claims Commissioner with the allocation of state trial referee. That's a good thing. Again, with a determination rather than haphazard methodology of awarding people that are exonerated after being incarcerated, that's a good thing. If there's any kind of substantial award determined, it would have to come before the legislature for our approval. So for those very reasons, I stand in strong support of the amendment that becomes the bill and urge my colleagues to support it as well. Thank you.

THE CHAIR:

Thank you. Will you remark? Will you remark?
Senator Kane.

SENATOR KANE (32ND):

How did you know I was getting up, Madam President.
Thank you, Madam President. I rise for a few
questions to the proponent of the bill.

THE CHAIR:

Please proceed, sir.

SENATOR KANE (32ND):

/je
SENATE

330
May 2, 2016

Thank you, Madam President. Through you to Senator Coleman. As you know, I don't serve on the Judiciary Committee, but I do serve as the ranking Republican member of the Executive Nominations and Legislative Committee. Recently, as you also know, we have approved a new Claims Commissioner, and I think part of the reason for that was the great deal of controversy with the previous Claims Commissioner. And I think, if I may, assume that part of the reasoning for this bill is because of the problems with the previous Claims Commissioner and his office. When you stated earlier about some claims not being acted upon within the time period necessary, I think in my reading it's like 80 claims. Through you, Madam President, is that your understanding as well?

Through you.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

Through you, Madam President. It's a good number of claims. Eighty might be the number. Through you.

THE CHAIR:

Senator Kane.

SENATOR KANE (32ND):

/je
SENATE

331
May 2, 2016

Thank you, Madam President. Along those lines, is it also true that the Attorney General has gone to court in reference to these claims? Through you.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

The Attorney General has gone to court in connection with a number of things, probably most frequently representing the state or state agencies in connection with claims made against those state agencies.

Through you, Madam President.

THE CHAIR:

Senator Kane.

SENATOR KANE (32ND):

Thank you, Madam President. One of the things that came up during my process of learning about this position and of course in hiring of the new Claims Commissioner, there was articles, Hartford Current and other publications, and I had spoken to the new Claims Commissioner about the language that is being used in between the Claims Commissioners office and claimants and that it was very confusing and a bit intimidating I dare say, so do you know if that's being worked on as well? That new language in regards to the claimant's responsibilities and timeliness and that type of thing. Is that part of this?

May 2, 2016

/je
SENATE

Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

Through you, Madam President, I'd have to answer yes, it is.

THE CHAIR:

Senator Kane.

SENATOR KANE (32ND):

Good, thank you. Thank you very much. One last question. Also, looking at the analysis for this bill, it says that the Claims Commissioner to report to the Judiciary Committee. Is that something new in this bill based on what we believe is taking place over the last few years in this office? Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN (2ND):

Thank you, Madam President. That is not new. The Claims Commissioner is required to make a number of, well at least a couple of reports to the Joint Committee, most notably reporting on any claims that

/je
SENATE

May 2, 2016

have not been disposed of within a period of two years from the date that they were filed.

Through you, Madam President.

THE CHAIR:

Senator Kane.

SENATOR KANE (32ND):

Thank you, Madam President. I thank Senator Coleman for answering my questions, and I too look forward to passage of the bill. As I stated, I learned a lot during the exec noms process, and there seemed to be a lot of problems with this office considering the amount of claims that were still outstanding, and I think that these kind of clarifications and these fixes to that I think will go a long way for the citizens of our state. Thank you, Madam President.

THE CHAIR:

Thank you. Will you remark further on the amendment? Will you remark further on the amendment? Seeing not, I will try your minds. All those in favor, please say Aye.

SENATORS:

Aye.

THE CHAIR:

/je
SENATE

334
May 2, 2016

Opposed? The amendment passes. Will you remark further on the bill? Will you remark further on the bill? If not, Senator Coleman.

SENATOR COLEMAN (2ND):

Very simply, the amendment becomes the bill, Madam President. There are no further remarks to be made regarding the amendment, which becomes the bill, and if there is no objection, I'd ask that this matter go on our Consent Calendar.

THE CHAIR:

Seeing no objection, so ordered, sir. The Senate will stand at ease for a second please.

(Chamber at ease.)

Senator Duff.

The Senate will come back to order. Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, we have a few other items. If the Clerk, well let me just make one more marking, Madam President. On Calendar page 26, Calendar 526, House Bill 5543, if we can take that item off the foot of the Calendar and mark that PR.

THE CHAIR:

So ordered, sir.

SENATOR DUFF (25TH):

/je
SENATE

335
May 2, 2016

If the Clerk can now call the items on the Consent Calendar and then followed by a vote, please.

THE CHAIR:

Mr. Clerk.

THE CLERK:

On page 10, 10 409, Senate Bill 458; page 12, Calendar 426, Senate Bill 453; page 23, Calendar 508, Senate Bill 461; page 38, Calendar 125, Senate Bill 21; on page 41, Calendar 269, Senate Bill 371.

THE CHAIR:

Mr. Clerk, will you please call for a roll call vote, and the machine will be open.

THE CLERK:

Immediate roll call has been ordered in the Senate.
Immediate roll call on today's Consent Calendar has been ordered in the Senate.

THE CHAIR:

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

THE CLERK:

On today's Consent Calendar,

Total Number Voting

36

/je
SENATE

336
May 2, 2016

Those voting Yea	36
Those voting Nay	0
Absent and not voting	0

THE CHAIR:

The Consent Calendar passes. Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. I move that all items that need action by the House be immediately transmitted.

THE CHAIR:

So ordered, sir.

SENATOR DUFF (25TH):

Thank you, Madam President. Is Senate Agenda Number 2 on the Clerk's desk?

THE CHAIR:

Mr. Clerk.

THE CLERK:

The Clerk is in possession of Senate Agenda Number 2. It's dated Monday, May 2, 2016.

THE CHAIR:

Senator Duff.

SENATOR DUFF (25TH):

**STANDING
COMMITTEE
HEARINGS**

**JUDICIARY
PART 8
3245 – 3730**

2016



CONNECTICUT
**TRIAL
LAWYERS**
ASSOCIATION

Rosemarie Paine, President

150 Trumbull Street, 2nd Floor
Hartford, CT 06103
p) 860.522.4345 f) 860.522.1027
www.cttriallawyers.org

Raised Bill No. 458

Public Hearing: 3-21-16

TO: MEMBERS OF THE JUDICIARY COMMITTEE

FROM: CONNECTICUT TRIAL LAWYERS ASSOCIATION (CTLA)

DATE: March 21, 2016

**RE: TESTIMONY ON AN ACT CONCERNING THE OFFICE OF THE CLAIMS
COMMISSIONER**

CTLA submits this testimony in support of An Act Concerning The Office Of The Claims Commissioner. As mentioned in CTLA's previous testimony in support of raised bills 616 and 5598, CTLA supports more detailed reporting, such as that provided for in raised bill 458. Detailed reporting on pending cases, including length of time pending, number of days overdue on decisions, and reason for waivers of time limit, will provide the Assembly with better data on the performance of the Claims Commission, and help the Assembly perform its oversight function.

(SB 416)