

Legislative History for Connecticut Act

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HB2082	P.A. 401	1957
Senate:	2599, 3228-3247	21
House:	2214-2228, 2761-2768	23
Judiciary & Governmental Functions:	759	1
Total:		45 pages

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

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CONNECTICUT  
GEN. ASSEMBLY  
SENATE

PROCEEDINGS  
1957

VOL. 7  
PART 5  
MAY 20-MAY 24  
2546-3223

MAY 20, 1957 54

THE CHAIR:

The question is on the acceptance of the favorable report and passage of the bill.

SENATOR JOHNSTONE:

Mr. President, this bill extends the time for which to file accounting of the money spent in election campaigns from fifteen to thirty days in one case and twenty to forty-five days in the other. It's a good bill and should pass.

THE CHAIR:

The question is on the acceptance of the committee's favorable report and passage of the bill as amended. All those in favor will say AYE, contrary? The bill is passed.

THE CLERK:

Cal. No. 1271, File 648, Substitute for House Bill 2082.  
An Act concerning assumption by municipalities of liability for employees. Favorable report, Judiciary and governmental Functions.

THE CHAIR:

The Senator from the 21st.

SENATOR SHANNON:

Mr. President, I move acceptance of the committee's favorable report and passage of the bill.

THE CHAIR:

Question is on acceptance of the committee's favorable report and passage of the bill. Will you remark.

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CONNECTICUT  
GEN. ASSEMBLY  
SENATE

PROCEEDINGS  
1957

VOL. 7  
PART 6  
3224-3761

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The Senate reconvened at 3:50 p.m., the President presiding.

THE CLERK:

Communication for the Secretary of the State, May 27, 1957. The Honorable Nelson Brown, Speaker of the House, State Capitol, Hartford, Connecticut. Dear Mr. Brown: I return herewith Substitute for House Bill 2082, Public Act 401, An Act concerning assumption by municipalities of liability for employees, together with a copy of the Governor's veto message in connection therewith. Mildred P. Allen, Secretary of State.

There is accompanied the veto message: May 27, 1957. The Honorable Mildred P. Allen, Secretary of State, State Capitol, Hartford, Connecticut. Dear Madam Secretary: I return herewith without my approval, Substitute for House Bill 2082, Public Act No. 401, An Act concerning assumption by municipalities of liability for employees.

In vetoing a substantially similar bill during the 1955 regular session of the General Assembly, I said:

"The effects of this act are widespread and complicated. For hundreds of years municipalities in Connecticut have had a governmental immunity from liability, except where eliminated in particular cases such as injuries resulting from defective roads or sidewalks. This bill removes the defense of govern-

mental immunity from all our cities and towns.

"Taking away this defense from our municipalities will cause them to be exposed to heavy damages. These damages in turn will be placed upon the shoulders of the taxpayers. Every municipality will have to bear a considerable cost.

"With the rising tax rates in most of our cities and towns, I am unwilling to add to their tax burdens. There is no sound reason why we should now remove a legal defense which has existed for so many years."

Substitute for House Bill No. 2082 is open to identical criticism, and I accordingly veto it. Sincerely, A. A. Ribicoff, Governor.

THE CHAIR: The Senator from the 32nd.

SENATOR BARRINGER: Mr. President, I move the passage of this bill, notwithstanding the Governor's veto.

THE CHAIR: Well, Senator, I think we must reconsider our previous action.

SENATOR BARRINGER: I move that our previous action be reconsidered.

THE CHAIR: The motion is that we consider our previous action.

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All those in favor say AYE, opposed NO. The bill is reconsidered.  
The Senator from the 32nd.

SENATOR BARRINGER:

I now move passage of House Bill 2082 notwithstanding  
the Governor's veto.

THE CHAIR:

This is File No. 648. The motion is: Acceptance of  
the committee's report and passage of the bill notwithstanding  
the Governor's veto. The Senator from the 32nd.

SENATOR BARRINGER:

Mr. President, this bill on its merits was thoroughly  
discussed by the Judiciary Committee and I believe unanimously  
approved by it, though I have not checked the records. I may be  
in error there, but I know that there was essential approval of  
the bill. It then passed the House and the Senate. We feel, and  
we felt in the Committee, that this was a reasonable and proper  
bill. We felt that a municipal corporation should be as subject  
to law suit as a private corporation. We felt that their lia-  
bilities in this respect could be covered by insurance if they  
wished, though in many cases, apparently, in the larger cities  
they would prefer to be self-insured. Now, I would point out  
that this very same bill went through both sessions of the 1955,  
both Houses in the 1955 general assembly and I would further

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point out that at the request of the Governor the veto was sustained on the agreement of the then House Chairman of Cities and Boroughs on the theory that the matter should be studied. We're always in the habit of further studying matters if they're too hot to consider, and it was referred to the Legislative Council and I'm given to understand that the Legislative Council again endorsed the merits of the bill unanimously and returned it to this general assembly as a bill worthy of our consideration.

Now, for several months I have in a sense said nothing about the Governor's continuing veto. I will again admit and gladly grant that he has the constitutional right to veto anything but I would again submit, as a practical matter, that by this veto he submits his own feelings in this field for the action of the people in the House in the 1955 session and in the 1957 session. He submits his own personal feelings against the Circle in 1955 which, at that time, was in the hands of the opposition party and the wishes of the Circle in this session. And, in addition, for what it is worth, he apparently feels that the study made between the sessions by the Legislative Council, is of little or no matter.

Now, you get down to the basic question of who is making the policy of the State of Connecticut. I believe that that basic duty is given to the Legislative Branch. I believe that where you have such a clear-cut example as this, where you have had both

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Houses pass on it for two sessions, plus the Legislative Council, that that can be clearly pointed out, that he is trying to usurp the legislative functions and everything that I said before except the misinterpretation of my remarks saying that he didn't have the right, other than that, he certainly has the right, but other than that, everything that I said I think on number 1, two and three vetoes applies with all the more force on this one and I so restate, I do not think that the Governor of this State should try to submit and to pervert the legislative functions into the executive functions, and I think that this is as clear cut an example of what I am talking about as any bill that is likely to come before us this session.

Two sessions of the people elected by the people to represent them have passed on this matter and notwithstanding that, and notwithstanding the Judiciary Committee and notwithstanding the legislative Council, one man tries to insert his own personality over the will of probably five or six hundred people who have been elected to set the policy of the State. In this, I believe he errs. I'm not questioning his sincerity of his own point of view. Every person can have his own point of view, but this is too much and I do not think that the government of a State can be .....and the legislative policy of the State should be set by the Governor, and I would therefore urge you to override

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the veto forthwith.

THE CHAIR: Will you comment further? The Senator from the 2nd.

SENATOR BORDEN: I was on the Judiciary Committee and Governmental

Functions when this bill came up for action. The Senator from the 32nd said he didn't know whether it was unanimous or not.

Well, I can tell him right now it was unanimous. We all spoke for it and I intend to be consistent as I have been all year.

Why? Why should a poor individual who makes Fifty or Sixty Dollars a week, just because he happens to be employed by a municipality, who can very well afford it, and if they can't afford it, then if there is a Ten Thousand Dollar judgment against this individual then it's split up amongst five, ten and twenty or thirty thousand people instead of one individual. Why should he be different than a man working in private industry. I say, he should not be different than private industry. This is a very good bill. I was on the Legislative Council and this bill was heard. It came before the Legislative Council. We discussed this bill. We had pros and cons. It finally reached an impasse where we approved this bill unanimously and had the bill drawn et cetera and sent it to the legislature. I am going to vote to override the veto. That would be heaped upon the shoulders of

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THE CHAIR:

Will you remark further? The Senator from the 10th.

SENATOR HEALEY:

Mr. President, I should like to direct a very few brief comments to sustaining the Governor's veto in this matter. We're back again, I'm afraid, at business as usual. First, I think there's two main subdivisions under which I would like to conduct my remarks; the first is, on the bill itself. The bill was vetoed in 1955 by the Governor and for substantially the same reasons which he now advances in his veto message which is before us. There is consistency of thought and the reasons which he indicates, to me, are very cogent. Passing this bill, signing it in for law, would destroy as he indicates the defense of governmental immunity and open up a financial and fiscal problem on Connecticut towns and cities that would apparently seem to have a devastating effect upon them financially.

There have been a few important exceptions to this defense of governmental immunity in a very fair area where it is deserved, and that is on damages from defective roads and sidewalks. There's been no justifiable reason, weighing the equities on one side and then on the other, to justify the governor acting in any way contrary in 1957 than he did in 1955. The damages which he indicates that would be heaped upon the shoulders of

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the tax payers if this particular bill were passed, while they can't be approximated, certainly every tendency is in the direction of a terrific amount of expense, an increase in expense as far as the operation of cities is concerned.

There's no, as he indicates, there's no sound reason for knocking out the defense of governmental immunity which has justifiably existed for somany years. In important fields as sidewalk cases and certain police cases, we've made exceptions and justifiably so, but nothing new has been advanced since 1955 that should cause the chief executive to change his position, and he is consistent. Those reasons which he has succinctly and tersely stated are why I urge the sustaining of the veto.

Now, one other thing that I wish to direct myself to, and that's this: a very dangerous impression, I think, is created when we talk about the Governor when he allegedly, quote, "perverts" unquote the legislative function. I noticed that the gentleman from the 32nd used that word. I notice, also, that he was quite prudent to indicate that he does not doubt that the Governor has the right to veto. How is the Governor perverting a legislative function when he is exercising a function which we all know and which I have read to this Circle on a number of occasions, when he's exercising a function that's given to him by the constitution. How is he perverting a legislative function

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when he exercises a constitutional privilege which he does, in a sense, if you will, as I said before, as the watchdog of the rights of the people. It would seem to be conveyed that he is the only one that has ever vetoed a bill. Why should he have to be laid open to such personal criticism? Because he's got the courage of his own conviction and the guts to be consistent about something. Where he says no new reasons have been advanced and where he says the last sentence of the veto message, that this bill is open to the identical criticism that the bill was in 1955.

Where is there a usurpation? Where is there a perversion of a legislative function? He has merely sent the bill back here without his signature as he is permitted to do under the constitution. There's no perversion there. The dictionary defines the word, pervert, as to turn aside. He's exercising a privilege he has. He's not turning aside anything; if this body without any vicious comment decides to override the veto, all right. If they do not, all right. But, where is he perverting a legislative function? We don't have the power of veto, as such. The constitution gives it to the Governor. So, let's not plight by innuendo to twist or distort. There's no perversion of a legislative function here. Obviously because the Chief Executive is given the power to decide in his own mind whether he will

sign a bill or he will not sign it, that, analytically may result in the judgment of a man on a bill, but this is a constitutionally given privilege.

In order to justify the comments, I think, that have been made on this by the gentleman from the 32nd, I think that we will have to change the constitution and take the power away. Words in this category, I feel, must be very carefully weighed and considered before they're used. When you have a right to do something, and you do it, you're not perverting anything else, you're exercising a privilege that you have.

Now, I notice that the gentleman from the 32nd also indicated he did not question the sincerity of the Governor in this matter. But that's contradictory. How can something be perverted, if you will, and be sincere at the same time? It's a contradiction of term.

Mr. President, in urging this group to sustain the veto in this matter, I submit that we decide it on the facts that we have before us with reference to the bill on its merit and not to criticize or in these closing days of the session decide to turn around and indulge in a, I hope it's not a campaign, but a display of derogatory remarks against the Chief Executive when he has done something which it is his job to do if, after due consideration, he feels it should be done.

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**THE CHAIR:** out to you the ...  
in this The Senator from the 32nd, would point out to you that

**SENATOR BARRINGER:** ... of the State has ...  
I will admit that I am not the master of the English language that the good gentleman from the 12th, or 10th, I believe, is, but I very sincerely do question the attitude that the Governor has taken in a matter like this. You may do legal things to such excess that you break the spirit of the law. And I do question the ego of one man who will set himself against the judgment of the combined wishes over a long period of time of the duly elected representatives of the people. I do very sincerely question the ego of one man. You can still, however, say that a man who goes to excesses is sincere and I'm not questioning his sincerity, but I am very definitely questioning the good taste of a person who after an elapse of time, after a study by a bi-partisan group, after hearings in two different times before a Judiciary Committee, after passage by both Houses in two different times, I very sincerely question the position of the man taken under those circumstances.

It's not good enough to say that he has the right. There are many legalistic rights that we have which, if taken to excess, completely violate and completely vitiate the underlying balance of power, the underlying theory of government. And I

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will point out to you that I try to be the king's loyal opposition in this particular respect. And I would point out to you that the Number One citizen of the State has in his keeping, and I say should be the first to use, good taste and restraint, and I would point out to you that no one man under circumstances of this nature should set himself up as a paragon of virtue against the wishes and the study and the double trip through, and I will not back away from that. I very sincerely question the Governor in doing that. I don't think it's right and I expect a personal backride in opposition, but I still maintain that you can do legal things in such a way that you break down the whole spirit of the constitution and I would point out that this is not a one-man government, but this is a duly elected representative form of government. And I would also point out, apparently, as I get it from the record, that when the veto came in in the previous session that the then Chairman of the House Cities and Boroughs talked to the Governor about this and apparently he felt that there was some question in his mind and it was therefore turned over to the Legislative Council. There was cooperation between both parties there because there was a question and the veto was sustained.

But, it's quite another thing, now. After that history, this matter has been gone over again in this session and I say it

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is a very deliberate and a very intentional submergence, transfer of one man's opinion against the some two to three hundred odd people who are duly elected by the people to come here, and I say that that is the thing that they, king's loyal opposition ought to put their finger on and put their finger on with no uncertainty. That's completely without the concept of our form of government and our form of thinking and if that's being guilty of treason, then by God, I'm guilty of treason, but this is not one man form of government; this is a representative form of government and every opportunity was given for a second chance to look this thing over, and after having looked it over, they came up in their combined wisdom that this was a reasonable and a decent proposition, and I think he should be called on it and I am so herewith calling him on it.

THE CHAIR:

The Senator from the 7th.

SENATOR SNYDER:

Mr. President, It seems, sometimes, every time you open your mouth you put your foot in it, because I was the one that possibly in 1955 that got all of this trouble started. For a little history, in 1953 we put through a bill which exempted the policemen in the performance of their duties from being sued as individuals and we put them under the municipal liability. In

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1955, they come up with the firemen wanting to be put on the same basis, both paid and volunteer firemen throughout the State. With the conference with Joe Longo and several others, they all thought it was a good bill upstairs as well as downstairs and we put it through for the firemen. And that was fine by the Governor.

Then I decided, myself, in the Cities and Boroughs Committee, if we've given this to the firemen, we've given it to the policemen, what are the other municipal employees who work for the Street Department, the Board of Health, lug the rubbish out, and so forth, are they second-rate citizens? Should one segment of our municipal employees be covered against liability, suits, damages, in the performance of their work? We had these bills worded so that any negligence or willfull.....would not hold the city liable, so in talking with Joe Longo, he said that we should put it through for all. He agreed with me. Your esteemed Senator who was the majority leader upstairs. We put the bill through in both Houses and it went to the Governor. I was called into the Governor's office and was told that he was going to veto the bill because he was afraid that it might open up suits of all different descriptions, minor ones and nuisance suits and everything else against a lot of the municipalities. Although it was agreed that these municipalities can take out insurance to cover just this thing which practically all of the larger municipalities do.

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So I was asked if I wouldn't sustain the Governor's veto when it come back down in the House and to refer this to the Legislative Council for further study. Well, there wasn't much else I could do because the Senate up here was controlled by the Democrats and I knew if I didn't agree to that, why we could have overrode the veto in the House easy enough but we would have our ears pinned back up here and we would just make a lot of fuss over nothing. So, I agreed that I would sustain the veto in the House which, by the way, was the only bill in the 1955 session of Cities and Boroughs that was vetoed. I think he slighted me in them years.

So, I moved downstairs in the House and we sustained the veto. I immediately got a joint resolution through. It went through both Houses referring this matter to the Legislative Council. I think that the Senator from the 2nd was on the sub-committee that studied that and I think he told you what they come up with, and they come up this time, I understand, with a unanimous report in favor of making all municipal employees first-class employees and not being simply second-class municipal employees. If you'd only give it, I'm not saying that I was in favor of giving it to the firemen or policemen, but it went through for them, and if you're going to give it to some you ought to give it

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to all. They're all in the same category, they're all working for the city and they're all working for the taxpayers. We pay the bill for all of them and I think that the Senator from the 10th is on very shaky ground when he is trying to, well, of course we know he has a job to perform but his logic is, I think, is very low in trying to reason why we should sustain the Governor's veto. I hope, Mr. President, and members of the Circle, that the veto is, that the bill is passed again and notwithstanding the Governor's veto.

THE CHAIR: The Senator from the 10th.

SENATOR HEALEY: Mr. President, I have heard no new discussion on the merits of the bill since I spoke last. I have heard some remarks that I cannot even let by without attempting in my own meager way to answer. I have heard it indicated that you can do legal things to such excesses that it's outside the spirit of the law. Well, I only studied jurisprudence for a year, but I do think that when we consider the number of bills which have been passed and signed by the Governor and then we put on the other side of the ledger the number of bills that have been vetoed this session by the Governor, even the wildest fictionary man is not going to say that there have been any excesses as far as use of the veto is

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concerned.

Contrary to expressed opinions, I feel that the Governor has shown good taste and restraint and courage where the vetoes are concerned. So much so, and has been so much, so selective as far as vetoing bills heretofore presented to us, that he has retained the respect, I think, so far as exercising this power is concerned. Far from cheapening the veto, I think his use of it in the very small percentage of cases has been something that displays good taste and courage.

I don't want to rehash a lot of what has been said or what I said earlier, but once again nothing new has been shown to change the situation, and I urge this group to sustain the Governor's veto.

**THE CHAIR:**

Will you remark further? The question is upon the acceptance of the committee's favorable report and the passage of substitute for House Bill No. 2082 notwithstanding the Governor's veto. The Clerk will call the roll.

**THE CLERK:**

District One, Senator Cooney; Senator Cooney votes NO.  
District Two, Senator Borden; Senator Borden votes YES.  
District Three, Senator Armentano; Armentano votes NO.  
District Four, Senator Watson; Senator Watson votes YES.

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District Five, Senator Bauer; Bauer votes YES.

District Six, Senator Scanlon; Scanlon votes NO.

District Seven, Senator Snyder; Snyder votes YES.

District Eight, Senator Lynch; Lynch votes YES.

District Nine, Senator Drutman; Drutman votes YES.

District Ten, Senator Healey; Healey votes NO.

District Eleven, Senator Squillo; Senator Squillo Absent.

District Twelve, Senator Filer; Filer votes YES.

District Thirteen, Senator Kopacz; Kopacz votes YES.

District Fourteen, Senator Sweeney; Senator Sweeney Absent.

District Fifteen, Senator Castelano; Senator Castelano votes YES.

District Sixteen, Senator Augelli; Augelli votes YES.

District Seventeen, Senator Hummel; Hummel votes YES.

District Eighteen, Senator Mariani; Mariani votes YES.

District Nineteen, Senator Goldberg; Goldberg votes YES.

District Twenty, Senator Johnstone; Senator Johnstone votes YES.

District Twenty-one, Senator Shannon; Senator Shannon votes YES.

District Twenty-two, Senator Sandula; Senator Sandula votes YES.

District Twenty-three, Senator Bundock; Senator Bundock Absent

District Twenty-four, Senator Hueston; Hueston votes YES.

District Twenty-five, Senator Marsilius; Senator Marsilius Absent.

District Twenty-six, Senator Sibal; Sibal votes YES.

District Twenty-seven, Senator Grant; Grant Absent.

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District Twenty-eight, Senator Dunleavy; Senator Dunleavy Absent.

District Twenty-nine, Senator Desrosiers; Senator Desrosiers votes YES.

District Thirty, Senator Minetto; Minetto votes YES.

District Thirty-one, Senator Ryan; Ryan votes YES.

District Thirty-two, Senator Barringer; Barringer votes YES.

District Thirty-three, Senator Miller; Miller votes YES.

District Thirty-four, Senator Parodi; Parodi votes YES.

District Thirty-five, Senator Keeney; Keeney votes YES.

District Thirty-six, Senator Finney; Senator Finney votes YES.

Recall of the Absentees:

District Eleven, Senator Squillo; Senator Squillo Absent.

District Fourteen, Senator Sweeney; Sweeney Absent.

District Twenty-three, Senator Bundock; Senator Bundock votes YES.

District Twenty-five, Senator Marsilius; Senator Marsilius Absent.

District Twenty-seven, Senator Grant; Senator Grant Absent.

District Twenty-eight, Senator Dunleavy; Absent.

THE CHAIR:

The Clerk will announce the result of the ballot.

THE CLERK:

Whole number voting, 31; Necessary for passage, 16;

Those voting Yea, 27; Those voting No, none, Those voting No, 4;

Those absent and not voting, 5.

THE CHAIR:

I'll declare that the report of the committee is

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accepted and Substitute for House Bill No. 2082 passed, notwithstanding the Governor's veto.

THE CLERK:

No. 92

Senate Joint Resolution. Resolution thanking WTIC FOR its occupation, for its cooperation in the 1957 session.

THE CHAIR:

The Senator from the 4th.

SENATOR WATSON:

Mr. President, I ask for suspension of the rules for immediate consideration of the resolution.

THE CHAIR:

The question is on suspension for immediate consideration.

Is there objection? Hearing none, the rules are suspended. The Clerk will read the resolution.

THE CLERK:

Resolved by this Assembly: Whereas, the General Assembly supports the principle of freedom of information and right of the people to know, and has demonstrated this by cooperating with the press and radio to keep the people informed; and Whereas, radio station WTIC of Hartford has made available to the General

Assembly on a bipartisan basis a weekly program known as "The Motion Before the House" to discuss the major issues before the

Assembly; and Whereas, these programs have contributed invaluable

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GEN. ASSEMBLY

HOUSE

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1957

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PART 4  
1826-2426

Wednesday, May 15, 1957

I want to pass that idea along to you.

THE SPEAKER:

Will you remark further? The question is on the acceptance of the committee's unfavorable report and the rejection of the bill. Those in favor say "Aye" those opposed "No." The "Ayes" have it, the bill is lost.

THE CLERK:

Page 22, calendar no. 1013, file 648. *Pages 2214-2228 misc and 2761-2768 misc.* Substitute for House Bill 2082. An Act concerning Assumption by Municipalities of Liability for Employees. Favorable report of the committee on Judiciary and Governmental Functions.

MR. PRUYN (COLEBROOK):

I move that the committee's favorable report be accepted and the bill passed.

THE SPEAKER:

Question is on acceptance and passage. Will you remark?

MR. PRUYN (COLEBROOK):

This bill provides that each municipality in the state shall behalf of any employee of the municipality all sums which the employee becomes obligated to pay by reason of liability imposed upon him by law for damage to person or property, if the employee at the time of the occurrence was acting in the performance of his duties and within the scope of his authority and ~~his~~ if the accident injury or occurrence was not due to willful or wanton act on his part. In other words, it removes the defense of governmental immunity. The bill goes on to provide that municipalities

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may carry insurance to protect themselves or act as self insurer. This bill is the very same bill that was passed by the Republican House and the Democratic Senate in the 1955 session of the Legislature, but it was vetoed by the Governor, and the reasons that the Governor gave for vetoing this bill was that the passage of the bill would remove the defense of governmental immunity, which had existed for hundreds of years and would expose the municipality to costly damages; and because, in his opinion, and I quote, "there is no sound reason why we should now remove a legal defense which has existed for so many years."

Because of the importance of this type of legislation the 1955 session referred this bill to the Legislative Council for study and recommendation. Now, the Council gave an exhaustive study to this proposition; it held a public hearing at which representatives from several municipalities appeared and urged favorable action on this bill. The Council after studying what other states have done, very careful consideration, came to the conclusion that the old doctrine of governmental immunity based as it is on that ancient principle that the King can do no wrong, was outmoded, and that with the great increase of activities now being carried on by the municipalities and the availability at reasonable cost of insurance protection, the municipalities should assume the liability for injuries caused by their employees acting in the performance of their duties, and within the scope of their employment.

This bill, the same bill was therefore recommended for passage

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by the Legislative Council.

Now, this legislation is in accordance with the current trend in the United States. The old rule of governmental immunity is being relaxed. In fact, right here in Connecticut, we have already protected school teachers, policemen and firemen, by removing governmental immunity and making the municipalities liable for injury caused by them in performing their duties.

Our neighboring state of New York has removed governmental immunity in regard to municipalities, so that they are liable to suit in the courts like other individuals and citizens. There's no sound reason why the governmental immunity that is now granted in respect to school teachers, policemen and firemen here in Connecticut; and by the way those statutes do provide for insurance protection or self insurance, why this shouldn't be extended to all municipal employees. It is only fair and just that losses from injuries and damages of the kind under discussion, should be spread over society in general instead of being borne by the innocent victim.

I hope the Governor will not veto this bill this session. It is really forward looking, constructive legislation in the interests of the people of the state of Connecticut, and I strongly urge the passage of this bill.

THE SPEAKER:

Will you remark further? Gentleman from New Britain.

MR. GOOGEL (NEW BRITAIN):

Mr. Speaker, I wish to commend the distinguished Gentleman from Colebrook, for his very fair presentation of his party's

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position in this case, but I, on behalf of my party, must register an objection to this bill, for the reasons that have been indicated by the distinguished Gentleman from Colebrook.

He has already informed us that an identical bill, identical in every word, phrase, comma, punctuation and what-have-you, which was passed by the 1955 session of the General Assembly failed to meet the approval of the Chief Executive of this state, and I would like to read to you, Sir, his reasonings for withholding his approval in full so that all of us may get the benefit of his thinking on this measure.

On May 5th, 1955, Governor Ribicoff submitted the following communication to the Honorable Mildred Allen, Secretary of State, and reads as follows: "Dear Madam Secretary: I return herewith without my approval House Bill No. 79 and Public Act No. 72. An Act concerning Assumption by Municipalities of Liabilities for Employees. (And parenthetically I might state the language of that bill was identical with the bill which is now before us for consideration.) "The effect of this act are widespread and complicated. For hundreds of years municipalities in Connecticut have had governmental immunity from liability except where eliminated in particular cases, such as injuries resulting from defective, roads, or sidewalks. This bill removes the defense of governmental immunity from all our cities and towns." (That means everyone of the 169 towns in the state of Connecticut). He continues on, "Taking away this defense from our municipalities will cause them to be exposed to heavy damages. These damages in turn will be placed upon the shoulders of the tax-payers. Every municipality

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will have to bear a considerable cost. With the rising tax rate in most of our cities and towns I am unwilling to add to their tax burden. There is no sound reason why we should now remove a legal defense which has existed for so many years."

And, Mr. Speaker, I have every reason to believe, on the basis of this veto message concerning the bill which was passed at the last session of the General Assembly, and in the light of the fact that this bill which we are now considering is identical with the one he vetoed, the Governor will probably withhold his approval on this measure, and I believe rightfully so.

Now, to each one of you that represents your respective towns or cities in this Assembly, might I say this. Some mention has been made of the fact by the distinguished Gentleman from Colebrook that the towns are in a position to cover themselves for any damages that might be obtained against an employee of the town acting within the scope of his employment, by liability insurance. But how many of you know the cost of that insurance? I think if you will investigate and perhaps procure the information as to the cost of liability insurance for a municipality in this type of action you will find that is very, very prohibitive; as a matter of fact the insurance companies, and I say this from absolute personal knowledge, are rather reluctant to place this type of insurance.

Their rates are high and properly so because if you've been reading the newspapers you will find every so often in this age of heavy damages which are being returned by juries in all the courts of our state, they face the possibility of paying some

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very good-sized judgments and it may very well be that one of your towns that does not have insurance, if you pass this bill, might be confronted with the payment of a judgment that runs into five figures or perhaps six figures, and some of you representatives of small towns know what a \$50,000. judgment or a \$60,000. judgment or a \$100,000. judgment, which is possible, not only possible but probably in this day and age, might mean to the tax rate of your town.

As a matter of fact, the tax burden of the respective towns which concern the Governor so much when he vetoed this bill two years ago, has not been lessened to any considerable extent. If the truth were known, and the truth is known, Mr. Speaker, the tax burden of the 169 towns in this state, without exception, has been increased, and the people in these respective towns of our beloved state are faced with rising tax costs. If you pass this bill I believe you are doing an injustice to the tax payers of your respective towns.

As has been indicated by the distinguished Gentleman from Colebrook, and again emphasized by the Governor in his veto message, this is a matter of grave concern - the rising tax rate - and it has risen considerably since this bill was last considered two years ago. For those reasons, and the fact that I believe there is no compelling reason for the passage of this bill at the present time, regardless of that's what our neighboring states has done about this problem, I urge each and every one of you, in the interest of the taxpayers of your respective towns, to vote against this bill. I am sure, if you don't vote against it, we will have

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it again it before us for consideration after it reaches the Governor's office.

MR. PADULA (NORWALK):

Mr. Speaker, I would rather sit down - but this bill too was passed by Cities and Boroughs two years ago and vetoed on May 5th by his Excellency, Governor Ribicoff. This bill was introduced in 1954 - and I might add that I'm very happy to see it want from Cities and Boroughs, which is political in nature, we know that, to an outstanding study group like the Legislative Council, and they have given it their blessing, so I feel a little bit perched; this bill was introduced in 1955 by Mr. Larkin, who is from Stratford. Now, the testimony is very short, and I think it's very germane to what we're talking about; for instance, here's what Attorney Henry J. Lyons, Counsel for the Town of Stratford, said "I register in favor of this bill. As Gentlemen of the Legislature you know there's a statute where the towns are liable for negligent acts of firemen, and recently the bill was increased to cover policemen, where the town has the right to assume they are liable when in the performance of their duties."

There are other employees of the town that outnumber the firemen and policemen that are exposed to the same type of risk. The Public Works Department who are constantly upon the road; the Public Health and the garbage collectors, with the traffic problem they have, are also exposed to action. The governing body of the town felt it was only fair that the town should assume the liability that might result from any accident of their other employees. This bill is drawn almost entirely from the wording of

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the statute in respect to police officers.

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Now, at this hearing no municipality appeared and said that we are much concerned over this because it will raise our tax rate; there was one municipality that came, and that is the town of Stratford; there was one other man testified and he testified in exactly the same vein as Representative Larkin; and therefore I have reasons to at least suspect that the municipalities want to protect their other employees, and in the absence of coming out here and yelling like some municipalities do you know, this had to be a very good bill, notwithstanding the fact that we might have to get another veto.

MR. GOOGEL (NEW BRITAIN):

In reply to the distinguished Gentleman from Norwalk, might I say this - that if towns at present want to waive the defense of governmental immunity, there is nothing in this wide, wide, world or in the state of Connecticut that will prevent their Town Council from waiving that defense of governmental immunity; and if these towns want to protect their employees and pick up and pay the judgment of pain against their servants, agents or employees, they have a perfect right, under our present law, to go out and get the coverage from insurance companies, with the specific understanding that the defense of governmental immunity will not interposed by the town; so that if the towns themselves, those towns that want to protect their city employees and want to pay out the monies that are a pain against any of their employees by way of judgment, they have a right to do so under the present set-

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up. On the other hand if there are communities who still want to impose the defense of governmental immunity, why shouldn't they given that privilege to do so?

And I submit again, if these towns want to be covered by insurance there is nothing to prevent them from being covered by insurance under our present set-up, without the passage of this law.

MR. PINNEY (BROOKFIELD):

There are a couple of observations - one I would point out to my distinguished friend across the aisle, that there is a case in the not-too-recent past, involving the city of New Haven, in which the Supreme Court questioned the right to waive the defense of governmental immunity. So I have my doubts as to his statement on that point.

Secondly, I would like to observe as I have once before that there seems to be a pattern that runs through the Governor's philosophy on some of these vetos. The Governor pitches his veto message in '55 entirely on the question of an increase in cost to the municipalities; he does not tackle and gives no thought to the question that caused the passage of this bill; the basic underlying question which is simply this: Should an injured individual bear the cost of an accident, which wasn't his fault, or should it be borne by the agency which caused it and the burden spread over the public at large. I find nothing in his '55 message which attempts to handle that question. The legislative council in its study of the matter went into that in great detail, and came to the conclusion that the cost should be borne by the agency doing

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the harm and it should be spread over the entire public. The public can protect itself through insurance or through one of the self-insuring systems that some of the towns in this state have already adopted.

On that basis and on the basis of the lack of any attempt to attack what we believe is the true reason behind this bill I see no reason why we shouldn't pass and be prepared to pass it over a veto.

MR. ANDREWS (CHESHIRE):

Mr. Speaker, I wasn't prepared to speak on this bill, but I cannot resist commenting on a couple of points. In the first place, I can see no reason why this bill proposed any more burden or danger to the taxpayers of the towns than our present Workmen's Compensation Law imposed on our manufacturers. The manufacturers in our state pay taxes in the community and provided jobs for the taxpayers. I fail to understand how our Governor can be so interested in the welfare of people, all the people, and opposed something which protects some of the people who work for municipalities and who may be injured in the line of duty.

The Workmen's Compensation Act says that the employee shall do such things, and we go along with it and it's costly. This bill says the towns shall do certain things and I think we ought to be consistent in regards to people as equal, regardless of whether they work for a city or for a manufacturing company. This is a good bill and it should pass.

MR. GOOGEL (NEW BRITAIN):

I move, you, Sir when the vote is taken it be by roll call.

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THE SPEAKER:

Question is on a roll call vote. Those in favor say "Aye" those opposed "No." In the opinion of the Chair the "Ayes" have it, the roll call vote is ordered. All members throughout the Capitol are requested to file into the Chambers and vote on this bill. Gentleman from Colebrook.

MR. PRUYN (COLEBROOK):

One further comment, I'm very sorry to learn that the Governor will probably veto this bill if it reaches him, because in doing so he will be thwarting the will of the legislature, the duly elected representatives of the people of the state for the second time, and such thwarting is done after careful research and investigation and recommendation by the Legislative Council. I think it's against the public interests for him to veto this bill, and I hope that he will see the light.

One further comment, after hearing before the legislative council representatives of the city of Hartford appeared and stated that they insured all their municipal employees who drive automobiles or rather protected them - they do/<sup>it</sup>on a self-insurance basis; that their policemen and firemen and school teachers were protected, but a similar protection was not given to the other municipalities; and they pointed out that the employees of the Public Works Department and the Park Department are not protected, although many of them come in contact with members of the general public in carrying out their duties; and they further stated that the distinction between these employees of the city was harmful to the morale of the employees who are not protected.

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Once more, another point, there's a case in the Supreme Court of Errors wherein a public park where there was a city-maintained swimming pool, a girl slipped in the locker room, cutting a tendon on her leg, even though the janitor in charge and an employee of the city at the municipal swimming pool had daily opportunity to inspect the premises, an action to recover damages for personal injuries due to the employees' negligence, went to the Supreme Court of Errors, and the decision was that the City of Waterbury enjoyed governmental immunity from liability because the pool was not maintained for profit and in teaching the children to swim the city was promoting and preserving their health.

Now, here you have just a girl badly injured, no remedy except the doubtful one of recovering against the municipal employee. Certainly the spreading of this loss over the general society is certainly much better than of allowing the poor innocent victim to bear the loss. I certainly urge the passage of this bill.

THE SPEAKER:

Will you remark further, the Gentleman from Bristol?

MR. KRAWIECKI (BRISTOL):

Mr. Speaker, there has been some mention made here of the ancient principle of governmental immunity, but as a lawyer I would like to call attention to the House to an equally ancient principle called "responia superior" by which the master or the employer shall be responsible for the torts of his servants committed in the course of his employment. Surely, we have a municipality, but since no one has spoken up for the little man

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here today, at least let me raise my voice in behalf of these little people, who collect your garbage and dig up your streets, and fix up the sidewalks and do the other jobs that surround your city, who drive the trucks, who do all the things which expose them to danger and liability for the injuries that might happen to others in the course of the duty they do to the municipality let us remember that these jobs which they do are not personal; they're performing those jobs in the course of their employment; and I do not want to see any of my little people lose their houses or lose their possessions, if they have any, to pay a judgment for any injury that might have happened due to negligence in the course of their employment.

Certainly the time has come when I think that our cities are better able to bear a loss of such proportions that one of my little people, who might lose their house or possessions, I urge you to think of that when you vote on this bill.

MR. LINKS (HEBRON) F

I am confused over the Governor's reasonings when he vetoed this bill two years ago. His concern is for the taxpayer, the poor taxpayer, as long as it doesn't cost the state or the General fund any money, he's all for the taxpayer; but because these small towns have been burdened by law/<sup>its Board of Education</sup>to which they never should be burdened, and it's going to cost the state money to share that cost, he's no longer concerned and offers \$21. a pupil, which will never be over two mills to any town.

THE SPEAKER:

Will you remark further? If not, the question now is on the

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acceptance of the committee's favorable report and the passage of this bill. A roll call vote has been ordered. Will you kindly refrain from voting until the bell rings. Now you may vote.

Kindly direct your attention the Board to see if you have voted as you so desire. Have all those voted who claim the right to do so? If so, the Chair will now lock the machine, and the Clerk will cause the tally to be made.

THE CLERK:

I'm sorry to announce the machine is moving one digit off. We'll have to do it over.

THE SPEAKER:

Kindly refrain from voting until the bell rings.

MR. GOOGEL (NEW BRITAIN):

Mr. Speaker, before I vote, might I have unanimous consent to address the members of this House.

THE SPEAKER:

Is there objection? The Chair hears none, the Gentleman may proceed.

MR. GOOGEL (NEWBRITAIN):

I heard a statement a while ago which indicated that the Governor would veto this bill if it was passed. If I gave that impression to anyone please let me correct it - it was just my thought that perhaps he might veto it; there was a possibility of probability that he might veto it, but I have no information to the effect that he would veto it, and I want to correct that impression. However, I feel in the light of the veto message

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he delivered two years ago that there is that probability that he might do because the bill is identical to the one he vetoed two years ago. But I don't want to give anyone the impression that I am speaking officially for the Governor that he will veto the bill.

THE SPEAKER:

After the bell rings then you can vote. Have all those voted who claim the right to do so? If so, the Chair will now lock the machine. The Clerk will cause the tally to be made.

The Clerk will announce the vote.

THE CLERK:

Kindly direct your attention to the Board.

Those voting YEA .....	172
Those voting NAY .....	23

THE SPEAKER:

The committee's favorable report is accepted and this bill is passed.

MR. PRUYN (COLEBROOK):

I move that the bill we passed overriding the Governor's veto be immediately transmitted to the Senate. They are waiting for it.

THE SPEAKER:

Question is on suspension of the rules for immediate transmittal to the Senate of the bill that was vetoed. House Bill 428. Those in favor say "Aye" those opposed "No." The "Ayes" have it and the rules are suspended.

Question now is on immediate transmittal of House Bill 428 to the Senate. Those in favor say "Aye" those opposed "No." The

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tions of partisanship and personal desire. May they seek ever Thy Wisdom in all their deliberations and decisions. May Thy Spirit reign supreme in all their relationships together. May mutual tolerance, respect and goodwill be the atmosphere in which they do their work. May freedom, democracy, and peace be strengthened by the words of their mouths, by the meditations of their hearts, by the results of their labors.

And above all things, O God, in both their private and their public relationships may they seek justice and love mercy and walk humbly with their God, through Jesus Christ our Lord. Amen.

THE CLERK:

Communication from the Honorable Mildred P. Allen, Secretary of the State, to the Honorable Nelson Brown, Speaker of the House of Representatives.

Dear Mr. Brown: I return herewith Substitute for House Bill No. 2082, Public Act No. 401, "An Act concerning Assumption by Municipalities of Liability for Employees", together with a copy of the Governor's veto message in connection therewith.

Respectfully yours,  
Mildred P. Allen,  
Secretary of State.

The message of His Excellency, the Governor reads:

Dear Madam Secretary:

I return herewith, without my approval, Substitute for House Bill No. 2082, Public Act No. 401, "An Act concerning Assumption by Municipalities of Liability for Employees."

In vetoing a substantially similar Bill during the 1955 regular session of the General Assembly, I said:

"The effects of this act are widespread and complicated. For hundreds of years municipalities in Connecticut have had governmental immunity from liability, except where eliminated in particular cases such as injuries

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resulting from defective roads or sidewalks. This bill removes the defense of governmental immunity from all of our cities and towns.

"Taking away this defense from our municipalities will case them to be exposed to heavy damages. These damages in turn will be placed upon the shoulders of the taxpayers. Every municipality will have to bear a considerable cost.

"With the rising tax rates in most of our cities and towns, I am unwilling to add to their tax burdens. There is no sound reason why we should now remove a legal defense which has existed for so many years."

Substitute for House Bill 2082 is open to identical criticism and I accordingly veto it.

MR. PRUYN (COLEBROOK):

I move that this House reconsider this bill.

THE SPEAKER:

Question is on reconsideration of the former action. Those in favor say "Aye" those opposed "No." The "Ayes" have it, and the bill is reconsidered.

MR. PRUYN (COLEBROOK):

I move that this House pass the bill notwithstanding the objections of His Excellency the Governor.

THE SPEAKER:

Question now is on the passage of this bill, the objections of His Excellency, the Governor, to the contrary notwithstanding. Will you remark?

MR. PRUYN (COLEBROOK):

Mr. Speaker, this bill provides that municipalities shall assume the liability for the acts of their employees. This is the same bill that was passed by both Houses in the 1955 session, and was vetoed by the Governor. It was then - the subject-matter was then referred to the Legislative Council for study and the

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Legislative Council, in an exhaustive study and report, recommended the re-passage of this bill. The Governor's veto message adds no new ground - just quotes from his veto message of last session.

This bill does remove governmental immunity in respect to municipal employees; some of these employees are already taken care of by - school teachers, policemen and firemen. This adds the remaining municipal employees to the list of those now covered. The bill provides that this liability of municipal employees may be covered by insurance. I am informed that the cost of this insurance is extremely reasonable.

The Governor has thwarted the legislature, thwarted the people of the state of Connecticut, acting through their legislative body, not only last session but a second time this session, and has disregarded the recommendations of the Legislative Council.

This bill, as I stated when we first passed it, is a good bill, there's no sound reason why this doctrine of removal of governmental immunity should not be extended to all municipal employees; it's only fair and just that losses from injuries and damages of this kind should be spread over society instead of being borne by the person who is injured by the act of a municipal employee - the innocent victim.

This is a forward-looking, constructive piece of legislation, and I urge the re-passage of this bill over the Governor's veto.

THE SPEAKER:

Will you remark further?

MR. POPE (FAIRFIELD):

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Mr. Speaker, as the Gentleman from Colebrook has said this matter has had an extended study; it was passed by the Judiciary Committee in the 1955 session; by the Judiciary Committee in this session; and in the interim it was studied at some length by the Legislative Council.

It is a good bill, it should pass, and I hope that the bill is passed, the objections of the Governor to the contrary notwithstanding.

THE SPEAKER:

Before the Chair recognizes the Gentleman from New Britain, may I make the usual announcement? The measure presently before the House of Representatives calls for a roll call vote. All members of the House of Representatives throughout the Capitol are urged to file into the chamber to vote on this measure. Now, the Chair recognizes the Gentleman from New Britain.

MR. GOOGEL (NEW BRITAIN):

This bill was discussed at some length when we first considered it several weeks ago. At that time I think the arguments pro and con were pretty thoroughly aired. I don't propose to repeat those arguments, because as I can visualize the events of the immediate future passage over the Governor's veto is perhaps a reasonable conjecture to make at this time.

I believe that the Governor has given clearly and concisely <sup>in</sup> and/very brief language the reasons why he vetoed that bill; why he withheld his approval; and I believe they're good, valid reasons just as I did when he vetoed the bill two years ago;

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and I believe at the time that this bill came up for discussion, the possibility of a gubernatorial veto at that time was mentioned; and still in spite of it the House saw fit to pass the bill.

There have been a few statements made, however, that I think perhaps should be commented upon by me briefly - and that was the statement of the Gentleman from Colebrook where he stated that insurance of this type he is informed is rather reasonable. I don't know what the source of his information is, but I also received some information from insurance companies about the cost of insurance purchased by municipalities for the purpose of covering themselves on liability, damages that they might sustain as a result of negligence of employees; and the cost figures as I got it are rather prohibitive - are rather high, because as you know, Mr. Speaker, and most of us know, that in this day and age there are some good-sized judgments obtained against defendants and some of those defendants are municipal corporations; and I might also say to the Gentleman from the other side that the defense of governmental immunity, if so desired, may be waived at any time by anyone, by any municipality or any defendant that can avail himself of that defense. If they don't want to avail themselves of that defense, they have, of course, the opportunity to waive that defense, they have the opportunity and the right to waive other defenses.

I think that the Governor's reasons are sound, valid and should receive the serious consideration of the members of this House, before they go along with the motion made to pass the bill,

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the Governor's veto to the contrary notwithstanding. I trust that you will think of this briefly, momentarily, before you pass your vote and when you do just keep one more thing in mind—Mr. Speaker and ladies and gentlemen of this House — you will recall that on other occasions, when the Governor has vetoed a bill, the hue and the cry has been raised that the Governor's reasons and motives are political.

Now, Mr. Speaker, I submit, with all due respect for all the members of this House, that certainly his veto of the measure in question under discussion here this afternoon, can in no wise by any stretch of the imagination be labeled as a political veto. He vetoed the bill on what he believed to be good, meritorious reasons and I ask you to consider that before you cast your vote on this measure.

MR. POPE (FAIRFIELD):

Mr. Speaker, I would like to point out to the Ladies and Gentlemen of the House that neither the Gentleman from Colebrook nor myself claimed that this was a political veto. This is a difference of opinion on the merit of a bill; where there is politics involved we will raise the issue; where it is not involved we will not raise the issue and as far as I know it is not involved here. This is strictly on the merits of the bill and on the basis of the fact that this Legislature has studied this particular measure at great length and has come to the conclusion that the measure is sound.

THE SPEAKER:

Will you remark further? If not, question now is on the

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passage of this bill, the objections of His Excellency, the Governor to the contrary notwithstanding. This will have to be done by a roll call vote and all members are requested to file to their seats, so that we may vote on this bill.

MR. GOOGEL (NEW BRITAIN):

Would it be possible at all to delay the roll call vote on this bill - some of our members on this side are attending a caucus -

THE SPEAKER:

The Chair would be willing to stand at ease for five minutes, if the Gentleman from New Britain could summon his -

MR. GOOGEL (NEW BRITAIN):

And would you also make another announcement through the PA system that we will vote on it in five minutes? I'd appreciate it very much.

THE SPEAKER:

A roll call vote is ordered in the House of Representatives and all members are requested to file into the Chambers to vote on this measure. The House will stand at ease for five minutes. The Question now, before this House is the passage of this bill, the objections of His Excellency, the Governor, to the contrary notwithstanding. Are you ready for the vote? I would ask you to refrain from using your voting mechanism until after the bell rings. Now you may vote. Will you kindly direct your attention to the Board to see if you have voted as you so desire? Have all those voted who claims the right to do so? If so, the Chair

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will now lock the machine, and the Clerk will cause the tally to be made. The Clerk will announce the vote.

THE CLERK:

Kindly look at the Board - 189 have voted YEA, 27 NAY.

THE SPEAKER:

The bill is passed, the objections of His Excellency, the Governor, to the contrary notwithstanding.

MR. PRUYN (COLEBROOK):

I move for suspension of the rules so that this matter may be immediately transmitted to the Senate.

THE SPEAKER:

Is there objection? The Chair hears none, and the rules are suspended.

MR. PRUYN (COLEBROOK):

I now move that this matter be immediately transmitted to the Senate.

THE SPEAKER:

Question now is on immediate transmittal of this bill to the Senate. Those in favor say "Aye" those opposed No.". The "Ayes" have it, and the bill shall be transmitted immediately.

THE CLERK:

Communications from His Excellency, the Governor;

To the Honorable General Assembly: I have the honor to nominate for appointment by you, Frank T. Healey of Waterbury, to be a Judge of the Superior Court for the term of eight years from July 1, 1957.

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Rep. James: That is correct.

Chrmn. Pruyn: According to the bill the clerk is to get \$3500. Norm Parsells says \$3000.

Rep. James: That is correct.

Chrmn. Pruyn: There is no mention of a probation officer in the bill and Norman Parsells says it deletes the mention of the probation officer. The bill says the salaries are to be paid monthly and Parsells says paid bi-weekly.

Rep. James: That is correct.

Mr. D'Arcy: There had been a charter establishing the probation officer. It is only to delete the entire chapter. . .

Chrmn. Barringer: There is nothing in the bill deleting.

Mr. D'Arcy: Then I will withdraw any remarks.

Mr. Norton, Fairfield: I wish to register in favor of this bill.

Chrmn. Pruyn: Is there anyone opposed? The hearing is closed. We will take up H. B. 1879. Is there anyone in favor?

H. B. No. 1879 - Villardi - AN ACT AMENDING THE CHARTER OF THE TOWN OF PLAINVILLE CONCERNING THE SALARIES OF COURT OFFICIALS

Rep. Koskoff, Plainville: I wish to say that this bill, 1879, was heard in Cities and Boroughs Committee and you should have their transcript of it by now. Everyone was in favor and no one was against. You will have a letter from the Board of Finance and everyone was in agreement on the Board of Finance.

Chrmn. Pruyn: Anyone here who would like to speak on this bill? The hearing is closed. We will take up H. B. 2082. Is there anyone in favor?

H. B. No. 2082 - Committee - AN ACT CONCERNING ASSUMPTION BY MUNICIPALITIES OF LIABILITY FOR EMPLOYEES

Harry Lugg, Legislative Council: May I suggest that a very thorough report is contained on this bill in the court bill of the legislative council, page 9, pur-

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pose 273. It is quite lengthy. I would say that the bill provides each municipality of the state shall pay on behalf of any employee all sums which such employee may become obligated to pay by reason of the liability imposed upon him by law for damages to person or property if he was acting in the performance of his duties and within the scope of his employment and if it was not the result of any wilful act in discharge of his duties. This is the same bill that was passed by both the House and Senate two years ago and vetoed by the governor, because he felt it would remove governmental immunity. After the veto the general attorney ordered the legislative council to study the matter and on Page 12 you will find the reasons for the bill and arguments against. The council feels this rule of immunity is outmoded and feel you should do something about it.

Sen. Barringer: Did you draft the bill?

Mr. Lugg: No, I did not. I did not change the bill. It is the same as last session. It is purely a question of liability insurance. I cannot give you any figures.

Sen. Borden: A city like Hartford that has hundred of cases only pay to \$100,000. So it could not be very much to smaller towns.

Mr. Lugg: We have had hearings on this and no one appeared against it.

Chrmn. Pruyn: Anyone else in favor? The hearing is closed. We will take up H. B. 2086. Is there anyone in favor of this bill?

H. B. No. 2086 - Committee - AN ACT AUTHORIZING COUNTIES TO MAKE APPROPRIATIONS FOR FIRE FIGHTING EQUIPMENT AND RESCUE SERVICE

Howard Reynolds, Connecticut Association of Fire Chiefs: This bill was introduced at our request. There was a question as to whether the county had a legal right to purchase rescue equipment. It goes along with the bill passed in 1955, adding the purchase of fire fighting equipment to it. It is being done in at least two counties that I know of. This bill would make it entirely legal and we favor its passage.

Leo J. Mulcahy, State Civil Defense Director: I wish to regis-