

Legislative History for Connecticut Act

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

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HOUSE

PROCEEDINGS

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Thursday, February 21, 1957

THE SPEAKER:

HV
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Question now is on the acceptance of the Committee's Favorable Report and the passage of the bill. Will you remark further? If not, those in favor kindly say "Aye" those opposed "No." The "Ayes" have it and the bill is passed.

THE CLERK:

Calendar No. 11, File No. 10. House Bill No. 118. An Act creating the Probate District of Trumbull. Favorable Report of the Committee on Judiciary and Governmental Functions.

THE SPEAKER:

Gentleman from Kent.

MR. GADY (KENT):

Mr. Speaker, this bill establishes a new Probate District, consisting of the towns of Trumbull, Easton and Monroe.. The Court to take effect as of the Wednesday following the first Monday of January. This will prove a very great convenience to the citizens of these three towns. At the hearing there was no opposition voiced to the bill. I move for the acceptance of the Committee's Favorable Report and passage of the bill.

THE SPEAKER:

Question is on acceptance and passage of the bill. Will you remark further? If not, those in favor say "Aye" opposed "No." The "Ayes" have it and the bill is passed.

THE CLERK:

Calendar No. 12, File No. 9. House Bill No. 131. An Act concerning Vacancy in the Office of Selectman. Favorable Report of the Committee on Judiciary and Governmental Function.

Thursday, February 21, 1957

HV

THE SPEAKER:

Ball

Gentleman from Colebrook.

MR. PRUYN (COLEBROOK):

Mr. Speaker, I move that this bill be recommitted to the Committee on Judiciary.

THE SPEAKER:

Question is on recommitment. Those in favor say "Aye" opposed "No." The "Ayes" have it, and the bill shall be recommitted.

THE CLERK:

Calendar No. 13, File No. 4, House Bill No. 232, An Act concerning Municipal Ordinances. Favorable report of the Committee on Judiciary and Governmental Function.

THE SPEAKER:

Gentleman from Colebrook.

MR. PRUYN (COLEBROOK):

Mr. Speaker, the 1955 General Assembly directed the Legislative Council to study the statutes relating to town meetings, ordinances, by-laws, etc. for the purpose of clarifying them. There were a number of terms used in the present statutes, such as town meetings, electors' meetings, that are used to mean the same thing in one section and different things in other sections and the same is true of ordinances, by-laws, regulations and there were many conflicts, ambiguities and confusion in regard to these statutes. Now, the legislative council, with the help of the legislative commission^{er} made a thorough study of these statutes and have come up with this bill which will clarify these sections. Ordinances mean one thing and not two or three different things, and the same

Wednesday, May 29, 1957

the meeting of the Windham County legislators scheduled for Wednesday, today, May 29th, has been postponed until further notice.

Cal. No. 1801, file 1400. Sub. for House Bill No. 131. An Act concerning Vacancies in Municipal Offices. Favorable report of the committee on Judiciary.

MR. POPE (FAIRFIELD):

The Judiciary Committee is presently holding a hearing. May this bill be passed retaining.

THE SPEAKER:

This bill will be passed retaining.

THE CLERK:

Cal. No. 1802, file 1397. House Bill 300. An Act concerning the Practice of Criminal Law before Municipal and Justice Courts and Qualifications of Court Officers. Favorable report of committee On Judiciary.

MR. POPE (FAIRFIELD):

May this also be passed retaining, and while I am on my feet I suppose the same request might be made for the next item, cal. No. 1803.

THE SPEAKER:

1803 will be passed retaining.

THE CLERK:

Cal. No. 1804, file 1393, Sub. for House Bill No. 1640. An Act concerning the Responsibility for Maintenance of a Road in the City of Shelton. Favorable report of committee on Roads and Bridges.

MR. GIVENS (STAMFORD):

I move for acceptance and passage.

Wednesday, May 29, 1957

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THE CLERK:

There will be an executive session of the committee on Public Health and Safety Monday at noon in Room 417.

I'm going to back and pick up the Judiciary bills that were earlier passed. They are House Bills and we want to dispose of the House Matters first in order that we may transmit them to the Senate, so I think the first one at the bottom of page 4, is that right Mr. Dreyfus? Do you want to start with that one? Cal. No. 1801?

MR. PRUYN (COLEBROOK):

Will the Clerk read the bill?

THE CLERK:

Cal. No. 1801, file 1400. Sub. for House Bill 131. An Act concerning Vacancies in Municipal Offices. Favorable from Judiciary.

MR. PRUYN (COLEBROOK):

This bill clarifies the law in regard to filling vacancies in Municipal offices. It provides that any town shall fill such office at the next town election or a special election, and it also provides specific provisions for filling vacancy in the office of first selectman. The Committee considered this bill very carefully, we consulted with the secretary of state's office; it's a good bill, and I move acceptance of the committee's report and passage of the bill.

THE SPEAKER: (MR. EIELSON OF TRUMBULL PRESIDING)

Will you remark further? If not, question is on acceptance and passage. Those in favor say "Aye" contrary minded. The "Ayes" have it, the bill is passed.

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SENATE

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Cal.No.1717, file 1400, Sub. for House Bill 1317. An Act concerning Vacancies in Municipal Offices. Favorable report of Judiciary and Governmental Functions.

THE CHAIR:

Senator from the 21st.

SENATOR SHANNON:

Mr. President, I move for acceptance and passage of the bill.

THE CHAIR:

Question is on acceptance and passage. Will you remark?

SENATOR SHANNON:

Mr. President, this bill provides that when any vacancy in ~~and~~ ⁱⁿ elective town office occurs that vacancy shall be filled by an election at the next town election or special meeting called for that purpose. In the meantime the selectmen are authorized to fill the vacancy. It's good bill and should pass.

THE CHAIR:

Will you remark? Question is on acceptance and passage of the bill. All those in favor signify by saying "Aye", opposed. The report is accepted and the bill is passed.

THE CLERK:

Cal. No. 1718, file 1395. Sub. for House Bill 1027. An Act concerning the High Ridge Temporary Housing Development for veterans in the City of Stamford. (Amended by House Amendment Schedule A) Favorable report of Judiciary and Governmental Functions.

THE CHAIR:

Senator from the 21st.

SENATOR SHANNON:

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that might be an omission in the language, near the bottom of the page, third line, then it lists the various commissioners that are serving that committee, you might add Department of factory inspection - that is just a suggestion. I am in favor of some consideration of this bill.

May I have the Senate Chairman's permission to register in favor of another bill, H. B. 131.

W. G. Willsey: I am speaking in behalf of the Connecticut Safety Society, a group of persons engaged in accident prevention. The Connecticut Safety Society is not in favor of H. B. 119 and objects strenuously to enactment of this bill.

Rep. Davie of Canaan: Mr. Martin referred to some of the elementary facts of safety. In our town there exists a danger spot as I see it. I wrote to the Governor with a copy to the Highway Safety Commission and then I learned that the letter to the Governor and Highway Safety Commission went to the Commission of highways. I came to Hartford and asked personally for Safety Department Engineer. They came out, saw the danger spot plus two others. They were very much impressed with the need for action. I point that out because if we had had safety men on this commission, they would have realized there was something that should be seen to, not just tossed away. There is an excellent article in the February Harpers that is well worth the Committee's attention.

Mr. Robert I. Catten, Chairman of Connecticut Safety Commission; I want to speak in opposition to this bill because I question very much it being either practical or having any considerable merit in the field of traffic safety. I am not a professional safety man but I have, for thirty years been engaged in an effort to have accident prevention and I have given 21 years to the State of Connecticut without compensation as Chairman of the Safety Commission surrounded by men and women also devoted in this work and engaged in trying to make all streets and highways safer. I have great respect for the men engaged in industrial safety. Our group is made up of 10 businessmen, 2 lawyers, 2 clergy, 2 doctors, 2 safety engineers, 3 women, 1 newspaper man. I think it represents a pretty good cross section of the type of people who should be serving on this type of Commission. I would like to read portion of the report that is going before Congress by Kenneth A. Roberts, Chairman, Special Subcommittee on Traffic Safety - organized citizen support for balanced and well-organized safety programs of responsible public

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the town meeting from 10 days to 14 days. We considered it better for the selectmen to receive the petition for a Special Town Meeting at their regular selectmen's meeting. In some towns the warning is given by the local weekly newspaper. If it comes on Tuesday, the next edition is the following Tuesday. This does not give time under the Statutes. They have to allow 5 days for the intervening time between warning of the meeting. It seems it would be a good idea to extend the time a few days. It may be that the reason many Town Clerks rule incorrectly about convene is that there is not quite enough time to handle the situation. I hope you will work in favor of these changes for the small towns.

Rep. Lenks, of Hebron: I would like to register in favor of the bill because 10 days is all to close and causes considerable difficulty. I wish the Committee would consider Special Town Meetings from 20 to some higher figures. Some towns have increased considerably in the last years and 20 makes it too easy for a disgruntled minority. I hope the Committee will give this favorable consideration.

Chmn. Pruyne: Hearing on H. B. 129 is closed; Hearing on H. B. 131; AN ACT CONCERNING VACANCY IN THE OFFICE OF SELECTMAN is open.

Rep. Ruth Suarez: If the office of first selectmen is vacant whoever gets the highest number of votes wins. It seems that a town can function with a 2nd and 3rd selectman but cannot function without a 1st selectman. Our 1st selectman gave me some notes -

"In two brief statements, the General Statutes designate most broadly the powers of the selectmen as a board and of the first selectman, individually. The selectman shall superintend the concerns of the town. The first selectman shall be the town agent. There has been no elaboration of these statements in the laws and the courts have apparently had no occasion to determine in detail what they mean.

The following comment from a decision of the Supreme Court of Errors is the most specific observation that could be found on the role of the first selectman: "The selectmen are a board of committee of the town and their duties are collective. It is convenient, if not necessary, to the orderly and efficient conduct of their business, that they should have a head or chairman who may act for them in matters of routine and other matters which have received their approval. For a long time one of the selectmen has occupied this rank or position and has been called first selectman..."

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The first selectman shall be a member of the Planning Commission; shall authorize expenditures of more than \$300.00 for repairs and copying records in Probate District; Administers oaths on matters before the Board; Acts as building inspector; Shall appoint Civil Defense Directors and advisory council and accept Federal Assistance; Issues permits to carry dangerous weapons; has charge of unclaimed bodies; Superintends public works projects, highways and other affairs of the town; Oversees the construction of new roads in subdivisions; Supervises cemeteries where they are town owned."

In Cheshire our First Selectman died and we had the problem of having the 2nd selectman a Republican and the 3rd a Democrat. We finally solved this by having a Special election. This bill would only cover towns in the State which are now covered by Special Acts.

Chmn. Pruynt: The hearing on H. B. 131 is closed. Hearing on H. B. 133, AN ACT CONCERNING MUNICIPAL ORDINANCES IS open.

Mr. Harry Lugg: This bill before you is and represents an attempt on the part of the Legislative Council to review all state legislation described in the Statutes that have to do with Town Meetings; and also with ordinances of the General Statutes. Those of you who are familiar with the problem know that various of these acts on the books over a period of 100 years have been put on without very much attempt at co-ordination. The result that you have various terminology. You find these conditions throughout the Statutes. What we have done is to spend our time and see that we cover them all. We have taken out every section of the General Statute that uses the word "ordinances", "electors", "the legislative body", "Voters", etc. We have attempted to co-ordinate the General Statutes, nothing else. We think we will eliminate discrepancy. We have tried to take "x" and give it a definite definition. That in brief is what we are trying to do here.

Chmn. Pruynt: Thank you, anyone else.

Rep. Dreyfus: Are there any ~~substantial~~ changes?

Mr. Lugg: As we went through the Statutes it was necessary for us to say this particular act shall be done by results at town meeting or on the other hand it shall be done by ordinance. Some matters can be handled by ordinance - others by mere resolutions. In majority of town Governments, where town has something to say, it should be done by ordinance. We made a minimum of change. We decided not to make changes in substance of law.