

Legislative History for Connecticut Act

SB 1251	PA 595 SCAN	1959
Senate	3785-3787	3p
House	5683-5684	2p
Cities & Boroughs	923, 945-947	4p
		Total 9p

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

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Joint Standing Committee hearings, Cities & Boroughs. 1959: pt.3  
Proceedings / Connecticut General Assembly, House. 1959: v.8:pt.13  
Proceedings / Connecticut General Assembly, Senate. 1959 v.8:pt.8

Tuesday, June 2, 1959

THE SPEAKER:

The question is on Suspension Rules for sending Calendar No. 2011, Senate Bill No. 331 to the Committee on Appropriations. All those in favor say 'aye'. Those opposed 'no'. The Rules are Suspended. The question now is on forwarding the Bill to the Committee on Appropriations. All those in favor say 'aye'. Opposed 'no'. The 'ayes' have it. It is so ordered.

THE CLERK:

Continuing on the Calendar. On page 20. Calendar 1997. File No. 1469. Substitute for Senate Bill No. 1251. An Act concerning Fire Districts Established prior to May 29, 1957. Committee on Cities and Boroughs.

THE SPEAKER:

The gentleman from New Britain.

MR. GOOGEL OF NEW BRITAIN:

I move the Acceptance of the Committee's Favorable Report and Passage of the Bill.

THE SPEAKER:

The question is on the Acceptance of the Committee's Favorable Report and Passage of the Bill in Concurrence with the Senate. Will you remark.

MR. GOOGEL OF NEW BRITAIN:

Mr. Speaker, this would make some necessary changes in the Act setting up Fire Districts in the Town of Trumbull which has been recommended by bonding authorities. I understand there

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is something controversial. I urge the passage of the Bill.

THE SPEAKER:

Will you remark further. The question is on Passage of the Bill in Concurrence with the Senate. All those in favor say 'aye'. Opposed 'no'. The 'ayes' have it. The Bill is passed.

THE SPEAKER:

For what purpose does the lady from Torrington rise?

MRS. TEMKIN OF TORRINGTON:

Mr. Speaker, is Calendar No. 1937, on Page 15. Is that controversial. It was not controversial yesterday.

THE CLERK:

It is not marked noncontroversial today.

THE SPEAKER:

For what purpose does the gentleman from East Hampton rise?

REPRESENTATIVE FROM EAST HAMPTON:

Mr. Speaker to ask a question. It is my understanding that the Bill on top of page 20, Calendar No. 1992, is no longer controversial. Could we act on that.

THE CLERK:

May I inquire if this matter is no longer controversial?

THE SPEAKER:

The gentleman from Brookfield. Continued, retaining.

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SENATOR MARIANI:

Mr. President, members of the Circle, this bill actually lifts the interest rate on mortgages in excess of \$3,000. It doesn't just allow the mortgagee and the mortgagor to get together; it just takes the ceiling off and the man who has to borrow the money is at the mercy of the man who's got the money. I don't think it's a good bill. We've extended it once before to the point where those loans in excess of \$5,000 could be negotiated in that manner but certainly a mortgage of \$3,000 is one that comes from a man who doesn't have the means or wherewithal, to pay for excessive rates of interest, he is hard-pressed as it is, and certainly anything that we in this state do to make it more troublesome, more burdensome for that man to negotiate a loan at fair rates of interest is not in the best interests of the people of the State of Connecticut. As you have well pointed out, Mr. President, the little man has to be protected and certainly a move of this type is one that does not protect the little man. I think it's a bad bill and it should be defeated.

THE CHAIR:

Are there further remarks? If there are no further remarks, the question is on acceptance of the committee's favorable report and passage of the bill. Those in favor signify by saying "aye". Opposed. The bill is passed.

THE CLERK:

Cal. No. 1769. File No. 1469. Substitute for Senate Bill No. 1251. An Act concerning Fire Districts Established Prior to

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May 29, 1957. Favorable report of the Committee on Cities and Boroughs.

SENATOR GLADSTONE:

Mr. President..

THE CHAIR:

Senator from the 22nd.

SENATOR GLADSTONE:

I move for acceptance of the committee's favorable report and passage of the bill.

THE CHAIR:

Remarks?

SENATOR GLADSTONE:

Mr. President, Senate Bill 1251 is a revision of General Statute 7-324 which provides new and broader authority for fire, sewer and other districts. The chapter authorizes the creation of new districts, prescribes their form of organization and prescribes the offices of such districts and their duties. When a pre-existing district elects to be governed by the new statutes, it is confronted with the problem of re(Indistinguishable) it's entire organizational structure where there are few, if any, existing districts which have the offices and form of organization described by statute. Senate Bill 1251 would solve this problem for pre-existing districts which elect to be governed by section 7-324 to 7-329. It would authorize such districts under officers to exercise the powers granted to districts and offices thereof in the new statute. Districts would not then be required to adopt the prescribed form of organization but <sup>could</sup> retain the form which they

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have found suitable for certain communities in which they are located. It is a good bill and should pass.

THE CHAIR:

Are there further remarks? If there are no further remarks, the question is on acceptance of the committee's favorable report and passage of the bill. Those in favor signify by saying "aye". Opposed. The bill is passed.

THE CLERK:

Cal. No...

SENATOR HEALEY:

Mr. President..

THE CHAIR:

Senator from the 10th.

SENATOR HEALEY:

I wonder if I could move for suspension of the rules with reference to every matter on page 13 with the exception of the first calendar.

THE CHAIR:

The question is on suspension of the rules for all matters on page 13 with the exception of the first matter, being Cal. No. 1770. Any objection? Seeing none, the rules are suspended.

THE CLERK:

Cal. No. 1771. File No. 1467. Senate Bill No. 161. An Act concerning the Licensing of Maternity Homes. Favorable report of the Committee on Judiciary and Governmental Functions.

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CITIES AND BOROUGHS

FRIDAY

May 1, 1959

Rep. Taylor: Does anyone wish to speak for the bill? Are there any who wish to speak against?

S.B. 881 (Sen. Pickett) AMENDING AN ACT CONCERNING PENSIONS FOR EMPLOYEES OF THE CITY OF MIDDLETOWN.

Rep. Taylor: Does anyone wish to speak for the bill? Anyone against?

S.B. 1027 (Sen. Scanlon) PROVIDING FOR PENSION FOR CITY OFFICIALS.

Rep. Taylor: Does anyone wish to speak for the bill? Anyone against?

S.B. 1213 (Sen. Armentano) AUTHORIZING THE CITY OF HARTFORD TO CONVEY LAND AND BUILDING AT NO. 680 FRANKLIN AVENUE, HARTFORD TO THE VETERAN VOLUNTEER FIREMEN'S CORPORATION OF THE CITY OF HARTFORD, CONNECTICUT.

Rep. Taylor: Does anyone wish to speak in favor of this bill?

Mr. R. Morrow, Captain, Fire Department, Hartford: I am chairman of the Board of Trustees of the Veteran Volunteer Firemen's Association.

We at the present time, the association, occupy this land and building at 680 Franklin Avenue from the city of Hartford. We have it on lease for \$1.00 a year. We use this building for educational and social functions of the Fire Department and the various employee organizations in the city of Hartford and also other people.

The reason that we ask for title of this land now is that in order to continue to operate and maintain the building it requires extensive repairs and alterations. To further protect the money that we invest in this property to carry on the functions, the city and the association have come to the agreement that the best way would be for us to acquire title. The City Council in Hartford has unanimously approved of this and also the administration of the city of Hartford. There is no one that I know of that is opposed.

I wish to thank you and urge passage of this bill.

Rep. Blackman, Trumbull: I would like to speak in favor of S.B. 1251 (Committee) FIRE DISTRICTS ESTABLISHED PRIOR TO MAY 29, 1957. This bill is needed legislation. I'm not going to take your time or mine to go into the merits of the bill because that will be explained to you later. I do ask you to give this bill favorable consideration. Thank you.

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FRIDAY

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Mr. A. Furlong, City Auditor, Budget Director, Waterbury: Our pension system started in 1946.

Rep. Vulcano, Danbury: Then he was under the pension plan only two years?

Mr. A. Furlong: That is correct, sir. There had been one, but it was rather indefinite and vague and had been advised by an attorney who was on our pension board that there was no mandatory pensions. That is an employee could not compel one.

Rep. Vulcano: Did he contribute to this pension those two years?

Mr. A. Furlong: Yes, he did contribute.

Rep. Vulcano: Was he reimbursed? That is when he was separated.

Mr. A. Furlong: No knowing the detail of that particular account, the only thing I can say was he should have been. It is mandatory to refund the contributions upon dismissal or termination.

Rep. Taylor, Shelton: Do you feel the Council wouldn't back this up?

Mr. A. Furlong: Of course, we do have a provision in the general statutes allows the legislative body to award a pension to any person. You see that runs from one year to the other. It is limited to their powers to make up an annual budget. It would have to be reinstated annually, in order to make it of any value to the recipient.

Rep. Vulcano, Danbury: Would you care to comment on that political reason that he gave? Why is it that there is only one of the employees under that administration that was separated?

Mr. A. Furlong: The only thing I can say is I'm City Auditor also which means that I have to stay unbiased and I know little about that end of the business.

S. B. 1251 (Committee) FIRE DISTRICTS ESTABLISHED PRIOR TO MAY 29, 1957.

Chr. Caldwell: Does anyone wish to speak in favor of this bill?

Mr. Frank Logue, Town Attorney, Trumbull: I am also counsel for the Trumbull Center Fire District. This bill is an amendment to section 7-324 of the 1958 revision of the general statutes and it is a matter of state-wide importance. The Trumbull Center Fire District is currently engaged in borrowing some money for a new fire house and that is why I am before you and this bill is sponsored by people from Trumbull.

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Mr. Frank Logue, Town Attorney, Trumbull: (cont.) However, if you look at it you will notice that it is a state-wide bill and the reason for it is a rather strange provision in the Home Rule Act of 1957 which runs entirely contrary to the purpose of that act. Section 17 of the Home Rule Act, (Public Act 465 - 1957 session) regulated fire, sewer and similar districts. Whereas, earlier in the Home Rule Act the Legislature gave towns the power to adopt whatever form of government they chose, selectman, Mayor, Council-Manager and the like, this section 17 of the Home Rule Act provided that fire districts shall have a president, vice-president, 5 directors a treasurer and a clerk. In other words, it specified the form of organization for hundreds of fire districts throughout the State. Now, it did not make this compulsory or mandatory but it said that any district organized prior to May 29, 1957 could continue to exist. However, it left two problems. In the first place, all of the laws governing fire districts prior to May, 1957, all of the general statutes were repealed. So if you are a fire district organized prior to that time, deriving your powers from the general statutes, the action of the General Assembly in 1957 said you could continue to exist. At the same time, it took away all your powers.

Now, this section 7-324 provided that pre-existing fire districts might elect to be governed by the new statutes and this is the problem. While it was stated that you could be governed by the new provisions of the statutes, nothing was said about whether or not you had to change your existing officers and they have hundreds of fire districts throughout the State of Connecticut organized pursuant to special acts and pursuant to general statutes and they each have a form of organization which has presumably satisfied them over the years. The trouble is that when anyone of them want to borrow money, bond council comes along and says "Gentlemen, you don't have the power to borrow money, because you don't have the form of organization that is specified in the Home Rule Act." That piece of advice has been given to the Trumbull Center Fire District.

What this act before you today would do would be to restore the Home Rule spirit to this part of the Home Rule Act by providing that districts established prior to 1957 and elected to be governed by the provisions of the new law could exercise the powers granted to the fire districts through their duly elected officers. In other words, if they have a form of organization that has satisfied them and has satisfied the people in the fire district, they could continue to operate that way.

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Mr. Frank Logue, Town Attorney, Trumbull: (cont:) As it presently stands the very vital power, the power to borrow money and I might even say the power to lay taxes in a fire district is subject to serious question. It hasn't happened yet but sometime in the next two years if no remedy is taken, the power of some fire district in the State of Connecticut to levy taxes is going to be seriously questioned.

The fire district which I represent is building a fire house in an area that is presently not served. In order to do so, it requires a bond issue. In order to get a bond issue, as you gentlemen know, it requires the opinion of bond counsel that the district has the power to lay taxes and the power to issue bonds and we cannot get such an opinion and nobody else will be able to get such an opinion unless you either require every fire district in the State to change its form of organization or you pass S. B. 1251 (Committee) FIRE DISTRICTS ESTABLISHED PRIOR TO MAY 29, 1957 which would allow these districts to exercise these powers through their existing officers. So I say you will have two or three hundred little revolutions in Connecticut unless something is done about this.

I will be glad to answer any questions on the matter.

Chr. Caldwell: Now at the present time we have heard quite a few bills on fire districts and other districts.

Mr. Frank Logue: I think you will have alot less of them if you do that. Because every single fire district in the State that tries to borrow money is going to run into a provision is either going to have to change its whole organizational structure or he is going to have to come to you people. This one bill is a state-wide bill and nobody would have to come to you for this purpose if it is passed.

Rep. Vulcano, Danbury: There is one thing that isn't clear in my mind here reading this bill. It starts with section 7-324 of the general statutes is repealed and the following is substituted in lieu thereof. But further on in the bill it says that any town, city or borough, whatever you want to call it, can elect to be governed by the provisions of section 7-324. How can they be governed if you are going to repeal them?

Mr. Frank Logue: The language at the top follows what I conceive to be the usual form if you want to amend an existing statute. I may be wrong, it is the usual form but I think that is the method that is usually followed. I could be wrong about that.