

Legislative History for Connecticut Act

HB 4312	PA 173	Scan	1967
House	1464, 1542-1543		(3)
Senate	1029		(1)
Judiciary	408, 413, 413		(3)
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CONNECTICUT
GENERAL ASSEMBLY
HOUSE

PROCEEDINGS
1967

VOL. 12

PART 4

1291 - 1718

Thursday, April 27, 1967

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MBS

THE CLERK:

Calendar No. 188. Modified House Bill No. 4312. An Act concerning Vacancies in Boards of Education. Favorable report of the Committee on Judiciary and Governmental Functions. File No. 202.

WILLIAM R. RATCHFORD, 167th DISTRICT:

Mr. Speaker, may Calendar No. 188, File No. 202 H.B. 4312 be passed retaining its place in the calendar?

MR. SPEAKER:

Do I hear any objections? If not, so ordered.

THE CLERK:

Calendar No. 189. House Bill No. 3615. An Act concerning the Recording of Liquor Permits. Favorable report of the Committee on Liquor Control. File No. 203.

ROBERT H. DAVIS, 120th DISTRICT:

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

MR. SPEAKER:

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

ROBERT H. DAVIS, 120th DISTRICT:

Mr. Speaker, this is merely a correction in the law. There was a conflict in one section of the act that says that the filing fee at the town clerk for permit shall be \$1.00 and the next section says it shall be \$2.00. So we wanted to make the act uniform and make the \$1.00 fee taken out of it, so that it conforms with Sec. 7-34A requiring a \$2.00 filing fee for each permit at

Tuesday, May 2, 1967

THE CLERK:

Favorable report of the J.S.C. on Public Welfare and Humane Institutions. S.B. No. 1164. An Act to Change the Name of Undercliff Hospital to Undercliff Mental Health Center.

MR. SPEAKER:

Tabled for the calendar and printing.

THE CLERK:

Business on the calendar.

REP. CROMBIE - 44th.

Mr. Speaker, may calendar No. 140 be passed retaining? Also calendar No. 166 and calendar No. 169 on page 1 be passed retaining?

MR. SPEAKER:

Is there any objection to Calendars Nos, 140, 166 and 169 on page 1, be passed retaining? If not they will be soredered.

THE CLERK:

Calendar No. 188. Modified H.B. No. 4312. An Act concerning Vacancies in Boards of Education. Favorable report of Committee on Judiciary. (File No. 202).

REP. AJELLO - 118th.

Mr. Speaker, I move adoption of the committee's favorable report and passage of the bill.

MR. SPEAKER:

Question is on acceptance of the J.C. favorable report and passage of the bill. Will you remark?

REP. AJELLO - 118th.

Mr. Sepaker, this bill today takes one step at least in clearing up a certain area of confusion in which has surrounded the operations of local Boards of Education. When a vacancy occurs at the present time in the membership of a Board there is a state statute, which ~~state~~^{states} that the remaining members of the Board should fill the vacancy, however, many local charters provide that, the vacancy shall be filled by other means, usually by election of the remaining members of the administration be it the Board of Alderman or the Town Council. There have been numerous court

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cases brought in on this particular point to settle the conflict between the statute and the local charters, with the results that there is still confusion in this area. The court cases that surround the Boards of Education say that they are agencies of the state in charge of Education in the town and altho they have a state function to perform and are controlled by state statutes they are local creatures, so it seems to make logical sense to all ow the local government which has the power to determine how the Board shall be constituted, whether it shall be elected or appointed to determine how vacancies in their own Board should be filled; and that's the purpose of this bill.

MR. SPEAKER:

Will you remark further on the bill? If not the question is on acceptance of the Joint Committees Favorable Report and passage of the bill. All those in favor will say aye. All those opposed? The bill is passed.

THE CLERK:

Favorable report of the J.S.C. on Cities and Boroughs.

H.B. No. 3009. An Act Defining Widow for Purposes of Pensions to Widows of New Haven Policemen and Firemen.

MR. SPEAKER:

Tabled for the calendar and printing.

THE CLERK:

Favorable report of the J.S.C. on Cities and Boroughs.

H.B. No. 2805. An Act concerning Abatement and Refund of Taxes to Flora K. Dubin of the Town of West Hartford.

MR. SPEAKER:

Tabled for the calendar and printing.

THE CLERK:

Favorable report of J.S.C. on Cities and Boroughs. H.B. No.

~~2277~~ 2278. An Act concerning Bond Issues by the Canaan Fire District.

MR. SPEAKER:

Tabled for the calendar and printing.

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CONNECTICUT
GENERAL ASSEMBLY

SENATE

PROCEEDINGS

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May 11, 1967

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is passed.

THE CLERK:

Calendar 418, file 202, modified HB 4312, An Act concerning Vacancies in Boards of Education. Favorable report of the Joint Committee on Judiciary and Governmental Functions.

SENATOR PICKETT:

Mr. President, I move the acceptance of the committee's favorable report and passage of the bill. It was brought to the attention of the committee that in section 10-219 of the general statutes it was provided that there was a certain formula for filling vacancies on boards of education. However, it was also pointed out that in some of our charters and special acts respecting local towns a different method was provided. It was felt that if the town sought to do this in a different way, they should be allowed to do so. Accordingly, this bill should be acted upon.

THE CHAIR:

The question is on passage of the bill. Will you remark further? If not, all in favor of passage of the bill, signify by saying Aye. AYE. Contrary minded? The bill is passed.

THE CLERK:

Calendar 425, file 506, SB 267, An Act concerning the Filing of Maps by Public Service Companies. Favorable report of the Joint Committee on Judiciary and Governmental Functions.

SENATOR PICKETT:

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

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STANDING
COMMITTEE
HEARINGS**

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MARCH 14, 1967

Sen. Pope:

we thought that a private library might not qualify for State funds but I understand that that's been worked out so you might almost consider this bill as withdrawn. The second of these bills relates to a museum at Westport which does a magnificent job for the children of the neighborhood. It's available on a public basis. They need funds and we hope that through this kind of legislation that they will be considered by your committee. We can make more funds available to them. I'd also like to speak very briefly in behalf of two bills introduced by Rep. Dowd H. B. No. 4312 (Rep. Dowd) AN ACT CONCERNING VACANCIES IN BOARDS OF EDUCATION H. B. No. 4311 (Rep. Dowd) AN ACT CONCERNING VACANCIES IN BOARDS OF FINANCE which have to do with vacancies in boards of finance and boards of education. The problems are simple. Under the charter of the town of Trumbull, vacancies would be filled by the selectman. Under the statute they are supposed to be filled by a vote of remaining members of the board. All we'd like to do here is to make it clear that the charter would take precedence which incidentally, I believe, understand would be the case anyway but if it isn't, the purpose of the bill is to make it so. Thank you very much.

Chr. Pickett: Thank you, Senator Pope. The next speaker will be Mr. Norman Woodward, Wethersfield. I will note for the record, for the transcribers, that Mr. Raymond Fitzpatrick was here earlier to speak for the Waterbury Assoc. for Retarded Children on a bill No. 3691 H. B. No. 3691 (Rep. McCabe) AN ACT CONCERNING THE ESTABLISHMENT OF A SENIOR SERVICE CORPS and it might be that Mr. Fitzpatrick will be back later.

Norman Woodward: I'm Norman Woodward President of the Wethersfield Volunteer Ambulance Corps. We'd like to speak in behalf of the 3695 H. B. No. 3695 (Rep. Ring) AN ACT ESTABLISHING A COMMITTEE TO STUDY THE CONTROL AND SUPERVISION OF AMBULANCE SERVICES We are, most decidedly, in favor of this. We have one matter of semantics here that we'd like to bring up in as much as this is one of the first bills concerning ambulances, we'd like to start out on the right road. In our ambulance corps we have some 54 hours of training, 6 months probation, and a continuing monthly instruction meeting. I say this because it seems to me that not whether the outfit is paid or whether they are professional services makes them a professional or not. So in Sec. 2 we would like to see it read "one shall be a member of a commercial ambulance association and one shall be a member of a non-voluntary a..non-profit voluntary ambulance association". Thank you.

Chr. Pickett: That will conclude the speakers on category #1

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MARCH 14, 1967

Atty. Friedman: and H. B. No. 4312 (Rep. Dowd) AN ACT CONCERNING VACANCIES IN BOARDS OF EDUCATION I would like to say, parenthetically, with your permission, Mr. Chairman, I was not aware of H. B. No. 2145 (Rep. Siry) AN ACT CONCERNING MUNICIPAL HOME RULE and S. B. No. 1508 (Sen. Ives) AN ACT CONCERNING REQUIRING THE ATTORNEY GENERAL TO RENDER OPINIONS FOR MUNICIPALITIES which are on your list for discussion today and I would like to say that I am in support of those bills as well for reasons that will be made clear in further discussion on H. B. No. 4311 (Rep. Dowd) AN ACT CONCERNING VACANCIES IN BOARDS OF FINANCE and H. B. No. 4312 (Rep. Dowd) AN ACT CONCERNING VACANCIES IN BOARDS OF EDUCATION. The Home rule act was designed to permit towns a semblance of self government. Towns are now permitted to create boards or commissions necessary for the function of local government. In doing so, the state gave towns authority to determine the size of such boards and whether they'd be elected or appointed. We have now run into a problem of potential conflict between the Home Rule Act and existing statutes relating to the filling of vacancies with particular reference to the Board of Education and the Board of Finance. In September of 1965, I sent the following letter to the Attorney General, Harold Mulvey. I'd like to read this letter because it will explain my position.

Chr. Pickett: Pick the highlights.

Atty. Friedman: Yes. The essence of it is simply this. Under the provision of Sec. 7-193 I knew that a town could provide by charter, boards and commissions as it deemed necessary, and could further provide that such boards and commissions be elected or appointed. I have taken the position as town attorney that if the town has the power to provide such boards and commissions and to determine whether or not they should be elected or appointed, the town certainly should have the correlative power and does have the correlative power of determining the method of filling the vacancy. Now what has happened is simply this. Under the existing state statutes there are two statutes relating to the filling of vacancies on the Board of Finance and the Board of Education. Especially with respect to the Board of Education, the town of Trumbull has a six member board. As a result, the six member board by the way, is equally divided, three and three, republican and democrat. If you follow the state statute it means that if one member resigns, if that member should be a democrat, then the three remaining republican members would in effect be filling the democrat vacancy. Now the town's charter adopted under the Home Rule Act provides that the Selectman fill the vacancy for the unexpired portion of the term. I ruled that the town had the power to do this by charter. However, there has been

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Atty. Friedman: considerable discussion as to whether or not my ruling is correct, and therefore we have proposed this bill in order to clarify these statutes and suggest that these statutes include in them "unless otherwise provided by charter". I would point out to your committee that I've communicated with Mr. Melvin Shaefer, institute of public service, the University of Connecticut and I won't bore your committee with the correspondence but Mr. Shaefer agreed with the logic of my argument in terms of whether or not the town should by charter have this authority. However he could of course not give me an opinion. By the same token, I could not get an opinion from the Attorney General and in this connection I refer to the bill that is before your committee today, I think it's H. B. No. 1508 S. B. NO. 1508 (Sen. Ives) AN ACT CONCERNING REQUIRING THE ATTORNEY GENERAL TO RENDER OPINIONS FOR MUNICIPALITIES and I would strongly urge on behalf of all the town attorneys in the State of Connecticut that there be some effort to enable us to get an opinion from the Attorney General when there are no case law, when there is no case law on a particular subject with particular reference to the Home Rule Act and this would at least provide a method whereby the towns in the state could make rulings that would be consistent with each other rather than inconsistent. With respect to the other bill which was H. B. No. 2145 (Rep. Siry) AN ACT CONCERNING MUNICIPAL HOME RULE again this bill would clarify the potential conflict between the Home Rule Act and town charters and I would urge that your committee give that a favorable report as well. Thank you very much.

Chr. Pickett: Thank you sir. Mr. Fitzpatrick.

Raymond J. Fitzpatrick, Executive Director of the Waterbury Assoc. for Retarded Children, and a member of the Governmental Affairs Committee of the State Association for Retarded Children. I'm speaking on H. B. No. 3691 (Rep. McCabe) AN ACT CONCERNING THE ESTABLISHMENT OF A SENIOR SERVICE CORPS about which Rep. McCabe addressed you a bit earlier in the afternoon. This would be another great step forward for Conn. in that it would establish a Senior Service Corps which would at the same time make available more and better care for young and old people who need care and provide new job and service opportunities for our Senior Citizens. Now an area in which a program like this could be most effective is in the Foster Grand Parent program which is operating in several of our Connecticut communities at the present time. In this program, older citizens of limited means are unable to augment their incomes by serving in quasi-parental roles with retarded, ill, or disabled children. On the one hand we have thousands of children