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CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS
1967

VOL. 12

PART 7

2719-3267

passage of the bill as amended by House amendment Schedule "A". All those in favor will say aye. All those opposed? The bill is passed.

THE CLERK:

Calendar No. 750 H.A. 2161

MR. CROMBIE (44th)

May Calendar No. 750 on page one be passed retaining?

THE SPEAKER:

Is there any objections to Calendar No. 750 being passed retaining?

MR. LENGE (13th)

I rise to object to the motion.

THE SPEAKER:

The question is on passed retaining Calendar No. 750.

MR. LENGE (13th)

Mr. Speaker, I move that when the vote be taken that it be by roll call.

THE SPEAKER:

The question is on a roll call. All those in favor of a roll call will say aye. All those opposed? In the opinion of the Chair a sufficient number has answered in the affirmative and a roll call will be ordered. The House will come to order. The question is on passing retaining Calendar No. 750, File #833. Will you remark?

MR. CROMBIE (44th)

I had asked when we adjourned yesterday for a meeting on Saturday. This is the first call for a session on Saturday, a day that we meet on Saturday in this session. I had asked to minority leader on the other side of the House some time ago if he would object to suspension of the rules for taking up one star Senate items in order to advance this Calendar. I was refused. It is

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very apparent today that the reason to object to the passed retaining of this particular item I've asked for, is to just simply delay the work of this General Assembly. We have an adjournment as you all know of June 7. I have tried honestly and I have tried hard to keep this Calendar busy. I have kept you here every single day and we have gone completely through this Calendar to the best of our ability. Yes, at times I've asked to have items passed retained for very good purposes. Sometimes it's an amendment, sometimes it's something that comes up at the last minute, sometimes it's that the particular person to report the bill out may have been at some other executive session. I don't like this at all. It isn't fair, it isn't square. It's no way to run the show. We come in here to do business for the State of Connecticut. We're ready and because one or two items along the Calendar can't be taken up, there's objections to it. There's sixty-six items on this Calendar now ready to be acted on. We should go ahead and do it, and let's give it the permission to pass retain the few because we have to.

THE SPEAKER:

Will you remark further?

MR. LENGE (13th)

Mr. Speaker, today is an unprecedented session day. I am not that much of a veteran but I know of no precedent. Be that as it may, I do not question the sincerity of the majority leader in his desire to move the Calendar. But it is not just a question of moving the Calendar, it is moving it with understanding, with intelligent vote, with responsibility. We were all informed of today's session. We are here, we are here to do the people's business. It is our hope that the Calendar will be cleaned, that we will meet on Monday and will dispose of the business on Monday's Calendar, so that when we come on Wednesday, even if there be less than a full session on Tuesday, a legal holiday,

we will not be met with an avalanche on Wednesday, an avalanche that we cannot handle, vote on, and deal with responsibly. We have consented repeatedly to suspension of the rules, the denial of suspension to which the majority leader refers, would request that we take up one day sooner business coming from the Senate. I ask you, how can we, with our limited resources, hope to read the bills, understand them, and act responsibly? We too are acting sincerely, we are here, we will work. The business is here to transact and the Calendar should be preceded with. Mr. Speaker, I press the motion.

DS

THE SPEAKER:

Will you remark further?

MR. RATCHFORD (167th)

Mr. Speaker, again we are witnessing another page in the republican record in this term of the general assembly. Mr. Speaker, I think we would do well at this time to review that record. Mr. Speaker, the record is one of delay.

MR. LENGE (13th)

Mr. Speaker, I rise to a point of order.

THE SPEAKER:

Will you state your point of order.

MR. LENGE (13th)

I think Sir, that you accorded the majority leader an opportunity to be heard on the motion for passed retaining. The only question here before us is whether this motion, this matter on the Calendar, should be passed retaining. You accorded me the same privilege. Our remarks on each side, neither of them were germane.

THE SPEAKER:

State your point of order please.

MR. LENGE (13th)

I say Sir, that the gentlenen from the 167th is not now germane to the motion before the House, which is the question of whether Calendar No. 750, File #833, should be passed retaining.

THE SPEAKER:

The Chair rules that your point of order is not well taken.

MR. LENGE (13th)

Mr. Speaker, I appeal the ruling of the Chair.

THE SPEAKER:

The question is on appeal to the ruling of the Chair. It has been seconded. The Chair's ruling has been appealed. All those in favor of sustaining--

MR LENGE (13th)

Mr. Speaker, I move that when the vote be taken that it be by roll call.

THE SPEAKER:

The question is on a roll call. All those in favor of a roll call will say aye. All those opposed? In the opinion of the Chair the sufficient number has answered in the affirmative and we will order a roll call.

MR. RATCHFORD (167th)

Mr. Speaker, if I may I'd like to address myself to the appeal to the Chair.

THE SPEAKER:

You may proceed.

MR. RATCHFORD (167th)

Mr. Speaker, I think you have been perhaps the most outstanding Speaker that this assembly has ever known, and Mr. Speaker, I'm proud to stand and

urge that your ruling be upheld. Mr. Speaker, it was a totally correct ruling because the question raised by the gentleman from the 13th was one of germaneness. I was addressing myself to the Calendar and File and Bill numbers in front of us Mr. Speaker, and I think that the remarks were perfectly germane; therefore, I think your ruling was a correct one. Certainly, Mr. Speaker, in addressing myself to the motion of passed retaining, it's germane to point out that the republican record in this term of the general assembly on items such as this has been one of delay and interruption. Mr. Speaker, again addressing myself on the appeal.

MR. LENGE (13th)

A point of order Mr. Speaker. The question now Sir, is on an appeal from your ruling. The gentleman is addressing himself to a record of the republican party; the matter before us is a Calendar number.

THE SPEAKER:

For what purpose do you rise?

MR. LENGE (13th)

The gentleman is not now being germane to the present matter before us.

THE SPEAKER:

Do you raise a point of order?

MR. LENGE (13th)

I do, Sir.

THE SPEAKER:

Your point of order is not well taken. The gentleman is well within his rights to speak.

MR. LENGE (13th)

Mr. Speaker, I move the previous question.

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THE SPEAKER:

The question is on ruling the previous question. All those in favor will say aye.

MR. LENCE (13th)

Mr. Speaker, I withdraw the motion.

THE SPEAKER:

We are speaking of the appeal to the ruling of the Chair.

MR. RATCHFORD (167th)

Mr. Speaker, may I continue to address my remarks to the appeal of the ruling of the Chair.

THE SPEAKER:

You may proceed.

MR. RATCHFORD (167th)

Mr. Speaker, prior to that I would thank the gentleman from the 13th because I am sure that the minority party in this House of Representatives wouldn't want to go down on record as being the party which tried to put the gag on the 1967 session of the general assembly, so thank you very much.

THE SPEAKER:

Will you remark further?

MR. RATCHFORD (167th)

Yes, Mr. Speaker, continuing to address myself to the appeal and urging that your ruling be upheld Mr. Speaker. I think your ruling should be upheld because I think the remarks were germane. I think that when we see a continuation of a record of delay, interruption, and harrassment, that the record is relevant to a motion to pass retaining. I think it is also relevant Mr. Speaker, to point out that this is the record, or lack of record of the republican party. They continue to address themselves to points such as this, and

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rather to their own lack of program, Mr. Speaker, they don't present alternatives. I think your ruling was germane because I think they have failed to present alternatives. Their only interest is in delay, Mr. Speaker. Their only interest is doing exactly what they are doing today. Mr. Speaker, we are going to have to ask to pass retaining several items, this one included and I think your ruling was correct in saying that the remarks were germane. Because even though we will have to pass retaining several items, we will have better than sixty items of business to consider today. We have a record Mr. Speaker, and that is germane. We have a record of a clean water bill, we have a record of department of corrections, we have a record of an expanded student loan program, we have a record of outstanding labor legislation, we have a record of outstanding consumer legislation, Mr. Speaker. That is our record, that is why we are against delay, that is why Mr. Speaker, we want to get on with this particular vote. We want to uphold your ruling so that we can legitimately and reasonably conduct the business of the state of Connecticut.

THE SPEAKER:

Will you remark further?

MR. LENGE (13th)

Mr. Speaker, addressing myself to the pending appeal. Let me make it clear.

THE SPEAKER:

It has been brought to my attention that you are only permitted to speak at one time. The House will be at ease until we check the rule. It is apparently correct, your attention is brought to Rule three, which I shall read. Speaking of the Chair; He shall preserve order and decorum and shall decide all questions of order, upon which no debate shall be allowed except at his request; but his decision shall be subject to an appeal to the house, which must be

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seconded and on which no member shall speak more than once. Apparently you cannot speak more than one time on the appeal.

MR. LENGE (13th)

Mr. Speaker, if I may address yourself to that limited point. I believe, Sir, that I am speaking for the first time. I moved the appeal but did not speak on it. You invited debate to which the gentleman of the 167th responded.

THE SPEAKER:

You are correct. You may proceed.

MR. LENGE (13th)

Let me make it clear, Sir, that I too hold your rulings and your conduct in the highest regard. When I take an appeal it is only with and in that context. You, Sir, and any of us can be in error. I believe that in this instance you are. But let it be said and I will say it briefly. If we address ourselves to the question of delay, if we address ourselves to what business is before us, it is indeed a hallow ring for the democratic party of the State of Connecticut, because the gentleman chose to bring the parties into it, to cry at this late hour that the delay is the fault of the minority. You controlled in absolute count every action during this session of the legislature. What is here is here at this time because of your stewardship and yours only. Do not attempt to lay the fault at our doorstep. You know it is wrong.

THE SPEAKER:

Will you remark further on the appeal. The Chair will attempt to frame the question. The gentleman from the 44th made a motion to pass retaining Calendar No. 750, Substitute for House Bill No. 2161. It was objected to by the gentleman of the 13th. There was debate, the gentleman from the 167th spoke; a point of order was raised by the gentleman of the 13th that the

gentleman of the 167th was not speaking germane. The Chair ruled the point not well taken by the gentleman from the 13th, at which time he appealed the ruling of the Chair. It was properly seconded. A roll call had been ordered and we will vote on the appeal taken from the ruling of the Chair. If you wish to sustain the appeal and uphold the position of the gentleman from the 13th you will vote yea. If you wish to deny the appeal and uphold the ruling of the Chair you will vote no. Will all members of the House please be seated as we are preparing to vote, and will all others please leave the aisle. The Chair will open the machine.

DS

MR. LOWELL (38th)

I vote yea.

THE SPEAKER:

The vote shall be recorded yea for the gentleman of the 38th, the honorable Mr. Lowell who is not registered on the machine. Has everyone in his seat voted and has everyone voted the way you wish. If so the Chair will lock the machine and ask the Clerk to take a tally. The Clerk will announce the tally.

THE CLERK:

Total number voting	118
Necessary to sustain the appeal	60
Those voting Yea	53
Those voting Nay	65
Those absent and not voting	59

THE SPEAKER:

The appeal fails. The question now is on the motion made by the gentleman of the 44th which was to pass retaining Calendar No. 750, which was objected to by the gentleman of the 13th. All those in favor? The Chair is in

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in error. All members of the House please be seated as we are preparing the vote by roll call. Are there any further remarks on the motion to retain by the gentleman of the 44th. Will all members of the House please be seated as we are preparing the vote. The question is on the motion of the gentleman of the 44th to pass retaining.

DS

MR. LENGE (13th)

A point of inquiry. The motion to pass retaining would seem to connote a motion to suspend the rules so that the matter on the Calendar should not be taken up in course. I would think, Sir, that the proper motion to be presented to the House would be whether or not the rules should be suspended so that the matter may be passed over and retained on the Calendar.

THE SPEAKER:

The Chair will rule that in accordance with what has been done here earlier, if it is a ruling that you're looking for or information to you, since you have not asked for a point of order, that the passed retaining means that this Calendar will be passed retaining its position on the Calendar. The motion is proper before the House. There was no need for any suspension of the rules. The motion now is on the motion of the gentleman of the 44th to pass retaining Calendar No. 750. A roll call has been ordered. Will all members of the House be seated. If you wish to sustain the motion of the gentleman of the 44th in passed retaining, you will vote yea. If you do not wish to favor the motion to pass retaining you will vote nay. The Chair will open the machine. Has everyone voted in his seat and has everyone voted the way he wishes to vote? The Chair will lock the machine and ask the Clerk to take a tally. The Clerk will announce the tally.

THE CLERK:

The following is the result of the vote:

	May 27, 1967	19
Total number voting	123	DS
Necessary to sustain the motion	62	
Those voting Yea	71	
Those voting Nay	52	
Those absent and not voting	54	

THE SPEAKER:

The motion passes. Calendar No. 750 will be passed retaining.

MR. CROMBIE (44th)

Mr. Speaker, I make a motion, on page two and I'm going to go through a list of items that I'd like to have passed retaining. On page two, Calendar No. 751, Calendar No. 769, Calendar No. 771, Calendar No. 775, and Calendar No. 778. On page three, Calendar No. 782, Calendar No. 783, Calendar No. 790. Page four, Calendar No. 798. Page five, Calendar No. 818. Page seven, Calendar No. 835. Page ten, Calendar No. 851. Page twenty, Calendar No. 912. Page forty, Calendar No. 422, Calendar No. 576, Calendar No. 598. Page forty-one, Calendar No. 1035. I move that all these items be passed retaining their place on the Calendar.

THE SPEAKER:

Is there any objections to those requests.

MR. LENGE (13th)

Mr. Speaker, I rise to object to the motion. We are being asked to pass these bills, eighteen bills without one word of explanation, when we have been asked to come here to handle the business on the Calendar and the gentleman rise to say, he asks that these bills be passed retaining. I think it is incredible that we should have an unprecedented session day. We're here to do business. We could all be elsewhere, probably more conveniently. But we are here to do the work, and we can't do it.

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Calendar No. 1036. House Bill No. 4784. An Act concerning Unpolluting the Drinking Water of the State by Removing the Flouride Requirement. This is an unfavorable report of the Committee on Public Health and Safety.

MR. CROMBIE (44th)

I move for the acceptance of the unfavorable report and the rejection of the bill.

MR. SPIEGEL (126TH)

I object.

THE SPEAKER:

Table for the Calendar.

THE SPEAKER IN THE CHAIR

MR. CROMBIE (44th)

I rise to ask for reconsideration of our action we took today on Calendar No. 750, File #833. ^{House Bill No 2161} This morning the motion was made to pass retaining. A roll call was taken on it. I was on the prevailing side. I would move that we reconsider our action.

THE SPEAKER:

The question is on reconsideration.

MR. CROMBIE (44th)

Mr. Speaker, the purpose of reconsideration would be that there is an amendment to be offered to this bill. It is substantive in nature, it would then go to the Legislative Commissioner's office, if adopted.

THE SPEAKER:

All those in favor of reconsideration will say aye. All those opposed? The matter will be reconsidered.

MR. CROMBIE (44th)

Mr. Speaker, I'll yield to the gentleman of the 95th.

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MR. PAWLAK (95th)

Mr. Speaker, I rise to move the acceptance of the joint committee's favorable report on Substitute for House Bill No. 2161, and adoption of the bill.

THE SPEAKER:

The question is on acceptance and passage. Will you remark?

MR. PAWLAK (95th)

Mr. Speaker, the Clerk has an amendment.

THE SPEAKER:

The gentleman of the 95th offers an amendment.

MR. PAWLAK (95th)

Would the Clerk please read the amendment.

THE CLERK:

House amendment Schedule "A" offered by Mr. Pawlak of the 95th. Do you wish to waive the reading?

THE SPEAKER:

The amendment seems lengthy. If there is no objection to the waiving of the reading, we will have the gentleman explain it.

MR. PAWLAK (95th)

All right, Mr. Speaker, I would just as soon explain it then.

MR. DOWD (125th)

A question of Mr. Pawlak please. Have there been any changes from the copy of the amendment as presented to us last night?

MR. PAWLAK (95th)

I think just the addition of a few words.

MR. DOWD (125th)

I see.

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MR. PAWLAK (95th)

By just three words, three words on page nine, do you have them there?

THE SPEAKER:

The House will be at ease until the two gentlemen get together on the amendment unless the gentleman from the 125th has another suggestion.

MR. DOWD (125th)

Mr. Speaker, I withdraw my question. Thank you, Sir.

THE SPEAKER:

Is the gentleman from the 95th able to give a brief resume of the amendment without the reading?

MR. PAWLAK (95th)

I am, Mr. Speaker.

THE SPEAKER:

You may proceed.

MR. PAWLAK (95th)

Mr. Speaker, House amendment Schedule "A" proposes several amendments to the substitute for House Bill No. 2161. They can be divided into three types; a technical amendment, clarifying amendment, and an amendment of substance which I shall discuss briefly. First an amendment is offered to clarify the free choice or position from an approved panel by permitting treatment immediately following an injury by a plant physician or a physician on call. If the employee is satisfied with that treatment he can continue to receive treatment from that physician, but if he wants to select his own doctor thereafter he can do so without having to go to the commissioner, provided that doctor is on the approved panel. Now this preserves the medical facilities of the few plants in this state where a doctor is in attendance at all times. Secondly we have reduced the percentage of average wages upon which from the maximum benefits are

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based from $66 \frac{2}{3}$ to 60% of the average production wages. This means that the maximum can be raised only 5% and will benefit high wage earners only. However this amendment does not change the proposed increase in the maximum based upon the individuals average wage of 60% to $66 \frac{2}{3}$ % because this provision benefits primarily the low wage earners. This change obviously means there will be a reduction in the cost of insurance to employers compared to the cost in the original proposal. Thirdly it is proposed to correct an omission by specifically providing that the maximum amount that an employee may receive from dependency allowance will be 75% of his average wages. The bill as it now reads could provide 100% of wages for an employer with seven children, and while this case will be rare, it is proposed that the 75% limitation be added. Fourth, the cost of living adjustment for disabled workers which the bill now provides for all injured workers will be limited under this amendment to those workers who are totally and permanently disabled. That means the worker who has lost both arms or both legs, or an arm and a leg, or the sight of both eyes will be the only ones to receive a cost of living increase. By limiting the cost of living adjustment to this group the 5% premium contribution proposed in Sec. 25 of this bill is no longer necessary and this Section is therefore to be deleted under this amendment. The remaining amendment is of a technical nature designed to correct errors and clarify language. Mr. Speaker, I move adoption of the amendment.

THE SPEAKER:

The question is on adoption of the amendment. Will you remark?

MR. DOWD (125th)

Mr. Speaker, I'm pleased to rise to support these amendments. We've had the courtesy of being shown these last night and we've had a chance to study them. We think they are moving in the right direction. I'm particularly

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pleased to see the elimination of that 5% section there which would be an additional burden to business, when at this time the federal government and business itself is moving to try to decrease its costs further to become more competitive in order to ward off any clouds that might be on the economic horizon. I think that this is using the legislative power of the state in a proper manner, and I am pleased to support these amendments. I move that when the vote be taken that it be by roll call.

THE SPEAKER:

The question is on a roll call. Those in favor will say aye. Those opposed? In the opinion of the Chair a sufficient number has answered in the affirmative, and a roll call will be ordered.

MR. BADOLATO (30th)

I'm requesting that in accordance with Rule No. 9 that the amendment be printed in the journal.

THE SPEAKER:

It will be so ordered.

MR. BADOLATO (30th)

While I am on my feet, Mr. Speaker, I'm happy to hear that the other side of the House is in agreement with the amendments. I only hope that they will also support the bill. With the amendments the bill is a good bill, as good as can be expected at this time. I think that both sides of the issues here feel that they could live with this bill. I would request and hope that the other side of the aisle would support the bill in its entirety when its before us.

THE SPEAKER:

Will you remark further on the amendment? Will all members of the House please be seated as we are preparing the vote. The question is on the

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amendment. A roll call has been ordered on the amendment as presented by the gentleman from the 95th. If you favor the amendment you will vote yea. If you do not you will vote nay. The Chair will open the machine. Has everyone voted the way he wishes to vote? If so the Chair will lock the machine and ask the Clerk to take a tally. The Clerk will announce the tally.

THE CLERK:

Total number voting	112
Necessary for adoption	57
Those voting Yea	112
Those voting Nay	0
Those absent and not voting	65

THE SPEAKER:

The amendment is adopted. The Chair will rule that it is substantive in nature and order it to the Legislative Commissioner's office. The Chair is happy to note that we are at least ending on a unanimous note.

THE CLERK:

Calendar No. 481 Substitute for House Bill No. 5095. An Act concerning Sale Prices Designated on Goods. (As amended by Senate Amendment Schedule "A".) Favorable report of the Committee on General Law.

MR. NEWMAN (146th)

Mr. Speaker, I move for passage of the Substitute for House Bill No. 5095 as amended by Senate amendment Schedule "A" in concurrence with the Senate.

THE SPEAKER:

The Clerk will read the amendment.

THE CLERK:

Senate Amendment Schedule "A". In line 24, after the word "designate"

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Thursday, June 1, 1967

Schedule A)

MR. PROVENZANO (127th):

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

THE SPEAKER:

The question is on acceptance and passage. Will you remark?

MR. PROVENZANO (127th):

Several days ago I attempted to give to this house a very brief resume of the amendment, and now I would like to talk about the bill in general. There are many problems on low income and moderate income housing projects which this bill would help to clear up, which this bill would allow the Public Works Commissioner to take part in, and which this bill would allow for compassion on the part of those who live in low rental and moderate rental housing. It is a good amendment, it is a good bill, and I urge its passage.

THE SPEAKER:

All those in favor? Opposed? The bill is passed.

THE CLERK:

Calendar 750, Substitute for H.B. 2161, An Act concerning Workmen's Compensation. (As amended by House Amendment Schedule A)

MR. PAWLAK (95th):

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

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THE SPEAKER:

The question is on acceptance and passage. Will you remark?

MR. PAWLAK (95th):

The Clerk has an amendment.

THE CLERK:

House amendment Schedule B. In section 16, line 9, delete "those employees covered by chapter 567".

MR. PAWLAK (95th):

I move adoption of House Amendment Schedule B.

THE SPEAKER:

The question is on adoption of House Amendment Schedule B. Will you remark?

MR. PAWLAK (95th):

This amendment consists of only six words which it was decided when the bill was drafted were required in this section. It has since been decided that there is no need for them, and this would just strike them out.

THE SPEAKER:

Will you remark further? If not, all those in favor? Opposed? The amendment is adopted. The question now is on acceptance and passage of the bill as amended by Amendments A and B. Will you remark?

MR. PAWLAK (95th):

On behalf of the Labor Committee, I rise in support of House Bill 2161 as it appears in the file as number 833. This

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bill will bring Connecticut up to the top insofar as workmen's compensation is concerned. It provides for some increase in benefits, but more important, it clears up a large number of matters which have caused workers, lawyers and the commissioners difficulty. In order that the terms of the bill be fully understood, I propose to deal with each section as it appears in the file.

Section 1. This section makes two technical changes, one changing the number of commissioners from five to seven to bring section 31-275 in line, and the other in anticipation of the dependency allowance provision to be found later in the bill. The most important change, however, is that it requires employers with only one employee to cover them under workmen's compensation. It does not, however, require coverage of those otherwise now exempt from the act, such as casual employees or domestic employees who work less than 26 hours for the employer.

Section 2, 3 and 11. These sections revise the workmen's compensation act to provide for free choice of physicians by employees from an approved panel of physicians. Section 2 gives the commissioners authority to establish classifications of approved physicians by specialty, to establish fees and to adopt standards for approving or removing of physicians and dentists after consultation with the appropriate professional group. Section 3 gives the injured worker the right to pick his own physician from the approved list, and allows his employer to furnish the physician if the employer cannot or will not do so. The employer has the

right to ask for a change of physicians, as does the employee. Section 11 allows the employer to select a physician to examine any claimant, at the employer's expense. This selection from the approved list will not be effective until January 1, 1968, as is set forth in section 32.

Section 4. This section makes it clear that an agreement to supplement workmen's compensation by paying additional sums of money above the compensation benefit rate is valid and can be enforced and thereby removes any claim that the injured worker is limited to the benefit only.

Section 5. This section stops third party suits against fellow employees since such employee usually is unable to meet any judgement involving serious injuries. However, the section specifically permits suits against fellow employees where the injury or death was the result of wilful or malicious wrong by such fellow employee or involves the operation of a motor vehicle. We are here trying to make sure that a fellow employee cannot ordinarily be sued for simple negligence on the job, but we do not believe that he should be protected against wilful or malicious wrong, nor do we believe he should be protected if the employee is injured as a result of a motor vehicle accident.

Section 6. This section provides that the employer must undertake to start payments within 30 days after the employee reaches maximum recovery and to make sure that he checks to see if there are any benefits still due. Right now, we have many complaints that no payments are made to employees entitled to benefits for

permanent disability because the employer or his insurance company does not notify the employee that he is entitled to such benefits. In addition, where partial benefits because the employer is not checking his employee's earnings to determine whether benefits are due. The result has been that employees lost, and employers and their insurance carriers have gained, from non payment. We believe this section, with the 6% interest charge, will correct the situation and restore the original aim of the law.

Section 7. The present law requires employers to give notice of intention to contest within 20 days after notice of injury. The commissioners are not in agreement as to what the results are when the employer fails to give the required notice, or where the notice involved does not comply with the law. Some hold, in effect, that there is no penalty, while others hold there is no right to contest liability, but the extent of injury may still be contested. This section clears up the situation. It provides that within 20 days after written notice of claim is made, the employer must file a statement of intention to contest and the basis upon which he will contest. If he fails to file this notice within the time stated or the notice is defective, the employer cannot thereafter contest either liability or extent of liability. This will mean that employers will now have to investigate claims promptly and act quickly; it also means that employees will be able to learn early in the proceedings what the defects are, if any, in their claims.

Section 8. This section provides that where a claimant prevails

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at a hearing and he is not receiving compensation at the time, he shall be entitled to one day's compensation for the time lost. Under the present law, an employee who is required to take time off from his job to appear at a formal hearing is not entitled to pay from his employer or compensation. We believe that this is unfair to the employee and therefore propose to correct this situation.

Section 9. Today insurance adjusters are taking statements from employees using tape records. Sometimes they give the employee a copy of the interview, but in most cases, they do not. Yet these conversations have been produced sometime later at hearings to be used against the employee. We propose that before any tape recording can be used at a hearing, it must be transcribed and presented to the employee for his signature if it is to be used at the hearing. The employee would be entitled to a copy of such statement. This is similar to the way depositions are handled in the court and appears to us rather fair to all concerned.

Section 10. This is another section designed to speed up the settlement of claims. If the commissioner finds in effect that there was no real basis for contesting liability and the employee prevails, the commissioner may require the employer or the insurance carrier to pay attorney's fees. We hope that this potential cost of attorney's fees will cause employers and their insurance carriers to think twice before contesting a bona fide claim since there is now an added risk imposed upon them for such action. Before this time, contesting liability would serve to discourage

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valid claims and we think this proposal will serve to encourage employees to assert their rights. Too many claims are being pushed through health and welfare insurance programs because the employee does not want to - or has been discouraged from - exercising his rights under this law.

Section 12 and 28. These sections increase the burial allowance from \$500 to \$1000. We all know that the cost of burial has increased in the past few years and this doubling of the allowance will still leave much to be paid by the survivors.

Section 13, 14, 15. These sections provide for increasing the maximum benefit rate from 55% to 60% of the average production wages, and increasing the individual maximum from 55% of his wages to 66 2/3 of his wages.

Section 14. The maximum is increased for total disability to 66 2/3% and a person is considered to be suffering from loss of vision without regard to correction with glasses.

Section 15. This section makes several changes in the existing law relating to workers who are partially incapacitated. First, it increases the maximum to 66 2/3. Second, it provides that where an employee is released for light work or work other than his normal job and there is no such work available in the same locality, the employee will not be cut off of compensation. This provision remedies one of the most difficult problems in workmen's compensation where men are told that they can do light work but there is no light work available in their plant or on their jobs. In most cases, this has meant that employees were cut off of

benefits. They were in many cases unable to secure work in their own area which they could do and might have been able to collect unemployment benefits. Since the employee's inability to work is due to his injury, we believe that he should be protected under workmen's compensation until he is able to secure work which he can perform. We have proposed other provisions which we believe will encourage employers to re-employ such men.

Third, we have increased the benefits for loss of or loss of use of the master arm and hand, including the thumb of the master hand. We believe that the present spread between the master hand and the other hand does not reflect the importance of the master hand. Fourth, we propose to make the back a specific part of the body and establish as maximum compensation for the loss of use of the back at 520 weeks. The status of back injuries has perplexed everyone involved in workmen's compensation. We believe that this proposal will result in resolving more back cases than the present system which leaves the back cases in a legal limbo. Fifth, we propose where there is partial loss of earnings from the injury, the commissioner can direct payment of such partial loss of earnings until such loss of earnings has ended, and the commissioner can then require the payment of the specific due for permanent loss, minus such partial payments. Sixth, we propose that scars which are disfiguring on any part of the body (except those due to an operation on the back or from a hernia) should be compensated as scars. We have removed the requirement that such scars be serious because the word re-

quires a judgement that cannot be made with any satisfaction and we propose to increase the maximum for scars from 104 weeks to 208 in recognition of the fact that such scars can have a permanent effect upon a man or woman, particularly in cases involving burns. Lastly, this section provides compensation for the first time for loss of organs of the body or loss of function in such organs. At the present time if a worker lost a kidney because of an on the job injury, he receives no compensation for such permanent loss, yet the removal of a kidney reduces his chance for survival by 50%. We recognize that each organ of the body is not equally important to the human body and for this reason we have given the commissioners broad discretion to determine the values involved with the maximum of 780 weeks compensation. The commissioners in exercising this discretion will have to consider such factors as the age and sex of the worker, the disabling effect of the loss of the organ with respect to the entire body and the necessity of having full use of such organ. Unfortunately, we cannot establish a specific relative value for each organ of the body, but we believe that the commissioners, guided by competent medical assistance, will apply this provision fairly.

Section 17. In today's world, it is not uncommon for employees to hold more than one job. In fact, the U.S. Department of Labor has estimated that 1/3 of the working population has a second job. In some cases, the nature of the work requires employment with a series of different employers although the work

is performed at the same place, as in the case of longshoremen moving cargo from the dock to a ship and vice versa. If an employee is injured on the part time job, his average wages on that job usually are small in relation to his overall weekly earnings and with respect to his regular job. Yet those wages would determine his compensation rate. This can be devastating to a worker because the amount paid would be a pittance. On the other hand, we must recognize that it would be unfair to the part time or second employer to have him pay benefits based upon the overall wages of the employee. We have therefore proposed a compromise under which the part time or second employer pays for all the medical bills as he now does, and the same amount he would pay for the injury, but the employee would be entitled to receive an additional amount from the second injury fund which would be based upon his overall earnings. We have provided that the benefits be payable in relationship to total wages. In this way, the cost of his time of employment is spread over the entire economy and will not impose an undue burden upon a single employee.

Section 18. This section simply includes artificial teeth as an item which the employer must provide where there is an injury involving artificial teeth. This is a small item, but the denial of costs for repairing dentures can be a financial burden upon a worker who has a face injury.

Section 19, 20 and 21. These sections are designed to make the second injury fund more effective as a means of encouraging the employment of the handicapped. Section 19 makes a technical

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amendment to the law. Section 20 provides that the employer who employs an individual with a handicap and who is later injured further so as to increase the degree of disability will be liable for the medical and compensation benefits for the first 104 weeks or two years, and thereafter the second injury fund will take over the costs involved. In case of death, the employer would be required to pay the funeral allowance in addition. In addition, employees who sign waivers are fully protected in the event of a subsequent injury by having such subsequent injury covered wholly by the second injury fund. Section 21 increases the accumulation in the second injury fund from \$50,000 to \$100,000. Section 22. We now have a dependency allowance in unemployment compensation, but we have not had one for workmen's compensation. We believe that there should be recognized that an injured worker with dependents requires more than a single worker or a worker without dependents. We have therefore proposed that the same type of dependency provision be made a part of the workmen's compensation law as we have in unemployment compensation - that is, \$5 for each dependent child under 18 years of age, with a maximum of 50% increase in benefits but not more than 75% of the individual's average wages earned in his base period.

Section 23, 24 and 25. These sections are new to the law. They provide for a form of cost of living adjustment in compensation benefits. The problem involves those who have already been injured and are receiving benefits and those who may be injured subsequently. We have therefore provided an increase in benefits

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to those injured after June 30, 1967 in section 23 which will increase the benefit amount in proportion to the increase in the average wage level on an annual basis. In section 24, we propose that the increase in benefits for those injured prior to June 30, 1967 be limited to the ratio of wage increases from 1965 to 1967 and thereafter to be adjusted annually.

Section 25. This section gives the commissioners authority to provide additional payments to workers who have exhausted their specific benefits, based upon the employee's injury, the availability of work for persons with such disability and the employee's training, education, experience and age. We have pointed out earlier that the present law with its specific payments for injuries does not at all times take into account that each man is a separate being and no one formula can be applied to determine what his true damages have been. This section gives the commissioners leeway to apply equity to the case, whereas under the present law, he could not do so. This may be a difficult section to administer but we believe that the experience of our commissioners will provide them with guidance so as to protect the injured worker more fully than we have in the past.

Section 26. Rehabilitation of an injured worker is still one area in which workmen's compensation has not been effective. We have proposed in a separate bill a new division of workmen's compensation which we hope will finally make it possible for workers injured on the job to get useful rehabilitation. In this section, we have done two things. First, we have increased the

allowance from \$15 to \$40 for rehabilitation treatments. This increase will hardly cover most expenses, but it represents an advance over the present level. Second, we have imposed upon the employer in clear language a duty to find other work for an injured worker if he is unable to perform his most recent job, if there is such work available. If a worker has developed silicosis from exposure to dust in a foundry, and he cannot perform such work because of this condition, the employer would have to provide him with other work, if available. This would benefit both the employee who would continue to have a job and the employer whose cost of benefits would be reduced by such employment. We recognize that the employer may not have a completely free hand where a collective bargaining agreement exists and therefore have also recognized that the employer need not make such an assignment if it conflicts with such collective bargaining agreement. This change now applies the principle we have already adopted for employees able to do light work but not returned to their full job or pronounced as having reached their maximum recovery from the injury. We hope that this will encourage the retention of injured workers, as we hope our revision of the second injury fund provisions will do.

Section 28. We have cases from time to time where employees suffered an injury and received compensation. Later they returned to work and continued to work for a period of time when the injury again forced them to stop working. Under the present law, the compensation rate is fixed as of the date of the original injury. This means that it may be substantially less than the

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employee is now making and could result in the employer, in case of partial earnings, having to pay nothing to the employee. We have provided that in such cases of relapse that is a disability due to the old injury - the employee should be paid his current workmen's compensation rate as though this were a new injury. In this way, we believe that the impact of loss of income will be reduced and provide such employees with a more equitable level of benefits.

Section 29. This section provides that where the employee has received benefits from a health and welfare fund which would not ordinarily pay for workmen compensation matters, the fact of such payment cannot be used against the claimant to deny benefits. In many cases, employees are unaware of their rights to workmen's compensation and therefore file for benefits under the employer's health and welfare program; in other cases, it is the fastest way of getting money immediately and the employees elect this route. This unfair to the employee and the health and welfare program since it deprives both of the full benefits of such program.

Section 30. Where employees are receiving benefits for total disability under the act in force prior to October 1, 1953, they are now reaching the maximum benefit period of 15 years. At the end of the 15 year period, the benefits would automatically terminate. Since these workers are totally disabled that is without two arms or two legs or blind in both eyes, there is no other means of securing income for them except relief. Since there are few such cases in this state, we believe that as a matter

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of public policy their benefits should continue. We have so provided in this section. The benefits would be payable to them for the duration of their disability, but no provision is made in this law to continue such payments to their dependent survivors. The cost of these few cases will be paid out of the second injury fund.

Members of this body who have heard the contents of this bill which I have just described can understand why we are proud of the bill and believe that it will bring Connecticut to the top in workmen's compensation. I urge the adoption of this bill.

MR. DOWD (125th):

I rise to support this bill. In so doing I continue a long standing Republican tradition of commitment to adequate benefits to workers injured on the job. This is not a perfect bill, but there are many features to it that are worthy of our praise and acceptance. I am very pleased that five Republican sponsored features are included in this bill. Death benefits are being raised from \$500 to \$1000, specific for the master arm, hand and thumb are being included in this bill as sponsored by Republicans. 104 weeks maximum limitation, in the second injury fund an attempt to lure and encourage industry to hire the handicapped, another Republican proposal is in this bill. Rehabilitation payments being increased, and extending benefits to those who have exhausted their benefits are also included. These five points we are very pleased are included in this bill. I mention that the Republican Party had a long standing commitment to

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adequate unemployment compensation benefits, and we have in this House the gentleman who wrote the very bill back in 1961 that for six long years stood the test of time and still left the Connecticut workmen's compensation before these revisions among the very best in the United States. That of course is my distinguished colleague from the 173rd district, Jake Rand. But I mention that this is not a perfect bill. I think there are areas here that we might want to take a look at as possibly a trial period and it deserves our scrutiny. Because just as there is no one in this House who would deny rightful benefits to an employee who is injured on the job, I'm sure there is no one here who would want to turn this into an abuse either. And so I think we ought to take a very good look over the next two years to see whether the back injury portions are being abused or is not. I think we ought to watch very carefully to see how the elimination of serious scarring and boosting the maximum benefits to a four year period, whether this works out as we hope and pray it will today. I also hope that we'll take a very good look to see how efficacious the free choice of physician portion of this bill is. It makes sense to us who are not employees and not physicians of factories, to feel that one should be able to take his family doctor if he should be injured. But the other side of that coin is one that we should think of too. Which one of our family doctors really understands the physical demands of factory jobs today? Which one of our family doctors has ever been in a factory in the last several years? This is something that we

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should take a careful look at. No, this is not a perfect bill. It is not the answer to all our problems. There are areas of possible abuse. But we on the Republican side are pleased to support it and are delighted that five of our members are in it.

MR. RAND (173rd):

I want to commend the gentleman from the 95th for his expert exposition of the bill. I also want to tell him he could have saved his breath because we're going to vote for it. We're not going to bring any amendments. It's too late to bring amendments. It has been out of our hands. I will vote for it, and I hope people on this side will vote for it, because we will not of course vote against it, though we find it is not a perfect bill. I would like to say that this product could be very much better. It represents a want of committee work. Never once did anyone but the chairman of this committee have anything to do with developing this rather long and complex bill dealing with a very complex area of our law. Week after week it went on, no comment, no committee meetings. One day we were told it had a joint favorable marked hold. Then it went on many more weeks or days anyway under the table. It became printed in the files. We knew it was not the final bill. It was not brought out. It achieved its second star and was still not brought out for several days. Day after day we had the same game, I've Got a Secret. Then it was printed and still no action. And last Saturday it was taken out and put before you, and at that point there were brought by the proponents of the bill 10 amendments. As a result

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here we are five days before adjournment only now back from the legislative commissioner with the amendments brought by the proponents, by those who had absolute control of that bill since last January, and only now we are able to deal with it, and it is too late to write amendments which would correct some of the bad things in it. We have no choice. I would like to have part in writing the original bill, but it is too late. So we'll vote for the bill. But I detest being a part of passing legislation which is not so good as it could have been. I hope we'll all vote for it. I would like you to know, though, those of you who may be listening, there is nothing wrong with the present workmen's compensation law. It is one of the best in the land. It is a model for other states. We now pay up to \$65 a week for injured workmen plus all of their medical costs. It started in 1959 at \$50 a week, and with no change in the law at all it is now \$65 a week. There are built in provisions which would provide further benefits from year to year. Apparently this is not satisfactory. The industries paid out through their insurance companies a few years ago \$19 million to injured workmen in the way of claims and benefits. And you must remember that no benefits in the way of work or productivity came back. They were glad to do it. I don't think this so much needed amendment as you have before you now. You insist that it does. You have written some very bad legislation. For instance, there are five demands in this bill and the one we passed the other day, further demands on the second injury fund. Of those five, four of them

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have nothing to do with workmen's injuries. Only one is properly based on the second injury fund. The rest are there because we need money, we need benefits, it is difficult to pass legislation to commend more payments, so we reach into the pot of gold of the second injury fund. It's magic. There are four provisions in here to take money from the second injury fund which have nothing to do with a second injury. You have a provision in here providing \$5 each for dependents. Now when this bill is passed the injured workmen will receive up to about \$75 a week. Working he had received probably \$120. Under this bill, not working, besides all of his medical expenses, he will receive \$75. But if he has 5 children he will receive \$100 tax free for weeks with no work. I ask you, will that man want to go back to work? Will, when times get a little different, when an employer has a choice between an employee with one child or no children and an employee with 5 children, whom will he choose? When he knows that the burden will be considerably more because of this dependency allowance. There are about 3 good provisions in this bill besides the five which were incorporated in the Republican bill, and the rest of it are your 11 amendments, which are all good. But it's great legislation when you bring in a very long and complicated bill and then yourselves bring 11 amendments to make it better, to make it acceptable. We must remember that all of this legislation may result in bad times in the inhibition of job opportunities. Do we want this? None of us want this. We'll legislative Committee with mixed feelings, because there is not a

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soul in this House who will vote against increased benefits for injured workmen. But I am sorry it could not have been a better law. We are now leaving it to the commissioners and the insurance people to deal with. They will have their problems. They will get very much slowed up. They will not back us. I take the blame as well as you. In a very few days you will have a bill which will also be passed increasing the compensation of the workmen's compensation commissioners. I will vote to increase their salaries at least \$2000 a year and they will well deserve it when they have to deal with this law.

THE SPEAKER:

Will you remark further? All those in favor? Opposed?

The bill is passed.

MR. RATCHFORD (167th):

Earlier in the evening there was a motion made to pass an item until 11:35 this evening. That time has come and gone. Calendar 1063. May that be passed temporarily?

THE SPEAKER:

If there is no objection it will be passed temporarily.

THE CLERK:

The Clerk has in his possession H.B. 2006. H.B. 2006 was previously petitioned out of the Committee on Banks. The Banks Committee rendered an unfavorable report. The unfavorable report was rejected on May 29, 1967, at which time in accordance with the rules the bill was submitted to the Legislative Commissioner. The Legislative Commissioner returned the bill without approval

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FRIDAY

LABOR COMMITTEE

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Chr. Miller: Thank you. Representative Rand.

John Rand, 173rd District, and Member of Labor Committee: Mr. Chairman, I am only here for a moment to tell you that Mr. T. Cooney, representing The American Insurance Association, left several copies of a paper he was not able to remain long enough to testify. He wanted these papers to be given out to the members of the Committee. They perhaps will enlighten us as to some of the aspects of the insurance companies on this matter. Thank you.

Chr. Miller: Thank you. Any other opposition? If not, we'll go to the Labor Commissioner. Commissioner Ricciuti.

Renato Ricciuti: Mr. Chairman, Members of the Committee, I'm the State Labor Commissioner, Renato E. Ricciuti. You know, Mr. Chairman, all of us pay a great deal of attention to time lost because of strikes because time lost because of strikes is very wasteful. There's nothing more wasteful and more tragic than the losses caused by industrial accidents. President Johnson has said that unemployment tears the very fabric of a man's soul and it can lead to many things, such as loss of pride and disintegration of the family, having the children of the family deprived of the food they need, the education they need, the health services they need. It's also been found that there's an association between unemployment and crime and delinquency and this kind of unemployment that you're hearing about today is the most tragic of them all and it cannot be compared to unemployment compensation.

The benefits will never make up for the pain and the sorrow and the disfigurement involved. That is why I urge the Committee to make the changes outlined in the bills I favor in order to update our law.

First, Mr. Chairman, H.B. 2161 and 2755 providing for coverage for all fulltime employees rather than only employees who work for establishments which have two or more employees. Incidentally, this would add coverage for an additional 15,000 persons out of the approximately one million workers in Connecticut. Employees need protection regardless of how many workers an employer has. The cost of medical care is the same and the loss of wages hurts as much for all individuals. Extension of coverage to firms with one or more workers will also provide protection to employers from suits under civil law. This extension will help both employers and workers and should be enacted. By the way, I think safeguards ought to be written into the law to make it clear that casual workers, such as babysitters and occupations of that type would not be covered.

H. B. 2578, setting up Rehabilitation Division in the Workmen's Compensation Commission, everyone agrees, including injured workers, that a person is better off in every way if he's working rather than collecting Workmen's Compensation. These sections provide additional means for rehabilitating workers who are injured on the job. This