

Act Number	Session	Bill Number	Total Number of Committee Pages	Total Number of House Pages	Total Number of Senate Pages
PA 71-447		6894	2	1	3
<u>Committee Pages:</u> <ul style="list-style-type: none"> <i>Labor & Public Employees 195-196</i> 				<u>House Pages:</u> <ul style="list-style-type: none"> 2667 	<u>Senate Pages:</u> <ul style="list-style-type: none"> 2560-2562

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
1971**

**VOL. 14
PART 6
2503-3010**

Thursday, May 13, 1971

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MBS

Question is on acceptance and passage. Will you remark?

DONALD S. GENOVESI, 18th District:

Mr. Speaker, this bill is a housecleaning bill. It provides technical amendments to the Real Estate Licensing law. The sole purpose of the amendments is to remove obsolete references to real estate surety bonds which were previously required and were replaced effective October 1, 1970 by the creation of a real estate guarantee fund which was enacted at the 1969 session of the General Assembly.

MR. SPEAKER:

Are there further remarks on the bill? If not, all those in favor indicate by saying aye, opposed? The bill is passed.

THE CLERK:

Page 11, Calendar No. 830, House Bill No. 8727, An Act Concerning Motor Vehicle Financial Responsibility Requirements, file 840.

JOHN D. PRETE, 114th District:

Mr. Speaker, there is an amendment being prepared on that bill, may we pass it temporarily.

MR. SPEAKER:

So ordered.

THE CLERK:

Calendar No. 832, Substitute for House Bill No. 6894, An Act Concerning Second Disabilities and Workmen's Compensation, file 837.

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SENATE

**PROCEEDINGS
1971**

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PART 6
2436-2873**

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SENATOR SMITH:

Mr. President, I move for acceptance of the Joint Committee's Favorable report and passage of the bill.

THE CHAIR:

The question is on passage. Any further remarks?

SENATOR SMITH:

Mr. President. Section 31-76 of the 69 Supplements is amended by adding the following provisions: Subsection I - Any person employ-ed in the capacity of a household delivery route salesman who delivers milk to consumers and is paid on a commission basis as defined in section 31-60 of our statutes, these people are exempted from coverage under the state overtime requirement. Further excluded from coverage are salesmen primarily engaged in the sales of automobiles and the purpose of the bill is to exempt from Connecticut law providing for overtime payment milk delivery and car salesmen. I move for passage.

THE CHAIR:

Are there any further remarks. The question is on passage. All those in favor indicate by saying aye. Opposed nay. The bill is passed.

THE CLERK:

Calendar No. 776. File No. 837. Favorable report of Joint Standing Committee on Labor and Industrial Relations. Sub. H.B. 6894. An Act Concerning Second Disabilities and Workmen's Compensation.

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SENATOR SMITH:

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

THE CHAIR:

The Chair recognizes the Senator from the Second, the question is on acceptance and passage. Will you remark, Senator?

SENATOR SMITH:

Mr. President. Section 31-349 of the 69 Supplement to our General Statutes is amended. Second Injury Fund will accept liability for compensation to an injured employee, when his employer or insurer, ninety days prior to the expiration of the 104 week period, applies with the following requirement: Custodian of the second injury fund must be notified of the pending date and be furnished with a copy of the award or agreement, together with all information supporting employers or his insurance claim as to the liability of the second injury fund. All medical reports as the custodian requires shall be supplied by the employer or his insurer. In the event that the custodian rejects the claim for benefits from the second injury fund, the case shall be submitted to the commission having jurisdiction as promptly as possible. The employer or his insurer shall continue to have liability until the case is decided.

The purpose of this bill, Mr. President, is that it proposes to insure that the employer of an individual covered under workmen's Compensation, second injury fund, or the insurer's of such employees shall

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fulfill all responsibilities, shall benefit up to the 104 week period, and that the custodian of the Second Injury Fund shall accept liability for the payment after the case has been completely documented as to injuries sustained and benefits paid and the liability of the fund is demonstrated. I move for passage of the bill.

THE CHAIR:

The question is on acceptance and passage. Any further remarks? Being none, all those in favor of passage say aye. Opposed nay. The bill is passed.

THE CLERK:

Calendar No. 763, File No. 1089. Favorable report of Joint Standing Committee on Judiciary on Sub. Senate Bill 853. An Act Concerning Benefits to Firemen While Engaged in Fire Fighting Activities Outside the Municipality In Which They are Employees.

The Clerk has an amendment.

SENATOR JACKSON:

Mr. President. I move acceptance of the Joint Committee's Favorable Report and passage of the bill. I would ask the Clerk to please read the amendment.

THE CLERK:

Senate Amendment A is offered by Senator Jackson.

In line 9 and 10, strike out "in which he is employed" and substitute in lieu thereof: "for which such services were performed." In line 11, strike out "had" and strike out lines 12 and 13 and insert in lieu thereof: "were a member of the fire department of such municipality".

**JOINT
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LABOR AND INDUSTRIAL RELATIONS

HALL OF THE HOUSE
FRIDAY - 1:00 P.M.

MARCH 19, 1971

- L. Lemaire: employer within the year, and I think that's certainly adequate enough to determine whether or not there is any responsibility for coverage. Two years is unreasonable. You lose your witnesses by that time.
- Chr. Smith: Is there any more opposition? The next bill is H. B. 6771 (Rep. Badolato of the 30th) AN ACT CONCERNING WORKMEN'S COMPENSATION DISTRICTS. Those in favor.
- L. Lemaire: Leon Lemaire speaking for the Connecticut Business and Industry Association. I think along with reapportionment for legislators, there ought to be reapportionment for purposes of Workmen's Compensation. In fact, there will have to be. Population determinations don't necessarily jibe with the work loads of the commissioners and I think that the redistricting of the commission districts is absolutely essential to spread the work-load and I don't know who is going to do the redistricting here but I assume that the commissioners themselves will, at some point, present a plan for redistricting and we support it.
- Chr. Smith: Anyone else in favor of the bill? If not, is there anyone opposed to H. B. 6771 (Rep. Badolato of the 30th) AN ACT CONCERNING WORKMEN'S COMPENSATION DISTRICTS? We will go on to H. B. 6894 (Rep. Carrozzella of the 81st) AN ACT CONCERNING WORKMEN'S COMPENSATION. PART "E" OF SECTION 31-349. Those in favor.
- B. McGovern: Mr. Chairman. My name is Bernard McGovern. I am an Assistant Attorney General speaking today in an individual capacity. From mid-1967 until mid-1970, among my other duties, I represented the Second Injury in Compensation Assurance Fund. As you will recall, in 1967, Section 31-349 was amended to make the Second Injury Fund responsible for payments of injuries involving pre-existing disabilities after the first 104 weeks. Due to what we feel are certain abuses by certain carriers in this field, the Second Injury Fund, during the end of my tenure as a representative, was inundated with claims from insurance companies which had to do with injuries having little or no bearing to the injury in question. We were getting claims that pre-existing disabilities included old age, diabetes, alcoholism. The first change in this bill will be to strictly define what constitutes a pre-existing disability, so there will be no question. It will be prevention of dubious claims.
- Also, we are confronted quite often with actions by insurance carriers who would arbitrarily cut-off payments to claimants at the end of 104 weeks. Tell them to look to the Second Injury Fund for payment, while the Second Injury Fund and the insurance carrier are really negotiating or litigating with the Commissioners as to who had the responsibility. The claimant would go without even payment of medical bills or without

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- B. McGovern: compensation. Under the proposed amendment, the liability of a Second Injury Fund would be conditioned upon a timely presentation of a claim to the Fund by the insurance carrier and also, if there were a dispute as to the liability of the Fund in the particular case, the insurance carrier would keep up payments until the dispute was settled and then, he would be reimbursed by the Fund for any expenditures over the 104 week limit. Thank you.
- Chr. Smith: Is there anyone else in favor of H. B. 6894 (Rep. Carrozzella of the 81st) AN ACT CONCERNING WORKMEN'S COMPENSATION. PART "E" OF SECTION 31-349?
- N. Zolot: Mr. Chairman. Norman Zolot speaking for the Connecticut State Labor Council, AFL-CIO. We would favor certain portions of this bill but not all the bill and since I am straddling on the pro and con, may I just cover both phases at one sitting. We agree that the carrier should not be permitted to discontinue payments without notifying the Second Injury Fund of its intention to do so. We do not agree, however, with the delimitation as to the injuries to be covered by the Second Injury Fund. The proposal is, that the Second Injury Fund recognize as pre-existing injuries only specifics that means loss of bodily function - arms, legs and back, but that isn't the group principally involved. What we are really talking about are the people with multiple sclerosis, the people who are paralyzed in other parts of their body, the people who have cerebral palsy, who are employable but many of whom cannot seek employment because of the prejudices of our present day society against their employment. The Second Injury Fund was deliberately designed to cover everybody, not just those who had specific injuries. The proposal, in our judgment, represents a substantial retreat and is a loss to those who are handicapped. We think that phase of it should not be accepted.
- Chr. Smith: Is there anyone else in favor of H. B. 6894 (Rep. Carrozzella of the 81st) AN ACT CONCERNING WORKMEN'S COMPENSATION. PART "E" OF SECTION 31-349? Hearing none, we will move on to H. B. 6895 (Rep. Carrozzella of the 81st)(Sen. Jackson of the 5th) AN ACT CONCERNING WORKMEN'S COMPENSATION SECTION 31-310. Those in favor.
- B. McGovern: Bernard McGovern, Attorney General's Office. Once, again drawing upon my past experience representing the Second Injury Fund, for three years I was the Fund's Counsel. We never once received notification from an employer of a third party liability suit. This bill would make it incumbent upon the employer or the carrier not only to notify the Second Injury