

<i>Act Number</i>	<i>Session</i>	<i>Bill Number</i>	<i>Total Number of Committee Pages</i>	<i>Total Number of House Pages</i>	<i>Total Number of Senate Pages</i>
PA 71-524		9245	0	6	4
<u>Committee Pages:</u>				<u>House Pages:</u> <ul style="list-style-type: none"> • 3524-3529 	<u>Senate Pages:</u> <ul style="list-style-type: none"> • 2802-2805

H-115

**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
1971**

**VOL. 14
PART 8
3377-3877**

Friday, May 21, 1971

147.

MBS

rather than entitlement at normal retirement age.

MR. SPEAKER:

Will you remark further on the bill? If not, all those in favor indicate by saying aye, opposed? The bill is passed.

THE CLERK:

Calendar No. 1026, Substitute for House Bill No. 7889, An Act Concerning Waiver of Court Fees and Costs Payable by Indigent Persons.

CARL R. AJELLO, 118th District:

Mr. Speaker, I move that this item, Calendar No. 1026, Substitute for House Bill No. 7889 be referred to the Committee on Appropriations.

MR. SPEAKER:

Is there objection? Hearing none, so ordered.

THE CLERK:

On page 8, Calendar No. 1027, House Bill No. 9245, An Act Providing Benefits for Municipal Fire and Police Department Members Who Are Disabled or Die as the Result of Hypertension or Heart Disease.

GERALD F. STEVENS, 122nd District:

Mr. Speaker, it is a pleasure, I move acceptance of the joint committee's on Labor favorable report and passage of the bill.

MR. SPEAKER:

Will you remark?

Friday, May 21, 1971

148.

MBS

GERALD F. STEVENS, 122nd District:

Yes, Mr. Speaker. Since 1951 the Connecticut General Assembly has seen fit to provide special benefits under workmen's compensation for policemen and firemen who sustain injury of heart attack and hypertension as a result of their work. Unfortunately, a week ago last Monday, Rep. Badolato and I enjoyed the dubious distinction of having a bill we passed in 1969 declared unconstitutional by the Connecticut Supreme Court. This is a rare honor for an attorney who was never in the legislature, Mr. Speaker, and the purpose of the bill which is here before us tonight is to follow the wisdom of the Supreme Court, who suggested that we accomplish this result in a different manner. We have done that and provided that policemen and firemen who sustain injury from hypertension and heart attack will be granted benefits equal to workmen's compensation by the municipality in which they are employed, provided that the policeman or fireman before entering on disservice as a policeman or fireman, pass a physical which showed no evidence of either heart disease or hypertension. The purpose of the bill is to recognize the unusual risk attendant to police and fire work and to provide these benefits for the men who risk their lives for us each and every day. It's a good bill, I urge passage, Mr. Speaker.

MR. SPEAKER:

Are there further remarks on the bill?

Friday, May 21, 1971

149.

MBS

CARL R. AJELLO, 118th District:

Mr. Speaker, rising in support of that distinguished devotee of the Labor movement! I'd like to say only that I've tried to tell him here on the floor at other times, that if he continued in this half he could have a lot more of the Supreme Court rejections, having heard so many of his legal arguments. We are happy to help him today to correct one more mistake and I suppose we'll be doing a lot of this in the future.

DOMINIC J. BADOLATO, 30th District:

Mr. Speaker, someone has suggested that I ask him where was he when I needed him? I'm happy to support the position taken by the gentleman from the 122nd and I see that he is making an effort now to make amends. I welcome him aboard the boat of labor. I see that he is now bucking to get on that Labor Committee and I certainly hope that he would make it.

MR. SPEAKER:

Are there further remarks on the bill?

MICHAEL L. MORANO, 151st District:

Mr. Speaker, to the Chairman of the Labor Committee, I wouldn't count on it too much. That boat is liable to spring a leak any day.

ROBERT D. KING, 48th District:

Mr. Speaker, one question, through you to either Rep.

Friday, May 21, 1971

150.

MBS

Stevens or Rep. Badolato, in the wisdom of the Supreme Court, as I understand the decision, the particular member of the department is not covered by workmen's compensation and, as a result, this bill would, in effect, shift the burden to the town, to the municipality. Now, my question, very briefly, is this -- in what manner is the town compensated for this potential liability? Does the town, in turn, insure or does it come out of the town's general fund or is there some other method of compensating for any payments that will have to be made under the bill.

MR. SPEAKER:

Does the gentleman from the 122nd care to respond?

GERALD F. STEVENS, 122nd District:

That would be the determination of the particular municipality who could either choose to insure against this particular risk or pay for it out of the general revenues of the municipality if they chose to be a self-insuror for the purposes of this legislation.

MR. SPEAKER:

Are there further remarks on the bill?

HERBERT CAMP, 163rd District:

Mr. Speaker, I defer to Mr. Stevens, I guess, my position on the Labor Committee. I think that this is one of those bills that rather rakes the town. It is...in the old days apparently we started with the conclusive presumption in the

Friday, May 21, 1971

151.

MBS

'69 session that the towns would get hit if somebody that was on a fire department and police department started off by having a health report that showed he was satisfactory. Presumably if a person joins the force at the age of 20, and at the age of 65 he dies of a heart attack, we pay, whether ...whatever happens to him in the meantime, whether he smokes 20 packs of cigarettes a day or whatever the other circumstances may be. Perhaps there are certain risks and payments that a town should accept because of the dangerous nature of this work, but I would certainly want to see more study indicating that these were directly connected than I have seen thus far. Heart attacks, after all, and hypertension are one of the statistically the chances are that you and I, and most of the people in the hall, will die of a heart attack, as I understand it, of one sort or another. Or a heart related disease. To say that automatically that firemen and policemen will collect compensation for that I think goes a long way. But that's the way the ball goes, I guess.

MR. SPEAKER:

Are there further remarks on the bill?

EARL HOLDSWORTH, 125th District:

Mr. Speaker, in a letter from the Health Commissioner, Dr. Foote, this question was raised and his reply was that the medical profession finds themselves somewhat divided on the question of hypertension or heart condition developing

Friday, May 21, 1971

152.

MBS

as part of a job. It's not divided equally and the proponents for indicating it is not necessarily job associated were on the minority. Referring back to Rep. Stevens answer to a question relative to the insuring of municipal employees for hypertension or heart condition, I think this is pretty far fetched and I would like to have an affidavit or some information other than word of mouth relative to this particular answer.

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:

Calendar No. 1028, Substitute for House Bill No. 5650, An Act Concerning the Membership of the State Board of Education and Services for the Blind.

THOMAS J. MC NELLIS, 85th District:

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

MR. SPEAKER:

Will you remark?

THOMAS J. MC NELLIS, 85th District:

Mr. Speaker, this bill increases the membership on the Board of Education and Services for the Blind from eight to nine members. The Governor and the Chief Justice of the Supreme Court now serve as members of this board and they will

**S-81
CONNECTICUT
GENERAL ASSEMBLY**

SENATE

**PROCEEDINGS
1971**

**VOL. 14
PART 6
2436-2873**

June 3, 1971

Page 75

THE CHAIR:

Will you remark further? Question is on passage of the bill, as amended by Senate Amendments B,D,E, and F. All those in favor signify by saying, "aye". Opposed, "nay". The ayes have it. The bill is passed.

SENATOR JACKSON:

Mr. President, I would like to move for suspension of the rules for immediate transmittal to the House.

THE CHAIR:

If there is no objection, the rules will be suspended and the bill will be immediately transmitted to the House.

SENATOR CALDWELL:

Mr. President, may we return to page 6, where we passed retaining, the last item on the page?

THE CLERK:

CAL. NO. 955. File No. 1133. Favorable report of the joint committee on Labor and Industrial Relations. House Bill 9245. An Act Providing Benefits for Municipal Fire and Police Department Members Who are Disabled or Die as the Result of Hypertension or Heart Disease.

SENATOR SMITH:

Mr. President, I move for acceptance of the joint committee's favorable report and passage of the bill, in currence with the House.

For many years, the Assembly has recognized special problems of municipal policemen and firefighters. It has been universally recognized that policemen and firefighters have extraordinarily hazardous jobs. Now, process persuasive medical and statistical evidence has been presented, establishing a causal relationship between the work of firefighters and diseases of the

June 3, 1971

Page 76

heart and hypertension. A little history of this, in 1959, the General Assembly established a rebuttable presumption in workmen's compensation and retirement claims, that policemen and firefighters who were disabled as the result of heart disease and hypertension, suffered this disability in the line of duty. The purpose of this legislation was to offer such policemen and firefighters protection against economic loss resulting from disability/ And to, thereby, encourage qualified young men to seek careers in police and fire services.

Now, most municipalities accepted this presumption and to that extent, the intent of the legislature was attained. However, in a few cities where such claims were resisted, the workmen's compensation commissioners consistently held that the rebuttable because the presumption was meaningless.

For this reason, the General Assembly in 1961 and again in 1967, amended the law in an effort to make the presumption more effective. And notwithstanding these amendments, the commissioners continued to ignore the intended will of the legislature.

It is for this reason, that the legislature in 1969, again made the presumption conclusive. Now, unfortunately Connecticut Supreme Court in a decision published on May 4, 1971, declared the conclusive presumption to be unconstitutional. However, the court in this decision, did go onto indicate that the objective of the statute could be constitutionally attained by an exercise of the power of the state to control its own governmental agency. And the benefits intended by the statute could be attained by legislation, requiring municipalities to provide special compensation for policemen and firefighters in such cases.

Now, House Bill 9245, has been raised and response to the courts decision

June 3, 1971

Page 77

and has been drafted with the courts suggestion. It provides a means of carrying out what has been the clear and consistent intent of this legislation since 1959. This bill would promote the public interest and the public welfare.

Additional remarks, Mr. President, we're always talking about the hazardous conditions of our policemen and our firemen. We're always talking about pouring in more moneys for them to do a better job and to be more effective. While at the same time, we also have to recognize that we're also adding and egging them on really, to move into and take care of these hazardous positions.

We think too, that it ought to be recognized that as such, as they go through these jobs, throughout their careers, policemen and firemen are indeed confronted more seriously with hazardous conditions. And I move for passage of what I deem to be a vital piece of legislation, in support of our local police and our local fire departments.

Mr. President, may I also in voting on this, call for a roll call vote?

THE CHAIR:

Will you remark further?

SENATOR MACAULEY:

Mr. President, members of the circle, I'd like to take this occasion and fully support the remarks of Senator Smith on this bill and give my full support to this measure.

SENATOR ROME:

Mr. President, when Senator Macauley made such an eloquent comment, on one of Senator Smith's bills, I would hope that Senator Smith would withdraw his request for a roll call for an obvious vote.

June 3, 1971

Page 78

THE CHAIR:

Will you remark further?

SENATOR SMITH:

Mr. President, courtesy to Senator Rome, I withdraw my motion for roll call vote.

THE CHAIR:

Motion for a roll call vote has been withdrawn. Will you remark further?

SENATOR PETRONI:

Mr. President, I rise in support of this bill. I feel that in order to get the fine men in this field, we have to consider giving them this kind of a benefit, even though at times, it may appear to be a little bit more equity than law. Especially in the cases I've read. But to get the kind of men that we have now and to improve the quality of the men in this great field of fire and police protection, I am going to support this bill.

THE CHAIR:

Will you remark further? If not, all those in favor of passage of the bill signify by saying, "aye". Opposed, "nay". The bill is passed.

THE CLERK:

CAL. NO. 1002. File No. 1419. Favorable report of the joint committee on Elections. House Bill 5393. An Act Concerning the Order of Offices on Ballot Labels for State Elections.

SENATOR DUPONT:

Mr. President, I move acceptance of the joint committee's favorable report and passage of the bill. I move also to reject House Amendment Schedule A.

THE CHAIR: