

Legislative History for Connecticut Act

HB 6314	<PA 77-399>	1977
Govt Policy + Adm.	454-455, 460, 481	4 p.
House	2840-2846	7 p.
Senate	2783-2784	<u>2 p.</u>
		13 p.

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

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JOINT  
STANDING  
COMMITTEE  
HEARINGS

GOVERNMENT  
ADMINISTRATION  
& POLICY  
PART 2  
395 - 813

1977

MR. O'NEIL (Continued): proposed bill. They made a connection charge and charged the property owner and then the property owner claimed that it was illegal and not permitted under their Special Act, and it went to the Supreme Court of Connecticut and the Supreme Court said that this was a Constitutional Method of doing things and the Special Act was a little vague, but they upheld it.

There isn't any such power in the Sewer Authorities created under the General Statutes. Does that answer your question? If you look at the case involving that, I have it in my brief case there. It's not as explicit. They've permitted this kind of a method of financing sewer construction, but they did so by interpreting that Special Act involving the Metropolitan District Commission, which doesn't have all the explicit details and the requirements that we have set forth here.

REPRESENTATIVE JOHNSTON: I thank you very much.

MR. O'NEIL: I did have one other comment, I could make on one other Bill, which is one that is very similiar to one I heard mentioned this morning on Indemnification on Municipal Officials.

The Bill that I am interested in is No. 6314, this was introduced by Representative Dsialo also. And the purpose of this is to merely include those Town Officials who seem to have been left out of the indemnification provisions, which would be those Town and City Officers who are not members of any Board or Commission and who are not per se employees, and also, who are not members of a Board of Education.

There are a number of Statutes which cover those which I just mentioned, that if a Town Official, elected or appointed does not fit into one of those categories they is no indemnification procedure for them and it's similiar to the Health Director situation of the Regional Health Districts which were mentioned this morning. And, I think the same comments would apply to these and I--this proposed-- this Bill 6314 is patterned after Section 7-101a. That Statute existed, existing Statute limited to Officials or Members of Boards. And, I'm assuming this was not an intentional-on the part of the Legislature, to leave out those persons who are not members of Boards in that kind of a situation apparently as the people who are interested these things approach the Legislature from time to time, they passed a number of Statutes, and I think the net effect now, is to cover those of course, that are specifically referred to in the Statutes, but it does leave an area open for those persons who are not specifically covered, and I don't think that was intentional and I don't think it's fair not to cover the balance of the officials when everyone else is.

Any questions on that, thats kind of a --

REPRESENTATIVE JOHNSTON: Any questions of the Committee?

MR. O'NEIL: That's not a bill that would require an appropriation that you are all conscience of, I'm sure (OVERLAPPING CONVERSATION.)

MR. O'NEIL: well it's not that it's got to be good, but it does, I think that it is good and it's good in that sense. But, it also it's more fairly treating everyone else who is- whose already specifically covered by these Statutes. This is sort of just filling a gap in, I think the that the Legislature a philosophy to indemnify officials and this would just fill a gap in the existing Statutes.

REPRESENTATIVE JOHNSTON: Thank you very much. Mr. Otto Newmann, please, First Selectman of the Town of Granby.

OTTO NEWMANN: Mr. Chairman, Members of the Committee. I'm here as First Selectman of the Town of Granby and also as a Member of the Board, oh yes--Otto Newman, First Selectman of the Town of Granby. A Member of the Caucus of the Council of Small Towns.

Before your Committee today are several Bills which are in our Legislative Program that we think would improve the effectiveness of Local Government Administration and I believe others have spoken to several of them, but let me just put, for the record that the support of the Bills 6090, which involves appointment to Boards and Commissions rather than just by the First Selectman. This was a change that was made in the Statutes, some year ago and we believe it is better for the full board to be involved in the appointments.

6091 the Bill that relates to the appointment of auditors by the Board of Finance, where the Legislative Body is the Town Meeting.

Senate Bill 781, this is the question of Liability for Board Members particularly, as it relates to malicious and wanton acts and the defense thereof. If, indeed the elected official is found guilty would not be responsible, but it does raise questions of -- right now an elected being sighted and found not guilty and having to pay for the defense himself.

The Resident Trooper Bill has been commented on and Senate Bill 823 this is the--a Bill which would raise the limit on Public Projects on the prevailing wage from \$5,000.00 to a \$100,000.00. This became a particular problem because it was only a year or two ago when a major change was made in the Statute, which included renovations and repairs in the category of projects under the Statute. Particularly, if you are trying to do road work and this type of repair work, going along with working with a \$5,000.00 figure is not very effective when you are trying to use local contractors and so forth and people in Town wouldn't oppose the opening of the \$5,000.00 to \$100,000.00 limit.

Thank you Mr. Chairman.

REPRESENTATIVE JOHNSTON: Thank you. Henry Camp First Selectman from the Town of Harwinton.

HENRY CAMP: Thank you Mr. Chairman, Members of this Committee. My name is Henry Camp First Selectman of the Town of Harwinton and also a member of the Caucus of Small Towns.

MR. UNTIED (Continued): of appointment by a town meeting, and it will provide and it will provide that the auditors report to a responsible body other than the body they are auditing.

On Senate Bills 781, 802 and House Bill 6201, 6314 Concerning Protection for Municipal Board, Committee, Council and Commission Members from Suits. Since other Legislative Acts cover all the other bodies in the municipality, we feel that in order to entice responsible people to this form of Government, this Bill is simply good legislature and it is necessary to pass.

We have a Special Memorandum from COG and I will leave with you.

On House Bill 7111, I was very happy to hear Representative Motto's Comments on that. On Concerning the Funding of resident State Policemen. The Council of Governments goes on record to support the legislative position that "no increase increase in the cost to local governments of the State Trooper Program." I think this program is of mutual benefit, both, to the State and to the Towns in that by having the Resident Troopers in the Towns, represented under this program, you extend the arm of the arm of the barracks and also enhance the program of the State Troopers in policing our State.

On Senate Bill 1109, AN ACT CONCERNING RESIDENT STATE POLICEMEN. We wholeheartedly support the increase from 66 to 68 minimum requirements on that and we ask to come out favorably on these Bills and thank you very much for your time.

REPRESENTATIVE JOHNSTON: Okay, thank you. Barbara Brown.

BARBARA BROWN: Goon morning, I'm Barbara Brown, Chairman of the Republican Town Committee in the Town of Preston.

I have a very fine young man, who advises me on Community Affairs and Legislation, who has loves to do this sort of research and I hope Mrs. Faulise gave you this summary that we wrote and the feasibility study of our request on Bill 7840, this is the..... Board of Education from the Town of Preston.

If, you haven't got it readily available. I've got another one I would like to give you, because it's done, it's done all the work for you, and this is also, I also have this Resolution from our Board of Selectmen, which comments on the fact, that both, this is a Bi-partisan study that we have made in the Town, both the Board Education, the Democrats and the Republicans are in accord on this.

As she mentioned, I only wanted to add a few remarks to what she said, in that she mentioned the fact, that it is hard to find good candidates for these six year terms. It is necessarily hard to find candidates, everybody wants to be on the Board of Education, these days. And, but, I find that it's the more dependable types who are realistic enough to realize that they might not be able to devote six years out of their lives to the board. And, their the ones that

S.B. 781, 802 and H.E. 6201, 6314, Concerning Protection for Municipal Board, Committee, Council and Commission Members from Suits. The Council of Governments supports the concept of these bills. A special Memorandum outlining the COG position is enclosed.

H.B. 7111, An Act Concerning the Funding of Resident State Policemen. The Council of Governments supports this bill because it is in line with that COG's officially adopted legislative position that there be "no increase in the cost to local governments of the State Trooper Program."

S.B. 1109, An Act Concerning Resident State Policemen. The Council of Governments supports this bill because it provides for an increase in the number of Resident State Policemen from 66 to 68.

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GEN. ASSEMBLY  
HOUSE

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You have heard the motion for reconsideration of yesterday's Calendar item, Calendar 747, on Page 9, File 643, H.B. 7953. All those in favor of reconsideration signify by saying "aye". All those opposed. The motion to reconsider carries.

WILLIAM A. O'NEILL:

Mr. Speaker, I now move that that item be passed retaining its place on the Calendar.

MR. SPEAKER:

You have heard the motion. Any objections to that motion? Any objections? So ordered.

THE CLERK:

Page 15 of the Calendar, Calendar 872, Substitute for S.B. 1640, File 513, an Act concerning absentee voting. Favorable report of the Committee on Elections. Correction. Calendar 872, Substitute for H.B. 6314, File 784, an Act concerning the protection of municipal officers from damage suits. Favorable report of the Committee on Government Administration and Policy.

KEVIN P. JOHNSTON:

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

MR. SPEAKER:

The question's on the acceptance of the Committee's favorable report and passage of the bill. Would you remark, sir?

KEVIN P. JOHNSTON:

Yes, sir. Mr. Speaker, this bill deals with the protection of municipal officers from damage suits, and we have...the Clerk has an amendment, L.C.O. 7544. I would ask that the Clerk

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call the amendment and that I be allowed to summarize.

efr

MR. SPEAKER:

The Clerk has in his possession 7544 designated as House Amendment "A". Would he please call House "A".

THE CLERK:

House Amendment Schedule "A", L.C.O. 7544, offered by Representative Hendel, 40th District; Representative Barnes, 21st District; Representative Johnston, 51st District.

MR. SPEAKER:

Does the gentleman seek permission to summarize?

KEVIN P. JOHNSTON:

Yes, Mr. Speaker.

MR. SPEAKER:

Any objections? Please proceed, sir.

KEVIN P. JOHNSTON:

Mr. Speaker, this amendment actually is the bill. It will include municipal employees under the protection afforded elected and appointed...it would include municipal employees as well as the appointed and elected officials under the protections offered under Section 7-101a of the General Statutes. The second part of the amendment would require towns to protect and save harmless any municipal officer or employee from financial loss and expense including legal fees and costs, if there are any, arising out of any claim, demand, or suit instituted against such officer or employee by reason of alleged malicious, one, or willful acts on the part of such officer while in the conduct of discharge of his duties. It also offers a clause which states

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that if judgment is rendered against such municipal officer or employee that the municipality be reimbursed for such expenses, and I would move adoption of the amendment.

RICHARD E. VARIS:

Mr. Speaker, I would support Representative Johnston in this amendment. In many of our communities situations have arrived where competent, capable people have decided not to serve because this threat of lawsuit hangs over their head. I would strenuously support the amendment.

MR. SPEAKER:

Would you remark further on House Amendment Schedule "A"?

JOHN J. TIFFANY, II:

Mr. Speaker, a question, through you, to the proponent, or anyone who cares to answer. I'm heartily in support of this philosophy behind this. As a member of the School Board, I'm concerned whether or not they would be covered under this protection. I know the insurance cost to the town for protection of the members of the School Board has risen very dramatically in the last several years, and if they are not considered municipal officers, they certainly should be.

MR. SPEAKER:

Will you remark further on House Amendment Schedule "A"?

JOHN J. TIFFANY, II:

Mr. Speaker, I believe I have framed a question.

KEVIN P. JOHNSTON:

Mr. Speaker, through you, Mr. Speaker, the Act says "any municipal officer whether elected or appointed". It does not

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specifically mention the Board of Education. However, I think that efr Boards of Education are elected. I would assume, and this is a personal assumption, that they are covered.

MR. SPEAKER:

Would you remark further?

DOROTHY D. BARNES:

Mr. Speaker, this bill expands the purpose of H.B. 6837, which was recommitted to General Law shortly ago, because of this bill, and the need for this bill arose most recently when two suits occurring in the New Haven area involved spurious claims against individual members of Zoning Commissions. Here members were sued individually for committing wanton and willful acts in connection with particular application. The cases were generally considered harrassment suits. The cost of undergoing such an ordeal is too much for most people to absorb, and the importance of attracting qualified and competent people to serve in local public office makes it imperative that we remove the kind of... this kind of burden from those who are willing to serve in these communities.

DOROTHY C. GOODWIN:

Mr. Speaker. Thank you, Mr. Speaker. Through you, a question to the proponent of the bill.

MR. SPEAKER:

Please proceed.

DOROTHY C. GOODWIN:

Mr. Johnston, I don't that whether...maybe you could just tell me whether this is a needless worry or not, but what

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about the case where one officer of a town sues another officer of a town, or one board of a town sues another board of a town, or where the municipality sues an employee, or an employee sues a municipality. What happens in such a case? efr

KEVIN P. JOHNSTON:

Through you, Mr. Speaker, through this amendment, and through the law, any suit brought against an employee or an officer of a community, whether he's a board member or a commission member, will be protected by that community. The bill does not specify who is doing the suing, or anything to that effect. So, that employee, or that officer, would be protected by the community, if that helps clear it up a little.

DOROTHY C. GOODWIN:

Through you, Mr. Speaker, one more question. This bill just covers personal liability then. Is that correct?

KEVIN P. JOHNSTON:

As I understand it, through you, Mr. Speaker.

DOROTHY C. GOODWIN:

Thank you. I would like to support the bill. Thank you.

MR. SPEAKER:

Will you remark further on House Amendment Schedule "A"? Would you remark further? If not, all those in favor of House Amendment Schedule "A" signify by saying "aye". Those opposed. House "A" is adopted and ruled technical. Will you remark on the bill as amended by House Amendment Schedule "A"?

KEVIN P. JOHNSTON:

Mr. Speaker, as I mentioned earlier, the amendment

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actually is the guts of the bill, and I would urge its passage. efr

MR. SPEAKER:

Remark further? If not, will all Members please take their seats. Would staff and guests come to the well of the House, and the machine will be opened. Have all the Members voted? Have all the Members voted? All the Members voted? If so, the machine will be locked, and the Clerk will please take a tally. The Clerk please announce the tally.

TAPE #12

The following is the result of the vote:

Total number voting . . . . .	141
Necessary for passage . . . . .	71
Those voting Yea. . . . .	140
Those voting Nay. . . . .	1
Those absent and not voting . . . . .	10

GEORGE J. RITTER:

Mr. Speaker, may I please be noted as voting in the affirmative.

MR. SPEAKER:

The Clerk please note.

GEORGE J. RITTER:

Thank you.

MR. SPEAKER:

The Clerk please announce the tally.

The following is the result of the vote:

Total number voting . . . . .	142
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Necessary for passage . . . . .	72	efr
Those voting Yea. . . . .	141	
Those voting Nay. . . . .	1	
Those absent and not voting . . . . .	9	

The bill as amended is passed.

THE CLERK:

Calendar 877, Substitute for S.B. 876, File 279, an Act concerning occupational disease testing for certain employees. Favorable report of the Committee on Labor and Industrial Relations.

FERDINANDO A. DEL PERCIO:

Mr. Speaker, I move the acceptance of the Joint Committee's favorable report and passage of the bill in concurrence with the Senate. And at this time, Mr. Speaker...

MR. SPEAKER:

The question is on acceptance of the Committee's favorable report and passage of the bill in concurrence with the Senate, and would you remark, sir?

FERDINANDO A. DEL PERCIO:

Mr. Speaker, at this time I would like to yield to Representative Swomley.

MR. SPEAKER:

Representative Swomley, of the 17th District, accepts the yield?

JAMES A. SWOMLEY:

Thank you. Yes, I do, Mr. Speaker. I would like to

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joint standing Committee on Government Administration and Policy, Substitute for House Bill 6314. AN ACT CONCERNING THE PROTECTION OF MUNICIPAL OFFICERS FROM DAMAGE SUITS, as amended by House Amendment Schedule A.

SENATOR BAKER: (24th)

Mr. President, I move acceptance of the joint committee's favorablereport and passage of the bill.

This bill would require municipalities to assume liability for acts committed in the discharge of their duties by elected and appointed officers who are not members of boards, committees, councils or commissions. The statute presently now requires municipalities to assume liability for acts of municipal employees and municipal officers who are members of boards, committees, councils or commissions Requirement does not extend to officers who are not members such as town sanitarians, health directors, attorneys or tax collectors. If there is no objection, I would move it to the Consent Calendar.

THE PRESIDENT:

Without objection, it is so ordered.

SENATOR MADDEN: (14th)

Excuse me, Madame Clerk, I have a question. Through you, Mr. President, through to Senator Baker, in your opinion or was it the intent of your committee to have people who are appointed to represent municipalities on regional commissions and boards also included in the provisions of this bill. The

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reason that I ask this question is that I represent the Valley. The Valley is doing most of its health, transportation, community council, human service development work on a regional basis and the question was asked of me by that Council.

SENATOR BAKER:

I don't believe that it was our intention - we did not give consideration to the regional aspects, regional boards.

SENATOR MADDEN:

Thank you, very much.

(SENATOR CLOUD of the 2nd IN THE CHAIR)

THE CLERK:

Cal. 862, File 765. Favorable report of the joint standing Committee on Government Administration and Policy. House Bill 7840. AN ACT CONCERNING THE TERM OF OFFICE OF THE TOWN OF PRESTON BOARD OF EDUCATION.

THE PRESIDENT:

Senator Baker.

SENATOR BAKER: (24th)

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

THE PRESIDENT:

Will you comment?

SENATOR BAKER:

Yes, this is special legislation essentially which would reduce the term for the office of a member of the Board of