

Legislative History for Connecticut Act

HB.210	(PA 284)	1953
Judiciary	381-388	(8)
House	1613-1614	(2)
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Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate
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is taxed \$2020. His total tax is \$5816 which, plus the \$4000 paid his wife, leaves him approximately \$6000 to live on. She on the other hand would pay a tax of \$936 if the \$4000 was taxable to her. Now, if the payments decreed to her were deductible to him and taxable to her, the court could order him to pay \$6000 a year. He would then have a taxable income of \$10,000 on which his tax would be \$2956, leaving him \$7000 to live on. She, on the other hand, on the \$6000 received would pay a tax of \$1516, leaving her approximately \$4500 to live on. Thus, she would have \$500 more and he would have \$1000 more if his income were the same. This is the law in practically every state but Connecticut. Examples might be multiplied to show even more injustice.

Rep. Parsells: Suppose a couple get a separation and six months later they want a divorce.

Mr. Cooney: There is nothing to prevent them from getting a divorce.

Rep. Parsells: Does she have to go back into court?

Mr. Cooney: Yes. Incidentally, I have talked the matter over with Judge Kenneth Wynn and he is in favor of it.

Chr. Jewett: The hearing is closed. We will take up H. B. 210. Anyone in favor?

H. B. No. 210 - Pruyne - AN ACT AMENDING CHAPTER 224 GENERAL STATUTES, REVISION OF 1949, CONCERNING ARCHITECTS

Carmen R. Lavieri: I am speaking for the Connecticut Chapter of the American Institute of Architects in support of this bill. I wish to file this memorandum with the committee (see statement attached). There might be some objection to sub-section 1 of Section 3. I understand there will be someone here who has something to say about that. I think all concerned are definitely in favor of this law, assuming that this subsection is straightened out. We are prepared to do whatever we can to assist the committee to alter it. I would like to call on Richard Howland, Austin Mather and T. Merrill Prentice to say a few words. I think the building inspectors would be only too glad to have such a bill which would assist them.

Rep. Crouch: Do you mean to interpret that a building inspector could be fined - in looking at the bill here.

Mr. Lavieri: I think if a building inspector approved plans that did not meet with the provisions of this law

STATEMENT OF CONNECTICUT CHAPTER OF THE AMERICAN INSTITUTE OF ARCHITECTS IN SUPPORT OF

H. B. 210, An act amending Chapter 224, General Statutes, Revision of 1949, concerning architects.

NEED FOR THIS LAW. There are several classes of people entitled to protection from injury to person or property caused by improperly designed or poorly constructed buildings. Workmen engaged in the construction of a building and suppliers and their agents delivering materials are involved in the first instance. Many a tragedy has occurred during the construction of a building because of improper supervision.

After the building is completed the safety of persons using the building becomes important. Whether the particular building involved may be a retail store, a warehouse, a factory, or almost any type of building, it is used by people who have no control over its construction and who depend on the State to see that such buildings are safe for their use. It is clearly the duty of the State to protect the general public from injury or risk of injury from these sources.

The only method of affording this type of protection is by a law such as that proposed by House Bill No. 210.

OPERATION OF PROPOSED LAW. The law proposed by House Bill No. 210 is designed to accomplish the above-stated objectives in the following manner.

In the first place, it would make it unlawful for any persons to practice architecture or to design or supervise the construction of buildings except registered architects.

Secondly, the proposed law would require any persons practicing architecture or designing or supervising the construction of buildings to be registered architects, and it would provide further that persons seeking a certificate of registration as architects would have to prove to the satisfaction of a duly constituted board that they are qualified to practice architecture by reason of their training and experience.

Certain operations which are comparatively small in scope, such as the construction of residences and farm buildings and buildings consisting of less than 3,000 square feet, are exempt from the provisions of the proposed law because they are of such a nature that they are not apt to create dangerous conditions. Also exempt are activities controlled by other state agencies.

COMPARISON WITH PRESENT LAW. House Bill No. 210 is not a radical departure from our existing law. At the present time there are six sections (4615-4620) in Chapter 224. Of these six sections, three are retained in their entirety and Section 4620 is changed only in form. The architectural examining board has been retained exactly as it now exists. There is no change in the manner or cost of its operation and no change in the fees involved. The passage of House Bill No. 210 provides for no increase in expense of any kind to the State of Connecticut. Section 4616 of Chapter 224 is repealed and is replaced by Section 2 of House Bill No. 210.

The basic difference between these two laws is that the present law makes it unlawful to practice architecture under the title "architect" unless the person holds a certificate of registration; whereas the proposed law makes it unlawful to practice architecture or use the title architect without having secured a certificate of registration. The present law clearly affords no protection for the public.

A person can practice architecture at the present time without any restrictions whatsoever provided he does not use the word "architect" in connection with his business. Presumably, under the present law, an architect holding a certificate could engage in unethical practices of any type, be convicted of a felony or of any type of negligence or incompetence which would cause a certificate to be revoked and thereafter he could continue to practice architecture in the same place and in the same manner as previously except that he would be obliged to remove the word "architect" from his door. Clearly Section 4616 does not afford the protection that the public is entitled to.

Section 3 of the bill is completely new to our law. Under the old² law, it was unnecessary to provide any exemptions inasmuch as anyone could practice architecture so long as he did not use the word "architect". However, the exceptions contained in Section 3 are necessary because certain activities of employees of public utility companies, registered engineers, employees of registered architects and so forth, might possibly be unlawful under Section 2 of the bill unless specially exempted. Also it was deemed advisable to exempt dwellings, farm buildings, and buildings whose total area does not exceed 3,000 square feet, inasmuch as this type of building does not present any particular safety problem.

Section 4 of the bill replaces Section 4617 of Chapter 224. These sections are substantially the same. The basic difference is in the qualifications required of persons allowed to take the examination. Section 4617 provides that any citizen of the United States twenty-one years of age and of good moral character who shall have completed a four year high school course or its equivalent is eligible to take the examination. Section 4 of the bill provides that in addition to these qualifications, a person, in order to be eligible to take the examination, must also submit evidence to the board of eight years of practical experience in architectural work, with the provision that each complete year of study in an accredited school or college of architecture shall be deemed the equivalent of one year of practical experience. Section 4 of the bill also provides that in any event an applicant must have had at least three years of practical experience.

Under the old law, a person without any knowledge of architecture could apply for and take the examination. If by some odd chance he got a passing grade in the examination, he would be entitled to be registered as an architect. The proposed law would eliminate this possibility and make certain that no inexperienced or unqualified persons could be registered.

Section 5 of the bill is new. Under Chapter 224 there is a penalty provided for violating the chapter, but there is no provision for any procedures for enforcement. Section 5 provides that each architect shall have a seal and that any drawings or plans prepared by him shall be stamped with his seal. It further makes it unlawful to pose as the author of any plans or drawings and provides that officials charged with the enforcement of building laws and with the approval of plans and specifications shall not approve any plans and specifications which have been prepared in violation of the sections of this bill.

Section 6 of the bill replaces Section 4620, Chapter 224. The penalty remains the same but the wording of the section is in conformity with the other sections of the bill.

COMPARISON WITH LAWS OF OTHER STATES. The proposed law is not more restrictive than the laws in some of the other states. For instance, Section 7304 of Article 147 of the NEW YORK STATE laws, which sets forth the qualifications required of persons applying to take the examination, is almost identical with the requirements as set forth in Section 4 of the bill except that in New York State the applicant must be at least twenty-five years of age, rather than at least twenty-one as in the proposed law.

WISCONSIN provides that in order to be eligible to take the examinations an applicant must have at least seven or more years of experience in architectural work of a character satisfactory to the board, but graduation from an approved school of architecture is equivalent to four years of experience. Wisconsin also requires good moral character and the other matters included in the proposed law. Ref: Wisconsin statutes, Section 101.31 (6).

Section 8 of Public Act 165 (1951) of the VERMONT laws provides, among other things, that in order to be eligible to take the examinations an applicant must be at least twenty-five years of age and shall have a degree from an approved architectural school and three years of practical experience. If the applicant does not have such a degree, nine years of diversified practical experience would be acceptable.

The law in effect in the State of MAINE is identical with that of the State of VERMONT.

In the State of OHIO buildings whose total cubage does not exceed 300 feet are exempt from the provisions of that law. Generally speaking a building of 30,000 feet and a building of 3,000 square feet floor area are the same. In New York the 30,000 cubic foot rule is used.

SUMMATION. The Connecticut Chapter of the American Institute of Architects urges the Judiciary Committee to report favorably on House Bill 210 for the following reasons.

1. The law is made to protect the public against hazards created by improperly designed buildings and by improper supervision during the course of construction.
2. The law is not a great departure from our present law.
3. The law will operate simply and expeditiously and it does not require any new state employees or agencies and will create no additional expense to be borne by the state.
4. The law is not more restrictive than the laws of many of our neighboring states and is less restrictive than many in some respects.

Respectively submitted,

The Connecticut Chapter of the
American Institute of Architects

By: Carmine R. Lavieri, Counsel

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he would be in violation of this law, but I would say it would have to be willful.

Rep. Crouch: Can't you penalize the people who drew the plans?

Mr. Lavieri: Yes.

Rep. Crouch: Then why penalize the officials?

Mr. Lavieri: I must say it is not our intention to penalize the officials. Perhaps that part should be rearranged.

Richard L. Howland, Chairman, Committee on Education and Registration, Connecticut Chapter, American Institute of Architects: I would like to say that an agency involved with public safety is the Office of the State Fire Marshall and I have drawn his attention to this bill. The Fire Marshall is our Commissioner of State Police, Edward J. Hickey and I have a letter from him reading in part "I have examined the bill very carefully and the suggestions that you have to offer relative to it. I see no reason for this office to object to such a bill, and we shall register in favor of it." The profession of architecture calls for men of high integrity, business capacity, technical and artistic ability. The licensing of the profession of architecture, involving as it does the health, welfare and safety of the public, is a proper and necessary exercise of the police power of the legislature. Present statutes only restrict the use of the title "architect" to those duly registered. No restraint whatever is put upon the practice of architecture; anyone may engage in any or all of the functions of an architect, provided he does not use the title "architect". Clearly, then, if it was the intent of the legislature to protect the public safety, health and welfare, the results have been less than what was intended. For the present statutes only basically provide for the protection of the public from misrepresentation and deceit in the use of the title "architect". They do not bar from practice the dishonest or the incompetent. On the other hand the proposed bill clearly defines the practice of architecture, provides for the registration of persons duly qualified to engage in such practice, and utilizes existing regulatory bodies in a simple enforcement plan. With regard to the eligibility for examination, present statutes require that an applicant must be examined if he is a citizen of the United States, is 21 years of age, is of good moral character, has completed a 4 year high school course or its equivalent. These requirements are very low, indeed.

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One of the more significant portions of the training of architects is his practical experience, supplementing theoretical training. At the same time, this experience is difficult, if not impossible, to evaluate in any examination procedure. Under present requirements the Board is required to examine applicants who have not finished even their theoretical training in architectural school. It is thus entirely possible for the Board to be obliged to issue a certificate of registration to an undergraduate in architectural school, who has had absolutely no practical experience in the application of theory to the actual practice of his profession. In engineering a candidate for examination must be a graduate of an approved engineering school with four years of satisfactory practical experience or have ten years of satisfactory practical experience. Hence, there is every reason that the public should have the much more complete protection afforded by the proposed requirements for the architectural examination. In summary, the present statutes do not protect the public from the practice of architecture by incompetent or dishonest individuals; it provides for registration of individuals who do not have any practical professional experience; it defines the practice of architecture and provides protection for the public through a simple enforcement process in the proposed legislation and protects the public from inexperienced practitioners by requiring a minimum of three years of satisfactory practical experience before registration is possible.

Austin W. Mather, president of the Connecticut Chapter of the American Institute of Architects: We believe this proposed legislation will be for the good of all people and particularly public safety in building. I am a practicing architect and am called in to give experienced testimony relative to cases of litigation. I would like to point out a few examples: This was a death due to ammonia fumes. There was a wooden stair tower from the basement to the second floor. There was a top floor dormitory wing. The refrigeration room was in the basement opening directly off the stair tower. The relief valve in the ammonia line became defective and permitted fumes to fill the refrigeration room and flow into the stair tower because no sealed door was provided. The fumes spread through the corridor to the sleeping rooms and suffocated one of the occupants. Competent design would have sealed refrigeration room from the rest of the building and vented room to out-doors. Another example: A garage was built on filled ground with the rear foundation wall of garage acting as a retaining wall for the

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earth fill. The weight of the cars using the garage cracked the concrete floor, causing the earth pressure against the retaining wall to buckle the wall which was improperly designed. The retaining wall was found to be a 6" concrete block wall with mortar joints, whereas a sound concrete structural wall should have been provided. We feel that the builders build and the owner and public occupy. There is a void there in some cases because no one assumes the responsibility of design. The responsibility should be with the registered architect or engineer who by law is licensed.

Rep. Greene: This would not prevent people from getting their plans by mail order.

Mr. Mather: There are exemptions in this but we did not want to have them restricted. We exempted farm buildings in their entirety. Then, of course, there is the matter of utility buildings, one family houses and government buildings and certain buildings below a certain size that would not need this licensing. It is hard to strike the line. Our law is more liberal than other laws. We have taken an arbitrary figures of 3000 sq. ft. for a new building. We took it based on other legislation. It will not protect mass housing developments but we cannot restrict it lower than we have.

T. Merrill-Prentice: I am strongly in favor of this bill. The examinations which we give have already been cited. Some of the applicants indicate the need of higher preparation and training which this bill provides. As the legislation now stands, it is possible for a student to pass an examination and become registered. He has not even graduated from his course and has had no experience. This is one issue this bill hopes to correct. It in no way protects the people against a layman from practicing a highly technical profession. I have been practicing in 14 states. In many states there are no registration laws. It is my firm belief that this bill is strongly in the public favor.

Arthur Rutherford, building inspector, West Hartford, also chairman of the building inspectors of the state: The part referring to building inspectors might be rewritten. I would point out on Page 2, subsection 1, that that should be clarified for purposes of interpretation. That probably will be done and submitted to your committee. The design of structures is something that should receive the attention of the law enforcement officials of the state. I think that

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this approach is all right. One of your members asked whether or not it would affect zoning. There could be some clarification on that.

Victor Frid, Hartford, president of the Building Congress, which is composed of all branches of the construction industry: This group has authorized me to speak and register in favor of H. B. 210.

A. J. Mackey, president, Connecticut Society of Professional Engineers: We are in favor of this bill in the interests of public safety.

Chr. Jewett: Anyone opposed? The hearing is closed. We will take up H. B. 900.

H. B. No. 900 ✓ Cohen - AN ACT CONCERNING LEGAL SEPARATION AND SEPARATE MAINTENANCE OF HUSBAND AND WIFE

Chr. Jewett: Anyone in favor? Opposed? The hearing is closed. Take up H. B. 919.

H. B. No. 919 ✓ Pruyn - AN ACT CONCERNING THE ESCHEAT AND INVESTMENT OF UNCLAIMED INSURANCE FUNDS

Chr. Jewett: Anyone in favor? Anyone opposed? The hearing is closed. We will take up H. B. 1405. Anyone in favor?

H. B. No. 1405 ✓ Knibbs - AN ACT CONCERNING CREDIBILITY OF WITNESSES

Edward T. Carmody, Waterbury: I wish to register in favor of this bill. Under the present law the prosecutor cannot ask a person on the stand if he had been guilty of such and such a crime previously. However, this bill is addressed to a loophole, in effect, on that law which allows the prosecutor to ask the same question of the same accused and it is allowed as long as it is stated in due course that it is only being done for the creditability of the accused on the stand. The jury hearing that question is bound to be prejudiced. It seems the only realistic thing to do is to amend the act to allow the prosecutor to ask a person as to his former conviction only in the case of perjury. If a man has a record, large or small, the time for it to be brought to the attention of the court is after the conviction, and then it could be stated that he was found guilty of such and such, but to allow this in the course of a trial, the jury and judge will definitely be affected by it. I would ask that your committee give favorable consideration to this bill.

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move you the acceptance of the favorable report.

THE SPEAKER:

Question is upon passage of the bill. Those in favor will signify by saying "aye"; opposed? The bill is passed.

THE CLERK:

Favorable report of the Committee on Judiciary on Substitute for House Bill No. 210 "An Act concerning the Examination and Registration of Architects." Calendar 1031 File 640.

MR. PARSELLS (FAIRFIELD):

This bill amends the present law with respect to registration of architects in the State of Connecticut with the idea of protecting the public against hazards created by improperly designed buildings and improper provisions for protection during the course of construction. The first thing it does is make it unlawful for any person to practice architecture or to design commercial buildings unless they are registered architects. Secondly, it provides the person seeking to be registered as an architect must prove to the satisfaction of the Board of Architects that they are qualified to practice architecture by reason of their training and experience. It does not apply to the construction of residential buildings unless they are buildings to hold more than two families. It does not apply to farm building or to any building under five thousand square feet of outside measurements. The change in the law was asked for by the Connecticut Institute of Architects and a large number of building inspectors who appeared at the hearing and is designed to protect the public of the State of Connecticut. The Committee

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went into it very carefully, held two hearings on the bill, and are of the opinion it should pass.

THE SPEAKER:

Question is on passage of the bill. Those in favor will signify by saying "aye"; opposed? The bill is passed.

THE CLERK:

Favorable report of the Committee on Public Health and Safety on House Bill No. 242 "An Act concerning Hypertension or Heart Disease of Policemen." Calendar 1032 File 639.

MR. MCMAHON (WINDSOR LOCKS):

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

THE SPEAKER:

Question is on acceptance of the committee's favorable report and passage of the bill.

MR. MCMAHON (WINDSOR)LOCKS):

Mr. Speaker, this bill would extend disability benefits now for firemen for disability caused by hypertension or heart disease. I hope the bill passes.

THE SPEAKER:

Question is upon passage of the bill. Those in favor will signify by saying "aye"; opposed? The bill is passed.

THE CLERK:

Favorable report of the Committee on Agriculture on House Bill No. 304 "An Act concerning Bacteria Counts of Milk and Cream." Calendar 1033 File 638.

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adopted and included in the recodification will be absolutely safe and sound and above attack from a legal basis. I trust that the Committee's favorable report will be accepted and the bill passed.

PRESIDENT: The question is on acceptance of the Committee's favorable report and passage of the bill. Those in favor say "Aye" - those opposed "No" - the Ayes have it and the bill is passed.

CLERK: Calendar No. 633, File No. 514 - Favorable report of the Committee on Constitutional Amendments on Senate Bill No. 907, An Act Submitting a Proposed Amendment to the Constitution, to Incorporate Forty-seven Amendments in the Constitution of the State Without Other Revision, and to Secure Necessary Approval by the Electors of a Fair Draft of the Result.

SENATOR HALL, FIFTH DISTRICT: Mr. President I move acceptance of the Committee's favorable report and passage of the bill.

PRESIDENT: Will you remark?

SENATOR HALL, FIFTH DISTRICT: The remarks made on the previous bill apply to this one.

PRESIDENT: The question is on acceptance of the Committee's favorable report and passage of the bill. Those in favor will please say "Aye" - opposed "No" - the bill is passed.

SENATOR JEWETT, 20th DISTRICT: Mr. President, may Calendar No. 882 be passed over, retaining its place on the calendar?

PRESIDENT: There being no objection, that action will be taken.

CLERK: Calendar No. 910, File No. 640, Favorable report of the Committee on Judiciary on Substitute for House Bill No. 210, An Act concerning the Examination and Registration of Architects.

SENATOR JEWETT, 20th DISTRICT: Mr. President, I move acceptance of the

Committee's favorable report and passage of the bill.

PRESIDENT: The question is on acceptance of the Committee's favorable report and passage of the bill - will you remark?

SENATOR JEWETT, 20th DISTRICT: Mr. President - this bill was brought in as a result of difficulties being experienced by various building inspectors and those who issue building permits. Communities around the state are having much difficulty enforcing rules providing for proper structures from a standpoint of safety and health; and this bill which incorporates the original bill, makes provisions that no buildings or structures shall be accepted or approved that the specifications thereof are not stamped with the seal of a registered architect or a registered professional engineer. This applies to buildings in excess of five-hundred square feet and this act makes exception for buildings for agricultural use, and for one and two family houses and for companies such as utility companies who have in their employ men of this type. This bill will grant safety throughout the state and assist building inspectors and engineers and should be passed.

PRESIDENT: The question is on acceptance of the Committee's favorable report and passage of the bill. All those in favor say "Aye" - those opposed "No" - the bill is passed.

CLERK: File No. 418, Calendar No. 940, Favorable report of the Committee on Agriculture on House Bill No. 119, An Act concerning Milk and Cream sold at Retail or Served in Public Eating Places.

SENATOR HALL, FIFTH DISTRICT: Mr. President, I move acceptance of the Committee's favorable report and passage of the bill.

PRESIDENT: The motion is on acceptance of the Committee's favorable report and passage of the bill - will you remark?