

Legislative History for Connecticut Act

SB 417	PA 443	SCan 1969
Orig		- 0 -
Senate		2211 - 2215
House		3872 - 3910
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Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate
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CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS
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THE CHAIR:

Question is on passage of the bill. All those in favor indicate by saying, "A ye". Opposed? Ayes have it bill is passed

THE CLERK:

CAL. NO. 1016. File No. 920. Favorable report of the Joint Committee on Judiciary and Governmental Functions. Substitute for House Bill No. 8431. An Act concerning Issuance of Marriage Licenses to Divorced Persons.

SENATOR PICKETT:

Mr. President, I move acceptance of the committee's favorable report and passage of the bill. At the present time, a person who is divorced, may not be remarried unless he presents the Registrar, a certified copy of his decrees of divorce. There have been situations where the attaining of this certified copy presents a problem and therefore, the amendment to this statute by saying that a certificate signed by the Clerk of the Court will suffice.

THE CHAIR:

Further remarks? All those in favor indicate by saying, "Aye". Opposed? Ayes have it. Bill is passed.

THE CLERK:

CAL. NO. 1022. File No. 1124. Favorable report of the Joint Committee on General Law. Substitute for Senate Bill No. 417. An Act concerning the Applicability of the State Building Code to Municipalities.

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SENATOR JACKSON:

Mr. President, I move acceptance of the Joint Committee's favorable report and passage of the bill. I realize the hour is late, Mr. President, but I would like to briefly explain some of the provisions of this bill because it is, in my mind, a very important one. In setting up the State Building Code Standard Committee, the committee will adopt a State Building Code. The committee itself, will be composed of two architects, three professional engineers, two builders, one public health official, one building official and the State Fire Marshall. All of these people have to have at least ten years experience in their respective trades. The code that they set up shall be the code for all towns and cities of the State except any town may have the right to amend the state building code if they can show that there are specific provisions which pertain to that town and municipality.

The Act requires every town to appoint a State Building Inspector. However, two or more towns may get together and appoint a State Building Inspector if circumstances so designate. This is contrary to the situation that we have at present, where many towns have no inspector. The Inspectors themselves, must have five years experience in the building field and part of the duties of the inspector are requiring compliance with the code which shall become mandatory for all towns after October 1, 1970.

There are many administrative provisions set up. A board of appeals is established in each town which spells out the

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procedure to be followed when a permit is denied. If the local board sustains the inspectors and rejects the permit, a further appeal to the State Building Code Standards Committee is allowed, with a trial of no vote at this level. If the decision is adverse at this level, another appeal is allowed to the Court of Common Pleas and from there to the State Supreme Court. So, adequate safeguard is provided. Also, very important the act provides that the authority of State or Local Fire Marshall is not limited in any way by this act. And as I've indicated, I believe this will be a very important bill. I think that we've all heard many complaints of constituents and others concerning the operation of unscrupulous building contractors and in my mind, this bill will put some teeth into our statutes and to help prevent some of these situations that have arisen in the past. I believe this is an excellent bill and I urge passage.

THE CHAIR:

Further remarks?

SENATOR EDDY:

Mr. President, I just wish to add that it's too bad that the Senator had to address practically an empty chamber. This is an important bill and a good bill. I urge support.

THE CHAIR:

Further remarks?

SENATOR HOULDEY:

I would remark very quickly. I support wholeheartily and enthusiastically this measure. I think it's a very excellent

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measure. I think it's particularly effective for the smaller towns in that section dealing with two or more municipalities. I think it is very fine because in the smaller communities, it's difficult to sustain the income level required for a permanent type inspection and enforcement officer. I urge passage.

SENATOR FINNEY:

Mr. President, I would just like to ask a question of the Senator from the fifth and this is not in opposition to this bill. If the town has a building inspector, must they appoint a State Building Inspector?

SENATOR JACKSON:

Mr. President, to answer the question of the distinguished Senator from the 36th. If there is a building inspector in a town or municipality, there is no need to appoint an additional inspector. These inspectors that I was referring to, are appointed by the individual towns. They have to have five years experience in the building trade. There is a grandfather clause which I didn't mention, this would allow an existing building inspector to continue in his job even if he didn't meet all of the requirements spelled out in this act. There is no State Building Inspector, they're appointed by each town. The important thing is that there is one man that they can go to in every town who will be able to look at the plans and see that all the provisions of the code are adequately provided.

THE CHAIR:

Further remarks? Question is on acceptance of the committee

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favorable report of the committee and passage of the bill.

Those in favor indicate by saying, "aye". Opposed? Bill is
passed.

THE CLERK:

CAL. NO. 1023. File No. 1134. Favorable report of the Joint
Committee on General Law. Modified Senate Bill No. 1096. An
Act concerning Mechanic's Liens. Clerk has an amendment.

SENATOR JACKSON:

Will the clerk please read the amendment?

THE CLERK:

SENATE AMENDMENT "A", OFFERED BY SENATOR JACKSON:

Strike out Section 1.

Make Section 3, Section 2 and in lines 3, 4, 11, 12, 15, 17
and 18 strike out the brackets and in lines 4,5,6, 13, 15, 17
and 18 strike out the italicized material.

Strike out Section 4.

SENATOR JACKSON:

Mr. President, I move the adoption of the amendment. The
amendment sounds ominous but it does nothing but strike out the
language of the bill as presented in your file with the except-
ion that the 60 to 90 day provision remains intact. This is
what was section 2 and Section 3. So everything is rather
all changes in the existing statutes are deleted except for this
one provision of 60 to 90. I move adoption of the amendment.

THE CHAIR:

Any further remarks? Question is on the adoption of the

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MRS. GRISWOLD: (109th)

The amendment is self-explanatory. I move its adoption.

THE SPEAKER:

Will you remark further. If not, all those in favor indicate by saying AYE. Those opposed. The amendment is ADOPTED and it's ruled technical and we may proceed with the bill as amended.

MRS. GRISWOLD: (109th)

Mr. Speaker, this bill is a bill which will allow the regional community colleges and the State colleges to do what we now permit the University to do with regard to their auxiliary funds and their extension funds. Auxiliary funds take care of such things as food, vending machines, lunch counters and book shops. Extension funds take care of civil affairs that happen during summer sessions. At the present, the regents in the colleges, the State colleges, are only permitted to keep in these funds amounts up to \$150,000. This bill allows them to keep in the funds what these auxiliary and extension services have earned. I move the passage of the bill, in concurrence with the Senate.

THE SPEAKER:

Will you remark further on the bill. If not, all those in favor will indicate by saying AYE. Those opposed. The bill is PASSED.

THE CLERK:

Cal. 1094. Substitute for Senate Bill 417. An Act

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concerning the Applicability of the State Building Code to Municipalities. File 1124.

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MR. WILLARD: (15th)

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

THE SPEAKER:

Question is on acceptance and passage. Will you remark.

MR. WILLARD: (15th)

Mr. Speaker, I yield to the Representative from the 39th.

MR. STECKER: (39th)

Mr. Speaker, I'd like to first of all explain briefly the bill. Section 1 of the bill merely adds to the Public Works Department and the State Building Inspector, a State Building Code Standards Committee which acts jointly with the Building Inspector in matters pertaining to the State Building Code. Section 2, deals with the composition of the committee. It consists of nine members plus a representative of the State Fire Marshal's office; two of the members are to be architects; three are to be professional engineers, one of them practicing structural, one practicing mechanical and one practicing electrical engineering; two are to be builders or superintendents of building construction; one is to be a public health official and one a building official. All of whom must have had at least 10 years of practical experience. Section 3 is really the meat of the bill, a very short section which says that the State

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Building Code shall be the building code for all towns, cities and boroughs in the State of Connecticut. Section 4 deals with amendments that can be made to this Code by local communities after review by the Building Inspector and the Standards Committee and provides for the procedures of publication in the Law Journal, etc. and public hearings to protect the public in general on any amendments that are offered for the code.

Section 5 deals with the qualifications of the Building official. Section 6 again deals with these qualifications and certification and the establishment of examinations and provides that any building official who is in office at the time of the establishment of this law which is October 1, 1970 would have four years in which to qualify for the position of Building Inspector and it establishes those qualifications. Section 7 deals with the examinations and training which can be set up by the Building Inspector and the Standards Committee. Section 8 establishes a limit to the amount of time which is allowed the Building Code Standards Committee for reporting on permits that or applications which have been made to them for permits. Section 9 provides that one or two-family houses may be approved by the State Building Inspector and by the Standards Committee and may thereafter be used throughout the State of Connecticut in compliance with the overall code, providing however that all other local ordinances are complied with. Section 10 deals or I should say established a Board of Standards of Appeal with staggered terms consisting of 6 members; 2 architects, 3 professional

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engineers and a builder or superintendent of buildings. Section 11 deals with certificates of occupancy as applied to buildings built under this code. Section 12 establishes a local board of appeals and establishes procedures for appealing to them the time limits, etc. Section 13 deals with those buildings that have prior permits prior to the establishment of this statute, and the balance of the file refers to various provisions in our present statutes which are made unnecessary by the passage of this particular bill. Certain portions of the tenement house act, for instance, and the entire portion of the garden apartment act. It was our hope that we would be able to eliminate completely the tenement house act due to the pressures of time in this session we were unable to do so. We feel that this is something that should be taken up in the years to come. Now, at the present time, there are 70 towns that have no code whatsoever in the State of Connecticut. There are 13 that have private codes and two of the major ones in this category are Hartford and New Haven. The balance of the Connecticut towns all have and all use the Connecticut basic building code. Where does the support come from for this kind of a code. Well the Connecticut Building Officials Association have given their wholehearted support to the establishment of a mandatory code for the State of Connecticut. The State Building Inspector, Mr. Bernard Cabelus, has said this, "The purpose of the State Code is to guarantee public safety. It is a performance code which means that once a material is tested and approved, it works

and it can be used." Mr. Lindgren of the State Building Officials^{proc} says this, "Connecticut Building Officials Association firmly believes that there must be a uniform code or as close to a uniform code as possible, adopted by all of our cities, towns and municipalities as quickly as possible. There has been a great need for this legislation, the purpose of which is to bring about a set of circumstances that would allow sound and safe construction and healthful standards of occupancy in dwellings, business establishments without burdening the public with unnecessary stringent methods of construction and specification-type codes. By the same token, many towns and boroughs have had to accept inferior methods of construction because they have had no code to protect them whatsoever." Aside from all of the officials in the town, let me quote what one average citizen in a small town in Connecticut said when they were considering the possibility of adopting the State code. This is as reported in the Shoreline Times on May 15 of this year, the Town of Madison. One citizen in supporting the code, one disgruntled homeowner said, "We want the code because we don't want other families to be victimized by fly-by-night builders like we were." I think perhaps, Mr. Speaker, this is the key thing in this entire statement that there are towns that can be victimized by unscrupulous builders and before it is too late, I think that it is the duty of the Legislature to establish in all of our towns a uniform code that will protect the public. This code has had the support of, as a matter of fact, is being advocated

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by the Secretary of Housing and Urban Development, George Romney. He says that housing which can be built in the factories freed from local codes and zoning restrictions and on-sight rules is what Housing and Urban Development Secretary George Romney is driving at to fulfill national housing goals. Some 26½ million American families, nearly half of the total cannot afford housing which exceeds \$12,500 according to government figures. Average price of a single-family home runs to \$22,000 which can be afforded by only 18.1 million families. The governor, on May 8, our governor, Governor Dempsey, May 8, 1969 went down to the Department of Commerce for a conference with National Officials and there learned that National Labor Officials were favorable toward states' adopting one of the four model codes which would be adopted by the passage of this bill. I think, Mr. Speaker, that all of the officials in the Public Works Department, including the Governor of our State are in favor of a model building code for the entire State of Connecticut and I would urge that it be passed in this session of the Legislature.

MR. WEBBER: (113th)

Mr. Speaker, we of the General Law Committee feel that this was probably one of our most significant major efforts, the bringing out of this kind of a piece of legislation. And, in behalf of the Committee, I should like to express my heartfelt thanks to Rep. Stecker for not only having reported the bill out as well as he did, explaining it in detail, clearing

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and concisely, but also as one of the authors of the bill, Mr. Speaker. Rep. Stecker in conjunction with two other gentlemen wrote this bill. We think he did a great job. There is nothing I could add to what he has already said to support this bill except we had absolutely no opposition to this bill. It is long overdue and is something the State of Connecticut needs.

MR. O'NEILL: (7th)

Mr. Speaker, I concur with the Chairman of the General Law Committee in recommending this bill to the House. I am also most pleased to concur with Rep. Stecker from Simsbury and it's a pleasure for Hartford to join with Simsbury in commending this bill to the House of Representatives. This bill, upon its passage, will allow costs to be cut in building in the city and it will promote we hope private enterprise to go into the cities to help to rebuild. This is what we all want. This is one of the ways that it can be done and this is a step in that direction and we commend this bill to the House.

MR. TAXCINELLI: (108th)

Mr. Speaker, I, too, rise in support of this bill. Being in the construction business, I know the consternation it causes when going from town to town and the building codes differ. I think it is a great bill for our business and I hope it passes.

MR. MAYER: (40th)

Mr. Speaker, with all due regard to the gentleman from the 39th for whom I have a great deal of respect and to the Chairman of the General Law Committee, I can't say that we didn't

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have any disagreement because I disagreed with the bill, Mr. Webber. As a member of the General Law Committee, and there is only one thing that I disagree with. I disagree with the intent of the bill to force a building code upon those towns who do not want it. Now, I don't mind uniformity for those towns that want a building code but all of you who represent towns that do not have a building code or have voted down a code in past years, you should be aware that this bill makes it mandatory that they have a building code and a building inspector, etc. whether they want it or not. Now I don't mind that we standardized the ^{present} building code that we had. I think this is necessary. This will save costs by standardizing the code throughout the state. It will make it easier for builders to understand just what is required of them if they go into a town that has finally adopted a code. But this bill says whether you like it or not, Wilton or whether it is Putnam or what town it is, you will have a building code and you will have it, the code, that we tell you to have. There are good parts to this bill, the parts about the licensing, the approval of building inspectors. This is very important. I question, however, though whether the building code in its final form will allow you to work on your own home. I don't think anyone can tell you yes or no, at the present time = but if you don't want the code the Town should be able to reject it and reject any building code. If they adopt a code they should be able to adopt one that is standard throughout the State. But, ladies and gentlemen, you might find yourself in a position

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here two years from now of your town disagreeing and not liking the State Building Code, you will not have any choice. If you vote for this bill, you are going to get it good or bad. I oppose the bill.

MR. CAMP: (163rd)

Through you, Mr. Speaker, two questions please to the proponent of the bill. The first is - would the bill in any way impinge on the requirement of a - that a town may set up for a zoning permit to be issued prior to a building permit being issued.

MR. STECKER: (39th)

This does not in any way affect the requirements of the zoning and planning statutes of the town.

MR. CAMP: (163rd)

Second - is there a standard for refusal of a building permit under Section 8.

MR. STECKER: (39th)

Mr. Speaker, under Section 8 it requires that either an approval or a disapproval be given within 30 days of the application for a permit. Now, if there is a refusal, the person that has made the application has the right to appeal to the State Building Code Standards Committee. If he is still aggrieved by the decision of the State Building Code Standards Committee, he can then go to the Court of Common Pleas for further satisfaction.

MR. CAMP: (163rd)

The question I had was on what grounds could a refusal

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be issued. For example, I had a client a couple of years ago who tried to build a house and apparently it had some dispute on another house with the building inspector. The building inspector for this reason refused to issue a permit for him to build another house. Under the present status of the law, the issuance of the permit seems to be a ministerial act which ^{you} can force the inspector to do. My question, therefore, is in effect force the inspector to issue a permit if you have plans that comply with your code, OR DOES the inspector have some discretion on his part on whether or not he may issue the permit.

MR. STECKER: (39th)

Through you, Mr. Speaker, the building inspector must issue a permit on a particular building if it complies with all of the requirements of the code.

MR. KING: (48th)

Certainly Clerk has an Amendment.

THE CLERK:

House Amendment Schedule "A" offered by Mr. Stevens of the 122nd. In section 3, line 4 delete the period and insert the words "we presently have or in the future shall have a building code."

MR. KING: (48th)

Mr. Speaker, Rep. Stecker in introducing the bill made the point that there are approximately 70 towns in the State of Connecticut that do not now have the State Building Code. What this amendment says and very simply is that as to those towns

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they would not be required under the bill to adopt the State Building Code. Mr. Speaker, I think for the benefit of many of the smaller towns that do not yet feel the need for a building code, this would be a welcome amendment. I move the passage.

MR. AJELLO: (118th)

Mr. Speaker, the significance of the amendment is that emasculates the entire intent and purpose of the bill as it has been proposed to us. And, I oppose it for that reason. The significance of this bill is that eliminates or will tend to eliminate the crazy patchwork of building codes or the lack of them entirely which now are a problem throughout our State. Anyone who is experienced the difficulty of determining from town to town the requirements particularly when one occasionally finds amateur building inspectors who aren't too sure about the provisions of the code themselves in their own town will certainly realize that it is beneficial to standardize this thing. In addition, many of our municipalities have been faced with the expense of frequently updating their own building codes in order to establish for the Housing and Urban Development people concerning redevelopment programs they do indeed have a current and uniform program which is acceptable by state and national standards. I think that all of these purposes are accomplished in the bill and there are certainly adequate safeguards for any municipality or locality to propose its own amendments and to take appeals to the courts from a denial of the inclusion of those amendments. So, I think that what this amendment does is to

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blunt the effectiveness and purpose of this bill and I think it should be defeated.

MR. DONNELLY: (46th)

I should like to disagree with the distinguished Majority Leader as to the effect of the amendment. Where building codes exist they will be standardized, where they don't exist they will not be imposed against the will of the electorate of the respective towns concerned. I represent one of those towns, Mr. Speaker, that town has in the past adopted, rejected and is now in the process of examining for possible readoption of a building code. The people of that town have expressed themselves loud and clear that they don't want this type of legislation forced upon them. I will oppose the bill unless it is amended. I urge adoption of the amendment.

MR. WEBBER: (113th)

Speaking on the amendment, Mr. Speaker. I, too, oppose the amendment because it will just ruin the bill entirely. Now I think we are overlooking one very important thing in this building code and if we adopt this amendment we are eliminating this very important feature and that is the safety features that are built in this building code. By permitting your 70 towns or whatever the number might be to continue without a building code, we are saying in effect that you can build regardless whether or not you do in accordance with the safety features of this or any other code. You can just build discriminately without a fear of any inspection or turn down and this is bad,

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Mr. Speaker, that's a very bad amendment and I hope it is defeated.'

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MR. KING: (48th)

Mr. Speaker, it would seem to me that the basic problem here as the Majority Leader has said, comes from the varying requirements which the existing building codes have. And I quite agree that it is very difficult to go from municipality into another and across the state to find any uniformity because there are variations from municipality to municipality, from town to town. However, that problem rises from the fact that those particular towns have building codes which would not be affected by this amendment. It is very difficult for me to see where a town that doesn't have a building code that the provisions of a code would be a problem to anyone. I would also agree that in this day and age when the towns feel that it is necessary and when their size and economic development would indicate that they ought to have a building code. But I am opposed, Mr. Speaker, for this General Assembly to tell every town in this state from Union which has less than 500 people to many towns that are in the 4, 5, 6000 population in size that they must at our direction have a building code. I think that that decision is best left to those communities and when they see that the requirements of this day and age make it necessary for responsible government officials to have a building code I'm satisfied that they will ask.

MR. TACINELLI: (108th)

Mr. Speaker, I also oppose this amendment. I believe

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that the towns that do not have a building code should be most happy to have one written for them. These towns are slowly adopting codes and what they do, Mr. Speaker, is adopt codes from major cities which are not at all adaptable to their own needs. I think that if we adopt this amendment that it will do nothing but hurt the bill.

MR. SCULLY: (91st)

Mr. Speaker, I oppose this amendment. In a day and age when the urban cities are in such a crisis, poor housing, poor buildings. This type of bill will require each town to build a home that is suitable for everyone and will cut down on slums in the future. I oppose this amendment and support the bill.

MR. LaGROTTO: (170th)

Mr. Speaker, I rise to support this amendment and I would not in any way detract from the significance of the bill, where it is needed. But, Mr. Speaker, in the last few years, we seem to be deciding that we know what is best for everybody no matter where they are. We can sit here in judgment because we have a problem in our cities that should be handled thus and so, like the story when Kelly drinks, everybody drinks; when Kelly pays, everybody pays. I am amused that at one point I had the Education Committee come out to my town for a dinner and they said this is beautiful up here, they had never gotten up into the County, we never saw/^{so} ~~such~~ land and such nice scenery. And I said, one of the beautiful things out here is that if you own some land you can live with one of the freedoms given to us

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by the Constitution. We can do things that we want to do, we can take our shirts off and walk around and we can feel the freedom. But now slowly because there are problems in other parts of the State, we have to get a CDAP, we have to do 16 other things, we have to get an inspector. If you want to build a chicken coop, you've got to get someone to come out and tell you how to do it. If it were needed, I would be the first in line to say, let's do it. Freedom is a wonderful thing and government is so quick to encroach on this freedom. I will support your bill but I will also support the amendment.

MR. O'NEILL: (7th)

Mr. Speaker, speaking for the cities, I think it is nice to feel the freedom, I'm not sure what that will do to the non-conformists but the amendment that has been offered presents us with a problem in two ways, I think. One is, there is no definition given in the amendment of what a building code is, so that when a town in the future does adopt a building code, a rather interesting thing would happen. It would immediately be wiped out because it would then be in the State Code. I think this is a rather foolish type of provision. There is no provision in the amendment to provide that a town can join the State Code when it wants. That might be a more sensible provision to have than to provide simply that when they pass a code their code will immediately be abandoned. I'm against the amendment.

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MR. CARLSON: (72nd)

Mr. Speaker, I rise in support of this amendment. It is very amusing to me and at times very aggravating to hear the big city people talk about what's good for our small towns. I support this amendment because I think I am sure it does not do anything to the bill insofar as adopting a uniform building code in those places that have it. I don't see where this affects the cities at all. I get tired of hearing what's good for people in the cities, is good for the people in the towns. And I'll submit that many new buildings are going up in my district, it's a fast growing district. To those towns that do have a code, they'll go along with it. My town, in particular does not have a code at the present time but I would have anyone come there, any expert in building and look at any of the buildings in my town and I would defy them to find anything wrong as far as safety and this is concerned. The buildings that are put up today are put up according to the highest of standards. To impose such a thing on a town where we are struggling with expenses now in education and all of these other areas and now have to hire a building inspector. I think this is unnecessary legislation inasmuch as the towns will adopt this code, historically they have done it as the growth of a town requires it. I don't see that this is going to interfere with the building programs in the cities at all. I think they should have a uniform code and when our towns get ready to adopt one, those that don't have one, will adopt this same code. It would be right here in the

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law. I submit that I will support this amendment.

MRS. SIMONS: (139th)

There is one thing that they are sort of overlooking. It's the plumber, the heating engineers, the construction people from the big cities that are working in these small towns. You may call it a conflict of interest, if you like, but my husband is in the plumbing and heating business. We service 9 or 10 towns in and around the City of Bridgeport and it is absolutely frustrating because every town has a different kind of a code. I think this is the greatest piece of legislation that can come out for the construction business. I certainly oppose the amendment.

MR. KENNELLY: (1st)

Mr. Speaker, for 10 months of the calendar year I live in my own constituency, the First Assembly District and for 2 months of the year I am privileged to be a constituent of the gentleman from the 72nd because I summer in Madison, Conn. It seems to me that this bill would be just as efficacious for the one-sixth of my term when the gentleman from the 72nd represents me as it would be for the balance of the year. If we were to adopt this amendment, frankly we would make this bill meaningless. I couldn't agree any more than with the gentleman who reported the bill out, who spoke vigorously to the bill. I don't view this bill as a city bill against the interests of the small towns. I do view this bill as one that is valid and helpful for anyone who owns property in any part of the State,

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and I respectfully oppose this amendment.

MR. CAMP: (163rd)

Mr. Speaker, as might be expected, I support this amendment. I don't think that waiving a building code over a town makes good buildings. We have a building code in Ridgefield and we have some very good buildings. We have some very bad buildings. I think that the towns are quite capable of determining what is safe for their town and what standards should be applied to their town. I think that the difficulty with the hodgepodge around the state does exist but it seems to me that by allowing the towns to adopt a State Building Code, we can do much toward persuading them to without shoving this stuff down their throat. A couple of days ago we had a debate on the helmet law which the federal government has apparently shoved down our throats. I don't think that was a good way to do things. We had questions in this House by people who apparently knew what they were talking about that the federal government was all wet and I think sometimes the State of Connecticut may be all wet in its building code but under this law we can't do anything about it. I don't think that's good legislation.

MR. DONNELLY: (46th)

Mr. Speaker, for the second time. I should like to point out to Mrs. Simons that the amendment would carry out, I believe, the intent of the Act. That is, it would standardize that hodgepodge of building codes in the towns around your city. The thrust of the amendment is to remove the compulsion, the

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compulsory adoption of the towns that presently do not have building codes, would not be required to have them and I assure Mr. Kennelly that there are a great number of people who in my district who do not share his view on how good or how bad this is. They are vigorously opposed to the mandatory imposition of a building code and Mr. Speaker, I move that when the vote be taken it be taken by roll call.

THE SPEAKER:

The question is on a roll call. All those in favor indicate by saying AYE. More than 20 percent having called for a roll call will be ordered.

MR. GREEN: (144th)

I rise in opposition to this amendment. I come from a town which is philosophically so far removed from the State of Connecticut that I wonder why I am here sitting on the Democratic side and I checked this bill out with my town and they are quite excited about it. They feel that we should have a State Code, it would help out our towns and it would help out the State itself and therefore I oppose the amendment.

MR. McNELLIS: (85th)

Mr. Speaker, I rise in opposition to the amendment. A building code is for the protection of the public in all of our cities and towns. Too many of our towns have no building code. This permits unscrupulous builders and contractors to construct buildings of substandard quality and then cover it up with finished walls which can hide many defects. Years later

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when many of these defects show, it's too late for the owner of the building, usually a homeowner, to do anything about it, to have any recourse to the builder. Mr. Speaker, I oppose the amendment.

MR. STECKER: (39th)

Mr. Speaker, I rise to oppose the amendment. It seems many of my friends on this side of the aisle are very concerned about their local communities and they should rightly be. I am not criticizing that. But there are some misconceptions here that I would like to clear up. First of all, I believe it was Rep. Carlson who pointed out that this would mean a considerable expense to the community, that even if you wanted to build a chicken coop, you would have to hire a building inspector. This is not the case. The way this bill is written it provides that unless there are other means provided a building inspector should be appointed. These other means, according to our existing statutes are that the chief executive officer of the town may serve as building inspector. There is another provision in this bill which says that building inspectors may be hired jointly by two or more towns where they feel that the load of work in one town is not sufficient to warrant the hiring of a building inspector. So that the cost should not be a factor here. On the other side of the coin, the cost of preparing a building code and keeping it up-to-date and keeping it a viable code is an extremely expensive thing and I think that with the adoption of a uniform code throughout the entire State, the citizens of the

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State will be protected. Mr. Paul Douglas who is Chairman of the Douglas Commission in an address on May 6 of 1968 said this, "First of all, of course, building codes are nothing more than the State Police powers exercised locally. The basic authority rests with the states; in the past, however, the States have delegated these powers almost completely to the individual towns and cities. This is one of the reasons for the present chaos. I think that the states should now begin to exercise their authority in useful and proper ways." For this reason, I oppose the amendment.

THE CLERK:

While the members are returning, may I call your attention to Page 28 of the Calendar. At the bottom of the page, Cal. 767, Modified House Bill 8484, the second file number is a misprint. The second file number should be 1182 and not 1172.

MR. VAILL: (173rd)

Mr. Speaker, I rise to support the amendment. I think the towns should have a choice on whether they feel they should adopt this or not. I represent 7 small towns and it is primarily an agricultural area and I feel if they have to have a building code for every barn for every housing for chickens or cows or anything they have to put up, they are going to disagree with this. In fact, only one of my seven towns has zoning because they have to adopt a section of the State statutes. One town voted zoning out because we had to adopt State subdivision laws. I think this is a good amendment.

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MR. MAYER: (40th)

Mr. Speaker, I rise in support of the amendment. And I do believe that each town should be allowed the right to participate in a building program or not to participate. This affects no one except the residents of the community involved. Now as far as the federal government is concerned they are looking to standardize building codes and I can agree with this. This will help the fabrication of low-cost housing and so forth in the State and throughout the Nation. This is important to reduce the cost of building in all communities. But no one can tell me that adding a building code to a particular community will do anything but increase the cost of that dwelling. It will not decrease the cost. Many of the towns have seen in their wisdom that they do not want a building code. Now you are sitting in judgment upon them saying that as of October 1970 you will have one whether you want one or not. Ladies and gentlemen, this is wrong. I do believe that we have the perfect right to set up a code, standardized throughout the State, that if anyone wants to adopt a code this will be the code. But that is not what you are doing in this bill without the amendment. Without the amendment all towns have to adopt this even though some, I believe, 70 towns do not have a building code now. I think it is wrong. I think you are taking the power away from the local communities and you should not do it.

MR. AVCOLLIE: (94th)

Mr. Speaker, speaking as a representative of a town

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that has had the State Building Code since its inception, I briefly must take some exception to what really appears to be some misrepresentation on the other side of the aisle. First of all, Mr. Speaker, I view this as a consumer protection bill because in effect it protects all the future homeowners in those towns that do not have any protection by way of a local building code at this time. Secondly, I must disagree with the previous speaker who said that no one can tell him that this will decrease costs. It will certainly decrease costs to the homeowner over the years by virtue of the homeowner having purchased the house which was built in conformity with good standards, modern standards and which was in fact inspected. The comment has been made that the towns will suffer by virtue of having to employ officials, building officials. In my own community, our building department is the only department in the town that is self-sufficient by virtue of the cost of building permits and the fees. By reason of these fees, which are reasonable fees, they give the homeowner certainly a dollars worth of value of inspection for a dollar spent and the department is completely self-sufficient. And lastly with regard to the fears as they pertain to the chicken coops, Mr. Speaker. I would like Rep. LaGrotto and the other gentleman that spoke about chicken coops to look at Section 4 which permits any town to request an amendment. I would respectfully suggest/that if this bill pass, their local board may very well propose the first amendment to the building code that in their particular town chicken coops be exemptive.

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MR. HOGAN: (177th)

Mr. Speaker, a question for anybody - where does the bad housing exist. Is it in the towns that have had these building codes for many years or is it in the towns that don't have a building code.

MR. CONNORS: (160th)

Mr. Speaker, I have to agree with my colleague. We have run into a very serious situation in the City of Stamford because at the time we did not enact a building code, which we didn't back in 1951, there were some expansion ~~attics~~ ^{attics} and they did not have the required footage and the people who bought these houses with expansion attics all of a sudden learned they could not expand. And as far as chicken coops, we do not allow any chicken coops in the city proper. Another thing is which they forgot to mention is that there is no such a thing, and you do have to get a permit in the City of Stamford but you can get a homeowner's permit and you can do your own work. You do not have to hire anybody else, but you do have to put your money down to get the permit and naturally you are going to get another assessment.

THE SPEAKER:

If we keep up this debate, there will be no one here but us chickens. The gentleman from the 54th.

MR. REYNOLDS: (54th)

Mr. Speaker, speaking about chickens, may I suggest as the old farmer said to his hens, "Let's get done with the

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and go on to the eggs.

MR. AJELLO: (118th)

There is a safety factor concerned which I think is significant even in the rural towns which do not presently have any type of code. Any of us who have driven in the country and have seen the type of housing which people who are not of sufficient means perhaps to afford better are prone to try to use, can readily conclude that these are hazards not only to health but to safety. And I can call to mind a number of instances where serious fires which have killed members of families have occurred in substandard types of housing which might well be called shacks or outmoded and worn-out trailers and that type of thing. I'm not concerned with the esthetic problem of these things although it certainly is a very real one in some areas but I think that we must legislate here today not for the beautiful towns which make sure by either economic pressure or otherwise that they keep themselves pure and clean but ~~xxx~~ for all of the citizens and safety is an important aspect of this particular bill.

THE SPEAKER:

Will you remark further. If not, will the members be seated and the aisles cleared. The machine will be opened. Has every member voted. Is your vote recorded in the fashion that you wish.

MR. CROMBIE: (44th)

Mr. Speaker, my vote is not recorded. I want to vote No.

THE SPEAKER:

I would indicate that the machine does not register the vote of the gentleman from the 44th, Deputy Speaker Mr. Crombie. He wishes to be recorded in the negative.

The machine will be locked and the Clerk will take a tally.

THE CLERK:

Total number voting	166
Necessary for adoption	84
Those voting Yea	47
Those voting Nay	119
Those absent and not voting ..	11

THE SPEAKER:

The amendment is LOST.

Will the Clerk please call the next amendment.

THE CLERK:

House Amendment Schedule "B" offered by Mr. Rogers of the 154th. Section 4, line 28 delete the period and insert in lieu thereof ; and add the following: provided, however, nothing contained in this Act shall be construed to prohibit the building code of any town, city or borough from imposing stricter requirements than those contained in the State Building Code.

MR. ROGERS: (154th)

Mr. Speaker, I move the adoption of the amendment.

THE SPEAKER:

Before we proceed, The Clerk indicates, without identifying and I will not, that one member was in his seat and he

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failed to vote. I would point out to you, ladies and gentlemen, that this is in direct violation of our rules. If you are in the Chamber, you are required to vote. Now the next time there is a roll call if this should happen I will have to direct the attention of the Chamber to the individual involved. I trust that it won't happen again.

MR. AVCOLLI: (94th)

Mr. Speaker, point of order. It seems to me that in the very brief reading of the amendment that it is completely contrary to the bill itself. Section 3 which says the State Building Code shall be the building code for all towns, cities and boroughs. The amendment seeks to superimpose upon section 3 the fact that local building codes will in fact not only be in force but permitted if they are stricter. I think it is not well-founded and I think it should be ruled out of order.

THE SPEAKER:

The House will stand at ease while I look at the amendment. In response to the point of order raised by the gentleman from the 94th, I would find the amendment directs itself specifically to the subject of the building code and in this particular case, the State Building Code, and even though it provides exception, I would find it is in order and is germane to the bill pending before us.

MR. ROGERS: (154th)

If the basic bill is a desirable bill, one undesirable aspect of it is that it would impose upon a town with a stricter

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code that State Building Code which might be considerably less strict. I happen to come from a town with a very strict building code perhaps the strictest in the State, if not in the country. We are very happy with this type building code and we would not like in our town to be held to a less strict code. It may be certainly very desirable to have a building code required by every town. I think that might be debatable. We have just finished debating that; however, it is quite something else again where we would impese upon a town a less strict code than that which it wishes to have. I think it is extremely important that while, that if a town is going to have a building code that it be allowed to have an extremely code if it wishes to do so. I do not find that a contradiction with the basic concept of the bill which as I understand it was to require all towns to have a building code established by the State. It would seem that if a town wishes to go beyond that and require a higher degree of excellence in its buildings that it should be able to do so. Therefore, Mr. Speaker, I urge the adoption of House Amendment Schedule "B".

MR. MORANO: (151st)

Mr. Speaker, I rise in support of the amendment. As suggested by my colleague from the 154th, those of us who live in Greenwich are proud of our building code. We have always been proud of it. Our Town Building Inspector is a member of the National Association and sits with a group of distinguished men who write building codes throughout the United States. I

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have no objection to a bill which would establish a standardized building code throughout the State but I do object to any bill that would lower the standards of the existing code that now exists in the Town of Greenwich and I would hope that those of us who understand this clearly will understand that Greenwich does have a very strict code and we do not, by any means, wish to weaken it by a State uniform code.

MR. BROWN: (148th)

Mr. Speaker, I rise to object to the amendment. It would appear to be that if the State of Connecticut is going to set up a building code for the State of Connecticut, what's good for the State of Connecticut, the rest of the State, ought to be good enough for Greenwich. Very frankly, I see in this particular amendment the possibility of making sure that Greenwich builds a very minimum amount of houses that it would discourage developers from building in Greenwich and build elsewhere. Very frankly, it seems to me, I know that I had heard that Greenwich was very concerned about migration from many other areas of our country into Greenwich. I understand that there was a suggestion that there be someone at the toll booth to check to see who is coming in from other parts of the country so that Greenwich would not be overrun. I think that this is an insidious way of trying to limit the amount of housing in the great country of Greenwich so that it can be exclusive from the rest of Connecticut and I would oppose the amendment.

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MR. ROGERS: (154th)

Mr. Speaker, it would appear that the last speaker is very poorly acquainted with the Town of Greenwich and less acquainted with the public housing aspects of the Town of Greenwich. I happen to be a former Commissioner of Public Housing in our town, we have a great deal of public housing, we are going to have more and all of it conforms strictly with a very strict building code of the Town of Greenwich. His comments have nothing at all to do with whether or not we have a stricter building code of the state. I really feel his comments were out of order but I thought it more advisable to let him continue to see just how far he went. Clearly, they have been non-germaine to the amendment at hand. Greenwich has a strict building code, they have had it for many, many years. I do not think it will be desirable to downgrade the Greenwich building code or the higher building code of any other town. A building code does apply to public housing. As I said, we have a great deal of it. We plan to have a lot more of it and as former Housing Commissioner I can assure him of a very serious and hard efforts on the part of the Greenwich Housing Authority to develop more public housing.

MR. MCHUGH: (117th)

The thrust of the argument by those who prevailed in the last amendment is safety. The present amendment calling for a more strict building code would only enhance safety and I think on the grounds of safety alone this is a good amendment and I will vote in favor of it.

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MR. WEBBER: (113th)

Mr. Speaker, I am opposed to the amendment. In the first place, this building code is not confined or restrict the individual from building a home over and beyond the requirements of the building code if he or she should so desire. I agree that Greenwich has a very fine building code and I think Greenwich is doing a great job in adhering to it. But, I repeat if I want to build a house in town that restricts one to the minimum of this building code nothing would prevent me from building that house in a much better and sounder fashion if I so desired. Secondly, Mr. Speaker, with the adoption of this amendment we could conceivably create an additional 168 building codes. Our towns could then take the position, well let's improve or increase the building code and we will be back where we are now with a conglomeration of all kinds of building codes throughout the entire state. It's a bad amendment, Mr. Speaker, and I hope it is defeated.

MR. STECKER: (39th)

Mr. Speaker, I rise to oppose the amendment. I'd like to call attention of the Assembly to Section 4 of this code, of this bill which provides that amendments where conditions exist within a municipality which are not generally found within other municipalities, may be presented to the State Building Inspector and the Building Codes Standards Committee for review. It says that the Building Inspector and the State Building Codes Standards Committee shall approve such proposed amendment where they find

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such proposed amendment is not arbitrary, unreasonable, inimical to uniformity, contrary to accepted professional or building practices or contrary to the policy and purpose of this act. I don't feel there is any need for the amendment and I therefore oppose it.

MR. FOX: (152nd)

The Majority Leadership and his colleague from Naugatuck I believe, made much during their comments of the need for this State Building Code because it would improve safety of the people of this state. Now, there are in some localities a need or desire to have higher standards and I am amazed to find now expression from the majority side of the viewpoint that while they wanted to insure safety in one hand they now want to prevent the local community from determining what is safe in its own locality. It seems to me that this is walking both sides of the street and unless that is true, I would hope that they would vote for the amendment.

MR. LaGROTTA: (170th)

Mr. Speaker, I rise to support this amendment because basically I feel very uncomfortable about what is the thrust in this bill. The move seems to be that all the thinking is going to be done in this Chamber and in the Senate upstairs. And certainly in a condition of confusion and we can't spread this through the whole state. I don't see why a town should not be able to have its own type of regulation, if it is superior to what is asked for in this code. It seems ridiculous that we

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should paint everything by one paintbrush. I stand aghast at how quickly the vitality of these town governments is being trampled down and stepped on. Now it is in houses. In a few short months or in a year or so it will be zoning. There will be one zone for the whole state. There will be one of everything for the whole state. And what is the point of having individual governments if you are about to stand in here and give your thinking to the whole 3 million people in all its comprising elements. I deplore this type of thrust, I think you have gone far enough in your projected pressure in thinking everyone can conform; now you are not only going to have them conform but now they have to dot their i's and cross their t's. I urge the support of this amendment.

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MR. BARD: (145th)

Mr. Speaker, I'd like to speak in support of the amendment. A moment ago when we were discussing the other amendment Mr. Avcolli seemed to want to protect consumers which this bill does and I think the amendment does it also to a greater degree. And I would support that too but now they seem to want to go the other way and I also speak to Mr. Brown, my good friend from Norwalk to point out that this stricter bill, building code, would apply to everybody building in Greenwich or any town. It would apply to the developer, it would apply to the residents there now, it would apply to everybody. So, I think in trying to speak out and protect one segment, you've got to realize that everybody will be protected by this. I just can't

see what's wrong with trying to be ~~best~~ and not just being satisfied with trying to be better.

MR. BROWN: (148th)

Speaking for the second and final time. I have listened to these arguments and I can tell you now that I am not even almost persuaded to change my mind. It seems to me, and I want to make it clear, that I am not against individual prerogatives or for excellence in doing something that is better. And I believe that it has already been said that an individual homeowner may have the option of making his home as good as he wants to. I am opposed to the imposition of state police power for the purpose, protection or no protection, in this case, of actually denying protection to many other people and I recognize that there are many thrusts to this particular bill, thrusts of safety, but there is also the thrust in terms of discouraging developers from building in an area because of the imposition of state laws or state police powers to make sure that housing for in communities that groups who are/may be seeking to exclude them, exists. I say that Greenwich stands today as one of those communities that have sought and have succeeded in excluding a great part of our population that must then be absorbed by areas like Norwalk and Bridgeport and New Haven and Hartford and I say that this is an insidious amendment and it ought to be defeated.

MR. MORANO: (151st)

Mr. Speaker, I resent the remarks the gentleman from Norwalk. He speaks of Greenwich and tells you a long story

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about Greenwich, but he doesn't know a dag-gummed thing about the Town of Greenwich. Greenwich was the first town in the State to pass low-cost housing for the elderly and these houses were built with public health, public safety, fire and police protection, all encompassed in its plan. Greenwich was one of the first towns to build low-cost housing for the people in Greenwich and since has built a second and now is about to build a third. And when these buildings were built, they were built as fine as any mansion in the Town of Greenwich but the contractors had to build with standards prescribed by the Town Building Department to protect people. They are now chickens in chicken coops and we know it. We love them. We know they are not as fortunate as some of the people who live in the back country or who live by the shore. And there was never any mind for anybody to pay a toll to buy a piece of property or to develop a piece of land. The Town of Greenwich has for the past two or three years been one of the leaders in the State in the development of land, commercial, residential and medium-priced housing. But, the people who bought them, the people who planned to build them were able to pay the price of the land, were able to pay the price for the house. And I stand before you today to say that we deny noone the opportunity to live in Greenwich, if they want to buy the land and build a house.

MR. CROCKETT: (153rd)

Last, but not least, from Greenwich, but I live in the poor section. I would only like to point out to Mr. Brown. I

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live in a development. As a matter of fact, I had some people over to my house yesterday and they said, "Who built this development?" and I said, "Gene Tunney." "in 1946 who bought 50 acres for \$143,000, and Mr. Brown, I'd like you to listen to this because there are about 350 houses here, an acre of that land today would be worth \$30,000. Mr. Tunney is well out of this development at the present time but he made some money on it. But, in my district, 22,000 sq. ft., now that is just about a half acre, and we have 20,000 sq. ft. zoning, as well as 12,000, as well as 7,000, changed hands in April, 1969, not on the water, you can't see the water, you can't get to the water without going over somebody else's property, went for \$45,000 for 22,000 sq. ft. This is why we are not having the development type Tunneyvilles which is what the nickname of the place I live in is or used to be called.

MR. FOX: (152nd)

Mr. Speaker, for the second time and only because I would like to call to the attention of the distinguished gentleman from Norwalk that I represent a district which has a good portion of the low-cost housing in Greenwich in it. My viewpoint on this bill in saying and supporting this amendment is that the standards should be for everybody not for some and that is what the other side of the aisle is arguing at the present time. I want it to be for everybody; it was our standards and have been in effect for many years; we have good low-cost housing and I want it to continue that way and I don't want our standards

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downgraded. I think he would be somewhat ashamed to be taking the side of downgrading.

THE SPEAKER:

Will you remark further on the amendment. If not, all those in favor will indicate by saying AYE. Those opposed.

THE amendment is LOST.

Are there further amendments to be offered.

MR. BYRNE: (11th)

Mr. Speaker, the Clerk has an amendment.

THE CLERK:

House Amendment Schedule "C" offered by Mr. King. Delete Section 9, renumber renaming sections accordingly.

MR. BYRNE: (11th)

Mr. Speaker, the purpose of the amendment I think is quite clear and I will be brief. Section 9 provides that the developer building in two or more towns may have his plans and specifications approved by the State Building Inspector. He need not go to your local building inspector. I think, I myself am in favor of this bill and I will vote for it when it comes to a vote, however, I don't like the idea of bypassing local building inspectors on the initial approval of your plans and specifications. I think this will be harmful and I think that every developer in the State of Connecticut will make a trip to Hartford once or twice a year, get his plans approved and then go back to your community and tell your building department or inspector to issue the permit without any discussion

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without any review on his part. I think this is wrong and I would urge the adoption of the amendment.

THE SPEAKER:

Will you remark further on the amendment. If not, will all those in favor of the amendment indicate by saying AYE. Those opposed. The amendment is LOST.

Are there further amendments. Will you remark further on the bill before we vote. The gentleman from the 165th.

MR. COLLINS: (165th)

In the absence of the Minority Leader, he did want to indicate that from his own personal standpoint, he would have been much happier if the two amendments had passed but he did want to go on record in support of the bill as the representative from the 141st.

MR. AXELROD: (65th)

Through you, Mr. Speaker, a question to the gentleman that reported out the bill initially, Mr. Stecker. Am I correct that under Section 11, the next to the last sentence starting , nothing in the code, that insofar as this statute would relate to buildings existing or built after October 1, 1945, it's only where those, removal or alteration or abandonment may be necessary for the safety of lives or property, that this code would apply to such buildings.

MR. STECKER: (39th)

Mr. Speaker, through you, it is true that the only reason for tearing down an existing building would be for the

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THE SPEAKER:

Will you remark further on the amendment. If not, will all those in favor of the amendment indicate by saying AYE. Those opposed. The amendment is LOST.

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MR. STECKER: (39th)

Mr. Speaker, through you, it is true that the only reason for tearing down an existing building would be for the

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safety of life or property.

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THE SPEAKER:

Will you remark further on the bill. If not, all those in favor indicate by saying AYE. Those opposed. The bill is finally PASSED.

THE CLERK:

Page 1 of the Calendar. MATTERS ON THE CONSENT CALENDAR. Adding to the Consent Calendar, House Bill 6192 which is on Page 7, Cal. 1084.

THE SPEAKER:

Is the gentleman from the 165th prepared to proceed with the Consent Calendar.

MR. COLLINS: (165th)

Yes, Mr. Speaker. I would now request that anyone who has any items to be removed from the Consent Calendar make their wishes known to the Speaker.

THE SPEAKER:

Is there any individual under Rule 47 who wishes at this time to have any item taken off the Consent Calendar. Hearing no individual objection, would the gentleman from the 165th proceed with the motion.

MR. COLLINS: (165th)

Yes, Mr. Speaker. I would now move acceptance of the Joint Committee's favorable report and passage of the following bills on the Consent Calendar: