

| Act Number | Session | Bill Number | Total Number of Committee Pages | Total Number of House Pages | Total Number of Senate Pages |
|--|----------------|--------------------|--|---|--|
| PA 71-112 | | 759 | 1 | 2 | 2 |
| <u>Committee Pages:</u> <ul style="list-style-type: none"> • <i>General Law 517</i> | | | | <u>House Pages:</u> <ul style="list-style-type: none"> • 1651-1652 | <u>Senate Pages:</u> <ul style="list-style-type: none"> • 1046-1047 |

H-111

**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
1971**

**VOL. 14
PART 4
1451-1967**

Thursday, April 22, 1971

26.

roc

favorable report and passage of the bill as amended by House Amendment Schedule "A". Will you remark further. If not, all those in favor of acceptance and passage as amended, will indicate by saying AYE. Those opposed. The bill is PASSED.

THE CLERK:

Cal. 443, Senate Bill 759, AN ACT CONCERNING ACTIONS AGAINST THE STATE ON HIGHWAY AND PUBLIC WORKS CONTRACTS.

DEPUTY SPEAKER:

The gentleman from the 15th.

MR. WILLARD: (15th)

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

DEPUTY SPEAKER:

Question is on acceptance and passage. Will you remark.

MR. WILLARD: (15th)

Mr. Speaker, this bill deals with the procedure in which actions on disputed claims can be brought against the State of Connecticut regarding contracts entered into between the State and private contractors concerning construction repair of highways and buildings of public works. The changes are two. First the law now provides that there has to be writing of notice to the State within two years after acceptance of the contract. This bill changes it to provide that the two years will run after the acceptance of the work by the agency head

Thursday, April 22, 1971

27.

rather than at the time of the acceptance of the contract. The second change provides the statute of limitations - it retains the three years but it also provides that the action shall be brought within three years after acceptance by the head and not at the time of the contract. I move adoption of the bill.

DEPUTY SPEAKER:

Will you remark further. If not, all those in favor will indicate by saying Aye. Opposed. The bill is PASSED.

The gentleman from the 92nd.

MR. MAHANEY: (92nd)

Mr. Speaker, calling your attention to the Consent Calendar, there has been a request that one matter that was put on Consent be removed and I am referring, sir, to Page 5 of today's Calendar and I would like to move at this time that Cal. 0445, H.B. 5341, AN ACT CONCERNING THE FORM OF BILLS AMENDING THE GENERAL AMENDMENTS TO THE CONSTITUTION, File 374 be removed from the Consent Calendar and placed on the regular Calendar.

DEPUTY SPEAKER:

The objection is noted, the matter is removed from the Consent Calendar and returned to its place on the Regular Calendar.

The gentleman from the 118th.

MR. AJELLO: (118th)

Directing the members' attention to Page 7, Cal. 457,

roc

**S-78
CONNECTICUT
GENERAL ASSEMBLY**

SENATE

**PROCEEDINGS
1971**

**VOL. 14
PART 3
957-1456**

April 14, 1971

46.

corporation. Certain communities, one of which is Norwich which I represent has proceeded with an industrial park under a non-profit development corporation. And through changes in governmental regulations a non-profit development corporation unless it can be designed as a municipal development agency is not entitled to governmental funding. And in the case of Norwich as well as some other communities, this change in designation is necessary in order to permit a substantial commitment of federal money to come to these communities. With this in mind I move for its adoption.

THE CHAIR:

The question is on passage of the bill. Will you remark further? If not all those in favor of passage of the bill signify by saying aye. AYE. Opposed nay. The ayes have it. The bill is passed.

THE CLERK:

Page 3 please. Top of the page. Cal. No. 195, file no. 209 Favorable report Joint Standing Committee on General Law S.B. 759 An Act Concerning Actions Against the State on Highway and Public Works Contracts.

THE CHAIR:

Senator Strada.

SENATOR STRADA:

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

THE CHAIR:

Will you remark?

SENATOR STRADA:

Mr. President, under the present statute a contractor may bring a

April 14, 1971

47.

action in the Hartford Superior Court for determination of a disputed claim within three years after "acceptance of a contract." Provided that within two years a notice is given. And the words acceptance of a contract have been found to be both vague and difficult of interpretation. This bill would attempt to clarify this by substituting in lieu thereof the words "acceptance of the work by the agency head, evidenced by a certificate of acceptance." Which would be issued to the contractor. This would mean Mr. President that the time for the notice and the time within which the statute would run. Would run from a time certain. Its a good bill and I urge its passage.

THE CHAIR:

The question is on passage. Will you remark further? If not all those in favor signify by saying aye. AYE. Opposed nay? THE ayes have it. The bill is passed. _____

THE CLERK:

Cal. No. 197, File No. 163, Favorable Report Joint Standing Committee on Government Administration and Policy H.B. 5057 An Act Concerning Meetings of the Committee to Hear Town Grievances.

THE CHAIR:

Senator Sullivan.

SENATOR SULLIVAN:

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

THE CHAIR:

Will you remark?

**JOINT
STANDING
COMMITTEE
HEARINGS**

**GENERAL
LAW**

**PART 2
297-629**

1971

21
RSW
TUESDAY

GENERAL LAW

517
MARCH 16, 1971
10:30 A.M.

happen, that the people that live on the same side of the street don't own their own sidewalks. That's all. Thank you.

Mr. William J. Lynch, Legislative and Administrative Advisor for the Department of Transportation; Bureau of Highways: The first bill I would like to speak on is S.B. 759 an ACT CONCERNING ACTIONS AGAINST THE STATE ON HIGHWAYS AND PUBLIC WORKS CONTRACTS. We support this bill and we would hope the Committee would report favorably on it since we feel it clarifies the time from which the statute of limitations begins to run on a state highway or public works contract. At the present time there is a hiatus, a period of time that may extend for three or four years. We feel that this modification would improve this bill clarifying 4-61 of the Connecticut General Statutes and providing a little clearer point in time from which the statute would run. We hope the Committee would report favorably. With your permission I would like to submit something in writing at a later time. On S.B. 838, this is a bill where a claimant is seeking to validate notice that was not given within the proper period of time. The Department opposes this bill, as we do on many of these resulting from allegedly defective highways. There is a period of time within which the party must give notice. If they don't, then they lose their cause of action. If subsequently the Legislature ratifies this notice giving them the right to pursue their cause of action, our insurance under a court decision, Aetna versus the State of Connecticut, is invalid. It doesn't cover the award, so for that reason we feel that proper time has been given for these people to process their claim, they didn't do it in the proper period of time, therefore they should not be validated by the General Assembly. H. B. 8003 is a right to appeal from a condemnation award. This is a little different matter. The Department...8003. AN ACT VALIDATING THE APPEAL OF ERNEST W. EIB AND DIANNE E. EIB FROM AN AWARD OF THE STATE HIGHWAY COMMISSIONER. The Department has consistently taken a hands off position here providing that these bills are properly written. What we're concerned about is the possibility of interest accruing from the time of the original condemnation. The magic words have been added into this bill and the Department has no interest in the bill one way or another. Interest would run, I believe, from the time the referees' report is submitted to the time the decision is awarded. We have no great feeling on the bill, the Department has taken a hands off position. The last bill is 8274. AN ACT AUTHORIZING AUGUSTUS J. SIMMONS OF WINDSOR TO SUE THE STATE. We oppose this bill. It is my understanding this bill was submitted initially in '67 and denied. In '69, the same type of bill was submitted and as a matter of fact approved and is presently in litigation. The problem here is a complex one. Land was condemned initially in 1960. Since