

Act Number	Session	Bill Number	Total Number of Committee Pages	Total Number of House Pages	Total Number of Senate Pages
PA 71-147	vetoed	7010	2	51	5
<u>Committee Pages:</u> <ul style="list-style-type: none"> <i>Labor & Public Employees 62-63</i> 				<u>House Pages:</u> <ul style="list-style-type: none"> <i>1360-1411</i> 	<u>Senate Pages:</u> <ul style="list-style-type: none"> <i>1309-1313</i>

H-110

**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
1971**

**VOL. 14
PART 3
974-1450**

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none, the rules are suspended, and the item indicated is placed on the Consent Calendar. EPI

THE CLERK:

Page 4 of the Calendar. Calendar No. 83, H.B. No. 7010, an Act concerning equal employment contract compliance. File No. 72.

MR. SPEAKER:

Before we start, could I ask the House to come to order. I ask that the groups visiting in the gallery recognize the fact that we are conducting the legislative business of the State, and I ask all the Members to give their attention to the individual who will be reporting out the Bill.

ADDO E. BONETTI:

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

MR. SPEAKER:

Question is on acceptance of the Joint Committee's favorable report and passage of the Bill. Will you remark.

ADDO E. BONETTI:

Yes, Mr. Speaker. At this time I would like to yield to the gentleman from the 148th, who has been waiting for a long time for this Bill.

MR. SPEAKER:

The gentleman from the 148th, who was on his feet, as I recall, the last night of the last Session in 1969. Rep. Brown, from the 148th.

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OTHA N. BROWN, JR.:

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Yes, sir, I have a very strong memory. The Clerk has an Amendment.

MR. SPEAKER:

Would the Clerk please call House Amendment Schedule "A".

THE CLERK:

This is House Amendment Schedule "A", offered by Mr. Ratchford, of the 167th. In line 61, after the word "understanding" and before the comma, insert the following: "and to each vendor with which he has a contract or understanding". In line 112, after the word "noncompliance" and before the semicolon, insert the following: "in accordance with Section 11 of this Act". In line 110, after the word "mitigation" insert the following: "or negotiation prior thereto", and after the word "State" and before the period insert the following: "and the State may so enter".

OTHA N. BROWN, JR.:

Mr. Speaker, I move adoption of the Amendment.

MR. SPEAKER:

The question is on adoption of House Amendment Schedule "A". Will you remark.

OTHA N. BROWN, JR.:

Mr. Speaker, this Amendment is simply to clarify the language of the Bill. It is not substantive in nature and is to make clear the meaning of the Bill. I move for its adoption.

MR. SPEAKER:

Further remarks on House Amendment Schedule "A". If not,

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all those in favor of adoption of House Amendment Schedule "A" indicate by saying "aye". Those opposed. The Amendment is adopted. It's ruled technical. We can proceed with the Bill as amended.

OTHA N. BROWN, JR.:

Mr. Speaker, this particular Brill was introduced in the last General Assembly, and I would call the House's attention to the fact that it was passed, and upon the last day of the Assembly we were not able to get to the Bill to act upon reconsideration. Since that time, there has been much deliberation on this Bill to make sure that it would be a Bill that would work in the best interest of the State and at the same time, hopefully, that it would be acceptable on both sides of the aisle. We believe that we have this kind of Bill...that it is acceptable to the parties that would be involved. It simply indicates that under our present law, and under this law, the contractor would demonstrate prior to the award of a contract that he has an affirmative program of nondiscrimination. Under our present law there are some applications of this particular law to that, but it is not prior to the award of the contract. This Bill would make sure that not only the contractor gives this assurance prior to the award of the contract, but also provides that the contractor can get some assistance by a State agency in carrying out...

MR. SPEAKER:

The gentleman from the 148th has the floor. Rep. Brown.

OTHA N. BROWN, JR.:

It provides that the contractor, in carrying out the

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responsibility of assuring that prior to award of a contract, that he does have an affirmative program of nondiscrimination. It will make it possible for a State agency to give every assistance, affirmative and also positive assistance, to the contractor. The other thing is that the assistance, of course, would be given by the Human Rights and Opportunities. It also insures that any qualified applicant be treated fairly in employment. This Bill is a very important Bill to this State, because it indicates that this State's determination to be in step with the Federal Government and with other enlightened legislations to provide equal employment for all. Mr. Speaker, I move adoption. EPI

MR. SPEAKER:

Further remarks on the Bill as amended.

FRANCIS J. COLLINS:

Mr. Speaker, those of us that were in the 1969 Session will remember, as Rep. Brown indicated, that this Bill came up on the last evening, or second to last evening, and then, as now, it was indicated that it is a very significant and important Bill, and we, on this side, along with many on that side, opposed the Bill in 1969, and if my recollection is correct, the Bill passed by a one vote margin of 73 to 74. And I submit to the Members, Mr. Speaker, that this Bill is exactly the same misguided, misconstrued type of Bill that was before us in those late hours in 1969. I wholeheartedly agree with Rep. Brown's characterization ...that we should try...make every effort to eliminate discrimination, for whatever purpose, in any State contracts, or in any

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dealings State agencies have with contractors in this State. I submit to you, Mr. Speaker, and the Members of this Assembly, that under this Bill it would be absolutely impossible for any State agency to carry out any type of contractual responsibility without total and unnecessary interference, and if I may, Mr. Speaker, before I launch into some of the various sections of this Bill...I intend to get very detailed...I would move that when the vote be taken, it be taken by roll call. EFH

MR. SPEAKER:

Question is on a roll call. All those in favor indicate by saying "aye". 20% having called for it, a roll call will be ordered. The gentleman from the 165th still has the floor.

FRANCIS J. COLLINS:

Mr. Speaker, I think that anyone dealing in State government and knowing the problems of discrimination realizes that there are many problems, particularly in the craft unions in this country. There's been Federal legislation and much talk in the State about attempting to eliminate and eradicate the discriminatory practices within craft unions, and I think this Bill is an attempt...all be it a bad attempt...to resolve that problem. And what this Bill does, in my opinion, is create in the Commission on Human Rights and Opportunities a super agency...a super overseer of every State contract in existence. It is, in my opinion, Mr. Speaker, a rather feeble attempt to deal with a very real problem, and it's feeble in the sense that it shifts the burden...the burden of looking into discriminatory practices from the State agency

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charged with carrying out its duties to the Commission on Human Rights and Opportunities and to the contractor who is involved. If we have a problem, let's admit it. Let's meet it head-on. Let's not try and create super status in an agency that leaves much to be desired. Now, it would, if I may, Mr. Speaker, for the Members of the body, go through some of the various sections and point out some of the problems that this Bill has. Under Section 2, and I might add Section 2 contains the reference to Section 4-14A, which is the present statute, which says that every contract...

MR. SPEAKER:

Ladies and gentlemen, we have 20 some odd Calendar items for consideration. I can't hear at the rostrum. I'm sure you can't hear at that level. I ask the nonmembers to leave the floor and come to the well of the House, or to leave the chamber. I ask the groups in the gallery, again, for cooperation, so that we can conduct the business of the State in dignity. I hope that we'll have this cooperation and that further orders won't be necessary. The gentleman from the 165th.

FRANCIS J. COLLINS:

Thank you, Mr. Speaker. Section 2 indicates Section -4-14A, which is the present statute which requires every State contract to have a clause in it requiring the contractor not to discriminate against any person because of color, religion, and sex, and age, is added to this particular Amendment. I submit, Mr. Speaker, that that present statute, while it may not do the

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job, is immensely better than the proposed change here. Under Section 2, on Page 3, as the changes begin they indicate that now the contractor would have an affirmative duty. There would be the imposition of an affirmative duty upon a person doing business with the State to set forth his employment practices. This goes even further on down the line and requires this person, if he's dealing with subcontractors, to set forth his affirmative program on behalf of the subcontractors in addition to himself. Going on down the line onto Page 3, Section 87...unlimited investigation on the part of the Commission on Human Rights and Opportunities into almost any facet of anyone's business who's dealing with the State. Again, in Line 90...noncompliance...noncompliance as determined by who? The unilateral standard of the Commission on Human Rights and Opportunities. You go through Lines 94 through 98...sets forth a cancellation and blacklist provision. No opportunity whatsoever for a person dealing with the State, who has a good faith defense, to submit that defense if the Commission does not care to believe it, and I might add, as I will later on, there is no provision in this Bill whatsoever for any review by any other body other than the Commission on Human Rights and Opportunities. They would decide that there was a violation in the first instance and then decide whether or not they should hear the defense. There should, at the minimum, Mr. Speaker, be a provision that would give any person accused of discrimination, or accused of noncompliance, the right to have some type of appellate review. Going on down, in Line 108, the contractor is put

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on the spot. He has the burden of making sure that all of his sub- EPI
contractors comply with the law, instead of the State...the State
agency charged with this. We shift the burden, for some reason,
on to the contractor and make him...make him the person charged
with enforcing this Section as far as his subcontractors go. Down
at the bottom of the page, on Page 3, starting with Line 13...
this puts an almost impossible burden on a contractor, Mr. Speaker.
If the contractor becomes involved with, or is threatened with lit-
igation by a subcontractor because he is trying to comply with
this law, what alternative does he have? This Bill says very
simply, the contractor can request the State of Connecticut to pro-
tect the interests of the State, whatever they may be. What are
the standards? None whatsoever spelled out. As we move on into
the Page 4...into Section 3...all of which is new material, none
of which is contained in the present law. The import of these
Sections, Mr. Speaker, would be to create an administrative night-
mare without comparison under our administrative procedure in this
State. Under Line 121, for example, requires the contractor not
only to file his own affirmative program and compliance provisions
but also requires him to insure that the subcontractors require
this...file this...I'm sorry. Doesn't say how he's going to do
this. Doesn't say whether or not he has to negotiate in the con-
tract. Doesn't say what procedure is available to him in the e-
vent that his subcontractor refuses. Does the job stop? What
happens? Lines 124 through 128...compliance reports...sets forth
a very broad provision requiring just about anything under the sun

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to be supplied by the contractor. They don't say it has to be relevant to the particular subject which is before the Commission. They, in effect, give an open season on a contractor in terms of filing compliance reports. Sections 5 and 6, again, Mr. Speaker, new sections...new sections which, in effect, shift the burden to the contractor to require...requires in Section 6 specifically that any contractor, or any bidder, in a State contract must have a statement signed by a union official saying that the union agrees that the contractor's practices and policies are nondiscriminatory. Can you imagine the burden on a very simple little union dispute ...the power that would reside within the union officer who refused to sign that little bit of compliance request...the little bit of compliance requirement that this section now holds. In these areas in Sections 5 and 6, Mr. Speaker, if there is a problem with union activities, certainly the Commission of the State agency charged with the enforcement of these provisions should deal directly with the union. Why do we put the contractor in the middle? Why do we make him responsible for carrying out what should be, if it's justified, a State mandate? Moving on, Mr. Speaker, over to the next page in Section 9...two pages...Page 6, Section 9, gives the Commission on Human Rights and Opportunities the general, almost unrestricted, power to investigate employment practices of any contractor dealing with the State of Connecticut. This could cover existing contracts, completed contracts, and open Pandora's box to all types of investigations by the Commission on Human Rights and Opportunities. Section 11, Mr. Speaker, again,

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again sets up the black list. It says that the Commission on Human Rights and Opportunities has the ultimate power over any State agency contract to require that State agency to refuse to deal with any contractor in the State of Connecticut. Again, moving down in the Line 257, Item No. 5, gives the Commission on Human Rights and Opportunities the power to cancel...unilaterally cancel...or abrogate...any contract entered into between two parties as long as the State happens to be one of the parties to that contract. No opportunity to assert a good faith defense. No opportunity for judicial review. This would, in effect, Mr. Speaker, give the almost unrestricted power to the Commission on Human Rights and Opportunities to affect the employment practices of each and every State agency in an unrestricted manner. If the Commission should happen to direct, under Section 14, after they have exercised their discretion, there can be no further contracts by any State agency until this Commission...this super Commission...has given its blessings...its approval...to the State agency involved. Mr. Speaker, we were through this all in 1969. The Bill is essentially the same. The arguments are the same. If this Bill has a basic good purpose, this is not the vehicle by which it should be achieved. The Commission here...the Commission on Human Rights and Opportunities would have the ultimate veto on every State contract. Not only would it impose an impossible administrative burden on the State in its contractual departments, but it would be an ineffective attempt to deal with what well may be a real problem. I submit to you, Mr. Speaker, the Bill lacks one of the

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most basic ingredients of any Bill whereby unilateral power is given to an agency, and that's the right of appeal. There is no provision in this Bill whatsoever for anyone to appeal to Court... for anyone to have his day in Court if he feels he is aggrieved by the action of the Commission. It is, Mr. Speaker, as it was in 1969...a misdirected, badly drawn, and an unworkable Bill. I urge its defeat.

MR. SPEAKER:

Before recognizing other speakers, we have with us this afternoon the photographer to take a group picture. The timing is such that he has to take one shot now and another at 2:30, so if I might I would like to announce an immediate roll call so that that schedule can be maintained, and then return next to the calendar (inaudible). Ladies and gentlemen, while we're waiting for the Members to come from the various executive sessions, are there any introductions or announcements which you'd like to make at this time?

JOHN A. MISCIKOSKI:

Thank you, Mr. Speaker, the Board of Directors of the Hawaiian Room will have a very important meeting on Thursday afternoon at 3:30. Thank you.

MR. SPEAKER:

Will the members of the press please take note of this. Further announcements or introductions?

JOHN P. MAIOCCO, JR.:

Mr. Speaker, the Elections Committee executive session

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that was scheduled for 2 o'clock today has been postponed until next Tuesday at 2 o'clock.

EFH

OWEN L. CLARK:

Mr. Speaker, an announcement please.

MR. SPEAKER:

Please proceed.

OWEN L. CLARK:

If you Legislators haven't all received a reminder of the invitation of the United Aircraft for cocktails and a review of some of the products, I want to remind you of it again. You're all welcome.

MR. SPEAKER:

For the benefit of the Members who have just come in, debate has begun on Calendar No. 83, H.B. No. 7010, File No. 72. We have, however, scheduled, at this time, the traditional House picture. The only way we could get you down here was to announce an immediate roll call. If the Members would be seated we will proceed with the picture. It will require two pictures...one now and another about 2:30, but we can proceed with this portion of it and then return to the debate on Calendar No. 83. I'll turn it over to our stage director. George, you going to be our stage director? All right. If the Members would be seated in their seats so that we can proceed with the group picture. Would the staff please come to the well of the House, if you would. (inaudible) they can be seen. Would the members of the messengers staff sit up here in front. All right. If the ladies and

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gentlemen...ladies and gentlemen, you're going to be on candid camera. Some of you may want your jackets on. I don't address that necessarily to the ladies, but for the purposes of posterity, the gentleman from the East of the river will be (inaudible). If you will follow the moving camera. I'm sure that's no difficulty for any politician. The process will be repeated from this side of the House, in case that's your better side, in another half hour. For the benefit of the Members who have returned to the hall, we are in the middle of a debate on which a roll call has been ordered on Calendar No. 85, H.B. No. 7010, an Act concerning equal employment contract compliance, File No. 72.

LEONARD G. FRAZIER:

Mr. Speaker, I'm attacking some of the statements that were made, without mentioning any names, concerning the contractual compliance. I'm attacking it, sir, or approaching it, rather, from a philosophical manner. Mr. Speaker, for the last 300 years minority groups have suffered. They didn't arrive here, sir, as refugees...got in the hold and then got out. We were brought here, sir. We got in the hold and stayed in the hold. Let's talk about the various trade unions, sir, that have helped my people, sir, to one of the lowest levels of any minority group besides the Indians. Mr. Speaker, I look at the electrical contractors' union. I dare say, sir, if there's 50 in the State of Connecticut. I look at other unions, sir...the Carpenters' Union. I look at the Plumbing Unions...the Steamfitters' Unions. Very seldom will you find over 10 to 15 in the whole State of Connecticut. I

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believe that the contractor has been the prime source of discrimination. I believe that the contractors should be penalized and fired for maintaining and sustaining these discriminatory practices. Mr. Speaker, it's been said that it would take quite a bit of book work...quite a bit of reports. Mr. Speaker, I think this is a small price to pay when you can bring the human dignity of my people up. Thank you.

MR. SPEAKER:

Further remarks on the Bill.

HOWARD M. KELBANOFF:

Mr. Speaker, here we go again. We have a Human Rights Bill, and it's running into trouble, and I don't think, no matter how we couch it, we face that exact problem...it's a human rights Bill. But let's point something out that apparently is being ignored here, and that is that this Bill is really no different than some Federal laws that are on our books right now. I worked in the Enforcement branch in the United States Department of Labor, and I administered a very similar Bill. We had blacklisting. We had cancellation of contract. We had fines. We had no appellate procedure. The United States Department of Labor ran this Bill and administered it very well on Federal contracts. I think that if anyone studies the facts of our State agencies, they will see that there's a real problem. We can all close our eyes to it. We can defeat this Bill, but the problem's not going to go away. We have a Commission on Human Rights and Opportunity. It may be true that it's not a strong agency, but if it's not a strong agency

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it's because we, here, keep it from becoming a strong agency. The only thing that I think we have to realize is that the State of Connecticut is long overdue in stepping into this area in a way that's comparable to the Federal Government, and I urge the passage of this Bill. EFH

MR. SPEAKER:

Further remarks.

ROBERT G. OLIVER:

Mr. Speaker, I rise in support of this Bill for several reasons. One, I think it's a moral obligation. I think it's our Constitutional obligation. But I would like to speak to the mechanics today...mechanics that were superficially so well-analyzed by Mr. Collins, but actually so badly analyzed, and I suggest to Mr. Collins that he know the law of the State of Connecticut like I know he should, and does...that it's not simple to say that there is no recourse to the Courts. That is simply not the law of the State of Connecticut. There is always recourse to the Courts of the State of Connecticut by citizens, by corporations, by even State agencies. The Superior Court is the Court of general jurisdiction in the State. Under the Constitution it's a Constitutional Court, and it has jurisdiction over prerogative writs, and I suggest that any citizen, any State agency, any corporation can be a mandamus action, or an injunction action...can raise a defense in any prosecution involving any of the issues that the Minority Leader raised. I think that the Courts always imply reasonableness as a requirement of any Government regulation and

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any statute, and I think that they would so interpret statutes to validate their Constitutionality. I think the Courts would so in this case and that would be to include reasonableness and your construction indicating conforming the purpose of the statute...the language of the statute...to the purpose it seeks, and it's clear that the purpose it seeks is one that exists under Federal law and exists under our Constitution and other statutory provisions. If the State of Connecticut can pass a statute that requires contract compliance once the contract is signed, it can certainly do so to require affirmative action before the contract is signed. So that there's no real problem there, and I think not only if it can do this, I think we should do this. Clearly, there's an affirmative obligation on those doing business with the State to insure nondiscrimination on the basis set forth in the first section, which is the heart of the Bill, of course. The questions of color, religion, sex, age, and national origin, and I know no one sitting in this Hall can disagree with that. You're talking about mere technical problems, and I submit to you that the Courts are open if you have a problem, and you can have your problem decided by the Courts, as they have always decided it. I would only suggest for the record the case of Waukesau, and also Stiles against Tyler, which analyzes the jurisdiction of the Superior Court, and it covers this as a Constitutional Court. The recourse is open. I suggest your remarks were misleading.

MR. SPEAKER:

Further remarks on the Bill.

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BRUCE L. MORRIS:

EFH

Mr. Speaker, I'd like to rise to speak in favor of this Bill. We had this Bill here. It's been alluded to that we had this Bill here in 1969...passed this House by one vote...and then we had reconsideration the next day. I object to the Minority Leader's remarks in terms of alluding to the procedures of appeal. I object to remarks made by individuals here that this is a tough Bill. If we had complied...if this State would only comply with the laws that we have on the books today, we probably wouldn't need this Bill, or any other Bill. If the people of the State of Connecticut, and the people of this great country, would only comply with the Constitution of the United States, then maybe we wouldn't need a legislative body to pass Bills of this nature...of any other nature. We would only be working in the area of finances for the State of Connecticut. Mr. Speaker, if we are, and I think that we do want to, if we are in a position, and I think that we are, and if our desires are in this area, if we want the people of the State of Connecticut...I'm speaking in terms of the poor people...I'm speaking in terms of minorities...and I include women...if we want them to work...if we want them to be self-producing...if we want them to, so to speak...the hard hats say, "Get off welfare!"...then we have to provide jobs for them. How can we allow discrimination in the area of employment...in the building trades...and the same building tradesmen disallow minorities to join their particular union so they can work. We're speaking in terms of people who do not have an education. They may only have a

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sixth grade education...or an eighth grade education...or a tenth grade education, making 3.75, 4.50 or maybe \$7. an hour to support a family of four, five or six or seven. We are allowing that person to, so to speak, pick himself up by his own bootstraps. I said once before, if you don't have boots, you can't pull yourself up by the straps, and that's what you're doing here. You don't want the people to have the straps to pull themselves up. Mr. Speaker, I was going to...I said to some individual this was going to be my maiden hostile speech, but I don't want to be hostile today. I have too many friends on the other side of the aisle. Matter of fact, they want me to join, but I think they're going to have to change their posture a little bit, particularly in the area of human rights and opportunities, and in the area of welfare, and in the area of protection for small children. This Bill doesn't cost one dollar, Mr. Speaker...not one cent, so it's not part of Governor Meskill's budget. This Bill will allow a few human beings to achieve respect by working in an area that they can make enough money to support their family. Many people in the State of Connecticut probably are not working today because they can't make enough money scrubbing someone else's floors, domestic work, or working as janitors at a \$1.60 an hour. How can you take care of four children on \$1.60 an hour? You have to have three or four jobs to do that. But with one job...one job...in a building trades, you can take care of your family, and this is all we're asking...an opportunity to work. Now, let's not be afraid of this thing. If it doesn't work, we can always repeal it in the next

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Session of the General Assembly. But let's give something a try EFH
for two years. I wouldn't be afraid of this Bill. Let's stop the
hypocrisy in our society and in this General Assembly. I've often
said that this General Assembly's a mirror of our society...of the
prejudices in our society. We're not talking about living next
door. We're talking about a job so that we could probably build
our own communities. Why should a contractor, who lives in the
suburbs, come into our community and build it, and we can't work
on that same project because he doesn't allow us to join his union,
or because the contractor won't hire him. I've worked in the
building trades...I know. I was a laborer when I was going to
college, and I know how difficult it is, and I'm here today be-
cause I worked, and I want other people to have the same oppor-
tunity that I had, so that maybe someone can replace me here to-
day. But the only way some people can get an education is to work
in the building trades as laborers, or as carpenters' helpers, or
as brick masons. Let's not deny them this particular opportunity.
We're supposed to legislate for all the people of the State of
Connecticut. We're supposed to give everyone an opportunity.
Well, today is your opportunity to give them an opportunity, and
I don't think that we have the right to deny them. I'm only one
man, and I'm only one vote here on the floor of the House, and ob-
viously my vote's going to be in favor of this particular legis-
lation. But search your consciences here today...search your
consciences here today, because when the welfare bills come up,
and we talk about appropriations, and we talk about the taxes of

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the State of Connecticut, I would hopefully and respectfully submit to those individuals who will vote against this Bill today to keep quiet that day, because I'll tell you I'll call you a hypocrite that day, and I hope I don't have to call my friends a hypocrite. It's very difficult to stand here before you to make a somewhat impassioned speech. I don't like my emotions aroused this way, but in '69 I was quite upset when they defeated this Bill, and this is not my Bill. But my friend, Howard Klebanoff, alluded to the fact that this is a Bill that came out of the Committee of Human Rights and Opportunities, and for some particular reason someone sees that title of the Committee...Human Rights and Opportunities...and they automatically...I feel that they automatically, in their minds, say, "Well, if I vote for that Bill, maybe back home I won't get elected the next time out". You should ask some of your constituents sometimes, because some of your constituents are women, and they're included in this particular Bill, and they are definitely discriminated against. We all know that. There are people of other ethnic groups who are discriminated against against, and I think you know that, too, because a lot of the Bills, in terms of Human Rights and Opportunities, that were passed by Federal legislation in the United States have been used by other minorities, have been used by people who are over 40 years of age who could not...who did not...could not seek employment, or who sought employment and were not hired, or were fired, because they were too old at 40 years old. You're too old to work...because your name ends in a vowel you cannot work...

EFH

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because you have a Spanish surname you cannot work...because you're not of the same gender you cannot work...because your face is black you cannot work. How ridiculous a thought. But yet here, in this General Assembly, we have the power...we have the power to allow...to allow people in this State an opportunity to feed their families, not on welfare checks...they're degrading, you know... but an opportunity to work in gainful employment in the State of Connecticut in an industry that has the highest...has the highest rates in terms...in terms of salaries. Mr. Speaker, I'm going to wind up now, but I would like to say, again, search your consciences, because all we're asking here is to allow a man to work and take care of his family, and I don't care how it has to be done, but it has to be done. Thank you very much.

MR. SPEAKER:

Further remarks.

GERALD F. STEVENS:

Mr. Speaker, I think I can say without equivocation that if there were a Bill before this House right now that would accomplish what the gentleman from the 111th, 104th, 9th, and 10th had said we would support it unanimously. This Bill before you in your file will not bring about the results that have been alluded to. This Bill in your file will impose severe restrictions, not only on contractors, not only on unions, but upon the State of Connecticut. How many here have taken the time to read through this rather lengthy measure which is now before us? If you do it you will find that we are granting unprecedented powers to one

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State agency...the Commission on Human Rights and Opportunities... EFH
that no other State agency has at this time, in this State. You are saying to this one Commission, and I might add a Commission which has had a number of its decisions reversed by the Superior Court, you are saying to this Commission, "You may step into the business of every single State agency, no matter what the consequences...no matter that you may terminate a job already in process upon which there are employed a lot of people who need that job...people of all races". This agency could step into a construction job currently being carried out in the State of Connecticut and bring it to an end, and thus put those people who are employed at that very moment on the unemployment rolls. And I would submit to you that they would not all be of one race. We are for what the Representatives from Hartford and New Haven have said. But, gentlemen, this will not accomplish it. This will create a nightmare for every union in the State...a nightmare for every contractor in the State...and a nightmare for every Commissioner who is trying to carry out his job. Now, I would say to you that what has been alluded to is already the law in this State. If you will read the statute which we are purporting to amend, you will find that the contractor must do what has been said. He must, in his contract with the State, represent that he will not discriminate because of race, creed or color. That is the law, and that is the way it should be. If it is not being carried out at the present moment, why is it not being enforced? If there are problems that have developed in this State since 1969, when we

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defeated this Bill, if there are problems, why has something not been done by the proper administrative agency over the last two years? I don't have the answer to that. I don't know what specific abuses have occurred. All I do know is that you're saying to this Commission...Human Rights and Opportunities..., "Step in, gentlemen...terminate jobs...hold hearings without any rules of evidence...issue orders to terminate jobs...blacklist people". And with all due respect to my good friend from New Haven, the 104th, there is no right of appeal in this Bill. What you can do is go into the Superior Court and ask for an injunction, which is a completely different proceeding than appealing from the actions of a State agency. Today, if the Motor Vehicle Commissioner suspends your driver's license, you can appeal to Court. If the Liquor Control Commission turns down your application, you can appeal to Court. Yet, if the Human Rights and Opportunities Commission comes in and says, "Stop that job...put those men out on the streets", there is no provision in this Bill to appeal that decision...to have a hearing (inaudible), and have evidence presented in Court. I sincerely don't think that all of us know what is contained in this Bill of several pages. We do have a moral obligation, and a legal obligation, to do away with discrimination in the State of Connecticut, and especially in State contracts. No. 1, I would submit to you it can be done under existing laws. To pass the Bill now before you will not accomplish the purpose of providing jobs for minority groups. Most of the speakers here today in favor of this Bill have spoken against the practices of

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trade unions in the State of Connecticut. If that's the case, gentlemen, why isn't there a Bill before us now directed at the trade unions? Why are you saying to everyone of the Commissioners, "We're going to stop your jobs". Why are you saying to the contractors, who already have to sign a contract saying they will not discriminate, "We're going to stop your job after we have a hearing of the type we want to hold". If there's trade union bias, let's act on that. Let's not create a nightmare for the State of Connecticut, as this Bill will do. It's a bad Bill, and it should be defeated.

MR. SPEAKER:

Further remarks.

DOMINIC S. BADOLATO:

Mr. Speaker, in order to be clear...that there be no misunderstanding about the position of the Labor Committee on this Bill, and in order to clear the record, this Bill was reported favorably out of the Labor Committee, and not the Human Rights Committee. There are some that would say that this would give the Bill the "kiss of death", because anything that comes out of Labor or Human Rights winds up being a controversial Bill, and everybody then raises their dander, and all of a sudden decides that they're opposed to the Bill. But I think that this is a Bill that those people on the other side of the aisle that are concerned about the labor movement and concerned about the employers...I want to remove any doubt from their minds that this Bill does have the full support of the Labor Committee, or it would not have reported it

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out favorably. Unfortunately, two years ago this Bill was killed EFH in a parliamentary procedure in the House, and the blame was laid at the doorstep of the labor movement. And I think that the debate here today clearly shows where the blame should have been laid two years ago...not at the doorstep of the labor movement, but at the doorstep of those people that feel that they are now the protectors of the minority groups, the labor movement, those people that are working to put an end to discrimination in the State of Connecticut. And I would urge all of you to seriously consider this phase of the Bill. It is a Bill that has my support as Chairman of the Labor Committee...has the support of the Labor Committee. We will take our chances with the Bill, if it passes, and I would urge all of you to vote "yes".

MR. SPEAKER:

Further remarks.

THOMAS E. O'BRIEN:

Mr. Speaker, I rise to support this Bill. In reference to Bruce Morris's remarks in the bootstraps, that one of the leading companies of the City of Bridgeport, the Warnerco, there's a gentleman there, his name is Theodore Edwards. He is 67 years old. He is a black man. He's one of the most revered and respected citizens of the City of Bridgeport. I am also very recognizant of the fact that this Bill was defeated two years ago in this House by one vote. I fully believe that the passage of this Bill today will give the black man that incentive to figure that we, in the House, are behind him this time, and two years from now

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it'll be a different picture than we're facing today. Thank you, EFH
sir.

MR. SPEAKER:

Further remarks on the Bill as amended.

HERBERT V. CAMP, JR.:

I would like to support this legislation. It seems to me that we've waited a long time to do something in the field to which this legislation is directed. But like some of my colleagues, I have doubts as to whether our confidence is well-placed...whether our arrow's well-aimed. It seems to me that the question here is one that we're really putting the contractor in a box. As I understand labor law or employment, and I don't really employ very many people, the contractor calls the Union Hall and asks for a certain number of people in a given classification to be sent over, and they're sent. He doesn't have a particular choice about who will be there, and his problem then is getting these people and then trying to comply with this law that we may pass today. I spoke a moment ago to the gentleman from the 10th and asked him if he might expound to me and the rest of the Members of the House. For that reason I would ask him if he would like to comment on the statements I have just made. Thank you.

MR. SPEAKER:

The gentleman from the 10th, speaking for the second time.

LEONARD G. FRAZIER:

Mr. Speaker, that's an easy answer. The people at the

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Union Hall, 100% of them, are ex-workers in the field, and they carry on their old trick, if you will, of getting their people in first.

MR. SPEAKER:

The gentleman from the 8th. I didn't realize you'd posed a question. I'll recognize you again, following the gentleman from the 8th.

LORENZO MORGAN:

Mr. Speaker, I support this Bill, and I'm very amazed, after hearing the conversation and knowing these legislators here, that this could be happening in the State of Connecticut. I do not see, in the world, how any Legislator can be against a Bill that would bring equal opportunity to any person because of race, color, or creed. You know, and I know, that discrimination runs very high as far as our unions are concerned, and it irks me to think that they would hide behind the (inaudible) in the Bill of Human Rights and Opportunities. And I can't, for no reason whatsoever, believe walking up and down here, and everybody hollering "equal opportunities for this person...equal opportunities for that person", and yet they still get up here, and they talk about this Bill, and this Bill (inaudible) all the little items. All this is doing is granting an equal opportunity for persons to be employed, and I support this Bill to the highest.

HERBERT V. CAMP, JR.:

Mr. Speaker, the remarks of the gentleman from the 10th were exactly the problem that I was mentioning a moment or two

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ago. It seems to me that our argument here is with the Union Hall, and who they send over, and not with the contractor who hires them. The contractors, I submit, who do business with the State are interested in one thing, and that is doing a job...getting it done ...and making a profit on it. Whether the person is black or white, whatever race he may be, whatever creed or color...it matters nothing to them where he comes from, or what he does. They want to get a job done, and I suggest to you, and I think to the gentleman from the 10th, that if this Bill provided that, the solution came where the problem is, I think we'd all support it.

MR. SPEAKER:

Further remarks on the Bill.

ROBERT D. KING:

Mr. Speaker, as a Member of the Human Rights and Opportunities Committee, and, incidentally, may I say I'm very proud to be a member of that Committee, I feel compelled to support this Bill in principle. Certainly those of us who have any breadth of knowledge of what's going on in labor employment practices in the State of Connecticut cannot help but agree wholeheartedly with the speakers from the Human Rights and Opportunities Committee and others who supported this Bill. I am very much afraid, however, that the mechanics involved in this Bill come very close to involving the problems that Mr. Collins...Rep. Collins...and others have indicated would be the case. The problem has been pinpointed. It's been soft-talked here this afternoon. But the problem has pinpointed, and let me carry that one step farther. If there was

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open practices on the part of Labor Unions in this State, the Bill EFH would not be before us today in its present form, because the problem would not exist. The Bill has been drafted in its present form because there is fear...there is fear of failure in attacking the problem directly. This, then, is an attempt to go through the back door, when the supporters of this legislation find the front door barred. I cannot help but agree with the speakers who have said that if this is a problem involving the Labor Unions, and I submit, Mr. Speaker, that it is, then why isn't there a Bill before this House attacking the problem directly and frontally. So far as I'm concerned, Mr. Speaker, I think Connecticut should hang its head in shame because of the practices that go on, not only Connecticut, but universally in this country. We have an opportunity...everybody has an opportunity... to attack the problem, and nobody does. I don't know why, but I submit, Mr. Speaker, that the unspoken criticism here this afternoon can be laid directly at the restrictive policies of the Labor Unions, and that, Mr. Speaker, is where I suggest the emphasis be placed.

MR. SPEAKER:

Will you remark further before we vote.

BERNARD L. AVCOLLIE:

Mr. Speaker, I've sat through this debate rather quietly trying to determine in my own mind whether I can vote for or against this Bill. I'd like to direct a question, if I may, to the honorable Minority Leader. I would like to know whether or not the Minority Leader...leadership's counsel...has reviewed this

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Bill before it was double-starred today, and if so, if they believe in the philosophy behind this Bill, why they have not offered copious amendments to cure the legislation as they have on other occasions.

MR. SPEAKER:

Does the gentleman care to respond?

FRANCIS J. COLLINS:

Yes, Mr. Speaker. Through you. We did have our counsel review it, and as the gentleman has presumed, the amendments would be so copious that quite frankly we just could not come up with enough amendments to do justice to this Bill. It would have to be completely redone, in our opinion, to correct some of the glaring deficiencies...problems with it.

MR. SPEAKER:

The gentleman from the 94th has the floor.

BERNARD L. AVCOLLIE:

Mr. Speaker, it seems to me, then, that if the amendments would have been necessarily so extensive, then what the Minority Leader means is that they would have needed one amendment to rewrite the Bill. Apparently they didn't believe in the philosophy of this Bill enough to correct it by writing one amendment. I have to agree with a number of the things that the Minority Leader has said. I don't like the fact that there's no appellate procedure. I don't accept injunctive relief in lieu of appellate procedure as the best remedy. Neither do I like to see this much power vested in one agency. But it seems to me that we are faced

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with a choice...whether or not we believe enough in the philosophy that has given rise to this Bill...whether we believe enough in eliminating the inequities that have been created because of the absence of this kind of legislation...whether we believe enough in those things to vote for the Bill even if we do recognize some defects. I think as a Democrat, as a citizen of this State, that does believe in this philosophy, although I accept the fact that there are inequities in this Bill, if these inequities were not serious enough to prompt our Republican leadership to put their amendments where their mouth is, I must support the Bill. EFH

IRVING J. STOLBERG:

Mr. Speaker, I, also, have listened to the arguments. I've found some logic lacking in some of the arguments on both sides. I think the problem is not necessarily one of minorities, nor one of labor unions, nor one of employers, nor one of the State of Connecticut. The problem that goes deep, not only in our national roots but perhaps in the fallability of all men. I, myself, have been involved in New Haven, periferally, and in some very beneficial discussions between representatives of the black community and labor unions. I think a great deal of progress has been made by these groups in that community. I would like to see, however, the State of Connecticut join in the progress to be made in the field of human relations through this Legislature and through its agency, the Commission on Human Rights and Opportunities. It is a complex Bill. I think there are a few minor flaws. The question is whether the environment, the human environment,

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in Connecticut would be better with or without the Bill, and, Mr. Speaker, I feel that this Bill will create a somewhat better environment for human relations in the State of Connecticut. EFH

WILLIAM LYONS, JR.:

Mr. Speaker, it gives me a strange feeling to sit here and listen to lawyers, and doctors, and merchants discuss a Bill that effects, basically, contract compliance in the construction field in which I make my living. It's interesting to note that I think the Republican side upon which I sit has taken what, in my opinion, is an excellent stand on this Bill. In my opinion this is a bad Bill. It is a Bill that places the responsibility in perhaps the one area where it can least be effective. Now, Mr. Speaker, I intend to support this Bill...bad Bill that it is. And I rise to support it primarily on the basis that a start must be made someplace. I don't like to see starts made poorly, as I'm sure the passage of this Bill will undoubtedly create, but we do have problems. We recognize them. We contractors recognize that our industry is the highest paid industry. We recognize that there is a shortage of help. We are also interested, Mr. Speaker, in making a profit. Now, I may be very selfish when I say this, but, Mr. Speaker, speaking as one representative and speaking as a member of the construction industry, I really don't care what the color of a man's skin is, or what the sex of an employee is, or what the age of that employee is, because I'm interested in one thing, Mr. Speaker...in making money on that employee. And I maintain my employees on the basis of those who

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put out best for me I keep. Now, it's also true, in the construction industry, by and large, that we place a phone call to the unions, and we request help in certain categories, and that is sent to us. Now, on occasion, Mr. Speaker, I have requested a particular type of help in order to balance my crew. I don't like to do that, because, by and large, in the areas where it's critical to me, the help must be highly trained. And I suggest to the Members of the Assembly, the contractors do not train their help, except with the help of the labor unions on apprentices. And I wouldn't want to go into the problems of discrimination, Mr. Speaker, when you hire apprentices who happen to be black, and your white journeymen walk off the job because they've been offered a better job someplace else, but then, when you lay off the apprentices that you cannot maintain, because they're pro-rated, so many to a journeyman, all of a sudden those same journeymen return to the job. And I say, Mr. Speaker, it's time in this State that the responsibility is shared equally, not just by a Bill directed at general contractors, or their subcontractors, but at unions, Mr. Speaker, and, yes, Mr. Speaker, at State Representatives as well. Now, I happen to fly under the banner of a conservative Republican, and I'm not ashamed of that banner, but sometimes, Mr. Speaker, when I hear arguments on this floor, I get awfully ashamed that I'm even here. I think it is about time that we recognize that there may be deficiencies in some Bill, but deficient or not, we ought to at least make a start. Thank you, Mr. Speaker.

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MR. SPEAKER:

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I will merely remind the Members we have 20 more Calendar items. I would further remind the Members that we've had 16 individual speakers on this Bill and that we have been debating it since 20 of two. Will you remark further. Rep. Brown, from the 148th, speaking for the second time.

OTHA N. BROWN, JR.:

Mr. Speaker, I would certainly agree with you that there has been ample discussion of this Bill. I might add that this has been one of the widely discussed Bills. It was discussed throughout the whole Session of the Assembly in the last General Assembly, and obviously it's getting equal attention in this Assembly. But I think it's more to it than about discussions. We have discussed it with Labor, and it would seem, as far as I know, to have no difficulty. We have sat down with them and tried to iron out differences. We've sat down with contractors. We've sat down with lawyers. We've sat down with leadership, and just about everybody but the kitchen sink, and it was our understanding that this was a very acceptable Bill. Let me...when we get through with all the rhetoric and all of the emotionalism about this Bill, it's very clear that with the long memory that I have from the last Session is that it is simply that there are some who are against the Bill, as they were in the last Session. It is true, and it's obviously that the distinguished Minority Leader... there's no difference in his arguments and in his approach to the Bill in the last Session, except that I would say that he has

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grown in stature and in eloquence. It seems to me it's very clear EFH that it is not a battle against this Bill in which we're engaged. What we're battling against is the Human Rights and Opportunities Commission, and I think we ought to make that very clear, because right now it is my view that if this were being administered by another agency like the State Department of Education, or someone, it would probably be acceptable. But let me very briefly, again, at the end, indicate what this Bill is all about. I've said, for example, those who are against the Bill, their minds are made up, and they don't want to be confused, because what we're talking about here is not so much about enforcement procedures, which we presently have under Fair Employment Practice, where, if one discriminates, then certain kinds of sanctions can be acquired. This is not what we're talking about. What we are talking about is a positive approach of, hopefully, that it will not get to that stage, and so that a contractor must give an affirmative program precedent to violations which, later on, end up with very deleterious effects to the contractor. The idea here is, hopefully, to work with the contractor to prevent rather than to correct. We can already do this...correct, under Fair Employment Practice. And if there is some feeling that we have not pushed as hard as we could in terms of enforcement, then that's something that we have to deal with, and I think it is a spurious argument to say, "Why don't we have that Bill". All that I say is that if you give me half a chance, we'll have it before this Session is over. But it is also true that what we're trying to do is to make

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Connecticut truly a part of the United States. This is already Federal law. We're trying to make it also a mandate of the State of Connecticut. What does it provide? It provides, No. 1, for an affirmative program before the award of a contract, rather than after the award, where the contractor may not have a contract free of these clauses of discrimination against people of different races, and color, and religion, and sex, and age, and national origin. Next thing we're providing in this is an assistant to the contractor precedent to him getting into trouble. Now, I don't think any contractor, or anyone else, once being given that assistance still violates the law, there should not be sanctions imposed. Also, let us make it very clear that we are also protecting the right of the contractor who may not be involved, but the subcontractor may be involved, and not only do we stand behind the contractor to make sure that he is vindicated, but that we offer affirmative assistance to that contractor. And, finally, Mr. Speaker, the Human Rights and Opportunities Commission...some say that is a weak Commission, and some say that it is a strong one. Perhaps this, too, is a kind of spurious argument, because either way you go, you end up almost like a Southern Yankee...you get shot on both sides. But I would say that the Human Rights and Opportunities is not a Commission that is not subject to the same sanctions and the same review by the Courts as any other Commission. I heard from the other side that the Commission has had several issues before the Courts, and it has won a few, and I has lost a few. And let me say to you that the Human Rights

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Commission was for the State of Connecticut, and it was not for any particular group, or any particular person. It is an agency on an equal peerage with other agencies of this State. And, finally, the lawyers have debated the issue as to whether there's appellate and judicial review. I would only say that when the Human Rights Commission, or any other Commission, violates this law, I think that this country is still strong enough steeped in judicial precedent to apply the proper sanctions to the Human Rights and Opportunities Commission. It seems to me that these are arguments that do not go to the heart of the Bill. I say, again, that we already have the right that if a person violates the law that we can now move against that contractor under Federal...under Fair Employment Practices. What we're trying to do is to help that contractor to keep him from violating the law, and this is in the best interest of the State of Connecticut, and, Mr. Speaker, when all the rhetoric has subsided, it simply means that we are either for putting Connecticut on par with the Federal Government in its sensitiveness, in its concern, and it is its interest not only of one race, black, or any others, but also in terms of color, and religion, and sex, and age, and national origin. This is what this Bill is about, and this is why there are so many ready to support it.

MR. SPEAKER:

Are we ready to vote?

RONALD A. SARASIN:

Mr. Speaker, I rise to oppose the Bill for many of the

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reasons that have already been stated. The obvious problem with this Bill, Mr. Speaker, is not that the intention behind the Bill is good, not that the purposes espoused in the Bill are worthwhile, and it's not a situation that the Members of this side of the aisle, or at least myself, and only speaking for myself, am opposed to the intent of the legislation that's before us. The obvious problem with the Bill is the totally unrestricted power it gives the Commission on Human Rights and Opportunities...the total power it gives this Commission to interfere with the contracts of the State of Connecticut...the burden that it places upon the State of Connecticut in dealing, or attempting to deal, in good faith, with contractors who wish to deal with the State. Some of the problems are outlined in this Bill, and the Bill is replete with areas of possible litigation. In Line 51, it calls for rules and regulations satisfactory to the Commission, and it goes on with this kind of language throughout the entire Bill...that the Commission has the final authority...the Commission has the final word...without the right of appeal...without any protection for the contractors...and without any protection for the people who may be effected if the Commission, in its own wisdom, or lack of wisdom, decides to stop, cancel, terminate, and lay people off, as it can do under this Bill. I submit, Mr. Speaker, that there are problems with this Bill. It is a Bill with the intention... rather, the intention of the Bill can be improved. The language of the Bill can be improved. We would hope that legislation could come out of this Legislature, which would accomplish what

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Mr. Brown would like to have accomplished, and accomplish what Mr. EFH Morris would like to have accomplished. I submit to you, sir, that this is not the vehicle which should be used to try and accomplish these ends. In this case, the means are bad. In this case, we can create problems that are rather horrendous and that will never stop. It gives one agency of the State totally unrestricted power...an agency of the State that is not responsible for the electorate...an agency of the State that has had problems already...an agency of the State that perhaps should not have this power as it is written into this legislation...without standards. And this is the problem. The language of this Bill throughout all of the lines that are included...and there are many pages, of course, to this Bill...and I am sure that some people did not bother to take the time to read it carefully. But in almost every other line there is some requirement that the Commission may require...that the Commission itself will set the standards for. They're not written into this legislation. I submit to you, sir, that this legislation could be made better, and I would ask that this Bill be recommitted to the Committee for further study, and I so move.

MR. SPEAKER:

Motion is on recommitment. Will you remark.

RONALD A. SARASIN:

Mr. Speaker, when the vote is taken on my motion, I move that it be taken by roll.

MR. SPEAKER:

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Question is on a roll call. All those in favor indicate EFH by saying "aye". With the 20% having called for it, a roll call will be ordered in the Hall of the House. The motion made is debatable. The motion is one of recommitment. Let me announce the roll call. I've got to get people back in here and see if we can finalize (inaudible).

CARL R. AJELLO, JR.:

Mr. Speaker, might I suggest that due to the nature of the matter before us it might be wise to be at ease until a sufficient number of Members have returned, so that we can acquaint them with the problem.

MR. SPEAKER:

The House will stand at ease. Are there introductions at this time? I would urge the Members to stay here so that we can complete action on the motion on the Bill and proceed with the Calendar (inaudible). I would further indicate that our friend, the photographer, wishes to complete his picture, and if he doesn't do so pretty soon, some of us will need a third shave for the day. Further announcements or introductions? (inaudible) Would the Members be seated. Would the aisles be cleared. Would the Members please be seated. Would the aisles be cleared. Would the gentleman wait until the Members have been seated. Gentlemen, could we have the aisles cleared so that we can proceed with the debate. For the benefit of the Members who have just returned to the Hall of the House, we are still considering File No. 72, which is the first Calendar item on today's favorable reports...on Page

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2. After hearing debate from 16 Members on the substance of the Bill, the gentleman from the 95th, Rep. Sarasin, then moved to recommit this Bill to the Committee on Labor, which is the correct Committee as far as the favorable report is concerned. The File indicates Human Rights and Opportunities. The record in the File in the Journal should indicate this is a report from the Committee as indicated. A motion was then made that the vote on the recommitment be by roll call. At that point the roll call announcement was made. We are presently debating a motion to recommit an Act concerning equal employment contract compliance. Will you remark further on the motion.

FRANCIS J. COLLINS:

Mr. Speaker, point of clarification, Mr. Speaker. It is my understanding that the jacket of the Bill indicates that it is a report of the Committee on Human Rights and Opportunities.

MR. SPEAKER:

It is. The gentleman from the 165th is correct. The Clerk informs me (inaudible).

FRANCIS J. COLLINS:

Fine. Just as long as we know where it's going to go back to if the motion passes.

CARL R. AJELLO, JR.:

Mr. Speaker, I'm opposed to recommitment of the Bill. It seems to me that we're here to do the kind of business that the people of the State expect. After approximately two hours of debate on any given item of some significance, which I think this

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is, it becomes apparent, at least to me, that there are matters of philosophy involved which go far beyond the question of whether or not there's a proper appellate review provided for in the Bill. The point was made most tellingly, I think, that had there been that genuine concern, there could have been amendments offered, which would clarify that very, or that relatively minor, point by using some other language. That was not done. We're now in the posture of having spent a couple of hours debating this Bill, and I think that the Bill is entitled, at this point, to be considered on its merits. I think that we do a disservice to this General Assembly and to our tradition of free and open debate with everybody having an opportunity to voice his views when we attempt, by this type of parliamentary maneuver, to kill a Bill which may or may not be subject to some difference of opinion. We spent this much time with it. I think we should go ahead and vote on the Bill, and I would urge the Members to vote "no" on recommitment.

FRANCIS J. COLLINS:

Mr. Speaker, I rise in support of the motion to recommit, and I certainly disagree with the Majority Leader's remarks that it's an insignificant provision on appeal that has tied up this thing for two hours of debate. I think the debate we've just had over the past two hours illustrates the very nature of the reason for the motion to recommit. Not only have I, myself, pointed out several of what I think are deficiencies in this Bill, but it's been admitted by proponents of the Bill that there's problems with it. I think it's significant that in the 1969

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Session it passed by one vote in this House and then died at the end of the Session. I think it's further significant that this Bill has sat at the foot of the Calendar for some time, indicating a concern that maybe something was wrong with this Bill. It came off of the foot yesterday. It's ready for action today. As far as the claims that we, on the Minority side, should have redrafted or re-worded the Bill, I submit to you that those claims are not well-taken. I indicated that as we got deeper and deeper into this Bill we realized that simple amendments could not cure many of the problems. But I do think, in support of the motion to recommit, that problems of the building trade unions, black list, appellate procedures, administrative nightmares, all of which the Bill before us would create, could be, by recommitment, straightened out if an honest effort by everybody involved was undertaken. And I don't agree with the Majority Leader that the reason for this motion to recommit is to kill the Bill. If those of us who are interested in getting to the problems of discrimination in the building trade unions can sit down and work these problems out, and I might add that those of us on our side were never considered when this Bill was taken up, was taken off the foot of the Calendar and asked our position on it, we would have been happy to point those out, and happy, even, if our comments were given some consideration. I've talked to an official of the Labor Department here, just about two hours ago, and they indicated that passage of the Bill in its present form would make it virtually impossible for a contractor to enter into a contract with

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State agency. I think, Mr. Speaker, that there are sufficient problems in this Bill that it ought to be recommitted...ought to be re-worked...and if we can get at the heart of the problem, bring it back out and pass it.

MR. SPEAKER:

I would remind the Members, again, the present debate is supposed to be limited to the question of recommitment and would urge Members to restrict their remarks narrowly to that particular motion.

BRUCE L. MORRIS:

Mr. Speaker, I believe the motion was made in bad faith. I'm sorry that my friend, Ron Sarasin, saw fit to make such a motion. I feel the Bill was reviewed by the Minority side, by the attorneys, and the Minority Leaders over there are all attorneys. If they had a problem with it, and I agree with my learned friend, Bernard Avcollie, that they would have made such motions, or they would have made such re-drafts. I disagree with their position at this particular time, because my feeling is they want no bill at all.

MR. SPEAKER:

Further remarks on recommitment.

NICHOLAS A. PANUZIO:

Mr. Speaker, I'm sorry that I must disagree with the gentleman from the 111th. I certainly will support this Bill, and this motion with recommitment, with good faith, because I very much want to vote for the principle. I know how it affects my

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particular community, and I very much want to support it. But I cannot support a Bill with the deficiencies that are in it as it presently stands. I think that a motion to recommit would give us that opportunity to correct some of these things and then have it come back to this floor so all of us, on both sides of the aisle, could vote in favor of the principle. I'm sorry to hear so many comments made about the philosophies, and so forth, of this side of the aisle. I have to disagree with most of them. Perhaps I'll disagree with many of the philosophies of my fellow colleagues on this side, but on this particular issue, I am going to vote to recommit, in good faith, in the hope that the people on the Committee will provide us with a Bill that will give us the kind of hope that we can have in correcting some of the problems in the construction trades. And I hope that everyone will vote this way, so that we can get a Bill of principle out of this Legislature...not just one that it provides a lot of inefficiencies, and will create many problems in the future.

MR. SPEAKER:

Further remarks on recommitment.

RICHARD B. EDWARDS:

Mr. Speaker, I rise to support the motion to recommit. I have heard the words "conscience", "prejudice", and this...it makes me very sad to feel that I cannot perhaps object to the mechanics...to the way a job is done...without the implication being that I do not support the principles for which it stands. Four years ago I ran for this Assembly. I did not endear myself

EF

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to certain sections of the community because of a strong support for human and civil rights. I would do exactly the same today, and I would not change my position. There are problems with this Bill, I believe...I sincerely believe it, and I believe it in good faith. I ask you, please send it back. Bring out a Bill that I will love to support. EPI

MR. SPEAKER:

Gentleman from the 118th, speaking for the 2nd time, on recommittal.

CARL R. AJELLO, JR.:

Mr. Speaker, I'd like to make something perfectly clear to the Members, which may or may not be clear in their minds at this time. The gentleman from the 165th indicated that the Bill was suddenly taken from the foot of the Calendar and placed before the House, so there was no ample opportunity to review and make their feelings known. I think their feelings have now become known. There's no question about that. However, just so that there is no doubt in anybody's mind, I'd like to review some of the procedures which were involved in making up our Calendar that is that each day both sides meet on the Calendar, and the Minority side is informed as to what is going to be taken off the foot the next day. Then, according to our custom, the matters taken from the foot are passed retaining at least one time in every instance, and I can't think of perhaps but one or two times when we've all agreed not to follow that procedure. In addition, in answer to a question he said earlier today, that their counsel had reviewed the Bill and that they thought it was not an

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adequate Bill, and yet they debated it for two hours before decid- EFH
ing that recommitment was the proper answer. I must subscribe to
the theory again and emphasize that this is an attempt to kill the
Bill. If they don't believe in the Bill, they should vote against
it. If they have amendments which would make it better, they
should have offered them. They have had more than ample time to
offer any amendment they might care to make to this Bill. They
have not chosen to do so, and no amount of rhetoric from that side
will convince me that they have such amendments in mind, or even
intended to offer them. I oppose recommitment.

DOMINIC J. BADOLATO:

Mr. Speaker, I simply want to point out that I agree
with the comments just made by the Majority Leader, but for an-
other reason. I believe that the motives of these people on the
other side of the aisle are suspect at this point, because they
had much more time than what the Majority Leader pointed out. The
Bill was heard by the Labor Committee on February the 22nd. The
Labor Committee held an executive session on March 4th and re-
ported the Bill out favorably at that time. Now, the procedures
are clear that the Bill then goes to the Legislative Commissioner's
office, and it must be out of the Legislative Commissioner's of-
fice within ten days, and I believe it was out within less than
ten days, so that the Bill has been on the Calendar now for well
over one month, so that if there was any doubt at all that this
Bill would come up for action on the floor of the House, and if
there was any consideration at all by the people on the other side
of the aisle that there should be some changes made, they had one

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full month to work on it...to come up with some suggested changes. EFH
They are not forthcoming, so I really feel that the motives are
suspect, and I would urge rejection of their motion to recommit.

MR. SPEAKER:

Further remarks on the motion to recommit.

WILLIAM LYONS, JR.:

Mr. Speaker, thank you. Mr. Speaker, I rise to support
the effort to recommit, and I rise probably as a lone Republican
who will support the Bill if this action is defeated. As I said
in my previous statement, Mr. Speaker, I consider it a bad Bill.
I honestly believe that some good could come out of recommitment,
and you know I'm sticking my neck way out on this, but I do think
that my leadership on this side of the aisle has a valid point,
and I would like to see the Bill recommitted so that some work
could be done that will make it palatable to this whole General
Assembly rather than just somewhat half of it. Thank you, Mr.
Speaker.

MR. SPEAKER:

Motion is on recommitment. If the Members would be
seated, we can proceed with the vote. If you wish, let me explain
the vote before recognizing anyone else. If you wish to vote to
recommit, vote "yes". If you wish to vote against recommitment,
vote "no". Again, a motion was made to recommit. A "yes" vote
is to recommit. A "no" vote is against recommitment and would al-
low further debate on the Bill itself. Will you remark further
on the motion to recommit. If not, if the Members would be seated,

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the aisles cleared of staff, we will proceed with the vote. Has every Member voted? Is your vote recorded in the fashion that you wish? The machine will be locked, and the Clerk will take the tally. May I urge the Members to stay and complete the debate on this and to allow our good friend, the photographer, to take a picture of your right side. He's been waiting since 2:30, or so.

CARL R. AJELLO, JR.:

Mr. Speaker, while we're waiting for the man to climb the ladder, may I indicate that there will be a Democratic caucus tomorrow afternoon, immediately after adjournment in a room to be announced.

MR. SPEAKER:

There's a Democratic House caucus tomorrow after adjournment in a room to be announced. Ladies and gentlemen, may I suggest, while you're seated and before the Clerk announces the tally and we complete debate on the Bill itself, that we allow the photographer to complete his work. I don't know if he's working on an hourly basis, but, if so, his profit has gone down drastically over the past hour. Would you like to proceed and complete the picture? I'd ask the Members to be seated so that the picture can be completed, and ask those of the staff and personnel who wish to sit in the well of the House so that they may be included in the picture. In the words of that great American institution, "At ease". The Clerk will announce the tally on the motion to recommit.

CARL R. AJELLO, JR.:

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Mr. Speaker, one of our Members has just indicated a desire to address the Chair about his vote. EFH

RUBIN COHEN:

Mr. Speaker, I missed the roll call, and I'd like to be recorded as voting "no".

MR. SPEAKER:

The rules provide that before the vote is announced, any Member may indicate, if he comes in late or wishes to change... a change in his vote. In this particular case, the Dean of the House wishes to indicate that he wishes to be recorded in the Journal as being present and voting "no" on the motion to recommit.

WILLIAM J. SCULLY, JR.:

Mr. Speaker, there will be an immediate meeting of the executive committee on Insurance in Room 417. Will all Members please come up.

MR. SPEAKER:

Can I ask to hold that announcement after this until the Clerk announces the tally on the vote.

VINCENT GAGLIARDI:

Mr. Speaker, believe it or not, I was outside having a flat tire fixed. I missed the vote. I would like to be recorded as "no".

MR. SPEAKER:

The Journal will indicate your presence and your desire as being recorded as having voted "no". The Clerk will announce the tally.

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THE CLERK:

EFH

Total number voting 157. Necessary for recommittal 79. Those voting "yea" 73. Those voting "nay" 84. Absent and not voting 20.

MR. SPEAKER:

The motion to recommit is lost. I would remind the members that we now have pending before us the vote on the Bill itself, because prior to this debate, there was a motion for a roll call, which received the required 20%. We now will return to debate on Calendar No. 83, H.B. No. 7010, File No. 72. Will you remark further on the Bill as amended. If not, will the Members be seated. Will the aisles be cleared. We'll proceed with the vote on the Bill itself. I would further remind the Members we have 20 more Calendar items to consider. May I ask the gentleman from the 34th to hold until after the vote on this Bill. If the Members would be seated, the aisles cleared. I think we're prepared to proceed with the vote on this matter. Members be seated. Question now is on acceptance of the Joint Committee's favorable report and passage of the Bill as amended by House Amendment Schedule "A". Again, the Calendar consideration is on Calendar No. 83, File No. 72. If Representative (inaudible) would be seated we can proceed with the vote. The reason for the delay, ladies and gentlemen, the Banks' room...apparently the amplification system is not working. I've had several requests to send messengers there, which we've done. The Members have returned. I notice Dr. Blake in his chair. If the Members that have just

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come in will be seated, we'll proceed with the vote. The machine will be opened. Has every Member voted? Is your vote properly recorded? Does the gentleman from the 129th wish to vote. The machine will be locked, and the Clerk will take the tally. The Clerk will announce the tally.

THE CLERK:

Total number voting 153. Necessary for passage 77.

"Yea" 81. "Nay" 72. Absent and not voting 24.

MR. SPEAKER:

The Bill is passed. I understand the gentleman from the 87th wishes to make an announcement for the Banks Committee.

JAMES T. HEALEY:

Yes, Mr. Speaker. I would urge all Members of the Banks Committee to return to the Bank Committee room. We are in an extremely critical stage. Thank you, Mr. Speaker.

BERNARD L. AVCOLLIE:

Mr. Speaker, there will be an immediate meeting of the sub-Committee on Special Education in Room 408.

MR. SPEAKER:

I would remind those Members to clear the aisles and be seated. We have 20 Calendar items. I'd urge those people who are to be reporting out Bills to be in their seats so that we can proceed now with the Calendar.

THE CLERK:

Calendar No. 152, H.B. No. 7330, an Act concerning distribution of unsolicited credit cards. File No. 127.

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SENATE

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drinking entirely, which I understand can be done, any restaurant would be able to stay open until 2 a.m. I believe they, well, you're talking about different types of permits - clubs and permits of that nature, I think can just be open a half hour or an hour or closed all day, if they so desired. I believe the restaurants are required by liquor control regulations to remain open a certain period of time and serve, I think, at least one meal a day.

THE CHAIR:

Any further question before the Roll Call proceeds? Mr. Clerk, proceed.

ROLL CALL VOTE

Whole Number Voting.....	35
Necessary for Passage.....	18
Those Voting Yea.....	21
Those Voting Nay.....	14
Those absent and not Voting.....	1

The Bill is passed.

THE CLERK:

Please turn to Page 2 of your Calendar, Second item from the top, Calendar No. 276, File No. 72, Favorable Report, Joint Standing Committee on Labor and Industrial Relations, House Bill 7010, An Act Concerning Equal Employment Contract Compliance, as Amended by House Amendment, Schedule A.

THE CHAIR:

Senator Smith.

SENATOR SMITH:

Mr. President, I move acceptance of the Joint Committee's Favorable

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Report for passage of the Bill in concurrence with the House and a Roll Call Vote be taken on the measure.

THE CHAIR:

Will you remark?

SENATOR SMITH:

Mr. President, Connecticut's present contract compliance law, Public Act 284 of the '67 General Assembly, that is specifically General Statutes 4-114 A is far from being adequate to deal effectively with the problems that we have in insuring compliance with existing law. Now, the contractor under this Bill, is not required, I'm sorry, under existing law, is not required to initiate affirmative action or to make a special effort to recruit, train if necessary, and hire minority=group members. Present law does not provide for pre award examinations of the respective contractors employment practices and does not provide for a preaward conference which is absolutely essential that the contractor is to get a clear and precise understanding and appreciation as to what is required of him under law and the spirit of the law with respect to providing realistic opportunities for citizens of this State. The omission of sex in the existing law is one of the most obvious weaknesses, inasmuch as it is included in the Connecticut Fair Employment Practices Law. Now, very briefly Mr. President, the history of this, as I have already related, has to do with comparing it with Executive Order 11246, which is a Presidential Executive Order and this Bill has actually been drafted from that Act, it's been in existence since 1965, six years ago. And although we've had some attacks on the draftsmanship and the craftsmanship, we found and believe that this Bill is nearly as perfect as we can possibly get. And it puts

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Connecticut, or will put Connecticut back in line with some of the other States who have adopted such laws.

THE CHAIR:

Senator Smith, do you wish to explain the significance of House Amendment, Schedule A, if pertinent?

SENATOR SMITH:

As I understand it, Mr. President, these were simply technical Amendments to clarify and I think the Clerk has the Amendments. Would you read them please?

THE CLERK:

Line 61, after the word "understanding" and before the comma, insert the following: "and to each vendor with which he has a contract or understanding". In Line 112, after the word "non-compliance" and before the semicolon, insert the following: "in accordance with Section 11 of this Act". In Line 118, after the word "litigation" insert the following: "for negotiation prior thereto". And after "the State" and before the period, insert the following: "and the State may so enter".

THE CHAIR:

Senator Smith, I agree with you. The Amendments sound entirely technical. I don't believe it's necessary to make any further explanation, unless you so desire.

SENATOR SMITH:

Thank you, Mr. President.

THE CHAIR:

Senator Eddy.

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SENATOR EDDY:

Mr. President, very briefly I wish to speak in favor of this Bill. I have gone over in great detail with Senator Smith. I'm satisfied that it attacks the real problem and that is jobs. And if we cannot supply jobs for all our people, there's no hope for any of us. I'm for this Bill and I hope the vote is unanimous.

THE CHAIR:

Will you remark further? Senator Ives.

SENATOR IVES:

Mr. President, I rise to support this Bill and to publicly thank Senator Smith for explaining, in detail, to our caucus, the provisions of this Bill. I would like also, at this time, though, to register two things of which I am a little bit uneasy. One, I'm not sure that the Bill strikes at which I think is the heart of the problem, at least within the construction industry. And this is the practice of the employee submitted by the Union Hiring Hall. I know that there are information that is required under this Bill but I don't think it goes far enough to compel them to do a good job in recruiting people of the minority into the Union and then supplying them to the contractor. In the second area, I'm a little fearful of the possibility of harassment that could be applied under this Bill. However, with the advent of annual sessions and if this takes place, I think we'll have an opportunity to correct the problem and the objectives of the Bill are laudable and it should be passed.

THE CHAIR:

Does anyone else hear a loud buzzing sound? I thought perhaps something had happened. Would you close the door up there, sir. Or perhaps the

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messengers would check on that. Oh, thank you. Perhaps there's a floor cleaning machine or something. Senator Dowd.

SENATOR DOWD:

Mr. President, Senator Eddy has, I should like to associate myself with the remarks of Senator Eddy. They very concisely capture my feeling on this, as his remarks so often do. I hope we will have a unanimous vote on this Bill.

THE CHAIR:

Questions on passage of the Bill. Will you remark further? If not all those in favor of passage, signify by saying aye. Opposed, nay. The ayes have it. Oh, I'm sorry, Senator Fauliso did move for a Roll Call Vote. Thank you, Mr. Clerk. Senator Smith did, that's correct. Since it appeared to the Chair to be unanimous, would you wish to withdraw the Motion?

SENATOR SMITH:

I was going to ask that you move on that, Mr. President. I don't think I would have any objection, inasmuch as it seems to be unanimous.

THE CHAIR:

It is unanimous, in the opinion of the Chair. And the Chair regrets the oversight. Will the record note that the vote was unanimous. Senator Cutillo.

SENATOR CUTILLO:

Mr. President, standing in the doorway of the Chamber, is the distinguished Democratic Town Chairman in Waterbury, Frank Santaquida and Mrs. Natalie Rappaport and if they would step forward, I'm sure the Senate would give them their usual warm welcome.

**JOINT
STANDING
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**LABOR
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LABOR AND INDUSTRIAL RELATIONS

Rep. Badolato:

Do we have anymore speakers? We will go to the next order as mentioned earlier the Contract Compliance Bills, H.B. 5320 (AN ACT CONCERNING EQUAL EMPLOYMENT CONTRACT COMPLIANCE.) and H.B. 7010 (AN ACT CONCERNING EQUAL EMPLOYMENT CONTRACT COMPLIANCE.) I call your attention to the fact that both of these bills are the same, so when you speak on one, your speaking on the other. Do. we have any speakers in the audience who wish to speak in favor.

Joseph Bober:

Mr. Chairmen, Joseph Bober, Sec. and Treas, Conn. State Labor Council speaking in support of H.B. 5320 (AN ACT CONCERNING EQUAL EMPLOYMENT CONTRACT COMPLIANCE.) I could refresh the memory of some of the Representatives and Senators, this bill was on the verge of passing two years ago but due to the rule that one of the parties adopted not to allow suspension of the rule, the bill died because they couldn't get suspension of the rules at the final hours of the General Assembly two years ago. Thank You.

Arthur Green:

Mr. Chairmen, my name is Arthur Green, I'm Director of the Conn. Commission on Equal Rights Opportunity and I speak in support of both bills before you. The present statutes of which these bills seeks to amend are highly inadequate in terms of providing for affirmative action by those persons subject to the bills jurisdiction. It is very important that in this day and age we do not merely seek from employers, unions, and other present so covered pledge is not to excriminate. We must also seek some assurance that they will take appropriate action, offinsive action we call to see to it that persons are disadvantaged have an opportunity to work, and to work in a meaningful way. Both of these bills are very critical and very essential and I urge the adoption. Thank you.

Leon L. LeMaire:

Mr. Chairmen, Leon LeMaire, speaking for the Manufacturers, Conn. Business and Industry Association, formerly the Manufacturers Association of Conn. and the Conn. State Chamber of Commerce. I support the Bills in principal, of course at the Federal Level the government contractor must establish a firmative action program and is regulated to a great degree in proceeding of fulfillment of government and the contract awards. However the bill is deficient in several respects, most important of which is that in some cases where government contracts, contract awards involve construction unions that there is no provision in here for the real group that hires the employee. Now it's true that the contractors themselves end up employing these workers and they do work for many different companies during the course of their employment and it is directed merely to a group or group that may or may not have control of hiring practices and they have to go to the union hiring halls. So I think with some modifications, possibly both of these bills could be made enforceable and meaningful to the commission.

LABOR AND INDUSTRIAL RELATIONS

Mrs. Harry Northup:

I am Mrs. Harry Northup of West Hartford, Conn., speaking for the League of Women Voters of Connecticut. We ask your support for H.B. 5320 (AN ACT CONCERNING EQUAL EMPLOYMENT CONTRACT COMPLIANCE). This bill would insure that all companies wishing to contract with the state would not discriminate in their employment practices. It would accomplish this by requiring the filing of assurances of fair employment policies before the granting of the contract. The state is thus further protected from unknowingly contracting with a firm that is guilty of discrimination.

The concept of stating the equal employment policies of the contractor in all solicitation and advertising for employees is a good one. This serves to encourage those people who would otherwise be fearful of discrimination because of race, color, religion, sex, age, or natural origin.

We agree also with the proposal to allow the canceling of all or part of the contract in case the contractor does not comply with non-discrimination clauses and the binding of subcontractors to the same conditions.

The League of Women Voters believes that Connecticut has a responsibility to guarantee equal opportunity in employment and that it must also guarantee equal treatment for those who directly or indirectly, are employed by the state.

We also wish to speak in support of S.B. 271 (GUARANTEEING MEMBERSHIP IN APPRENTICESHIP PROGRAMS). The League of Women Voters is committed to working to equalize opportunities in employment. We recognize that opening up the opportunity to gain the needed training is essential to effective participation in any craft area.

It is necessary to participate in a apprenticeship program and related or supplementary instruction to be prepared to join a union and to work at a skilled trade at maximum efficiency and with maximum remuneration. We therefore feel that denial of participation in such programs should be done on the basis of a bona fide occupational qualification.

Sen. Smith:

Do we have anymore speakers in favor of Bill No. 5320 (AN ACT CONCERNING EQUAL EMPLOYMENT CONTRACT COMPLIANCE), or H.B. 7010 (AN ACT CONCERNING EQUAL EMPLOYMENT CONTRACT COMPLIANCE.) if not is there any opposition to these bills? Declare issue of this hearing closed on that issue. We'll go to the other bills you may speak on any of the other bills which we have on the hearing for today. We'll take the public section of the hearing to H.B. 5483 (AN ACT CONCERNING MAINTENANCE OF HEALTH STANDARD)
Do we have any speakers for?