

SB 1531

PA 573

1971

General Law 716

House 2357-2361, 5141-5142, 5147-5150

Senate 1352-1353, 2836-2837

**JOINT
STANDING
COMMITTEE
HEARINGS**

**GENERAL
LAW**

**PART 3
630-932**

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GENERAL LAW

TUESDAY

MARCH 30, 1971

MR. KABELLIS: I would like to speak in opposition to 1531. This would allow in the case of a building official leaving his position or through death --

REP. WEBBER: May I interrupt you if I may. Would you kindly discuss this with Senator Peter Cashman. This is a matter which apparently relates only to his own community and maybe between you, you can work it out.

MR. KABELLIS: As I say, I am opposed to 1531 which would eliminate the certification requirement for any person who was appointed a building official after October 1 and would give him the four year tenure to October 1 of 1974.

REP. WEBBER: This is the bill I'm talking about. Discuss it with Peter Cashman. Okay?

MR. KABELLIS: Yes sir, Mr. Chairman.

ARTHUR WOOD: I am a police officer currently assigned to the public safety division of the state police as an inspector. I'm here to speak relative to HB 6866, motor vehicle racing. It is a statutory responsibility to license all motor vehicle races. We have been licensing these races since 1939. In 1953 the fee was increased from \$10 to \$20. In 1970 our office issued 225 licenses. Each and every race requires that a trooper be assigned to the event. He must arrive prior to the event and stay until all racing is completed. In some instances at the road race track, two troopers must be assigned. The issuance of permits requires considerable clerical work and each track must receive a pre-season inspection.

REP. WEBBER: Would you settle for \$35?

ARTHUR WOOD: We could have a meeting of the minds on this and take the \$35.00. Thank you.

REP. WEBBER: If there are no more speakers to be heard, this hearing is closed.

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1968-2502**

Monday, May 10, 1971

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THE CLERK:

On page 8, Calendar No. 705, Substitute for S.B. No. 1531, An Act Concerning the Qualifications of the Building Inspector of the Town of Lyme.

MR. SARASIN (95th):

Mr. Speaker, the Clerk has an amendment.

THE SPEAKER:

The question is on acceptance and passage. Will the Clerk call House Amendment Schedule "A"?

THE CLERK:

House Amendment Schedule "A" offered by Mr. Sarasin of the 95th, Mr. Mahanay of the 92nd.

MR. SARASIN (95th):

Mr. Speaker,

THE SPEAKER:

Do you wish to waive the reading of the amendment?

MR. SARASIN (95th):

Yes, Mr. Speaker, I believe I can summarize it.

THE SPEAKER:

Is there objection? Hearing none, would the gentleman outline the amendment?

MR. SARASIN (95th):

Mr. Speaker, the amendment substitutes, or rather strikes out everything after the enacting clause in the file on the members' desks, and substitutes Section 19-397 of the 1969 supplement to the statutes and makes two minor changes in that section. Now I believe I can best explain the amendment by explaining a little bit of the history.

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In 1969, this body passed a very far reaching piece of legislation which imposed the State Building Code on all municipalities in the state. At that time, the statutes that were, or that particular act, allowed municipalities up to October 1, 1970 to appoint Building Inspectors who may not be qualified or might not be qualified under the provisions of the Act, but required them to become qualified by October 1, 1974. As a result of that, many communities utilized this method of appointing people who in fact were not qualified but were going to become qualified and fit in under the law. In other words, be qualified by October 1, 1974. Some of the communities that, rather some communities allowed that deadline to go by without appointing building inspectors and in fact do not have building inspectors now. Others that did appoint building inspectors find themselves in situations where the inspectors have resigned and because the law only gave them until October 1, 1970, they cannot replace them with people who are willing to become qualified by the ultimate deadline in 1974. This amendment simply changes the date in that act, 19-397, from October 1, 1970 to October 1, 1971. It then allows the municipalities who have either not appointed or have appointed but have experienced resignations to appoint people who may not fully qualify as building inspectors. The amendment also clarifies the language slightly but still keeps the same deadlines so that if this amendment is passed, the municipalities will have until October 1 of this year to appoint building inspectors who may not qualify but the ultimate deadline, that is October 1, 1974, is still adhered to. It will give the municipalities an opportunity to, especially the smaller ones, to comply with the Act. And I move the adoption of the amendment, Mr. Speaker.

THE SPEAKER: ✓

Will you remark further on House Amendment Schedule "A"? If not, all those in favor indicate by saying aye. Opposed? The amendment is ADOPTED. It's ruled technical. Now, the gentleman from the 95th, are you aware that there is a Senate Amendment relating to towns under 5,000 and do you wish to take action on that amendment. djh

MR. SARASIN (95th):

Mr. Speaker, I would move to reject the Senate amendment.

THE SPEAKER:

The gentleman has moved that Senate Amendment Schedule "A" be rejected. May I suggest that the Clerk read the Amendment, such as it is since it is brief so that it can be properly brought before you.

THE CLERK:

Senate Amendment Schedule "A" and I should note for the members that in the title of the bill on the Calendar, it should be, as amended by Senate Amendment Schedule "A".

Senate Amendment Schedule "A" is as follows:

In line 3, after the word "by" strike out the word "the" and everything in lines 4, 5, 6, 7 and 8 and insert the following: "Any town with a population of 5,000 or less shall not be required to meet the qualifications outlined in such section, providing he shall be approved by the Commissioner of Public Works.

THE SPEAKER:

The motion is to reject. Would the gentleman from the 95th care to remark?

MR. SARASIN (95th):

Mr. Speaker, again going back and to explain the reason for rejecting Senate Amendment Schedule "A", the original bill as reported out of

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the committee, or out of committee, referred only to the Town of Lyme and it would have given the Town of Lyme until October 1, 1974, an opportunity to appoint a building inspector who didn't qualify. The ultimate amendment, the one I've introduced here, does the same thing except it applies to all municipalities. The Senate in their wisdom amended the Town of Lyme act, which is perhaps wrong under our Home Rule provisions anyway, to exempt communities under 5,000 from ever having a qualified building inspector provided he was approved by the Commissioner of Public Works. House Amendment "A", which would supercede this, makes it still a strong bill and requires that they be qualified by October 1, 1974.

Mr. Speaker, I don't know if this has cleared this up at all. I understand it. I don't know that I can explain it to all of the members but we're coming out, we hope, with a, the same thing only better. I move rejection of Senate Amendment "A".

THE SPEAKER:

Will you remark further on the motion to reject?

MR. MAHANEY (92nd):

Thank you, Mr. Speaker. Perhaps after that erudite explanation, Representative Sarasin should be the only one to vote on this subject. But seriously, Mr. Speaker, I move to also vote for rejection of the Senate Amendment. I think that what they did in fact established a double standard for towns under 5,000 which, I think, is improper legislation. I think the amendment, and this may be somewhat self-serving, but the amendment supplied by Mr. Sarasin and myself is a much more intelligent amendment.

THE SPEAKER:

Are there others than the authors of House Amendment Schedule "A" who will mark to reject?

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MR. HOGAN (177th):

Mr. Speaker, like Mr. Sarasin, I'm not too familiar with what I'm talking about.

THE SPEAKER:

Does the gentleman from the 95th wish equal time?

MR. HOGAN (177th):

From the remarks that I've heard with regards to the statute requiring building inspectors, in the particular town we live in, we have a qualified present contractor that is a zoning officer and building inspector and I'm not sure under the statute that's been proposed that he would qualify. And I don't know where we could find a man better qualified. The fact that he went to school and perhaps we had to pay him \$10,000 or \$15,000 I don't think would make him a bit better qualified and I'm not sure that this Senate amendment is really good and probably should extend to 10,000 people.

THE SPEAKER:

Will you remark further on the motion to reject? If you favor rejection, vote aye. If you oppose rejection, vote no. All those in favor of the motion to reject, indicate by saying aye. Opposed? Motion to reject is CARRIED. Senate Amendment "A" is rejected.

Will you remark further on the bill as amended by House Amendment Schedule "A"? If not, all those in favor indicate by saying aye. Opposed? The bill as amended is PASSED. Good job, Representative Sarasin. You did say you were moving to Old Lyme, didn't you?

THE CLERK:

Calendar No. 706, Substitute for House Bill No. 6264, An Act Concerning Fees of Parties in Civil Actions.

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Saturday, June 5, 1971 191

CLERK:

Calendar 705, substitute for Senate Bill 1531 - An Act
Concerning the Qualifications of the Building Inspector of the
Town of Lyme.

MR. SPEAKER:

Representative Gillies.

MR. GILLIES:

I move acceptance of the joint committee's favorable report
and passage of the bill.

MR. SPEAKER:

Will you remark.

MR. GILLIES:

This simply provides that a community with a population of
less than 5,000 shall not be required to meet the qualifications
outlined in Sections 19-397 of the Connecticut General Statutes.
I move its passage.

MR. SPEAKER:

It is the interpretation of the Chair that Senate Amendment
A was adopted on May 10th, this properly should appear as a
Disagreeing Action on the Senate calendar.

MR. GILLIES:

I will withdraw all that I said about it.

MR. SPEAKER:

Gentleman from the 95th.

MR. SARASIN:

Point of clarification. It is my understanding that the

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amendment to that bill was simply to require an immediate enactment date and it appeared that it then came here in the proper form.

MR. SPEAKER:

The Clerk's records indicate the only item of the Senate that we are in possession of indicates a rejection of Senate Amendment Schedule A, which would then have a Disagreeing Action requiring further action on the part of the Senate. If you wish to pass this temporarily we can re-examine the records.

MR. SARASIN:

May we do that.

MR. SPEAKER:

So ordered. Suggest we call the next calendar item.

CLERK:

Calendar 1041, substitute for House Bill 5175 - An Act Concerning Amending the Municipal Employee Relations Act. (amended by Senate Amendment Schedule A).

MR. SPEAKER:

Representative Badolato.

MR. BADOLATO:

I move for the acceptance of the committee's favorable report and passage of the bill.

MR. SPEAKER:

Will you remark.

MR. BADOLATO:

The Clerk has an amendment.

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action. Is there any objection to that. Hearing none, our previous action is reconsidered. The question then would be on acceptance and passage. All those in favor indicate by saying Aye. Opposed. The bill is passed.

CLERK:

Page 42, Calendar 705, substitute for Senate Bill 1531 - An Act Concerning the Qualifications of the Building Inspector of the Town of Lyme.

MR. GILLIES:

The Clerk has a Senate Amendment. This amendment simply provides an effective date of October 1, 1970 which implements the act effectively and I move adoption of this Senate Amendment.

MR. COLLINS:

A point of clarification. My calendar indicates that the House rejected the Senate Amendment Schedule A on May 10th. Are we talking about the same amendment.

MR. SPEAKER:

That would be (inaudible) of the earlier inquiry and it would appear that we now have a new Senate Amendment Schedule A.

MR. GILLIES:

Senate Amendment Schedule B.

MR. COLLINS:

Thank you, that clarifies it.

MR. SPEAKER:

Schedule B. You move adoption of Senate Schedule B.

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MR. GILLIES:

I move adoption of Senate Amendment Schedule B.

MR. SPEAKER:

Will you remark further on Senate Amendment Schedule B.

If not, all those in favor indicate by saying Aye. Opposed.

Senate B is adopted.

MR. GILLIES:

I now move acceptance of the bill as amended by House Amendment Schedule A and Senate Amendment Schedule B.

MR. SPEAKER:

Questions on acceptance and passage as amended by House Amendment Schedule A and Senate Amendment Schedule B. Will you remark further.

MR. GILLIES:

I think I outlined before what the bill does, as I said Senate Amendment Schedule B simply implements at the proper time. It is a good bill and I urge its passage.

MR. SPEAKER:

Representative Cassidento of the 106th.

MR. CASSIDENTO:

I am rather confused. Is this bill pertaining merely to the Town of Lyme or does it pertain to all towns with populations under 5,000.

MR. GILLIES:

It would apply to all towns with populations under 5,000.

MR. SPEAKER:

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Representative Cassidento.

MR. CASSIDENTO:

I think I checked the bill. I think what it does is, I can see the motivation for it but I think that the present statute sets forth certain qualifications for building inspectors, I think this bill takes in all sorts of inspectors. I think that this body saw fit to lay down certain minimum requirements for these people and I think that even though the size of the town is small and perhaps they won't be able to hire full time people, but they would be able to get a qualified person perhaps on a part time basis and that is the basis to my objection to the bill.

MR. SPEAKER:

Gentleman from the 95th.

MR. SARASIN:

I think I can clear up the confusion in this matter. The original bill in the file as originally printed, the first file number was amended in the Senate by Senate Amendment Schedule A and then came down to us. It is printed in the file as the second file number. We rejected Senate Amendment Schedule A. The second file number was rejected by this House and I introduced an amendment which became House Amendment Schedule A which really has no relationship to the bill you see printed. It changes an existing statute, it effects the same thing they were trying to get at in the Senate but it merely allowed the communities to appoint a building inspector who, in fact, would

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be not qualified up until October 1, 1971. We merely extended the date. This bill with House Amendment Schedule A went back to the Senate, the Senate accepted House Amendment Schedule A and passed the bill. They then realized that moving the extension to October 1, 1970 without an immediate enactment date didn't make any sense, so they adopted Senate Amendment Schedule B, which simply provides that at the end of our House Amendment the bill takes effect immediately.

MR. SPEAKER:

Representative Cassidento.

MR. CASSIDENTO:

For what it is worth, I will vote for the bill.

MR. SPEAKER:

Representative Gillies.

MR. GILLIES:

Ron said just what I was going to say.

MR. SPEAKER:

Further remarks. If not, the question is on acceptance and passage as amended by House Amendment Schedule A and Senate Amendment Schedule B. All those now in favor indicate by saying Aye. Opposed. All those in favor indicate by saying Aye. Opposed. The bill is passed.

MR. SPEAKER:

Mr. Ajello.

MR. AJELLO:

It is that time and then some, I would ask the Clerk now to

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April 28, 1971

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THE CLERK:

Calendar No. 340, File No. 470, Favorable Report from Joint Standing Committee on General Law, Substitute Senate Bill 1531, An Act concerning the qualifications of the building inspector of the Town of Lyme.

THE CHAIR:

Senator Strada.

SENATOR STRADA:

Mr. President, I yield to the gentleman from the 20th.

SENATOR CASHMAN:

Mr. President, the Clerk has an amendment.

THE CLERK:

Senate Amendment A, as offered by Senator Cashman, in Line 3, after the word "by", strike out the words "the". And everything in lines 4, 5, 6, 7 and 8. And insert the following "any Town with a population of 5,000 or less shall not be required to meet the qualifications outlined in said Section, provided he shall be approved by the Commissioner of Public Works.

THE CHAIR:

Senator Cashman.

SENATOR CASHMAN:

Mr. President, the purpose of the amendment is to change this Bill from a Special Act to a General Act and this has come about because of an awareness on the part of many of the Senators present that there is a problem with the current statute, 19-397, requiring that all Towns in the State of Connecticut have a Building Inspector. When that original Act was passed, there was a grandfather clause in it but if, as in the case of the Town of

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Lyme, that Building Inspector should resign or die, there really would be no grandfather period. So, really I guess I'm speaking on two things at the same time. The Amendment and the Bill. Perhaps I'm out of order but I move adoption of the Amendment.

THE CHAIR:

Questions on the adoption of the Amendment. All those in favor, indicate by saying aye. Opposed? The ayes have it, the Amendment is adopted. Chair will rule the Amendment a technical one and we can proceed with the Bill. Question now is before you on the acceptance of the Committee's Favorable Report and passage of the Bill. Any further remarks?

SENATOR CASHMAN:

Mr. President, I move adoption of the Committee's Favorable Report, as amended by Senate Amendment, Schedule A.

THE CHAIR:

Any further remarks? Questions on passage of the Bill, as amended. All those in favor, indicate by saying aye. Opposed? The ayes have it, the Bill is passed.

THE CLERK:

Calendar No. 347, File No. 472, Favorable Report, Joint Standing Committee on the Judiciary, Substitute Senate Bill 40, an Act concerning the certification by Town Clerks of the authority of Justices of the Peace, Notaries Public and Commissioners of the Superior Court resident or employed in the Town.

THE CHAIR:

Senator Jackson.

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June 3, 1971

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THE CLERK:

CAL. NO. 1083. File No. 1507. Favorable report of the joint committee on Elections. Substitute Senate Bill 1057. An Act Concerning Voting in State and District Primaries Upon Moving From one Town in the State to Another.

SENATOR DUPONT:

Mr. President, I wonder, if that bill and another Election bill on page 21, if there is no objection, if those two bills could be added to the Consent Calendar?

THE CHAIR:

Would you just move their passage, right now, by Calendar Number and File Number?

SENATOR DUPONT:

I move passage of Cal. No. 1083. File No. 1507; and also passage of Cal. No. 1108, File No. 1549 on page 21. SB 1057

THE CHAIR:

Is there any objection to the passage of those two bills? If not, the bills are passed. Thank you, Senator.

THE CLERK:

CAL. NO. 1085. File No. Clerk is in error. We did that page.

SENATOR HAMMER:

These two bills that were just put on the Consent Calendar, what were the numbers of them?

THE CLERK:

CAL. NO. 340. File No. 594. Favorable report of the joint committee on General Law. Substitute for Senate Bill 1531.

Clerk has an amendment.

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SENATOR CASHMAN:

May we waive the reading of the amendment? The purpose of the amendment is to make the act take effect on passage. I move the adoption.

THE CHAIR:

Question is on the passage of the amendment, which merely makes the Act effective on passage. Will you remark on the amendment? If not, all those in favor of adoption of the amendment signify by saying, "aye". Opposed, "nay". The amendment is adopted. On the bill, as amended.

SENATOR CASHMAN:

I move the adoption of the bill, as amended. The bill is self-explanatory, Mr. President.

THE CHAIR:

Will you remark further? If not, all those in favor of passage of the bill, as amended by Senate Amendment Schedule A, signify by saying, "aye". Opposed, "nay". The bill, excuse me, Senator Cutillo?

SENATOR CUTILLO:

Mr. President, a question to the Clerk, if I may? Page 18, I thought we were to take up (interruption by the Chair)

THE CHAIR:

Senator, we are right in the middle of a vote on a bill. I got the ayes, but we didn't get to the nays. All those opposed, "nay". Bill is passed.

SENATOR CUTILLO:

Mr. President, on page 18, it was my understanding, that 1087 was to be taken up and I'm wondering if it was overlooked?

THE CHAIR:

It was passed on the Consent Calendar.