

HB 9196

PA 796

1971

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3403

house -

3884

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925-928

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CONNECTICUT
GENERAL ASSEMBLY

SENATE

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File 1186; Cal. 643, House Bill 6904, File 1582; Cal. 1150, House Bill 7901
File 1342; Cal. 1192, House Bill 7148, File 1334; Cal. 1204, House Bill 7256
File 1393; Cal. 1214, House Bill 7014, File 1423; Cal. 1226, House Bill 8914
File 1073; Cal. 1257, House Bill 7048, File 1464; Cal. 1262, House Bill 8271
File 1474; Cal. 1267, House Bill 9020, File 1457; Cal. 1271, House Bill 5049
File 1628; Cal. 1272, House Bill 5415, File 1632; Cal. 1273, House Bill 5627
File 1616; Cal. 1274, House Bill 5709, File 1630; Cal. 1275, House Bill 5714
File 1575; Cal. 1276, House Bill 5834, File 1569; Cal. 1277, House Bill 5938
File 1585; Cal. 1278, House Bill 6210, File 1627; Cal. 1279, House Bill 6367
File 1565; Cal. 1280, House Bill 6561, File 1555; Cal. 1281, House Bill 6674
File 1586; Cal. 1285, House Bill 7077, File 1556; Cal. 1287, House Bill 8272
File 1566; Cal. 1289, House Bill 8578, File 1579; Cal. 1290, House Bill 8799
File 1640; Cal. 1293, House Bill 9246, File 1638; Cal. 1294, House Bill 9256
File 1637; Cal. 1295, House Bill 9001, File 737; Cal. 629, House Bill 7642
File 638; Cal. 721, House Bill 7802, File 1127; Cal. 755, House Bill 8761
File 773; Cal. 802, House Bill 8658, File 906; Cal. 964, House Bill 6197
File 1359; Cal. 975, House Bill 7609, File 876; Cal. 990, House Bill 8561
File 1172; Cal. 1041, House Bill 9196, File 1232.

Mr. President, I move for the adoption of all those bills, I move for suspension of the rules, first of all, for consideration of those which were not single starred or were not double starred rather.

THE CHAIR:

All those in favor of suspension of the rules indicate by saying, "aye"
All those opposed? Suspension is granted.

SENATOR CALDWELL:

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**CONNECTICUT
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REPRESENTATIVE SARASIN:

I move adoption of the Joint Committee's favorable report and passage of the two starred items on the consent calendar, which are as follows:

Calendar 1098, Substitute for House Bill 9075 - An Act Concerning the Publication of Superior, Common Pleas, Circuit and Juvenile Court Decisions, file 1228.

Calendar 1100, Substitute for House Bill 6575 - An Act Concerning the Discharge of Mortgages, File 1231.

Calendar 1101, Substitute for House Bill 5658 - An Act Concerning Adoption of Children by Blood Relatives, File 1233.

Page 2, Calendar 1102, House Bill 7261 - An Act Concerning the Prohibition of Alcoholic Liquor Sales on Independence Day and Labor Day, File 1234.

Calendar 1116, Substitute for House Bill 8459 - An Act Concerning and Regulating Real Property Securities Dealers, file 1226.

Calendar 1117, Substitute for House Bill 8672 - An Act Repealing Provisions Made Unnecessary by State Building Code, File 1225.

Calendar 1120, Substitute for House Bill 9196 - An Act Concerning the Definition of Pet Shop and Animals, File 1232.

Page 3, Calendar 1138, Senate Bill 0309 - An Act Concerning The Paying of Traffic Violation Fines by Mail, file 810.

Calendar 1139, Senate Bill 0931- An Act Exempting Personal PProperty Incorporated into Motor Vehicles for the Purpose of

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he simply goes home and waits, but they say that if within ten days after a reasonable period of time, and I quote, "a reasonable period of time" that the sales person has not received a letter of affirmation, he must return and pick up all goods. Well, my question is what's a reasonable period of time, and after that period the goods belong to the consumer simply because no one specified. Well, the comment within the Act suggests that perhaps we look at it this way. The merchant must return money or property to the consumer within ten days after he knows that the consumer has not affirmed. This means that the salesperson, he can either wait for three days, or a reasonable time afterward, and receiving nothing in the mail, conclude that there was no affirmation, or he may call the consumer or otherwise get another statement that there has been no affirmation, so what we're suggesting now is that you have to affirm before you can receive a desired purchase in your home, perhaps you should also send another letter to indicate to the salesperson that you're not going to affirm. Well, the inherent confusion, I think, is clear, plus the broad impact of this bill which applies to much more than simply direct selling, and I think that I would simply like to conclude and point out here that for years companies like Stanley Home Products, Fuller Brush, they're well known to the people of Connecticut, they've been providing income opportunities as I've stated. Passage of an Act like this would in effect destroy if not eliminate these income opportunities. I think the intent, and that is one which with we all agree, the elimination of fraud and deception, can presently be accomplished with the vigorous enforcement which again we support, of the existing law. Our member companies subscribe to a stringent code of ethics and I am sure many of you gentlemen have heard about codes of ethics before, and perhaps they've become somewhat ludicrous. This particular code enacted last June has been applauded by President Nixon, Attorney Generals, Consumer groups throughout the country. In effect, what it says is that if anyone anywhere in the country has a complaint against anyone of our member companies, they simply submit that complaint to the Code Administrator and within a relatively short period of time, perhaps two weeks, that complaint is investigated and reviewed by an impartial board, and here's the clincher, if that complaint is found justified and is not resolved, we as a trade association submit that file to the appropriate federal agency with a recommendation that they take whatever steps are necessary to insure our customers that that kind of practice no longer continues. There is no other trade organization in the country that does this, member companies support it, we're concerned about the consumer, we support good consumer legislation. I think after a careful perusal of this Act, you will find that it needs further study and I hope you will consider that route. If I may, Mr. Chairman, I'll just leave this folder with you which has the Code of Ethics in it and some of the other material.

Senator Strada: Thank you. Sylvia Windebach? Windebank?

Sylvia Windebank: I reside in Fairfield, Conn. and I am a housewife. I believe H.B. 9196 has been proposed to you gentlemen. H.B. 9196. I believe a Mr. Harry Wenz...I would like to know if he is here at the moment.

Senator Strada: Mr. Wenz is right here.

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Sylvia Windebank: What I have in this folder are various letters from individuals, concerned people.....

Rep. Webber: Are you speaking for or in opposition to this bill?

Sylvia Windebank: I'm speaking for legislation....for this Act...#9196. The reason I believe such action should be initiated is because of the conditions which do prevail in various retail establishments dealing with the sale of animals, conditions which I saw were present. In my own personal experience, finding there is no jurisdiction over the way animals are kept, there are no laws on the lawbooks in the state of Connecticut, with the exception of laws relating to dogs. As I said, there is no jurisdiction over monkeys, cats, birds, reptiles, there is no department that you can apply to, and I feel because there are situations present which need correcting, they should be put on the law books first of all. I can give you letters of examples of conditions which other people have seen and conditions which I have seen which I think warrant this type of action.

Rep. Webber: This Committee is in sympathy with the bill, we studied this bill and I think it makes a lot of sense. I think that this Committee at the moment seems to be favorably exposed to something like this.

Sylvia Windebank: Yes, exactly...if not this bill, something.

Rep. Webber: Is there anyone here in opposition to this bill?

Rep. Wenz: Mrs. Windebank, Just to explain the details that progressed this morning, I talked with a Commissioner from the Department of Agriculture and also a gentleman from the Humane Society. Would you have any objection if we.....inaudible.....whereby the Connecticut Humane Society would control this?

Mrs. Windebank: No, I wouldn't have any objection if they had the authority to institute laws regarding the ways animals are kept in shops, I think they have the facilities which is first needed, and they have the men in the field, which I'm not sure, I can't say, but something in the area of 50 perhaps in their working establishment. This is what you need, you have to have an already established body. If they have something to enforce, I believe they are capable of doing it. If there is anything you would like, there are letters which I do have, and there are petitions which I do have. Thank you.

Senator Strada: Would you leave them with our Counsel? Thank you very much.
Judy Newton?

Judy Newton, Trumbull, Conn: This is in regard to H.B. 9196. I didn't come prepared to speak on anything, I haven't looked for problems in pet shops, things like this, but in everyday activities I come across cruelties to animals, enormous, in just everyday activities without looking in all areas, in breeding, in pet shops. I just feel that anything, no matter how slight, that can be done to improve the conditions for these animals, they can't do it for themselves, they are completely at our mercy, and I was shocked to hear that there is nothing to protect the smaller animals. As it is, I've read the laws that protect the dogs and they are inadequate, to say the least. Its something, but these animals don't even have that. That's all I can say.

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Senator Strada: Thank you very much, we appreciate your coming to Hartford to speak to us. That concludes the speaker's list. Is there anyone else who would like to speak on a bill?...that hasn't registered?

Mr. Glendon Mayo, Professional Engineer; Vice Chairman of the State Building Code Standards Committee which was created under Public Act 443 to adopt a uniform building code. I am speaking in connection with H.B. 9120. AN ACT CONCERNING A STATE-WIDE HOUSING CONSTRUCTION CODE. The State Building Code Standards Committee has just completed a year and a half's work in preparation of adopting a uniform building code for the State of Conn. This was the charge that was given in Public Act 443. Among the provisions incorporated in the building code are provisions to provide for industrialized housing, or as it is stated here, prefabricated housing. These provisions that have been incorporated in the proposed building code are such that they would permit everything that is noted in the statement of purpose of this bill to be accomplished under the provisions of the building code. One of the problems that has been encountered throughout the State of Connecticut and throughout the country is the proliferation of code standards and code requirements in different departments instead of in one locale. One of the problems that we have encountered in the State basic building code in our work and our preparation is the fact that we must take into account state statutes presently on the books which cover building construction and which are in labor department, health department, public works department, and other departments such as the State Fire Marshall's Office. The proliferation of an additional code is going to make uniformity of building code standards in the State of Connecticut that much more difficult, almost impossible. In addition, there are federal regulations regarding building construction which are constantly being adopted. The reason that our Committee would like to speak against this bill is because the provisions that are noted in the statement of purpose are unnecessary as long as we follow the directive that was given to us by the General Assembly at the last legislative hearings, and therefore to establish a State housing construction code would be (1) unnecessary and (2) would complicate the utilization of prefabricated housing in the State of Connecticut. There are other bills in connection with this which...on which I am sure our Committee has spoken with the same objective in mind. There will be a public hearing on the proposed amendments to the State Basic Building Code early in June. At that time, the provisions that have been incorporated to allow for prefabricated industrialized production will be heard, and they have been the one that have been discussed in detail with the industry itself, which will allow production within the state, outside of the state, and acceptance of the units rapidly within the State of Connecticut. The technological innovations and the testing that are mentioned in this bill are things that cannot be done on a statewide basis. There are federal organizations set up to provide the testing because they have the funding. Testing itself is extremely expensive. The reviewing of testing is what is done here in the State of Connecticut for adoption.

Senator Strada: Alright, thank you very much. Is there anyone else who wishes to speak?

Mr. Charles McSheffery, Building Official in the City of Hartford: Mr. Chairman, members of the Committee, I would like to speak in opposition to this

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proposed bill. At the present time we are operating in the State of Connecticut under a uniform basic building code. It is the first state in the country to so enact legislation along this line. The implementation of this proposed legislation would do nothing more than to complicate an already complicated situation. There are provisions in the present code to accommodate industrialized housing. We have it in Hartford, it is working reasonably successful, the manner is reasonably successful, it has encountered no serious problems. This would tend, as Mr. Mayo has pointed out, to complicate a situation that is unnecessarily confused at this point in the general field of industrialized housing. Thank you. If there are any questions?

Senator Strada: Thank you. If there is no one else to speak, that concludes the hearing.