

SB 527

PA 847

1971

Judiciary

796

House

5899

Senate

3050-3056

**JOINT
STANDING
COMMITTEE
HEARINGS**

JUDICIARY

**PART 3
689-1000**

1971

WEDNESDAY

JUDICIARY COMMITTEE

MARCH 10, 1971

Rep. Berberick: Yes.

Mr. Jacobson: Thank you, Mr. Berberick.

Sen. Jackson: Thank you. Ronald Markham.

Mr. Markham: Mr. Chairman, Members of the Committee: My name is Ronald J. Markham and I represent local 218, Steam Fitters Local in Hartford, And I'm here to speak on S.B.#527.

S.B.#527 - AN ACT CONCERNING SUBSTITUTION OF SECURITIES FOR RETAINAGE UNDER CONSTRUCTION CONTRACTS WITH POLITICAL SUBDIVISIONS OF THE STATE.

And I speak in favor of it. I believe it's beneficial to the state. I think there'll be a savings of money involved that will protect the subcontractors who many times are at the mercy of the general contractors and certainly I am not a contractor but as a journeyman steam fitter I believe if we can protect our subcontractors we also protect our jobs and work goes in more efficiently. The state doesn't have to worry about litigation as far as the performance of the contracts I think that the performance once the bonds are set that they will perform their work in provision to the contracts and there'll be no problems as far as payment at later date. And Mr. Chairman, will I'm on the floor I'd like to speak on S.B.#528 also.

S.B.#528 - AN ACT CONCERNING THE PROCEDURE FOR BIDDING ON CONSTRUCTION, ALTERATION, REPAIRS OR ADDITIONS TO STATE REAL ASSETS AND TO REAL ASSETS FINANCED BY STATE FUNDS.

This is a procedure of r bidding on construction and this would pertain to a prefiled bid. When a general contractor goes in with a bid he in turn has the bids from the subcontractors and at a later date an unscrupulous contractor can turn around and say, "well, you gave me a bid of \$100,000 now how much less can you do the job for?" Here the customer gets hurt because the subcontractor has to go back and shave his price to meet the general contractors terms and this in turn hurts the customer because eventhough the job may be efficient may work suitably at the same time at some future date when it comes to maintainence it will mean that certain provisions were not made and therefore, when it comes to taking care of it say, a certain amount of valves were taken out of the system because of they had to cut his price instead of shutting off one unit so you could service it htis would mean shutting down a whole wing. This means more costly maintainence and I would like to report in fair of this bill.

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
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Wednesday, June 9, 1971

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Before we begin formal business, I indicate that last nights and last days being as they will, it's going to be our intention this evening that no one except members and staff be on the floor. I would hope that individuals would not come at that time relating to exceptions concerning family or friends or children. As much as I might like to have them as our guests, I would hope that that could be reserved until the Joint Session which will come at the end of the evening. I think our first order of business must be to complete the business of this House. So, please, I'll announce it again when we have a full House, please do not expect exceptions can be made at that time. The only way we can complete our business in an orderly fashion is to have only members and staff and, of course, our friends from the Laurel Club on the floor.

djh

Is the gentleman from the 114th ready to proceed with the consent calendar?

MR. SARASIN (95th):

Mr. Speaker, I move adoption of the Joint Committee's favorable reports and the items on today's consent calendar which are as follows: Calendar No. 1546, substitute for H.B. No. 9097, An Act Concerning the Provision of a Courthouse in New London County, File 1716; Calendar No. 1619, substitute for S.B. No. 0337, An Act Concerning a Summer Employment Program for Teenagers, File No. 1704; Calendar No. 1621, substitute for S.B. No. 0527, An Act Concerning Substitution of Securities for Retainage Under Construction Contracts with Political Subdivisions of the State, File No. 1084; Calendar on page 2, Calendar No. 624, substitute for S.B. No. 0592, An Act Concerning the Rights of the Mentally Disordered, File 1691; Calendar No. 1626, substitute for S.B. No. 0608, An Act Concerning Clarification of Certain Aspects

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THE CHAIR:

Question is on the amendment. Will you remark further? If not, all those in favor of the amendment, signify by saying, "aye". Opposed, "nay". The ayes have it. The amendment is adopted.

SENATOR BUCKLEY:

Mr. President, at this time, I will move acceptance of the committee's favorable report and passage of the bill. And I do so, only because, I believe that time is working against this measure, if it's ever going to mean anything. And I make this motion, only because I want to have it get out of this body and get down to the House Calendar. If the Department of the Environment, passes the House, I assure every person here, that, I will personally ask that the Chairman of the Committee Representative Neiditz, on the House side, recommit this bill.

The bill, I think has been explained. It removes the independent boards and commissions within the department of agriculture and natural resources. It makes that department, I think, a more truly responsive to the will of the people, to their elected Representatives.

THE CHAIR:

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

THE CLERK:

CAL. NO. 762. File No. 1084. Favorable report of the joint committee on Judiciary. Substitute for Senate Bill 527. An Act Concerning Substitution of Securities for Retainage Under Construction Contracts with Political Subdivisions of the State.

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SENATOR JACKSON:

Mr. President, I move acceptance of the joint committee's favorable report and passage of the bill. The Clerk has an amendment. I would waive the reading of the amendment.

THE CHAIR:

There being no objection, the reading of the amendment is waived.

SENATOR JACKSON:

Mr. President, the purpose of the amendment is to strike out everything after the enacting clause and the title of the bill as in the file is, not the real purpose, according to the amendment. Which is an act continuing the commission to revise the criminal statutes in the state, which I worked so long and arduously, for the last eight years, to do this and I would hope the, very hopeful that they could complete their task, during the next session. So, I (interruption by the Chair)

THE CHAIR:

Senator, it is my understanding, the title is being used for the addition of an amendment which is in effect another bill.

SENATOR JACKSON:

That is correct.

THE CHAIR:

Will you remark on the amendment further? If not, all those in favor of the amendment signify by saying, "aye". Opposed, "nay". The ayes have it. The amendment is adopted. Will you remark on the bill, as amended?

SENATOR JACKSON:

I move passage of the bill, as amended. My remarks on the amendment are self-explanatory.

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THE CHAIR:

Question is on the bill, as amended. Remark further? If not, all those in favor of the bill, as amended, signify by saying, "aye". Opposed, "nay". The ayes have it. The bill is passed.

THE CLERK:

Clerk is confused. I had called Cal. No. 762, File No. 1084, which is Senate Bill 527. I have an amendment for Senate Bill 1049, Cal. 793, which is the Mechanic's Lien Statutes.

SENATOR JACKSON:

That is correct. You have another amendment.

THE CLERK:

To clarify, this is for Cal. No. 762, File No. 1084. Substitute for Senate Bill 527. An Act Concerning Substitution of Securities for Retainage Under Construction Contracts with Political Subdivisions of the State.

SENATOR JACKSON:

Mr. President, I move the acceptance of the committee's favorable report and passage of the bill. The Clerk has an amendment. I would waive the reading of the amendment, on this particular bill.

The purpose is completely changed and the bill, as amended, concerns inclusion of operators of vending stands, public buildings be included in State Retirement System.

THE CHAIR:

Is it my understanding, you are undoing the amendment that you gave us a few minutes ago? You had the wrong amendment.

SENATOR JACKSON:

That was for the next bill.

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THE CHAIR:

Well, that should be revoked. Let the record show that.

Now you are giving us the proper amendment.

SENATOR JACKSON:

That is correct. I think the explanation is self-explanatory.

THE CHAIR:

All those in favor of passage

SENATOR FINNEY:

Mr. President, I'm confused. I still don't know what we're talking about, here. As I understood it, this is file 1084?

SENATOR JACKSON:

File 1084. There is an amendment, Senator Finney, which strikes out everything after the enacting clause and changes the substance of the bill, to provide that operators of vending machines in the public buildings of the state, in the State House, here and in the Superior Court Houses, these are blind employees, who would be given the right to buy into the State Retirement system. If the bill is passed.

Now, the original bill that was called first, through an inadvertance the amendment on the bill that was explained first, is the amendment that should go on Calendar No. 793.

SENATOR FINNEY:

I still think it's a great inadvertance. And, if I had, I would like to retain this, if possible.

SENATOR JACKSON:

Well, I respect the wishes of the Senator from the 36th. The only difficulty would be, as far as having Senate Bills go down to the House, as

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far as being passed. Perhaps, if we could just have a temporary recess, for a minute, may I try to explain the situation to the Senator?

THE CHAIR:

Senator Finney, do you wish a temporary recess, to go over the matter with Senator Jackson?

SENATOR FINNEY:

I'm afraid I understand the situation and I still wish it could be retained.

THE CHAIR:

Do you wish a vote on that, Senator Finney? Do you wish to make a motion and have me put it to a vote?

SENATOR FINNEY:

Yes, I think I would, if you can?

THE CHAIR:

You have a right to do that, Senator Finney.

THE CHAIR:

The question is on a motion, that, Calendar Number 762. File 1084 be passed retaining.

SENATOR CALDWELL:

Is it the intent, I take it this is a Senate Bill, is it the intent that this be passed, till tomorrow retaining?

THE CHAIR:

That's my understanding, when we said passed, retaining.

SENATOR CALDWELL:

My problem is that, of course, it would defeat the Senate Bill.

THE CHAIR:

I'm well aware, Senator Caldwell. If the Chair may explain. There are

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two bills, here, where the title only is going to be used for the substitution of additional legislation on which there is apparently no controversy. The amendment was offered for the first bill, whose title only was to be used, was the amendment that was intended for the next bill on the page, whose title only was to be used.

So the request of Senator Jackson, we revoked the passage of the bill, the amendment being the bill and he offered the correct amendment to that title. It was an inadvertence, on his part with the amendments before him. And, I believe, that, if we went slowly, through it and explained carefully the amendment, we might obviate the opposition.

SENATOR FINNEY:

Mr. President, if I may, I will withdraw my motion.

THE CHAIR:

Thank you, Senator Finney. Now, can we start all over, Senator Jackson? I think Senator Finney's point is an excellent one. It's bad enough passing a bill by title only, with a substitution. I don't mean bad but, hard to follow. But, then when the wrong substitution is made, it's almost like the Colts and the Jets. Calendar Number 762, would you start again?

SENATOR JACKSON:

Mr. President, I move acceptance of the committee's favorable report and passage of the bill. The Clerk has an amendment. I waive the reading of.

THE CHAIR:

If there is no objection, the reading will be waived, but will you explain the amendment?

SENATOR JACKSON:

Mr. President, the purpose of the amendment is to allow the blind em-

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ployees of the State Building and the State Court Houses to buy into the State Retirement System and become eligible for retirement benefits. This would be optional on their part, providing they would pay into the State Retirement System.

THE CHAIR:

Question is on the amendment, which in effect, is the bill. Will you remark further? If not, all those in favor signify by saying, "aye". Opposed "nay". The ayes have it. The amendment is passed.

SENATOR JACKSON:

Mr. President, my remarks on the amendment are also encompassed in the bill.

THE CHAIR:

Will you remark further on the bill, as amended? Hearing none all those in favor of passage of the bill, as amended, signify by saying, "aye". Opposed, "nay". The ayes have it. The bill is passed, as amended.

THE CLERK:

CAL. NO. 793. File No. 1129. Favorable report of the joint committee on Judiciary. Substitute Senate Bill 1049. An Act Concerning Amendments to the Mechanics Lien Statutes.

SENATOR JACKSON:

Mr. President, I move acceptance of the joint committee's favorable report and passage of the bill. Again, the Clerk has an amendment, which I would waive the reading of.

THE CHAIR:

If there is no objection, the reading will be waived. Will you please explain, I believe, once again, the amendment is a totally substituted bill.