

Legislative History for Connecticut Act

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**GOVERNMENT  
ADMINISTRATIVE  
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MR. SBONA: (continued)

in the State of Connecticut would be helped a great deal and at the same time a lot of unnecessary money would not have to be spent by many municipalities that is presently mandated. Thank you.

SEN. BAKER: Questions? Nan Glass.

NAN GLASS: Thank you ladies and gentlemen, I'm Nan Glass from West Hartford, representing the Town Clerk's Association, speaking generally in support of the bills that we're discussing today. In mandatory sessions I do, as I read it, feel that the Tuesday sessions from (inaudible) to 8 P.M. still kept in place as I read the bill that is the one that occurs three weeks before an election. I would urge you all to consider whatever you can cost savings to municipalities, local taxes are also going up and I think one way we can get by is by some of the election laws and some of those expenses. Thank you.

SEN. BAKER: Thank you. Are there any questions from members of the committee? Now we're moving on to House Bill 5066, 5141, 5153, 5776 and 5818. We're going to hear from Legislators and Department Heads first. Representative Brooks.

REP. BROOKS: Mr. Chairman, Representative Walter Brooks, 95th Belt 4 District, I want to speak and request your favorable consideration on Committee Bill, House Bill, 5153. Very quickly to give you some background, the progress of legislation has evolved us from as most of you know, from the federal level the U.S. Congress has moved in this area in terms of set public acts of 1977. Subsequent to that, many State Houses have taken up the issue this General Assembly has in the past. Unfortunately, did not move full to the process and so the day will come full circle in terms of dealing with this issue. This becomes especially critical now at this time that we find ourself in an economic downturn with small businesses, especially minority businesses are suffering tremendously from that economic downturn. In addition to that, with the federal initiatives, we find that it is almost absolutely critical that we address this issue, especially if we expect to see the kind of economic development that is necessary especially in inner city.

REP. BROOKS: (continued)

In regard to the bill itself, there are several technical areas that I would like to bring to the committee's attention for correction and I would propose that those corrections take place in the (inaudible). In Section 2 of the bill, we have the Committee of Review and while many may say that this is unprecedented and sets no direction, I would just bring to the committee's attention that this particular issue and this plus was completed in Ohio and this bill was somewhat modelled after and provides for this Committee of Review from the legislative branch of government which we think is important if we're going to have the kind of monitoring and claims that we think is important.

Secondly, I should also state that as we develop this particular bill and where other states they are starting from scratch, fortunately, not the State of Connecticut had already on the books of the set aside for small businesses so we do not have to go through that torturous route that many State Houses had to go through. We were able to take our existing legislation and modify it in a limited way to provide for this particular thrust.

But in Section 2, we had a Committee of Review that's being established, that we requested be established that would consist of two house members and a senator. Unfortunately, the drafting of this bill, it came out that the single member would be appointed by the House members. I don't think that that's necessarily appropriate and I would urge the committee to modify that and have the single members and I would suggest also that there be two single members be appointed by the President Pro Temp.

The other area of concern that I had as I looked at the final draft of this particular bill is that it is not in reference to a definition of minorities. I would also urge that while it is incorporated in other legislation and other parts of the statute, I would encourage the committee to address itself to that area and provide for a definition of minorities within the context of this minority program. You will probably hear a great of testimony from other legislators (inaudible) area, but basically the bill provides for the state to provide two-thirds of the set aside program that is already in place

REP. BROOKS: (continued)

to be allocated to minority and in addition provides for the Review Committee which we think is crucially important for the monitoring and also the execution. There has been some concern that I should mention to the members of the committee that many have said that this moves the legislative branch into the execution implementation of this particular decision. It does not do that. This bill simply calls for a review process. As we looked at the Ohio State situation we find that it has been very effective in terms of the legislative branch of government having a sharp focus in this area. And simply that's all that this bill will do in terms of establishing that Review Committee will provide for a sharp focus for the legislative branch of government in terms of what was going on.

The bill provides that the Department of Small Business Affairs will set up and be responsible for the implementation and in no way will the legislators be involved in that, but we do feel that it is important that we do have a kind of up to date status on what's going on in this particular area. That becomes critically important as you will hear from public testimony when you look at what is happening presently with set aside.

The record of the state and correspondence that I have received have been able to gather from the (inaudible) and also from the Office of Small Business Affairs, the state has fallen down on the job in this area which could be pointed out again in the necessity to have that sharp focus from a Review Committee.

REP. WALKOVICH: Thank you, are there any questions from the committee? Representative Osler.

REP. OSLER: Yes, Representative Dorothy Osler, I ask this out of sheer ignorance. I had thought that the set aside program itself was from (inaudible). Now, this bill is saying two-thirds of the set aside program should be (inaudible), what was the original set aside for?

REP. BROOKS: The original set aside was for small businesses. Strictly small businesses.

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REP. OSLER: Which, did it have a limit on the capitalization or how did it define small business?

REP. BROOKS: I think that if you define that in terms of the number of employees--

REP. OSLER: Okay. It had some rather specific --

REP. BROOKS: Yes, it had some specific criteria.

REP. OSLER: My other question is, some circles qualify women as minorities, would you consider that in your definition of minorities in this bill?

REP. BROOKS: Well, presently, the bill does not have a definition of minorities at all. And that's why I'm encouraging the committee to include in this particular bill, a definition of minorities. And I think the federal legislation does point in the area of women as minorities.

REP. WALKOVICH: Any further questions? Thank you, Representative Brooks, Representative Dyson.

REP. DYSON: Mr. Chairman, members of the committee, thank you for this opportunity to come before you and make you aware of my support for House Bill 5153. I'm not a fantastic talker such as my friend, Representative Brooks, who is sitting next to me, so if there are any questions that you have to ask, I wish you would direct them to Representative Brooks. The comments that I make have been defined within the bill itself and there's no need for me to be redundant. I'm just here to make known my support for the legislation itself. Thank you very much.

REP. WALKOVICH: Thank you very much. Are there any questions for Representative Brooks? Senator Daniels, would you like to make a few comments?

SEN. DANIELS: Good afternoon, sir. I'm just here to win the Senate support for Bill, House Bill 5153. I think that Representative Brooks has done an adequate job with explaining the intent of this particular piece of legislation and certainly hope that the committee gives it a favorable consideration. Thank you.

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REP. WALKOVICH: Thank you very much, Senator. Any further questions? Thank you gentlemen. Sam Hyman.

SAM HYMAN: Good afternoon, Chairman Joseph Walkovich and the rest of the committee. My name is Sam Hyman and I'm with the State Commission on Human Rights and Opportunities. I appear before the committee today to speak on behalf of the Commission in support of Committee Bill 5153 entitled, An Act Concerning Awards of Public Works Contracts to Minority Contractors with some modification. The Commission on Human Rights and Opportunities has observed contract compliance refused of contractors and subcontractors employment practices and procedures. There are very few minority owned operated businesses are participating in state contract awards.

The agency conduct and are participated in numerous work shops, conferences, meetings over the years with minority business organization and association and has provided technical assistance to such organizations in their efforts to achieve a greater participation. The Commission is convinced that there are many qualified minority owned businesses in the State of Connecticut that can provide goods and service to the state providing such businesses are granted the opportunity.

The Commission's observation of the low participation of minority businesses are supported in a recent study by the Commission to ascertain the degree of minority business participation and state awarded contracts. State agency surveyed were the Department of Administrative Services, The Economic Development Department, Department of Transportation and the Connecticut Housing Finance Authority. All said agencies except the Connecticut Housing Finance Authority are subject to the state set aside program for small businesses.

Responses from the Department of Transportation and the Department of Administrative Services indicated that during the past three years, from the inception of the program, neither complied with the 15% minimum small business participation set aside mandated by state statute. The Bureau of Purchasing and Set Asides to small contractors a total of \$205,000 during 1978, \$575,501 during 1979 and \$653,163 in 1980. The Department indicated that those set

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MR. HYMAN: (continued)

asides represented a monetary terms less than 5% of the total awards. Only 10 to 15% of small businesses set asides awards was made to minority contractors. The Public Works Bureau set aside to minority contractors a total of \$2,634,217 during 1978 and \$245,000 in 1979 and none in 1980. The total represented less than 3% of the total contract awards during that period with 10 to 15 of said total allocated to minority business.

The Department of Transportation set aside to small contractors a total of \$359,401 during 1978, \$1,283,689 during 1979 \$1,738,848 during 1980. The total represented less than 2% of the total contracts award during the three year period. Minority and women business enterprises averages 5% of state and federal funded contracts. DOT estimates that appromately 8.5% of contract awards were made to minority contracts during 1980.

The Housing Finance Authority reported that minority

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should be finalized the study that I referenced should be finalized within the next month and it was requested by the Governor's office. The purpose of the act is to insure greater participation of minority owned businesses and state awarded contracts by requiring that two-thirds of state contracts awarded under the State Set Aside Program from small contracts be reserved for minority contractors and suppliers and to impose the same requirements with respect to small contractor loans and construction bond guarantees.

Its purpose is also to require contractors on state public works projects (inaudible) to subcontract to minority business enterprises. The proposed amendment Connecticut General Stature Section 32-9E, the Set Aside Program for small contractors, Connecticut General Statutes, Section 32-230, the small contractors revolving fund program, Connecticut General Statutes, Section 32-53, the small contractors surety and guarantee fund and the Connecticut General Statutes, Section 4114A, the contract compliance statute. The Contract Compliance Statute prohibits state contractors from discrimination of discriminating against

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MR. HYMAN: (continued)

a person or group of persons on the grounds of race, color, religious creed, age, marital status, national law sex or disability and requires contractors to provide the Commission on Human Rights and Opportunities with information requested by the Commission pertaining to its employment practices and procedures. The Set Aside Statute provides for the state to set aside a percentage of contracts awarded by the Department of Administrative Services and the Department of Transportation for all small businesses.

The Revolving Fund Program was created to stimulate and to encourage the growth and development of state to private enterprise of small contracts in the state. It provides working capital loans or lines of credit to small contractors at a rate not to exceed \$200,000. The surety bond guarantee program provides for the state through the Department of Economic Development to enter into a commitment to guarantee a bid of performance bond by principle contractors on state projects.

And the proposed bill only affects contracts awarded by the Department of Administrative Services. The Public Works bureau and the Purchasing Department and do not include contracts awarded by other state agencies for goods and services. It is unclear whether or not the present law and proposed amendments are intended to include all contracts awarded by the State of Connecticut.

The Commission believes that agency's awards should be subject to minority set aside. This is all agency awards. The Commission would also like to mention the fact that many states and local governments have adopted set aside programs for minority owned businesses. The United States Congress adopted a provision in the Public Works Act in 1977 requiring at least 10% of federal funds granted for local Public Works projects must be used by the state or local grantee to procure services of supplies from businesses owned by minority groups, minority group members.

The program provides for an Administrative Waiver of 10% minority enterprise requirement on a case by case basis if feasibility is demonstrated by showing that despite affirmative action such level of participation cannot be

MR. HYMAN: (continued)

achieved without departing from the programs objective. The constitutionality of the provision of the act was upheld by the U.S. Supreme Court in the Fuller Law versus Tetanac decision. It is suggested that the proposed set aside bill for the State of Connecticut also include a waiver provision. This concludes my statement. The Commission appreciates the opportunity to share its observations and concerns regarding this very important matter. And support the proposed legislation to ensure a greater participation of minority owned businesses and procurement of state contracts. I should be pleased to answer any questions that the committee may have.

REP. WALKOVICH: Thank you, Sam. Any questions from the committee? Thank you. Representative Maurice Mosley. Jim Finley. Jim Finley from CCN.

JIM FINLEY: Good afternoon. My name is Jim Finley. I'd like to speak briefly to three bills before the committee. The first one is Raised Committee Bill 5066, eliminate the requirement that fiscal notes be attached to proposed regulation. CCN opposes this bill because it would restrict the information available to legislators and the public before they make a decision concerning a regulation. We understand that there are problems with the fiscal notes that have been attached to proposed regulations.

So, we believe that if the system is confused or words correctly that it could be beneficial both to legislators and the public. The other two bills I would like to address are Raised Committee Bill 5776 and 5818. 5776 would require that the municipalities in this state contract out to private business enterprises all public work projects costing \$10,000. We believe that this would eliminate local management flexibility and greatly increase loss from municipalities.

Raised Committee Bill 5818 would require that awarding authority to Public Works projects, pay interest to contractors at the rate of 6% on the amount of each periodic payment withheld. Right now the statute requires that only 5% of the money for a total construction project be withheld. We believe that's a reasonable amount of money to allow

MR. FINLEY: (continued)

management leverage over a public works project. And to make sure the projects go along schedule as per contract.

We don't believe that any changes are required on it. I'll answer any questions.

REP. WALKOVICH: Are there any questions from the committee? Thank you, Jim. Rep. Mosley.

REP. MAURICE MOSLEY: Thank you, Mr. Chairman and members of the distinguished committee. I going to be -- I'm testifying in favor of Bills 5153, An Act Concerning the Awards of Public Contracts to Minority Contractors.

I believe that by (inaudible) minority contractors assistance, especially with the present downs in the economy, this bill is a step to address the needs of minority businessmen. I feel that it is an excellent vehicle for helping them in their business. I'm familiar with what they've been doing in Ohio for the last few years. I believe this bill is modeled after legislation in Ohio. And Ohio is working well.

One of the things that I'm especially pleased with, it has to do with bonding. For many years, minority contractors have been having a great deal of problems in terms of getting bonds. Mostly because of lack of experience and track record. And its almost like the chicken and her egg. You can't get bonds because they haven't been in the field and had much experience. And to get bonds you have to have a great deal of experience.

So with the state assisting in this area, we can allow minorities to compete on an even keel with other small businesses. The fact is the bill is not a cure all for the problems in the area. It goes a long way for assisting minority businessmen. Also another with the major unemployment problem in the minority community. By helping out minority businessmen, this will allow them to hire more minorities and to assist in alleviating the unemployment problem in the minority community.

So I'd like for you to give some deep consideration to

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REP. MOSLEY: (continued)  
the bill. Thank you very much.

REP. WALKOVICH: Thank you, Representative. Are there any questions? Thank you. Eugene Hyde.

MR. EUGENE HYDE: My name is Eugene Hyde. I'm the Director of Administrative Services and Research for the Department of Mental Retardation. I'm presenting testimony of Gareth D. Thorne, Commissioner of the Department of Mental Retardation on Raised Committee Bill Number 5776, Force Account Work.

Rep. Walkovich and members of the Government Administration and Elections Committee, thank you for the opportunity to express the Department of Mental Retardation's concerns about Committee Bill 5776.

Projects in the \$10,000 to \$50,000 range are important to our agencies as the frequently represent maintenance already too long deferred; a renovation desperately needed. Most of these are implemented by agency staff, supplemented by outside contractors. This combination gives the agency the maximum flexibility in scheduling work around ongoing activities. Cost savings are effected by processing paper work at the first level of responsibility, that is the agency level where the work is being accomplished. Removing this level of responsibility will not improve the performance of contracts, in fact, the opposite result is most likely. Attendant delays in the processing of such projects and the concomitant effects of inflation, will escalate costs beyond budgeted funds.

Large projects in the \$50,000 and up range are presently carried out in this fashion. Architects or consultants are hired; meetings are held; plans are drawn; specifications are written; and projects are carried out. There is little agency input or responsibility, which frequently results in projects being completed and turned over to the agency without assurance that it is what the agency wants or needs. Arbitrary decisions, usually focusing on budget shortfalls, emasculate building projects so that when completed, the agency must spend additional time and money to make them work.

The gains made by contractors under the terms of this bill

MR. SOYCHER: (continued)

And although it is also voluntary under the Illinois Statutes, it is included in almost all public construction contracts because it is an efficient and effective means of fairly compensating the contractor at a minimal cost to the state. This would permit the continued use of retainage in appropriate circumstances in an equitable manner and insuring timely and complete performance under public works building construction contracts.

I urge that you submit -- substitute the enclosed draft for Bill 5818, because it provides more for the contractor at less cost to the state.

As to Raised Committee Bill 5153, An Act Concerning Awards of Public Works Contracts to Minority Contractors. The AGC supports all reasonable proposals to facilitate entry and expansion of minority contractors in the construction industry. However, we must oppose this bill which seeks to require that two-thirds of state contracts awarded under the state's small contractor set-aside program be reserved for minority contractors, and that two-thirds of the small contractor loan fund and surety bond guarantee fund be reserved also for minority contractors.

In all likelihood, minority contractors to be assisted by this legislation are currently eligible for the same benefits under the existing small contractor set-aside programs. Unless it is shown that the small contractor set-aside programs are providing insufficient financial assistance for eligible businesses, the lack of participation by minority contractors would appear to be more a public relations problem than a legislative problem.

A more serious impediment to the performance of public construction contracts by minority contractors is probably the pre-file bid system under which public building contracts must be bid. This system prevents these general contractors from directly soliciting subcontract bids from minority contractors who may lack the financial and performance history to independently bid such work on their own. If the pre-file bid system can be amended as is currently being discussed, general contractors will be able to join

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MR. SOYCHER: (continued)

with the state in providing financial and technical assistance to minority contractors who may possess the potential but lack the current status to independently pursue the larger public construction contracts.

Lastly, I would like to comment on Raised Committee Bill 5776, An Act Concerning Force Account Work. The AGC supports the performance of public works projects by private business enterprises, awarded through open competitive bidding procedures. A current trend at all levels of government, the elimination of construction by force account work or government employees, has shown to be both cost and quality effective. Thank you for the opportunity to discuss these bills.

REP. WALKOVICH: Thank you very much, Mark. Are there any questions from the Committee? Thank you. Mitch Sorensen.

MITCH SORENSEN: Rep. Walkovich and members of the GAE Committee. I am Mitch Sorensen. I'm the Executive Director for the Subcontractors Association of Connecticut, a multi-trade organization represented by construction subcontractors. I also appear here today as the Executive Director for the Mason Contractors Association of Connecticut as well as the Sheet Metal and Moving Contractors Association.

I'm appearing here today to speak in support of Raised Committee Bill 5818, An Act Concerning Interest on Retained Monies with Respect to Contractors for Public Works. We support this proposal especially in light of the Committee's actions earlier today to exempt building contractors from building contracts from elimination of retainage completely. Contractors build into the cost of their bids, the cost of not getting paid their retained money. They are currently borrowing at anywhere from 18 to 22%. We would suggest -- it is for this reason that we urge the Committee to act favorably on this bill and also to possibly give some consideration to include the interest that's paid on it from 6% to a level that's a little bit higher. On a 6% level, when a contractor is borrowing money at 20%, to fund his unpaid retainage, there's very little interest to

MR. SORENSEN: (continued)

speed retention money back down to the contractor and more than on the part of awarding authority to hold on to it a little bit longer. So we would urge the Committee to take favorably action on the bill but possibly give some consideration to increasing the amount of interest paid. Thank you.

REP. WALKOVICH: Any questions from the members of the Committee? Thank you, Mitch. John McGill.

JOHN MCGILL: Rep. Walkovich, good afternoon. Ladies and gentlemen of the Committee. My name is John McGill. I'm Assistant Chief Administrator Officer with the Department of Transportation. I'm here to speak on behalf of the Department on Bill 5153, An Act Concerning the Awards of Public Works Contracts to Minority Contractors and 5818, An Act Concerning the Interest on Retained Monies with Respect to Contractors for Public Works.

The Department participates with the Department of Economic Development and the Department of Administrative Services in the set-aside program.

REP. WALKOVICH: Will you step closer to the mike, please.

MR. MCGILL: Oh, excuse me. From this Department's point of view, the target of two-thirds seems totally arbitrary and unfair to those small businesses who are not minority contractors or suppliers. Further, of the contractors who are held to book their participation in the Department's program set-aside, these contractors constitute only 23% of the total. And when we talk about minority, we're talking both the minority as defined but also including the women in business. The Department currently lists as eligible for set-aside program 44 contractors. Of these, four are minority as defined. Six are women. A total of 10 minority business enterprises or 23% of the total. The set-aside program has heretofore made no distinction between small businesses in providing opportunities to develop and hopefully succeed. It is open to all. However, portions of all Department contracts, whether federally funded or not, are set aside for minority business contractors.

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MR. MCGILL: (continued)

You will recall that the small business enterprise programs concerns fully state funded projects. Where it concerns the small business set-aside program itself, the Department of Transportation is to date meeting with statutory mandated target of 15% of the average of the past three years award of wholly state funded construction projects.

Shall I go on to the next?

REP. WALKOVICH: Yes, continue.

MR. MCGILL: On Bill 5818. The purpose of retainage is to insure that the work is completed in a timely and satisfactory manner. If the Department paid interest on retainage, we would be rewarding contractors for the slow or unsatisfactory work.

Five percent of the monies due a contractor is retained by the State until he reaches a point that 95% completion of the contract. If the work is satisfactory at this stage, the state's engineer may upon receipt of a written request from the contractor, with his bond certification, allow for payment of a portion of the 5 percent monies down to about 2 percent which shall be retained until acceptance of the contract. However, the Commissioner of Transportation may make additional payments prior to final acceptance.

The contractor may also avail himself of Section 3 112 of the General Statute which allows him to take securities, whatever it be bonds, notes or certificates, US or State, from which he then may draw for his retainage. So essence the Department opposes bill 5153 and also opposes 5818.

REP. WALKOVICH: Thank you very much, Mr. McGill. Any questions from the Committee? A question, sir. You mentioned with the minority set-aside bill that you thought two-thirds was an arbitrary -- maybe too high of an amount. Will you give us some idea what you think might be a reasonable amount?

MR. MCGILL: No, I would not. I'm not in a position to state

MR. MCGILL: (continued)

what would be a reasonable amount because for the fact that when we look at the total of all the contracts that are being awarded, we set aside as a target working with that FHWA -- that's Federal Highway Administration, four percent for minority and one quarter of one percent for women business enterprise out of our total.

Now here you have the small set-aside as an entity in itself which is for all small business people and it was said -- of the numbers that we have in the minorities -- of minorities, that would be women and minorities, out of the 44 only 10 surely would be called minorities. How could you try to make some comparison and say well, now they're going to get two-thirds or one-third. What would happen -- I'm not sure. Therefore, I would be remissed to try to make some judgement on that.

REP. WALKOVICH: Any other questions? Rep. Brunnock.

REP. BRUNNOCK: Mr. McGill, since I understand, your objection to the bill 5153, is it a philosophical difference or no circumstances. I know you can't give us a figure here today. Is it under no circumstances will you agree to a guarantee minorities or might there be some figures that can be determined at a later date that you might be in agreement with?

MR. MCGILL: I don't think so. Half of it's philosophical. But I would not be so sure of that so you could realistically set aside the minorities, including women, within the small business program that would really make sense. Their numbers are so small. Particularly now when you have minorities who could avail themselves to subcontractors within the contract at large. Even the federal participating jobs. So in a sense, you're saying this has almost double bidding. I think that we are supporting the small business people or making every . We are maintaining our averages and it's a tough thing to do when the simple point of fact is that we are trying to utilize as much federal money as possible to stretch our state dollars to get jobs done. So that the monies that are being put into state funded projects is hard to come by. And we have to do that in order to meet this mandate.

REP. BRUNNOCK: Mr. McGill, I don't think anybody's doubting you or your Department but one of the arguments made earlier that the reasons for the small number of minority contractors is due to the conditions of the marketplace, the economic conditions beyond the control of any of us in this room. And that by guaranteeing a certain percentage of the set-aside contracts to minority contractor that the number of minority contractors would thereby be increased. Now if you think might be a fair assumption?

MR. MCGILL: You're asking for an opinion. Yes, sure. I don't know if you legislators could mandate this.

REP. BRUNNOCK: Oh, okay, fine. Thank you.

REP. WALKOVICH: Any further questions? Thank you, Mr. McGill. Earl Monroe.

EARL MONROE: Mr. Chairman, members of the Committee. My name is Earl Monroe. I'm the chief of design services of the Connecticut Department of Transportation. And I would like to speak in opposition to bill 5776. In particular line 20 and 21 which include the term included highways and transportation facilities. As presently written, we feel the \$10,000 limit does include labor, equipment and materials. And that this bill would essentially prevent the Department of Transportation from engineering constructions, reconstruction, maintaining transportation facilities with reserved personnel.

It is critical that the Department be allowed to continue these activities in order to provide the state with a safe official and economical transportation system. The Department does contract out various types of projects however, retains in-house where we can require strict quality control or as a necessity. We had in the past and will continue to use professional judgement to select which projects at what dollar values should be performed by private business enterprises and those that should be performed by department personnel.

REP. WALKOVICH: Thank you. Any questions from the Committee?

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REP. WALKOVICH: (continued)

Thank you very much, sir. Otis Smith.

OTIS SMITH: My name is Otis Smith. I'm President of Connecticut Allied Legal Rights Association. I'm here to -- I'd like to discuss a portion of the bill 5153. Article 50, 51 and 52. One being that indicates that the economic development would be responsible for awarding of a set-aside contracts. One. And it also says, 53 and 53, that this would be involved with public buildings.

Two. The minority constituency will look at this with saying or we're saying what happens to the Department head who went to Germany, Europe and so forth and brought all the new businesses here which were all new construction and yet has been written out of this bill. Now we have millions of dollars of construction coming into the Greater Connecticut area and we find that we're only talking about public buildings yet to be used, public funds to encourage outside businesses to come into Connecticut. And there's no mandation whatsoever of an inforcement or an affirmative action plan and I stand stating that the state is at fault and has violated its own mandates.

Listening to the reports that I've been going through on today, stating that I think human relations, that they are showing what has happened over the last few years and nothing has changed. Not a thing has changed. Prior to this time, we have spoken to many of the people who are involved with this and they said, we'll change it. The change has not come yet. May I overemphasize, there is no truth on the state level that indicates that any participation of minority contractors is going to be inforcement. There is nothing in the legislation that says of inforcement of that. Yet, we talk about monies that were allocated for the different programs and yet, the monies we talk about happens to be the residential Connecticut's money. As black folk or minority or perceptive classes, I hear no one talking about that. As history has told us that the and inforcement has no teeth whatsoever and yet we sit down and consider

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MR. SMITH: (continued)

a vote. (Inaudible) is tough. A case where the Supreme Court made an agreement that also carried over into 1981 which was -- this is Supreme Court rulling 1981 that said the responsibility of inforcement of these particular laws were in the officials of the state and the municipal government.

Now we're asking to persevere something else that is being seriously considered to help the minority contractors and yet we have not said anything about the inforcement of these particular mandates. And I think it's very, very important that we understand each of the proposals and its entirety is accepted. It appears to us that you would not only talk about the state buildings and this is with , the states building but whether we're talking about a Hallmark card that the state asked to come in here or we're talking about a J. C. Penney that will also be coming here. By the state, by bond issue and yet we're not talking about these kinds of developments. Thank you very much.

REP. WALKOVICH: Any questions from the members of the Committee? Thank you. T. E. Walsh. T. A. Walsh.

T. A. WALSH: Rep. Walkovich, ladies and gentlemen. I want to speak on behalf and in favor of proposed bill 5153. My name is Jeffrey Walsh. I'm city construction advisor for Sagamore group. Eight years we have said to many federal and state agencies, that assisting minority businesses, particularly in the construction and construction labor trade, this kind of a program is very important to the state as a whole. It brings a lot of benefits to the communities and just for everybody. I do have some problems with it. I have not had a chance to study the bill until I came today but I do have some concerns.

I notice that it's a good faith effort. Good faith has not lead anyone in the United States under any programs. It to be good faith, it was still no good. Even where we had a mandated work such as the local public works ran two programs, they are the Connecticut Bureau of Public Works received some \$30 million in federal funds

MR. WALSH: (continued)

so that 15 percent of minority mandate, that was not carried out. There was not one dollar of those funds went to minorities in the program. The state is still objectively unload on that program. That can be challenged by the United States Department of Justice at any time. And there is no just getting around to those challenges. I would not want to see that happen again in Connecticut. Let this program get to work. The Bureau of Public Works, is one you have to take a hard look at and I must agree with the previous speaker.

Many hundreds of many millions of dollars have been spent on construction with public bond issues, not one penny of that has gone to minority business. And also I noticed that it enhances a very important requisite in this program.

If you are to have a program that is going to aid minority businesses, you've got to get them some assistance. You cannot just go into the work. They are going to need a lot of technical and management support of the system and I would like to see some aspect of that covered in this bill.

And in closing, I would like to speak on behalf of the Connecticut Department of Transportation. They have a good program, a fine program and it is their program and the United States Department of Transportation program that has been the backbone of this whole program for the last 10 years. And if this can be patented and can improve of what they have done, I think is would be a good program. Thank you.

SEN. BAKER: Thank you, sir. Any questions? Carlson Harvey.

CARLSON HARVEY: Good afternoon, ladies and gentlemen. I'm representing Carlson Industry. My name is Carlson Harvey. And I feel I -- Mr. Jeff Walsh -- thank you. My name is Carlson Harvey. I'm here representing Carlson Industry. As one of the first minority contractors that was awarded a contract from the Department of Transportation and the nation. And I feel I would like to speak on 5153. And if I say any further what Mr. Walsh has said, someone

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MR. HARVEY: (continued)

will think that I muddied the water. And I thank you for this opportunity.

SEN. BAKER: You're welcome. Edwin Robinson. Johnny Vaughan. Gerald Clark.

GERALD CLARK: I'm Gerald Clark, president of Greater New Haven Business and Professional Association. I'm speaking in favor of Bill 5153. It is good potential bill. It is a good start for a bill that needs to be implemented. I certainly share Mr. Smith's comment and I think that it is in Section 7 4-114 of good faith. Jeff Walsh mentioned it too.

Programs excellent on faith. The real world has that they have not worked and I think I understand why. It's an economic problem. A human problem and a business problem. A fact of life. However, if it is to be of any value to affect minority contractors and businesses and the whole economy, and I would like to emphasize that because we are part of the economy and if we become a healthier portion of it, then we tend to increase the overall economy.

This bill some potential of doing that with honest, upfront implementation to strengthen the good faith part. And I don't think we can over-emphasize the value of it. Most of and small businesses and certainly a large part from the standpoint of minority is naturally classified in that small business group. We have the opportunity here of finally opening up the competition and competition is an interesting definition which could take another session on.

That tends to change for minorities. Again sad facts of life. This kind of has the effect of neutralizing the change that occur in competition. Minorities would love to be competitive. They would love to carry that load and they would carry it. There are minority businesses and contractors who have given up who have not attempted to use various programs because it has not worked for them before. Not that they don't want to but they tried it and they've been hurt and turned around and not use their talents.

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MR. CLARK: (continued)

This bill has potential of making that work if it is passed . Thank you.

SEN. BAKER: Thank you, sir. Rep. Dyson.

REP. DYSON: Joe, I would be interested in finding out. Mr. Smith mentioned prior to you something along the line. How do you put teeth into it. What would you suggest.

MR. CLARK: Unfortunately, the kind of teeth that usually work are punitive teeth. When they bit, they hurt. And when they hurt, they get a reaction. That's a direct way. Again the real world says that that's not likely to happen but you asked me and that's my definition.

REP. DYSON: Okay. Thank you.

SEN. BAKER: Any other questions? Thank you, sir.

MR. CLARK: Thank you.

SEN. BAKER: Juan Scott.

JUAN SCOTT: Members of the Committee. My name is Juan Scott. I'm a minority group consultant and basically have been involved in the business providing managerial and technical assistance to minority business for the past 10 years. I'm here to speak in support of Public Bill 5153.

Support of the minority bill and development not only recognized past years of discrimination but served as a primary economic development strategy to reverse the deterioration trend in Connecticut major cities. The University of New Haven conducted a study during the five year period of 75 to 1980 and they found that there does exist a direct correlation between the growth of minorities business enterprises and the revaluation of the commercial and residential strips in the city of New Haven and Hartford. The load can best be evaluated by examining the commercial strips of Dixwell Avenue in New Haven, Albany Avenue in Hartford. These areas

MR. SCOTT: (continued)

once totally abandoned a permanent race line -- have recently been the beneficiary of millions of dollars of new construction and commercial revitalization. Returning to productive use, thereby by contributing to the tax base of their prospective cities and in addition providing increased employment opportunities, particular areas for the minority community that no one would argue carry faith as

Unfortunately, the major factor contributing to growth which provided a stimulate for neighborhood revitalization had been representative by the availability of federal opportunity. (Inaudible) of the National Administration and the present state of national economy, this trend appears to be severely tense. Therefore, with interest continued much relied on, increase support from the state governmental sector.

The Connecticut Black Legislative Caucus should be applauded for providing the state a vehicle to address past inequity and serve as a significant catalyst to revitalize our depressed urban cities. And I would just like to say in closing, I support the comments of Mr. Clark and Mr. Walsh. Thank you.

SEN. BAKER: Thank you. Any questions? Mr. Alexander? He's gone? Okay. Joseph Harrington?

JOSEPH HARRINGTON: Thank you Senator Baker. I'm Joseph Harrington, president of Unity Commercial Association which is an organization of minority groups which enterprises comprised of contractors, manufacturers distributors and other vendors in such fields. I wish to speak specifically on Committee Bill 5153. Hereby designated as an act concerning awards to public works contracts to a minority contractors. I wish to first express our support for the principles embodied by this bill. the small business abuse to more difficult all over and Connecticut must certainly keep these activities and its reputation as one of the leaders in fostering the growth and development of small businesses.

MR. HARRINGTON: (continued)

I need not tell you that recent legislature in the year have not been easily digested by the hundreds of small businesses in the State of Connecticut. I wish to address, however, specific aspects of this bill.

This might make some additional suggestions, particularly those who are not generally thought of as specifically contractors.

That is to say distributors, manufacturers, and others have had experiences the last few years where certain were denied them because of what might be termed the strict constructionists have used contractor, for example, as by the authorities within the economic as therefore excluding other minority firms, such as manufacturers who in many instances they do a substantial percentage of their work as a result of receiving job shop titles.

Fix some lump sum type of offer in this kind of an observation (inaudible). I also would like to address that the contents of this bill would not be as specific as the title would imply and, for example, we would want to and we could have therefore contractors designation.

In line 56 of the bill refers to 15% but not more than 25%. In the interest of clarity, I would urge that the line, not more than 25% which is represented here be stricken.

And you simply leave it with a minimum of 15%. Line 70 through 72 which is paragraph 3 which reads would recommend that contract or contracts which exceeds \$500,000 fiscal year. I would urge that that clause be stricken also.

(inaudible) it is quite easy for a contract at all to exceed a half million dollars. (inaudible) and I that once a firm, particularly a firm has demonstrated its capability and has been able to obtain some work, that it should be . And I think this would have this kind of an impact.

So we would just like to see that given.

MR. HARRINGTON: (continued)

Line 109, I would go in a similar vein. Not as reasonable, really, as it might be. The \$1 million figure that I referred to, we would suggest a figure of \$2 million, for example.

Line 172 as referred to earlier and I (inaudible) very seriously show them to be not quite adequate. Have that effort -- (inaudible)

Been adequate in the past we would not be here today even discussing a bill of this nature.

Clearly since it has been shown to be and extended number of years and Representative Dyson, for example, asked the question a while ago and I was very specific in suggesting some

That have been made in that have been made in some cases in other jurisdictions which will make this effort on the part of the general contractor more workable and therefore, minority contractors and other businesses within the state.

I would be happy to answer any questions which you have, Representative Dyson.

REP. DYSON: I would be clarification. You mention the number of 15% to 25% is eliminated.

I would be curious as to justification of the rationale behind that. (inaudible) to put a cap on I can see where the threshold of 15%, for example.

However, in the share or in the terms of or the Department of Public Works or someone else could find it within their state --

And it is conceivable that that could happen depending on the nature of the contract, what type of work is being awarded, the ability to within that period of time.

So that there would not to be a to a maximum.

MR. HARRINGTON: (continued)

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SEN. BAKER: Thank you. I'd like to return now to House Bill 5153 for one brief return comment from Sam Hyman.

SAM HYMAN: Thank you and I'll only take a few minutes of your time. I'm Sam Hyman with the Connecticut State Commission on Human Rights & Opportunities and I spoke earlier in support of Bill 5153. I failed in my presentation to comment on some of the technical areas that may require or should require some modification within the proposal and I'll make such comments.

The bill establishes a committee, a review for awards, for public works, contracts, loans and bonds to consist of two members of the House of Representatives appointed by the Speaker and Minority Leaders and a member of the Senate appointed by the two House members. Regulations establishing criteria for qualification for minority business enterprises and the establishment of procedures for awards of contracts, loans and bonds would be the responsibility of the Commission of Administrative Services with the advise of the Commissioner of Economic Development.

The present set aside and two other programs effected by the proposed act are administered in part and in full by the Department of Economic Development through the Small Business Affairs Office. The contract compliance program is administered by the Commission on Human Rights & Opportunities. Therefore, it would seem that the appropriate agencies to adopt regulations and procedures would be the agencies responsible for enforcement of the act. It is the Commission on Human Rights & Opportunities view that the concept of a legislative review committee to review contract awards under the provisions of the act for the purpose of determining the extent of compliance with the provisions may be inconsistent with the separation of administrative and legislative powers documented.

We feel that the establishment of the committee to review awards is an excellent idea which is currently in place at the Department of Transportation to review and determine the procedural contract awards for minority and women enterprises and state highway projects. And this is pursuant to the State Department of Transportation and the U.S. Department of Transportation regulations. A similar

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MR. HYMAN: (Continued)

structure may be appropriate for contracts awarded by the Department of Administrative Services, Public Works Department and the Bureau of Purchasing. This completes my testimony.

SEN. BAKER: Any questions? Thank you, sir.

MR. HYMAN: Thanks alot, Mr. Chairman.

SEN. BAKER: All right. O.K. Returning back to Senate Bill 595 and House Bill 5898, Colonel Lester Forst. Already testified? All right, I'm sorry. Mr. Leo Belvel.

LEO BELVEL: I just have a brief statement. My name is Leo Belvel, I'm the Acting State (inaudible) Inspector of the Department of Public Safety. The (inaudible) required safety code of the Connecticut (inaudible) code has recommended the enlistment by a person called a chief who places the building inspector's position would appear to have an adverse effect upon the objectives which are being attempted by this bill.

BUREAU OF STATE FIRE MARSHALL

The two codes should be administered separately due to the complexity of both codes and by (inaudible) we cover the time and expertise needed to administer each code. Since my coming to the Department of Public Safety in November of 1981 my regulations show the State Fire Marshall's Office has been one of satisfaction given that we are working together to make the building code and fire code more capatible. To discontinue our existing methods of administrating together codes with the State Building Codes (inaudible) Committee thrown together with the State Building Inspector and the Department of Public Safety, the Division of State Police would be a set back.

REP. HARPER: Mr. Chairman.

SEN. BAKER: Rep. Harper.

REP. HARPER: I think I hear some points of contradiction in your testimony, sir. The Code Review Investigations Committee (inaudible) has not merged the codes but has left the codes separate and would put the administration of the code under a single office of codes and standards,

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hearing any, it will be placed on the Consent Calendar.

THE CLERK:

The Clerk has been informed that Calendar 583, on page 21, previously marked go has now been passed retained. That's Calendar 583.

Moving back to Calendar 581, File 558, 803, Substitute for House Bill 5153, AN ACT CONCERNING AWARDS OF PUBLIC WORKS CONTRACTS TO MINORITY CONTRACTORS, as amended by House Amendment, Schedule A, with a Favorable Report of the Committee on Government Administration and Elections.

THE CHAIR:

Senator Baker.

SENATOR BAKER:

Mr. President, I move for acceptance of the Joint Committee's Favorable Report and passage of the Bill as amended by House Amendment A.

THE CHAIR:

Will you remark, Senator?

SENATOR BAKER:

Mr. President, current law requires the Departments of Administrative Services and Transportation to set aside

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for small contractors, 15 to 25 percent of their contracts for construction, purchase and contractual services. The set aside is measured by the value, not the number of the contracts. This Bill would specify that projects under the \$50,000 ceiling for which individual agencies may contract are included in the total value of contracts for which a percentage is set aside. The Bill would require that a minimum of 25 percent of the value of contracts set aside be reserved for minority business enterprises and would establish a committee of legislators to review compliance.

In addition, the Bill would require that at least 25 percent of the working capital loans and the lines of credit provided by the small contractors revolving loan fund go to minority businesses. It would also require that 25 percent of the total value of contracts for which the State guarantees bid and performance bond on behalf of small contractors be reserved for minority businesses. It would authorize the Treasurer to issue bid bonds and performance bonds as surety for minority businesses bidding on municipal public works projects and would require the DAS Commissioner to establish

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a criteria for qualifying as a minority business and procedures for awarding minority businesses the contracts, loans, bonds or bond guarantees authorized by the Bill.

Further, the Bill would raise from less than 10 to less than \$20,000 the value of a sub-bid which is exempt from the current bid bond requirement and would create an exemption from that requirement for general bids of less than \$10,000. It would raise from \$1,000 to less than \$10,000 and less than \$20,000 respectively, the value of general and sub-bids which exempt the bidders from furnishing performance bonds in the amount of the contract.

It would also limit the current statutory authority of contracting officers to require additional performance bonds as security. Finally, the Bill would add to the non-discrimination clause required in all State contracts the requirement that every general contractor bidding on a State Public Works project, a good faith effort to employ minority businesses as sub-contractors and suppliers of materials.

House Amendment A raises and creates exemptions to existing bid and performance bond requirements and limits

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the authority of the contracting officer to require additional security.

Mr. President, I would move this to the Consent Calendar if there are no objections.

THE CHAIR:

Is there any objection to placing this item, as amended by the House, on the Consent Calendar? Hearing none, it's so ordered.

THE CLERK:

Calendar 582, File 547, Substitute for House Bill 5536, AN ACT CONCERNING REGULATION OF THE MANUFACTURE OF BEDDING AND UPHOLSTERED FURNITURE, with a Favorable Report of the Committee on Judiciary.

THE CHAIR:

Senator Owens.

SENATOR OWENS:

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

THE CHAIR:

Will you remark on the Bill, Senator?

SENATOR OWENS:

It would re-write the statutes relating to the manufacture,

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HB 5056, HB 5127, HB 5131, HB 5406, HB 5457, HB 5459,  
HB 5542, HB 5761, HB 5800, HB 5821, HB 5864, 387  
HB 5896, HB 5920, SB 644, SB 43, SB 352, LFU  
HB 5572, HB 5931, HB 5932, HB 5680, HB 5738,  
HB 5035, HB 5124, HB 5136, HB 5641, HB 5401, HB 5672,

567, 568 and 569. On page 19, Calendar 570, 572, 573 and  
574. On page 20, Calendar 575, 578. Page 21, Calendar  
580, 581, and 582. And that concludes the call of today's

Consent Calendar. HB 5647, HB 5648, HB 5649, HB 5876, HB 5657, HB 5851,  
HB 5426, HB 5418, HB 5463, HB 5164, HB 5733, HB 5604,  
THE CHAIR: HB 5722, HB 5780, HB 5782, HB 5815, HB 5957, HB 5578,  
HB 5032, HB 5133, HB 5682, HB 5822, HB 5888, HB 5798,

Senator Robertson. HB 5955, HB 5960, HB 5397, HB 5744, HB 5626,  
HB 5902, HB 5615, HB 5736, HB 5125, HB 5452,

SENATOR ROBERTSON: HB 5488, HB 5767, SB 634, SB 382, HB 5640,  
HB 5834, HB 5412, HB 5504, HB 5737, HB 5586.

Mr. President, I would like to request that Calendar  
481, File 694, Senate Bill 634, AN ACT DEFERRING FOR ONE  
YEAR ADOPTION OF NEW BUDGET REQUIREMENTS FOR PROGRAMS AND  
SUBMISSION OF A TASK FORCE REPORT CONCERNING THE EFFECTIVE-  
NESS OF PROGRAM. I'd ask that be removed from the Consent  
Calendar and PR'd for tomorrow. HB 5087, HB 5091, HB 5727,  
HB 5976, HB 5153, HB 5536.

THE CHAIR:

Well, it will be removed from the Consent Calendar for  
now. We'll discuss the PR after the Consent Calendar. Are  
there any other questions, comments on any item on the  
Consent Calendar or requests to remove from the Consent  
Calendar? If not, the machine is open for the Consent Cal-  
endar. Is Senator Skowronski still here?

The machine will be closed and locked.

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TOTAL VOTING 36

THOSE VOTING YEA 36

The Consent Calendar is adopted. Senator Schneller.

SENATOR SCHNELLER:

Mr. President, I would move for suspension of the rules for immediate transmittal of the following items to the House. Calendar 438, Bill 5578; Calendar 475, House Bill 5736; Calendar 477, House Bill 5452; Calendar 479, Bill 5767; Calendar 486, Senate Bill 382; Calendar 527, Bill 5542; Calendar 545, Bill 352.

THE CHAIR:

Is there any objection to the motion? Hearing none, the rules are suspended as to those items only. What is your pleasure in reference to Calendar 481 which was removed from the Consent Calendar and has been moved for adoption? Senator Schneller.

SENATOR SCHNELLER:

I would move that it be passed retained.

THE CHAIR:

Is there any objection to pass retaining Calendar 481? Hearing none, it's passed retained. Senator Schneller.

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5917. AN ACT ESTABLISHING THE COMMUNITY, TECHNICAL, STATE COLLEGE AND THE UNIVERSITY OF CONNECTICUT LOAN AUTHORITY.

Favorable report of the Committee on Government Administration and Elections.

REP. GROPPPO: (63rd)

Mr. Speaker.

SPEAKER ABATE:

Rep. John Groppo.

REP. GROPPPO: (63rd)

Mr. Speaker, may this bill be recommitted to the Committee on Government Administration and Elections.

SPEAKER ABATE:

Is there objection? Is there objection to the motion to recommit? Hearing none, it is so ordered.

CLERK:

Page 7, Calendar No. 407, Substitute for House Bill 5153, AN ACT CONCERNING AWARDS OF PUBLIC WORKS CONTRACTS TO MINORITY CONTRACTORS. Favorable report of the Committee on Government Administration and Elections.

REP. BROOKS: (95th)

Mr. Speaker.

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SPEAKER ABATE:

Rep. Walter Brooks.

REP. BROOKS: (95th)

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

SPEAKER ABATE:

The question is on acceptance and passage. Will you remark, sir?

REP. BROOKS: (95th)

Yes, Mr. Speaker. This particular act and bill basically ensures greater participation of minorities in this community by simply, though I guess it is more technical in nature, modifying or certified legislation in providing under that certified legislation a percentage of 25% of the 15% minimum to minority contractors and suppliers.

In addition, it also goes a little further in terms of defining minorities under the bill and providing for review process that would allow us, the legislature, to have much more inspection of what is happening in this particular area.

Mr. Speaker, if I may, I would like to yield to Rep. Scully for purposes of amendment.

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SPEAKER ABATE:

Rep. Scully, will you accept the yield, sir?

REP. SCULLY: (75th)

Yes, I do, Mr. Speaker.

SPEAKER ABATE:

Proceed, please.

REP. SCULLY: (75th)

Mr. Speaker, would the Clerk please call LCO No. 2478 and I request permission to summarize.

SPEAKER ABATE:

The Clerk has in his possession an amendment, the LCO No. on the amendment is 2478, designated House "A". Would the Clerk please call the amendment.

CLERK:

LCO No. 2478, Scheduled House Amendment "A", offered by Rep. Scully of the 75th district, et al, entitled AN ACT CONCERNING AWARDS OF PUBLIC WORKS CONTRACTS TO MINORITY CONTRACTORS.

SPEAKER ABATE:

Is there objection to summarization? Hearing none, you may proceed to summarize the amendment, Rep. Scully.

REP. SCULLY: (75th)

Thank you, Mr. Speaker. What this amendment would

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do in lines 22 through 34 was retain the present language which states that works to be done underneath \$1,000 do not require bids. Those would be emergency repair works, etc. Lines 34 through 38 refer to general bids under \$10,000. In this situation, bonds would not be required because many small contractors who wish to do work with the state have great difficulty in securing either bid or performance bonds.

Lines 39 through 50 and lines 59 through 61 retain the present language. Lines 52 through 58 require that both general bids under \$10,000 and sub bids under \$20,000 will no longer require bid bonds. Mr. Speaker, I move passage of the amendment.

SPEAKER ABATE:

Will you remark further on the adoption of this amendment?

REP. SCULLY: (75th)

Yes, Mr. Speaker.

SPEAKER ABATE:

Rep. Scully.

REP. SCULLY: (75th)

One of the problems of many small contractors is their ability to secure bid bonds in the state, whether it

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be bid bonds, performance bonds or even chattel bonds.

Because of their inability to secure these bonds, many have been putting up cash bonds which again are very expensive to a small man starting out in business. What we would have here is the state selecting contractors who have shown an ability to do correct work in allowing them to secure jobs under \$10,000 without the added cost to themselves or without added cost to the state. I think it will go a long way to helping not only minority contractors, but all small contractors.

SPEAKER ABATE:

Will you remark further on the adoption of this amendment?

REP. JOYNER: (12th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Walter Joyner.

REP. JOYNER: (12th)

Thank you, Mr. Speaker. I think I understand what the purpose of this amendment is and I am in agreement with it. But I think that there is a possible flaw in the file copy. On line 44, it says before and meet contract exceeding \$1,000. And then jump to line 47. That person shall furnish to the state or a subdivision a bond in the amount of the

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the contract which shall be binding upon the award of a contract. And then in line 52, it says provided that no such bond shall be required with respect to such general bid is submitted is less than \$10,000.

Now I realize that they are talking about bid bonds and performance bonds, but if you are going to eliminate performance bonds on over \$10,000, I really don't think that the wording of the amendment is correct. If you are going to allow a \$1,000 contract and over or force a person submitting a bid on a \$1,000 contract or over to submit a bond. I think that the language should be clear that up to \$10,000, the bonds should not be required.

Secondly, on line 57 and 58, it refers to the sub-bids being excluded for bonds up to \$20,000. This is a second problem with the amendment. With this type of requirement, you are preventing a general contractor from asking for a bond on a sub up to \$20,000.

If you want to encourage small contractors to be utilized by the generals, at least allow them the opportunity of perhaps bonding for the first time or two until a contractor gets experience. I can remember clearly the first time that I was required to put up a performance bond. When you do this, you have to pledge not only the

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assets of your company, but also your own personal assets as well. And I can assure you, gentlemen and ladies, that my wife did not sleep for several weeks realizing that our own personal assets were at stake.

But it is the only way that a general can get experience with a sub. Now if you're going to eliminate generals over \$10,000, you would at least have to allow them the privilege of getting the experience on the subs at a lower level.

With these two problems cleared up, I think that the amendment is a good amendment. Now the same amendment with a different LCO is in the amendment file on another bill. And I think that if we could have this amendment withdrawn and the language cleaned up on the other amendment, that it would be a good amendment. Thank you, Mr. Speaker.

SPEAKER ABATE:

Will you remark further on the adoption of this amendment? Will you remark further on the adoption of House Amendment Schedule "A"? If not, all those in favor of its adoption, please indicate by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER ABATE:

All those opposed, nay.

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REPRESENTATIVES:

Nay.

SPEAKER ABATE:

The Chair is in doubt. The Chair will put the question to you again.

REP. SCULLY: (75th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Scully.

REP. SCULLY: (75th)

Mr. Speaker, I request that when the vote be taken, that it be taken by roll call.

SPEAKER ABATE:

All those in favor, please indicate by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER ABATE:

The requisite 20% is satisfied. Would the members please be seated. Will all staff and guests please come to the Well? Will all staff and guests please come to the Well of the House? The machine will be open.

The House of Representatives is voting by roll.

Would the members please return to the Chamber immediately.

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The House is voting by roll at this time. Would the members please return to the Chamber immediately.

Have all the members voted? Please check the roll call to see. The machine will be locked. The Clerk will take the tally. Will the Clerk please announce the tally.

CLERK:

House Amendment Schedule "A" to House Bill 5153.

Total number voting 141

Necessary for adoption 71

Those voting yea 86

Those voting nay 55

Those absent and not voting 10

SPEAKER ABATE:

The amendment is adopted and it is ruled technical.

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House Amendment Schedule "A".

After line 220, insert sections 8 and 9 as follows:

"Sec. 8. Section 4-137b of the general statutes is repealed and the following is substituted in lieu thereof:

As used in this chapter and except as otherwise provided, the words "lowest responsible and qualified bidder" shall mean the bidder whose bid is the lowest of those bidders possessing the skill, ability and integrity necessary to faithful performance of the work based on objective criteria considering past performance and financial responsibility. Essential information in regard to such qualifications shall be submitted with the bid in such form as the awarding authority

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may require by specification in the bid documents and on the bid form. Every general bid and sub-bid shall be accompanied by a bid bond or a certified check in an amount which shall be ten percent of the bid, provided no such bid bond or certified check shall be required in relation to any GENERAL BID IN WHICH THE TOTAL ESTIMATED COST OF LABOR AND MATERIALS UNDER THE CONTRACT WITH RESPECT TO WHICH SUCH GENERAL BID IS SUBMITTED IS LESS THAN TEN THOUSAND DOLLARS OR IN RELATION TO ANY sub-bid in which the total estimated cost of labor and materials under the contract with respect to which sub-bid is submitted is less than (ten) TWENTY thousand dollars. Failure to execute a contract awarded as specified and bid shall result in the forfeiture of such bid bond or certified check.

Sec. 9. Section 49-41 of the general statutes is repealed and the following is substituted in lieu thereof:

(a) Before any contract exceeding one thousand dollars in amount for the construction, alteration or repair of any public building or public work of the state or of any subdivision thereof is awarded to any person, that person shall furnish to the state or the subdivision a bond in the amount of the contract which shall be binding upon the award of the contract to that person, with a surety or sureties satisfactory to the officer awarding the contract, for the protection of persons supplying labor or materials in the prosecution of the work provided for in the contract for the use of each such person, PROVIDED THAT NO SUCH BOND SHALL BE REQUIRED TO BE FURNISHED IN RELATION TO ANY GENERAL BID IN WHICH THE TOTAL ESTIMATED COST OF LABOR AND MATERIALS UNDER THE CONTRACT WITH RESPECT TO WHICH SUCH GENERAL BID IS SUBMITTED IS LESS THAN TEN THOUSAND DOLLARS OR IN RELATION TO ANY SUB-BID IN WHICH THE TOTAL ESTIMATED COST OF LABOR AND MATERIALS UNDER THE CONTRACT WITH RESPECT TO WHICH SUB-BID IS SUBMITTED IS LESS THAN TWENTY THOUSAND DOLLARS.

(b) Nothing in this section or sections 49-41a to 49-43, inclusive, shall be construed to limit the authority of any contracting officer to require a performance bond or other security in addition to the bond herein referred to, EXCEPT THAT NO SUCH OFFICER SHALL REQUIRE A PERFORMANCE BOND IN RELATION TO ANY GENERAL BID IN WHICH THE TOTAL ESTIMATED COST OF LABOR AND MATERIALS UNDER THE CONTRACT WITH RESPECT TO WHICH SUCH GENERAL BID IS SUBMITTED IS LESS THAN TEN THOUSAND DOLLARS OR IN RELATION TO ANY SUB-BID IN WHICH THE

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TOTAL ESTIMATED COST OF LABOR AND MATERIALS UNDER THE CONTRACT WITH RESPECT TO WHICH SUB-BID IS SUBMITTED IS LESS THAN TWENTY THOUSAND DOLLARS."

Renumber the remaining section accordingly.

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SPEAKER ABATE:

Will you remark further on this bill as amended by House "A"?

REP. BROOKS: (95th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Brooks.

REP. BROOKS: (95th)

Yes, Mr. Speaker. I would urge my colleagues to support the bill. The bill has come through the Committee process. It is a compromise, a very strong compromise between the original bill and where we're at now. But I think it's a fair compromise and I would urge adoption of the bill.

SPEAKER ABATE:

Will you remark further on this bill as amended?

Rep. Robert Farr.

REP. FARR: (19th)

Mr. Speaker, a couple of questions to the proponent

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of the amendment to Rep. Brooks, though I'm not sure he brought it out or not.

SPEAKER ABATE:

State your question, please, sir.

REP. FARR: (19th)

The bill talks in terms of minority contracts, minority firms being owned and operated. If a business is 51% owned by a minority, is that then a minority firm. Through you, Mr. Speaker.

REP. BROOKS: (95th)

Yes, Mr. Speaker, through you, if the firm is owned by and 51% of the share of the firm is owned by a minority, it is then classified as a minority firm according to federal guidelines. And also the bill itself.

REP. FARR: (19th)

All right. Second, it talks in terms of operation. Does that simply mean that the chief officer has to be a minority? Through you, Mr. Speaker.

REP. BROOKS: (95th)

Not necessarily, Mr. Speaker. It is my understanding that as long as the firm is owned 51% or over by a minority, that is the criteria and the bottom line.

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REP. FARR: (19th)

Through you, Mr. Speaker. The bill defines minority as including women. I would assume that any individual who put his stock in this company in his wife's name would now have a minority firm. Through you, Mr. Speaker, is that correct?

REP. BROOKS: (95th)

Yes, Mr. Speaker, the federal guidelines are that defined minorities have incorporated women as a minority. And if the firm is owned by 51% by that particular female or woman, it would be considered a WBE or Women's Business Enterprise and therefore would qualify.

REP. FARR: (19th)

Thank you. I have no further questions. I would like to make some comments. Mr. Speaker, I have been a firm and active believer in the civil rights movement since the early 1960's having been a member of a civil rights organization in my home town, a past chairman of a human rights commission in my home town, a volunteer in VISTA for several years working in enforcement of human rights activity. I happen to firmly believe that we ought to have a color blind society and a sex blind society.

That's what I was working for. Now I think what has

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happened in our society is that we have gotten away from that concept. Instead of talking about being color blind or sex blind, now we've got to the point where we have to be color conscious or sex conscious.

I recognize that expediency calls for certain compromises and I recognize that --

SPEAKER ABATE:

Rep. Farr, excuse me, sir. Would the House of Representatives please come to order. Would the House please come to order. Would the members please be seated. I would ask the members to engage in extended conversation outside of the Chamber. Hold on a minute, Rep. Farr.

I was surprised that Rep. Brooks was able to hear the questions that were put to him by Rep. Farr. I was having some difficulty hearing the questions. I allowed the Chamber to continue for a while with the hope that there would be some subsidence of the noise level in the Chamber. Unfortunately, there was none. So I am now in a position where I have had to call the Chamber to order.

I would ask the members please to attend to the debate and right now, to the comments being made by Rep. Farr. I'm sorry, sir. You have the floor.

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REP. FARR: (19th)

Thank you, Mr. Speaker. I have been willing to compromise my desire and I think this nation's commitment towards a color blind and sex blind society for the expediency of minority quotas, for the expediency of affirmative action programs because I have felt that in many cases, that was the only way to achieve the end and the end being to try to have a society which in fact will ultimately be color and sex blind.

The problem in this area and I think anybody who is aware of the operation of the federal programs is that when you define a woman for occupational purposes as a minority in the construction industry, her husband can't go in for occupational purposes and get a job under her name.

However, when you define one for purposes of contractor, her husband can quite clearly put the business in her name. When you say that a minority firm is one owned by a minority, what happens in the federal system is that, with federal contractors, is that minorities do in fact owning 51% of the shares of the stock, but most of the profits are taken out by the non-minority members of that firm.

I think that this bill is a mistake. What this bill is doing is its going away from the principle of a color blind and sex blind society and it is doing it for what is

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takes place in our society, what we do have is an omission of people having an opportunity to work together getting to know each other, based upon their competency and their ability to get things done.

And when we consider what takes place in our society, it is dominated to a great degree by what our society is.

And, the only way that cycle is going to be altered or broken in some way, is some mechanism has to be devised by which other people are to be included.

Granted, ideally, correcting a wrong with a wrong appears to be wrong, but I think when we look at what exists in our society and what it is that we hoped to accomplish in our society, there is no other way to do it that I know of that we can employ, except what we are dealing with here today.

We are genuinely concerned about including all people of our society into what it is we do in our society to enhance them, as a group.

I think this legislation begins to address that. It certainly is not a panacea, and I think that we are sincere about the inclusion of people within all sections

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of our society, this becomes a vehicle by which we can begin.

I would hope that all of my colleagues in this Chamber and those outside in the hallway when they come in can give us a yes vote on this item.

Thank you.

SPEAKER ABATE:

Thank you, sir.

Will you remark further?

REP. JOYNER: (12th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Walter Joyner.

REP. JOYNER: (12th)

Thank you, Mr. Speaker. The Chamber has just passed this amendment which now excludes bonds for subcontractors up to \$20,000. To edify those in the Chamber who aren't familiar with the bond process, let me just explain that a general contractor, when he posts a bond for a large contract, and according to this, anything over \$10,000, he has to guarantee the work of all his subs. His

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supposedly a good end, but I believe and I would contend that all we're going to do with this bill is we're going to have a lot of wives owning stock in their husband's corporations. We're going to have a lot of people who are members and they are going to be given priority over a firm whose stock is not in the wife's name.

I don't see the need for our society to make that decision. And I would urge rejection of this bill.

SPEAKER ABATE:

Will you remark further on the bill?

REP. BROOKS: (95th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Brooks.

REP. BROOKS: (95th)

Mr. Speaker, I share with Rep. Farr his desire to someday have a color blind and sex blind society. But we do have certain realities that exist. And given those realities, this country has moved, I think, with dispatch and with a great deal of sensitivity to solving some of the problems by enacting any of the legislation and this particular bill is a classic example of addressing the non-reality of where we are really at. In the area of women

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being, or some scheme being employed to have a major contractor put his stock in his wife's name for the purposes of securing the small business activity that takes place is not happening.

On the federal level we see that. Unfortunately, the women in our society have not had the same opportunity so therefore we provide them with this opportunity. I would urge Rep. Farr to not face the ideal, but face the reality.

And I would ask him to join me in support of this bill because I think it is a step in the right direction. It does not, as I say, provide all of the things that we asked for in the original bill, but I think it's a fair compromise. And I think the issue of the inclusion of women as businesspeople is a step forward.

And I would urge the entire body to support the bill.

SPEAKER ABATE:

Will you remark further?

REP. ALLYN: (43rd)

Mr. Speaker.

SPEAKER ABATE:

Rep. Rufus Allyn.

REP. ALLYN: (43rd)

Mr. Speaker, the trouble is I would like to face

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reality in regard to this bill. And the things that Rep. Farr spoke about are only too true. I have been getting letters from my suppliers informing me that if I had any problems in complying with the minority requirements in my supply requirements in purchasing pipe, that they had made arrangements with a minority contractor who just happened to have an office in the same building as my supplier.

And who, I just happened to notice, the year prior had been working on the loading dock and in the office of that same company. And in other words, he just created a new company and are getting around the law by setting it up.

Well, I didn't mind it too much because this fellow got a promotion. And he is probably making a little bit more money. But now, when you start talking about women, I don't think they are going to give women more jobs. They just aren't going to put their wives on as the actual owners of these companies. I know just as an example, this unincorporated business tax that we passed.

We had a corporate reorganization in our own corporation. I am now the president of the company and my father who was the president of the company is now just a salaried employee.

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Because as a salaried employee, his salary is no longer subject to the tax. So in other words, any time we try to play some games with companies and we leave loopholes, there is always a way around them. So I think there are probably a lot of small companies out there that have changed their corporate structure.

People who were officers are no longer officers. They are salaried employees. People who before never owned any stock in the company are all of a sudden finding that they are stockholders because they don't draw any salary.

I think the same thing will happen with this bill. You are going to have a lot of women who are going to own stock in a corporation in order to comply with this law, but it doesn't really make any difference because probably their husbands are the ones who really control it.

And there is just no way of getting around this law. And I think it's really a step backward in helping the minorities. Thank you.

SPEAKER ABATE:

Will you remark further on this bill as amended?

REP. VAN NORSTRAND: (141st)

Mr. Speaker.

SPEAKER ABATE:

Rep. Van Norstrand.

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REP. VAN NORSTRAND: (141st)

Thank you, Mr. Speaker. Just a couple of questions, if I could, to the proponent. I preface it by saying I am well aware of the, what I am advised are substantially federal definitions, starting in line 78. And they are certainly capable of the abuse that Rep. Farr suggested.

You start out, this is a bill directed towards minority enterprise and you start out with a definition that's probably got about 70% of the population in it. And the games that were mentioned can be played, but I just have an NR. Anytime you set aside and have a targeted reserve, there are going to be people who will seek it rather than compete through the normal bidding process. But if I might, Mr. Speaker, down through lines 54 through 59, there is the language about 25% of the contract, the value and dollar value reserved for such enterprises.

Through you, Mr. Speaker, what does reserve mean? I realize it means that a dollar amount, but what happens if you reserve them and in fact there are not enough able firms with any experience to do them?

SPEAKER ABATE:

Rep. Brooks.

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REP. BROOKS: (95th)

Yes, Mr. Speaker. The reserve, the 25% is of the 15% minimum that is set aside and it does reserve, in that particular section, for minority business and as the 15% that is reserved for the majority.

REP. VAN NORSTRAND: (141st)

Through you, Mr. Speaker, I thought two different set-asides were at work here. We have 15% to 25% set aside for small businesses. That is existing law. A minimum and a maximum.

And now down at the bottom, we have 25% of the total value of all contracts. It doesn't say those part of the set-aside, but all contracts are now to be set aside for minority business enterprises and indeed to be reserved.

I'm troubled by those terms.

REP. BROOKS: (95th)

No, Mr. Van Norstrand. The 25%, if you go to line 57, the 25% is of the set-aside. If the set-aside is 15%, then 25% of that 15% which I think breaks down to be something like 4% of the total contract. And that would be reserved for minority business.

REP. VAN NORSTRAND: (141st)

Through you, I won't ask this as a question, Mr. Speaker. I would just note it is capable of being read in

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quite a different fashion. But I am just curious about my initial question. Through you, reserved. We've got a portion of the set-aside and you say it's reserved. And what if there are, in fact, not enough firms who can qualify.

There are plenty of minority applicants, but not enough qualified firms. Does that reserve carry over to another year or what happens?

SPEAKER ABATE:

Rep. Brooks, through the Chair, sir.

REP. BROOKS: (95th)

Yes, Mr. Speaker. I don't think that would happen, but if we had a situation where there were no pre-qualified minorities in the particular area of that particular contract, that may be the case. But what we have going is that on all of the contracts, each one of the agencies in the Department do have a list of all the pre-qualified minority contractors. And so, therefore, when all contracts are let, they normally go to that list to perform.

Our problem has been that, as I say, the 15% that is already in existing statute and should be obeyed is not being obeyed. I think we are down to something like 2% or 3% at most in the departments. The constant questions being that the set-aside would then for minorities be almost

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eliminated. But hopefully, we will get to the point where all of it is being let and then you are talking about 4% of that contract being reserved. And that would come from the pre-qualified list of contractors already on board.

REP. VAN NORSTRAND: (141st)

Through you, one last question if I may.

SPEAKER ABATE:

Rep. Van Norstrand.

REP. VAN NORSTRAND: (141st)

Over on lines, roughly, 88 through 91, a portion of what I'm advised is substantially similar if not identical to a federal definition. Is that correct? Is that a federal definition, as it defines tribal connections?

REP. BROOKS: (95th)

Yes, in an attempt to reach a compromise on the bill, that is a federal definition. And it follows it very closely. And that's it.

REP. VAN NORSTRAND: (141st)

Thank you. Just as an observation on the last answer, it may mean something, but I have a difficult time tracking down how you would establish a minority business enterprise if in fact the principles were Indians, based on this definition.

SPEAKER ABATE:

Will you remark further on this bill as amended?

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REP. TORPEY: (11th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Richard Torpey.

REP. TORPEY: (11th)

Mr. Speaker, I rise to oppose this bill, mainly because I think it's a very wrong thing for us to do, to set aside or favor any particular group.

Discrimination is wrong. Making the discrimination by color either way is wrong. And two wrongs never made a right. If you set aside 25% of the contract, who are you setting it aside from?

Are you saying if you are not a minority contractor, you can't get it? Is that discrimination or isn't it? I think discrimination is about as bad a thing as anyone can do. And I can't salve my conscience by saying or voting for something to say that it makes me look as though I am being broad-minded and that I am fair and everything else.

You can make it as high and as lofty as you would like. But discrimination is wrong for anyone and for any race and for every creed and anything else. And we talk about equal opportunity. And equal employment. And we all subscribe, hopefully, we all subscribe to that principle.

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And if you believe that and if you are not hypocritical about that, then I don't see how you can support anything that smacks of discrimination and I think this does.

And even though it may be in a good and worthy cause, it doesn't justify it.

I cannot support it.

Thank you, Mr. Speaker.

SPEAKER ABATE:

Will you remark further on this bill?

REP. DYSON: (94th)

Mr. Speaker.

SPEAKER ABATE:

Rep. William Dyson.

REP. DYSON: (94th)

Mr. Speaker, in reference to the remarks which I have just heard, I can understand why my colleagues would make those remarks because they are the remarks of an ideal individual.

Speaking in idealist terms.

But in the real world that we live in today, such as he speaks to, does not happen.

And I think if I could respond to very much of what

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bond covers the work of his subs. If you want to encourage to all business, minority business, new business, you have just frozen them out of the process because you've eliminated the bonds for them of up to \$20,000 and what general contractor is going to put his neck on the line for an inexperienced, a new, or a contractor, a sub, who has not had previous experience with that general contractor?

I think that this amendment now is going to work in reverse to the purpose of this bill. I think it's a bad bill at this point. Thank you, Mr. Speaker.

SPEAKER ABATE:

Will you remark further?

REP. SWENSSON: (13th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Elsie Swensson, you have not had an opportunity, Madame, to address this issue. Would you proceed, please.

REP. SWENSSON: (13th)

Thank you very much, Mr. Speaker. Unfortunately the bill is not in my book but I do remember it from when we had GAE and I hated to vote against this bill at the time, but last year, as a new legislator, we were awarded a contract in Manchester, down at the south end of our town, and I was all excited because it was given to a female contractor.

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And when I went down to look into it, I never did see the female. There were a lot of trucks down there but the name of the company was completely covered over with tape and as I went off to a convention with my husband, I had to sit with a bunch of contractors. It was nothing to do with contractors but he was from the lower part of the state and I was talking about women coming into the contracting business and he mentioned, I mentioned, the company at the time and he said, gee, I don't remember that contract but that is the daughter of one of the biggest contractors in the state.

And I said I couldn't see the name on the truck, so I voted against the bill because I felt at the time that it was a terrible job. I still don't like the job. The job came to \$125,000 to put in a fence and I thought she was putting women's lib back 100 years because of the job and the accomplishment of our fence on South Main Street and I just feel that there's something wrong with this bill. I've got a gut feeling that somebody is doing something naughty and it was right after that that I called Mr. Powers and I noticed Mr. Powers was no longer with the Department of Transportation.

So I'm sure I wasn't the one that really did too much complaining but I really feel that it was not very

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legal and I felt sorry for the woman's end of it, but as I say it was a big contractor, under the daughter's name and it isn't fair. It's a job that probably could have gone out very nicely to another group. Thank you.

REP. FARR: (19th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Robert Farr.

REP. FARR: (19th)

For the second time, just very briefly, to agree in part with Rep. Dyson, the argument for quotas is in for special treatment for minorities because that is the only way in which we can break down barriers. And I agree that oftentimes these programs are necessary evils. I would agree with Rep. Thorp that they are always evil because in our society, ideally, such programs would never be necessary. But oftentimes they are necessary evils.

What I say to you about this bill is that it is strictly an evil. I think a lot of people on the other side of the aisle have been snookered into believing that somehow you're going to see more blacks and more Puerto Ricans working as contractors with the passage of this bill. You're not going to see that. You're going to see a lot of small contracting businesses in wife's names. You may

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have people who'd like to promote women who also support this because they think they're going to see the promotion of women. I suggest to you that most of the women who will own these firms, will not play any different role in those firms than they do right now, and in some cases they may be active, some cases they won't.

The net effect of this will not be the promotion of minorities or the promotion of women. It will simply be a way to abuse the state contracting process. It is different when you set up these quotas for employment and you say that 15% have to be women or minorities because then you've got actually bodies who are employed. Here you're talking about corporate entities and trying to define them as a minority and you simply are inviting fraud and I suggest to you that's the record in the experience at the federal level. We're going to get a report back here in a year or two saying everything is great. We've got all these minority contractors and if you go out you'll find that they are the same firms now in wive's names. I would urge you to reject this. Thank you.

SPEAKER ABATE:

Will you remark further?

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REP. MIGLIARO: (80th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Eugene Migliaro.

REP. MIGLIARO: (80th)

Thank you, Mr. Speaker. I've heard the words used today many times; minority, discrimination but for the record, let's not kid anybody. I think of myself, as an individual pushing for veterans, you can call me discriminating on bills. When Rep. Dyson and Rep. Brooks try for their people, and I use that word, you say that's discriminating. When somebody else here gets up on the floor and pushes for an elderly program, we can say that's discriminating, so I don't think that should be used here.

I'm fortunate enough to have an individual who's done work for me in my town, a fellow by the name of Henry Morgan, one hell of a contractor. He's black but he hasn't been given the opportunity to get any good, sizeable, jobs, statewide or not. But as far as his qualifications are concerned, they're excellent. I have another one that I have done business with for years, Lincoln Pavement. All I'm saying here is that instead of using the word black, white, pink, orange, let's forget that. And let's talk qualifications. You want to use the word minority? I

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think there are a lot of minorities out there of all races, creeds and colors who aren't getting a fair shake and if this bill would help them, regardless of who they are, and if they can be given a chance to demonstrate their qualifications in that field, then so be it. But I do commend Rep. Brooks and Dyson for getting up and doing what they're supposed to do up here; represent a constituency of theirs and they're doing that.

I represent mine, everybody up here represents theirs. I don't think they should be chastized in any way, shape or form, and I don't think that anybody up here should judge if that is something that they want for just themselves or a selected group. They're representing people and that's what I'm going and that's what every one of us is doing. Let's get on with the work at hand. Let's vote for this bill. If it helps the minorities, if you want to call them that, let's give them a chance. There are a lot of good people out there who could do the job but they just don't have the money or the "in", if I may use that word, to get the contracts.

This guarantees them a shot. If they blow that opportunity, it's their fault. But I think if you give a lot of people out there a shot, you're going to be surprised on the workmanship that you can get and it will be a hell

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of a lot better and a hell of a lot cheaper in the long run. Let's go for the bill.

SPEAKER ABATE:

Will you remark further on this bill as amended? Will all the members please be seated. Would the members please be seated. Would all staff and guests please come to the well of the House. The machine will be opened.

The House of Representatives is voting by roll. Would the members please return to the Chamber immediately.

The House is voting by roll at this time. Would the members please return to the Chamber immediately.

Have all the members voted? Please check the roll call machine. The machine will be locked. The Clerk will take the tally. Will the Clerk please announce the tally.

CLERK:

House Bill 5153, as amended by House Amendment Schedule "A".

Total number voting	141
Necessary for passage	71
Those voting yea	114
Those voting nay	27
Those absent and not voting	10

SPEAKER ABATE:

The bill, as amended, passes.