



KRONENBERGER & SONS RESTORATION, INC.

Testimony by Brian T. Kronenberger, President of
Kronenberger & Sons Restoration, Inc.

Before the Judiciary Committee on March 6, 2015

**SB 1032 An Act Concerning the Applicability of the Statute of Limitations to Construction and Design
Actions Brought by the State or a Political Subdivision of the State**

Good afternoon, my name is Brian T. Kronenberger, President of Kronenberger & Sons Restoration, Inc. located in Middletown, CT. My firm specializes in historical restoration and the construction of high profile projects within the New England market area.

I am supporting SB 1032 which would create a much needed statute of limitations for construction and design professionals that work on state projects. However it is equally important that the contractors themselves have equal protection under this law. The legislation as currently written needs to be amended to reflect that language.

The ruling in the State of Connecticut vs. Lombardo Brothers Mason Contractors, et. al and the common law doctrine of *Nullum Tempus*, negated existing statute of limitations for those that do business with the state. This puts any entity doing business with the State of Connecticut liable for perpetuity. Connecticut is clearly not open for business when doing so will expose your firm to an endless duration of liability. Neighboring states have statute of limitation clauses below or similar in duration as contented in this bill. This is a reasonable common sense approach to correct this inequity manifested by the Lombardo case.

If the current ruling stands there will be a negative impact on the state through added costs for providing goods and services. Insurance coverages for business will clearly escalate and will be passed along to the taxpayers as the impact of this case expands over time. Presently state public construction projects are bonded. If surety companies are held liable for bonds on completed projects decades after completion the cost of providing those bonds will clearly rise. There will be less competition as firms elect not to do business with the state due to the added unreasonable exposures if the bill is not passed. The first businesses to fall prey to this contraction will be the small business community.