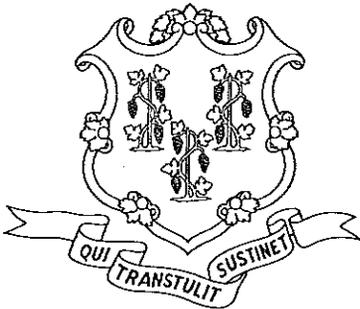


Commission On Demolition

Connecticut
General Assembly



LEGISLATIVE
PROGRAM REVIEW
AND
INVESTIGATIONS
COMMITTEE

SUNSET 1982

CONNECTICUT GENERAL ASSEMBLY

LEGISLATIVE PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE

The Legislative Program Review and Investigations Committee is a joint, bipartisan, statutory committee of the Connecticut General Assembly. It was established in 1972 as the Legislative Program Review Committee to evaluate the efficiency and effectiveness of selected state programs and to recommend improvements where indicated. In 1975 the General Assembly expanded the Committee's function to include investigations and changed its name to the Legislative Program Review and Investigations Committee. During the 1977 session, the Committee's mandate was again expanded by the Executive Reorganization Act to include "Sunset" performance reviews of nearly 100 agencies, boards, and commissions, commencing on January 1, 1979.

The Committee is composed of twelve members, three each appointed by the Senate President Pro Tempore and Minority Leader, and the Speaker of the House and Minority Leader.

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SUNSET REVIEW 1982
COMMISSION ON DEMOLITION

VOL III - 7

JANUARY 1982

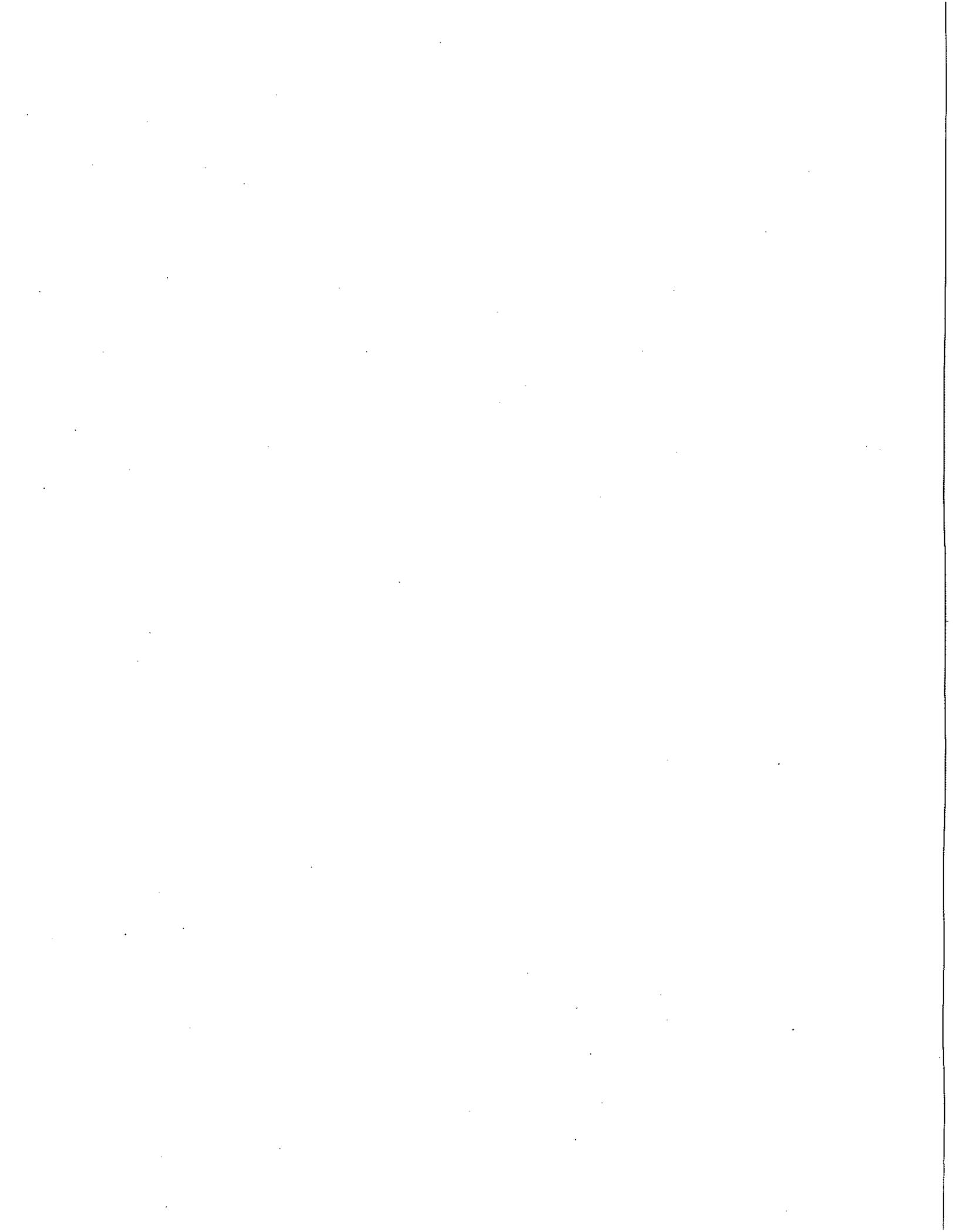
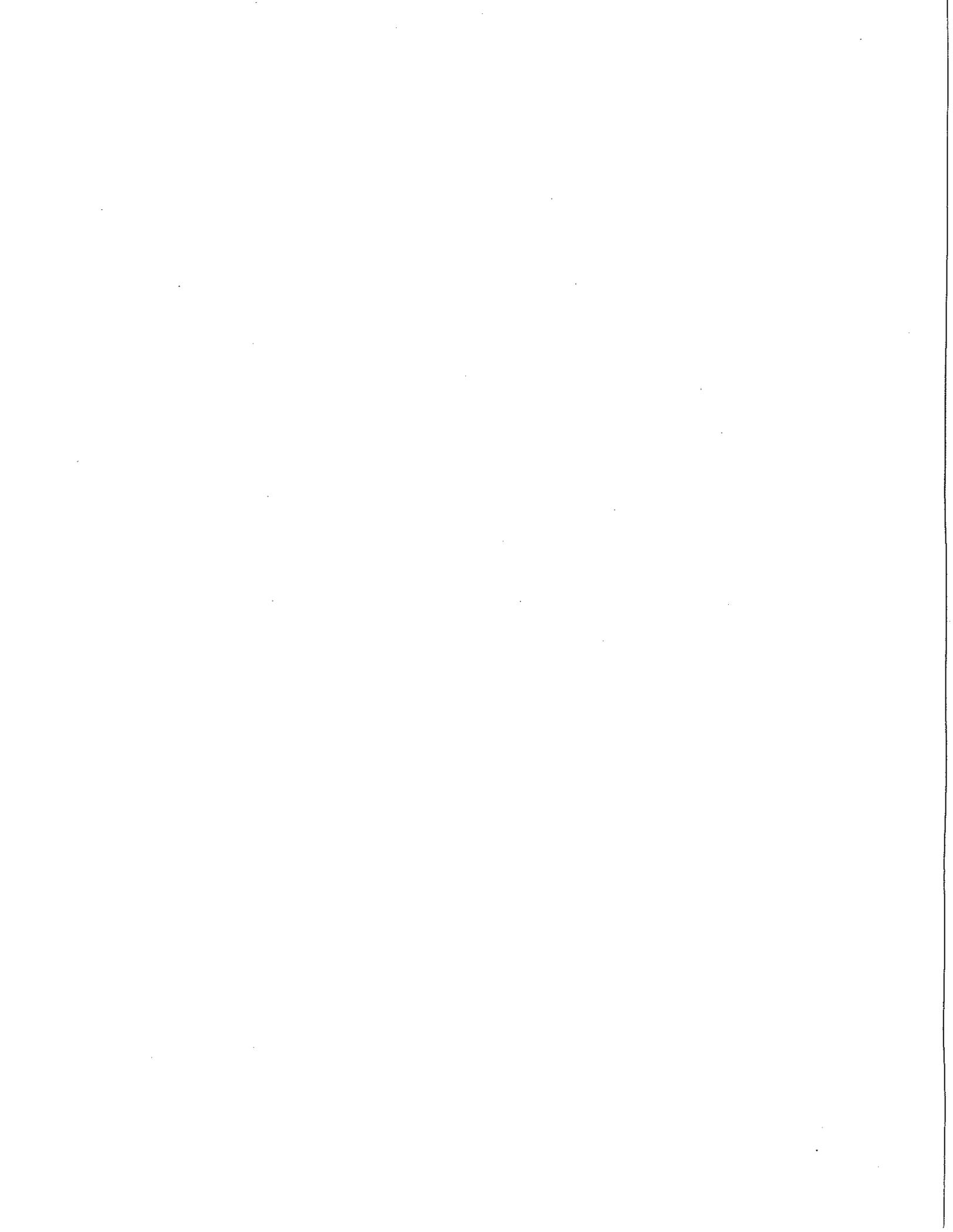


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COMMISSION ON DEMOLITION

SUMMARY

The State Commission on Demolition was established in 1965 to license qualified applicants seeking to engage in the business of building demolition and to administer the state's demolition code. It is located within the Department of Public Safety.

The commission is composed of five members: two members actively engaged in the demolition business, two in the construction business, and one architect. All are appointed by the governor to four year terms.

The Commission on Demolition's primary responsibility is to license applicants qualified to engage in building demolition work and insure adherence to the state demolition code. In fulfilling its role, the commission performs the following functions:

- o deciding eligibility for licensure,
- o advising and assisting the commissioner of public safety on regulations implementing the state demolition code,
- o renewing licenses,
- o revoking or suspending licenses of practitioners who fail to comply with state statutes, and
- o investigating, hearing and adjudicating complaints.

Both the commission and local authorities are responsible for insuring compliance with the state's demolition code. The code is designed to insure public safety during demolition of buildings.

The commission has two budgeted positions, a demolition inspector and a clerk-typist. Total personnel costs would have amounted to \$46,700 including fringe benefits if both positions had been filled throughout the 1980 fiscal year.

The commission collected \$32,800 in licensing fees for the 1980-81 fiscal year.

According to data received by the Legislative Program Review and Investigations Committee, the commission issued renewals for 127 Class B licenses and 56 Class A licenses during the 1980-81 fiscal year. In addition, it received 30 new applications, granting 20 licenses either rejecting or requesting additional information on the remainder.

In accordance with the sunset statute, the committee considered whether the termination of the entity under review significantly endangers public health, safety and welfare, and if adequate protection could be afforded by another government agency. With this in mind, the committee examined the following areas:

- o the existence of commission,
- o the level of regulation, and
- o the state demolition code and local permit requirements.

Continued Existence of the Commission on Demolition

The Legislative Program Review and Investigations Committee found that the level of regulatory activity engaged in by the commission does not warrant its continuance as a separate governmental entity.

The Legislative Program Review and Investigations Committee recommends that the Commission on Demolition be terminated.

Level of Regulation

The Legislative Program Review and Investigations Committee believed that safe demolition practices result from local permit requirements and economic factors arising from the market place. Licensing standards do not insure any minimum level of expertise other than experience. The committee concluded the state demolition code enforced at the local level insures adequate protection of public health and safety.

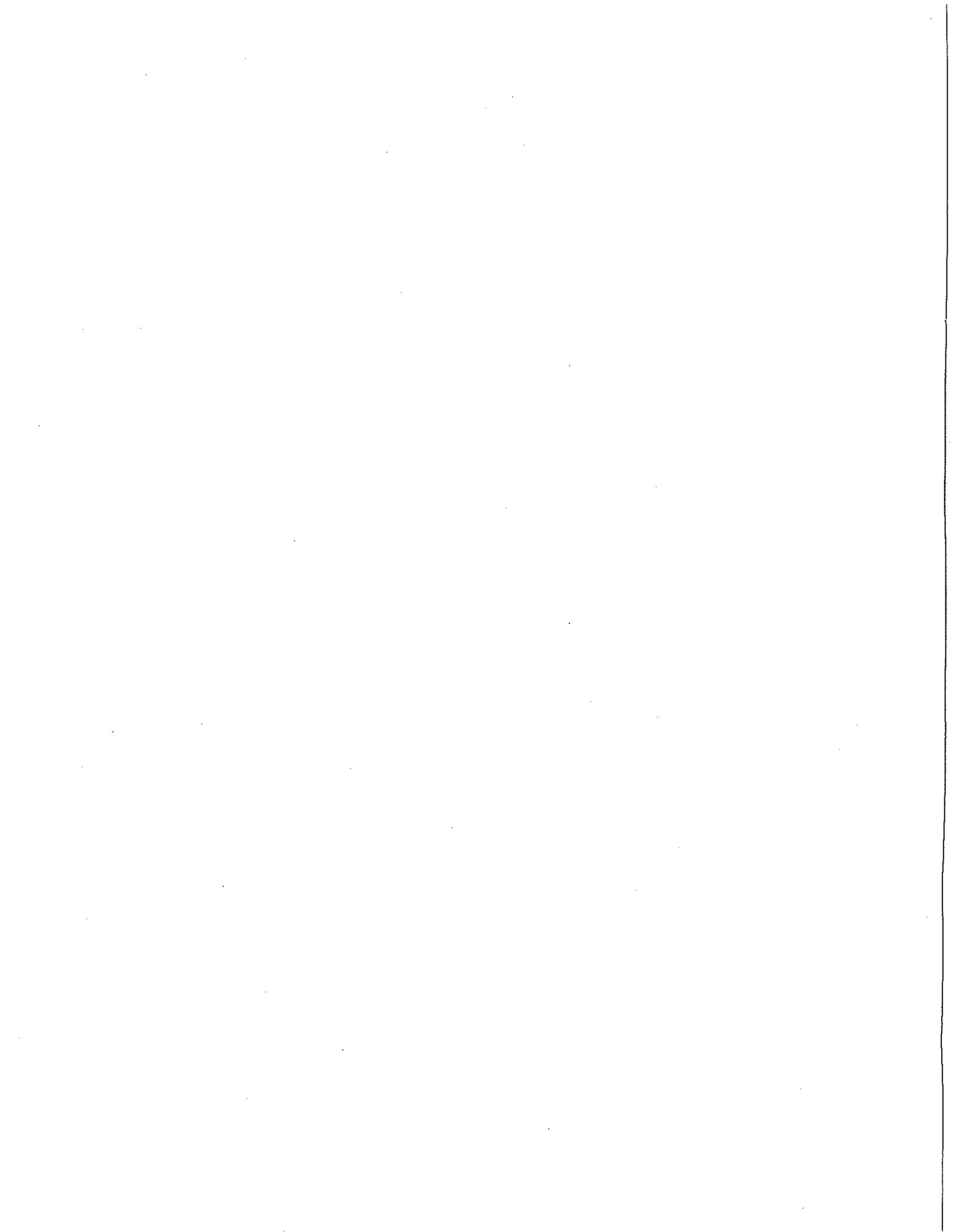
The Legislative Program Review and Investigations Committee recommends deregulation of the industry on the state level.

State Demolition Safety Code and Local Permit Requirements

The Legislative Program Review and Investigations Committee found that the demolition code and local permit requirements were important factors in safer building demolition. The

committee believed maintaining both the code and local requirements would provide for sufficient regulatory control of the demolition business.

The Legislative Program Review and Investigations Committee recommends the continuance of the demolition code and local permit requirements.



INTRODUCTION

Purpose and Authority for the Sunset Review

Chapter 28 of the Connecticut General Statutes provides for the periodic review of certain governmental entities and programs and for the termination or modification of those which do not significantly benefit the public health, safety, or welfare. This law was enacted in response to a legislative finding that there had been a proliferation of governmental entities and programs without sufficient legislative oversight.

The authority for undertaking the initial review in this oversight process is vested in the Legislative Program Review and Investigations Committee. This committee is charged, under the provisions of section 2c-3 of chapter 28, with conducting a performance audit of each entity or program scheduled for termination. This audit must take into consideration, but is not limited to, the four criteria set forth in section 2c-7. These criteria include: (1) whether termination of the entity or program would significantly endanger the public health, safety, or welfare; (2) whether the public could be adequately protected by another statute, entity, or program or by a less restrictive method of regulation; (3) whether the governmental entity or program produces any direct or indirect increase in the cost of goods or services and, if it does, whether the public benefits attributable to the entity or program outweigh the public burden of the increase in cost; and (4) whether the effective operation of the governmental entity or program is impeded by existing statutes, regulations, or policies, including budgetary and personnel policies.

In addition to the criteria contained in section 2c-7, the Legislative Program Review and Investigations Committee is required, when reviewing regulatory entities or programs, to consider, among other things: (1) the extent to which qualified applicants have been permitted to engage in any profession, occupation, trade, or activity regulated by the entity or program; (2) the extent to which the governmental entity involved has complied with federal and state affirmative action requirements; (3) the extent to which the governmental entity involved has recommended statutory changes which would benefit the public as opposed to the persons regulated; (4) the extent to which the governmental entity involved has encouraged public participation in the formulation of its regulations and policies; and (5) the manner in which the governmental entity involved has processed and resolved public complaints concerning persons subject to review.

In accordance with its legislative mandate, the Legislative Program Review and Investigations Committee reviewed sixteen entities and programs scheduled to terminate July 1, 1982. Contained in this report to the General Assembly is the result of the committee's review of the Commission on Demolition,

Methodology

The Legislative Program Review and Investigations Committee's sunset review was divided into three phases. The initial step focused on collecting quantitative and qualitative data related to each entity's background, purpose, powers, duties, costs, and accomplishments. Several methods were used by committee members and staff to obtain this information. These include: (1) a review of statutes, transcripts of legislative hearings, entity records (including minutes, complaint files, test results and reports), and data and statutes of other states; (2) staff observations of numerous meetings held by each entity between January and August of 1981; (3) surveys of persons connected with each entity; (4) formal and informal interviews of selected individuals serving on, staffing, affected by, or knowledgeable about each entity; and (5) testimony received at public hearings.

During the second phase, the staff organized the information into descriptive packages and presented them to the committee. The presentations took place in public sessions designed to prepare committee members for the hearings, identify options for exploration, and alert entity officials to the issues the committee would pursue at the hearings. Seven public hearings concluded this phase.

The final step of the review involved committee members and staff following up on and clarifying issues raised at briefings and public hearings. During this period, the staff prepared decision papers and presented recommendations to the committee. The committee, in public sessions, then debated and voted upon recommendations for the continuation, termination or modification of each entity.

BACKGROUND

Legislative History

The State Commission on Demolition was established in 1965 to license qualified applicants seeking to engage in the business of building demolition and to administer the state's demolition code. Prior to 1965, the demolition business was unregulated at the state level. Public Act 65-551 limited the demolition business to licensed individuals only. A demolition license is required of anyone engaging in the business with the exception of an individual involved in disassembling, transporting and reconstructing historic buildings, demolition of farm buildings, or the renovation, alteration, or reconstruction of a single family residence.

Principal changes in the demolition statutes have involved the organizational location of the commission. The original commission was independent, with the commissioner of public works serving as chairman. In 1975, the legislature moved the commission under the Department of Public Works for administrative purposes only. During 1977, under government reorganization, the commission was placed within the Department of Public Safety, and the commissioner of public safety, or his designee, replaced the public works commissioner as chairman. In 1979, the authority to promulgate regulations was transferred from the commission to the Department of Public Safety. The most recent legislative change occurred in 1980 when the fees were raised from \$100 to \$200 for a Class B license and from \$300 to \$500 for a Class A license.

Structure

The Commission on Demolition is composed of five members: two members actively engaged in the demolition business, two in the construction business, and one architect. All are appointed by the governor to four year terms.

Purpose, Powers, and Duties

The commission's primary responsibility is to license applicants qualified to engage in the business of building demolition and insure adherence to the state demolition code. In fulfilling its role, the commission has the following functions:

- deciding eligibility for licensure

- advising and assisting the commissioner of public safety on regulations implementing the state demolition code,
- renewing licenses,
- revoking or suspending licenses of practitioners who fail to comply with state statutes,
- investigating, hearing and adjudicating complaints.

Nature of Regulation

The commission issues two types of licenses depending upon the nature of the business. A Class A license allows a demolition contractor to engage in the demolition of any building. A Class B license limits contractors to the demolition of buildings less than 35 feet in height. The requirements for licensure are as follows:

Class A license

- sufficient knowledge and experience to be considered a demolition expert in the opinion of the commission,
- five years of supervisory experience in the demolition business,
- \$500 fee.

Class B license

- evidence of competency and trustworthiness,
- three years of supervisory experience in the demolition business,
- \$200 fee.

In addition to the criteria for individual licensure, no person may demolish any building or structure without obtaining a permit from the appropriate local administrative authority, usually the building inspector. To obtain a local permit, state statute requires the following information be provided to the local official:

- proof of financial responsibility in the form of a certificate of insurance with minimum liability requirements,
- written evidence that public utility services have been disconnected,
- evidence that the individual holds a valid license, and
- signature of building owner and demolition contractor.

The Commission on Demolition has authority to hear all complaints filed against licensed demolition contractors. The following are grounds for disciplinary action:

- obtaining a license fraudulently,
- violating statutes or regulations,
- failing to comply with a directive of a local administrative officer authorized to issue a demolition permit, and
- bankruptcy of the demolition business.

Principal disciplinary sanctions are suspension or revocation of a license.

Both the commission and local authorities are responsible for insuring compliance with the state's demolition code. The code is designed to insure public safety during demolition of buildings. It specifically requires that: 1) owners of property adjoining the building to be demolished be notified by registered mail; 2) a fence or barricade be erected along the length of the street to protect the public (this may be waived by the local official, or he may add further requirements); 3) a sidewalk shed be constructed if the building is to be demolished within a certain distance of the street; 4) the contractor provide for the proper disposal of all accumulated debris and materials; 5) during the demolition operations, debris, dirt and dust be controlled and 6) all basements, cellars and holes be filled to grade level unless a new building is to be constructed on the same site. The local building official has exclusive authority both in issuing the local permit and administering the demolition code within a city or town. The state's role is to provide technical assistance in interpreting the code and licensing demolition contractors.

Fiscal Information

The current budgeted positions for the commission include one demolition inspector and one clerk-typist. Though the positions were vacant for a part of fiscal year 1980-81, the total personnel costs would have amounted to \$46,700 including fringe benefits.

The commission collected \$32,800 in licensing fees for the 1980-81 fiscal year.

ACTIVITIES

Licensing

The commission issues licenses to businesses but requires an individual to be designated as the demolition technical expert within the business. There are two levels of licensure: Class A and Class B. A Class A license allows a contractor to do unlimited types of demolition work, while a Class B license limits a contractor to demolition of structures less than two and one half stories in height. To obtain either license, the commission requires letters of recommendation, a financial statement, and bank, insurance, and bonding company references.

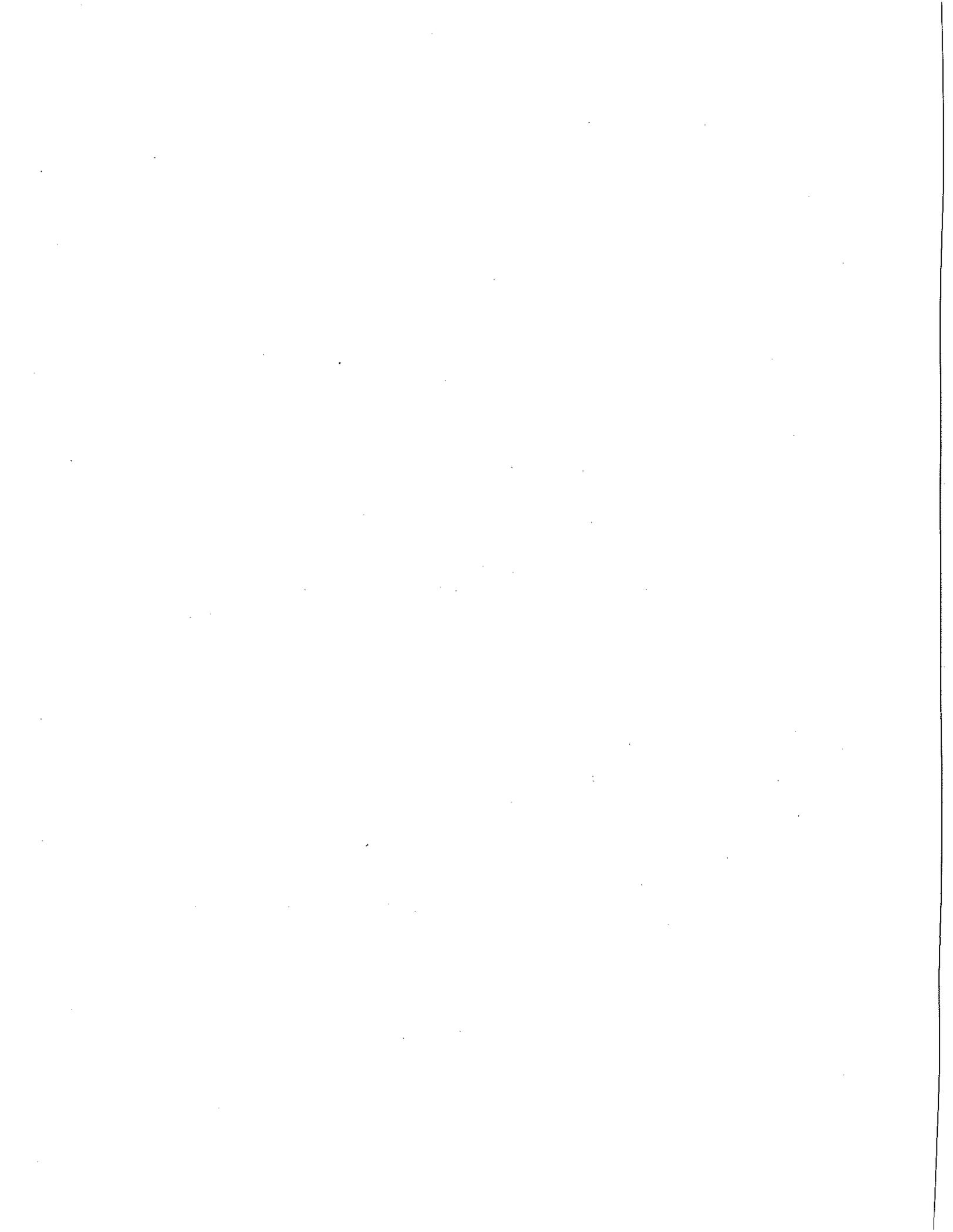
At a typical meeting, the commissioners review applications from individuals requesting licensure as demolition contractors. Commissioners draw upon their personal knowledge of contractors in the business to assess the validity of an applicant's experience. Applicants are generally denied licensure for lack of an insurance certificate, incomplete application, or insufficient experience. The commission does not have an examination as a requirement for licensure. In making decisions, the commission relies heavily upon the recommendations of the state demolition inspector.

According to data received by the Legislative Program Review and Investigations Committee, the commission renewed 127 Class B licenses and 56 Class A licenses during the 1980-81 fiscal year. In addition, it received 30 new applications, accepting 20 and either rejecting or requesting additional information on the remainder.

Disciplinary process

The commission has the power to hear and adjudicate complaints against demolition contractors. Complaints are usually received either directly by commissioners or by demolition inspectors. The commission may revoke or refuse to renew a license if the individual fails to carry out and conform with all statutory provisions relating to the conduct of the demolition business. The commission is required to hold a hearing on all cases where an individual is refused a license or before a license is revoked.

During the period under review, the commission did not hold any hearings nor receive any complaints.



ANALYSIS AND RECOMMENDATIONS

The Legislative Program Review and Investigations Committee and staff surveyed commission members and received testimony from interested parties during a public hearing. In addition, committee staff reviewed commission minutes and attended meetings.

An analysis of the survey given to commission members indicates they believe the commission's most important role is to judge qualifications of applicants for licensure and protect the public from incompetent demolition contractors.

In accordance with the sunset statute, the committee must consider whether the termination of the entity under review significantly endangers public health, safety and welfare, and if adequate protection could be afforded by another government agency. The legislative intent is to reduce duplication and streamline the administrative process. With this in mind, the committee examined the following areas:

- o the existence of commission,
- o the level of regulation, and
- o the state demolition code and local permit requirements.

Continued Existence of the Commission on Demolition

The committee considered whether the commission should be continued as a separate governmental entity based upon its workload. It determined the level of regulatory activity engaged in by the commission does not warrant its continuance as a separate governmental entity. Analysis shows that the commission has not received nor acted on a complaint since 1978. No examination is required for licensure and no licenses have been suspended or revoked in the past two years. The commission meets only four times a year.

Therefore, the Legislative Program Review and Investigations Committee recommends that the Commission on Demolition be terminated.

Level of Regulation

The committee considered four options concerning regulation: 1) licensure; 2) certification; 3) registration; and 4) deregulation. It defined each option as follows:

To what degree would the following increase or decrease if demolition contractors were not licensed?

	Significant Increase		No Change		Significant Decrease
	1	2	3	4	5
Quality of workmanship	10	3	16	4	7
Prevention of public hazards	13	3	16	4	6
Adherence to state demolition code	11	2	13	6	8
Economic harm to public	12	2	18	3	3
Maintenance of minimum safety standards	11	3	14	5	8
Other (specify) Control of Demolition work	1		1	1	

The current licensing standards do not insure any minimum level of expertise other than experience; no examination is required. The application requires: three letters of recommendation from clients for whom work was performed, a list of demolition experience, a list of major equipment, a list of recently completed demolition projects, a list of bank, insurance and bonding company references, and answers to questions pertaining to contract completion and conviction record.

While the information provided by the applicant may indicate minimum requirements have been met, safe practices result from local permit requirements and economic factors arising from the marketplace. Economic loss from contractual penalties, insurance premiums, and forfeited performance bonds would tend to provide assurances of safe work. Therefore, regulation at the state level is unnecessary.

The Legislative Program Review and Investigations Committee recommends deregulation of the industry on the state level.

The State Demolition Safety Code and Local Permit Requirements

As previously noted, a demolition safety code and local permit requirements appear in the Connecticut General Statutes. The code provides an enforcement mechanism and guidelines for local officials similar to the state building code. Local officials issue permits for the demolition of any structure and

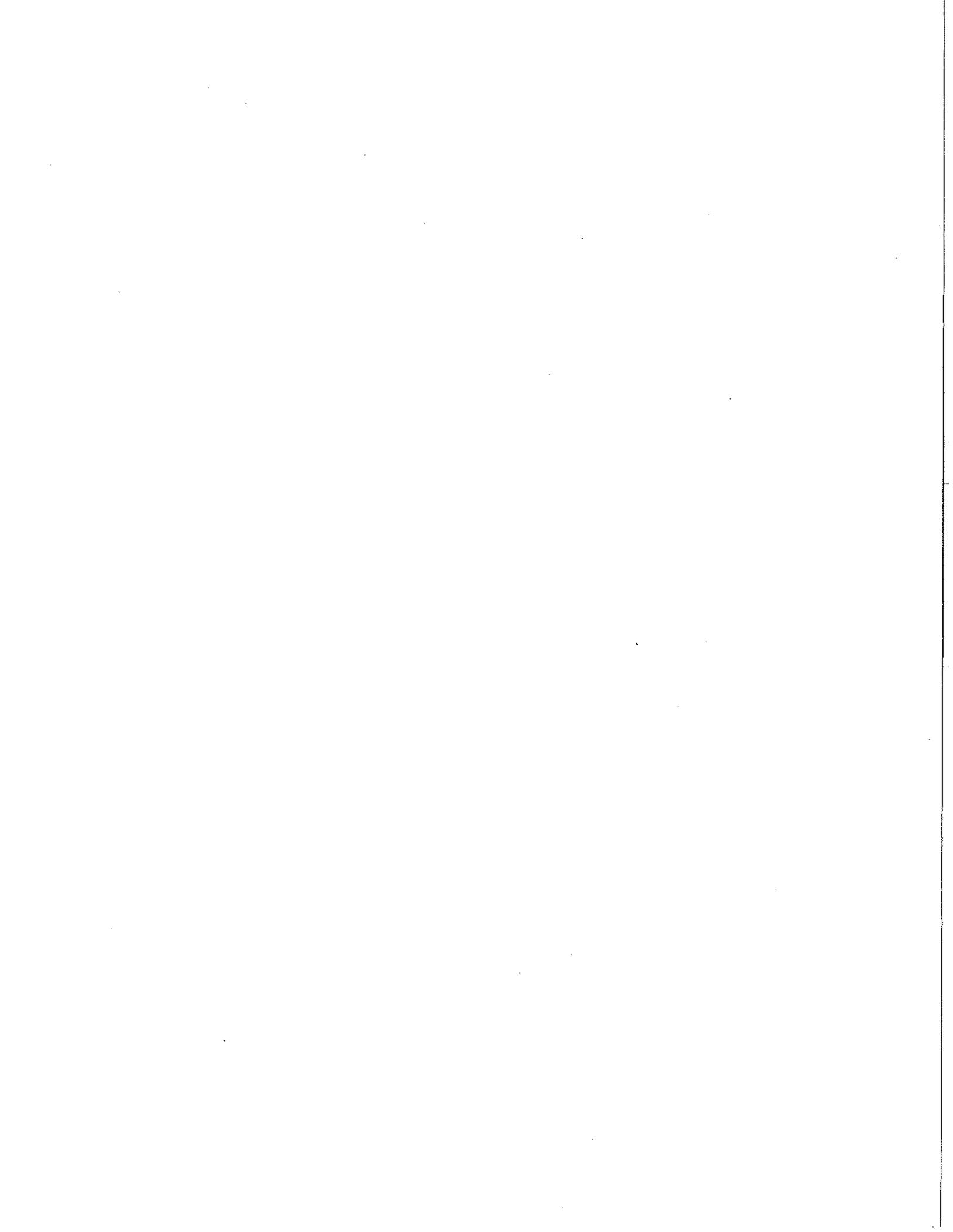
can make decisions "relative to the manner of demolition or materials or equipment to be used in the demolition of buildings or structures" (Sec. 19-404e). In addition, the statute prescribes certain conditions to be met before a local permit is issued. Maintaining the safety code and local permit requirements allows for sufficient regulatory control of the demolition business. Violation of the code carries a maximum penalty of \$500 and/or one year in prison. The committee considered this level of regulatory activity sufficient to insure public protection.

Therefore the Legislative Program Review and Investigations Committee recommends the continuance of the demolition code and local permit requirements.

Fiscal Impact

The Legislative Program Review and Investigations Committee's recommendations will result in the elimination of two positions at a savings of \$46,700. With deregulation of the demolition business, there will be an accompanying loss of \$32,800 in license fees. The recommendations will then bring a net savings to the state's general fund of \$13,900.

APPENDICES



APPENDIX A

Sunset 1982

ENTITY: The State Commission on Demolition
(C.G.S. Chapter 354a)

ESTABLISHED: 1965 (Public Act 551)

PURPOSE: To license qualified applicants to engage in the
business of building demolition and administer
the state demolition code.

POWERS AND DUTIES:

- license individuals seeking to engage in building demolition
- give advise and assistance to commissioner of public safety on regulations implementing the state building code
- revoke or refuse to renew any licensed of a practitioner failing to comply statutes and regulations
- investigate and hear complaints

COMPOSITION: 5 members (2 actively engaged in the demolition business) appointed by the governor

Licensing Requirements:

Class A type (good for the demolition of all structures)

- sufficient knowledge and experience to be considered a demolition expert in the opinion of the commission
- five years experience in the demolition business in a supervisory capacity
- \$300 fee

Class B type (good for structures less than 2½ stories or 35 feet)

- evidence of competency and trustworthiness
- three year experience in the demolition business in a supervisory capacity
- \$100 fee

To assess competency and experience, the commission requires letters of recommendations, credit reports and financial statements.

Grounds for revocation or suspension:

- obtaining a license fraudulently
- violating statutes or regulations or failing to comply with any directive of a local administrative officer authorized to issue specific demolition permits
- bankruptcy of the demolition business

Local Authority: No person shall demolish any building or structure without obtaining a permit from the appropriate local administrative officer

Local Permit Requirements:

- 1) financial responsibility in the form of a certificate of insurance
- 2) written evidence that public utility services have been disconnected
- 3) individuals hold a valid license
- 4) signature of owner and demolition contractor
- 5) notice to adjoining property owners

Agency Statistics 1978-1979

Staff: One full-time position (state demolition inspector)

Operating expenditures: \$29,607

Licenses: 173

New: 14

Renewals: 159

Commission on Demolition

Meeting Analysis

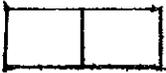
Licenses issued during 1980: 183 - 127 B licenses
56 A licenses

New applications: 30
Approved: 20
Denied: 10

Complaints Received in 1980: 0
Formal hearings: 0
Suspensions/Revocations: 0

A typical meeting has the commissioners reviewing applications from individuals requesting licensure as demolition contractors. The statutory criteria for issuing a license is generally assessed by an applicant's letters of recommendation, financial background and equipment as presented on the application and the applicant's certificate of insurance.

Commissioners also draw upon their personal knowledge of contractors in the business to assess the credibility of an applicant's experience. Applicants are generally denied licensure for lack of an insurance certificate, incomplete application or insufficient experience. The commission does not have an examination as a requirement for licensure. In making decisions, the commission relies heavily upon the recommendations of the state demolition inspector, a position that is currently vacant.



APPENDIX B

Legislative Program Review and Investigations Committee

Sunset Review Survey

Commission on Demolition

INSTRUCTIONS: For each question, please circle the number to the left of the most appropriate response. Please choose only one response--choosing more than one will invalidate the entire response.

Please feel free to provide additional comment on either a specific question or the demolition field in general. Such comment may be included directly on the questionnaire or in a separate attachment.

1. On a scale from 1 = Very Important to 4 = Not Important, how would you rate the following reasons for continuing the commission?

<u>Very</u> <u>Important</u>		<u>Not</u> <u>Important</u>	
4		1	To maintain professional identity of demolition contractors
5			To judge qualifications of applicants for licensing
4	1		To provide professional input into the complaint process
3	1	1	To provide a forum for discussion
3	2		To provide professional input into the development of regulations
3	2		To provide continuous professional review of entry standards
5			To protect the public from incompetent practitioners

<u>Very</u> <u>Important</u>	<u>Not</u> <u>Important</u>
---------------------------------	--------------------------------

5 To assure public safety during the demolition of buildings

4 1 To insure that local officials carry out their permit duties concerning demolition

2. How effective has the commission's role been in carrying out the following functions?

<u>Very</u> <u>Effective</u>	<u>Not</u> <u>Effective</u>
---------------------------------	--------------------------------

4 1 Establishing entry requirements

5 Deciding who meets the entry requirements for the licensure

5 Deciding if out-of-state applicants meet Connecticut's standards

3 2 Receiving complaints

3 1 1 Hearing complaints and imposing disciplinary sanctions

3 1 1 Revoking or suspending a certificate of registration

3 2 Informally resolving complaints

3. What is the board's primary source of information? (Circle one only)

2 State demolition inspector

2 Commissioners

1 Local officials

Demolition contractors

4. To what degree would the following increase or decrease if demolition contractors were not licensed?

<u>Significant</u> <u>Increase</u>	<u>No</u> <u>Change</u>	<u>Significant</u> <u>Decrease</u>
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2 3 Quality of workmanship

1 4 Prevention of public hazards

Significant Increase	No Change	Significant Decrease
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			5	Adherence to state demolition code
1	2	1	1	Economic harm to public
			5	Maintenance of minimum safety standards
				Other (specify) _____

5. If licensing of demolition contractors was discontinued, would the public be adequately protected by local permit requirements currently in statute?

Yes 5 No

6. When reviewing applicants for licensure, what importance do you give to the following criteria?

Very Important	Not Important
----------------	---------------

4	1	Years of experience in the demolition business
5		Financial responsibility
1	3	Moral character
	1 1	Age
5		Knowledge of the demolition field

7. Rank in importance (1 = Most important, 2 = Second Most Important, etc.) the following sources of information you use to determine an applicant's qualifications.

1 Recommendations of the state building inspector

3 Personal knowledge of the applicant's business

6 Comments from local officials

5 Certificate of insurance

2 Information from application

4 Letters of recommendation

7 Comments from demolition contractors

8. How would you characterize the services provided to the commission by the Department of Public Safety?

1	Excellent
2	Good
2	Fair
	Poor

9. Could the Department of Public Safety assume the functions of the commission?

Yes	5	No
-----	---	----

10. To your knowledge, how many complaints has the commission reviewed in the past two years?

100/A few/0/100/0 Number

11. How many disciplinary actions has the board taken against licensed demolition contractors in the past two years?

#	<u>0</u>	Revoke license
	<u>0</u>	Suspend license
	<u>25/0</u>	Informal Resolution of Complaint

12. How many formal hearings have you held in the past two years?

0/1/A few Number

13. Do any of the following impede the commission's operation?

<u>Yes</u>	<u>No</u>	
2	3	Unclear statutes
	4	Department of Public Safety
3	2	Inadequate funding
	4	Local officials
		Other (specify) _____

14. To what degree would greater public participation increase the commission's effectiveness?

Substantially

1 Moderately

4 Not at all

15. To what extent has the commission actively encouraged public participation?

Frequently 3 Rarely

Occasionally 2 Never

16. How does the board notify the public of its meetings?

Newspapers

5 Legal notifications (Secretary of State)

Professional association newsletter

Other (specify) _____

17. How many years have you served on the commission? Average 10 Years

18. What percentage of the commission's meetings do you attend?

2 100% 25-49%

3 50-99% less than 25%

19. On a quarterly basis, how much time outside commission meetings do you spend on commission related business?

1 0-4 hours 1 9-16 hours

3 5-8 hours 17 plus hours

STATE COMMISSION ON DEMOLITION

1. To what degree would the following increase or decrease if demolition contractors were not licensed?

<u>No Answer</u>	<u>Significant Increase</u>	<u>No Change</u>	<u>No Change</u>	<u>Significant Decrease</u>		
5	10	3	16	4	7	Quality of workmanship
3	13	3	16	4	6	Prevention of public hazards
5	11	2	13	6	8	Adherence to state demolition code
7	12	2	18	3	3	Economic harm to public
4	11	3	14	5	8	Maintenance of minimum safety standards
	1		1	1		Other (specify) <u>Control of</u> <u>Demolition Work</u>

2. If licensing of demolition contractors was discontinued, would the public be adequately protected by local permit requirements currently in state statute?

18 YES 25 NO 2 No Answer

3. When issuing a demolition permit, do you always check to see if the contractor has a valid state license?

41 YES _____ NO 4 No Answer

4. Should a demolition license be required of contractors only seeking to demolish structures in excess of two and one-half stories?

2 No Answer 21 YES 22 NO, the present licensing system should continue as is.

5. Has the State Commission on Demolition done an effective job in assuring that only competent individuals receive a:

Class A License

34 Yes, it has done an effective job.
 1 No, it has not done an effective job.
 10 No answer

Class B License

34 Yes, it has done an effective job.
 1 No, it has not done an effective job.
 10 No answer

APPENDIX C

Legislative Changes

- Repeal Section 19-403a.
- Amend Section 19-4036 to reflect the committee's recommendations.
- Repeal Sections 19-403c and 19-403d
- Amend Section 19-403g deleting the requirement for licensure.