

Legislative History for Connecticut Act

HB 913 LPA 504 (FAX) 1953
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March 25, 1953

Attorney Ferdinand D'Esopo, Hartford: I heartily agree with Representative Burkitt. I have had cases where judgment has been paid and my clients did not keep the receipts and no entry of the satisfactory judgment was made with the clerk of the court and the bill or judgment had to be paid twice. We do know that receipts and evidence of payments, etc., should be kept for six years; after that it is the end of it. They did not say to keep your receipts for over 20 years. By passing this law, the domestic judgment is only good for 20 or 21 years and then we know where we stand.

We have several Supreme Court decisions that say that there is a presumption that the judgment is paid after 20 years or 17 -- but just a presumption, there is nothing definite saying that it is so. I cannot understand why a Statute of Limitation should not be made on a domestic judgment. It should not go on forever.

I believe if we would clarify this law and make it absolute for the period of 20 or 21 years, then there will be no doubt as to how long a judgment is good for.

Chm. Jewett: Anyone else in favor of this bill? Anyone opposed? The hearing is closed on H.B. No. 665.

H.B. No. 895 (Mr. Keeler) AN ACT AMENDING THE ZONING ENABLING LAW.

Chm. Jewett: Is there anyone in favor of this bill?

Rep. Keeler, Ridgefield: I would like to talk on this bill and H.B. No. 913 which are alike in substance.

Chm. Jewett: We shall also hear H.B. No. 913 now.

H.B. No. 913 (Mr. Keeler) AN ACT AMENDING THE MUNICIPAL PLANNING LAW.

Rep. Keeler: These two bills are in my name. They are in substance almost alike. I would like, if possible, to talk on the two bills.

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At the present time the law specifies certain ways of expressing to the public the action of a Zoning Commission after action has been taken. It is not clear enough and these two bills clarify the law so that it becomes definite so that they must advertise in the newspaper and the change then does not become effective until it has been published in the newspaper which then gives the public a much better chance to understand what it is all about.

On H.B. No. 913, this law is comparatively new. It allows the towns to set up a planning commission. There is in the existing law certain possibilities which the town may or may not accept, one of them particularly pertains to assessment. It has been the experience of several towns, including my home town, that the people in the town are not clear on what an assessment means in relation to the planning law and are afraid of it and as a result they will not accept planning on any basis. If we can clarify that so that they could understand it until it becomes necessary for the acceptance, then we could go ahead with the benefits of planning which the law adequately covers otherwise and then the town could accept it by action of the town meeting. H.B. No. 913 makes it possible.

It is a permissive bill. I have two bills and H.B. No. 428 is another one on the same subject. I hope those two are combined and accepted and I hope you feel you can give us the change in the municipal planning laws. It is a strong factor in getting people to accept it.

Rep. Parsells: Doesn't the present law make it necessary that you have to advertise? You merely publish it in the paper that the change has been filed.

Rep. Keeler: This makes it stronger.

Mr. Fritz Spolen, President Planning and Zoning Agencies: I wish to state the the Federation has gone on record in favor of both bills.

Rep. Parsells: Does it require that the regulation be published?

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Rep. Keeler: The present statutes require that any change be published in its entirety. It would save a terrific expense because of the publishing.

Mr. Edward Adams, Wethersfield; Zoning Board of Appeals in Wethersfield: I want to speak in favor of H.B. No. 895 and H.B. No. 913 and I would like to appear against H.B. No. 1145.

The Connecticut Federation of Zoning and Planning Agencies for four years have found that the zoning act was very cumbersome due to the wording of this mandatory paragraph that if a number of people or a majority at a public hearing were opposed to a particular change in a zone, the Zoning Commission was not permitted to make that change without taking it to a town meeting.

We found in the operation of that act, which was supposed to have been a permissive ordinance, a situation where the people were bringing people from other towns and even children and then they asked all those in favor or opposed to stand. They even counted the children.

After four years, Mr. Pierce Gerety, who is our legislative counselor, took that out. It is quite possible that it may be a permissive ordinance, but I do not think that it should be in there as a mandatory paragraph and I oppose it.

Chm. Jewett: Anyone else in favor or opposed to this bill? The hearing is closed on both bills, H.B. No. 895 and H.B. No. 913.

H.B. No. 923 (Mr. Flynn) AN ACT CONCERNING JURY COMMITTEES; SELECTION OF JURORS.

Chm. Jewett: Anyone in favor of this bill?

Chief Justice William M. Maltbie, Granby: The Judicial Department works along pretty smoothly, but when they do not, they route them to my desk. As a result we have three bills, H.B. No. 925, H.B. No. 928 and H.B. No. 931, all of which deal with the mechanics of getting jurors.

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report and passage of the bill - all those in favor signify by saying Aye - Contrary minds No - the vote is so ordered and the bill is passed.

THE CLERK: Calendar No. 1721, ^{House} Bill 913, File 1125.

SENATOR LEVY, NINTH DISTRICT: Mr. President, I move acceptance of the Committee's favorable report and passage of the bill.

THE PRESIDENT: The question is on acceptance of the Committee's favorable report and passage of the bill. Will you remark?

SENATOR LEVY, NINTH DISTRICT: The purpose of this bill is to improve the municipal planning laws. In Section 1 "resubdivision" is defined and made more specific. On revision of the planning laws it requires no public hearing - but on refusal it requires a public hearing. Section 2 gives the power to regulate issuance of building permits in plots of land where streets have not been accepted. This would encourage development of undeveloped plots of land.

SENATOR TEDESCO, TWENTY-THIRD DISTRICT: Mr. President, this is fairly important. These planning commissions have had the power to assess damages on a person in development of undeveloped plots of land. There was some opposition to planning commissions having this power and so it is now inserted: "Unless otherwise provided by ordinance adopted by the municipality" - this bill is a good bill and I urge its passage.

THE PRESIDENT: The question is on acceptance of the Committee's favorable report and passage of the bill. All those in favor signify by saying Aye - Contrary minds No - the bill is passed.

SENATOR BROLL, THIRTY-FIFTH DISTRICT: We are privileged today to have with us the Connecticut Vegetable Queen. She is, incidentally, the daughter of Representative Gaglioni of Bolton and will represent the state at a national

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Mr. Speaker, I am ready now to report on Calendar No. 1879, if you will, please.

THE CLERK:

Favorable report of the committee on Cities and Boroughs on Substitute for House Bill No. 1257, "An Act amending the Charter of the Town of Fairfield", Calendar No. 1879, File No. 1161.

MR. BOWERS (Manchester):

I move the acceptance of the committee's favorable report and passage of the bill.

THE SPEAKER:

Question is on acceptance of the committee's favorable report and passage of the bill.

MR. BOWERS (Manchester):

Mr. Speaker, the purposes of this act are to make provisions for centralizing accounting and purchasing in the town of Fairfield, to change the method of fiscal control, overall departments to increase the membership on the town plan and zoning commission and make certain other minor changes in the charter of the town. The committee thought it was a good bill. I hope it passes.

THE SPEAKER:

Question is on acceptance of the committee's favorable report and passage of the bill. Those in favor signify by saying aye. Opposed? The bill is passed.

THE CLERK:

Favorable report of the committee on Judiciary on House Bill No. 913, "An Act amending the Municipal Planning Law", Calendar No. 1877, File No. 1125.

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MR. TILSON (Hamden):

Mr. Speaker, I move acceptance of the committee's favorable report and passage of the bill.

THE SPEAKER:

Question is on acceptance of the committee's favorable report and passage of the bill.

MR. TILSON (Hamden):

Mr. Speaker, this bill makes some technical changes in the municipal planning law. In the first place it defines the words re-sub-division, which is used frequently in the law but is not defined. It permits planning commissions to make regulations where proposed buildings are located off established streets and it provides that were a town wishes to it may pass an ordinance taking away from the planning commission the power to lay out streets and assess damages which result from such layouts. The bill was supported by considerable authority and fiscal planning and zoning changes. In the opinion of the committee it should be adopted.

THE SPEAKER:

Question is on passage of the bill. Those in favor signify by saying aye. Opposed? The bill is passed.

THE CLERK:

Favorable report of the committee on Judiciary on House Bill No. 1794, "An Act concerning Liens on Proceeds of Accident and Liability Insurance Policies in Favor of Hospitals", Calendar No. 1886, File No. 1121.

MR. PRUYN (Colebrook):