

Legislative History for Connecticut Act

SB1118 PA 402 SCAW 1965			
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Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate
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CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS

FEB. SPEC. SESSION

1965

DEC. 13,

SPEC. SESSION

VOL. 10

Tuesday, June 8, 1965 199

DMS

committee.

MR. SPIEGEL (TRUMBULL)

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

THE SPEAKER:

Will you remark?

MR. SPIEGEL (TRUMBULL)

This is another validating act which has met the rigid standards set down by the committee on general law, and I move its passage.

THE SPEAKER:

The question is on the bill. Will all in favor say aye. Opposed, no.

The bill is passed.

THE CLERK:

Malander No. 1253, File #1277, Substitute for Senate Bill No. 1118.

An Act concerning Notice of Lease. Favorable report joint committee on General Law.

MR. SPIEGEL (TRUMBULL)

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

THE SPEAKER:

Will you remark?

MR. SPIEGEL (TRUMBULL)

This bill contains that the prior bills serving up the notice of leases which may also require notices of options that may be retained in such leases. It is a good bill and should be passed.

THE SPEAKER:

The question is on the bill. All in favor say aye. Opposed, no.

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EMS

The bill is passed.

THE CLERK:

Calendar No. 1254, File #1157, Senate Bill No. 1166. An Act Concerning

the Registration of Dealers and Repairers of Weighing and Measuring Devices.

General Law.

MR. SPIEGEL (TRUMBULL)

I move acceptance of the committee's joint favorable report and passage of the bill in concurrence with the Senate.

THE SPEAKER:

Will you remark?

MR. SPIEGEL (TRUMBULL)

This merely adds a housekeeping measure to the existing law. It takes care of the commissioner of consumer protection, it takes care of dealers of weighers and measures. It is a good bill and should pass.

THE SPEAKER:

The question is on the bill. All in favor say aye. Opposed, no. The bill is passed.

THE CLERK:

Calendar No. 1255, File #1328, Senate Bill No. 1478. An Act concerning the Validating of a Notice of Injury by Concetta Vasile to the City of New Britain. Favorable report joint committee on general law.

MR. SPIEGEL (TRUMBULL)

I move acceptance of the committee's joint favorable report and passage of the bill in concurrence with the Senate.

THE SPEAKER:

Will you remark?

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June 7, 1965

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a certificate showing whether any trademark is in use, and there is a small fee for the service.

THE CHAIR:

All in favor? AYE. Opposed? The bill is passed.

THE CLERK:

CALENDAR 1165, file 1276, SB 520, An Act concerning Actions on Agreements to Sell Real Estate.

SENATOR GLADSTONE:

May this bill be passed temporarily, Mr. President?

THE CHAIR:

So ordered.

THE CLERK:

Calendar 1166, file 1277, substitute for SB 1118, An Act concerning Notices of Lease. Favorable report of the Joint Committee on General Law.

SENATOR GLADSTONE:

I move acceptance of the committee's favorable report and passage of the bill. Mr. President, this bill stipulates that certain requirements be recorded when recording a notice of a lease--it's certain essential requirements.

THE CHAIR:

All in favor? AYE. Opposed? The bill is passed.

THE CLERK:

Calendar 1167, file 1255, SB 320, An Act concerning Reproduction of the State Arms and Seal. Favorable report of the Joint Committee on General Law.

JOINT
STANDING
COMMITTEE
HEARINGS

GENERAL LAW

PART 1

§ 40B

CONN.
GENERAL
ASSEMBLY

1965

TUESDAY - 10:00 a.m.

MARCH 23, 1965

I had the privilege of being last year's chairman of the Real Property Section and the committee met for a year and a half on these proposals, and at a meeting in May of last year, all of them were presented to a meeting of the Real Property Section, some hundred lawyers, and there were some objections to these proposals, but I would say that by far and away the feeling of that meeting was in favor of them.

Some of these bills, particularly "The Marketable Title Act" will find opposition from some of the Utilities perhaps, and some law firms who have a long history of real property activity.

The bills, or proposals, were again presented to the annual meeting of the State Bar Association, Real Property Section, in October, and received the approval of that gathering, and I would say again by a very heavy margin.

Taking the bills now as they come up on your calendar, the first bill which is S.B. 1117, "An Act Concerning a Lien for Taxes". This is just an amendment to the existing succession tax statute providing for (1) that the lienor, an attaching lienor, would fall in the same category as other creditors, and (2) there is a slight change in the definition of "purchaser for value" to be used instead of the words "bona fide" purchaser. We have heard no objection to this statute in any respect.

S.B. 1118, "An Act Providing for a Memorandum of Lease Recording Act", has to do with an amendment to the existing short form of lease or recording, and it adds one additional item to it which is at the very end. It is a revision of the original one, but the basic point is to make more specific the requirement of the location of the parent instrument, and except for more specifically than does the existing statute, the information which must be required in it.

TUESDAY - 10:00 a.m.

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Chairman Gregory: Is this a rewrite in effect?

Mr. August: Of the original statute, it is a complete re-write of it.

Chairman Gregory: I see that it does not purport to supercede or invalidate any of the introductory sentences here in the drafting.

Mr. August: This is the first time I have seen the printed bill.

Chairman Gregory: Of necessity, we would have to repeal the existing statute.

Mr. August: It would repeal the statute that has to do with the short form of recording, and there is one presently on the statutes. Well, I won't take your time now to give you the Section number, but it is, very definitely, a rewrite.

Rep. Hitchcock, East Windsor: Is it 47-19 you wish to repeal?

Mr. August: I believe it is, but this is the first time I have seen the printed bill on the bill itself.

Rep. Hitchcock: The whole thing doesn't make sense.

Mr. August: No, I have not seen this as it came from the Legislative Commissioner's office, but I believe what this should say is that it repeals Section 47-19, and to put in lieu thereof the following, - - - .

S.B. 1119, "An Act Concerning the Use of the Word "Trustee" in an Instrument Affecting Real Estate", is a rewrite also of an existing statute, and it incorporates in it certain provisions of what the real property lawyers call one of their standards of title. The standards of title are guides which have been prepared by the State Bar Association for attorneys dealing in conveyancing, and it incorporates that standard into the existing statutes, and we have, or will, drop from these standards that we have concerning this word

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struments that have been rerecorded has been so small, that we feel that this in itself is an indication of how valuable a statute it is. Thank you.

Rep. Thorp, Co-chairman: Are there any questions?

Rep. Hitchcock, East Windsor: I would like to ask a question. I have one question in my mind. You said that this would not affect the Highway Department, the State Highway Department would not have to record their thing the second time?

Mr. August: I said, I believe, that it would not affect the State Highway Department if there was a culvert under a road discharging water onto a landowner's property, not because it is the State Highway Department, but because there is an easement that is obvious by a person looking at it.

Rep. Hitchcock: Now how about the towns?

Mr. August: This would be true too.

Rep. Hitchcock: The town would have to rerecord?

Mr. August: No, no. If the easement was there, and if you went walking out in the field and could see the structure, whatever it might be, then there would be no requirement to rerecord that interest, the instrument.

Rep. Hitchcock: That is what I wanted to know. Thank you.

Rep. Thorp, Co-chairman: Any other questions? Hearing none, we will go back to S.B. 1117. Are there any others in favor of S.B. 1117? Any opposed?

Mr. Harold Reed, Jr., Conn. Bankers' Ass'n.: I had not identified some of these bills as Connecticut Bar Association bills. I suppose if I had, I would have worked out some of these problems with Mr. August beforehand. Some of the problems are more drafting than otherwise, and perhaps we can work them out.

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On this particular bill, however, you might say that there are two filing procedures in this country. There are more, but two are pertinent here. One involves the procedure where nothing is effective until it has arrived at the land records and has been recorded, and to be completely careful when operating under such a system when you close a real estate transaction, mortgage, sale, or anything else, you should escrow the money and run to the land records, record and then release the money. I am sure you have all been involved in real estate transactions in this state, and you know that we don't do this. And it is a matter of substantial convenience to the public, the business community, and the attorneys themselves, because we follow a system which allows us, having closed a transaction at a moment when the title is clear, to take a reasonable time to deliver the papers to the land records. Now what this does, in one limited area to be sure, that of succession tax liens, what this does is remove that reasonable time. Perhaps there is some justification for it, if someone in the chain of title is deceased, and there may be a succession tax due, the title searcher, of course, knows it.

On the other hand, all the rest of our title laws generally allow a reasonable time to get to the land records, and I really fail to see a reason for exception or a change in this section of it.

Co-chairman Thorp: Any questions from the committee? If not, thank you very much sir. Is there any other opposition? Hearing none, we will declare the hearing closed on S.B. 1117.

✓
S.B. 1118 (Senator Alfano) AN ACT PROVIDING FOR A MEMORANDUM OF LEASE RECORDING ACT.

Co-chairman Thorp: We will hear those in favor ✓ of S.B. 1118. Anybody here in favor of S.B. 1118? If not, are there any opposed? Hearing none, ✓ we will declare the hearing closed on S.B. 1118.