

Act Number	Session	Bill Number	Total Number of Committee Pages	Total Number of House Pages	Total Number of Senate Pages
PA 71-173		1647	0	3	2
<u>Committee Pages:</u>				<u>House Pages:</u>	<u>Senate Pages:</u>
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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
1971**

**VOL. 14
PART 5
1968-2502**

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the answer to Mr. Povinelli would be no. It is not watering down the bill, it is strengthening the bill. The amendment in addition to changing "shall" to "may" also changes the word wilfully to negligently which hopefully would bring in more instances of this type of injury^{to}/land than water. If the court finds and in its discretion if it finds the negligence is what might amount to gross negligence, we don't use such a term in Connecticut, if they found this, they would be able to attach up to treble damages. It's a much stronger bill, it hits more people who would scar the landscape with this contamination. I think it is a much better bill this way.

THE SPEAKER:

Further remarks on the bill as amended or explained. If not, all those in favor indicate by saying AYE. Opposed. The bill is PASSED.

THE CLERK:

Cal. 616, Senate Bill 1647. AN ACT CONCERNING CONSERVATION AND PRESERVATION RESTRICTIONS. File 442.

THE SPEAKER:

Rep. Lavine of the 73rd.

MR. LAVINE: (73rd)

I move the Joint Committee's favorable report and passage of the bill.

THE SPEAKER:

Question is on acceptance of the Joint Committee's favorable

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report and passage of the bill in concurrence with the Senate. Will you remark.

MR. LAVINE: (73rd)

Yes, Mr. Speaker. This is a bill to require the enforcement of conservation and preservation restrictions even in cases where there is no privity of ^{estate} the State or privity of contract. Mr. Speaker, a conservation restriction is a legally enforceable agreement between the owner of the real estate property and a government body or a charitable organization by which the owner promises to keep his land essentially in the same state as it was at the time of the agreement. To put it another way, a conservation restriction is a device by which a property owner agrees not to develop his land. A conservation restriction runs with the land and is therefore binding upon any subsequent owners of the real estate. Moreover, a conservation restriction is valid and enforceable in perpetuity unless the owner places a limitation on its term of operation as part of its restriction. The person who agrees to such a restriction may remain on this property and use it in any manner he wishes provided the land is kept in a natural state consistent with the terms of the restriction. The owner may sell, lease his property or may dispose of it in any way that he will. The restrictions, however, will be binding upon the leasees, grantees, heirs and any other future owners of the land. The conservation restriction thus provides a useful affirmative to

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outright purchase for governmental bodies and charitable organizations interested in preserving open spaces. Many land-owners are motivated to keep their property in an undeveloped state but are unwilling to sell it outright to the public or semi-public conservation units because of a desire to continue living on the land without the intrusion of the public. This will, we hope, bring a great deal more parcels of land into use. I urge passage of this bill.

THE SPEAKER:

Further remarks on the bill. If not, all those in favor will indicate by saying AYE. Opposed. The bill is PASSED.

THE CLERK:

Page 18. DISAGREEING ACTION. Cal. 254, H.B. 7645. AN ACT VALIDATING THE NOTICE OF RUEL S. SMITH TO THE TOWN OF STONINGTON, as amended by Senate Amendment Schedule "A". File 200.

THE SPEAKER:

Rep. Willard of the 15th.

MR. WILLARD: (15th)

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

THE SPEAKER:

Question is on acceptance of the Joint Committee's favorable report and passage of the bill. Will you remark.

MR. WILLARD: (15th)

Mr. Speaker, the Clerk has Senate Amendment Schedule "A".

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SENATE

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of Hospital Cost Commission.

THE CHAIR:

Senator Pac.

SENATOR PAC:

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

THE CHAIR:

Will you remark?

SENATOR PAC:

This bill would authorize the Hospital Cost Commission to set the rates for those under Welfare for services rendered by private psychiatric services, children's treatment facilities or non-profit community clinics. This Commission does set the rates currently for the general hospitals and this is a kind of a limitation on the money we would expend.

THE CHAIR:

The question is on passage of the bill. Those in favor indicate by saying aye. AYE. opposed? The ayes have it. The bill is passed.

THE CLERK:

The second item from the bottom on page 6, Cal. No. 329, File No. 442 Favorable Report of the Joint Standing Committee on Environment on S.B. 1647 An Act Concerning Conservation and Preservation Restrictions.

THE CHAIR:

Senator Pac.

SENATOR PAC:

Mr. President, I move acceptance of the Joint Committee's Favorable

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Report and Passage of the bill.

THE CHAIR:

Any comments?

SENATOR PAC:

This is a time when I would need a law degree. This bill really amends the Sections relating to Real Estate. And what it will do is that any charitable trust or any governmental body holding a restriction in terms of, that has been granted to them on any land would have it enforceable in Court. Despite the lack of privity. Now privity is defined as a common bond between participants in a transaction. And often times this common bond is lacking. In these instances. And these restrictions don't run with the law of the land. They are based on some past common law. So in order to get around this and to have some people donate land for conservation and preservation purposes this bill would of course technically amend it.

THE CHAIR:

Further remarks? The question is on the acceptance of the Committee's Favorable Report and passage of the bill. Those in favor indicate by saying aye. AYE. Opposed? The ayes have it. The bill is passed.

THE CLERK:

Bottom of the page Cal. No. 330 , File No. 422. Favorable Report Joint Standing Committee on Public Health and Safety on S.B. 1706. An Act Concerning the Sale of Abandoned or Unused Cemetery Lots.

THE CHAIR:

Senator Pac.