

Act Number	Session	Bill Number	Total Number of Committee Pages	Total Number of House Pages	Total Number of Senate Pages
PA 71-246		5163	2	4	2
<u>Committee Pages:</u> <ul style="list-style-type: none"> Judiciary 697-698 				<u>House Pages:</u> <ul style="list-style-type: none"> 2393-2395 1761(Consent) 	<u>Senate Pages:</u> <ul style="list-style-type: none"> 1508-1509

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
1971**

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1451-1967**

Wednesday, April 28, 1971 11.

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On page 2, Calendar No. 482, House Bill No. 5163, An Act Concerning Actions for Partition or Sale of Property, file number 403.

Calendar No. 483, Substitute for House Bill No. 5165, An Act Concerning Record of Discharge of Mechanic's and Judgment Liens, file number 414.

Calendar No. 484, Substitute for House Bill No. 5283, An Act Concerning the Rendering of Professional Services Through a Professional Service Corporation by Psychologists, file number 413.

Calendar No. 488, Substitute for House Bill No. 8026, An Act Concerning the Return Day for Appeals in Civil Actions, file number 407.

Calendar No. 490, Substitute for House Bill No. 8010. An Act Concerning Copies of Files and Testimony in Criminal Cases, file number 406.

Calendar No. 498, Substitute for House Bill No. 6136, An Act Concerning the Definition of Annual Salary for Teacher Retirement Purposes, file number 448.

Calendar No. 502, Substitute for House Bill No. 7955, An Act Concerning Election of Retirement Benefits by New State Employees, file number 455.

On page 3, Calendar No. 506, Substitute for House Bill No. 8699, An Act Concerning Municipal Public Health Directors, file number 463.

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PART 5
1968-2502**

Monday, May 10, 1971

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It takes back the number on the commission to sixteen, excluding this ex-officio person who it is considered is not a full-fledged member of the commission but merely an ex-officio which the other amendment also clarified. So I think the condition is completely clear at this point and I move for adoption of the amendment.

THE SPEAKER:

Will you remark further on Amendment Schedule "B"? If not, all those in favor indicate by saying aye. Opposed? It's ADOPTED. It's ruled technical.

MRS. TRUEX (23rd):

Mr. Speaker, I now move for adoption of the Joint Committee's favorable report and passage of the bill as amended by Amendments "A" and "B".

THE SPEAKER:

Will you remark further?

MRS. TRUEX (23rd):

I think it's self-explanatory.

THE SPEAKER:

Further remarks? If not, all those in favor indicate by saying aye. Opposed? the bill is PASSED.

THE CLERK:

Page 23, Disagreeing Action, Calendar No. 482, H.B. No. 5163, An Act Concerning Actions for Partition or Sale of Property, as amended by Senate Amendment Schedule "A".

MR. PAOLETTA (136th):

Mr. Speaker, I believe there was a Senate Amendment Schedule "A". I move for acceptance and passage of that amendment.

THE SPEAKER:

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Question is on adoption of Senate Amendment Schedule "A", the House already having taken favorable action on the bill in its unamended form. Do you wish the amendment to be read?

MR. PAOLETTA (136th):

Yes, Mr. Speaker, it's only five or six words.

THE CLERK:

Senate Amendment Schedule "A".

In line 8 after the word "district" insert "then the action shall be brought".

THE SPEAKER:

Question is on adoption of Senate Amendment Schedule "A". Will you remark?

MR. PAOLETTA (136th):

Mr. Speaker, I believe it's merely for the sake of grammatical construction and clarification that the amendment was passed and adopted by the Senate and I urge its passage here.

THE SPEAKER:

Further remarks on Senate Amendment Schedule "A"? If not, all those in favor indicate by saying aye. Opposed? The amendment is ADOPTED. The question now is on adoption as amended by Senate Amendment Schedule "A". Will you remark further?

MR. PAOLETTA (136th):

Mr. Speaker, the substance of the bill provides that in an action for partition, that the cause of action can be brought to the Circuit Court as well as to other courts in the state and it provides that residents of the state can bring it to any circuit in which they are located and in the event they are not located in any jurisdiction in the State of Connecticut, the

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action can be brought to that jurisdiction in which the property is located. It's a good bill, Mr. Speaker, and I urge it's adoption.

THE SPEAKER:

Will you remark further?

MR. AJELLO (118th):

Mr. Speaker, just a question of the proponent of the bill for the sake of the record. I'm somewhat in doubt as to whether or not he says that this provides that we may now bring partition actions in the Circuit Court. Really two questions. One is whether or not prior to this time a partition action has fallen within the jurisdiction of the Circuit Court and, secondly, if this is something new, would the value of the property make any difference as to whether or not an action could be brought in the Circuit Court. In other words, if the value of the property were to exceed the jurisdictional limit of the Circuit Court, would the action still be available there?

THE SPEAKER:

Would the gentleman care to respond?

MR. PAOLETTA (136th):

Mr. Speaker, not with any authority. I had just assumed that it's intended now that partition actions can be brought to the Circuit Court. Now the intention of any action in partition, of course, would be for the partition of the property and not really having any jurisdiction as to amount but rather the effect of the action.

THE SPEAKER:

Will you remark further? If not, all those in favor indicate by saying aye. Opposed? The bill is PASSED.

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**CONNECTICUT
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SENATE

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THE CHAIR:

Question is on passage. Will you remark further? If not, all those in favor signify by saying, "aye". Opposed, "nay". Bill is passed.

THE CLERK:

CAL. NO. 439. File 391. Favorable report of the joint committee on Insurance and Real Estate. Substitute House Bill 5657. An Act Concerning Commissions for Renewals Paid to Insurance Agents Whose Appointments are Terminated.

SENATOR DINIELLI:

Mr. President, I move for acceptance of the joint committee's favorable report and passage of the bill. This bill corrects legislation which was passed two years ago, which required Insurance Companies upon termination of an agent to renew their business for one more year. At that time, which was left out of the original act, the requirement that a company should also pay the agent a commission. This insures that the commission should be paid the same amount to the agent for the renewal. I move adoption.

THE CHAIR:

Question is on passage. Will you remark further? If not, all those in favor of passage signify by saying, "aye". Opposed, "nay". The ayes have it; the bill is passed.

THE CLERK:

CAL. 464. File 403. Favorable report of the joint committee on Judiciary. House Bill 5163. An Act Concerning Actions for Partition or Sale of Property.

SENATOR CALDWELL:

Mr. President, I move the acceptance of the committee's favorable

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report and passage of the bill. Very briefly, it allows for partition actions to be brought now in the Circuit Court as well as in other courts.

Clerk has an amendment.

THE CLERK:

SENATE AMENDMENT "A" OFFERED BY SENATOR CASHMAN:

In line 8, after the word "district" insert "then the action shall be brought."

SENATOR CASHMAN:

Mr. President, I move adoption of the amendment. The purpose for the amendment is really self-explanatory. It's to make the bill read a little bit better and it doesn't change the bill at all.

THE CHAIR:

Will you remark further on passage of the amendment? If not, all those in favor signify by saying, "aye". Opposed, "nay". The amendment is adopted

Senator Caldwell, will your remarks stand?

SENATOR CALDWELL:

That is correct. I now move for the adoption of the bill, as amended by Senate Amendment Schedule A.

THE CHAIR:

Will you remark further on the passage of the bill, as amended? If not, all those in favor signify by saying, "aye". Opposed, "nay". The ayes have it. The bill is passed, as amended.

THE CLERK:

CAL. NO. 465. File No. 414. Favorable report of the joint committee on Judiciary. Substitute House Bill 5165. An Act Concerning Record of Discharge of Mechanic's And Judgement Liens.

**JOINT
STANDING
COMMITTEE
HEARINGS**

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I have one comment to make on the Bill that I have not discussed with the proponents and that is that it might very well be a sensible thing. As I understand, one of the purposes of the Bill is to make it possible for a contractor - acting in his own behalf to file a notice of intention and claim lien. It might be sensible and furtherance in that desire to specify by depiction in the statute itself the form that this notice is to take in addition to specifying the data to be included in that notice so that any person might go directly to the Statutes and reproduce from the Statutes the form of the notice that he then takes to the Town Clerk after completing filling it out.

I would like to take one more moment of your time to put in a bid for a Bill that I have asked to be drafted by the Legislative Commissioner's Office and would also go to the Mechanic's Lien Statutes but which Bill has not seen the light of day as yet and it concerns the matter of sub-contractors - speaking from their point of view now, who do work in a dollar value - \$500 or less perhaps and I have in my district, an excavation subcontractor who falls into this category who finds the remedy afforded by the Mechanic's Lien Statute to be, in fact, no remedy at all. The fact that he can file an intention - a notice of intention to claim on his own motion, after this Bill is passed - if it is - is fine but thereafter he must engage the services of an attorney and the attorney, if the sum of money is \$500 or less, finds it a bothersome thing I am sure. To prosecute a suit to foreclose the lien and the net avails of the proceeding to the contractor is minimal as the result of the need to pay cost and fees.

My suggestion is that the statute be further revised to provide some sort of summary for foreclosure proceedings and to a small claims actions now possible in the Circuit Court. I would ask that you consider that as well.

Sen. Rome:not understandable.

Rep. Donnelly: I say it is being drafted now and I have been after the Legislative Commissioner for more than a month and I have not gotten it yet.

Sen. Jackson: Are there any other members of the General Assembly, if not, we will go back to the public speaker's list and I would remind those of you who came in late that there is a list on the table in the rear and I would ask you to sign it if you desire to speak. Attorney Gallivan to be followed by James Carey.

Mr. Gallivan: Mr. Chairman, Members of the Committee, I am speaking on behalf of the Real Property Section of the Connecticut Bar Association. I have quite a few Bills to speak on and I will keep most of my remarks very brief.

H.B. #5163 - AN ACT CONCERNING ACTIONS FOR PARTITION OR SALE OF PROPERTY.

H.B. #5170 - AN ACT CONCERNING JURISDICTION OF FORECLOSURE OR REDEMPTION SUITS.

Speaking in reference to H.B. #5163 and also H.B.#5170. Both of these Bills - they are little housekeeping Bills. What they do is add to the statute the jurisdiction of the Circuit Court to actions for partitions of Real Estate as well as actions to a foreclosure. As both of the existing statutes which these bills allude have omitted reference to Circuit Courts - Circuit Courts were instituted.

H.B. #5164 - AN ACT CONCERNING INDEFINITE REFERENCES IN RECORDED INSTRUMENTS.

This is a Bill having to do with indefinite references. The philosophy behind that Bill is the recognition that a reference at any recorded title transaction to outstanding interest or outstanding incumbrances whether they can or cannot be found of record - whether they are or are not of record. Results in rendering that title unmarketable simply because under the existing law, any grantee takes subject to that referred to interest whether it is on record or whether it is not on record.

And this statute provides that if a person is not otherwise subject to that interest - in other words if he does not have interest outside of the indefinite reference then the indefinite reference to an interest does not render the title of marketable, will not charge him with any interest.

Because the statute is all inclusive in the price to exist the indefinite reference, there is a provision that the parties may, within one year after the passage of the act, record a notice of an instrument when that notice would not otherwise appear in a line of title so as to charge a person with notice. I might say that the Connecticut Law is also in accord with the majority. A view point on this that indefinite references, even to unrecorded documents will make that person subject to making an inquiry to find out about the unrecorded instrument.

H.B. #5174 - AN ACT CONCERNING LIMITATION OF MECHANIC'S LIEN.

What this Bill endeavors to do is to provide that not only must a lienor institute a foreclosure action within a second two year period, but that he must indicate upon the land records that he did secure a judgment of foreclosure by recording this statutory foreclosure certificate. So that the Title Examiner is not required to go to the Court Records in order to check out whether or not that particular action would reduce the judgment. In other words, the Title Examiner can now determine from an examination the land record 1) whether the action was instituted within two years, 2) whether the foreclosure judgment was rendered within the next two year period.

This statute also eliminates the last provision of the existing law which provided that the lien would be released by the Town Clerk upon the request of any owner.

In view of the other Bill that I now wish to discuss which is H.B. #5165 which provides for an automatic discharge or extinguishment of mechanic's liens and judgment liens as long as the effective statute of limitations is applicable to each have not been complied with. In other words, 39

H.B. #5165 - AN ACT CONCERNING RECORD OF DISCHARGE OF MECHANIC'S AND JUDGMENT LIENS.