

Act Number	Session	Bill Number	Total Number of Committee Pages	Total Number of House Pages	Total Number of Senate Pages
PA 71-257		5098	0	7	2
<u>Committee Pages:</u>				<u>House Pages:</u> <ul style="list-style-type: none"> • 1681-1684 • 2497-2499 	<u>Senate Pages:</u> <ul style="list-style-type: none"> • 1562-1563

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
1971**

**VOL. 14
PART 4
1451-1967**

Monday, April 26, 1971

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Mr. Speaker, this motion will enable a defendant during the course of a trial of a lawsuit, at the conclusion of the plaintiff's case and after all the evidence has been presented, to make a motion for non-suit. The court will then decide whether or not there is any reason to let this case go to a jury. If the court decides that the case is to proceed, then the defendant has an opportunity to continue with his case and present his evidence just as if the motion had not been made. This is something that is recommended by the Judicial Council. I personally feel it will be of assistance in the trial of a lawsuit and I urge the passage of the amendment,

THE SPEAKER:

Further remarks on House Amendment Schedule "A"? If not, all those in favor, indicate by saying aye. Those opposed? The amendment is ADOPTED. We may proceed with the bill as amended. It's ruled technical.

MR. SULLIVAN (130th):

Mr. Speaker, I've covered really the purpose of the bill in my remarks earlier concerning the amendment. It's a good bill and I urge its passage.

THE SPEAKER:

Further remarks on the bill as amended. If not, the question is on acceptance and passage as amended by House Amendment Schedule "A". All those in favor indicate by saying aye. Those opposed? The bill as amended is PASSED.

THE CLERK:

Bottom of the page, page 2, Calendar No. 289, Substitute for H.B. No. 5098, An Act Concerning Attachments Effective Without Removal of Property.

MR. CARROZZELLA (81st):

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

THE SPEAKER:

The question is on acceptance and passage. Will you remark?

MR. CARROZZELLA (81st):

Mr. Speaker, the Clerk has an amendment.

THE CLERK:

House Amendment Schedule "A" offered by Mr. Nevis of the 144th.

In line 1--

MR. CARROZZELLA (81st):

Mr. Speaker, I think I would move that the reading be waived because I think I can summarize the intent of the amendment.

THE SPEAKER:

The Clerk was hoping that you would. Is there objection to outlining the amendment? If not, the gentleman from the 81st.

MR. CARROZZELLA (81st):

Mr. Speaker, the amendment accomplishes three purposes. I think in order to explain the amendment, I think I've got to go into the bill a little bit. What the bill is trying to accomplish is to conform the procedure for attachments which are made on property which cannot be removed through the Uniform Commercial Code. In order to do this, there has to be a filing made with the Secretary of State. The first part of the amendment sets forth the fact that the Secretary of State will provide the form on which the report is made to the Secretary of State's Office. The second part of the amendment sets forth the fact that the Secretary of State will establish the fees and the procedures for filing the notice. And finally, section 2 of

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the amendment, which will become section 2 of the bill, establishes the procedures whereby the attachment is sort of released from the provisions of the Uniform Commercial Code and provides for procedure whereby it is released.

I move adoption of the amendment.

THE SPEAKER:

Question is on adoption of House Amendment Schedule "A". Will you remark further? If not, all those in favor indicate by saying aye. Those opposed? The amendment is adopted. Unless there's objection, it's ruled technical so we can consider the bill this afternoon.

MR. CARROZZELLA (81st):

Mr. Speaker, I now move for acceptance and passage as amended by House Amendment Schedule "A".

THE SPEAKER:

Will you remark further?

MR. CARROZZELLA (81st):

Mr. Speaker, as I said before, the purpose of the bill is to conform the procedure for attachment for a piece of property which cannot be removed to the Uniform Commercial Code which says that all encumbrances must be filed with the Secretary of State. This obviously is an encumbrance and this has caused confusion because under the existing law, it only required a filing with the Town Clerk. The bill before us now would provide a filing with the Town Clerk as well as the Office of the Secretary of State so that those people who are acquainted with the Uniform Commercial Code can check with the Secretary of State's Office and find whether or not the property in question is under attachment.

I move passage of the bill.

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THE SPEAKER:

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Will you remark further on the bill as amended? If not, the question is on adoption, on adoption as amended by House Amendment Schedule "A". All those in favor indicate by saying aye. Those opposed? The bill, as amended, is ADOPTED.

THE CLERK:

Page 4, Calendar No. 418, Substitute for H.B. No. 5838, An Act Amending the Charter of The Curtis Home.

MR. HOLDSWORTH (125th):

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

THE SPEAKER:

Question is on acceptance and passage. Will you remark?

MR. HOLDSWORTH (125th):

Mr. Speaker, The Curtis Home is an instrument of the St. Andrew's Protestant Episcopal Church. They operate this home and all of its for aged, all of its income from securities, so forth, is used for the purpose of supporting these people. This bill increases the amount of the real and personal property held and used for the purposes herein to conform to the true values as of today.

THE SPEAKER:

Further remarks on the bill? If not, all those in favor--
The Clerk indicates he has an amendment. Does the gentleman wish to offer it or withdraw it?

MR. HOLDSWORTH (125th):

Mr. Speaker, I believe the amendment is mine and I would withdraw the amendment.

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

Tuesday, May 11, 1971

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Cal. 289. Sub. for H.B. 5098. File 826, 582 and 225. AN ACT CONCERNING ATTACHMENTS EFFECTIVE WITHOUT REMOVAL OF PROPERTY, as amended by Senate Amendment Schedule A.

THE SPEAKER:

Rep. Oliver of the 104.

MR. OLIVER: (104th)

I move acceptance of the Joint Committee's favorable report and passage of the bill as amended by House Amendment Schedule A.

THE SPEAKER:

The Calendar indicates Senate Amendment.

MR. OLIVER: (104th)

Well, it has already been amended by House Amendment Schedule A.

THE SPEAKER:

Will the Clerk correct the printing in the Calendar so that this is properly before us.

The Clerk is in possession of House Amendment Schedule A. May the calendar then be corrected to indicate that this item now appears before you as a Disagreeing Action as amended by House Amendment Schedule A, and Senate Amendment Schedule A. This House has already passed the bill as amended by House Amendment Schedule A. Rep. Oliver.

MR. OLIVER: (104th)

I move acceptance of Senate Amendment Schedule A, and I would waive thereading and then I'll summarize it.

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THE SPEAKER:

Question now is on adoption of Senate Amendment Schedule A. The gentleman indicates that he will outline in lieu of reading.

MR. OLIVER: (104th)

The reason I would do that is that there are three files here. The only way that Senate Amendment Schedule A would make any sense is if you would look at File 582 but it makes better sense to look at File 826 which is the bill as amended by Senate A. Basically, all Senate A did was change the time period for filing a notice in the Secretary of State's office from 24 to 48 hours. That appears as lines 22 and 23 of File 826 and I think it is a good amendment, it's a technical amendment and it gives a little more time in those actions where attachments are made on machinery, hay and other items that cannot be removed and seized by the sheriff. The bill as amended by House Amendment Schedule A provided that you not only put notice with the Town Clerk but also with the Secretary of State, as a practical matter financial agreements and other things are kept in the Secretary of State's office now. and so this sort of made the practice uniform since we have dropped the uniform commercial code a few years ago. And this Senate Amendment Schedule A just makes a more reasonable time limit for filing with the Secretary of State's office and I move the adoption.

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THE SPEAKER:

Will you remark further on Senate Amendment Schedule A. If not, all those in favor indicate by saying AYE. Opposed. Senate Amendment Schedule A is adopted and ruled technical. The gentleman from the 104th.

MR. OLIVER: (104th)

Mr. Speaker, I move for acceptance of the bill as amended now by House A and Senate A. I think it has been debated and discussed and explained and I think it is now a good bill.

THE SPEAKER:

Will you remark further on the bill as twice amended. If not, all those in favor indicate by saying AYE. Opposed. The bill is PASSED.

THE CLERK:

Cal. 403, House Bill 5375. AN ACT CONCERNING LIABILITY OF LIQUOR SELLERS FOR DAMAGE BY INTOXICATED PERSONS, as amended by Senate Amendment Schedule A.

THE SPEAKER:

The gentleman from the 118th.

MR. AJELLO: (118th)

Mr. Speaker, this item is to be Retained. There is not a report on the Disagreeing Action as of yet. I move that it be Passed, Retaining.

THE SPEAKER:

So ordered.

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SENATE

**PROCEEDINGS
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**VOL. 14
PART 4
1457-1920**

May 6, 1971

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Finance. House Bill 6845. An Act Defining Engaged in Business in the State for Purposes of the Education, Welfare and Public Health Tax Act.

SENATOR CUTILLO:

Mr. President, I move acceptance of the joint committee's favorable report and passage of the bill. This bill will make it clear that a person is "engaged in business in the State" if his activities fall within the terms of either or B, of sub-sections 15 section 12-407. Now, prior to this, the word and was used in place of or. thus making it appear that both conditions under a and b had to be met. I move its passage.

THE CHAIR:

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

THE CLERK:

CAL. NO. 423. File No. 582. Favorable report of the joint committee on Judiciary. Substitute House Bill 5098. An Act Concerning Attachments Effective Without Removal of Property. Clerk has an amendment.

SENATOR JACKSON:

Mr. President, I move acceptance of the joint committee s favorable report and passage of the bill. Clerk has an amendment.

THE CLERK:

SENATE AMENDMENT A, offered by Senator Jackson:

In line 22, bracket the word "twenty-four and insert the word forty-eight.

SENATOR JACKSON:

The amendment is self-explanatory.

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THE CHAIR:

Question is on passage of the amendment, will you remark further? If not, all those in favor signify by saying, "aye". Opposed, "nay". The ayes have it, the amendment is adopted. The amendment is ruled technical. You may proceed with the bill, as amended.

SENATOR JACKSON:

Mr. President, I move passage of the bill, as amended. This simply adds the Secretary of State to the present statute which requires filing with the Town Clerk when any attachment is made on property which is not removed from the site of the attachment. The amendment just increases from 24 to 48 hours, the time limit within which time this filing has to be accomplished.

THE CHAIR:

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

THE CLERK:

CAL. NO. 430. File No. 379. Favorable report of the joint committee on Finance. House Bill 7639. An Act Permitting Associations of Unit Owners to Appeal From Decisions of Local Boards of Tax Review.

SENATOR CUTILLO:

Mr. President, I move acceptance of the joint committee's favorable report and passage of the bill. The purpose of this bill is to permit association of unit owners to appeal decisions of the local board of Tax Review, on behalf of all such owners of the facility. Because the undivided ownership of a common area in condominiums, this bill will allow the association to appeal in behalf of all unit owners for decisions of the Board of Tax