

Act Number	Session	Bill Number	Total Number of Committee Pages	Total Number of House Pages	Total Number of Senate Pages
PA 71-38		5712	2	6	1
<u>Committee Pages:</u> <ul style="list-style-type: none"> <i>Judiciary 404-405</i> 				<u>House Pages:</u> <ul style="list-style-type: none"> <i>605-607</i> <i>642-644</i> 	<u>Senate Pages:</u> <ul style="list-style-type: none"> <i>663</i>

H-109

**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
1971**

**VOL. 14
PART 2
449-973**

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two dollars per day, or part of a day. Such a dog has been impounded longer than a 24-hour period.

EFH

MR. SPEAKER:

Further remarks on the Bill. If not, all those in favor indicate by saying "aye". Those opposed. Bill is passed.

THE CLERK:

Calendar 44. H.B. No. 6109. An Act validating and confirming certain real property transfers concerning Construction and General Laborers' Union, Local No. 230. File 38.

GEORGE W. HANNON, JR.:

Mr. Speaker, may Calendar No. 44, H.B. No. 6109, File No. 38, be passed, retaining its place on the Calendar.

MR. SPEAKER:

Is there objection? Hearing none, so ordered.

THE CLERK:

Calendar 49, H.B. No. 5712. An Act concerning damages for injuries sustained on State highways or sidewalks. File No. 20.

JOHN A. CARROZZELLA:

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

MR. SPEAKER:

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

JOHN A. CARROZZELLA:

Mr. Speaker, this is a very simple Bill. It just substitutes one word or two words in writing to the present notice

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statute relative to injuries sustained on a State highway. Strange EFH as it seems, this was not the requirement before. Notice was that if you called up, that was sufficient notice. So this would require that the notice be in writing, which is a good procedural effect. It's a good Bill. I hope it passes.

MR. SPEAKER:

Remark further.

RONALD A. SARASIN:

Mr. Speaker, the Clerk has an Amendment.

MR. SPEAKER:

Will the Clerk please read the Amendment.

THE CLERK:

House Amendment, Schedule A, Section 1, line 20, delete "one" and insert "two" in lieu thereof. Section 1, Line 21, delete "year" and insert "years" in lieu thereof.

RONALD A. SARASIN:

Mr. Speaker, what this Amendment does is really quite simple. In manner of procedure, in Line 20 and 21, it changes the statute of limitation from one year to two years and brings it in line with action taken by this body in 1969, which changed the statute of limitation for civil actions involving injuries from one year to two years. We believe, and Rep. Papandrea is a co-sponsor of the Amendment (inaudible), that this is a Bill, or an Amendment, that will simply do that...that's just bring it in line...that to keep it one year when the general body of limitations of action require two years is really possibly a trap for

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the unwary, and unfair. I move adoption of the Amendment.

EFH

MR. SPEAKER:

Will you remark further on the adoption of the Amendment.

JOHN A. CARROZZELLA:

Mr. Speaker, I did not know of the Amendment. I think maybe we should pass and retain this item until I talk to him, because we did discuss this in Committee. The thought occurred to us, but we decided not to do it, and I'd like to discuss the matter with Mr. Sarasin.

MR. SPEAKER:

Can I ask the gentleman that this matter be passed temporarily to see if preliminary discussion will accomplish anything. We then will return to it. Will the gentleman from the 95th please.

GEORGE W. HANNON, JR.:

Mr. Speaker, may this item be passed temporarily and returned to the Calendar.

MR. SPEAKER:

Without objection, so ordered.

THE CLERK:

Calendar No. 50. H.B. No. 6056. An Act concerning the piercing of ears. File 24.

MR. SPEAKER:

For the benefit of the Members who were not here yesterday, this item was reconsidered for the purpose of offering an Amendment today. There was no objection to reconsideration. It was moved by a Member who was on the prevailing side at the time

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attorneys who searched the title for the City felt that this bill, this attached bill we've sent for validation and confirmation would be necessary and presented to us for approval by the General Assembly to eliminate any possible question as to the present title of the property, standing in the name of the City of Hartford. I urge the passage of this bill.

THE SPEAKER:

Will you remark further on the bill. If not, all those in favor indicate by saying AYE. Those opposed. The bill is PASSED.

THE CLERK:

Page 2 of the Calendar. Cal. No. 49. House Bill No. 5712.

AN ACT CONCERNING DAMAGES FOR INJURIES SUSTAINED ON STATE HIGHWAYS OR SIDEWALKS. File No. 20.

THE SPEAKER:

Rep. Carrozzella of the 81st.

MR. CARROZZELLA: (81st)

Mr. Speaker, I move for acceptance of the Joint Committees Favorable Report and passage of the bill.

THE SPEAKER:

Question is on acceptance and passage. Will you remark.

MR. CARROZZELLA: (81st)

I would yield to Representative Sarasin.

THE SPEAKER:

The Chair recognizes Mrs. Sarasin's husband, Rep. Sarasin.

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MR. SARASIN: (95th)

The comment from here, Mr. Speaker, is that it looks like Mrs. Sarasin standing here.

Mr. Speaker, the Clerk has an Amendment.

THE SPEAKER:

Will the Clerk please read the amendment.

THE CLERK:

House Amendment Schedule "A". Section 1, line 20, delete the word "one" and insert the word "two" in lieu thereof. In Section 1, line 21, delete "year" and insert "years" in lieu thereof.

THE SPEAKER:

Representative Sarasin.

MR. SARASIN: (95th)

Mr. Speaker, the bill or the amendment rather changes one year to two years in your File No. 20 and I would/^{move} adoption of this measure. What it does is simply bring in line with the statute of limitation an extension that was made in 1969, in this bill and I would move adoption.

THE SPEAKER:

Question is on adoption of Amendment Schedule "A". Will you remark further. If not, all those in favor indicate by saying AYE. Those opposed. The Amendment is ADOPTED. The Chair will rule it technical and we can now proceed with adoption of the bill as amended.

Representative Carrozzella.

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MR. CARROZZELLA: (81st)

Mr. Speaker, the bill merely adds the words in writing relative to a notice given to the State. Strange as it seems, right now the law is that the notice does not have to be in writing. This is a good bill and I hope it passes and as amended it is probably a better bill.

THE SPEAKER:

Will you remark further 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 is PASSED.

THE CLERK:

Cal. No. 55. House Bill No. 7562. AN ACT CONCERNING THE
SUBSTITUTION OF A LIEN IN LIEU OF BOND ON THE DISSOLUTION OF ANY ATTACHMENT.
File 43.

the SPEAKER:

Rep. Guidera of the 162nd.

MR. GUIDERA: (162nd)

Mr. Speaker, the Clerk has an amendment.

THE CLERK:

House Amendment Schedule "A", offered by Mr. Guidera of the 162nd.
Delete Section 5. Renumber Section 6 to Section 5. Renumber Section 7
to Section 6.

MR. GUIDERA: (162nd)

Mr. Speaker, I move passage of the amendment.

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**CONNECTICUT
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SENATE

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THE CHAIR:

Will you remark further? Question is on passage of the bill. All those in favor say, "aye". Opposed, "nay". The ayes have it. The bill is passed.

THE CLERK:

CAL. NO. 88. FILE NO. 20. Favorable report of the joint standing committee on Judiciary. House Bill No. 5712. An Act Concerning Damages for Injuries sustained on State Highways or sidewalks. As Amended by House Amendment A.

SENATOR JACKSON:

Mr. President, I move acceptance of the committee's favorable report and passage of the bill, as amended by House Amendment Schedule "A".

THE CHAIR:

Will you remark?

SENATOR JACKSON:

Mr. President, House Amendment Schedule "A" changes the word one to two in Line 20 and in line 22, the word year to years. The bill as originally drafted and amended as I just indicated, provides and makes very clear that notice to the State Highway Department of damages for injuries sustained on State Highways or sidewalks shall be in writing. At the present time, it says notice shall be given. This bill makes it very clear that the notice shall be in writing.

THE CHAIR:

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

**JOINT
STANDING
COMMITTEE
HEARINGS**

JUDICIARY

**PART 2
393-688**

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This Bill provides that any person who is evicted will receive a 48 hour notice before their personal effects are put out of their dwelling. I believe that this is an important Bill and that it gives people some notice so they can move their personal effects before the sheriff comes and moves it to the street.

H.B. #1031 - AN ACT CONCERNING APPEAL IN SUMMARY PROCESS CASES.

What this Act does, it mends Section 52-542 of this General Statutes to provide that rather than posting a bond on an appeal from a summary process case, all the individual has to do is pay his regular rent to the Clerk of the Court. The reason that this is an important piece of legislation is because it allows both rich and poor to have access to the appellant process in summary process cases. As it is now, indigent tenants who wish to appeal a judgement in a summary process case, are not able to post a bond and therefore not able to appeal decisions. They go against them in summary process cases.

This Bill would insure to any tenant that has an legitimate legal claim to be able to pursue that through the appellant procedure of the State courts.

H.B. #1032 - AN ACT CONCERNING RIGHT TO JURY TRIAL IN SUMMARY PROCESS ACTIONS.

We feel that this is also an important Bill in that it provides that in a summary process case, an individual may request and receive a jury trial if he feels that the issues that are to be raised are important enough to warrant such a jury trial. Thank you.

Rep. Carrozzella: Mr. Knurek

Mr. Knurek: Mr. Chairman, Members of the Committee. My name is Adam Knurek of the State Department of Transportation. I would like to talk first on H.B. #5712.

H.B. #5712 - AN ACT CONCERNING DAMAGES FOR INJURIES SUSTAINED ON STATE HIGHWAYS OR SIDEWALKS.

At the present time, Section 13a-144 of the General Statutes provides that notice of injury by means of defective highway, bridge or sidewalk must be given to the Commissioner within 60 days. In some instances, injured persons have called various employees of the Department and no record of the phone call was made. In order to protect the interest of the parties, this bill was required the submission of written notice within 60 days of the injury.

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JUDICIARY COMMITTEE

FEBRUARY 25, 1971

This would tend to prevent embarassment to the State and to the claimant by providing for a written notice - written record of notice besides getting the possible defense of inadequate notice that can be given by our insurers if the claimant cannot identify the person to whom he gave notice. A favorable report is respectfully requested.

Now I would like to speak on S.B. #558, H.B. #6372 and H.B. #7132 and also S.B.#917 which is not scheduled for today.

S.B. #558 - AN ACT CONCERNING THE ARBITRATION OF PUBLIC WORKS CLAIMS.

In varying degrees, these first three Bills seek to expand the remedies persons have against the State. S.B. #558 would permit persons whocontract with the State for Public Works to compel the State to submit to arbitration. Such contractors have an adequate remedy in that they may bring an action against the State under Section 4-61 within three years after the contract is accepted.

I would like to call the Committee's attention to S.B. #917 which I believe was drafted by the Attorney General's Office, which is not scheduled for Hearing today, but which encompasses some of the reasons for S.B. #558 in that it would establish a Courtaclaim Session which would expedite the Hearing of Contractual Disputes arising from State Public Works Contracts. We would favor S.B. #917 rather than S.B. #518 and H.B. #7132 which would abolish all governmental immunity.

H.B. #6372 - AN ACT CONCERNING LIABILITY OF THE STATE TO PROPERTY OWNERS INJURED BY THE PROPER PERFORMANCE OF A STATE CONTRACT.

With respect to these Bills and H.B. #6372 it is felt that there are already ample remedies. As you are aware, the Legislature had established a Commission on Claims to hear in the Adjudicate claims against the State as they are submitted and to grant permission to sue if a question of law arises.

As far as the Department of Transportation has been involved in claims, we feel the public was adequately and fully given its day in Court before the Commission on Claims and was treated very fairly. In ten years, since the enactment of the Bill established a Commission on Claims, 222 claims involving the Department of Transportation and the former Highway Department were heard.