

Act Number	Session	Bill Number	Total Number of Committee Pages	Total Number of House Pages	Total Number of Senate Pages
PA 71-518		6892	3	2	2
<u>Committee Pages:</u> <ul style="list-style-type: none"> • <i>Judiciary</i> 705 • <i>Judiciary</i> 709-710 				<u>House Pages:</u> <ul style="list-style-type: none"> • 3632- 3633 	<u>Senate Pages:</u> <ul style="list-style-type: none"> • 2778- 2779

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
1971**

**VOL. 14
PART 8
3377-3877**

Monday, May 24, 1971

77.

MR. OLIVER: (104th)

Mr. Speaker, speaking on the bill as amended in a happy birthday spirit, I ask its acceptance and passage.

THE SPEAKER:

Question is on acceptance and passage of the bill as amended. Will you remark further. If not, all in favor will say AYE. Opposed. THE BILL IS PASSED.

THE CLERK:

Cal. 1064, Sub. for H.B. 6892. AN ACT CONCERNING A UNIFORM REAL PROPERTY ACQUISITION POLICY.

THE SPEAKER:

The lady from the 139th.

MRS. SIMONS: (139th)

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

THE SPEAKER:

Question is on acceptance and passage. Will you remark.

MRS. SIMONS: (139th)

Mr. Speaker, this is new legislation which provides that in condemnation brought by a state agency to acquire real property, if the judgment of the court is that the state cannot acquire the property by condemnation or such proceedings are abandoned by the state, the owner of said property shall be reimbursed for his reasonable costs and disbursements including attorneys, appraisal and engineering fees actually incurred. It is a good bill, Mr. Speaker and I move for its passage.

roc

Monday, May 24, 1971

78.

THE SPEAKER:

Will you remark further on the bill. If not, the question is on passage of the bill. All in favor please say AYE. Opposed. THE BILL IS PASSED.

THE SPEAKER: (William R. Ratchford back in Chair)

He just told me he is going to stick with the Hawaiian Room. The gavel is a lot easier up there.

Rep. Simons.

MRS. SIMONS: (139th)

Mr. Speaker, I rise for a point of personal privilege. Mr. Speaker, I don't want to detract from your wonderful happy birthday but it is also the birthday of the dean of the OWLs, a great gal, our dearest Mary Hill and I think it would be nice at this time, since we are in the mood that we wish Mary also a Happy Birthday.

Mr. Speaker, I might add that we received the birthday cake for Mary last week so we are not taking anything away from her.

THE SPEAKER:

The Speaker would personally invite Mary to join in the Speaker's room afterwards to share the birthday cake. Happy Birthday to you, Mary.

MRS. HILL:

Thank you for the applause. I certainly appreciate it very much. I have made many good friends in this House and I certainly will remember everyone of you.

roc

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But, basically, I think that the General Law Committee has made a step forward here. by creating a licensing provision and with Senator Strada I will be watching as the bill takes effect, to see how collection agencies and in the public fair under and if they re not doing well enough, if the public is not adequately protected. I think we ll be back trying to toughen this bill. next year.

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. 955. File No. 1133. Favorable report of the joint committee on Labor and Industrial Relations. House Bill 9245. An Act Providing Benefits for Municipal Fire and Police Department Members Who are Disabled or Die As the Result of Hypertension or Heart Disease.

SENATOR CALDWELL:

Mr. President, may that be passed temporarily.

THE CHAIR:

Passed temporarily. until the return of Senator Smith.

THE CLERK:

CAL. NO. 967. File No. 1144. Favorable report of the Joint Committee on Judiciary. Substitute House Bill 6892. An Act Concerning a Uniform Real Property Acquisition Policy.

SENATOR JACKSON:

Mr. President, I move acceptance of the joint committtee's favorable report and passage of the bill. This bill provides for payment of Attorney's fees, engineering appraisal fees, in inverse condemnation proceedings. This

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payment will, must be made so that the State Department of Transportation can comply with Section 304, Title 3 of the United States Code. And so, that the State Department will not lose Federal Funds for highways.

For those who may be interested, in inverse condemnation is where you have land locked piece of land, and you would have an opportunity to bring an action to force the state to bring condemnation proceedings.

THE CHAIR:

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

THE CLERK:

CAL. NO. 971. File No. 1360. Favorable report of the joint Committee on Judiciary. Substitute House Bill 7486. An Act Concerning Retirement of a Judge of Probate.

SENATOR JACKSON:

Mr. President, I move acceptance of the joint committee's favorable report and passage of the bill. This bill spells out the length of service required for retirement of Probate Court Judges. I urge passage.

THE CHAIR:

Will you remark further? If not, all those in favor of passage signify by saying, "aye". Opposed, "Nay". The ayes have it. Bill is passed.

THE CLERK:

CAL. NO. 979. File 1366. Favorable report of the joint committee on Appropriations. Substitute Senate Bill 570. An Act Concerning Provision for Bus Transportation for Children Attending Private Schools.

SENATOR HOULEY:

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

**JOINT
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BC
TUESDAY

JUDICIARY COMMITTEE

MARCH 9, 1971

Mr. Gallivan: No, we did not because we did not have time. We won't be meeting again.

Sen. Jackson: So that there will be no official position on it.

Mr. Gallivan: No, we will just have to take no position on it.

Sen. Rome: Mr. Gallivan on #5868

Mr. Gallivan: What is the number?

Sen. Rome: 5868.

Mr. Gallivan: It has to do with what, Senator?

Sen. Rome: An Act Concerning Instruments for Conveyances of Land. I can give you the Bill and perhaps you would like to look it over and make your comments later.

Mr. Gallivan: Oh, that is the companion Bill to #7002 that I mentioned last week and Representative Healey and Nevas are going to be a sub-committee and are going to line up the differences between the two of them.

Sen. Rome: Thank you.

Sen. Jackson: Mr. Carey to be followed by James Conklin.

Mr. Carey: Mr. Chairman, James Carey, Director of the Real Estate Commission in Connecticut and you will have to excuse me for one minute while I. I would like to speak particularly in reference to Bill #6892.

H.B. #6892 - AN ACT CONCERNING A UNIFORM REAL PROPERTY ACQUISITION POLICY.

I think the Bill is an excellent Bill and I think it speaks for itself and I would urge the Committee's favorable consideration. Thank you.

Sen. Jackson: Thank you. We also appreciate your briefness. Mr. Conklin to be followed by Thomas Yasensky.

Mr. Conklin: Mr. Chairman, Members of the Committee I would like to speak in favor of H.B. #6887 which is a Bill designed to make some amendments in Section 13a-62 of the General Statutes.

H.B. #6887 - AN ACT AMENDING SECTION 13a-62 OF THE GENERAL STATUTES.

This Bill is simply designed to streamline the process. It has reference I think, only to small towns where selectmen are laying out highways. The purport of the Bill is simply to cut the appeal time of an agreed property owner from 8 months to 30 days. 13a-61 provides for notice to

For your information, H.B. #7038 - An Act Concerning Relocation Assistance was introduced by the Chairman of this Committee in order that the Transportation Department could comply with the provisions of public law 91-646. Mr. Knurek has also drafted a substitute for H.B. #7038 which will be presented at the Hearing on that Bill. He also has included here a statement which will be presented at that Hearing which I will leave for your information and we ask your support for substitute H.B. #7038 as being in compliance with Public Law 91-646 in order to obtain Federal Aid for highways.

Also comment on substitute Bill #6892.

H.B. #6892 - AN ACT CONCERNING A UNIFORM REAL PROPERTY ACQUISITION POLICY.

H.B. #6892 was introduced at the request of the Department of Transportation as a hold Bill designed to comply with Title III of the Federal Public Law 91-646 which establishes a uniform policy of real property acquisition practices. I have copies here for the Committee of Title III of that Public Law which I will leave for the members of the Committee.

As written, Bill #6892 requires all governmental agencies, State and Town, to comply with Sections 303 and 304 of the Public Law mentioned and requires that said governmental agencies shall be guided by the real acquisition policies in Section 301 and the provisions of Section 302.

As far as the Department of Transportation is concerned, it is presently authorized to pay or reimburse property owners for the necessary expenses specified in these Sections except for the provision paying reasonable attorney, appraisal and engineering fees if the final judgment by a court is that the Department cannot acquire a particular piece of real property by condemnation or 2) the condemnation proceeding is abandoned by the Transportation Commissioner. The Transportation Department is guided by and complies with the land acquisition policies in Section 301 and Section 302 of said Federal Public Law 91-646.

I would like to submit a substitute Bill for 6892 which would authorize the Transportation Department to comply with the only provision of Title III of Public Law 91-646 which is not authorized by Statute to do at the present time. Thank you.

Rep. Carrozzella: Would you leave those statements with the girl so that she can use them in transcribing. Commissioner Carey - oh, you have already spoken. Attorney Garrigan.

Mr. Garrison: Mr. Chairman, Members of the Committee my name is John Garrison. I am an attorney in Hartford but I am here today representing the New England Land Title Association. I am the Chairman of their Judiciary Committee and I am here speaking on behalf of the Executive Committee of the New England Land Title Association - for those who don't know what the Association is, it is an Association made up of the title companies doing business in the New England States and many of the attorneys who deal primarily with the conveyancing aspects of Real Estate.

I have a letter from the President of the New England Land Title Association which I can leave rather than reading it into the record - it states the position of the Committee on behalf of H. B. #1049 or unqualified support.

H.B. #1049 - AN ACT CONCERNING AMENDMENTS TO THE MECHANICS LIEN STATUTES.

Rep. Carrozzella: Thank you. Mr. Stapleton to be followed by Mr. Hartigan.
Mr. Hartigan.

Mr. Hartigan: Mr. Chairman, Members of the Committee, my name is Robert Hartigan. I am appearing to you today - appearing before you today on behalf of the Northeast Utilities Service Company which is the service isle of Northeast Utilities Operating Companies - Hartford Electric Light, C.L.&P. I am also appearing on behalf of the Algonquin Gas Transmission Company and my comments will apply with equal portion to the Water Companies of this State for whom I am registered Representative.

I am pleased to say that the utilities are not in serious disagreement with Mr. Gallivan's package of Bills which he so ably presented to you except with respect to two Bills. The first of which I will discuss is of perhaps minor importance but I believe we ought to go over some of the points that provide difficulties to the utility companies. That Bill is #5164.

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

As I read Bill #5164, it would not affect or cause the owner of any interested land to lose that interest if he had of record a properly recorded instrument. In other words, Section 1 of that Bill merely renders inoperable the creation of an interest or putting a person on notice of an interest by an indefinite reference in a subsequent Bill but I would call your attention on page two of that Bill - about six lines down under "b" it says 'if the instrument creating the particular interest mentioned in such reference is already of record, then the holder of that interest is required to rerecord and I suggest to you that that exception which is ingrafted upon an existing exception, that language which I just quoted creates some question as to the validity of the conclusion which I just expressed to you that this would not adversely effect an already recorded instrument.

Now, I would like to reason with you for a moment about #5172.

H.B. #5172 - AN ACT CONCERNING A MARKETABLE TITLE ACT.

Mr. Gallivan characterized this Bill as one of the most important Bills to his

Rep. Carrozzella: Pardon me, I think if you stood up straight, if you want you still hear it.

Mr. Hartigan: It is very uncomfortable leaning over. No. 5172 - some of the Members of this Committee, including Representative Carrozzella, will remember that this Bill before you now, would render a change to the present Marketable Title Act, which has been fought over with enthusiasm before this legislature over a great number of years. The Utilities take