

Legislative History for Connecticut Act

HB 7953	<PA 602> PA 602	1979
Judiciary:	1512-1514	3p.
House:	9798-9801	4p.
Senate:	5309, 5382	<u>2p.</u>
		<u>9p.</u>

Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate and House of Representatives Proceedings

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**JOINT
STANDING
COMMITTEE
HEARINGS**

**JUDICIARY
PART 5
1509-1901**

1979

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April 16, 1979

ELBRIDGE JOEL (Continued): out from date of first sale. That word "first" was left out...

SEN. DE PIANO: Oh, I see. Date of first sale - eight years...

ELBRIDGE JOEL: Sale - eight years - correct...

SEN. DE PIANO: And three years from date of discovery...

ELBRIDGE JOEL: Discovery, right. But definitely not knocking it out completely, which this paragraph, as you probably realize, does.

SEN. DE PIANO: Okay? Thank you very much.

ELBRIDGE JOEL: Thank you, Mr. Chairman.

SEN. DE PIANO: Nora Parcels.

PERSON IN AUDIENCE: She's not speaking today.

SEN. DE PIANO: Oh, you're not. Okay. Angela Grant. You're not gonna speak?

ANGELA GRANT: Yes, I am.

PERSON IN AUDIENCE: She wants to pass her spot.

FRANCIS CADY: Mr. Chairman, I'm Francis Cady, Chairman of the Law Revision Commission. I'm here today in support of three bills which are part of the Law Revision Commission's technical revision of the General Statutes. These bills are 1664, implementing the Law Revision Commission's technical revision of the Probate Laws; 7953, implementing the revision of the Real Estate Laws; 7936, concerning revision in the landlord/tenant provisions entitled 47a.

As you know, the Law Revision Commission undertook a technical revision of the General Statutes at the direction of the 1977 Session of the General Assembly, and this is the first revision since 1958. Last year we delivered to you a revision of Title 46. This was adopted unanimously by both the House and the Senate. I think that everyone who has used the Family Law Statutes will agree that this revised language and format has made these statutes easier to read and to understand. In addition, we've developed with the LCO a new format which lists the contents of each chapter at the beginning of the chapter. This makes

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FRANCIS CADY (Continued): it easier for the reader, especially laymen, to locate the statute for which he's looking. These bills that I'm speaking on today are the merely technical revisions, they are not intended to change the meaning of the law. The three bills enact only the language change aspects of our revision work.

Another aspect of this reorganization into chapters--this reorganization work is done by the Commission with the cooperation of the LCO. I might add that in view of the fact that the revision of the laws will not actually be codified until 1981, the Commission has entered into informal discussions with the LCO to determine the most useful format for publication of the revision in the 1979 Public Acts. The ultimate goal of this is to convey the benefit of the revision to users of the General Statutes as soon as possible at a most economical cost.

As an aid to this Committee, the Commission's staff has prepared draft revisions for each of the areas of the law covered by the bills before you, Probate, Real Estate and Landlord/Tenant Law. These draft revisions show both the suggested language changes and the proposed reorganization of the Statute sections. In addition, there is a comment to each Statute which explains the reason for the language changes that we have used. Each draft revision also contains an explanation of what a technical revision is intended to accomplish, a legal memorandum on how the courts have interpreted changes made by the technical revisions, and a detailed table of contents and a conversion table. These draft revisions explain in detail exactly what each revision is about and why it was made...

SEN. DE PIANO: Where are those? Have you filed them with the Committee?

FRANCIS CADY: I have them here, Mr. Chairman, and we will file them following my testimony.

SEN. DE PIANO: Okay.

FRANCIS CADY: I'll explain a little bit about what these constitute in just a moment. Before concluding, I would like to mention that in doing this revision work, we have consulted with members of the Bar and with state agencies. I'd like to thank in particular Judge Glen Neirim, Chief Probate Court Administrator, and his staff for the help and advice that they've provided.

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FRANCIS CADY (Continued): I'd also like to thank the Estates and Probate Section of the Connecticut Bar Association, especially Attorney Ronald Dietrick of that section and the Real Property Section of the Connecticut Bar Association. Thanks also to Sharon Leone Braize of the LCO. I will now give to the Clerk a copy of each of the three bills which has been marked up to reflect minor language changes which we are suggesting in each bill. These changes are in the nature of correcting typographical errors and minor errors in style. I think you can see, Mr. Chairman, that a great deal of work and thoughtful consideration has gone into preparation of these technical revision bills. I hope that the Committee will give them its unanimous approval.

I'd like now to turn the microphone over to Miss Angela Grant, who will speak on the Law Revision Commission's substantiated revision of the Guardianship Statutes.

ANGELA GRANT: My name is Angela Grant. I'm a staff attorney to the Connecticut Law Revision Commission, and I'm here to speak in support of Raised Committee Bill No. 1661, An Act Concerning Guardianship of Children, which embodies a comprehensive revision of the Statutes concerning guardianship of the person of children.

The Law Revision Commission feels that this extensive revision has been necessary to bring the Connecticut General Statutes regarding this area of the law into compliance with the requirements of state and federal case laws which have developed in the years since these guardianship statutes were first enacted.

The text of the bill is fairly straightforward. It includes changes in notice requirements.

SEN. DE PIANO: What are those changes?

ANGELA GRANT: Well it wasn't clear at which stages of various proceedings notice was required previously and to which parties, and it's been broken down in very clear steps and at each point the parties in interest are provided notice, as customary for proceedings of this type. It also has clarified the standards for appointment of guardians, for removal of a parent or other guardian, and for counsel for the child.

I'd like to address one of the sections briefly in a moment. The revision was prepared over the course of a year in close cooperation with the honorable Glenn E.

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**CONNECTICUT
GEN. ASSEMBLY
HOUSE**

**PROCEEDINGS
1979**

**VOL. 22
PART 28
9589-9933**

House of Representatives

Wednesday, May 23, 1979

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CLERK:

Calendar 1347, File 1123, Substitute for House Bill No. 7953, AN ACT IMPLEMENTING THE LAW REVISION COMMISSION'S TECHNICAL REVISION OF THE REAL ESTATE LAWS. Favorable Report of the Committee on Judiciary.

REP. TULISANO: (29th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Richard Tulisano.

REP. TULISANO: (29th)

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

SPEAKER ABATE:

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

REP. TULISANO: (29th)

Mr. Speaker, again, this is another one of the technical revisions. This is of the Real Estate Law submitted to the General Assembly through the Judiciary Committee by the Law Revision Commission. It is a continuation of the one which they began last year. Again, these are just changes in the language to make it clearer and to clarify the language and make it, that some of the over statutes in language were readable in English. But there are no substantive changes whatsoever in the law. I move passage of the bill.

SPEAKER ABATE:

Will you remark further on this bill?

REP. JAEKLE: (122nd)

Mr. Speaker.

SPEAKER ABATE:

Rep. Robert Jaekle.

REP. JAEKLE: (122nd)

Thank you, Mr. Speaker. A question through you to the proponent of the bill, please.

SPEAKER ABATE:

State your question, sir.

REP. JAEKLE: (122nd)

Thank you. Rep. Tulisano, I will refer you to section 68 of the act, which is on line 1757 through 1798. Section 68 amends section 49-8 of the General Statutes, which I believe was one of the first bills of the session which has to do with damages for failure to release a mortgage. I notice that the file copy does not contain the revisions that we made in the law, and I am asking, one, what happened to the law that we passed. And two, if this act passes, amending again section 49-8 in a different fashion, which will prevail? This bill or the previously enacted bill?

REP. TULISANO: (29th)

Through you, Mr. Speaker.

SPEAKER ABATE:

Rep. Tulisano, will you respond, sir?

REP. TULISANO: (29th)

Through you, Mr. Speaker. As I understand what occurs when we pass legislation this way, when this is a technical bill that they do it editorially in compiling the public acts that has merged into this bill at the same time. That is my understanding from something that occurred last year of a similar nature.

SPEAKER ABATE:

Rep. Jaekle, you still have the floor.

REP. JAEKLE: (122nd)

Yes, just to clarify that, through you, that our previously adopted act would indeed remain the law, and that this bill would not change what we have previously enacted. Through you.

REP. TULISANO: (29th)

Through you, Mr. Speaker. That's correct.

REP. JAEKLE: (122nd)

Thank you.

SPEAKER ABATE:

Will you remark further on this bill. Would all the members please be seated. All staff and guests please come to the well of the House. The machine will be opened.

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SP. 10 : The House of Representatives is voting by roll at this time. Would the members please return to the Chamber immediately. The House is voting by roll at this time. Would the members please return to the Chamber immediately.

REP. : Have all the members voted? Will the members please check the roll call machine to determine if their vote is properly recorded. The machine will be locked. The Clerk will take the tally. Will the Clerk please announce the tally.

CLERK:

REP. : House Bill 7953.

Total number voting	146
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Necessary for passage	74
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Those voting yea	146
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Those voting nay	0
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Those absent and not voting	5
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SPEAKER ABATE:

The bill passes.

CLERK:

Calendar 1360, File 478, 1044, Substitute for Senate Bill No. 1541, AN ACT CONCERNING THE CITY OF MILFORD VOLUME REDUCTION PLAN. Favorable Report of the Committee on Finance, Revenue and Bonding.

REP. STOLBERG: (93rd)

Mr. Speaker.

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CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS
1979

VOL. 22
PART 16
5201-5561

SENATE

JUNE 1, 1979

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Committee on Judiciary, Substitute House Bill 7953, AN ACT IMPLEMENTING THE LAW REVISION COMMITTEE'S TECHNICAL REVISION OF THE REAL ESTATE LAWS.

THE CHAIR:

Senator Santaniello.

SENATOR SANTANIELLO:

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

THE CHAIR:

Question's on acceptance and passage. Will you remark Senator?

SENATOR SANTANIELLO:

In the title again, Mr. President, simply technical in nature, this Bill would make several non-substantive amendments to the Real Estate Laws again proposed by the Law Revision Commission. If there is no objection, I move it to Consent.

THE CHAIR:

Further discussion on the Bill. Objection to the Motion to place on Consent? Hearing neither, it is so ordered.

THE CLERK:

Bottom of page 5, Calendar 1239, File 1148, Favorable Report of the Joint Standing Committee on Appropriations, Substitute House Bill 7694, AN ACT CONCERNING AN AQUIFER ASSESSMENT IN SOUTHWESTERN CONNECTICUT.

THE CHAIR:

Is Senator Schneller in the Chamber? We are on the bottom of page 5,

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SENATE

JUNE 1, 1979

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Members of the Circle that our business is not really concluded. Senator Schneller has a Bill that he wants to reconsider and put a different Amendment on so after you vote on the Consent Calendar, we're not really thru, so don't head for the doors too quickly. The machine will be opened. Senator Schneller.

SENATOR SCHNELLER:

Mr. President -

THE CHAIR:

I'm just calling to your attention that you might have pushed the wrong button. Have all Senators voted? The machine will be closed and locked. On the Consent Calendar, the total voting is:

32

17 Necessary for passage

32 Yeas HR 7975, HR 7936, HB 7953, HB 5945, HB 7694, HB 5370,
SB 1483, HB 7884, SB 1418, SB 1429, SB 1667, SB 1467, HB 7153

0 Nay

The Consent Calendar is adopted. Senator Schneller.

SENATOR SCHNELLER:

Mr. President, I ask that the Senate stand at ease for possible reconsideration of an Amendment that I offered earlier today dealing with the extension of State employees contracts. There might be a technical flaw in the Amendment. We would have had a new Amendment here but unfortunately the