

Legislative History for Connecticut Act

HB 7048	PA 564	1983
House - 2213, 4895-4899, 7925-7947, 9034-9037		(33)
Senate - 3780-3781, 3886-3887, 4628- 4636 4680-4682, 4853-4856, 4857-4859		(23)
Banks - 0		
LAW/LEGISLATIVE REFERENCE DO NOT REMOVE FROM LIBRARY		
		56p.

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

Connecticut State Library

Compiled 2016

H-339

CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS
1983

VOL. 26
PART 6
2017-2492

kdf

197

House of Representatives

Tuesday, April 19, 1983

CLERK:

House Bill No. 5232.

Total Number Voting 137

Necessary for Passage 69

Those voting Yea 73

Those voting Nay 64

Those absent and not Voting 14

SPEAKER STOLBERG:

The bill is passed.

CLERK:

Page 9, Calender No. 214, File No. 251, Substitute
House Bill No. 7048, AN ACT CONCERNING THE ASSIGNMENT OF
MORTGAGES MADE BY OUT-OF-STATE MORTGAGE LENDERS. Favorable
 Report of the Committee on Banks.

REP. MOYNIHAN: (10th)

Mr. Speaker.

SPEAKER STOLBERG:

Rep. Moynihan.

REP. MOYNIHAN: (10th)

Mr. Speaker, I move that that item be referred to
the Committee on Judiciary.

SPEAKER STOLBERG:

Is there objection? Is there any objection? Seeing
 no objection, the item is referred to the Committee on
Judiciary.

**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
1983**

**VOL. 26
PART 14**

House of Representatives

Tuesday, May 17, 1983

The House of Representatives is now voting by roll call. Will members please return to the Chamber immediately. The House of Representatives is now voting by roll call. Will members please return to the Chamber immediately.

Have all the members voted? If so, the machine will be locked and the Clerk will take a tally.

Will the Clerk please announce the tally.

CLERK:

Senate Bill 495.

Total number voting	148
---------------------	-----

Necessary for passage	75
-----------------------	----

Those voting yea	148
------------------	-----

Those voting nay	0
------------------	---

Those absent and not voting	3
-----------------------------	---

SPEAKER STOLBERG:

The bill is passed.

CLERK:

Please turn to Page 2, Calendar 214, Substitute for House Bill 7048, AN ACT CONCERNING THE ASSIGNMENT OF MORTGAGES MADE BY OUT-OF-STATE MORTGAGE LENDERS. Favorable Report of the Committee on Judiciary.

klc

House of Representatives

Tuesday, May 17, 1983

REP. ONORATO: (97th)

Mr. Speaker.

SPEAKER STOLBERG:

Rep. Onorato.

REP. ONORATO: (97th)

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

SPEAKER STOLBERG:

Will you remark?

REP. ONORATO: (97th)

Yes, thank you, Mr. Speaker.

SPEAKER STOLBERG:

Will members please give their attention to Rep. Onorato. Please proceed.

REP. ONORATO: (97th)

Thank you, Mr. Speaker. Before I remark on the bill I would like to point out in the file copy on line number 37, there's a typographical error. That should read "on residential real estate" instead of "or". I call that to your attention so that it can be corrected when it goes to LCO.

SPEAKER STOLBERG:

Will members please note on Line 37, the word "or" should read, but because of a typographical error does not,

House of Representatives

Tuesday, May 17, 1983

it should read "on".

Please proceed, Rep. Onorato.

REP. ONORATO: (97th)

Thank you, Mr. Speaker. Mr. Speaker, what this bill does is it would require the name and address of all parties involved in an assignment on a residential mortgage loan made by an out-of-state banking corporation and require that they put their names and addresses, both the assigned and the assignor.

Further, it would provide in Section 2 that whenever an assignment of a mortgage is made to an out-of-state institution from a Connecticut institution that the release when ordered shall be in conformance with the practice of the State of Connecticut. The reason is that sometimes releases are held up for a period of weeks because the release has not been paid for, so they don't send the release.

It is the common practice in this State to hold those funds in escrow, and that's the necessity for that particular provision.

I move passage of the bill.

SPEAKER STOLBERG:

Will you remark further on the bill? Will you remark further? If not, will members please be seated.

klc

204

House of Representatives

Tuesday, May 17, 1983

Will staff and guests come to the well of the House. The machine will be opened.

The House of Representatives is now voting by roll call. Will members please return to the Chamber immediately. The House of Representatives is now voting by roll call. Will members please return to the Chamber immediately.

Have all the members voted? Have all the members voted? If so, the machine will be locked and the Clerk will take a tally.

REP. BROOKS: (95th)

Mr. Speaker.

SPEAKER STOLBERG:

Rep. Brooks.

REP. BROOKS: (95th)

May I be recorded in the affirmative, please.

SPEAKER STOLBERG:

Rep. Brooks in the affirmative.

REP. SWENSSON: (13th)

Mr. Speaker, Swensson in the affirmative, please.

SPEAKER STOLBERG:

Rep. Swensson in the affirmative. Rep. Wilber?

REP. WILBER: (133rd)

Mr. Speaker, in the affirmative, please.

House of Representatives

Tuesday, May 17, 1983

SPEAKER STOLBERG:

Rep. Wilber in the affirmative.

Will the Clerk please announce the tally.

CLERK:

House Bill 7048.

Total number voting 144

Necessary for passage 73

Those voting yea 144

Those voting nay 0

Those absent and not voting 7

SPEAKER STOLBERG:

The bill is passed.

CLERK:

Page 16, Calendar 647, Substitute for House Bill 5972, AN ACT CONCERNING AN UNEMPLOYED HOMEOWNERS PROTECTION ACT. Favorable Report of the Committee on Judiciary.

REP. GROPPA: (63rd)

Mr. Speaker.

SPEAKER STOLBERG:

Rep. Groppo.

REP. GROPPA: (63rd)

May this bill be referred to the Committee on Banks.

**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
1983**

**VOL. 26
PART 23**

House of Representatives

Friday, June 3, 1983

New Haven, and the powers that would ultimately be granted to these Yale University Police Officers would be only those that are granted through the New Haven Board of Police Commissioners.

I think we have to realize that Yale University is an integral part of the downtown area in the City of New Haven, and as such, it is very difficult to separate the campus from the downtown area, and since this amendment is permissive, Mr. Speaker, I would urge this Chamber to oppose the rejection of the amendment. Thank you.

SPEAKER STOLBERG:

Will you remark further? Rep. Gibson.

REP. GIBSON: (40th)

Yes, Mr. Speaker. Some additional information has just been brought to me, through the leadership, and at this time I'd like to ask to have this amendment Ptd so we may take a look at it.

SPEAKER STOLBERG:

Is there objection? Is there objection? Seeing no objection, the item is passed temporarily. The Clerk please continue with the call of the Calendar.

CLERK:

Calendar 214, Substitute for House Bill 7048, AN
ACT CONCERNING THE ASSIGNMENT OF MORTGAGES MADE BY OUT-OF-STATE

House of Representatives

Friday, June 3, 1983

MORTGAGE LENDERS, as amended by Senate Amendment Schedule "A". Favorable Report of the Committee on Judiciary.

SPEAKER STOLBERG:

Rep. Robert Frankel.

REP. FRANKEL: (121st)

Thank you, Mr. Speaker. In the absence of the Chairman of Banks, I would move for acceptance and passage of the bill.

SPEAKER STOLBERG:

Will you remark?

REP. FRANKEL: (121st)

Yes, Mr. Speaker. The Clerk has an amendment, previously designated Senate "A", LCO 6714. Would the Clerk please call the amendment. May I be permitted to summarize.

SPEAKER STOLBERG:

The Clerk has an amendment, LCO 6714, which has been designated Senate Amendment Schedule "A". Will the Clerk please call.

CLERK:

LCO No. 6714, previously designated Senate Amendment Schedule "A", offered by Sen. Murphy of the 19th.

SPEAKER STOLBERG:

Rep. Frankel has asked leave to summarize. Is there

krr

11

House of Representatives

Friday, June 3, 1983

objection? Seeing none, please proceed.

REP. FRANKEL: (121st)

Mr. Speaker, in order to explain Senate "A", I have to explain what is somewhat of a bizarre history of this bill.

When this bill came before the House, Rep. Krawiecki offered what was House "A", LCO 4267. Indeed, it was a good amendment. The House adopted it, and it became incorporated in the new file, File 782.

The Senate, in its wisdom decided to improve on Rep. Krawiecki's amendment, and intended to remove it and replace it with the contents of Senate "A". In fact, Senate "A" is nothing more than House "A" in an improved version, in order to clarify this predicament because Senate "A" did not replace House "A", I will be calling an amendment later to clarify it, but indeed, Senate "A" is nothing more than improved version of House "A" that was adopted earlier, and I would move its adoption.

SPEAKER STOLBERG:

What is your pleasure?

REP. FRANKEL: (121st)

Move adoption of Senate "A".

SPEAKER STOLBERG:

Will you remark?

House of Representatives

Friday, June 3, 1983

REP. FRANKEL: (121st)

In explaining the amendment, I believe I've remarked sufficiently, Mr. Speaker, and I would urge the Chamber to adopt Senate "A" at this point so we can go on to adopt House "B" and clarify the status of this bill.

SPEAKER STOLBERG:

Will you remark further on Senate Amendment Schedule "A"? If not, all those in favor of the amendment, please indicate by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER STOLBERG:

All those to the contrary, nay. The amendment is adopted and ruled technical. Will you remark further?

Rep. Frankel.

REP. FRANKEL: (121st)

Yes, Mr. Speaker, the Clerk has an amendment, LCO 7254. Would the Clerk please call and read the amendment.

SPEAKER STOLBERG:

The Clerk has an amendment, LCO 7254, which will be designated House Amendment "B".

REP. FRANKEL: (121st)

The Clerk please read the amendment, Mr. Speaker.

krr

House of Representatives

Friday, June 3, 1983

SPEAKER STOLBERG:

I believe that there is no House Amendment on this. We have just adopted Senate "A", so this would be House Amendment Schedule "A". Rep. Frankel, do you have other information?

REP. FRANKEL: (121st)

Mr. Speaker, for purposes of clarification, this matter originally was File No. 251, and the House adopted LCO No. 4267 on a previous occasion. It then became part of the file, in the reprint, File No. 782, and I would respectfully suggest that this be designated House "B" for the record, so there's no confusion, even though this is a brand new file before us.

SPEAKER STOLBERG:

Rep. Frankel, could you stand at ease. We're trying to locate a copy of House "A", which should be with the bill, but is not.

Okay, Rep. Krawiecki informs the Chair that indeed, there was not a House "A", that the bill was referred to a committee. In committee action was taken, it was then reported back, thus the House has not adopted any amendments, pro forma. The Senate did adopt Senate "A", which we have just adopted.

Before us now is LCO 7254, which unless Rep. Frankel

House of Representatives

Friday, June 3, 1983

has information to the contrary, will be designated House Amendment Schedule "A".

CLERK:

LCO 7254, designated House "A", offered by Rep. Onorato and Rep. Krawiecki.

SPEAKER STOLBERG:

The Clerk please read.

CLERK:

Strike section 2 and renumber remaining sections accordingly

SPEAKER STOLBERG:

Rep. Frankel.

REP. FRANKEL: (121st)

I move adoption.

SPEAKER STOLBERG:

Will you remark?

REP. FRANKEL: (121st)

First I apologize. My information relative to the status of this was in a brief briefing by the Chairman of the Committee, and I understood that an amendment had adopted. Apparently it had been in committee as the Speaker has indicated.

The reason that we need this amendment, Mr. Speaker, is merely to put the file in order. The Senate in its

House of Representatives

Friday, June 3, 1983

wisdom, or lack thereof, went and adopted Senate "A", added new language to Section 3, but failed to take out the old language in Section 2, and therefore this amendment would merely clarify the bill and put it back in its original status, and I would urge adoption.

SPEAKER STOLBERG:

Will you remark further on House "A"? Will you remark further on House "A"? If not, all those in favor of the amendment, please indicate by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER STOLBERG:

All those to the contrary, nay. The amendment is adopted and ruled technical. Will you remark further on the bill as amended by Senate "A" and House "A"?

REP. KRAWIECKI: (78th)

Mr. Speaker.

SPEAKER STOLBERG:

Rep. Krawiecki.

REP. KRAWIECKI: (78th)

Thank you, Mr. Speaker. Mr. Speaker, the Clerk has an amendment. It is LCO 7537. Would he please call the amendment, and may I be allowed to summarize.

House of Representatives

Friday, June 3, 1983

SPEAKER STOLBERG:

The Clerk has an amendment, LCO 7537, which will be designated House Amendment Schedule "B". Will the Clerk please call.

CLERK:

LCO 7537, designated House "B", offered by Rep. VanNorstrand of the 141st.

SPEAKER STOLBERG:

Rep. Krawiecki has asked leave to summarize. Is there objection? Seeing no objection, please proceed.

REP. KRAWIECKI: (78th)

Mr. Speaker, members of the House, this amendment is the so-called mortgage moratorium amendment that you heard about from probably day one following.

It is a process whereby an individual who is being foreclosed by a financial institution may make application to the courts of the State of Connecticut with a financial affidavit, asking the court to examine his assets and the conditions of the foreclosure action, at which time the court will decide whether or not the individual is eligible based on the criteria that's set forth in the amendment.

If the foreclosure action is approved by the Superior Court, the court may stay the foreclosure action for a period of six months, and that the court will order a

House of Representatives

Friday, June 3, 1983

restructuring of the individual's mortgage, and as a condition of the restructuring order, the court may order the homeowner as good faith to pay 25%, up to 25% of his net income per month as a means of demonstrating his good will.

I move adoption of the amendment.

SPEAKER STOLBERG:

Will you remark on House "B"?

REP. KRAWIECKI: (78th)

Mr. Speaker, this is a good amendment, I believe. It's an amendment that has had a rather interesting history in this General Assembly. It's an amendment that has received bipartisan support. It's an amendment that has been supported by the Connecticut labor groups, the AFL-CIO, and others. It's a proposal that has had public hearing. It is a proposal that has been approved by the Judiciary Committee.

It is a proposal that came to the floor of the House of Representatives, and in an attempt to conform with the rules of the House, it was sent to the Bank Committee, where unfortunately it was lost in the shuffle of the major banking legislation which we have had this year. It's a good process, and it's one that certainly can help the people of this state who have been victimized

House of Representatives

Friday, June 3, 1983

by unemployment.

This bill is designed to help the individual who has owned a home for at least two years. It's designed to help an individual who has built up equity in their home. This is not a free-for-all. It's not a proposal that would allow just any individual to come in and say, because I happen to have a mortgage, you ought to protect me.

The set of standards that have been put forth provide for a restructuring of the mortgage. And I repeat, it is designed for those individuals that have been displaced because of unemployment, and certainly it's an aid to those communities that have been most hard hit by unemployment.

It will allow an individual an extra ten to twelve months of breathing space while they attempt to get themselves back on their feet, and those of you that have been paying attention to the newspapers, and certainly the commercial records in the State of Connecticut, can see that there has been an increase in the number of bank foreclosures that have been brought forth in the State of Connecticut, and times being what they have been, the numbers of people have increased.

I think it's a good bill and deserves adoption by

House of Representatives

Friday, June 3, 1983

this body.

REP. MOYNIHAN: (10th)

Mr. Speaker.

SPEAKER STOLBERG:

Rep. Moynihan.

REP. MOYNIHAN: (10th)

Mr. Speaker, I certainly don't object to the concept. I think it's probably pretty well what the practice is out there, anyways, but what I do object, and I've been doing it all session in terms of our screening, is preambles to statutory language.

Through you, Mr. Speaker, to the proponent of the amendment, there's an interesting preamble on this bill that I'd like to read, and I just think it's a practice that we ought to be aware of that isn't a good idea, and we shouldn't be putting it in our statutory language.

This preamble from the minority side of the aisle says, "It is declared that the poor state of the economy and the nation and the state has resulted in unacceptable levels of unemployment and underemployment among the residents of the State of Connecticut, and threatens many Connecticut residents with the loss of their homes through foreclosures."

Through you, Mr. Speaker, a question to the

House of Representatives

Friday, June 3, 1983

proponent.

First of all, I think I don't disagree with what it says. I think it's a question where that responsibility is, and second of all, I think our statutes are there for many, many years, and this kind of a statement survives this General Assembly. It's not a special act, so I would just question the advisability of that kind of language in our statutes.

SPEAKER STOLBERG:

Rep. Krawiecki, would you care to respond?

REP. KRAWIECKI: (78th)

Mr. Speaker, I'm not sure that there was a question.

SPEAKER STOLBERG:

Rep. Moynihan.

REP. MOYNIHAN: (10th)

Perhaps he wasn't listening. Through you, Mr. Speaker, the question was the need for a preamble in statutory language such as is on this amendment.

SPEAKER STOLBERG:

Rep. Krawiecki.

REP. KRAWIECKI: (78th)

Mr. Speaker, through you, it has been a common practice, unfortunately, I think on a variety of pieces of legislation, and I think Rep. Moynihan, and certainly

House of Representatives

Friday, June 3, 1983

members of this side of the aisle have discussed issues of preambles on other bills.

I know there have been at least three or four other ones this year that we have passed with similar preambles, dealing with, I believe the environment was one. I think we had one on the tolls, was another one, I believe that had a preamble.

Certainly, I think the Deputy Majority Leader raises a point that is appropriate, however, any individual who is conversant, and uses the statutes of the State of Connecticut will realize that when a statute is passed, as this one, I hope will be, will reflect and take a look at when the amendment is adopted, and it will indicate the time frame and the period of time in which an amendment is adopted. It will reflect the year 1983.

I think if this body deems it appropriate next year to come back and to delete Section 3, that perhaps we ought to delete Section 3 at that time.

I don't think it's at all inappropriate at this point in time, and while it may be a small area to be debating, I think we've both agreed at this point that the merit of the bill as drafted, is good, and the one area of the language in Section 3 of this amendment, may or may not cause a question, but I certainly don't believe

House of Representatives

Friday, June 3, 1983

that it is grounds for defeating the amendment.

REP. MOYNIHAN: (10th)

Mr. Speaker, I gather from the response that the proponent of this amendment is also proponent of the preamble, and I do think it's just a caution that I put to this body, that it's most inappropriate, in my judgment, and wherever I've had the opportunity, I have tried to amend them out, and if I had the opportunity today I'd do it likewise, even though I find this one particularly interesting, coming from the other side of the aisle.

SPEAKER STOLBERG:

Will you remark further on the true, but perhaps unnecessary preamble? Will you remark further? House Amendment Schedule "B" is before us.

REP. JAEKLE: (122nd)

Mr. Speaker.

SPEAKER STOLBERG:

Rep. Jaekle.

REP. JAEKLE: (122nd)

Thank you, Mr. Speaker. I rise in support of the amendment, and as to the preamble that was raised as an issue, I must admit that I don't especially like preambles, however, on many major new initiatives in the State of Connecticut, there have indeed been preambles.

House of Representatives

Friday, June 3, 1983

The purpose of this amendment which I hope will become legislation, is to provide protection against foreclosure actions for unemployed homeowners. Now, the preamble states that at the present time there is an unacceptably high level of unemployment in both the nation and the State of Connecticut.

While maybe nobody likes a preamble, I have not heard anybody say that our levels of unemployment in the nation are at an acceptable level. Even in the State of Connecticut where we have been most fortunate to have an unemployment rate below the national average, it has been higher than it should be in terms of keeping our fund out trouble with solvency and with borrowings with the feds, so I think everybody must acknowledge that at least now, the statements in this preamble are correct.

This legislation is designed to provide some peace of mind to somebody who loses their job during these times, and that, if it isn't enough of a crisis and hardship on an individual, the worse thing that I could think could happen to that individual is that he loses his home as a result of that.

This amendment will allow an individual, during a period of hardship to be able to keep his home, be insulated against a foreclosure action for six months. It allows

House of Representatives

Friday, June 3, 1983

protections for the lenders of money, because during that six month period of time, there's provisions for the debtor to make payments to the financial institution, not to exceed 25% of their net income, and during that six month period, they do have to worry about losing their home. The financial institution will recoup any loss of payments during that six month period, by having the debt restructured, and during that period of time, whatever the prevailing market rates are on interest rates, will be added to the mortgage.

The mortgage will become like a composite mortgage, to take in account the six month period of protection. In fact, I think this is such an important protection for the people of the State of Connecticut, that I'd like to ask that when the vote is taken on this amendment, that it be taken by roll call.

SPEAKER STOLBERG:

The request is for a roll call. All those in favor of a roll call, please indicate by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER STOLBERG:

A roll call will be ordered. Will members please be seated. Will staff and guests please come to the well

House of Representatives

Friday, June 3, 1983

of the House. Will you remark further?

REP. GELSI: (58th)

Mr. Speaker.

SPEAKER STOLBERG:

Rep. Gelsi.

REP. GELSI: (58th)

Mr. Speaker, just very briefly. I think it's very admirable for the members on the other side of the aisle to bring in this amendment today. It continues to show that the developments in Washington by the administration on the high interest rates, and continually destroying, until it's coming down into our states, the pulling back of programs, and yes, even the members on the other side of the aisle, just a short year ago when we wanted to raise the unemployment comp benefits, thought that it was a big strain our poor employers of this state.

And I'm glad that you have finally seen that the men and women who work in this state, finally deserve a break, and I believe it's an outstanding amendment.

SPEAKER STOLBERG:

Will you remark further?

REP. PRAGUE: (8th)

Mr. Speaker.

krr

House of Representatives

Friday, June 3, 1983

SPEAKER STOLBERG:

Rep. Prague.

REP. PRAGUE: (8th)

Thank you, Mr. Speaker. I stand to support this amendment. Not too long ago we had a bill that came, that was on our Calendar and in our file that was referred to the Banks Committee on this very issue, and at that point, I was upset that the bill was referred to the Banks Committee and not acted upon.

That very night on the news, I heard that 16 states had adopted such a measure to help people who are unemployed, maintain their homes, to extending their mortgage payment.

I very much support this concept and I hope that the people in this House will also do likewise.

SPEAKER STOLBERG:

Will you remark further? If not, will members please be seated. Will staff and guests come to the well of the House. The machine will be opened.

The House of Representatives is now voting by roll. Would the members please return to the Chamber immediately. The House of Representatives is now voting by roll. Would the members please return to the Chamber immediately.

Have all the members voted? Have all the members voted? If so, the machine will be locked, and the Clerk

House of Representatives

Friday, June 3, 1983

will take a tally.

Will the Clerk please announce the tally.

CLERK:

House Amendment Schedule "B" to House Bill 7048.

Total number voting	141
Necessary for passage	71
Those voting yea	141
Those voting nay	0
Those absent and not voting	10

SPEAKER STOLBERG:

The amendment is adopted.

House Amendment Schedule "B".

After line 55, add sections 3 to 9 as follows:

"Sec. 3. (NEW) It is declared that the poor state of the economy in the nation and the state has resulted in an unacceptable level of unemployment and underemployment among the residents of the state of Connecticut and threatens many Connecticut residents with the loss of their homes through foreclosures.

Sec. 4. (NEW) For the purposes of sections 3 to 9, inclusive, of this act:

(1) "Unemployed person" means a person who is unemployed for purposes of chapter 567 of the general statutes.

(2) "Homeowner" means a person who has an interest in residential real property secured by a mortgage which property serves as his principal residence.

(3) "Restructured mortgage debt" means the adjustment by a court of a mortgage debt which results in protection from foreclosure.

House of Representatives

Friday, June 3, 1983

(4) "Protection from foreclosure" means a court ordered adjustment of a mortgage debt designed to eliminate an arrearage in payments on such debt and to provide an additional six-month period during which foreclosure is prohibited.

(5) "Financial institution" means a state bank and trust company, savings bank, savings and loan association, credit union, or any federally chartered banking institution.

Sec. 5. (NEW) In an action by a financial institution for the foreclosure of a mortgage of residential real property, such financial institution shall give notice to the homeowner of the availability of the provisions of this act at the time the action is commenced.

Sec. 6. (NEW) (a) A person against whom a foreclosure action is brought may make application, together with a financial affidavit, to the court having jurisdiction over the foreclosure action for protection from foreclosure if such person: (1) Has had a mortgage on residential real property, which property serves as his principal residence, for a period of not less than two years, (2) has not had a foreclosure action brought against him previously, and (3) has not had the provisions of this act invoked in his behalf in the preceding seven-year period.

(b) The court shall determine the eligibility of such person for protection from foreclosure pursuant to the provisions of sections 3 to 9, inclusive of this act.

(c) In determining the eligibility of a homeowner for protection from foreclosure under the provisions of sections 3 to 9, inclusive, of this act, the court may consider any relevant facts and shall consider:

(1) The duration of and reasons for any period of unemployment of the homeowner or primary wage earner in the case of a joint mortgage.

(2) The record of payment on the mortgage debt by the homeowner prior to any period of unemployment.

(3) The likelihood that the homeowner will be able to make timely payments on the mortgage at the end

House of Representatives

Friday, June 3, 1983

of the restructuring period.

(4) The amount of equity the homeowner has in the premises.

(5) The present of any substantial prejudice to the financial institution which would result from an adjustment of the mortgage debt.

(d) If the court approves the application for protection from foreclosure, the foreclosure action shall be stayed.

Sec. 7. (NEW) (a) The court in its discretion may order the restructuring of the mortgage debt of a homeowner so as to eliminate any arrearage in payments on the mortgage debt and may allow an additional six-month restructuring period.

(b) In the case of an unemployed person, the court shall order the restructuring of the mortgage debt to eliminate any arrearage in payments on the mortgage debt and shall order an additional six-month restructuring period.

Sec. 8. (NEW) As a condition to the granting of a restructuring order, the court may order the homeowner to pay to the financial institution an amount not to exceed twenty-five per cent of his net income per month as a means of demonstrating the homeowner's good faith effort to reduce his mortgage indebtedness.

Sec. 9 (NEW) (a) The amount of the mortgage debt following any period of restructuring shall in no event exceed the amount of the original mortgage debt. Any sums added to the existing mortgage debt as a result of restructuring order shall accrue interest at prevailing market rates.

(b) At the conclusion of the restructuring period, the new mortgage debt shall be computed based upon a composite rate of interest."

House of Representatives

Friday, June 3, 1983

SPEAKER STOLBERG:

Will you remark further on the bill as amended? If not, will members please be seated. Will staff and guests come to the well of the House. The machine will be opened.

The House of Representatives is now voting by roll. Would the members please return to the Chamber immediately. The House of Representatives is now voting by roll. Would the members please return to the Chamber immediately.

Have all the members voted? Have all the members voted? If so, the machine will be locked, and the Clerk will take a tally.

REP. ROTHMAN: (111th)

Mr. Speaker.

SPEAKER STOLBERG:

Rep. Rothman of the 111th.

REP. ROTHMAN: (111th)

I'm sorry, in the affirmative, please.

SPEAKER STOLBERG:

That's okay. That can happen to anyone, Rep. Rothman.

REP. SORENSEN: (82nd)

Mr. Speaker.

SPEAKER STOLBERG:

Rep. Sorensen of the 82nd.

House of Representatives

Friday, June 3, 1983

REP. SORENSEN: (82nd)

In the affirmative, please.

SPEAKER STOLBERG:

In the affirmative.

REP. LUPPI: (88th)

Mr. Speaker.

SPEAKER STOLBERG:

Rep. Luppi of the 88th.

REP. LUPPI: (88th)

In the affirmative.

SPEAKER STOLBERG:

In the affirmative.

The Clerk please announce the tally.

CLERK:

House Bill 7048, as amended by Senate "A" and House
"A" and House "B".

Total number voting	140
Necessary for passage	71
Those voting yea	140
Those voting nay	0
Those absent and not voting	10

SPEAKER STOLBERG:

The bill is passed.

**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
1983**

**VOL. 26
PART 25**

ktb

317

House of Representatives

Tuesday, June 7, 1983

CLERK:

Calendar No. 214, File No. 251, House Bill No. 7048,
AN ACT CONCERNING THE ASSIGNMENT OF MORTGAGES MADE BY OUT-
OF STATE MORTGAGE LENDERS. Favorable Report of the
Committee on Judiciary. The House passed the bill on
May 17. On May 31 the Senate passed the bill adopting
Senate Amendment Schedule "A". On June 3 the House passed
the bill adopting Senate Amendment Schedule "A" and
adopting House Amendment Schedules "A" and "B". On June 6
the Senate rejected House Amendment Schedule "B".

REP. ONORATO: (97th)

Mr. Speaker.

SPEAKER STOLBERG:

Rep. Onorato.

REP. ONORATO: (97th)

Thank you. I move acceptance of the Joint Committee's
Favorable Report and passage of the bill.

SPEAKER STOLBERG:

Will you remark?

REP. ONORATO: (97th)

Thank you, Mr. Speaker. Mr. Speaker, the Clerk has
an amendment previously designated House Amendment Schedule
"B" LCO No. 7537. May the Clerk call the amendment and may
I be given permission to summarize?

ktb

9035

318

House of Representatives

Tuesday, June 7, 1983

SPEAKER STOLBERG:

The Clerk has an amendment LCO No. 7537, House Amendment Schedule "B". Will the Clerk please call.

CLERK:

LCO No. 7537, previously designated House Amendment Schedule "B" offered by Rep. VanNorstrand of the 141st District.

REP. ONORATO: (97th)

Thank you, Mr. Speaker. I move rejection of House Amendment Schedule "B".

SPEAKER STOLBERG:

Will you remark?

REP. ONORATO: (97th)

Thank you, Mr. Speaker. I move rejection of this amendment as a work similar to this we're adding on to another bill, I think.

SPEAKER STOLBERG:

Will you remark further on rejection? If not, all those in favor of the motion to reject, please indicate by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER STOLBERG:

All those to the contrary, nay.

ktb

319

House of Representatives

Tuesday, June 7, 1983

The motion to reject is adopted.

REP. ONORATO: (97th)

Mr. Speaker, I move passage of the bill.

we put assignments of mortgages and out-of-state releases and when they to be given upon request. I move passage of the bill, sir, as amended.

SPEAKER STOLBERG:

Will you remark? If not, will members please be seated. Will staff and guests come to the well of the House. The machine will be opened.

The House of Representatives is now voting by roll. Would the members please return to the Chamber immediately. The House of Representatives is now voting by roll. Would the members please return to the Chamber immediately.

Have all the members voted? If so, the machine will be locked and the Clerk will take a tally.

Will the Clerk please announce the tally.

CLERK:

House Bill No. 7048, as amended by Senate Amendment Schedule "A" and House Amendment Schedule "A".

Total number voting	143
Necessary for passage	72
Those voting yea	143
Those voting nay	0
Those absent and not voting	8

House of Representatives

Tuesday, June 7, 1983

SPEAKER STOLBERG:

The bill is passed.

At this point are there any announcements or Points of personal privilege? Are there any announcements or Points of personal privilege?

REP. MOYNIHAN: (10th)

Mr. Speaker.

SPEAKER STOLBERG:

Rep. Moynihan.

REP. MOYNIHAN: (10th)

Mr. Speaker, I move for suspension of the rules of the immediate transmittal to the Senate of any item that may need further action in that body.

SPEAKER STOLBERG:

Is there objection? Seeing no objection, it is so ordered.

Are there any further announcements or Points of personal privilege? Rep. Francis O'Neill.

REP. O'NEILL: (98th)

Mr. Speaker, I think by this time most of the people are aware that the so-called Irish bill failed in the Senate today and those who are the Irish Caucus and the real lovers of freedom, we request tomorrow, if you so choose, to wear a black armband because of the inability

S-214

CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS
1983

VOL. 26
PART II
3591-3995

Regular Session
Tuesday, May 31, 1983

Page 27
jgt

THE CLERK:

Calendar 690, File Nos. 251 and 782, Substitute for House Bill No. 7048. An Act Concerning The Assignment Of Mortgages Made By Out-Of-State Mortgage Lenders.

Favorable Report of the Committee on Judiciary. The Clerk has an amendment.

THE CHAIR:

Senator Owens.

SENATOR OWENS:

Move acceptance of the joint committee's favorable report and passage of the bill.

THE CHAIR:

Clerk will call the amendment.

THE CLERK:

Senate Amendment Schedule "A", LCO No. 6714.

THE CHAIR:

Senator Owens.

SENATOR OWENS:

I move adoption of the amendment and waive its reading, Mr. President.

THE CHAIR:

Any objection to waiving the reading? Hearing none, proceed, Senator.

THE CLERK:

Regular Session
Tuesday, May 31, 1983

Page 28
jgt

SENATOR OWENS:

Mr. President, the amendment provides that when an assignment of the loan made by the lending institution is secured by mortgage, upon the written request of a commissioner of the superior court or a financial institution, a release of the mortgage in connection with the loan, a statement of the amount due must be provided within ten days of the date of the written request. If the assignee fails to provide such release and statement of the unpaid balance within that time, then interest will no longer accrue. I'd move adoption of this very fine amendment.

THE CHAIR:

Will you remark further on Senate Amendment Schedule "A"? If not, the issue is adoption. All those in favor of Senate Amendment Schedule "A" will signify by saying aye. Those opposed, nay. The ayes have it. The amendment's adopted. Will you remark on the bill as amended, Senator.

SENATOR OWENS:

Yes, it would require that the names and addresses of all parties involved to be on an assignment or a mortgage loan in Connecticut made by any out-of-state lending institution and would make change concerning the assignment of mortgage loans making it applicable to any type of real estate located in Connecticut. I'd move, if there's no objection, that this bill as amended by Senate Amendment "A" be placed on the consent calendar.

THE CHAIR:

Is there any objection to placing the bill as amended on consent?
Hearing none, the matter will go on consent.

Regular Session
Tuesday, May 31, 1983

Page 133
jgt

Mr. Clerk?

THE CLERK:

That completes the business of the day except for the consent calendar, Mr. President.

THE CHAIR:

The Clerk will make the appropriate announcement for the roll call on the consent calendar, and when the Clerk starts the consent calendar, give your attention because it's about sixty items long.

THE CLERK:

An immediate roll call has been called for in the Senate. Will all Senators please take their seats. An immediate roll call has been called for in the Senate. Will all Senators please be seated.

THE CHAIR:

Please give your attention to the Clerk who will proceed with the roll call on a consent calendar which is our second consent calendar of the day, the first having concerned ourselves with Executive and Legislative Nominations. The Clerk will proceed with the list.

THE CLERK:

On page 7, Calendar No. 239. On page 9, Calendars 689 and 690, SB433, HB6921, HB7048,
 Page 10, Calendar 696, 716, 718. Page 11, Calendar 721, 722, 723, 724, HB5371,
 725. Page 12, Calendars 726, 728. Page 14, Calendar 736. Page 18, Cal- HB5542,
 endars 761, 763, 764, 784. Page 19, Calendars 785, 786, 787, 788 and 789. HB6290, SB102,
 Page 20, Calendars 790, 791, 793 and 794. On page 21, Calendar 795, 796, SB400, SB1050,
 797, 798 and 799. Page 22, Calendar 800, 801, 804. Page 23, Calendar SB450, SB608,
SB836, SB1159,
SB948, SB913,
SB432, SB853,
HB5691,
HB7133,
HB7063, HB7128,
HB7179,
HB5521,
HB5676.
HB6164, HB6400, HB6508, HB6833, HB7012, HB7026, HB7037, HB7046,
HB7156, HB7245, HB5385

Regular Session
Tuesday, May 31, 1983

Page 134
jgt

805, 806, 807, 808. Page 24, Calendar 810, 811, 812. Page 25, Calendar 824 and 825, 827 and 828. Calendar 26, page 26, excuse me, Calendar 829, 831, 833, 834. Page 27, Calendar 539, 283, 284. Page 28, Calendar 285, 381 and 455. Page 29, Calendar 460, 527, 532. On page 33, Calendars 77 and 119. That completes the items on today's consent calendar.

HB5351, HB5789,
HB5110, HB6993,
HB7126, HB7054,
HB7067, HB7204,
HB6876, HB5421,
HB5555, HB6152,
HB6703, HB7200,
HB6883, SB651,
SB1037, SB744,
SB986, SB882,
SB805, SB1110,
SB1093, SB872,
HB5473

THE CHAIR:

That's the consent calendar. Are there any corrections or any requests to remove any items from the consent calendar? Any questions on the consent calendar?

THE CLERK:

One more, Mr. President. It's been pointed out to me under Resolutions, Calendar No. - that was not on the consent calendar.

THE CHAIR:

Technically, 776 was adopted by a standing moment of silence and 777 on a voice vote for Resolutions. Other than that, are there any corrections? If not, the machine is open on the consent calendar. Have all Senators voted. Machine'll be closed and locked. The consent calendar is adopted 36 votes in favor and no votes against. Senator Schnell.

SENATOR SCHNELLER:

Mr. President, I would like to remind all Democratic Senators that we'll be caucusing immediately following the session in our caucus room. Hopefully if we meet promptly, we can be out in thirty, forty minutes.

**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
1983**

**VOL. 26
PART 13**

Regular Session
Monday, June 6, 1983

Page 251
jgt

SENATOR SKELLEY:

In concurrence with the House, yes, Sir.

THE CHAIR:

Will you remark on the bill in concurrence with the House?

SENATOR SKELLEY:

Yes, Mr. President, under current authority, the Commissioner of Motor Vehicles issues special number plates for antique, rare or special interest motor vehicles. These plates are designed as replicas of those in existence at the time the vehicle was manufactured. The fee for special plates is \$7.00 and may be displayed in addition to regular registration plates for which the normal fee is paid. This bill would increase the annual fee for these special plates to \$20.00 per year but would eliminate the requirement that the vehicle is also to have a regular registration plate. If there's no objection, I move it be placed on the consent calendar.

THE CHAIR:

Any objection to placing the bill in concurrence with the House on consent? Hearing none, so ordered.

THE CLERK:

Calendar 690, Files 251 and 782, Substitute for House Bill 7048.
An Act Concerning The Assignment Of Mortgages Made By Out-Of-State Mortgage Lenders. (As amended by House Amendment Schedules "A" and "B" and Senate Amendment Schedule "A").

Favorable Report of the Committee on Judiciary.

Regular Session
Monday, June 6, 1983

Page 252
jgt

THE CHAIR:

Senator Sullivan.

SENATOR SULLIVAN:

Mr. President, I move acceptance and passage.

THE CHAIR:

What's your pleasure on ...

SENATOR SULLIVAN:

Mr. President, I move adoption of House Amendment Schedule "A".

THE CHAIR:

Any objection to waiving the reading on House Amendment Schedule "A"? Hearing none, proceed on House "A", Senator.

SENATOR SULLIVAN:

Mr. President, House "A" merely makes some technical changes in the bill. It was redundant when it went down to the House and the House corrected that, so I move adoption of the amendment.

THE CHAIR:

Will you remark further on House "A"? If not, the issue is adoption. All those in favor of House Amendment Schedule "A" signify by saying aye. Those opposed, nay. The ayes have it. The amendment's adopted.
House Amendment Schedule "B", Senator.

SENATOR SULLIVAN:

Mr. President, I move rejection of House Amendment Schedule "B" and waive the reading.

Regular Session
Monday June 6, 1983

Page 253
jgt

THE CHAIR:

Any objection to waiving the reading? Hearing none, proceed, Senator.

SENATOR SULLIVAN:

Mr. President, the House Amendment Schedule "B" has not had a hearing before the Banks Committee and it entails a great deal of matters as regards to mortgages and therefore, I think it should be held over for a hearing at the next session. I move rejection.

THE CHAIR:

Senator Robertson, do you want to remark further on rejection of "B"?

SENATOR ROBERTSON:

Yes, Mr. President. Mr. President, I would vehemently oppose rejection of "B". I would have to suggest that, yes, it probably has not had an adequate public hearing in front of Banks, but there are times where major creative legislation under very harsh economic times should be looked upon with favor whether the Banking Committee has had the opportunity to go through the amendment. I'd like to explain the program very briefly if I might, Mr. President. It's been referred to as the unemployed homeowner's protection act, where families where a mortgage holder has become unemployed, become entitled to an automatic six month freeze on any foreclosure proceedings if they so desire to file such. During the moratorium period, the past due payments are eased by a court supervisory structuring on mortgage debt. I'd like to explain to some of you some of the conditions. As a condition

Regular Session
Monday, June 6, 1983

Page 254
jgt

to the granting of this restructuring order, the court may order a homeowner to pay the financial institution an amount not to exceed 25% of the net income. Upon an unemployed person getting notice of foreclosure on their homes, they can apply to the courts for this six month extension. I think it's probably the most noble thing that the House has done this session. I think it protects those individuals who are unemployed whose major responsibility is protecting their home and their family. This Amendment, Amendment "B" at least allows that individual who is unemployed a six month period to seek other employment, hopefully retain other employment and therefore protect his home for his family. I can't understand any less important to kill this, the fact that the Banking Committee had not had an opportunity to have a public hearing on it. I think certainly anyone, and we all realize anyone unemployed suffers enough ... I'm sorry, Mr. President. I thought this is so important that maybe a few people should listen. A person who is unemployed, besides losing their major source of income, the next potential hazard to that individual is losing their home. Simply what this amendment does, if the individual so desires, they apply to the court for a six month extension and upon the ruling of the court, investigation of the court, the court may give that person a waiver for six months, and at the end of six months, payments begin. I think that there can be no more compassionate amendment that we could possibly pass in this session for those 7.3, 7.4% of our population who is unemployed and certainly, Mr. President, I believe the fact that the Banking Committee has not had an opportunity to hear this bill, I think we all realize it's very sincere and severe impor-

Regular Session
Monday, June 6, 1983

Page 255
jgt

tance to this General Assembly. Thank you.

THE CHAIR:

Will you remark further on the rejection? Senator Sullivan.

SENATOR SULLIVAN:

Mr. President, I'd ask for a roll call vote on the amendment, and Mr. President, there's nothing more important than a bill like that that needs a public hearing and for input from all areas of - concerned areas, and as regards unemployed persons, Mr. President, it really shocks me to see the Republican Minority Leader get up and espouse the plight of the unemployed when consistently their votes are in the negative when this body brings out any bills effective the unemployed or collective bargaining which effects employed people and unemployed, so it really bothers me. I just don't know where the consistency is, Mr. President. If the Minority Leader was so worried about the unemployed, I would think that he would be a little bit different in some of his votes to help the unemployed when they appear before this circle, but, Mr. President, this is probably a very far-reaching piece of legislation. To come out in the form of an amendment on an assignment of a mortgage bill, I think that it requires a lot more than that before it should be put into law. There's many, many areas that need investigation.

THE CHAIR:

Remark further? Senator Reginald Smith.

SENATOR SMITH:

I really didn't have any intention of speaking on this bill but,

Regular Session
Monday, June 6, 1983

Page 256
jgt

inasmuch as we've been, all of us have just been painted with a very broad brush by my respected colleague from Waterbury, I feel I must respond. This is a bill that helps the unemployed and Republicans are not alone in their efforts to think in that regard. I'm sure the Democrats are as well, but when we look around this circle and we see the Cities of Bristol and East Hartford and New Britain and people within my district where we have 14 and 15% unemployment, I think it's time that all of us forget about the partisan remarks and look at the needs of these people and we pass this legislation. Thank you.

THE CHAIR:

Will you remark further? Senator Robertson.

SENATOR ROBERTSON:

Mr. President, thank you, Sir. In reality, this concept in House "B" did have a public hearing. Its public hearing was March 22nd of 1983. It was held by the Judiciary Committee and those individuals testifying in favor were of the Savings and Loan Association of the State of Connecticut, a number of the federal agencies including (inaudible) and the Connecticut Banker's Association took a neutral stance on the bill, did not testify but were fully cognizant of the bill. To correct a statement made by Senator Sullivan, I think the most obvious and most superficial checks of labor bills and bills which would effect the unemployed, he would find that each and every one of those bills have had a majority support from the Republican side, so I don't think there's hypocrisy involved. I think it's a good bill. It's a bill that helps the most seriously ef-

Regular Session
Monday, June 6, 1983

Page 257
jgt

fect segment of our society. I don't believe that there is an individual in this circle that has faced within the last few years the frustration, the anxiety, of unemployment. I have, and I can suggest to you that an individual, the major wage earner in a family, sees the potential of not only his job having been lost but the potentiality of his family being lost and certainly the most important aspect of our society and that is the family home. I would hope that we would not base a rejection on this on technicalities on the fact that the Banking Committee does not favor this bill. I think it's a compassionate bill. I believe we are a compassionate body and I would hope for a compassionate vote. I would urge you to vote no on this rejection. Thank you.

THE CHAIR:

Will you remark further on the motion? If not the Clerk will make the appropriate announcement.

THE CLERK:

An immediate roll call has been called for in the Senate. Will all Senators please take their seats. An immediate roll call has been called for in the Senate. Will all Senators please be seated.

THE CHAIR:

The issue before the Chamber deals with Calendar No. 690, Substitute for House Bill No. 7048. The motion is to reject House Amendment Schedule "B" which is LCO No. 7537. If you deny the vote to reject, you vote yes. If you desire not to reject, you vote no. The machine is open. Have all Senators voted? Machine'll be closed and locked. Total voting

Regular Session
Monday, June 6, 1983

Page 258
jgt

is 36, necessary for the motion is 19, Voting yea is 15, voting nay is 21.

The motion to reject fails. Senator Sullivan.

SENATOR SULLIVAN:

Mr. President, I move to PR the bill, so that I can prepare an amendment. There are a lot of things in that amendment that have changed the original public hearing that was had on the bill so I move PR on it.

THE CHAIR:

Motion is to pass retain to prepare an amendment. Is there any objection? Hearing no objection, the matter'll be passed retained.

Senator Santaniello.

SENATOR SANTANIELLO:

Mr. President, I would request a roll call on that, Sir.

SENATOR ROBERTSON:

Mr. President.

THE CHAIR:

Senator Robertson.

SENATOR ROBERTSON:

Mr. President, a question through you to the Chairman of the Banking Committee please?

THE CHAIR:

Put your question.

SENATOR ROBERTSON:

Mr. President, I'd like to know, through you, Sir, to Senator Sullivan whether he intends to bring that bill back tomorrow or Wednesday?

Regular Session
Monday, June 6, 1983

Page 259
jgt

THE CHAIR:

Senator Sullivan.

SENATOR SULLIVAN:

That will depend, Mr. President, on how soon I get an amendment together.

THE CHAIR:

Senator Robertson.

SENATOR ROBERTSON:

Mr. President, I would object to the pass retaining and ask for a roll call vote, Sir.

THE CHAIR:

Senator Sullivan.

SENATOR SULLIVAN:

Mr. President, a point of order. I thought that the Chair asked if there was any objection and hearing none, you said it was PRd.

THE CHAIR:

However I'm informed that Senator Santaniello was standing attempting to be recognized and in fairness I think it's appropriate. He's ask for a roll call. All those in favor of pass retaining vote yes. All those in favor of not pass retaining will vote no. Machine's open. Senator Avallone. Machine'll be closed and locked. Voting yea is 22. The motion to pass retain is successful. Clerk will call the next item.

THE CLERK:

On page 22, Calendar 596, File 839, Senate Bill No. 237.

1983 GENERAL ASSEMBLY

SENATE

TUESDAY
JUNE 7, 1983

10
LFU

THE CHAIR:

Senator Reginald Smith. What purpose do you rise?

SENATOR REGINALD SMITH:

To object to the PR of Calendar 690, page 6. HB7048

THE CHAIR:

There's objection to the marking of PR on the first item on page 6. Do you wish to be heard?

SENATOR REGINALD SMITH:

Yes, I think we should proceed with the discussion of this Bill and I stand to object to the PR and I would ask for a Roll Call vote on it.

THE CHAIR:

Thank you. Senator Sullivan.

SENATOR SULLIVAN:

Mr. President, I would press for the PR. As I indicated to my caucus, I've got the various parties working diligently on trying to come up with something on this and as yet, we haven't succeeded so I would ask that it be PR'd so that we can continue our diligent work.

THE CHAIR:

You gentlemen probably got up simultaneously. You yield to the Minority Leader? Senator Robertson.

1983 GENERAL ASSEMBLY

SENATE

TUESDAY
JUNE 7, 1983

11
LFU

SENATOR ROBERTSON:

Mr. President, I really can't conceive of any Amendment that could be added onto this Bill that would do anything other than kill it and I think that if that is the desire of the Circle, then it should be done so now. I believe if there is a valuable amendment to be added on, without the intent to kill the Bill to help the unemployed retain their homes, then I think we should act on it now so that at least the House which passed this Bill 141 to 0, has an opportunity to deal with this and I would urge members of the Circle to reject the request of a PR on this and take into mind as to whom this Bill is directed to help. Thank you very much.

THE CHAIR:

The motion is to passed retaining its place. Do you wish to be heard further? Clerk please make an announcement for an immediate Roll Call.

THE CLERK:

An immediate Roll Call has been called for in the Senate. Will all Senators please take their seats. An immediate Roll Call has been called for in the Senate. Will all SENators please be seated.

SENATE

TUESDAY
JUNE 7, 1983

12
LFU

THE CHAIR:

Question before the Chamber is a motion to pass retaining its place, Calendar 690, Substitute for House Bill 7048, File 251 and 782. If you wish to support the motion to pass retaining its place, you vote yea. Contrary minded nay. The machine is open. Please record your vote. Has everyone voted? The machine is closed. Clerk please tally the vote.

The result of the vote:

22 YEA

14 NAY

The motion to PR is adopted.

SENATOR SCHNELLER:

Mr. President, if I might have a Point of Personal Privilege.

THE CHAIR:

May I just complete. 607, I--when Senator Reginald Smith got up, I don't know whether or not we had completed that transaction. You made a motion to take it off the Foot and without objection, it's so ordered. Senator Schneller.

SENATE

TUESDAY
JUNE 7, 1983

183
LFU

THE CLERK:

Turning to page 6 of today's Calendar, Calendar 690, Files 251 and 782, Substitute for House Bill 7048, AN ACT CONCERNING THE ASSIGNMENT OF MORTGAGES MADE BY OUT OF STATE MORTGAGE LENDERS, as amended by House Amendment, Schedules A and B and Senate Amendment, Schedule A.

THE CHAIR:

The Senate will stand at ease. Senator Schneller.

SENATOR SCHNELLER:

Mr. President, I believe we're ready to proceed with Calendar 690.

THE CHAIR:

Yes, Senator Sullivan.

SENATOR SULLIVAN:

Mr. President, I move acceptance and passage and I will yield to Senator Robertson on Senate Amendment A.

THE CHAIR:

Senate Amendment A was adopted.

SENATOR ROBERTSON:

It's House A. It's House B.

THE CHAIR:

It's House B. There was a motion to reject House B

1983 GENERAL ASSEMBLY

SENATE

TUESDAY
JUNE 7, 1983

184
LFU

failed on 6-6 so this is the one that you want to make relevant now? Senator Robertson.

SENATOR ROBERTSON:

Yes Mr. President. I most graciously accept the yield from Senator Sullivan. I was on the prevailing side on the vote to reject House B and I would therefore, sir, move reconsideration.

THE CHAIR:

Do you mind, just to be at ease just for a moment so that we could resurrect the record. The record has been ascertained. The Senator's motion is in order. He was on the prevailing side. What is your motion now?

SENATOR ROBERTSON:

Mr. President, my motion would be to reconsider
House B. Rejection of House B..

THE CHAIR:

The motion is first to reconsider the Amendment which was rejected on 6-6. Is there any objection to reconsideration? Without objection, reconsideration prevails. The House B is now before us.

1983 GENERAL ASSEMBLY

SENATE

TUESDAY
JUNE 7, 1983

185
LFU

SENATOR ROBERTSON:

Mr. President, if I may do so, I would move to reject House B.

THE CHAIR:

Motion is to reject House B. Do you wish to remark? Senator Robertson. Question before the chamber is a motion to reject House B. All those in favor signify by saying aye. Those opposed, nay. The ayes have it. The motion to reject prevails. Senator Sullivan.

SENATOR SULLIVAN:

Mr. President, I now will speak on the Bill as it is and I would move acceptance and passage of the Bill.

THE CHAIR:

Will you remark?

SENATOR SULLIVAN:

As amended by House A. I think we moved House A and House A was passed; wasn't it?

THE CHAIR:

Correct.

SENATOR SULLIVAN:

I move the Bill as amended by House A. This Bill

1983 GENERAL ASSEMBLY

SENATE

TUESDAY
JUNE 7, 1983

186
LFU

now will make a company that is assigning a bank or any individual assigning a mortgage to indicate the name, address, location of the assignee of the mortgage to facilitate acquiring a release of that mortgage. It also would require that the assignee send the release of mortgage within ten days of receipt of notice of it or interest would stop running on the mortgage and if there is no objection, Mr. President, I move it to the Consent Calendar.

THE CHAIR:

Senator Robertson.

SENATOR ROBERTSON:

Mr. President, I would suggest that maybe we have a Roll Call on this so we can immediately send it down right now.

SENATOR SULLIVAN:

I thought they were all going to move on the--

THE CHAIR:

It may be placed on the Consent Calendar. Senator Schneller.

1983 GENERAL ASSEMBLY

SENATE

TUESDAY
JUNE 7, 1983

187
LFU

SENATOR SCHNELLER:

Mr. President, according to my markings, that completes items on the Calendar and can I ask if the Clerk has any further business?

THE CHAIR:

Apparently we have exhausted the Calendar, besides exhausting ourselves.

SENATOR SCHNELLER:

We have exhausted the Calendar and the Senators and the President Pro Tempore.

THE CHAIR:

If there are no further items to be called, the Clerk should make an announcement for a Roll Call to consider the items placed on the Consent Calendar.

THE CLERK:

An immediate Roll Call has been called for in the Senate. Will all Senators please take their seats. An immediate Roll Call has been called for in the Senate. Will all Senators please be seated.

THE CHAIR:

May I suggest you give your attention to the Clerk

1983 GENERAL ASSEMBLY

SENATE

TUESDAY
JUNE 7, 1983

188
LFU

because at the end of his call, I would ask for any changes or omissions so it's very important that you pay strict attention. Clerk please call the items that have been placed on the Consent Calendar.

THE CLERK:

Page 2, Calendar 887, 888, 899, and 885. Page 3, Calendar 922. Page 4, Calendar 931. Page 5, Calendar 386 and 540. Page 6, Calendar 690, 710, 736. Excuse me, not 736, but 739. I'll do that once more. Page 6, Calendar 690, 709. Excuse me.

HB5883, HB6550,
HB5256, HB5564,
HB7229, HB5123,
SB8, SB1004,
HB7048, SB1150,
SB838, SB1138,
HB7082

THE CHAIR:

Please give your attention to the Clerk. Apparently he had made, through inadvertence, we called a number that should not have been called. Clerk, start all over again on page 6.

THE CLERK:

Yes Mr. President. I think I've got it right this time. Calendar 690, Calendar 710, and Calendar 739. On page 7, Calendar 832. On Senate Agenda page 1, items 1-- excuse me, item 2. That completes the list of items on the Consent Calendar.

1983 GENERAL ASSEMBLY

SENATE

TUESDAY
JUNE 7, 1983

189
LFU

THE CHAIR:

Any corrections, omissions, changes? The motion is to adopt the Consent Calendar as read by the Clerk. The machine is open. Please record your vote. Senator Wilber Smith, Senator Larson, Senator Daniels, Senator Owens, Senator Serrani. Has everyone voted? Senator Owens. The machine is closed. Clerk please tally the vote.

The result of the vote:

36 YEA

0 NAY

The Consent Calendar is adopted.

Senator Murphy.

SENATOR MURPHY:

Mr. President, in reference to certain Committees on Conferences, the Committee on Conference on Senate Bill 640 will be Senator Wilber Smith, Senator DiBella and Senator Morano. On House Bill 6993, it's Senator DiBella, Senator Skelley and Senator Morano.

On House Bill 6810, it's Senator DiBella, Senator Scott and myself.

THE CHAIR:

Thank you. The record will so note. Senator