

Legislative History for Connecticut Act

SB 578 (PA 84-509) 1984  
House: 4045-4049 (5)  
Senate: 1371-73, 1461, 3229-3230, 3822 (7)  
Judiciary: 735-36, 747-50, 967 (7)

19P.

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

Connecticut State Library  
Compiled 2013

CITATIONS

House

24 H.R. Proc., Pt. 10, 1981 Sess., p.

Senate

26 S. Proc., Pt. 4, 1983 Sess., p.

Hearings

Comm. Joint Standing Committee Hearings,  
Judiciary, Pt. 2, 1981 Sess., pp.

Regulations

Regs., Comm. State Agencies § 31-40 (1986)

EXAMPLE -

3-378

CONNECTICUT  
GEN. ASSEMBLY  
HOUSE

PROCEEDINGS  
1984

CL 27

39 APR 13

kpt

House of Representatives

Tuesday, May 1, 1984

CLERK:

Senate Bill 606 as amended by House "A".

Total number voting 144

Necessary for passage 73

Those voting yea 144

Those voting nay 0

Those absent and not voting 127

DEPUTY SPEAKER FRANKEL:

The bill as amended is passed.

CLERK:

Calendar 593, Substitute for Senate Bill 578,

AN ACT CONCERNING PRODUCT LIABILITY CLAIMS. Favorable

Report of the Committee on Judiciary.

REP. WENG: (60th)

Mr. Speaker.

DEPUTY SPEAKER FRANKEL:

Rep. Weng.

REP. WENG: (60th)

Thank you, Mr. Speaker. I move acceptance of the Joint Committee's Favorable Report and passage of the bill in concurrence with the Senate.

DEPUTY SPEAKER FRANKEL:

The question is on acceptance and passage in concurrence with the Senate. Will you remark, sir?

kpt

House of Representatives

Tuesday, May 1, 1984

REP. WENC: (60th)

Yes, thank you, Mr. Speaker. The Clerk has an amendment, LCO NO. 2058. I request that he call the amendment and that the reading be waived and that I be allowed to summarize the amendment.

DEPUTY SPEAKER FRANKEL:

The Clerk has LCO NO. 2058 designated House "A". Will the Clerk please call the amendment.

CLERK:

LCO 2058 offered by Rep. Frankel et al, designated House "A",

DEPUTY SPEAKER FRANKEL:

Is there objection to summarization? Hearing none, you may proceed, Rep. Wenc.

REP. WENC: (60th)

Yes, Mr. Speaker, the file copy contains a possible ambiguity in that it is not clear whether the recover limitation is meant to include only monetary loss, or whether it is meant to include personal injury or death.

Therefore, the amendment deletes the ambiguous language in lines 22 through 27 in the file copy, and insures that the intent of the legislation is as follows: First of all the bill will exclude commercial loss from recovery in a products liability action, and secondly,

kpt

House of Representatives

Tuesday, May 1, 1984

it makes the recoverability of commercial loss a question that is governed by commercial law and not products liability law.

I move adoption of the amendment.

DEPUTY SPEAKER FRANKEL:

The question is on adoption of House Amendment Schedule "A". Will you remark on its adoption? Will you remark on the adoption of House "A".

If not, all those in favor please signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER FRANKEL:

Those opposed nay.

The ayes have it. House "A" is adopted.

\*\*\*\*\*

House Amendment Schedule "A".

In line 6, after the period insert "AS BETWEEN COMMERCIAL PARTIES,"

Delete lines 22 to 27, inclusive, in their entirety

In line 28, delete the words "HARM CAUSED BY A PRODUCT." and substitute in lieu thereof "(c) AS BETWEEN COMMERCIAL PARTIES,"

In line 30, before the word "CLAIMANT" insert the word "COMMERCIAL"

\*\*\*\*\*

kpt

House of Representatives

Tuesday, May 1, 1984

DEPUTY SPEAKER FRANKEL:

Will you remark further on this bill as amended?

REP. WENC: (60th)

Yes, Mr. Speaker.

DEPUTY SPEAKER FRANKEL:

Rep. Wenc.

REP. WENC: (60th)

The amendment as adopted now becomes the nuts and bolts of the bill, and I would urge passage by this House.

DEPUTY SPEAKER FRANKEL:

Will you remark further? Rep. Parker.

REP. PARKER: (31st)

Thank you: I rise in support of the bill as amended. The bill would apply only between commercial parties, not the general public, and I think that the amendment does add to the bill, and I urge support also.

DEPUTY SPEAKER FRANKEL:

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

CLERK:

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

The House of Representatives is now voting by roll.

kpt

187

House of Representatives

Tuesday, May 1, 1984

Members please return to the Chamber immediately.

SPEAKER STOLBERG:

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

Will the Clerk please announce the tally.

CLERK: (131st)

Senate Bill 578 as amended by House "A".

Total number voting	142
Necessary for passage	72
Those voting yea	142
Those voting nay	0
Those absent and not voting	9

SPEAKER STOLBERG:

The bill is passed.

CLERK:

Page 21, Calendar 641, House Bill 5948, AN ACT CONCERNING THE RATE OF INTEREST IMPOSED UPON THE AMOUNT OF ADDITIONAL TAXES DUE FROM CERTAIN COMPANIES AND INDIVIDUALS. Favorable Report of the Committee on Finance, Revenue and Bonding.

REP. BARRETT: (132nd)

Mr. Speaker.

SPEAKER STOLBERG:

Rep. Susan Barrett.

1942

GENERAL INVESTIGATION

OF THE UNITED STATES DEPARTMENT OF JUSTICE

IN THE MATTER OF

THE UNITED STATES OF AMERICA

VS.

ALGER HISS

et al.

## SENATE

WEDNESDAY  
APRIL 18, 1984

144  
LFU

Senate. Would 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 is Calendar 382, Substitute for Senate Bill 554, File 575 and under Rule 15 Senator Owens has excused himself from the chamber on this vote. The machine is open. The machine will be closed and locked.

TOTAL VOTING	35
NECESSARY FOR PASSAGE	18
VOTING YEA	34
VOTING NAY	1

The measure is adopted. Clerk will call the next item.

THE CLERK:

Calendar 383, File 587, Substitute for Senate Bill 578,  
AN ACT CONCERNING PRODUCT LIABILITY CLAIMS, Favorable  
Report of the Committee on Judiciary.

THE CHAIR:

Senator Owens.

SENATOR OWENS:

I move acceptance of the Committee's Joint Favorable Report and passage of the Bill. This Bill would specify that a contract is enforceable even though it prevents

## SENATE

WEDNESDAY  
APRIL 18, 1984

145  
LFU

recovery from loss or damage or from harm as long as the contract is between commercial parties and effects only those who are actually parties to the contract. I'd ask if there is no objection that this Bill be placed on Consent.

THE CHAIR:

Any objection to placing the item on Consent? Senator Reginald Smith.

SENATOR REGINALD SMITH:

Yes Mr. President, if I might, a question through you to Senator Owens.

THE CHAIR:

Pose your question, Senator.

SENATOR SMITH:

Could you just confirm for me whether this just applies to commercial parties within the contract, Senator Owens?

THE CHAIR:

Senator Owens, if you care to respond.

SENATOR OWENS:

It applied to commercial parties, that's correct, through you.

THE CHAIR:

Senator Smith.

WEDNESDAY  
APRIL 18, 1984

146  
LFU

SENATOR SMITH:

It's limited strictly to the commercial communities that are involved. There are no individual liabilities that are being waived under these provisions.

THE CHAIR:

Senator Owens.

SENATOR OWENS:

Through you Mr. President, that is correct.

SENATOR SMITH:

Thank you.

THE CHAIR:

The motion was to place on Consent. Is there any objection? Hearing no objection, the item is moved to Consent.

THE CLERK:

Calendar 386, page 17, file 586, Senate Bill 456, AN ACT CONCERNING THE DISPOSITION OF OFFICE FURNITURE FORMERLY USED BY THE SUPERIOR COURT AT NORWICH, Favorable Report of the Committee on Judiciary.

THE CHAIR:

Senator Owens.

SENATOR OWENS:

Mr. President, one of the more important Bills that have come before the Committee on Judiciary this year.

## SENATE

1461

WEDNESDAY  
APRIL 18, 1984

234 SB284-SB351  
LFU HB5166-SB367  
SB16-SB561

Senate. Will all Senators please take their seats. An SB536-SB484  
immediate Roll Call has been called for in the Senate. SB571-HB5536  
Will all Senators please be seated. HB5656-HB5181

HB5596-H5503

THE CHAIR:

HB5725-HB5204

Please give your attention to the Clerk as he proceeds with our rather extensive Consent Calendar.

SB95-SB555

SB576-SB355

THE CLERK:

SB458-SB427

On page 1, Calendar 392. On page 2, Calendar 393, SB453-SB474  
394, 395. On page 3, Calendar 167, 186, 214. On page SB192-SB310  
4, Calendar 231, 236. On page 5, Calendar 252. On page SB422-SB496  
6, Calendar 277, 282, 286. On page 7, Calendar 290, 297, SB577-SB197  
305. On page 8, Calendar 315, 323, 327. On page 9, SB276-SB227  
Calendar 329, 333, 334. On page 10, Calendar 337, 339, SB266-SB495  
340, page 11, Calendars 343, 344, 346. Page 12, Calendar SB548-SB589  
349, 350. SB592-SB215

SB281-SB331

Page 13, Calendar 360, 361, 362, 364. Page 14, SB400-SB576  
Calendar 368, 369, 370, 371, 372. Page 15, Calendar 373, SB456-SB194  
374, 375, 376 and 378. Page 16, Calendar 379, 380, 381, SB419-SB520  
383. On page 17, Calendar 386, 387, 388, 389, 390. Page SB603-SB606  
18, Calendar 391, 396, 397, 398, 399, 400. Page 19, HB5790-HB5600  
Calendar 401, 402, 403, 404, 405. Page 20, Calendar 406, HB5144-HB5558  
Calendar 407, 409, and 410. HB5639-HB5575

HB5644-HB5075

Page 21, Calendar 413, 414, 416, 417. On page 22, HB5173-HB5547  
Calendar 420 and 421. Page 23, 424, 425, <sup>or</sup> 526, 427, 428, HB5649-HB5726

HB5758-H5760

HB5560-SB130

SB494-HB5872

S-229

CONFIDENTIAL

MEMORANDUM

FOR THE

MEMORANDUM

NOV 1954

CONFIDENTIAL

1

2

PART I

10 20 30

40

50

60

70

80

90

100

## SENATE

TUESDAY  
MAY 8, 1984

102  
ROC

favor of Senate Amendment Schedule C will signify by saying Aye. Those opposed Nay. The Ayes have it. SENATE AMENDMENT SCHEDULE C IS ADOPTED.

Now we are on the bill, Senator Owens.

SENATOR OWENS:

Mr. President, I would ask that if there is no objection that this bill as amended by the House Action and by Senate Amendment C be placed on Consent.

THE CHAIR:

Without objection, so ordered.

THE CLERK:

Cal. 383, File 587. Substitute for Senate Bill 578.  
AN ACT CONCERNING PRODUCT LIABILITY CLAIMS, as amended by  
House Amendment Schedule A. Favorable report of the Com-  
mittee on Judiciary. Passed Senate on 4/18.

THE CHAIR:

Senator Owens.

SENATOR OWENS:

Mr. President, I move acceptance of the Joint Committee's favorable report and passage of the bill in concurrence with the action taken by the House.

THE CHAIR:

Will you remark?

1984 GENERAL ASSEMBLY

SENATE

TUESDAY  
MAY 8, 1984

103  
ROC

SENATOR OWENS:

House Amendment A removed the proposed language which would have specified that a contract is enforceable even if the contracts waive the rights to recover for personal injury or monetary loss, and the act in itself would preclude a commercial party or organization from suing for commercial loss under the Product Liability Statute and would require that such commercial lawsuits be brought only uniform commercial code statute.

I would ask, if there is no objection, that this bill as amended by House A be placed on Consent.

THE CHAIR:

Without objection, so ordered.

THE CLERK:

Cal. 391, File 585. Senate Bill 606. AN ACT CONCERNING REPORTING FORMATS FOR SCHOOL DISTRICT FINANCES, as amended by House Amendment Schedule A. Favorable report of the Committee on Education. Passed Senate on 4/18.

THE CHAIR:

Senator Casey.

SENATOR CASEY:

Mr. President, I move acceptance of the Joint Committee's favorable report and passage of the bill in concurrence with

## 1984 GENERAL ASSEMBLY

## SENATE

TUESDAY  
MAY 8, 1984

195  
ROC

## THE CHAIR:

Please give your attention to the Clerk who will call the items that were put on the Consent Calendar.

## THE CLERK:

Page one - Cal. 570. Page two - Cals. 590, 642, 666, 673, 685, 737. Page three - Cals. 753, 762, 772, 775. Page four - Cals. 776, 777, 778 and 27. Page five - Cals. 38, 60, 61, 143, 147. Page six - Cals. 242, 271, 277, 282 and 345. Page seven - Cals. 369, 372, 383, 391, 465. Page eight - Cal. 501. Page nine - Cals. 302, 329. Page ten - Cal. 656.

I believe that completes the list of items on today's Consent Calendar, Mr. President.

## THE CHAIR:

Any omissions, corrections? The machine is open. Please record your vote. Has everyone voted? The machine is closed. The Clerk please tally the vote. RESULT OF THE VOTE: 35 Yea. 0 Nay. THE CONSENT CALENDAR IS ADOPTED.

Senator Robertson.

## SENATOR ROBERTSON:

Thank you very much, Mr. President. Mr. President, I would like to announce that the Republican caucus will begin at one-thirty, sir. And i would also like to ask in accordance

SB618-HB5794

HB5742-HB5704

HB5605-HB5755

HB5824-HB5629

HB5796-HB5762

HB5088-HB5707

HB5733-HB5239

SB15-SB43-SB108

SB312-SB489

SB261-SB540

SB379-SB536

SB484-SB470

SB276-SB458

SB578-SB606

SB346-HB5084

HB5076-HB5204

SR15

JOINT  
STANDING  
COMMITTEE  
HEARINGS

JUDICIARY  
PART 3  
690-984

1984

43  
Klu

## JUDICIARY

March 19, 1984

MR. KAHN: (continued)

on larger bonds. The six months stay is important to everyone who wants to make certain that justice is served.

Section 13(b) duplicates existing legislation. This Bill if enacted, would bring about the demise of the bondsmen. It would disenfranchise sureties and bonding agents. It would substantially increase the jail populations because policies that are designed to restrict the bail bondsman and his right to earn a living by the pursuit of his vocation, would also deny defendants their Constitutionally guaranteed right to have bail posted for them by a reliable surety.

We urge you to vote against this Bill. It is critical to the people of Connecticut that we be permitted to continue to serve as productive and independent businessmen and women. We can be proud that in our state the money bail system works effectively and efficiently within the rules and regulations set down by our judicial department. The bail bondsman performs a valuable service that is not taxpayer supported.

A service that is an integral part of our system of criminal justice. Vote no on this Bill and allow us to continue to contribute towards the effective administration of justice in Connecticut.

SEN. OWENS: Any questions? Thank you Mr. Kahn.

REP. TULISANO: Would it be possible to get one of our staff to xerox that so we would have his full statement? Is that possible? Thank you.

SEN. OWENS: Raphael Podolsky to be followed by Ann Marie Martin and Laura Minor and Marlene Warren.

MR. RAPHAEL PODOLSKY: My name is Raphael Podolsky from Legal Services Training and Advocacy project. There are several Bills that I'd like to speak to. The first Bill is House Bill 5877, dealing with some aspects of landlord tenant law. It is on your agenda for committee meeting this afternoon also. Section 1 of the Bill is basically a technical correction that has surfaced because of the

MR. PODOLSKY: (continued)

Department itself thinks the Bill has not been drafted correctly and has offered alternative language to you. That alternative language is acceptable. The problem with this Bill is it totally and completely removes parents from the process, from the transfer from institution to institution of an adult mentally retarded person.

There are two kinds of problems. First of all, it is not drafted correctly. If what it means is in dealing with people who don't have guardians, it should use that phrase. It uses the phrase a person who has been adjudicated incompetent. It's not clear what that means in terms of limited guardianships, full guardianships, conservatorships. You need to clarify that piece. The second is that the Bill is overbroad because there are circumstances when a parent should have notice.

The point is if an adult retarded person who has no guardian affirmatively says I don't want my parents to have notice; I don't want my parents to have the right to appeal, that is the circumstance under which this Bill should take the right of that appeal away.

If it is short of that, I don't think it's such a good idea. And I would also mention that this whole area is fairly sensitive, because there was litigation recently involving the Department of Mental Retardation that deals in part with what role parents should play and it may be that you may want to just let this Bill go for this year so as not to antagonize people, particularly some of the parent groups who are concerned about the parent involvement. But in any event, if you do choose to move the Bill forward I hope you would do a lot of rewrite on the Bill.

Senate Bill 578 deals with product liability claims. I'm not sure that I understand what this Bill means but if it means what I think it means, it seems to say that if a manufacturer and a distributor make a contract saying that basically saying that--limiting liability, that that agreement would be enforceable against anybody down the line. It's structured as if commercial parties might make disagreement. If that's what it means, it would mean that a consumer could be cut off from his products liability

MR. PODOLSKY: (continued)

remedies because the distributor and some middle man, a retailer or a wholesaler, had made some kind of an agreement on this. That would undercut the entire products liability system. If it means something different from that, then I think the Bill needs to be rewritten to say that, because that is the best sense I can make out of this Bill and in any event, I would recommend that you box that Bill.

House Bill 5886, notice to landlord of application for a day care license. This is a Bill also that I would suggest that you either reject or you should delete the section 2 of the Bill.

What the Bill says is that if somebody lives in an apartment and they apply to the Department of Human Resources to have a day care license so that they take kids in their home during the day, that DHR must give notice to the landlord. That's Section 1. I don't think that's objectionable.

Section 2 says it makes an independent ground to deny the license, the fact that the landlord had objected. The grounds for denying licenses now are basically bad moral character. It talks about conviction of felonies, conviction of risk of injury to minor and now it throws in landlord objection along with the moral stuff.

It seems to me that if the landlord and tenant have an agreement, it prohibits the tenant from taking children in for day care purposes, then the landlord has remedies to deal with that. But the landlord should not have the veto, especially if there is no agreement between the landlord and tenant that precludes the landlord or the tenant from taking in children for day care purposes.

REP. TULISANO: Maybe the individuals who brought this one up are thinking that within a residential property particularly, the property is leased with the basic understanding that it is to be used for living quarters and that this shifts what the use of the property is and you say there is no agreement to the contrary, it's not even assumed to begin with. I mean it's not part of a comprehensive--when they enter into it for the use of living quarters. Does he not

MS. ROSS: (continued)

support the concept of Raised Committee Bill 537, An Act Concerning Uniform Penalties for Practicing Medicine Without a License, however, we wish to point out that occupational therapist have not been included with the other licensed health professionals listed in this Bill.

We are licensed under Chapter 376A of the Connecticut State statutes like other licensed health professionals. For example, physical therapists, psychologists, nurses, etc., we do have a penalty for violation of the Practice Act which is found in Section 20-74F.

We wish to be included in this present legislation and that is what I'm asking. Thank you very much for the opportunity to testify. I'll be glad to answer any questions.

REP. TULISANO: Thank you.

SEN. OWENS: Mr. Gregory Sweeney, to be followed by Ted Dzialo.

MR. GREGORY SWEENEY: Mr. Chairman, members of the Committee, my name is Greg Sweeney and I'm the Senior Assistant Division Counsel of Sikorsky Aircraft Division of United Technologies Corporation.

I appear before you today to urge your favorable consideration of Raised Committee Bill 578, An Act Concerning Product Liability Claims. The Bill under consideration is designed to clarify the application of the Connecticut Product Liability statute to commercial entities in their dealings with one another.

The Bill has two objectives. First, recovery of damages for commercial loss caused by a product is appropriately identified as a matter governed by commercial law and thus, outside of the scope of the product liability statute. Second, the Bill expressly reserves commercial entities the ability to contractually apportion themselves, risks associated with the use of products, including those risks within the scope of the product liability statute.

MR. SWEENEY: (continued)

Both objectives of the Bill relate to the interests of commercial parties only. Consumer rights are not altered or affected by the Bill.

With respect to the first portion of the Bill, that dealing with commercial loss, as modified by Bill 578, the Connecticut statute would permit commercial entities to bring product liability claims for property damage and personal injury damage caused by a product. However, commercial loss such as alleged lost profit, loss of commercial opportunities, loss of good will and the like, would not be sought under a product liability claim.

Rather, actions for such commercial loss would be brought under the governed by the provisions of the Uniform Commercial Code. In making this modification to the Connecticut statute, Connecticut would be falling in line with the states of Washington and Kansas who have similarly structured product liability statutes and have made similar modifications to the definition of harm that can be brought--for which action can be brought under the product liability statute.

REP. TULISANO: Are they major, industrial manufacturing states like California, New York--Washington and Kansas don't impress me. Any other states get involved?

MR. SWEENEY: Washington and Kansas

REP. TULISANO: (inaudible) like Connecticut, Oregon and California, according to Megatrends, anyway.

MR. SWEENEY: Not that I'm aware of, Representative. As previously noted, a second portion of Raised Committee Bill 578 confirms the right of commercial entities to apportion among themselves, risks associated with the use of products. Now, taken as a whole, provisions of the Bill place squarely under commercial law, risks of commercial loss, as well as other risks of product caused harm that the commercial entities may elect to apportion contractually. Risks of product caused harm that are not provided for contractually by the parties would be apportioned in accordance with provisions of the product liability statute.

MR. SWEENEY: (continued)

As amended by the Bill under consideration, the statute would be consistent with the realities of the commercial environment. Today, the practice of procuring comprehensive business insurance coverage or similar protection is virtually universal among commercial enterprises.

This protection typically includes public liability coverage, all risk, property damage coverage and business interruption and extra expense coverage. Where commercial entities contract with one another for the sale and purchase of products, each party generally has insurance or similar arrangements in place that are directly related to the risks to which that party is exposed under the terms of the sale-purchase contract and frequently the terms of agreement having to do with such apportionment of risk are among the most heavily negotiated between commercial parties.

In recognition of these commercial realities, the Bill would provide to commercial parties, the certainty that the risk apportionment provision of their agreements will be as contractually effective as the balance of their agreements and accordingly, permits such parties to make appropriate arrangements to cover their respective exposures.

On the other hand, risks of product caused harm that are within the scope of the Connecticut Product Liability statute and that the commercial parties do not apportion in their agreements would be apportioned in accordance with the provisions of the Product Liability statute.

In summary, we view the Bill under consideration as primarily a clarification of the interests that the product liability statute is designed to protect, rather than a substantive change in product liability law. We recommend your approval of Raised Committee Bill 578.

And I may add as a supplement, to clarify any misunderstanding, that the Bill would effect only the commercial entities in contract with one another and would not affect third parties. We recommend that line 36 of the Bill be augmented by adding the words between such parties,

61  
klu

JUDICIARY

March 19, 1984

MR. SWEENEY: (continued)

between the words liability and for. I have a marked up copy of the Bill that I'd be pleased to submit, whatever the procedure is.

SEN. OWENS: Any questions of Mr. Sweeney? Thank you Mr. Sweeney. Why don't we take Mr. Dzialo, Miss Sorokin and Professor Tondo at the same time.

REP. TULISANO: May I--may the record note that I exempt myself from this part of the public hearing.

SEN. OWENS: The record shall so note. Is Attorney Sorokin here? Why don't you come up? We'll do all three and since you're all on the same Bill, you can sit here together. It will move it a little bit better. Good afternoon, nice to have you with us.

MR. CHET DZIALO: Senator Owens, members of the Committee, my name is Chet Dzialo, an attorney from Middletown. I appear before you today not as a paid lobbyist but a private citizen of Middletown. I am speaking in favor of House Bill 5866. This Bill, when enacted, would validate certain planned unit developments and/or planned residential developments. The regulations that were passed and adopted by various towns under Section 8-2 of the statutes as opposed to Chapter 124a which deals specifically with PRD's or PUD's.

In 1968, my office was retained to draft ordinances for the town of Middletown, the first PUD in Middletown. The Planning and Zoning Commission of Middletown adopted the ordinances after changes, and in 1968, the first planned unit development of Middletown was in the works, Wesleyan Hills.

In 1969, the legislature adopted Chapter 128a that spoke specifically to PRD's and/or PUD's. Middletown continued to process PUD's under its existing ordinances and in 1970, another large PRD was approved in Middletown for about 3300 units. Our office felt in 1968 that 8-2 gave towns sufficient authority to adopt PUD's. However, some questions have arisen lately with respect to whether or not the ordinances were validly adopted. Middletown does