

Legislative History for Connecticut Act

HB 6162	PA 341	(FAX)	1986
House	4166-4173, 7652-7659		(16)
Senate	3192-3194, 3224-3225		(5)
Judiciary	1924-1925		(2)
			Total- 21 p

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

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CONNECTICUT  
GEN. ASSEMBLY  
HOUSE

PROCEEDINGS  
1986

VOL. 29  
PART II  
3808-4180

House of Representatives

Monday, April 28, 1986

announce the pendency of a roll call vote for the benefit of the members not presently in the chamber.

CLERK:

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

SPEAKER VAN NORSTRAND:

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

CLERK:

House Bill 6014.

Total number voting	148
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Necessary for passage	75
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Those voting yea	148
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Those voting nay	0
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Those absent and not voting	3
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SPEAKER VAN NORSTRAND:

The bill is passed.

CLERK:

Calendar No. 475, Page 5, Substitute for House Bill 6162, File No. 514, AN ACT CONCERNING RELEASE OF MORTGAGES. Favorable report of the committee on Judiciary.

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Monday, April 28, 1986

REP. WOLLENBERG: (21st)

Mr. Speaker.

SPEAKER VAN NORSTRAND:

Rep. William Wollenberg.

REP. WOLLENBERG: (21st)

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

SPEAKER VAN NORSTRAND:

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

REP. WOLLENBERG: (21st)

Yes, thank you, Mr. Speaker. Mr. Speaker, there has been a constant problem in the real estate world with mortgage releases especially since we have been dealing with out of state mortgage companies, assignments of mortgage for the most part most mortgages that are put onto residential homes today are assigned to out of state lenders, out of state financial people. When it comes time to sell a house or any real estate a release of that mortgage is necessary.

Prior to mortgages being assigned as they are today, going to out of state mortgage companies and financial institutions, was a simple matter to write to

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a bank and ask them for a mortgage release. They sent it with a statement in the next mail. You had the closing, you sent them their check and everything was fine. The title was clear, you were able to put the new mortgage on. What has developed is an extreme difficulty in getting out of state mortgage companies and financial people to acknowledge -- to even acknowledge that you're having a closing and you need a release. To even give you the pay off, let alone a formal release of the mortgage for the land records.

We have worked out a bill here that would allow an individual involved in a closing to request a mortgage release if the mortgage release was not forthcoming 30 days after the check was cashed paying off the first mortgage, yes, you have to send your money and you don't get anything for it. But you send the check out. 30 days after that, the file copy says 60, we're going to change that to 30 in a second, but a number of days afterward, if the check has been returned, you may file an affidavit on the land records which is in lieu of a mortgage release and the title will be deemed clear.

Mr. Speaker, the Clerk has LCO No. 3040, will the Clerk please call and read.

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SPEAKER VAN NORSTRAND:

Clerk, please call and read LCO No. 3040 designated House Amendment Schedule "A".

CLERK:

House Amendment Schedule "A", LCO 3040 offered by Rep. Wollenberg.

In line 45, delete "sixty" and substitute in lieu thereof "thirty"

In line 74, delete "sixty" and substitute in lieu thereof "thirty"

SPEAKER VAN NORSTRAND:

The amendment is in your possession, sir, your pleasure.

REP. WOLLENBERG: (21st)

Mr. Speaker, I move for adoption of the amendment.

SPEAKER VAN NORSTRAND:

The question is on adoption of House "A". Will you remark?

REP. WOLLENBERG: (21st)

Thank you, Mr. Speaker. Mr. Speaker, this after discussion with mortgage lenders and so on, it is felt that 30 days is enough time and we don't need to 60 in there after the receipt of the request is received by the pay off lender. And that's what this does and it does

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clear it up, I think, and it makes it a little more  
wieldy although the whole thing is rather unwieldy and I  
move adoption. And I move adoption.

SPEAKER VAN NORSTRAND:

The question is on adoption. Will you remark? If  
not, all in favor indicate by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER VAN NORSTRAND:

All opposed, indicate by saying nay.

The ayes have it. House "A" is adopted and ruled  
technical. Will you remark further on the bill as  
amended by House "A"?

REP. WOLLENBERG: (21st)

Mr. Speaker.

SPEAKER VAN NORSTRAND:

Rep. Wollenberg.

REP. WOLLENBERG: (21st)

Mr. Speaker, with this amendment, I think it makes  
an intolerable situation somewhat tolerable and I urge  
passage of the bill.

SPEAKER VAN NORSTRAND:

If not, staff and guests please come to the well  
of the House, the machine will be opened. Clerk, please

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House of Representatives

Monday, April 28, 1986

announce the pendency of a roll call vote for the benefit of the members not presently in the chamber.

CLERK:

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

SPEAKER VAN NORSTRAND:

Have all the members voted? Please check the board to determine if your vote is properly recorded. If so the machine will be locked. Clerk, please take a tally.

REP. WOLLENBERG: (21st)

Mr. Speaker.

SPEAKER VAN NORSTRAND:

Rep. Wollenberg.

REP. WOLLENBERG: (21st)

In the affirmative, please.

SPEAKER VAN NORSTRAND:

The gentleman from the 21st in the affirmative.

REP. EMMONS: (101st)

Mr. Speaker.

SPEAKER VAN NORSTRAND:

Rep. Linda Emmons.

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REP. EMMONS: (101st)

In the affirmative, please.

SPEAKER VAN NORSTRAND:

The lady from the 101st in the affirmative.

REP. HURD: (56th)

Mr. Speaker.

SPEAKER VAN NORSTRAND:

Rep. Robert Hurd.

REP. HURD: (56th)

With apologies, in the affirmative, please.

SPEAKER VAN NORSTRAND:

The gentleman from the 56th in the affirmative.

REP. DYSON: (94th)

Mr. Speaker.

SPEAKER VAN NORSTRAND:

Rep. William Dyson.

REP. DYSON: (94th)

In the affirmative, please.

SPEAKER VAN NORSTRAND:

Rep. Dyson of the 94th in the affirmative.

REP. THORP: (89th)

Mr. Speaker.

SPEAKER VAN NORSTRAND:

Rep. David Thorp.

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REP. THORP: (89th)

In the affirmative, please.

SPEAKER VAN NORSTRAND:

The gentleman from the 89th in the affirmative.

Rep. Oscar Rogg.

REP. ROGG: (67th)

Mr. Speaker, in the affirmative.

SPEAKER VAN NORSTRAND:

The gentleman from the 67th in the affirmative.

Clerk, please announce the tally.

CLERK:

House Bill 6162 as amended by House "A".

Total number voting 148

Necessary for passage 75

Those voting yea 148

Those voting nay 0

Those absent and not voting 3

SPEAKER VAN NORSTRAND:

The bill as amended is passed.

CLERK:

Calendar No. 484, Senate Bill No. 65, File No. 44,AN ACT CONCERNING WATER POLLUTION CONTROL. Favorable  
report of the committee on Appropriations.

kpt

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House of Representatives

Tuesday, May 6, 1986

OF THE STATE ETHICS AND FREEDOM OF INFORMATION COMMISSIONS,  
as amended by Senate Amendment Schedule "A". Favorable  
Report of the Committee on Appropriations.

REP. JAEKLE: (122nd)

Mr. Speaker.

DEPUTY SPEAKER BELDEN:

Rep. Jaekle.

REP. JAEKLE: (122nd)

Thank you, Mr. Speaker. May this item be  
passed temporarily.

DEPUTY SPEAKER BELDEN:

The motion is to pass Calendar 473 temporarily.  
Is there objection? The matter is passed temporarily.

CLERK:

Calendar 475, Substitute for House Bill 6162,  
File No. 514, AN ACT CONCERNING RELEASE OF MORTGAGES. As  
amended by House Amendment Schedule "A" and Senate  
Amendment Schedule "A". Favorable Report of the  
Committee on Judiciary.

REP. WOLLENBERG: (21st)

Mr. Speaker.

DEPUTY SPEAKER BELDEN:

Rep. William Wollenberg.

kpt

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REP. WOLLENBERG: (21st)

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

DEPUTY SPEAKER BELDEN:

The question is on acceptance and passage of the bill as amended.

REP. WOLLENBERG: (21st)

Mr. Speaker. this is the bill that in regard to release of mortgages that we had in this House that was discussed previously.

I won't go into the discussion of the file copy. The House added House "A" which changed 60 days to 30 days, went to the Senate sir, and the Clerk has LCO No. 2356, Senate "A" on her desk. Will she please call and read.

DEPUTY SPEAKER BELDEN:

Rep. Wollenberg, although I understood the nature of your motion, I think it has been the traditional practice, and indeed, I think, consistent with the rules that House "A" would have to be readopted.

REP. WOLLENBERG: (21st)

I withdraw the call on LCO 2356 at this time,

kpt

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Mr. Speaker and would ask that House "A" be adopted.

Would the Clerk please call and read House "A".

DEPUTY SPEAKER BELDEN:

Is that not LCO 3040?

REP. WOLLENBERG: (21st)

That is correct, Mr. Speaker.

DEPUTY SPEAKER BELDEN:

Would the Clerk please call LCO No. 3040, call and read 3050, previously designated House "A". 3040, I'm sorry.

CLERK:

LCO 3040, House Amendment Schedule "A" offered by Rep. Wollenberg.

In line 45, delete 60 and substitute in lieu thereof 30.

In line 74, delete 60 and substitute in lieu thereof 30.

DEPUTY SPEAKER BELDEN:

The amendment's in your possession, sir. Your pleasure.

REP. WOLLENBERG: (21st)

Mr. Speaker, I believe it's self-explanatory. I move passage, or adoption.

kpt

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DEPUTY SPEAKER BELDEN:

The question is on adoption of the amendment. Will you remark? The question is on the adoption of House "A".

If not, all indicate by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER BELDEN:

Opposed, indicate by saying nay. The ayes have it, House "A" is adopted.

REP. WOLLENBERG: (21st)

Mr. Speaker.

DEPUTY SPEAKER BELDEN:

Rep. Wollenberg.

REP. WOLLENBERG: (21st)

The Clerk has Senate "A", LCO No. 2356 in her possession. Will she please call and read.

DEPUTY SPEAKER BELDEN:

Will the Clerk please call LCO No. 2356 previously designated Senate Amendment Schedule "A".

CLERK:

Senate Amendment Schedule "A" LCO 2356 offered  
by Sen. Johnston.

In line 6, after Connecticut and before the period

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insert the following:

Consisting exclusively of one to four family residences, including but not limited to residential units in any common interest community as defined in section 47-202 of the general statutes.

DEPUTY SPEAKER BELDEN:

The amendment's in your possession, sir. Your pleasure?

REP. WOLLENBERG: (21st)

Thank you, Mr. Speaker. I move adoption of the amendment.

DEPUTY SPEAKER BELDEN:

The question is on adoption. Will you remark?

REP. WOLLENBERG: (21st)

Yes, thank you, Mr. Speaker. Just briefly, Mr. Speaker, this would limit this mortgage release bill to one to four family residences. Evidently the federal mortgage companies had a problem with this, the mortgage entities had a problem with this. If it did not exclude, which it does, commercial, and I have no problem with that. I don't think we do that much of a commercial with them anyway. I don't think it will make much difference. It's a good bill with it on. I move

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adoption.

DEPUTY SPEAKER BELDEN:

The question is on adoption of Senate "A". Will you remark? Will you remark? If not, all in favor indicate by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER BELDEN:

All opposed nay.

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

DEPUTY SPEAKER BELDEN: Will you remark further on the bill as amended?

REP. WOLLENBERG: (21st)

Mr. Speaker.

DEPUTY SPEAKER BELDEN:

Rep. Wollenberg.

REP. WOLLENBERG: (21st)

I ask for passage of the bill as amended.

DEPUTY SPEAKER BELDEN:

The question is on passage of the bill in concurrence with the Senate. Will you remark? If not, staff and guests please come to the well of the House. The machine will be opened. The Clerk please announce the pendency of a roll call vote for the benefit

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of the members not presently in the Chamber.

CLERK:

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

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

DEPUTY SPEAKER BELDEN:

Have all the members voted? Please check the board to determine if your vote is properly recorded. The machine is still open. The machine will be locked. The Clerk please take a tally. The Clerk please announce the tally.

CLERK:

House Bill 6162 as amended by House "A" and Senate "A".

Total number voting	146
Necessary for passage	74
Those voting yea	146
Those voting nay	0
Absent and not voting	5

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DEPUTY SPEAKER BELDEN:

The bill is passed in concurrence with the Senate.

CLERK:

Page 15, Calendar No. 500, House Bill 5208, File No. 551, AN ACT CONCERNING THE COMMUNITY HEALTH CENTER OF WILLIMANTIC AND FUNDING FOR MATERNAL AND INFANT HEALTH SERVICES, As amended by Senate Amendment Schedule "A". Favorable Report of the Committee on Appropriations.

REP. NEUMANN: (62nd)

Mr. Speaker.

DEPUTY SPEAKER BELDEN:

The Chair recognizes the gentleman who is affectionately known as Dr. No, Mr. No, Rep. Otto Neumann.

REP. NEUMANN: (62nd)

No thank you, Mr. Speaker. Mr. Speaker, I move acceptance of the Joint Committee' Favorable Report and passage of the bill.

DEPUTY SPEAKER BELDEN:

The motion is for acceptance and passage. Will you remark, sir?

REP. NEUMANN: (62nd)

Yes, sir. Mr. Speaker, I thank you. This bill

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CONNECTICUT  
GEN. ASSEMBLY  
SENATE

PROCEEDINGS  
1986

VOL. 29  
PART 9  
2910-3313

MAY 3, 1986

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THE CHAIR:

Senator McLaughlin.

SENATOR MC LAUGHLIN:

Thank you Mr. President. This time I would move passage as amended by Senate Schedule A and if there is no objection I would move this to the Consent Calendar.

THE CHAIR:

No objection, the item is placed on the Consent Calendar.

THE CLERK:

Page 8, Calendar 605, Substitute for House Bill 6162, File 514, AN ACT CONCERNING RELEASE OF MORTGAGES, as amended by House Amendment, Schedule A.

THE CHAIR:

Who will be reporting this please? Senator Smith.  
Is this Senator Eaton's Bill, 605? Second item on page 8.  
Top of the page. Senator Richard Johnston.

SENATOR JOHNSTON:

Yes, I'll move the acceptance of the Committee's Favorable Report and passage of the Bill.

THE CHAIR:

As amended by House--

SENATOR JOHNSTON:

Yes, as amended by House Amendment A and I believe there is a Senate Amendment in the Clerk's possession.

MAY 3, 1986

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THE CLERK:

Senate Amendment A, LCO 2356, as introduced by Senator Johnston of the 9th.

THE CHAIR:

Senator Richard Johnston.

SENATOR JOHNSTON:

I would move adoption of the Amendment, Mr. President and leave of the chamber to summarize.

THE CHAIR:

Without objection you may proceed.

SENATOR JOHNSTON:

This Amendment which really relates quite keenly to the legislation is required pursuant to ginny mae and fanny mae requirements relative to the mortgages and would restrict these affidavits being used relative to releases of mortgage to residential family residences consisting of one to four units and including particularly residential units and any common interest community.

THE CHAIR:

Further remarks? Further remarks on the Amendment?

All those in favor of the Amendment signify by saying aye.

Opposed? The Amendment is adopted. Further Amendments?

THE CLERK:

No further Amendments.

MAY 3, 1986

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THE CHAIR:

We're now on the Bill as amended.

SENATOR JOHNSTON:

On the Bill as amended, Mr. President, as amended by House Amendment A and Senate Amendment A, this allows the filing of an affidavit in the land records and instead of a mortgage release, when a lending institution has failed to deliver a release within thirty days. It once was sixty days in the legislation but the House Amendment changed that to thirty days. Further, the Bill authorizes licensed Connecticut attorneys in good standing or Title Insurance Company officer to file such affidavits. If there is no objection I ask this be placed on Consent.

THE CHAIR:

Further remarks on the Bill? Any objection to placing on the Consent Calendar? Hearing none, so ordered.

THE CLERK:

Page 17, Calendar 291, Files 225, 359, 740, Substitute for House Bill 5629, AN ACT CONCERNING TECHNICAL AMENDMENTS IN PROCEDURES RELATED TO PREPARATION OF EQUALIZED NET GRAND LISTS FOR THE PURPOSES OF EDUCATIONAL EQUALIZATION GRANTS, Favorable Report of the Committee on Judicial. Senate referred Finance to Judiciary on 4-16.

THE CHAIR:

Senator McLaughlin.

MAY 3, 1986

Amendment, Schedule A. 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:

23 YEA

10 NAY

The Bill is adopted.

Senator Smith.

SENATOR SMITH:

Thank you Mr. President. If the Clerk would call the Consent Calendar at this time please.

THE CHAIR:

The Clerk will make an announcement for an immediate Roll Call on the Consent Calendar.

THE CLERK:

An immediate Roll Call has been ordered in the Senate on the Consent Calendar. Will all Senators please return to the chamber. An immediate Roll Call has been ordered in the Senate on the Consent Calendar. Will all Senators please return to the chamber.

THE CHAIR:

Please give your attention to the Clerk who will now call the items that have been referred to the Consent Calendar.

THE CLERK:

Page 8, Calendar 605, Substitute for H0use Bill 6162.

MAY 3, 1986

Page 11, Calendar 622, Substitute for House Bill 5294. Page 18, Calendar 125, Substitute for Senate Bill 248.

THE CHAIR:

Any changes or omissions? Machine is open. Please record your vote. Senator Miller, Senator Hampton. Has everyone voted? Machine is closed. Clerk please tally the vote.

The result of the vote:

33 YEA

0 NAY

The Consent Calendar is adopted.

THE CLERK:

Page 17, Calendar 291, Substitute for House Bill 5629, Files 225, 359, 740, AN ACT CONCERNING TECHNICAL AMENDMENTS AND PROCEDURES RELATED TO THE PREPARATION OF EQUALIZED NET GRAND LIST FOR THE PURPOSE OF EDUCATIONAL EQUALIZED GRANTS, Favorable Report of the Committee on Judiciary. Senate referred Finance Bill to Judiciary on 4-16.

THE CHAIR:

Senator McLaughlin.

SENATOR MC LAUGHLIN:

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

THE CHAIR:

Will you remark?

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**JUDICIARY  
PART 6**

**1986**

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JUDICIARY

March 31, 1986

MR. VERMULEN: (continued)

compensation to victims of murderous industries, or perpetrators of negligent acts. For to do so would be to license and legalize the inflicting of pain and suffering and death. It would be like saying, it's okay if you kill or maim somebody. It's only going to cost you \$150 or \$250,000, as long as you're aware of this, go ahead and kill and maim, because we really don't care.

In fact, we have passed a law making the maiming or killing of people or the residents of Connecticut percently legal. Go ahead and do it.

Or you can say no, stop --

REP. WOLLENBERG: Sir, can I ask you to sum up, please?

MR. VERMULEN: Yes, sir, I will.

REP. WOLLENBERG: On your word.

MR. VERMULEN: On my word. I still believe that people are more important than profits. I still believe that honesty in personal and corporate conduct count for something. I still believe that you care and I have one reminder in closing, and that's it. Dying is a tough way to make a living. Thank you.

REP. WOLLENBERG: Thank you, sir. Any questions of either of these gentlemen? Thank you very much.

Rep. Hauser.

REP. HAUSER: Thank you, Mr. Chairman. I was just about to tell your clerk that I would submit written testimony, because you are so backed up. If I could just go on record as opposed to Bill 6133 and in favor of 6162. I think I'd be doing you and the committee a favor by just limiting my testimony to that.

REP. WOLLENBERG: What are the two bills?

REP. HAUSER: 6133 is concerning State requirements of insurance by mortgagees, and the 6162 is An Act Concerning Releasing Mortgages. I'm in favor of that one and in opposition to the other one.

- REP. WOLLENBERG: Release of mortgage, you've got some substitute language?
- REP. HAUSER: Yes, I'm in favor of the substitute language that's coming in from the Milkwood and in the bar. So, I don't want to belabor the point, but I'll just submit written testimony.
- REP. WOLLENBERG: Any questions? Don Downes. Faith Mandell. Faith Mandell. Followed by Glenn Knierin, Joe D'Alesio. I understand it's hard to hear anybody.
- FAITH MANDELL: Thank you. Good afternoon. My name is Faith Mandell. Beside me is Tim Salas who is the director of the Family Division for the Judicial Department. He's going to assist in any questions you may have.

I appear before you as a representative of the Judicial Department. I'd like to address one bill today, Senate Bill 109, An Act Implementing Provisions for Expediting Processes for Obtaining and Enforcing Child Support Orders and 4D Cases.

The office of the Chief Court Administrator is aware of the importance of the subject matter of this bill in light of the federal law. However, the Department has several concerns and objections regards to the bill as it's presently drafted.

Those concerns and objections relate not only to technical issues, but also to substantive issues. I'd like to just take a few minutes of the committee's time to highlight the Department's major concerns and objections.

First, with regard to the appointment of the Chief Family Support Magistrate and Family Support Magistrates, this proposal provides that the Chief Family Support Magistrate is appointed by the Governor from a list of qualified candidates compiled by the Judicial Selection Commission and that family support magistrates are appointed by the Chief Family Support Magistrate from a list of candidates selected by the Judicial Selection Commission.

The bill as drafted uses the terms nomination and appointment interchangeably and thus creates confusion. Furthermore, the bill as drafted refers to Judicial