

Legislative History for Connecticut Act

Act Number:	09-213	
Bill Number:	1126	
Senate Pages:	3828-3835, 4108-4111	12
House Pages:	10319-10322	4
Committee:	Judiciary: 4627-4628, 4766-4767	4
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Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate and House of Representatives Proceedings

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CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS
2009

VOL. 52

PART 12

3634-3983

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THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you, Mr. President. I thank the gentleman for his answers.

THE CHAIR:

Thank you, sir.

Will you remark further on the bill as amended?

I believe there was a motion on the floor to place the item on Consent.

Seeing no objection, so ordered.

Mr. Clerk.

THE CLERK:

Calendar page 35, Calendar Number 470, File Number 677, Substitute for Senate Bill 1126, AN ACT CONCERNING LAND RECORDS, favorable report of the Committee on Judiciary, Planning and Development. Clerk is in possession of amendments.

THE CHAIR:

Senator McDonald.

SENATOR MCDONALD:

Thank you, Mr. President. Mr. President, I move acceptance of the Joint Committee's favorable report and passage of the bill.

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THE CHAIR:

Acting on acceptance and approval of the bill,
sir, would you like to remark further?

SENATOR MCDONALD:

Yes, Mr. President. Mr. President, I believe the
Clerk is in possession of LCO Number 7463. I ask that
it be called and I be granted leave to summarize.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO 7463, which will be designated Senate
Amendment Schedule A, is offered by Senator McDonald
of the 27th District.

THE CHAIR:

Senator McDonald.

SENATOR MCDONALD:

I move adoption of the amendment.

THE CHAIR:

There is a motion on the floor for adoption.
Seeing no objection, please proceed, sir.

SENATOR MCDONALD:

Thank you, Mr. President. Mr. President, a
couple of years ago we started making some changes to
our statutes regarding land records in an effort to

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facilitate the implementation of more electronic filing of land records, and last year we adopted the Uniform Real Property Electronic Recording Act. Mr. President, this amendment is a continuation of that effort and would clarify the duties and responsibilities of town clerks with respect to marginal notations when certain types of liens and other encumbrances are released, either by operation of law or by the passage of time.

It's a fairly technical amendment, but it is something that is very important to the town clerks of Connecticut and has been strongly supported by the Connecticut Town Clerks Association.

THE CHAIR:

Thank you, sir.

Will you remark further?

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Mr. President. A few questions through you to the proponent of the amendment.

THE CHAIR:

Senator McDonald.

SENATOR KISSEL:

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Thank you very much, Mr. President. My first question is, is there anything in this bill or the underlying bill or the amendment that would prohibit a town clerk from writing in marginal notations if he or she so chose to do? Through you, Mr. President.

THE CHAIR:

Senator McDonald.

SENATOR MCDONALD:

Through you, Mr. President. If the town clerk has that time on his or her hands, I'm sure that there's nothing that would prevent this. This would just set the requirements of what would have to happen. I don't believe it would limit the authority of a town clerk who wanted to take that extra step. Through you, Mr. President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Mr. President. And as someone who has spent so many times in vaults over the last 25 years, I could probably be a vampire having done so many title searches, but all the towns that I have gone to, big, small, old fashion, new -- newfangled, there -- at least the last time I went and

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did some title searches, there still are some town clerks offices that are quaint, charming, but perhaps technologically somewhat antiquated. And I'm wondering if the town clerk's office was not electronically up to speed such that a title searcher could go in there and check a database for releases, would they still be required to put in the marginal notation that the mortgage was released?

And I say that because it's extraordinarily time-consuming to go back through the grantor/grantee indices checking for releases. Whereas what I have found historically is in those town clerks' offices where there were notations on the mortgage deed itself, it really saved the title searcher a tremendous amount of time.

If we're going along with this legislation with the idea that a town clerk's office has an electronic database and the searcher need only go and check that database, then I understand why we're giving the town clerks this latitude. But if they don't have the database, then we're just absolving them of the responsibility of putting in the marginal notation. It just seems to me that it would be somewhat unfortunate for those title searchers that are out

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there who are struggling to try to get as much work done in a finite period of time. Through you, Mr. President.

THE CHAIR:

Senator McDonald.

SENATOR MCDONALD:

Through you, Mr. President, well, as I indicated, originally the Legislature passed a uniform law last year that is trying to bring our land records into the electronic age, understanding that there is going to be a substantial period of time to transition to that situation. Under this legislation the requirement would be, in general, would allow for the recording of a release of liens without having to go back and do the marginal notation so that the release could be incorporated into the electronic searches through the grantors and grantees. But as I indicated, as long as that requirement is met, I don't believe it would restrict the ability of a town clerk to take that extra step, at least for a period of time while we get to the electronic age and where all town clerks have the resources necessary to fully create an electronic land record system. Through you, Mr. President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Mr. President. While I appreciate those answers from Senator McDonald, I believe, as we continue to embark along this path, hopefully we'll reach a day where someone from their law office could do a title search having access to the databases available through various town clerks' offices.

But I would also state for those folks who might be involved in real estate, who might be title searchers who happen to be watching this on the CT Network, if you do find that this process tends to be burdensome or that perhaps we're moving too fast here in Legislature, I'd appreciate it if they'd let this particular Senator know, because I'm extraordinarily sensitive to the hard work that they have to do day-in and day-out. Nonetheless, I'm happy to support the amendment which helps with the bill. Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Will you remark further on Senate A? Will you remark further?

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If not, let me try your minds. All those in favor please signify by saying, aye.

VOICES:

Aye.

THE CHAIR:

Opposed, nays.

The ayes have it, Senate A is adopted.

Will you remark further on the bill as amended?

THE CHAIR:

Senator McDonald.

SENATOR MCDONALD:

Mr. President, if there's no objection, might this item be placed on the Consent Calendar?

THE CHAIR:

There is a motion on the floor to place the item on Consent.

Seeing no objection, so ordered.

Mr. Clerk.

THE CLERK:

Calendar page 36, Calendar Number 497, File 718, Substitute for Senate Bill 1090, AN ACT CONCERNING THE COLLECTION AND DISCLOSURE OF SOCIAL SECURITY NUMBERS, favorable report Of the Committee on Judiciary and Appropriations. Clerk is in possession Of amendments.

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3984-4323

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calendar.

THE CHAIR:

Motion is to remove item from the foot and put on
pass retain.

Seeing no objection, so ordered, sir.

SENATOR LOONEY:

Thanks, Mr. President. Mr. President, if we
might call the items on the Consent Calendar at this
time.

THE CHAIR:

Mr. Clerk, please call for the Consent Calendar.

THE CLERK:

Immediate roll call has been ordered in the
Senate on the Consent Calendar, will all Senators
please return to the chamber. Immediate roll call has
been ordered in the Senate on the Consent Calendar,
will all Senators please return to the chamber.

Mr. President, those items placed on the Consent
Calendar begin on calendar page 2, Calendar Number
278, Senate Bill 795.

Calendar page 5 -- correction, calendar page 23,
Calendar Number 115, Substitute for Senate Bill 80.

Calendar page 26, Calendar Number 260, Substitute
for Senate Bill 823.

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Calendar page 29, Calendar 310, Substitute for
Senate Bill 887.

Calendar page 30, Calendar 332, Substitute for
Senate Bill 1086.

Calendar page 33, Calendar 428, Substitute for
Senate Bill 850.

Calendar page 34, Calendar 449, Senate Bill 1110.

Calendar page 35, Calendar 470, Substitute for
Senate Bill 1126.

Calendar page 36, Calendar 497, Substitute for
Senate Bill 1090.

Calendar page 37, Calendar 511, Substitute for
Senate Bill 455; calendar 516, Substitute for Senate
Bill 838; and Calendar page 40, Calendar 558,
Substitute for Senate Bill 1063.

Mr. President, that completes those items placed
on the Consent Calendar, but there may be a
correction.

THE CHAIR:

The machine is open if you'd like to vote.

THE CLERK:

Mr. President, there are two other items to be
placed on the calendar.

THE CHAIR:

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Please stand by.

THE CLERK:

On calendar page 2, Calendar 129, Senate Bill 775
and Calendar 159, Senate Bill 938.

Mr. President, I believe that completes the items
to be placed (inaudible).

THE CHAIR:

Please call for a roll call vote.

The machine is open.

THE CLERK:

The Senate is now voting by roll call on the
Consent Calendar, will all Senators please return to
the chamber. The Senate is now voting by roll call on
the Consent Calendar, will all Senators please return
to the chamber.

THE CHAIR:

Have all Senators voted?

Senator Prague? Senator Prague?

If all Senators have voted, please check your
vote. The machine will be locked. The Clerk will call
the tally.

THE CLERK:

Motion is on adoption of Consent Calendar
Number 1.

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Total Number Voting	36
Those Voting Yea	36
Those Voting Nay	0
Those Absent/Not Voting	0

THE CHAIR:

Consent Calendar 1 passes.

Senator Looney.

SENATOR LOONEY:

Yes, Mr. President. Thank you, Mr. President.
Another item to mark as go from the list of items
previously marked passed temporarily. It's on
calendar page 31, Calendar 380, Senate Bill 1050.

THE CHAIR:

Thank you, sir.

Mr. Clerk.

THE CLERK:

Turning to calendar page 31, Calendar Number 380,
Substitute for Senate Bill 1050, AN ACT CONCERNING THE
ESTABLISHMENT OF AN ACADEMIC DETAILING PROGRAM,
favorable report of the Committee on Public Health and
Higher Education. Clerk is in possession of
amendments.

Senator Coleman of the 2nd in the Chair.

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Thank you, Mr. Speaker. I move for immediate transmittal to the Senate of all items acted upon in the House needing further action in the Senate. Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Is there objection? Hearing none, all items will be transmitted.

Will the Clerk kindly call Calendar Number 691.

THE CLERK:

On Page 23, Calendar Number 691, Substitute for Senate Bill Number 1126 AN ACT CONCERNING LAND RECORDS. Favorable Report of the Committee on Planning and Development.

DEPUTY SPEAKER GODFREY:

The distinguished Vice-Chairman of the Judiciary Committee, Representative Fox.

REP. FOX (146th):

Good evening, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Good evening, sir.

REP. FOX (146th):

I move for the acceptance of the Joint Committee's Favorable Report and passage of the Bill.

DEPUTY SPEAKER GODFREY:

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The question is on acceptance and passage.

Representative Fox.

REP. FOX (146th):

Mr. Speaker, the Clerk has an Amendment, LCO Number 7463. I ask that that be called and I be give permission to summarize.

DEPUTY SPEAKER GODFREY:

The Clerk is in possession of LCO Number 7463 previously designated Senate Amendment Schedule "A". Will the Clerk please call.

THE CLERK:

LCO Number 7463, Senate "A", offered by Senator McDonald.

DEPUTY SPEAKER GODFREY:

The Representative has asked leave of the Chamber to summarize. Is there objection? Hearing none, please proceed, Representative Fox.

REP. FOX (146th):

Thank you, Mr. Speaker. This Amendment is a strike-all. It does become the Bill.

Mr. Speaker, several years ago the General Assembly passed the Public Act 07-252, in which we attempted to make arrangements for the town clerks to

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become more modernized and do more electronic recording.

During that time, in that Bill however, certain sections were omitted. What this Bill does is, it eliminates the duty of the town clerk to make a notation in the land records in connection with certain documents when they are recorded.

It also, it directs the way certain condominium related documents as well as certain certificates are recorded. It does require that the town clerk record a discharge of lien and attachment or other encumbrance as well as certain certificates on the tan flap of the town's land records.

It is a technical Bill and I urge passage.

DEPUTY SPEAKER GODFREY:

The question is on adoption. Are you ready for the question? Let me try your minds. All those in favor signify by saying Aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER GODFREY:

Opposed, Nay. The Ayes have it. The Amendment is adopted. Will you remark further on the Bill as amended?

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If not, staff and guests please come to the Well of the House. Members take your seats. The machine will be opened.

THE CLERK:

The House of Representatives is voting by Roll Call. Members to the Chamber.

The House is voting by Roll Call. Members to the Chamber.

DEPUTY SPEAKER GODFREY:

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

And the Clerk will announce the tally.

THE CLERK:

Senate Bill Number 1126 as amended by Senate "A"
in
concurrence with the Senate.

Total Number Voting	150
Necessary for Passage	76
Those voting Yea	150
Those voting Nay	0
Those absent and not voting	1

DEPUTY SPEAKER GODFREY:

The Bill is passed in concurrence.

JOINT
STANDING
COMMITTEE
HEARINGS

JUDICIARY

PART 15

4598-4928

2009

THERESE PAC: Good afternoon. Good afternoon, Senator McDonald, Representative Lawlor and the distinguished members of the Judiciary Committee. My name is Therese Pac, and I'm testifying on behalf of the Connecticut Town Clerks Association. I am the Town Clerks Association Technology Chair, Education Chair, and I'm the Town and City Clerk of the City of Bristol, Connecticut.

I'm here today to testify in support of Senate Bill Number 1126 An Act Concerning Land Records. Our Association sincerely appreciates the Committee raising Senate Bill Number 1126 for its consideration.

This important legislation addresses several issues. First, it makes minor technical changes to certain land record statutes to amend the last remaining statutes that call for manual, marginal notations for certain liens and judgments that were inadvertently omitted from Public Act 7-252.

These changes are required to implement the electronic recording of land records as authorized in the Uniform Real Property Electronic Recording Act, Public Act 8-56, which was adopted last Session.

As you may recall, Public Act 7-252 provided that a manual notation of a release, partial release or assignment shall not be required if a town clerk provided public access to an electronic indexing system that combined the grantor index and the grantee index of the town's land records.

The act also provided that not later than January 1, 2009 each town shall be required to support such public access to that electronic indexing system.

We're happy to report that as of January 1, 2009, there's 100 percent compliance by all 169 Connecticut towns with this provision.

The second issue this legislation addresses is to make the minor change to require that the condominium resale certificate be recorded on the land records instead of just filing it with the town clerk's office.

This piece of legislation is also required to implement the electronic recording of land records as authorized in the Uniform Real Property Electronic Recording Act, Public Act 8-56.

I thank you for the opportunity to testify and I'll answer any questions you might have.

SEN. MCDONALD: Thanks very much. Are there any questions? It seems pretty straightforward stuff.

THERESE PAC: It is.

SEN. MCDONALD: Thanks for your testimony.

THERESE PAC: Thank you very much.

SEN. MCDONALD: Allyson Robinson, and is Sally Tamarkin here?

SALLY TAMARKIN: Yes.

SEN. MCDONALD: You'll be next.

ALLYSON ROBINSON: Good afternoon, Chairman McDonald, Chairman Lawlor, members of the Committee. Thanks so much for adding my voice to those that you're hearing today in favor of House Bill Number 6452.

Connecticut Town Clerks Association, Inc.

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2009 Legislative Committee

Written Testimony of
Sandra Russo-Driska, City/Town Clerk of Middletown
Connecticut Town Clerks Association

Senate Bill 1126, An Act Concerning Land Records.

Thursday, March 19, 2009
General Assembly's Judiciary Committee

Good morning Senator McDonald, Representative Lawlor and the distinguished members of the Judiciary Committee, my name is Sandra Russo-Driska, and I am testifying on behalf of the Connecticut Town Clerks Association (CTCA). I am the immediate past president of the Town Clerk's Association and the Town Clerk of Middletown. I am here today to testify in support of Senate Bill 1126, "An Act Concerning Land Records."

Our Association sincerely appreciates this committee raising Senate Bill 1126 for consideration. This important legislation addresses several issues. First, is to make minor technical changes to certain land records statutes to amend the last few statutes that call for manual marginal notations for certain liens and judgments that were inadvertently omitted from PA 07-252. These changes are required to implement the electronic recording of land records as authorized in the Uniform Real Property Electronic Recording Act, PA 08-56, adopted last session.

As you may recall, PA 07-252 provided that a manual notation of a release, partial release or assignment shall not be required if such town clerk provided public access to an electronic indexing system that combined the grantor index and the grantee index of the town's land records. The act also provided that not later than January 1, 2009, each town shall be required to provide such public access to that electronic indexing system. We are happy to report that on January 1, 2009 there was 100% compliance by all 169 CT Towns with this provision.

The second issue this legislation addresses is to make the minor change to require that the Condominium Resale Certificate be recorded on the land records instead of just filing it with the Town Clerk's Office. This piece of legislation also is required to implement the electronic recording of land records as authorized in the Uniform Real Property Electronic Recording Act, PA 08-56.

Thank you for this opportunity to testify, I would be pleased to take any questions that you may have at this time.