

PA 11-206

HB6488

|               |                                   |           |
|---------------|-----------------------------------|-----------|
| House         | 1823-1824, 2104-2105              | 4         |
| Judiciary     | 3671                              | 1         |
| <u>Senate</u> | <u>7164, 7176-7178, 7182-7183</u> | <u>6</u>  |
|               |                                   | <b>11</b> |

**H – 1097**

**CONNECTICUT  
GENERAL ASSEMBLY  
HOUSE**

**PROCEEDINGS  
2011**

**VOL.54  
PART 6  
1729 – 2054**

DEPUTY SPEAKER KIRKLEY-BEY:

Welcome, Shane and thank you.

Will the Clerk please call Calendar Number 39.

THE CLERK:

On page 4, Calendar 39, House Bill Number 5468,  
AN ACT CONCERNING THE LEGISLATIVE COMMISSIONERS'  
RECOMMENDATIONS FOR TECHNICAL CORRECTIONS TO LABOR  
STATUTES, favorable report of the Committee on Labor  
and Public Employees.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Tallarita, you have the floor,  
ma'am.

REP. TALLARITA (58th):

Thank you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

You're welcome.

REP. TALLARITA (58th):

At this time I'd like to move the following items  
to the consent Calendar for action later today: they  
are Calendar Number 39, 56, 372 and 382.

HB 5468  
HB 5340  
HB 6635  
HB 6488

DEPUTY SPEAKER KIRKLEY-BEY:

The Representative has asked that the following  
items, calendar numbers, be put on consent for action  
later today. The calendar numbers are 39, 56, 372 and

382.

Is there any objection? Is there any objection?

Hearing none, so ordered.

Will the Clerk please call Calendar Number 213.

THE CLERK:

On page 40, Calendar 213, Substitute for House Bill Number 6485, AN ACT CONCERNING JOB TRAINING PROGRAMS AT THE COMMUNITY-TECHNICAL COLLEGES AND ALIGNMENT OF POSTSECONDARY EDUCATION AND EMPLOYMENT, favorable report of the Committee on Education.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Hewett, you have the floor, sir.

REP. HEWETT (39th):

Madam Speaker, I move that this bill be referred to the Labor Committee.

DEPUTY SPEAKER KIRKLEY-BEY:

Refer this to the Labor Committee. (Inaudible.)

Without any objection, so ordered.

Will you please call Calendar Number 338.

THE CLERK:

On page 44, Calendar 338, House Bill Number 6490, AN ACT ESTABLISHING A PROCEDURE FOR RELIEF FROM CERTAIN FEDERAL FIREARMS PROHIBITIONS, favorable report of the Committee on Public Safety.

**H – 1098**

**CONNECTICUT  
GENERAL ASSEMBLY  
HOUSE**

**PROCEEDINGS  
2011**

**VOL.54  
PART 7  
2055 – 2400**

rgd/md/gbr  
HOUSE OF REPRESENTATIVES

376  
May 5, 2011

SPEAKER DONOVAN:

Representative Sharkey.

REP. SHARKEY (88th):

Thank you, Mr. Speaker.

Mr. Speaker, this is the consent calendar and we urge passage.

SPEAKER DONOVAN:

The question before us is on passage of the bills on today's consent calendar. Will you remark? Will you remark? If not, will staff and guests please come to the well of the House. Members take their seats. The machine will be open.

HB5340  
HB5468  
HB6488  
HB6635

THE CLERK:

The House of Representatives is voting by roll call. Members to the Chamber. The House is voting today's consent calendar by roll call. Members to the Chamber.

SPEAKER DONOVAN:

Have all the members voted? Have all the members -- no. ]

Have all the members voted? Have all the members voted? Please check the roll call board to make sure your vote has been properly cast.

Representative.

If I'll the members have voted the machine will be locked. The Clerk will take a tally. The Clerk, please announce the tally.

THE CLERK:

On today's consent calendar.

|                             |     |
|-----------------------------|-----|
| Total Number voting         | 141 |
| Necessary for adoption      | 71  |
| Those voting Yea            | 141 |
| Those voting Nay            | 0   |
| Those absent and not voting | 10  |

SPEAKER DONOVAN:

The consent calendar passes.

Are there any announcements or introductions?

Any announcements or introductions?

Representative Zalaski.

Representative Tercyak.

REP. TERCYAK (26th):

Thank you very much, Mr. Speaker.

I rise for an announcement, please.

SPEAKER DONOVAN:

Please proceed, sir.

REP. TERCYAK (26th):

Thank you very much, Mr. Speaker. I'd like to say, thank you, to our federal members who are

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**JUDICIARY  
PART 12  
3606 – 3933**

**2011**





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Testimony of Edward S. Hill, Chair  
Real Property Law Section of the Connecticut Bar Association  
Judiciary Committee  
House Bill 6488, An Act Concerning the Conveyance of Land  
March 21, 2011

Senator Coleman, Representative Fox, and members of the Judiciary Committee, thank you for the opportunity to appear and speak in support of House Bill 6488, An Act Concerning the Conveyance of Land. My name is Edward S. Hill and I am the Chair of the CBA Real Property Law Section, which has over 1,000 real estate attorneys who, as you would expect, have a great interest in legislation affecting the practice of conveying real property in Connecticut. The Section wishes to thank the Committee for raising this bill, which will help to cure a potential defect in deeds and avoid the resulting unintended risks and consequences.

This bill is intended to correct an inconsistency in the Connecticut General Statutes that prescribe the formalities of execution of deeds of real estate. The inconsistency is this: Section 47-5 of the Connecticut General Statutes prescribes how deeds conveying real estate are to be executed. One of the requirements is that the signer acknowledges that the execution of the deed is the signer's "free act and deed." The use of the term "acknowledge" leads to the conclusion that the forms of acknowledgement in Chapter 6 of the Statutes (sections 1-28 through 1-41, Uniform Acknowledgment Act) and in Chapter 8 (sections 1-57 through 1-65, the Uniform Recognition of Acknowledgments Act) will satisfy the requirements of Section 47-5. In fact, the acknowledgment forms in neither of those Chapters provides for the "free act and deed" requirement of Section 47-5.

An acknowledgement under Chapter 6 means that the signer executed the deed "for the purposes therein contained" and, similarly, in Chapter 8 that the signer signed the deed "for the purposes therein stated." Obviously, neither is an acknowledgement that the signing was the signer's "free act and deed." Although this formal defect has the benefit of the short statute of limitations under §47-36aa (two years from when the deed is recorded), the parties, especially the grantee, are at risk for those two years that the validity of the deed could be challenged, for example, in a bankruptcy case or by a lien creditor of the grantor. The parties should not be at risk for that period, or any period, merely because the acknowledgement that complied with Chapters 6 or 8, which would be otherwise sufficient and would be sufficient for a deed executed outside of Connecticut, doesn't meet the "free act and deed" requirement.

This bill would amend Section 47-5 to recognize current real estate practices and eliminate the trap described above. It would change the deed acknowledgment requirement contained in §47-5 to make a deed that is acknowledged as one's "free act and deed" or in compliance with Chapter 6 or Chapter 8 to be valid.

The CBA Real Property Section urges this committee to act favorably on House Bill 6488. Thank you for the opportunity to speak in support of the bill and I would be happy to answer any questions you may have.

**S - 633**

**CONNECTICUT  
GENERAL ASSEMBLY  
SENATE**

**PROCEEDINGS  
2011**

**VOL. 54  
PART 22  
6915-7208**

Madam President, would at this point like to add some items to the Consent Calendar, and we will then call the first Consent Calendar. And there may be a -- a second Consent Calendar, following shortly thereafter.

THE CHAIR:

Please proceed, sir.

SENATOR LOONEY:

Thank you. Thank you, Madam President.

Madam President, the -- the first item is on Calendar page 10, Calendar 480, House Bill 5256; Madam President, would move to place that item on the Consent Calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Also on Calendar page 10, Calendar 478, House Bill 6488; Madam President, move to place this item on the Consent Calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

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.

Madam President, the items placed on the first Consent Calendar begin on Calendar page 10, Calendar Number 478, House Bill 6488; Calendar 480, House Bill 5256.

Calendar page 11, Calendar 513, substitute for House Bill 6557.

Calendar page 12, Calendar Number 535, substitute for House Bill 6226; Calendar 555, House Bill 6259.

Calendar page 13, Calendar 560, substitute for House Bill 5368; Calendar 567, substitute for House Bill 6157.

Calendar page 14, Calendar 574, substitute for House Bill 6410; Calendar 578, House Bill 6156.

Calendar page 15, Calendar 591, House Bill 6263; Calendar 594, substitute for House Bill 5508; Calendar 595, substitute for House Bill 62 -- 5263.

Calendar page 16, Calendar Number 606, substitute for House Bill 6581; Calendar 609, substitute for House Bill 6501.

Calendar page 17, Calendar 610, substitute for House Bill 6224; Calendar 613, substitute for House Bill 6453.

Calendar page 18, Calendar 614, substitute for House Bill 5068; Calendar 628, substitute for House Bill 5008; Calendars 633, House Bill 6489.

Calendar page 19, Calendar 635, substitute for House Bill 6351; Calendar 640, House Bills, 6559.

Calendar page 20, Calendar 642; House Bill 6595.

Calendar page 21, Calendar 645, substitute for House Bill 6267; Calendar 648, substitute for House Bill 5326; Calendar 650, substitute for House Bill 6344.

Calendar page 22, Calendar 651, substitute for House Bill 6540.

Calendar page 23, Calendar Number 655, substitute for House Bill 6497; Calendar 657, substitute for House Bill 6262; Calendar 658, House Bill 6364; Calendar 659, House Bill 5489.

Calendar page 24, Calendar 660, substitute for House Bill 6449.

Calendar page 36 -- correction -- Calendar page 33, Calendar Number 390, substitute for Senate Bill 1181.

Calendar page 36, Calendar Number 481, House Bill 5472.

Calendar page 37, Calendar Number 584, substitute for House Joint Resolution Number 34; Calendar 585, substitute for House Joint Resolution Number 54; Calendar 586, House Joint Resolution Number 65, Calendar 587, House Joint Resolution Number 66.

Calendar page 38, Calendar 588, House Joint Resolution Number 80; Calendar 589, House Joint Resolution Number 63; Calendar 590, House Joint Resolution Number 35; Calendar 620, substitute for House Joint Resolution Number 45.

Calendar page 39, Calendar Number 621, substitute for House Joint Resolution Number 47; Calendar 622, House Joint Resolution Number 68; Calendar 623, substitute for House Joint Resolution Number 69; Calendar 624, substitute for House Joint Resolution Number 73.

Calendar page 40, Calendar 625, substitute for House Joint Resolution Number 81; Calendar 626, House Joint Resolution Number 84.

Madam President, I believe that completes the items placed on Consent Calendar Number 1.

THE CHAIR:

cd/lg/sg/mhr/gbr  
SENATE

579  
June 8, 2011

Thank you.

SENATOR LOONEY:

Thank you, Madam President.

THE CHAIR:

Mr. Clerk, please call for a roll call vote, and the machine will be 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:

Senator Gomes?

If all members have voted; all members have voted? The machine shall be locked.

And, Mr. Clerk, will you please call the tally.

THE CLERK:

Motion is on adoption of Consent Calendar  
Number 1.

|                     |    |
|---------------------|----|
| Total number voting | 36 |
| Those voting Yea    | 36 |
| Those voting Nay    | 0  |

Those absent and not voting 0

THE CHAIR:

Consent Calendar passes.

The Senate will stand at ease for a moment.

(Chamber at ease.)

SENATOR LOONEY:

Madam President?

THE CHAIR:

Yes, Senator.

The Senate will come to order.

SENATOR LOONEY:

Yes. Madam President, the Clerk is in possession of Senate Agenda Number 5 for today's session.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Madam President, the Clerk is in possession of Senate Agenda Number 5, dated Wednesday, June 8, 2011.

Copies have been made available.

THE CHAIR:

Senator Looney.