



General Assembly

**Amendment**

January Session, 2007

LCO No. 7410

\*SB0119007410HDO\*

Offered by:

REP. FONTANA, 87<sup>th</sup> Dist.

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To: Subst. Senate Bill No. 1190

File No. 85

Cal. No. 497

**"AN ACT CONCERNING VITAL RECORDS."**

1 After the last section, add the following and renumber sections and  
2 internal references accordingly:

3 "Sec. 501. Subsection (b) of section 52-380d of the general statutes is  
4 repealed and the following is substituted in lieu thereof (*Effective July*  
5 *1, 2007*):

6 (b) A release of a judgment lien on real property is sufficient if (1)  
7 [it] the release specifies the names of the judgment creditor and  
8 judgment debtor, the date of the lien, and the town and volume and  
9 page where the judgment lien certificate is recorded, and (2) the  
10 signature of the lienholder, attorney or personal representative is  
11 acknowledged and witnessed in the same manner as a deed on real  
12 property. The town clerk with whom the lien was recorded shall note  
13 such release as by law provided and shall index the record of each  
14 such release under the name of the judgment creditor and judgment

15 debtor, except that a manual notation of such release shall not be  
16 required if such town clerk provides public access to an electronic  
17 indexing system that combines the grantor index and the grantee index  
18 of the town's land records.

19 Sec. 502. Section 7-24 of the general statutes is repealed and the  
20 following is substituted in lieu thereof (*Effective October 1, 2008*):

21 (a) Each town clerk who is charged with the custody of any public  
22 record shall provide suitable books, files or systems, acceptable to the  
23 Public Records Administrator, for the keeping of such records and  
24 may purchase such stationery and other office supplies as are  
25 necessary for the proper maintenance of [his] the town clerk's office.  
26 Such books, files or systems, and such stationery and supplies shall be  
27 paid for by the town, and the selectmen of the town, on presentation of  
28 the bill for such books and supplies properly certified to by the town  
29 clerk, shall draw their order on the treasurer in payment for the same.  
30 [Every] Each person who has the custody of any public record books of  
31 any town, city, borough or probate district shall, at the expense of such  
32 town, city, borough or probate district, cause them to be properly and  
33 substantially bound. [He] Such person shall have any such records  
34 which have been left incomplete made up and completed from the  
35 usual files and memoranda, so far as practicable. [He] Such person  
36 shall cause fair and legible copies to be seasonably made of any  
37 records which are worn, mutilated or becoming illegible, and shall  
38 cause the originals to be repaired, rebound or renovated, or [he] such  
39 person may cause any such records to be placed in the custody of the  
40 Public Records Administrator, who may have them repaired,  
41 renovated or rebound at the expense of the town, city, borough or  
42 probate district to which they belong. Any custodian of public records  
43 who so causes such records to be completed or copied shall attest them  
44 and shall certify, under the seal of [his] such custodian's office, that  
45 they have been made from such files and memoranda or are copies of  
46 the original records. Such records and all copies of records made and  
47 certified to as provided [for] in this section and on file in the office of  
48 the legal custodian of such records shall have the force of the original

49 records. All work done under the authority of this section shall be paid  
50 for by the town, city, borough or probate district responsible for the  
51 safekeeping of such records, but in no case shall expenditures  
52 exceeding three hundred dollars be made for repairs or copying  
53 records in any one year in any town or any probate district comprising  
54 one town only, unless the same are authorized by a vote of the town,  
55 [nor] or in any probate district [composed of] comprising two or more  
56 towns, unless the same are authorized by the first selectmen of all the  
57 towns included in such district.

58 (b) There shall be kept in each town proper books, or in lieu thereof  
59 a recording system approved by the Public Records Administrator, in  
60 which all instruments required by law to be recorded shall be recorded  
61 at length by the town clerk within thirty days from the time they are  
62 left for record.

63 (c) The town clerk shall, on receipt of any instrument for record,  
64 write thereon the day, month, year and time of day when [he] the town  
65 clerk received it, and the record shall bear the same date and time of  
66 day; but [he] the town clerk shall not be required to receive any  
67 instrument for record unless the fee for recording it is paid to [him] the  
68 town clerk in advance, except instruments received from the state or  
69 any political subdivision thereof. [, and, when he] When the town clerk  
70 has received [it] any instrument for record, [he] the town clerk shall  
71 not deliver it up to the parties or either of them until it has been  
72 recorded. When any town clerk has, upon receiving any instrument for  
73 record, written thereon the time of day when [he] the town clerk  
74 received it [as well as] and the day and year of such receipt, and when  
75 any town clerk has noted with the record of any instrument the time of  
76 day when [he] the town clerk received the record, such entries of the  
77 time of day shall have the same effect as other entries that are required  
78 by law to be made.

79 (d) Each town clerk shall also, within twenty-four hours of the  
80 receipt for record of any such instrument, enter in chronological order  
81 according to the time of its receipt as endorsed thereon, (1) the names

82 of sufficient parties thereto to enable reasonable identification of the  
83 instrument, (2) the nature of the instrument, and (3) the time of its  
84 receipt.

85 (e) If the town clerk receives an instrument for record which [in his  
86 opinion he] the town clerk deems to be illegible, [he] the town clerk  
87 shall record such instrument, write thereon that it is being recorded as  
88 an illegible instrument and, if there is a return address appearing on  
89 such illegible instrument, give notice to the return addressee that a  
90 legible instrument should be submitted for rerecording forthwith. The  
91 fact that the town clerk records the instrument as an illegible  
92 instrument shall not affect its priority or validity.

93 (f) Each instrument for record shall have a blank margin, that shall  
94 be not less than three-fourths of an inch in width, surrounding each  
95 page of the instrument. Each such instrument that is to be recorded in  
96 the land records shall have a return address and addressee appearing  
97 at the top of the front side of the first page of the instrument. The town  
98 clerk shall not refuse to receive an instrument for record that does not  
99 conform to any requirement set forth in this subsection, and the fact  
100 that the town clerk records an instrument that does not conform to any  
101 requirement set forth in this subsection shall not affect its priority or  
102 validity.

103 Sec. 503. Section 7-29 of the general statutes is repealed and the  
104 following is substituted in lieu thereof (*Effective July 1, 2007*):

105 When any town clerk has recorded any instrument that the town  
106 clerk knows to be a release, partial release or assignment of a mortgage  
107 or lien recorded on the records of such town, the town clerk shall make  
108 a notation on the first page where such mortgage or lien is recorded,  
109 stating the book and page where such release, partial release or  
110 assignment is recorded, except that a manual notation of such release,  
111 partial release or assignment shall not be required if such town clerk  
112 provides public access to an electronic indexing system that combines  
113 the grantor index and the grantee index of the town's land records. [If

114 the land records are not maintained in a paper form, the town clerk  
115 shall make the notation on the digitized image of the first page of such  
116 mortgage or lien in a form or manner approved by the Public Records  
117 Administrator.]

118 Sec. 504. Subsection (a) of section 7-34a of the general statutes is  
119 repealed and the following is substituted in lieu thereof (*Effective July*  
120 *1, 2007*):

121 (a) Town clerks shall receive, for recording any document, ten  
122 dollars for the first page and five dollars for each subsequent page or  
123 fractional part thereof, a page being not more than eight and one-half  
124 by fourteen inches. Town clerks shall receive, for recording the  
125 information contained in a certificate of registration for the practice of  
126 any of the healing arts, five dollars. Town clerks shall receive, for  
127 recording documents conforming to, or substantially similar to, section  
128 47-36c, which are clearly entitled "statutory form" in the heading of  
129 such documents, as follows: For the first page of a warranty deed, a  
130 quitclaim deed, a mortgage deed, or an assignment of mortgage, ten  
131 dollars; for each additional page of such documents, five dollars; and  
132 for each marginal notation of an assignment of mortgage, subsequent  
133 to the first two assignments, one dollar. Town clerks shall receive, for  
134 recording any document with respect to which certain data must be  
135 submitted by each town clerk to the Secretary of the Office of Policy  
136 and Management in accordance with section 10-261b, [the sum of] two  
137 dollars in addition to the regular recording fee. Any person who offers  
138 any written document for recording in the office of any town clerk,  
139 which document fails to have legibly typed, printed or stamped  
140 directly beneath the signatures the names of the persons who executed  
141 such document, the names of any witnesses thereto and the name of  
142 the officer before whom the same was acknowledged, shall pay one  
143 dollar in addition to the regular recording fee. Town clerks shall  
144 receive, for recording any deed, except a mortgage deed, conveying  
145 title to real estate, which deed does not contain the current mailing  
146 address of the grantee, [the sum of] five dollars in addition to the  
147 regular recording fee. Town clerks shall receive, for filing any

148 document, five dollars; for receiving and keeping a survey or map,  
149 legally filed in the town clerk's office, five dollars; and for indexing  
150 such survey or map, in accordance with section 7-32, five dollars,  
151 except with respect to indexing any such survey or map pertaining to a  
152 subdivision of land as defined in section 8-18, in which event town  
153 clerks shall receive fifteen dollars for each such indexing. Town clerks  
154 shall receive, for a copy of any document either recorded or filed in  
155 their offices, one dollar for each page or fractional part thereof, as the  
156 case may be; for certifying any copy of the same, one dollar; for  
157 making a copy of any survey or map, the actual cost thereof; and for  
158 certifying such copy of a survey or map, one dollar. Town clerks shall  
159 receive, for recording the commission and oath of a notary public, ten  
160 dollars; and for certifying under seal to the official character of a  
161 notary, two dollars.

162 Sec. 505. Section 11-8j of the general statutes is repealed and the  
163 following is substituted in lieu thereof (*Effective July 1, 2007*):

164 As used in sections 11-8i to 11-8l, inclusive, "preservation and  
165 management of historic documents" means activities that include, but  
166 are not limited to, the following: (1) The restoration and conservation  
167 of land records, land record indexes, maps or other records; (2) the  
168 microfilming of land records, land record indexes, maps or other  
169 records; (3) the use of information technology to facilitate the  
170 performance of duties integral to the maintenance and tracking of  
171 historic documents; (4) providing public access to an electronic  
172 indexing system that combines the grantor index and the grantee index  
173 of a town's land records; (5) the assessment or upgrading of records  
174 retention facilities; [(5)] (6) disaster recovery; and [(6)] (7) the training  
175 of personnel to perform duties integral to the maintenance and  
176 tracking of historic documents.

177 Sec. 506. (NEW) (*Effective July 1, 2007*) Not later than January 1, 2009,  
178 each town shall provide public access to an electronic indexing system  
179 that combines the grantor index and the grantee index of the town's  
180 land records.

181       Sec. 507. (NEW) (*Effective July 1, 2007*) (a) There is established a Land  
182 Records Advisory Board to advise the Public Records Administrator  
183 with respect to standards for the development and implementation of  
184 land records maintenance and indexing, including standards for  
185 computerized land records index systems. Such standards shall not be  
186 deemed to be regulations, as defined in section 4-166 of the general  
187 statutes.

188       (b) The Land Records Advisory Board shall consist of: (1) The Public  
189 Records Administrator; (2) two town clerks from municipalities that  
190 record ten thousand or more documents annually, one of whom shall  
191 be appointed by the speaker of the House of Representatives and one  
192 of whom shall be appointed by the president pro tempore of the  
193 Senate; (3) two town clerks from municipalities that record fewer than  
194 ten thousand documents annually, one of whom shall be appointed by  
195 the minority leader of the House of Representatives and one of whom  
196 shall be appointed by the minority leader of the Senate; (4) two  
197 independent contractors who perform title searches or title  
198 examinations in this state, one of whom shall be appointed by the  
199 speaker of the House of Representatives and one of whom shall be  
200 appointed by the minority leader of the House of Representatives; (5) a  
201 representative of the real property section of the Connecticut Bar  
202 Association or a title agent who is also a commissioner of the Superior  
203 Court, who shall be appointed by the president pro tempore of the  
204 Senate; and (6) a representative of the mortgage banking industry in  
205 this state, who shall be appointed by the minority leader of the Senate.  
206 Any member of the board appointed under subdivision (2), (3), (4), (5)  
207 or (6) of this subsection may be a member of the General Assembly.  
208 Appointments shall be made not later than ninety days after the  
209 effective date of this section. The term of each appointed member of  
210 the board shall be coterminous with the term of the appointing  
211 authority. Any vacancy on the board shall be filled by the appointing  
212 authority. The board shall elect a chairperson from among its  
213 members. Members of the board shall serve without compensation.

214       (c) The Land Records Advisory Board shall report annually to the

215 joint standing committee of the General Assembly having cognizance  
216 of matters relating to the preservation of land records and other public  
217 documents. Such report shall include any recommendations for  
218 statutory changes relating to the land records of the state."