

Legislative History for Connecticut Act

HB 740 PA 134 scan 1957

Public welfare
+ institutions

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49-52

House

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Senate

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1376-1378

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**JOINT
STANDING
COMMITTEE
HEARINGS**

**PUBLIC WELFARE
AND
HUMAN
INSTITUTIONS**

**CONN.
GENERAL
ASSEMBLY
1957**

**SPEC. SESSION
MARCH 1958**

45 pages

PUBLIC WELFARE AND HUMANE INSTITUTIONS

PUBLIC HEARING

THURSDAY

FEBRUARY 14, 1957

Senator Finney Presiding

Members Present: Senator Finney

Representatives: Beatty, Curtis, Calhoun, Cook, Croumey, Cunningham, Ellsworth, Fosdick, Howe, James, Jones, Kesaris, LaPlace, Nash, von Hagen, Pepe

Chr. Finney: The hearing before the Public Welfare Committee will be in order please. Are there any senators or representatives here who want to be heard, and I will explain to the public that it is necessary for the members of the legislature to go to other hearings so we are giving them the opportunity to speak briefly first.

Senator Goldberg, 19th District: I would like to register in favor of House Bill No. 740. It will be explained very fully later on in the hearing by Mr. Parsells.

Rep. Suarez: (Cheshire) I want to say a word about House Bill 1096 Sale of Medicine to Epileptics and Furnishing Same to Persons Receiving State Aid. I was asked to put this bill in but I think it has merit. There are about 3500 epileptics in this state who are a low income or non-income group. It is hard to get a job for most of them and if they do get a job it is hard to keep it. They have never had help from the state or town and they can't bear the cost of this medicine. The state can buy it cheaper than the druggist and the state would eliminate the cost of the middleman. The present policy is wasteful. Later Mr. Hanson of Cheshire, who is president of the Epilepsy Service League of Connecticut, will go into detail and answer your questions.

Chr. Finney: Are there any other senators or representatives?

Mr. Norman Parsells, formerly representative from Fairfield: Madam Chairman and Members of the Committee, I am here today with my Valentine's Day message to speak on House Bill No. 740, Commitment Fees

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and Expenses, and to make amends, if amends should be made for an error which occurred in the last general assembly.

When we adopted what came to be known as the fair care bill, I thought we had covered all the contingencies, and when I reported that bill into the House of Representatives, and I have the minutes of the House here, I said Section 5 eliminates in the cases of commitments of patients to mental institutions made by the Welfare Commissioner, this charge formerly made to parents and legally liable relatives, which will be borne by the state, and that is what the legislature in its wisdom thought it had accomplished. But apparently when we eliminated the requirement that the state collect the charge, we failed to eliminate some words in a subsequent section of the law which provided that the judge of probate or probate courts should collect the charge from legally liable relatives, if able to pay.

In the past the Welfare Commissioner has paid the probate courts on these commitments and cost involved, cost of hearing and the doctors who come in to testify, and they are considerable. In the probate courts of Norwich, Middletown and Newtown they are the great business of the probate courts. While the Welfare Commissioner got a ruling from the attorney general's office to the effect that under the law as we had left it, when we left the capitol and went home, it was necessary for the probate courts to try to recover cost of commitment from legally liable relatives, but only in case that was impossible, should the Welfare Commissioner pay the cost of commitment.

You can imagine that caused great difficulty. I heard from the judge of probate in Newtown, Norwich and Middletown. We had a meeting here in Hartford with Commissioner Hanas in March I guess it was of 1956, with the Attorney General, with Mr. Halsted, with Mr. Hanas and other probate judges involved, and it was agreed that the Welfare Commissioner would put aside the money that he would otherwise pay to these private courts for these commitments, and when this assembly came in, a bill would be introduced to take care of the charges to the probate courts, and House Bill No. 740 is that bill.

It was our intention to take the burden of commitment cost away from the legally liable relatives in all cases. If there was an estate, it was paid from the estate but otherwise a charge of

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the state and judges of probate be paid this fee.

I understand in the probate court in Newtown, the last time I talked with Judge Reynolds, he was committed for about \$6,000 to doctors and others for these costs of commitments. I am hoping for a favorable report from the committee. Does anybody have any questions?

Chr. Finney: This is the hearing now on Senate Bill No. 70.

SENATE BILL NO. 70 (Shannon) PROVIDING ONE HUNDRED DOLLARS EACH

Senator Shannon, 21st District: I am the sponsor of S.B. 70 which provides for \$100 minimum old age monthly assistance payment. First of all I would like to point out to the committee that, as they all know, living costs today are at an all time high and apparently from the statistics published by the government, every month they are still inching up. So that \$100 a month is certainly a minimum payment that anyone can get along on these days.

Now if we break that \$100 down, we find in a five-week month it amounts to only \$20 and a four-week month it will amount to \$25, which is not asking for an awful lot for elderly people of our state who, through no fault of their own, find themselves on state aid. It is a responsibility we all have and we all campaigned for last November and it is a step in the right direction.

Our present statutes 1603d of the 1955 cumulative supplement also provides the method of payment and there is no scale on the books now. It provides the commissioner in his discretion will set whatever figure he feels is reasonable, taking into consideration the living conditions and the standards of decency that has to be maintained. It seems to me we should put a floor into the law, some minimum that these people can count on which they know they can get. That is an awful broad general power for anyone to have to allow the department to arbitrarily fix and say that these people ought to live on so much and they have no recourse.

I most strongly urge the committee to look into 1603d and bear in mind that this bill is amended to put a minimum into the law in order to protect our older people against the rising scale of living over which they have, and none of us have, any control.

I also would like to point out to the committee that I got into a little problem here. The State

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matter and where the funds are in the hands of the department and the records are in the hands of the department, we feel this bill affords a very practical, economical and altogether efficient and desirable way of cutting this know and the probate assembly has considered the matter and instructed me to urge the committee in not only the passage, but the immediate passage of the bill.

Chr. Finney: Thank you sir.

Mr. Beatty: I am not quite clear on this. Are these estates that go into the hands of the state, are they . . . what sort of estates are they?

Mr. Healey: Generally very small estates where the beneficiaries, so to speak, are recipients of state aid.

Mr. Beatty: They are all state aid cases?

Mr. Healey: Yes sir and all very small.

Mr. Beatty: That is what I thought.

Chr. Finney: Anyone else to be heard on this bill? Anyone opposed to it?

Mr. Healey: This demonstrates that probate judges are not always hungry for fees but are glad to waive whatever fees there may be.

Chr. Finney: We are impressed, Mr. Healey. We declare the hearing closed on House Bill No 681. We will take up House Bill No. 740.

HOUSE BILL NO. 740 (Curtis) COMMITMENT FEES AND EXPENSES

Mr. Halsted: We already heard about this bill from Mr. Parsells. As he said, it was my unfortunate duty to call him on the matter of fair care. It was on the basis of the state's responsibility of payment that it was based on the state's ability to collect and also vice versa. This bill would provide, retro-active to July 1, 1955, which is the passing date of the responsibility of the state of Connecticut. The state welfare commission would pay all commitment fees, not only for those found ill, but also those committed to training schools which is another aspect of this not previously covered. It shows again the way in which the laws have been variously interpreted and often on a later request for an opinion from my office, found wanting

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inssofar as the technical language is concerned for this bill, to do the thing that has long been done. This would recover our position.

I thoroughly agree with Mr. Parsells when he says that the obvious intent when the bill was drawn and the way it was presented, it was that these commitment fees would be payable by the state. I can't say anything as to the right of the state for collection. Certainly that was totally taken out, yet Mr. Parsells states this morning that it was through the patient's own estate should pay them. I feel obliged to point out this bill does not do so.

In all commitments of mentally ill or mentally defective persons the state would bear the cost and have no right of recovery of the person or estate or relative. If it is the desire of this committee to propose the patients of the state pay to the state back those fees, it will have to put an amendment to this bill.

Mr. Patrick Healey: (Representing Connecticut Probate Assembly)
It is not at all a surprise that we are thoroughly in favor of this bill. In this case our various judges are entitled to fees and for the services they render and reimbursement for doctors fees and the officers fees they have been paying out of their own pockets in connection with these cases.

As Mr. Parsells told you, there was a meeting held in the attorney general's office just about a year ago at which leaders of both parties of the 1955 legislature were present, as well as representatives of the attorney general's office and commissioner's office, and the probate judge's who were involved. It was unanimously agreed there that a purely technical clerical inadvertence had occurred in 1955 which left this situation.

We hope the bill will meet not only with favorable but immediate approval.

Chr. Finney: You don't mind whether this is amended as Mr. Halsted suggested or not, do you?

Mr. Healey: With this proviso, that the payment by the state and these expenses in the first instance shall not be made dependent on the recovery by the state. The first step should be the department should pay these expenses of commitment and so far as recovery we have no concern.

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Mr. Beatty: How much do you collect here from the state for this?

Mr. Halsted: I think Mr. Birrell has some figures on that.

In answer to the question just raised, if language is simply added to this section which would provide specifically that the state welfare commissioner shall recover from the estate of the person committed the amount of the commitment fee, they would, I think, in no way militate against the original payment by the state.

Mr. Healey: Blessings on you so long as it does not interfere with the original payment by the state.

Mr. Halsted: That is the way it always used to be.

Mr. Birrell: I have a few figures on that. In the fiscal year of 1955-56 we spent \$42,172 for the examination and commitment of the mentally ill. That represented roughly 56% of the committed individuals. About 44% we are collecting on from the state so that roughly on that basis, on percent basis, there would be for 1955-56 the sum of approximately \$33,000 needed. Mr. Parsells mentioned money was available. It is not. I think you are all aware on an operating account any unexpended balance reverts to the general fund so money appropriated for 1955-56 was \$72,000 and of that we only spent \$42,172, the balance reverting to the general fund. It will be necessary to have an appropriation for this payment.

Mr. Beatty: Would that \$72,000 have covered..?

Mr. Birrell: Might have been a little short but we can hold up May and June bills and pay them in July, it is the only system.

Mr. Beatty: The welfare department understood this was to be paid. Wasn't this amount of money included in your budget?

Mr. Birrell: You mean in 1957-59? No. This will be paid in 1957 if passed now. It means we automatically-- we have funds available this year, funds were appropriated but not for 1955-56. We do not have the money for 1955-56.

Rep. Cooke: This will be retroactive to July 1, this year.

Mr. Birrell: That is the general understanding.

Mr. Healey: To July 1, 1955.

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- Mr. Birrell: We have money for the current year but money appropriated for 1955-56 lapsed automatically July 1 and went to the general fund. There is no way we can hold that money.
- Chr. Finney: If the amount of that full appropriation, which has now lapsed, were still available it would not be very different from what your original appropriation was would it, if time had not run out on you?
- Mr. Birrell: We spent \$42,172 and the appropriation was \$72,000 just \$30,000 more than we spent. We estimate \$33,000.
- Chr. Finney: It might be a reasonable request for this additional money which would not have been in excess / / /
- Mr. Birrell: \$33,000 is what we would need which means then we can immediately pay bills back to July 1, 1955.
- Mrs. Cooke: Would the probate judges have to have it beginning right now or have they paid a part of it?
- Mr. Birrell: They have already paid a part of it, reimbursing them for their own services which have already been performed.
- Mr. Kellep: (Conn. Local Public Welfare Administrations)
We are very much in favor of this legislation. It caused considerable turmoil. In Hartford the probate court has interpreted that any person receiving any sort of public funds or supported by public funds, is a pauper and the selectman of director of welfare must sign papers for mental cases and pay for them. We have paid those fees under protest so the probate courts are not starving to death. Whether a committed child under the state welfare department or not, it is still coming to us. This is very much needed for clarification.
- Chr. Finney: Is there anyone else to speak on this bill? Are there any questions? If not I will declare the hearing closed on H. B. No. 740, and go to H. N. No. 741.

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HOUSE BILL NO. 741 (Cipriano) PUBLIC WELFARE AND PUBLIC INSTITUTIONS

Mr. Levictor, Welfare Department: I would like to raise some questions about the meaning of the bill.

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GEN. ASSEMBLY

HOUSE

PROCEEDINGS
1957

VOL. 7
PART 2
580-1197

Wednesday, April 3, 1957

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THE CLERK:

Calendar No. 394, file 277. Substitute for House Bill No. 740. An Act concerning Commitment Fees and Expenses. Favorable report of the Committee on Appropriations.

MR. ROBERTS (BARKHAMSTED):

This bill will enable the state to pay the committal fees of a patient committed to mental hospitals. In the past it has been necessary to try to collect these fees from responsible relatives, etc. and has not worked out so well, and have been having difficulty in collecting any fees for these commitments. I move acceptance of the committee's report and passage of the bill.

THE SPEAKER:

Question now is on the acceptance of the committee's favorable report and passage of the bill. Will you remark further? If not, those in favor say "Aye" those opposed "No." The "Ayes" have it. The bill is passed.

THE CLERK:

Calendar No. 395, file 278. House Bill 617. An Act concerning the Connecticut Building at the Eastern States Exposition. Favorable report of the Committee on Appropriations.

MR. WOOD (GROTON)

I move for the acceptance of the committee's favorable report and passage of this bill.

THE SPEAKER:

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

MR. WOOD (GROTON):

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GEN. ASSEMBLY
SENATE

PROCEEDINGS
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PART 3
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APRIL 17, 1957

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THE CLERK:

Business on the calendar, Wednesday, April 17, 1957. Favorable reports starred for action. Page 2 Cal. 412, File 213, House Bill 315. An act concerning the printing and distribution of bills. Favorable report of the committee on Judiciary and Governmental Functions.

THE CHAIR:

The Senator from the 31st.

SENATOR RYAN:

May that bill be passed retaining its place on the Calendar.

THE CHAIR:

Without objection, it will be passed retaining its place on the calendar.

The Senator from the 4th.

SENATOR WATSON: Is that Cal. 412?

THE CHAIR:

Yes, Senator.

SENATOR WATSON:

May that be recommitted to committee.

THE CHAIR:

Motion is that Cal. 412 be recommitted to committee. Those in favor say AYE, opposed NO. Cal. 412 is recommitted to committee.

THE CLERK:

Cal. 431. file 277, Substitute for House Bill 740. An Act concerning commitment fees and expenses. Favorable report of the committee on appropriations.

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THE CHAIR:

The Senator from the 4th.

SENATOR WATSON:

May this be passed retaining its place on the calendar.

THE CHAIR:

Without objection, it will be passed retaining its place.

THE CLERK:

Cal. 435 file 275 Substitute for House Bill 1828. An Act concerning liquidation of the Hale's Court Housing Project in Westport. Favorable report of the committee on Cities and Boroughs.

THE CHAIR:

The Senator from the 7th.

SENATOR SNYDER:

I move that this bill be placed at the foot of the calendar.

THE CHAIR:

Motion is that this bill be placed at the foot of the calendar. Those in favor say AYE, opposed NO. The bill will go to the foot of the calendar.

THE CLERK:

Cal. 483. File 407, Senate bill 604. An act concerning penalties. Favorable report of the committee on fish and game.

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of the committee accepted and the bill is rejected.

THE CLERK:

Business on the Calendar. Favorable report, page 2 Cal. 431. File 277. Substitute for House Bill 740. An Act concerning commitment fees and expenses. Favorable report of the Committee on Appropriations.

THE CHAIR:

The Senator from the 14th.

SENATOR SWEENEY:

I ask for acceptance of the committee's favorable report and passage of the bill.

THE CHAIR:

Question is on acceptance of the committee's favorable report and passage of the bill. Will you remark?

SENATOR SWEENEY:

Mr. President, this bill provides \$50,000 for payment of fees and expenses in connection with commitments. It was the intent of the 1955 Legislature that commitment fees such as these be paid, but due to a technicality in the bill passed in that session, it was determined later that the only fees that could legally be paid were those commitments that were initiated by the Welfare Department. Briefly, the state owes the money to various judges, doctors and officers of the law and this appropriation is to permit the state to pay its honest debt.

THE CHAIR:

The Senator from the 6th.

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SENATOR SCANLON:

Mr. President I have one question on this. Are these bills that are now outstanding against individuals or are they bills that the state has agreed to pay but doesn't have the funds. My only problem is that apparently some people, if I read this bill correctly, have paid themselves these bills while others who have neglected the bill might now not be obliged to pay unless they were cases that the state probably should have paid in the beginning. It's just a question.

THE CHAIR:

The Senator from the 36th.

SENATOR FINNEY:

As a member of the Welfare Committee which passed the fair care bill in the last session, the committee on this legislation concluded that the commitment fees on people committed to the humane institutions be borne by the state of Connecticut. Through an error in the writing of the bill, only those fees where the commitment was made by the Welfare Commission and could be paid, the law as interpreted by the Attorney-General's office did not allow the state to pay those fees of people who had money that they could pay them with. Now, what happened was that the probate courts allowed those fees not to be paid and they took up the bill for them with the understanding, as a result of a meeting with all parties concerned in the last session of the Legislature, that this would be taken care of by a bill in this session. It

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was an agreement made ~~by~~ ^{between} all parties involved in this legislation in the 1955 session. The Committee on Public Welfare in this session has re-affirmed what we intended in the fair care bill that the cost of commitment should be borne by the state which was part of our party's efforts to help those people who are unfortunate enough to be committed to humane institutions and the money was set aside by the Welfare Commissioner to take ~~care~~ of this but because of the technicality we couldn't and that amount of ~~money~~ lapsed in the last budget so that we are re-appropriating money that was unspent the last time and the succeeding budget takes care of this and it certainly was an obligation, I think, on the part of this Legislature to re-affirm what we enacted in the last session under the fair care bill.

SENATOR SCANLON:

I think then that the answer to my question is that nobody has paid any of these bills and it won't be a situation where some will have paid and some will not have paid.

THE CHAIR:

Any further remarks? If not, question is on acceptance of the committee's favorable report and passage of the bill. Those in favor say AYE, opposed NO. The "aye's" have it and the report is accepted and the bill passed.

THE CLERK:

Cal. No.....

THE CHAIR:

The Senator from the 4th.