

Legislative History for Connecticut Act

SB 229	(PA 64)	1961
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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
GENERAL ASSEMBLY

SENATE

PROCEEDINGS

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THE CHAIR: Senator DiLoreto of the 6th District.

SENATOR DILORETO: Mr. President, I move for acceptance of the committee's favorable report and passage of the bill.

THE CHAIR: Remarks?

SENATOR DILORETO: This bill merely permits the regional school districts to have each of the superintendents involved certify to the state data and statistics, rather than have all the superintendents ^{collectively} meet to do this project.

THE CHAIR: Are there further remarks? No further remarks, the question is on the acceptance of the committee's favorable report and passage of the bill. Those in favor will signify by saying "Aye", opposed, the bill is passed.

THE CLERK: Cal. No. 113, file No. 154. Sub. for SB No. 229.
An Act concerning probate distributions to a surviving spouse.
Favorable report of the JSC on General Law.

THE CHAIR: Senator Alfano of the 7th District.

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

THE CHAIR: Remarks?

SENATOR ALFANO: This bill permits the one-third life's use of a surviving spouse to be set out by the fiduciary instead of the drawn out procedure now in the Probate Court appointing a distributor who will thereafter set out to the surviving spouse the one-third life interest. It's still discretionary with the Probate Court, and the Probate Court may insist upon the appointment of a distributor; at the same time any interested party may make a motion to the Court, and upon such motion the Court will appoint

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a distributor to set out the interests of the surviving spouse.

The purpose, of course, is in smaller estates, or in estates where it's the routine matter, to save the cost of appointing the distributor who would be paid for this duty.

THE CHAIR: Are there further remarks? No further remarks, the question is on the acceptance of the committee's favorable report and passage of the bill. Those in favor will signify by saying "Aye", opposed, the bill is passed.

THE CLERK: Cal. No. 114, file No. 148, Sub. for SB No. 343. An Act concerning delivery of fuel oil and seller's permits for such delivery. Favorable report of the JSC on General Law.

THE CHAIR: Senator Alfano of the 7th District.

SENATOR ALFANO: May that matter and the next one stand over.

THE CHAIR: Calendar No. 114 and 115 will be passed over retaining its place on the calendar.

THE CLERK: Cal. No. 116, file No. 150, Sub. for SB No. 992. An Act providing a penalty for riots by inmates of State Penal or Correctional Institutions. Favorable report of the JSC on Penal Institutions.

THE CHAIR: Senator Schaffer:

SENATOR SCHAFFER: I move for acceptance of the committee's favorable report and passage of the bill. The Clerk has an amendment.

THE CHAIR: Will the Clerk please read the amendment?

THE CLERK: "In line 1, before the word "any" insert the following 'Section 1'. Add Section 2 as follows: This act shall take effect from its passage".

SENATOR SCHAFFER: The amendment is self-explanatory, Mr. President.

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voting machines in the town. Our Legislature, in enacting Section 9-238, prescribed the minimum number of machines which in its opinion was necessary to insure the safe casting of votes by our electors. It is the opinion of your Elections Committee that this vital information should be filed with a central State agency and that such filing will also tend to assure a stricter compliance with the law. This is a good bill and your favorable action is respectfully urged.

THE SPEAKER:

The question is on acceptance of the committee's favorable report and the passage of Senate Bill No. 704. Will you remark further? If not, all those in favor say aye. Opposed, no. The ayes have it and the bill is passed.

THE CLERK:

Calendar No. 223, File No. 154. Substitute for Senate Bill No. 229. An Act concerning Probate Distributions to a Surviving Spouse. Favorable report, Joint Committee on General Law.

MR. FENNELL OF FAIRFIELD:

I move the acceptance of the Joint Committee's Favorable report and passage of the bill in concurrence with the Senate.

THE SPEAKER:

The question is on acceptance of the committee's favorable report and the passage of the bill in concurrence with the Senate, will you remark?

MR. FENNELL:

Mr. Speaker, this bill makes a slight change in the probate distribution to a surviving spouse. Under Connecticut law, a surviving spouse is entitled to the useful life of one-third of the property of the deceased and this bill would permit the one-third share or one-third use to be set out by the

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fiduciary unless either the Probate Court or an interested party insists on distributors doing it. The bill eliminates expense and unnecessary acts by distributors. It's a good bill and should pass.

THE SPEAKER:

The question is on acceptance of the committee's favorable report and the passage of the bill in concurrence with the Senate, will you remark further? If not, all those in favor say aye. Opposed, no. The ayes have it and the bill is passed.

THE CLERK:

Calendar No. 224, File No. 145. Senate Bill No. 934. An Act relating to Acknowledgements of Written Instruments and to Make Uniform the Law with Relation Thereto. Favorable report, Joint Committee on General Law.

MR. FENNEL OF FAIRFIELD:

Mr. Speaker, I move the acceptance of the Joint Committee's favorable report and passage of the bill in concurrence with the Senate.

THE SPEAKER:

The question is on acceptance of the committee's favorable report and passage of the bill in concurrence with the Senate. Will you remark?

MR. FENNEL:

Mr. Speaker, this bill is merely an act to make uniform the laws of Connecticut to follow the uniform acknowledgement act. It does not make illegal acknowledgements which follow the present form of the law in Connecticut but it facilitates completing acknowledgements which may be used in other states. If Connecticut can adopt this law and other states likewise, we will all eventually have a uniform type of acknowledgement which will be much preferable for both the legal profession and their clients. I move the passage of the bill.

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Mr. Bundock: at the time that this went into effect, the interest rate, I think was one-half per cent, which was a very good rate. But what has happened? The interest rate has gone up on short-term notes to 2.67 per cent. So that, the increase in the Bridgeport project alone last year, if I understand it, from the figures I have been given, the increase over the previous interest was \$164,000. Now, that meant that they had to find \$164,000 somewhere, because of the increase in interest.

Rep. Beers: All right, now, to get a particular answer to where you stand on this specific bill. The purpose of this bill is to build 1000 units of moderate rental housing, in units of 25 or less. Now, as I take it, you are in favor of this. We do want to limit our discussion to approval or disapproval of that particular thing. We are not concerned today with the equity of the rent. We sympathize with it, but this isn't the purpose of this hearing. But we're glad to get this background.

Mr. Bundock: Well, that's why I was giving it to you. I thought that you might be interested in seeing what their experience has been. We do have a problem on setting what is moderate rent. And when you get into the smaller units, you're going to have that same problem, but it's going to be a little easier to handle, because you're going to be able to sell them, if you run into difficulty - a lot easier than you will if you do sell these multiple-story units. Thank you.

Rep. Beers: Does anyone else wish to speak in favor of S. B. #354?

Is there any opposition to S. B. #354? We'll close the hearing on #354, and re-open the hearing on S. B. #527 - ELDERLY CITIZENS. Has anyone come in who wishes to speak on this bill? Senator Miller did come in and speak on it. Anyone opposed? We'll re-close that.

S. B. #229 PROBATE DISTRIBUTIONS TO A SURVIVING SPOUSE

Rep. Beers: We'll go back now to Senate Bill #229 PROBATE DISTRIBUTIONS TO A SURVIVING SPOUSE - Senator Alfano. Those in favor of the bill.

Mr. Reed, Jr. I'm Harold Reed, Jr., Counsel for Connecticut Banking Association. This bill, I would say, does little more than make two statutes consistent, and remove

Mr. Reed, Jr.: something that's been something of an irritant to fiduciaries, and to some extent, the courts. Before 1947, we had distributors to make all distributions from intestate estates and of the share of the surviving spouse. In 1947, we changed the law - that's now Section 45-273 - to provide that distributions in an intestate estate could be made by the fiduciary, unless otherwise required by the Probate Judge. At the same time, we did not change the law governing distributions to a surviving spouse, so that now we have a situation where, distributors are appointed, usually rather needlessly, in order to make distributions to a spouse. All we want to do is make the two statutes consistent.

Mr. Healy: Mr. Chairman, and Members of the Committee, Patrick Healy, representing the Connecticut Probate Assembly. We think this bill is a good one, and we favor its adoption. Let me say, that we recommended the abolition of distributors in general, and we have a bill in this session recommending the abolition of appraisers. We have been in favor of both those ideas, for no less than fourteen years back. We are consistent in that position, and we still favor it. In a nut-shell, there's no reason why distributors should be required in this instance, any more than they are in the ordinary settlement of any estate.

Rep. Beers: Is there any one else who wishes to speak in favor for S. B. #229? Are there any opposed? The hearing is closed on bill #229.

S. B. #230 - ANNUAL ACCOUNTS OF FIDUCIARIES

Rep. Beers: We will now open the hearing on S. B. #230, by Senator Alfano. ANNUAL ACCOUNTS OF FIDUCIARIES. Those in favor of the bill.

Mr. Reed, Jr.: Harold Reed, Jr., Counsel for Connecticut Banking Association. For a number of years, it has been discretionary with the Probate Court, as to whether to require the filing of annual accounts in estates of \$2000.00 or less. In a nut-shell, there aren't a great number of estates in the amount of \$2000.00 or less these days, and there are a lot of them of \$10,000.00 or less, and ten thousand today is in the nature of being comparable to two-thousand when this statute was enacted. It really simplifies administration, and reduces probate expense, so it would be reasonable to increase this limitation from two to ten thousand dollars. Thank you.