

<b>Act Number</b>	<b>Session</b>	<b>Bill Number</b>	<b>Total Number of Committee Pages</b>	<b>Total Number of House Pages</b>	<b>Total Number of Senate Pages</b>
PA 71-269		7485	5	2	1
<u>Committee Pages:</u> <ul style="list-style-type: none"> <li>• <i>Judiciary</i> 653</li> <li>• <i>Judiciary</i> 667-668</li> <li>• <i>Judiciary</i> 671-672</li> </ul>				<u>House Pages:</u> <ul style="list-style-type: none"> <li>• 2072- 2073</li> </ul>	<u>Senate Pages:</u> <ul style="list-style-type: none"> <li>• 1706</li> </ul>

**H-112**

**CONNECTICUT  
GENERAL ASSEMBLY  
HOUSE**

**PROCEEDINGS  
1971**

**VOL. 14  
PART 5  
1968-2502**

Tuesday, May 4, 1971

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djh

understand that he has consulted some of the officials in this area and they feel that it probably would be a help to make it of this kind of composition and the committee would see no serious problem that should result in a controversy and we would support the amendment.

THE SPEAKER:

Further remarks on the amendment? If not, all those in favor indicate by saying aye. Opposed? The amendment is ADOPTED. It's ruled technical.

MR. BROWN (148th):

Mr. Speaker, I move for adoption of the Joint Committee's favorable report and passage of the bill with the House Amendment "A".

THE SPEAKER:

Will you remark further?

MR. BROWN (148th):

Again, this bill as amended would simply make the Parole Board consist of three from the legal profession and three as laymen conversients I would move adoption.

THE SPEAKER:

Further remarks on the bill as amended? If not, all those in favor indicate by saying aye. Opposed? The bill is PASSED.

THE CLERK:

Page 6, Calendar No. 591, H.B. No. 7485, An Act Concerning Escheat of Property in a Decedent's Estate, File No. 553.

MR. HEALEY (87th):

Mr. Speaker, I move adoption of the Joint Committee's favorable report and passage of the bill.

THE SPEAKER:

Question is on acceptance and passage. Will you remark?

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MR. HEALEY (87th):

Mr. Speaker, under present law when property which had belonged to a decedent remains unclaimed for a period, unclaimed, in other words, the administrator or the executor cannot find the person entitled to it, a period of ten years must pass before this escheats to the state. The proposal of the bill is to reduce that waiting period from ten to five. I would point out to the House that the rights of a person who is entitled to property from a decedent to recover that property after it has escheated by proceedings before the State Treasurer has not changed. There still remains a period of 20 years after the deeming of abandonment of the property during which the person entitled may come forward and in appropriate proceedings before the State Treasurer may establish his identity and the right to the property and receive it back.

THE SPEAKER:

Further remarks on the bill? If not, all those in favor indicate by saying aye. Opposed? The bill is PASSED.

THE CLERK:

Calendar No. 608, substitute for H.B. No. 7618, An Act Providing Bilingual Instruction In Schools.

THE SPEAKER:

The Chair recognizes the Chairman of the Education Committee, Rep. Klebanoff from the 9th.

MR. KLEBANOFF (9th):

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

THE SPEAKER:

**S-79**

**CONNECTICUT  
GENERAL ASSEMBLY**

**SENATE**

**PROCEEDINGS  
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1457-1920**

May 11, 1971

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THE CLERK:

Cal. 577, File 553 Favorable report joint standing committee on Judiciary on H.B. 7485 An Act Concerning Escheat of Property in A Decendt's Estate.

THE CHAIR:

Senator Jackson.

SENATOR JACKSON:

Mr. President, I move acceptance of the joint committee's favorable report and passage of the bill.

THE CHAIR:

Will you remark?

SENATOR JACKSON:

Mr. President, this bill decreases the number of years from 10 to five that any property of a deceased person which remains unclaimed may become subject to escheat by the state of Connecticut.

THE CHAIR:

The question is on passage of the bill. Will you remark further? If not all those in favor of passage signify by saying aye. OPPOSED NAY? The ayes have it. The bill is passed.

THE CLERK:

Please turn to page 6, first item, top of the page, Cal. 579, File 800 Favorable report joint standing committee on Corrections, Welfare and Humane Institutions Substitute H.B. 7519. An Act Concerning the Composition of the Commission on Adult Probation.

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**JUDICIARY**

**PART 2  
393-688**

**1971**

or hers assigned physician, psychiatrist, etc. That no mental patient's personal problems or records be discussed in any way or manner at or in large or small groups of rank and file employees nor before any group or groups of mental patients. I thank you.

Sen. Jackson: Thank you very much. Mr. Lynch to be followed by Attorney Glenn.

Mr. Lynch: My name is William J. Lynch, I am a Legislative Administrator Advisor for the Connecticut Department of Transportation and I have been asked to appear here today in support of H. B. #5714.

H. B. #5714 - AN ACT CONCERNING DISCLOSURE OF PROPERTY OF PERSONS AGAINST WHOM THE STATE HAS A CLAIM.

This Bill would permit other State Agencies having claims against debtors to utilize the facilities that are presently available in the matter of welfare actions under Section 17-303. This would tend to keep down the cost of recovering what are frequently small sums of money and would also expedite the litigation of those cases where it was necessary.

For this reason, the Department of Transportation supports this Bill. Thank you, Gentlemen.

Sen. Jackson: Mr. Glenn to be followed by Mr. Arafah.

Mr. Glenn: Mr. Chairman, Members of the Committee, my name is William E. Glenn, I am an Attorney appearing on behalf of the Connecticut Bankers Association. I will speak very briefly on 3 or 4 Bills. H. B. #7256 -

H. B. #7256 - AN ACT CONCERNING DISCLOSURE OF BENEFICIARIES OF REAL PROPERTY HELD IN TRUST.

In listening to Representative Miller, it seems that the purpose here is a ~~locatable~~ <sup>locatable</sup> one and I think, Mr. Chairman, you directed yourself to this question in West Hartford some years ago having to do with hiding the true interest through the use of trust or some other means. The only thing we can point out is that there are many, many trusts where there are corporate trustees having contingent on bona on determined beneficiaries and this would require a great deal of work just to file all the names even if we could determine them in all cases.

On H. B. #7485.

H. B. #7485 - AN ACT CONCERNING PROPERTY IN DECEDENT'S ESTATE.

Reducing the period before (as Chief) <sup>escheat</sup> to the State from 5 to 10 years, I think it is recognized that it is generally longer in other states and that many times banks and lawyers have been successful in locating lost heirs during a period of time of well in excess of five years and we would therefore hope that the Committee would not give this a reduction of time favorable consideration.

of mental patients. I would like to consider, however, the fact that our law as it stands today, does provide for example, in the area of criminal law for information to persons who are accused or arrested of their particular constitutional rights and I think the fact the law sets forth rights for patients, does not mean necessarily that the patient will be aware of these particular rights. If anything, I would think, a person in a mental institution would be less likely to be aware of those particular rights. I think you ought to consider expanding provisions of this law so that it is written into the Statute itself the following things: - Providing for an authorized representative of the particular person, authorized in writing, to exercise those particular rights and exercise those functions that the law sets forth that are the particular patient's rights.

On behalf of the patient that is in the particular hospital and I do think that provisions must be written into the law for informing the patient of his particular rights. We don't see that in that particular law and although it is my understanding, there are administrative regulations in this regard which have come out lately, I think the safeguard should be written into the particular act.

We do agree with all of the other provisions of S. B. #592 and certainly urge that you pass it. It has been a long time in coming and I do hope that you would consider some of the provisions which more adequately spell out and provide information for the particular safeguards to the particular patients. Thank you.

Rep. Carrozzella: Thank you. Chuck Stone.

Mr. Dowling: Robert M. Dowling, Judge of Probate, Meriden. I am speaking here as specifically on H. B. #7485 which concerns the retirement system of the Probate Judges and I have a substitute Bill here which I will file with the Clerk.

H.B. #7485 - AN ACT CONCERNING PROPERTY IN DECEDENT'S ESTATE.

As the Committee is probably aware, your present retirement system for Judges of Probate and employees is on the basis of one and two-thirds per cent with an adjustment made for income where the Judge or the employee is under Social Security to five-sixth of one per cent up to \$48,000. The proposed changes would be to increase the one and two-thirds per cent to two percent and where Social Security is involved, the increase the five-sixth of one per cent to one per cent. Also, the minimum amount payable today to a Judge of Probate or an employee on retirement, is \$160,000 in the year - the proposed change would raise it to \$360,000. I understand that Mr. Bitzer, the Retirement Commission who checked these figures advises that they are feasible and can be well supported under the present financial setup of the Probate Retirement Fund and the Administration Fund.

There are other Bills here concerning Probate Retirement which could reduce the number of years which would provide for the protection of the spouse and which would also provide that for the basis of determining retirement, the three years that is income wise, of the Judge could be used. And the reason for that last particular proposal is that, of course,

the assumption of the Probate Retirement System has been more or less on a private basis whereas the individual reaches Court Retirement age, he is expected to reach the peak of his income. That would not necessarily be true with the Probate Judge who could have, as far as income goes, years up and years down and for that reason, it is proposed that the basis be used as the best three years incomewise.

We urge the adoption of these changes to improve on the Probate Retirement System to bring a comparable to the other retirement systems that exist for other governmental employees and in doing so, we wish to note and have you note the Probate Retirement System is entirely based on the assessment paid by the Judges, the contributions they make to the Retirement Fund and the contributions the employees of the Court make to the Retirement Fund. It does not cost any government agency nor the State any amount of money.

Sen. Rome: Sir, does or did Mr. Bitzer submit a report - an actuarial report on these costs?

Mr. Dowling: No, I do not have such a report. Judge Adams talked with him and it is on the basis of Judge Adam's advise to me that I made this statement.

Sen. Rome: Is there any possibility that Mr. Bitzer might submit a short memorandum so we can

Mr. Dowling: I think we will be glad to obtain that for you.

Sen. Rome: Thank you.

Rep. Carrozzella: Thank you very much, Judge. To spite the fact that time for Legislators has come and gone, I know that this distinguished Chairman of the Transportation Committee was tied up - for one minute he wishes to speak.

Sen. Mondani: Thank you, Mr. Chairman. I am here in regard to #1416 which has to do with the expenses and accommodations of the Probate Court.

H.B. #1416 - AN ACT CONCERNING ACCOMMODATIONS AND SUPPLIES FOR THE PROBATE COURTS.

This was listed on the Hearing and unfortunately, the Gentlemen that I wished to bring up, I wasn't able to notify him.

Rep. Carrozzella: What is the Bill number?

Sen. Mondani: #1416. There is a particular problem on how one bills and what supplies are included and this seeks to clarify it. I was wondering if you have sub-committies that work in this area if it would be possible to talk at that time about this.

Sen. Rome: The only other question is this Committee has been considering this is also not germane to this hearing but considering the elimination of the necessity of the seal in Connecticut...

Mr. Gallivan: This does away with the seal.

Sen. Rome: In all instances, I was wondering if this applies in the face of anything you know in the field, not only of real property but in other fields of contract that would make

Mr. Gallivan: No, it would not - not at all.

Rep. Carrozzella: Thank you. Mr. Elliott.

Mem. of Aud. - Mr. Chairman just one point.....

Rep. Carrozzella: Yes, for some reason it is incorrectly listed. Well, why don't you come in - if it is not too inconvenient, we will take your testimony today if you want to wait, but we are going to hear all those Bills on the 9th - Real Estate and Condemnation and of course at that time you can testify even though it may not be listed on the Hearing. Okay?

Mr. Elliott: Mr. Chairman and Members of the Committee, my name is Steven K Elliott speaking in behalf of the Probate Assembly. I would like to comment just briefly on some Bills that have been submitted by the Probate Assembly and the first one is #7483 and that is in stella conform and we will have a substitute Bill within a day or two but briefly the law at this point provides that a Probate Judge who is entitled to a pension may elect to have such pension made to his spouse after his death. But he has to make that election at least three years prior to his retirement.

H.B. #7483 - AN ACT CONCERNING HUSBAND AND WIFE RETIREMENT INCOME OPTION.

The purpose of this Bill would give the spouse the right to exercise this election or give the option of the - if the retiree died before having it exercised that a Court, subject to the rules and regulations of the Retirement Commission so that if he names his spouse as a beneficiary in the pension, of course it is a reduced amount like in the State Retirement Pension.

H.B. #7484 - AN ACT CONCERNING DISABILITY RETIREMENT FOR A JUDGE OF PROBATE.

The next Bill, #7484 would reduce the disability retirement for a Judge of Probate. The present Bill requires 15 years of service, this would make it 12 of service which would be the equivalent of serving three 4 year terms in office.

H.B. #7485 - AN ACT CONCERNING PROPERTY IN DECEDENT'S ESTATE.

This is a Bill that was remarked on before. It would reduce the presumption of abandoned property from ten years to five years. We leave that to your discretion. Some of the Probate Judges thought it would be more

practical to at least have the authority to turn it over to the State Treasury at the end of five years. It can be reclaimed there if the owner of the property is found.

H.B. #7486 - AN ACT CONCERNING RETIREMENT OF A JUDGE OF PROBATE AFTER TWELVE YEARS OF SERVICE.

This Bill is to provide for the retirement of a Probate Judge after 12 years of service.

H.B. #7490 - AN ACT CONCERNING THE DEFINITION OF "AVERAGE FINAL COMPENSATION FOR A JUDGE OF PROBATE".

In connection with H.B. #7490, Judge Dowling remarked on that Bill and we do have a substitute Bill here. The main change would be that it would include the highest paid three years of service and it would also include in the pension, the amount of fees that a Judge earned as acting Judge of Probate. We have had cases in Fairfield County where there has been a death for incapacity and the Judge has earned fees in his capacity as acting Judge but in the present pension system, while they pay into the State Treasurer's Fund, for those fees he received as acting Judge, they would not be included in his pension - in his pension service.

H.B. #7491 - AN ACT CONCERNING REPRIMAND OR SUSPENSION OF JUDGE OF PROBATE COURT.

As a Bill designed to provide for some means of arbitration where there is a disagreement between a Judge of Probate and the Chief Administrator of the Probate Court who is now Judge Rubinow. The statutes provide that it could be any Judge of the Superior Court. There is no method of resolving any disagreement at the present time. There is no right of appeal and we are suggesting in this Bill, that if there is any such disagreement, that it be submitted to arbitration before a committee of three persons; one designated by the president of the Probate Assembly, one by the Chief Court Administrator and one by the Attorney General. There seems only fair there should be some right of appeal.

H.B. #7492 - AN ACT CONCERNING THE APPOINTMENT OF A PROBATE COURT ADMINISTRATOR.

This is a Bill designed to provide that the Chief Court - Judge of the Chief Court - Judge of the Probate Courts could be a member of the Judiciary of Connecticut. The statutes now provide that it must be a judge of the Superior Court. Of course, the Superior Court on appeal from Probate, is hearing the case .....and I am sure there is going to be occasions when that results and the disqualification of the Chief Court Administrator. We are not suggesting that it be from the Probate Court, but that it be from any member of the Judiciary of the State of Connecticut - any court. And we think it would be more practical and efficient if it was other than the Superior Court.