

Act Number	Session	Bill Number	Total Number of Committee Pages	Total Number of House Pages	Total Number of Senate Pages
PA 71-417		8021	0	5	2
<u>Committee Pages:</u>				<u>House Pages:</u> <ul style="list-style-type: none"> • 2447- 2449 • 3700- 3701 	<u>Senate Pages:</u> <ul style="list-style-type: none"> • 2207- 2009

H-112

**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
1971**

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PART 5
1968-2502**

Tuesday, May 11, 1971

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his own volition. As I read the bill and I believe some others, if an employee decides he doesn't like the job, after five months, he is free to leave. He is leaving of his own volition not because of any fault and I question, I wonder, I would like to be reassured that there has been adequate legal opinion on what the exact meaning of fault is in this particular instance.

THE SPEAKER:

Further remarks before we vote. If not, the question is on the acceptance of the joint committee's favorable report and passage of the bill as amended by House Amendment Schedule A. All those in favor indicate by saying Aye. Opposed.

The bill is LOST.

ASSISTANT CLERK:

Cal. 648, File 604. House Bill 8021. AN ACT CONCERNING THE OWNERSHIP OF JOINT DEPOSITS AND ACCOUNTS. Favorable report of Committee on Judiciary.

THE SPEAKER:

Rep. Healey of the 87th.

MR. HEALEY: (87th)

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

THE SPEAKER:

Will you remark.

MR. HEALEY: (87th)

The Clerk has an amendment. Mr. Speaker, I would remark

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that the amendment is of technical jargon of the Legislative Commissioners' office. It might be more effective if I were to explain its import.

THE SPEAKER:

The gentleman outline the technical amendment.

MR. HEALEY: (87th)

Mr. Speaker, what this amendment does is that it eliminates every thing in your file on Page 2 from the words "the making of a deposit or" and line 23 through the balance of the bill. Mr. Speaker, the importance of this amendment - well, let me put it this way. The presently existing legislation raises a conclusive presumption, except under very limited circumstances, as to the ownership of a joint bank account. Just recently the Supreme Court of our State has ruled that this is a deprivation of due process on a comparable statute. And, therefore, the raising of a conclusive presumption as to a fact to which a person is entitled under due process to contend, deprives him of his constitutional right. And accordingly, if we are to be in accord with this constitutional ruling of our Supreme Court, it is essential that that language be stricken. There had been awareness prior to the decision by the Supreme Court that this was a very real problem and the language in the bill had been suggested as a means of meeting it. But I suggest to you, sir, that the requirement of clearer and convincing evidence, the contrary is a meaningless expression.

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A person who wishes to contend in court as to the ownership of one of these accounts will be bound by the usual rules of evidence, will be bound by the usual requirement of proving his case and to throw in additional language of doubtful meanings such as clear and convincing evidence serves no purpose whatsoever. I point out to you that with this amendment adopted the depository agency is still completely protected because in the earlier part of the existing legislation it is provided that the receipt of the equipment of the person to whom the payment is made shall be a valid and sufficient release and discharge. Therefore, the elimination of this language in no way imposes the danger or exposure to the depository institution. I move you, sir, the adoption of the amendment.

THE SPEAKER:

Will you remark further on the amendment Schedule A. If not, all those in favor indicate by saying AYE. Opposed. The amendment is ADOPTED. It's ruled technical. The gentleman from the 87th.

MR. HEALEY: (87th)

Mr. Speaker, I now move the passage of the bill as amended and I would note that I believe my remarks on the amendment cover the entire ground.

THE SPEAKER:

Will you remark further on the bill as amended. If not all those in favor indicate by saying AYE. Opposed. The bill is PASSED.

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bill and a step forward and I urge it's passage.

THE SPEAKER:

Further remarks on the bill as amended?

MR. BARD (145th):

Mr. Speaker, I'd like to support the bill as amended for the reasons that I gave yesterday, namely that I think it's time that we started to evaluate our teachers. I think that I agree with Rep. LaGrotta that we are indeed asking the state board to set up the standards but leaving it to the local boards to make the evaluation.

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 16, Disagreeing Action, Calendar No. 648, H.B. No. 8021, An Act Concerning the Ownership of Joint Deposits and Accounts, amended by House Amendment Schedule "A" and Senate Amendment Schedule "A".

MR. HEALEY (87th):

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

THE SPEAKER:

Will you remark?

MR. HEALEY (87th):

Mr. Speaker, the Clerk has an amendment, Senate Amendment Schedule "A".

THE SPEAKER:

Will the Clerk call Senate Amendment Schedule "A".

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MR. HEALEY (87th):

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Mr. Speaker, perhaps it would be more worthwhile if I were to summarize this. This is a bill which we discussed at some length about two weeks ago. The presently existing legislation raises a conclusive presumption as to ownership of a survivorship bank account by reason of a Supreme Court decision stating that inclusive presumptions were denial of due process of law and, therefore, unconstitutional. What the House did was to knock out of the existing legislation all of the verbiage concerning any presumption as to ownership. The Senate, in it's wisdom, however, has proposed an amendment which restores the existing language of the legislation but declares the conclusiveness of the presumption and merely makes it a prima facie presumption. It would appear to me that this is simply a difference in taste as to exactly how one proceeds. I have no real quarrel with the Senate amendment and I would move it's adoption.

THE SPEAKER:

Question is on adoption of Senate Amendment Schedule "A". Will you remark further? If not, all those in favor indicate by saying aye. Opposed? Senate "A" is adopted. The gentleman from the 87th.

MR. HEALEY (87th):

Mr. Speaker, I now move adoption of the bill as amended by Senate Amendment Schedule "A" and as previously amended by House Amendment Schedule "A". I believe the subject matter of this bill has been adequately discussed.

THE SPEAKER:

Will you remark further on the bill as twice amended? If not, all those in favor indicate by saying aye. Opposed? The bill is PASSED.

THE CLERK:

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local property taxes. I move its passage.

THE CHAIR:

Question is on passage, will you remark further? If not, all those in favor signify by saying, "aye". Opposed, "nay". The bill is passed.

THE CLERK:

CAL. NO. 716. Favorable report of the joint committee on Finance. Substitute House Bill 6713. An Act Concerning Business Enterprises Which Fail to pay Personal Property Taxes.

SENATOR CUTILLO:

I move acceptance of the joint committee's favorable report and passage of the bill. This bill will allow a City or District Health Department to withhold or revoke any license issued by them, to operate a business enterprise, if the personal property taxes levied against that business have not been paid in full, within one year, from the time the taxes were due and owing.

THE CHAIR:

Question is on passage, all those in favor signify by saying, "aye". Opposed, "nay". The ayes have; the bill is passed.

THE CLERK:

CAL. NO. 723. Favorable report of the joint committee on Judiciary. Substitute House Bill 8021. An Act Concerning the Ownership of Joint Deposits and Accounts. Clerk has an amendment.

SENATOR JACKSON:

Mr. President, will the Clerk, please read the amendment?

THE CLERK:

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SENATE AMENDMENT SCHEDULE A: offered by Senator Jackson:

In line 23, delete the bracket.

In line 25, after the word "influence," insert "or other clear and convincing evidence to the contrary,"

In said line 25, bracket "conclusive" and insert thereafter "prima facie".

In line 34, bracket "either" and insert "any".

In line 35, bracket "1953" and inser "1971"

In line 36, strike out the bracket.

SENATOR JACKSON:

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

The purpose of the amendment, is to delete the words inclusive from our existing statute 36 sub-section 3. The Supreme Court about 2 weeks ago, in a case made a ruling that we could not have a conclusive presumption. They said that a conclusive presumption is unconstitutional. The offer of this amendment is to change ^{to} the prima facie, the word conclusive. So I would urge passage for the amendment.

THE CHAIR:

! Question is on passage of the amendment. Will you remark further? If not, all those in favor of the amendment, signify by saying, "aye". Opposed, "nay". The amendment is carried and rules technical. You may proceed with the bill, as amended.

SENATOR JACKSON:

Mr. President, I believe my explanation of the amendment will also go for the bill.

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THE CHAIR:

Question is on passage of the bill, as amended. 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:

CAL. NO. 739. Favorable report of the joint committee on Judiciary. Substitute Senate Bill 1094. An Act Concerning Qualifications of Justices of the Peace.

SENATOR JACKSON:

Mr. President, I move acceptance of the joint committee's favorable report and passage of the bill. This amends existing laws, basically require that forms be filled out in triplicate for justices of the peace. The purpose for this is, the Town Clerk will maintain one, the Secretary of State will have one and the Clerk of the Superior Court for the County in which he resides will have one. I believe this is a good housekeeping measure and I urge its passage.

THE CHAIR:

Question is on passage, will you remark further? If not, all those in favor of passage signify by saying, "aye." Opposed, "nay." Bill is passed.

THE CLERK:

CAL. NO. 742. Favorable report of the Joint Committee on Judiciary. Substitute House Bill 5713. An Act Concerning Nuisances on Highways.

SENATOR JACKSON:

Mr. President, I move acceptance of the joint committee's favorable report and passage of the bill. This sets up a criminal penalty of \$50.00 for anyone who establishes a nuisance. Basically what it is, is the State Highway