

Act Number	Session	Bill Number	Total Number of Committee Pages	Total Number of House Pages	Total Number of Senate Pages
PA 71-760		6025	0	5	1
<u>Committee Pages:</u>				<u>House Pages:</u> <ul style="list-style-type: none"> • 5217-5221 	<u>Senate Pages:</u> <ul style="list-style-type: none"> • 3408

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
1971**

**VOL. 14
PART 12
5163-5554**

Monday, June 7, 1971

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MR. ROSE (69th):

Mr. Speaker, I move for acceptance and passage of this bill. This is the first time that we have brought favorably from this committee, a bill affecting the cost of sidewalks by the state. I think it is the beginning of a very important trend in the responsibility of the state to participate at least in the construction of sidewalks within towns where there are town roads and state roads. I'm very happy to see this before us. I think that we will see other measures in subsequent sessions that will even go further than this in assisting towns through the state to build sidewalks. I approve the measure.

THE SPEAKER:

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

THE CLERK:

On page 18, Calendar No. 1487, substitute for H.B. No. 6025, An Act Concerning the Appointment of Probate Legal Representatives, File No. 1668.

MR. HEALEY (87th):

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

THE SPEAKER:

Would you remark?

MR. HEALEY (87th):

Mr. Speaker, the Clerk has an amendment.

THE SPEAKER:

The Clerk will call Amendment "A".

THE CLERK: ...

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House "A" offered by Mr. Carrozzella of the 81st.

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Strike out lines 24 to 27 inclusive, and substitute in lieu thereof the following: "application. If the court finds such person is unable to pay for counsel, the court shall appoint counsel for him, the reasonable compensation of such counsel to be established by the court and paid from the fund established under section 45-4h."

Strike out section 3 and make the present section 4, section 3.

MR. HEALEY (87th):

Mr. Speaker, I can't discuss the amendment intelligently without discussing the bill.

THE SPEAKER:

So we'll try the amendment first.

MR. HEALEY (87th):

The overall outline is this. We have a very serious constitutional question on commitments to the state hospitals in so far as there is no provision under present law to provide for representation of an indigent dependent in the proceedings in the Probate Court on commitments. The purpose of the amendment is to clarify that counsel for such indigent defendants are to be supplied and appointed by the Probate Court. This is exactly the same type of procedure which is presently followed in criminal cases in that the court is mandated to provide a public defender. I would point out that the payments of this Probate Court representative is from the Probate Court fund and, therefore, it does not constitute an expense to the state. And I move the amendment.

THE SPEAKER:

Will you remark further on Amendment Schedule "A"? If not, all

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those in favor indicate by saying aye. Opposed? "A" is ADOPTED.

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MR. HEALEY (87th):

Mr. Speaker, now speaking on the bill as amended, as I stated, this meets a constitutional problem. Several persons who were committed to the Norwich State Hospital raised the problem in the United States District Court and were successful, that in so far as they were not afforded the right to counsel and could not get counsel by reason of their indigency, the proceedings in the Probate Court did not meet the test of due course of law. It also cuts down the emergency commitment period from the present 30 day limit to fifteen days, balances this out by permitting the court to extend the emergency commitment from the present thirty days to forty-five days. It meets a very real problem. It's a good bill and it ought to pass.

THE SPEAKER:

Further remarks?

MR. OLIVER (104th):

Mr. Speaker, a question through you, Mr. Speaker, to the gentleman from Waterbury.

THE SPEAKER:

Please proceed.

MR. OLIVER (104th):

Is it your feeling, sir, that this bill is an additional, in addition to and not in any way striking from the powers of the Probate Courts under Title 45 now to appoint guardians ad litem in other probate proceedings?

THE SPEAKER:

Does the gentleman from the 87th care to respond?

MR. HEALEY (87th):

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Mr. Speaker, through you, it does two things. I believe it enlarges the power. The guardian ad litem truly can represent but this requires that it be an attorney whereas the guardian ad litem could be anyone and furthermore, it provides a method of payment of that person and thereby, I would say, enlarges the, makes it more probably that we'll be able to obtain the services of a truly qualified person.

MR. OLIVER (104th):

One further question, if I might, Mr. Speaker. Through you to the gentleman from Waterbury, do you think that this bill will give authority for the payment of guardians ad litem appointed under existing sections of the General Statutes out of this fund?

MR. HEALEY (87th):

Mr. Speaker, through you, in my opinion, it would not give such authority.

THE SPEAKER:

Further remarks on the bill?

MR. NEVAS (144th):

Mr. Speaker, through you a question to Rep. Healey. It's not clear to me, Rep. Healey, whether or not these attorneys are full-time or part-time.

THE SPEAKER:

Does the gentleman care to respond?

MR. HEALEY (87th):

Mr. Speaker, under the original bill, it would have been that the person so appointed could not appear before Probate Courts in any other capacity than that as the representative. Under the amendment, there is no

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limitation upon what other practice he may have.

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MR. NEVAS (144th):

Another question, Mr. Speaker, if I can ask, why the appointment is to be made by the Chief Court, Probate Court Administrator, not by the local probate court judge.

THE SPEAKER:

Does the gentleman care to respond?

MR. HEALEY (87th):

Through you, Mr. Speaker, the amendment changed that. The original bill would have the appointment be by the Probate Court Administrator. Under the amendment, that section is eliminated and the appointment is by the local Probate Court Judge. As I noted earlier, this is in accordance with our designation of public defenders in the criminal court.

THE SPEAKER:

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

THE CLERK:

Page 20, the second item from the bottom on page 20, Calendar No. 1519, substitute for S.B. No. 251, An Act Concerning State Aid for Construction of Additions to East 12 Ridge Junior and Senior High Schools in Ridgefield.

MR. SPAIN (166th):

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

THE SPEAKER:

Will you remark?

MR. SPAIN (166th):

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THE CHAIR:

Question is on suspension of the rules, any objection. You may proceed

SENATOR CALDWELL:

I move adoption of the following bills: Senate Bill 383 and 384; House Bill 8464; House Bill 6025; House Bill 6006; House Bill 5052; House Bill 5771; House Bill 5962; Senate Bill 1807; House Bill 9097;

THE CHAIR:

Question is on passage, of those bills that came up from the House, as amended. All those in favor indicate by saying, "aye". Opposed? The ayes have it; the bills are passed.

SENATOR IVES:

Mr. President, I move for suspension of the rules, for immediate consideration of Cal. 1370, Substitute House Bill 6447.

THE CHAIR:

Question is on suspension of the rules. Any objection? No objection you may proceed.

SENATOR IVES:

Mr. President, I move for the acceptance of the joint committee's favorable report and passage of the bill. This is the one year limitation on Welfare.

THE CHAIR:

Question is on passage of the bill. All those in favor indicate by saying, "aye".

SENATOR SMITH:

Mr. President, I rise to oppose this bill. For the record, Mr. President this bill is not a one-year residency requirement. It's not an act concern-