

Legislative History for Connecticut Act

SB 642	PA 227	1980	
Judiciary	878-79	882-83	4
Senate	1370-71, 1453 (consent)		3
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JOINT
STANDING
COMMITTEE
HEARINGS

JUDICIARY
PART 4
876-1126

1980

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JUDGE KNIERIM: (Continued)

that the two hospital physicians are sufficient for us to evaluate those applications for psycho-surgery and shock therapy.

For the rest of the bill, the last several years, the legislature has provided many new procedures, provided attorneys, provided physicians, the rest of this bill does present quite an expense in appointing physicians and I would think that the need for that additional expense should be very carefully evaluated before the legislature goes into amending the mental law act again.

I think somebody ought to present some convincing statistics that there are abuses going on that this bill addresses itself to before we get into that expense.

The third bill is Committee Bill 602, An Act Concerning the Placement of Mentally Retarded Persons. Again, this is a bill which makes some corrections in the public act that was passed last year, involving the placement of mentally retarded people. Last year's bill left some procedures completely up in the air and what is before you, and I have written testimony to give you line by line detail, but what is before you is an attempt by Commissioner Thorne's office and my office to clarify without taking away the intent of the original bill, to clarify the procedures for evaluating mentally ill people and their placements. I support this bill.

Again I have a substitute, an amendment, an additional amendment to give to you which I have addressed by separate letter which I'll leave with the clerk, asking for one more change in the proposal, so that if you report it out it will be a Joint Favorable substitute.

The last bill that I'd like to comment on is Committee Bill 642, An Act Concerning Probate Bonds. Several years ago a committee of probate judges got together and did a comprehensive study of all of our bond statutes. They are presently a hodge podge. A person looking for the type of bond that is necessary for probate proceedings finds himself looking in a number of different sections of the statute. This Committee did an outstanding job of finding those sections, consolidating them and then going on with

SB642

JUDGE KNIERIM: (Continued)

some new proposals which would make bonding, I think much more uniform in the state of Connecticut among the various probate courts. The most important feature of the bill is it details the bonding, the setting of bonding amounts would be left to rules adopted by the Supreme Court, rather than trying to spell out all these detailed rules in the statutes and having to come back to you every couple of years and have them amended.

We think that this is a much better approach. The detail of this bill I'm going to leave to Judge Daniel Kenny, from Old Lyme, who is Chairman of the Bond Committee of the Probate Assembly who will explain it to you in a few minutes.

Thank you very much.

SEN. DE PIANO: Robert Ebersold.

ROBERT EBERSOLD: Mr. Chairman, members of the Committee, this statement is being made on behalf of, excuse me, my name is Robert S. Ebersold of Burlington, Connecticut. This statement is being made on behalf of several people, I'll read the names, Mr. and Mrs. Robert Ebersold, Mr. and Mrs. Charles Hoyt, Mr. and Mrs. Samuel Merrill, Mr. and Mrs. Harold McLaughlin, Mrs. Eleanor Luce and Mrs. Jean Spurkland.

We are the parents of recently murdered children. The group of us met before this hearing and agreed that this statement would represent --

SEN. DE PIANO: What bill are you talking on?

MR. EBERSOLD: I'm very sorry. This is Bill 5853, to do with the crime victims compensation act. We met before this hearing and agree that this statement would represent the combined position of each of us and to the extent that any of us want to add something, they would do that.

5853 was introduced to amend Section 54-208 of the Connecticut Statutes. It was raised because the Criminal Victims Compensation Board recognized that the original law didn't respond in the way that it should. Each of us, the parents that I listed above, whose children were

HB 5853

MR. EBERSOLD: That would accomplish the intent that we're trying to do, yes.

SEN. DE PIANO: O.K., that's what I was concerned about.

MR. EBERSOLD: Just one last paragraph. Based on the fact that those responsible for the administration of the act felt initially that we qualified, and now they propose a change to fill this loophole, we not only want to express our support for Bill 5853, but also respectfully request that it be made retroactive to the inception date of the Act.

Thank you very much.

SEN. DE PIANO: Thank you very much. Judge Danny, Daniel E. Kenny.

JUDGE DANIEL E. KENNY: I'm Daniel E. Kenny, and Old Lyme. I'm the judge of probate in Old Lyme and a member of the Executive Committee of the Connecticut Probate Assembly and Chairman of its bond committee and as Chairman this morning I wish to speak to the Raised Bill 642, An Act Concerning Probate of Bonds.

The Bond Committee of the Assembly has the approval of the Probate Assembly for the changes recommended in the bond procedures of the Probate Court. They are principally to make the bonds more uniform and I would, we have written comment which I'll leave with you but I just want to point out to you that of the sections of the bill, there are eight of them which, in our estimation, will strengthen the rights of persons who have estates administered by the Probate Court. Children, incompetents, out of state people who are now not covered by the bonding requirements of the Statute. Also, there are two sections, section 6 and 14, which change the excessive bonding requirements that are provided for in the transfer of assets from the state of Connecticut to another jurisdiction. We feel that those, the wording of the statute is unclear, for one thing. But also, that the bonding requirements themselves are far more than are necessary.

And we have four sections which simply eliminate qualifying words in the statute relating to the term bond or probate bond, so that when the rule is accepted by the Supreme

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JUDGE KENNY: (Continued)

Court there won't be a conflict between an ambiguity in the state statute and the rule of the Supreme Court. I also would like to make the point that all of the sections together are really tied together. They are important, that one relates to another. In other words it's not a matter of picking and choosing, it's a concerted attempt to correlate all the bond statutes that relate to the judges of probate and they themselves are in favor of better guidelines and better procedures as they think everybody is who appears in Probate Court. Thank you.

SEN DE PIANO: Thank you very much.

REP. TULISANO: Jim O'Merrill.

SHELDON MERRILL: My name is Sheldon Merrill, I'm from Cromwell Connecticut. In reference to Bill 5853. Back in the early part of last year I spoke with Mr. Tulisano by phone. Mr. Tulisano verbally stated to me that I was more than qualified for the Victims Crime Compensation Act, up to \$10,000 for my son's death, who was murdered.

However at this time Mr. Tulisano said there is no money in this fund, but in the near future I would hear from him. Several months later I received a letter from Mr. Tulisano stating that I did not qualify for this Act. I go along with Mr. Ebersold in regards to changing the Act and I think the people should be reimbursed for some of their expenses in regards to this. That's all I have to say.

May I say something on AHB 5791?

SEN DE PIANO: Yes sir.

MR. MERRILL: As you know, the average murderer, once convicted of murder is eligible for parole anywhere from 6 to 13 years, depending on his sentence. Now this murderer is back on the street, a free man. What about the person he murdered? He or she will never be free. What about the victim's family? They also have no rights. They have to live day to day with a great tragedy and hurt that never seems to get any better or easier. And add to this tragedy, the family has to pay all funeral bills. Not the murderer

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a patient or his legally liable relative, conservator or guardian, a written statement explaining the patients' rights relative to personal funds and a list of charges which may be deducted from these funds. The bill would require the facility to obtain written consent from a patient, legally liable relative, conservator or guardian to manage personal funds if not requested to do so. A manager of these funds, the facility would be required to follow procedures specified by the bill.

If there is no objection, I move it be placed on the Consent Calendar.

THE PRESIDENT:

Further remarks on the bill? Objection to placing it on Consent? Hearing neither, it is so ordered.

THE CLERK:

Cal. 335, File 449. Substitute for Senate Bill 642.

AN ACT CONCERNING PROBATE BONDS. Favorable report of the Committee on Judiciary.

THE PRESIDENT:

Senator DePiano.

SENATOR DEPIANO: (23rd)

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

THE PRESIDENT:

Will you remark, Senator?

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SENATOR DEPIANO:

Yes. This bill would clarify bonding requirements for fiduciaries in various situations and to provide that whenever a bond is required under any provision of title 45, the amount of such bond, unless otherwise provided, shall be required by the Judge of Probate pursuant to rules prescribed by the Supreme Court.

If there is no objection, I move it be placed on the Consent Calendar.

THE PRESIDENT:

Will you remark further on the bill? Is there objection to placing the item on the Consent Calendar. Hearing none, it is so ordered.

THE CLERK:

Cal. 340, File 454. Substitute for Senate Bill 606.
AN ACT CONCERNING KICKBACKS. Favorable report of the Committee on Judiciary.

THE PRESIDENT:

Senator DePiano.

SENATOR DEPIANO: (23rd)

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

THE PRESIDENT:

Motion is for acceptance and passage. Will you remark?

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The vote is 35 Yea - 0 Nay. Absent and Not

Voting 1. THE BILL IS PASSED.

THE PRESIDENT:

Clear the machine please. We are voting on the Consent Calendar itself. The machine is open. Have all senators voted? The machine is closed. The Clerk will take a tally.

The vote is 36 Yea - 0 Nay. THE CONSENT CALENDAR

IS PASSED. SB 294, SB 1, HB 5025, SB 363, SB 667, SB 563, SB 260, SB 414, SB 470, SB 561, SB 565, SB 569, SB 570, SB 573, SB 575, SB 642, SB 606, SB 723, HB 5067, HB 5227, HB 5770, THE PRESIDENT: HB 5830, HB 5912, HB 5913

I understand that there is also additional pages of today's Agenda to adopt, Senator Lieberman, prior to adjournment?

SENATOR LIEBERMAN:

Yes, Mr. President. I do want to indicate to the Clerks that I do not intend to suspend the rules to send matters to the House tonight because there is at least one that someone may move for reconsideration on tomorrow.

Mr. President, I would move for adoption of the additional two pages of the Agenda at this time.

THE PRESIDENT:

You have heard the motion. Without objection, it is so ordered, The Agenda is adopted and incorporated by reference into the Senate Journal and Senate Transcript.

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REP. GROPPA: (63rd)

May this item be recommitted to the Committee on
Judiciary.

DEPUTY SPEAKER FRANKEL:

Is there objection to the motion? Is there objection
to the motion? If not, it is so ordered.

CLERK:

Calendar 522, File 449, Substitute for Senate Bill
642, AN ACT CONCERNING PROBATE BONDS. Favorable Report of
the Committee on Judiciary.

REP. MOSLEY: (72nd)

Mr. Speaker.

DEPUTY SPEAKER FRANKEL:

Rep. Mosley.

REP. MOSLEY: (72nd)

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

DEPUTY SPEAKER FRANKEL:

The question is on acceptance of the Joint Committee's
Favorable Report and passage of this Bill in concurrence with
the Senate. Will you remark, sir?

REP. MOSLEY: (72nd)

Basically, this Bill would clarify bonding requirements

for fiduciaries in various situations and to provide that whenever a bond is required under any provision of Title 45, the amount of such bond that is otherwise provided shall be set by the judge of probate pursuant to the rules described by the Supreme Court. I move for passage of the Bill, Mr. Speaker.

DEPUTY SPEAKER FRANKEL:

Will you remark further on this Bill? Will you remark further on this Bill? If not, the staff and guests please come to the Well of the House. The members please take their seats. The machine will be opened.

The House of Representatives is now voting by roll. Would the members please return to the Chamber.

There is a roll call vote in progress in the Hall of the House. Would the members return to the Chamber immediately.

Have all the members voted? Have all the members voted? If so, the machine will be locked. The Clerk will take a tally.

Clerk, please announce the tally.

CLERK:

Senate Bill 642

Total number Voting	134
Necessary for Passage	68
Those voting Yea	134
Those voting Nay	0
Those absent and not Voting	17

DEPUTY SPEAKER FRANKEL:

The Bill passes.

CLERK:

Calendar Page 10, Calendar 532, File 308, Substitute for Senate Bill No. 77, AN ACT EXPEDITING ENERGY CONSERVATION MEASURES FOR STATE INSTITUTIONS, as Amended by Senate Amendment Schedule "B".

Favorable Report of the Committee on Energy and Public Utilities.

REP. LAVINE: (100th)

Mr. Speaker.

DEPUTY SPEAKER FRANKEL:

Rep. David Lavine.

REP. LAVINE: (100th)

Mr. Speaker, I move the passage of the bill in concurrence with the Senate.

DEPUTY SPEAKER FRANKEL:

The question is on the acceptance of the Joint Committee's Favorable Report and passage of this Bill in concurrence with the Senate. Will you remark, sir?

REP. LAVINE: (100th)

Yes, Mr. Speaker. Mr. Speaker this is a measure which would allow the Department, the Commissioner of the Department