

Legislative History for Connecticut Act

SB 710

PA 410

1980

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MR. MISKOW: (continued)

law. Two, as far as the certified equipment, you've already heard remarks on that. We'd like from an approved list of devices which are out there. And lastly, in the restricted license area, the Commissioner feels that probably it could be better administered. He would like to see that if it does come into effect fine in court.

SEN. DE PIANO: On a restricted license?

MR. MISKOW: Yeah.

SEN. DE PIANO: Okay. Thank you very much.

MR. MISKOW: You're welcome.

SEN. DE PIANO: Stephan Tate.

MR. STEPHAN TATE: I'm Stephan Tate from the Probate Section of the Connecticut Bar Association. We're talking with the authority of the Bar Association on Raised Committee Bill 710. With me is Ron Deiterich of Day, Berry and Howard. He's going to be talking on one element of the Bill. Basically, this consists of four pieces of legislation all we believe, non-controversial, fairly technical in nature, and we're just going to go over the various points in the bill very quickly.

I might say by way of introduction there is no revenue impact to any of this. Nonewhatsoever. There's no adverse revenue impact, if there's any impact at all, it consists of getting in more revenue in the area Mr. Deiterich is going to be talking to you about.

MR. RON DEITERICH: Thank you, I'd like to speak to sections 1,2,4,5, and 6 of the Raised Committee Bill 710, dealing with the Admission to the Original Probate in this State of Wills of Non-Residents. During the past few years we have seen a tremendous increase in the headquarter location of major corporations, all of whom have employees who are being located in and out of Connecticut and around all parts of the world. Part of this service is that, we believe the state should provide for these people in the probate and the state area. And provide some assurance when they're being relocated to Bancok or wherever that if that contingency occurs that their estates can be administered in a place that they're familiar with and they

MR. DEITERICH: (continued)  
know the laws. And so, therefore, a good part of these sections that I've enumerated, deal with this problem of having this person who's no longer a resident of Connecticut, but who was last a resident of Connecticut, in most cases.

Having his estate plan being administered as if he had been an original domiciliary of the state. This is a voluntary act. He has to expressly elect this procedure --

SEN. DE PIANO: What you're saying in effect is that somebody's been here, a domiciliary in Connecticut, he then moves and get transferred to New Jersey, he expresses in his will that he wants his estate to be probated under Connecticut law.

MR. DEITERICH: That's correct, sir.

SEN. DE PIANO: Even if he has no assets here?

MR. DEITERICH: That is correct. Although, it is within the discession of the Probate Court to accept it in most cases.

SEN. DE PIANO: Well, what about New Jersey, now?

MR. DEITERICH: The statute is not -- or expressly provides that laws of inheritance are treated as they are set forth in the statute and laws of taxation. So, that if there is a tax owing and doing to any jurisdiction abroad--

SEN. DE PIANO: Except, I'm thinking about New Jersey, let's say, has a statute that says that anyone domiciliary of their state that dies while in the confines of the state have to go through their Probate Court. Now, how do we get around that?

MR. DEITERICH: The Probate Court in this state would undoubtedly not take jurisdiction in that case since he has a discession. It has to be some reasonable cause. This is intended primarily to take advantage of the person who is now residing in Paris and has sold his home and he is not a resident of any state of the United States and he needs to have his estate administered. And it provides so that there won't be any abuse. We've talked this over with Glen Cannare

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MR. DEITERICH: (continued)  
in the Probate Administrator's Office to provide the procedures for this Court of Probate to exercise its discretion in accepting a case of that nature.

SEN. DE PIANO: Well, what about the situation that I gave where he is living in another state and he's got in his will, well, I want my estate probated in Connecticut. How do I handle that?

MR. DEITERICH: If that is probated --

SEN. DE PIANO: I don't want people having two probates on an estate.

MR. DEITERICH: Of course. And I think the Probate Courts here in this state would decline to accept jurisdiction on that basis. Because there was no --

SEN. DE PIANO: Why, what authority do we have in the statute for doing that. That's what I'm saying. Suppose the judge of Probate says, no, I want to handle this thing.

MR. DEITERICH: The section dealing with the application, admission for the will to probate based on that statement by the decedent, gives the Court of Probate discretion to accept that even though that statement is contained in the will, the court can still decline to accept. Unless there is some reasonable connection with the State of Connecticut.

SEN. DE PIANO: What incentive would there be for a Probate judge to decline an estate that's a \$½ million estate? That's what I'm concerned about. I'm not trying to raise the point with you, I'm trying to understand myself.

MR. DEITERICH: No, I understand. This section requires all parties and interest in the estate including heirs and next of kin to have notice of this proceeding. We would assume that if due to expense or other reasons that would be unfair to those parties, they could appear and object. And unless some reasonable ground was shown as to why not to have the will admitted to Probate, presumably the court would admit it under those circumstances.

SEN. DE PIANO: Okay.

MR. DEITERICH: These sections also relate to approving a will that has been approved out of state -- admitting a will that has been approved out of state, instate and there are some technical changes that clarify the procedures and coordinate them with the subsequent provisions being suggested here. Thank you.

SEN. DE PIANO: Thank you.

MR. TATE: Just apropos of what you've said, Senator DePiano, you must as a Fairfield County resident be aware that New York is doing this all the time. They're taking original jurisdiction of estates that clearly are Connecticut domiciliary. In lower Fairfield County it's a disease. This gives the State of Connecticut, the right even though there is only property located -- some property located in the State of Connecticut to take original jurisdiction here and we think that among other things there's going to be less opportunity for revenue laws.

Those of us down-state have seen revenue lost because the proceeding gets started in New York, they never touch base up here. The assets get transferred, one way or another and the revenue is lost to the State of Connecticut. This is if you will a way of fighting back. We think it's a good and a reasonable way of fighting back. To the other sections of the bill here, section three, is one that's dear to the hearts of the bankers and I say has no impact whatsoever on revenue.

It says that a certificate of appointment of a prodcuary is good for one year. Those of you who have administered estates know that if you have to renew these things every 60 days you're beating a path to the Probate Court over, and over, and over again. The bankers have it, we have it in terms of the hassle and to make these presumtively good for a year, we think is a big step forward.

Two other areas are touched upon here. One the Prodcuary Powers Act has been amended. Secondly, the Gifts to Minors Act has been amended. Both of those sets of amendments were worked up by Frank Berrauld whom some of you know as sort of our tax authority in the Probate section. And Frank is testifying this morning before the Senate Judiciary

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MR. TATE: (continued)

Committee in Washington, and couldn't be here. Now, I'm a poor act to --

SEN. DE PIANO: That's really no excuse, but go ahead.

MR. TATE: I'm a poor act to follow. There is one point that we want to raise here on pages 10 and 11 on whom distribution can be made to by a produciary, Judge Glen Canirrum, the Probate Court Admonistrator has raised two points and we want to agree with both of his points. Namely, first that who is incapacitated at the bottom of page 10, who is incapacitated and must therefore, not receive a distribution directly, should be a function of the Probate Court.

And next on the top of page 11, we quite agree that perhaps the bill tried to go a little bit too far as to who could receive money among minors. In other words, there's a rule that a parent, an actual guardian can't receive money from -- above \$5,000 unless there is Probate Court appointment as guardian. And we would like to see that corrected and we're happy that Judge Canirrum pointed those things out.

SEN. DE PIANO: What's the proposed correction on that. Are you going to increase that amount?

MR. TATE: Sir, line -- there's no need to do anything about that amount on the top of page 11. All we need to do is delete the capitalized words on lines 348 and 349 and then the strictures of the statute getting appointment if you're receiving over \$5,000 would automatically come into play.

SEN. DE PIANO: I see.

MR. TATE: The big changes here are not so big. The produciary Powers Act is concerning itself with in this changing economic climate with what are some of the speculative assets that a produciary shouldn't be dealing in. It's getting the bill up to date with the orphans clause and special use evaluations of the Internal Revenue Code. It's really an updating job and we think has nothing but the most technical impact. There is one area of distinct change in the changes as to the gifts to minors and that raises the age. For purposes -- the age of majority if you will, for purposes of the Uniform Gift to Minors Act only, to age

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MR. TATE: (continued)

Belt 6

21. Those of you who practice law know that the custodial rules of the Connecticut Gifts to Minors Act are not very helpful because the kid gets the money at 18 and if it's a substantial amount of money, you just can't risk it. So, you have to establish a trust. That costs the taxpayer money. This custodial or Gifts to Minors Act is one of the biggest money savers for the taxpayer and lawyer avoiders that we have.

But if you put the age at 18 instead of 21, you've had it in terms of being able to give money over in a safe way. Now, a lot of states have gone back to 21 in this particular area. We're doing it, or proposing it be done in the way that Pennsylvania has done it. Namely, if a child under the law which it pertained from '72 or '73 to now, becomes 18, in that period up to October 1, 1980, he will get his distributive part of the gift. If he doesn't, then it's locked in until 21 and Pennsylvania had good success with that and we think that Connecticut will have equally good success with it.

The other things that have been touched upon are minor in that nature. There is a broadening of what includes custodial property to take in insurance policies and endowment policies and the like, and then there is an easing up of who can be the successor custodian. The old act was extremely narrow as to who had to be the custodian. If you appointed a custodian and that custodian didn't turn out to serve or wanted to give up the job then you were in a terrible shape as to who was to be the successor custodian. This allows parents to get in the act in a certain order if there hasn't been an appointment made and so forth. But as you can see this is not going to rock the pillars of the republic, this bit of legislation.

We think it will be helpful to not only the bar, but to the people because it simplifies procedures and makes less work for lawyers.

SEN. DE PIANO: Okay, Nina.

REP. PARKER: To the first speaker. Section one, you said, this is to clarify where the will shall be probated and pointed out that by a statement of the decedent it can be in Connecticut

- REP. PARKER: (continued)  
even though he resides elsewhere temporarily. Has there been a demand for this?
- MR. DEITERICH: Excuse me.
- REP. PARKER: Has there been a demand for this?
- MR. DEITERICH: Yes.
- REP. PARKER: On the part of not the decedent, but --
- MR. DEITERICH: On the part of clients whose affairs take them around the world now, They're being asked by their employer to go to a foreign country and they come and they say what impact does this have on my estate planning. Very often we've had to use a similiar law in New York and have their wills admitted to probate in New York to provide for this since Connecticut does not expressly permit it. Connecticut law requires you to be a resident of the state or to have an estate here, if you're a non-resident.
- REP. PARKER: But there are other parts of the general statute that apply, do they not, a person who's working out of the country for example, keeps his legal voting residence in Connecticut. If he is in another state temporarily for instance, children off to college would still keep this as their legal residence. Don't most businessmen do that if they are out of the country either temporarily or out of the state on a temporary basis.
- MR. DEITERICH: Not necessarily, because of the length of time it -- they're very often abroad. They may be gone from three to four to five years and not even sure they're coming back here because they're being located. I had a client recently that moved from one country to another over a period of ten years and was gone for at least ten so he had no contact left with this state any more.
- REP. PARKER: Okay. The other question. You did say that it was voluntary and by a statement and yet the other speaker used the word take the original jurisdiction as if this would give powers for the state --
- MR. DEITERICH: He stands corrected on that word, he admits that.

REP. PARKER: Thank you. 58710

REP. BERMAN: Representative John Berman. A couple of things I'm just questioning. Has the Succession Tax Department seen it and approved of what we're doing here.

MR. DEITERICH: Yes sir, I talked to Commissioner Albert this morning.

REP. BERMAN: Okay, and they're onboard.

MR. DEITERICH: This has been a process of legislative development at least for proposal, for a period of about nine months and we've talked to the CBA, the Commission, Judge Canniera --

REP. BERMAN: Okay, and on the Uniform Gift to Minors, there's no problem, I take it, legally in raising the age to 21 when we have a majority age of 18 as far as denying of rights and that sort of thing.

MR. DEITERICH: There seems to be no due process problem. It has been -- bear in mind, Representative Berman, we are -- this is a very narrow area of the law. We're not raising the age of majority for any purpose, but this one and the other states that have found that this -- they made a mistake in doing this, they have no difficulty in making the transision back.

REP. BERMAN: Most people, it seems to me today, don't in fact, release the asset after the minor becomes 18. They seem to hold on to it and use the funds in spite of the fact that he reaches age 18. Is that true.

MR. DEITERICH: This may be true, but consider yourself in such a position in the market we're dealing in today. Suppose you're in bonds, suppose you're hanging on to that asset, suppose the bond market falls as it fell three months ago. You'll find yourself in a pretty pickle if that happens.

SEN. DE PIANO: Representative Garavel.

REP. GARAVEL: Why the age 21 and not 18? I have to protect my age here.

MR. DEITERICH: One of the advantages in this Uniform Gift to Minors Act is to provide a method for parents to put away money for college education. Most parents become very concerned looking at the age 18 because the child is legally entitled to receive the funds at that age. At the very point in time in which he or she is making the determination whether to go to college or not. So, parents are saying this is the reason -- the mental reason I have made this gift. I am setting aside some funds for college and now you're telling me my child has the right to take those funds and go off into the wild blue yonder and make decisions that would be injurious for his or her development as a person.

As a result, parents do two things. One, they either do not make this type of gift program, or two, they unlawfully and improperly hang onto the assets and refuse to divulge the nature of them to the children. So, they're caught in that sort of very strong emotional bind. Age 21 is a common age for majority, for many tax purposes. The federal law, age 21 as you may know, for gifts to minors and many -- we found most states are going back to age 21 for this purpose. So, they would reserve funds and allow mechanisms for children's educations to be paid for by this devise.

REP. GARAVEL: How about children that don't go to college. What if the parents want to -- is it possible that they can leave it up to themselves what age limits they want to give it to them.

MR. DEITERICH: The parent can make a gift outright at any time. This is merely a gift allowing a custodian to invest and reinvest securities without going to court. He has the authority under the Uniform Gift to do that and make a distribution by age 21 he can also make distributions at any age along the way as a custodian for the benefit of the minor.

REP. GARAVEL: But is it possible for the parents to leave it to the person at age 18?

MR. DEITERICH: Yes.

REP. GARAVEL: Even if you raise it to 21.

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MR. DEITERICH: Ues, it is.

REP. GARAVEL: Okay.

SEN. DE PIANO: Any other questions?

SEN. CUNNINGHAM: I think we might want to clarify that. If we raise it to 21, the parent or custodian would have to have particular reason to turn the money over before age 21, wouldn't they? They couldn't just say well, take this \$100,000 now, if that were the amount.

MR. DEITERICH: No, they have the authority to distribute on behalf of that person's benefit. To pay bills and so forth.

SEN. CUNNINGHAM: Right.

MR. DEITERICH: Not make an outright determination.

SEN. CUNNINGHAM: Right, would it be possible to place in this a choice which could be made at the time of the gift, by the donator as to whether or not they wanted a 21 year age on it or 18. In other words could we have -- you know, is there an option there?

MR. DEITERICH: We believe that that could be done. But I would point out to you that once a child is 18, since there is the possibility for the parents to -- despite the words of the -- or the custodian despite the words of your bill here to turn the assets over and since he can get an absolute and binding release because the child is 18, we wonder if that's necessary.

SEN. DE PIANO: I have one questions that's not related to this bill. Has your Association, you know, the sub-committee that you're on, -- we have a bill before us on the depository for a will that we had about 15 years ago -- 10 years ago. That's back again. What do you think of that. You know what I'm referring to?

MR. DEITERICH: Yes, sir. I do. I find a great deal of difficulty with that process. There is an anti-mortum bill period coming back where you can go in and actually prove your will before your death. And therotically that's suppose to stop rights of others --

SEN. DE PIANO: You think that you're generally against a depository.

MR. DETERICH: I do, sir. Yes, sir.

SEN. DE PIANO: Okay thank you.

MR. TATE: I'd just like to say that we have taken great pains to coordinate this bill with the Law Revision Commission bill on title 45 so that it can be assimilated in the new renumbered titled 45 with a minimum of effort. As a matter of fact, no effort at all because it's already been done.

SEN. DE PIANO: Okay, thank you very much. Greg Berg.

MR. GREG BERG: Mr. Chairman, members of the Committee. My name is Greg Berg and I'm the Director of Labor Relations for the Connecticut Conference of Municipalities. And I'm here to speak in opposition to Raised Committee Bill 725, which if enacted would consolidate several retirement programs spelled out in state statutes. Specifically, the bill would make the computation of benefits which is found in the State Employees Retirement Act the same for the Connecticut Municipal Employees Retirement Fund.

The preliminary analysis of the computation of benefits formula in the State Employees Retirement Act shows it to be more generous than those benefits presently provided in the Municipal Employees Retirement Fund. Therefore, it's going to cost more to fund the so called Murph A and B Plans which are paid for with municipal dollars. Now, the other plans that are being consolidated in this bill are all funded with state dollars. So, there's a differentiation there. So, what we are asking is for you to amend out any reference to Chapter 1-13 which is the Murph A and B plan found in line 18.

Now, the statement of purpose of this bill is somewhat misleading because it says that it is to provide for uniformity of retirement benefits for all state and municipal retirement systems. That's somewhat misleading because the municipal employees retirement fund which is spelled out in the state statutes only covers 19 municipalities and there's roughly 300 other retirement plans in the other 150 municipalities that aren't spelled out in state statute and they would not be effected by this bill and therefore, there wouldn't

SEN. DE PIANO: O.K., Commissioner, thank you.

MR. ALBERT: You're welcome. I'd like to just make one brief comment on raised Committee Bill No. 710, that you heard some testimony on. That's the bill that revised the laws relating to trusts and probate matters. Mr. Tate and Mr. Dietrich did correctly state our position. We take no position on this bill. Technically it's really not a taxing bill, however, I would like to point out that on page 5 on lines 156, 157, and 159 that these three lines be reinstated into the bill. They had been bracketed out.

Mr. Deitrich agreed that they should be put back into the bill, but apparently he just forgot to mention it to the Committee when he testified.

SEN. DE PIANO: Thank you very much. Judge Kiernan.

JUDGE KIERNAN: Thank you Mr. Chairman, members of the Committee, my name is Glen Knierim, I'm Probate Court Administrator, 80 South Main Street, West Hartford, Connecticut. I'd like to speak first on Committee bill 734, an act concerning probate fees.

SEN. DE PIANO: This bill is a surprise to me. The legislature granted a general increase in probate fees effective July 1st, 1978. We in the Probate system feel that with government trying to hold down increases wherever one goes, that it would be unfortunate to raise probate fees again. We don't feel we need an increase in fees and we think this is poorly timed. Perhaps equally as important is that this bill by its statement of purpose says the purpose of increasing fees is to pay for professional fees for indigent persons.

SEN. DE PIANO: Wait a minute. Which bill are we talking about? I'm sorry.

JUDGE KNIERIM: Committee Bill 734, Senator.

SEN. DE PIANO: 734, I'm sorry. Go ahead. You say that you're against that.

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JUDGE KNIERIM: Yes, definitely, Senator. I think what it amounts to is a special tax on people who use the probate court for the purpose of paying something which I feel is a general fund obligation. That is, the payment of attorneys and professional fees for those who are unable to pay for those fees themselves. If you single out users of the court to pay something which I think is very clearly a general fund obligation, and I hope for that reason alone that the Committee will not approve this bill.

I had talked, incidentally with members of the AARP who are very much against this bill, and Mr. Reynolds was unable to testify but he left a statement and I hope you'll consider that statement. The other bill, very briefly, is Committee Bill 710 which you have heard previous testimony on. Those deletions that Mr. Tate gave you are very important, on page 719, line 337, 338, and 339 ...

SEN. DE PIANO: Could I impose upon you to talk to Paul Zimmerman about that? To make sure we have it right?

JUDGE KNIERIM: I'd be glad to, Senator. And then the deletion that Mr. Albert just gave you is also very important.

SEN. DE PIANO: Could I throw that responsibility on you? At least we'll have it before ...

REP. BERMAN: (Inaudible).

SEN. DE PIANO: He doesn't have any objection to it. He's in support of this bill.

JUDGE KNIERIM: On page 10, line 337, 338, and 340, this would make a fiduciary the judge and jury to decide when a person is incapacitated. If I were the beneficiary of a trust and if the fiduciary decided that he didn't like my lifestyle, he could say well Knierim is incapacitated - we're not going to pay the money to him, we're going to pay his mother or brother. And I think that's wrong. I think we should go through our normal, legal process ...

SEN. DE PIANO: That would be a denial of due process anyway.

JUDGE KNIERIM: I think it would, Senator. And then line 348 on the next page ...

REP. BERMAN: O.K. then one moment. Are you suggesting then that we eliminate 337 through 340?

JUDGE KNIERIM: That capitalized portion which is suggested new language really should be eliminated and go back to the old language in the existing statute. And line 348 tries to get around the guardianship statute in the same problem is true. The same problem is with this line as with the others, that you get around an existing practice we have in the statutes - so those capitalized words should also be eliminated.

SEN. DE PIANO: O.K., thank you very much. Judge Barbara Louge.

JUDGE LOUGE: Thank you Senator and members of the Committee. I'm Barbara T. Louge of 6 Cove Drive in East Lyme, Connecticut. I am the judge of probate for the district of East Lyme, have been so for the past 18 years and I'm also a Vice President of the Connecticut Probate Assembly.

Basically I wish to endorse Judge Knierim's position in opposition to Committee Bill 734, and if I might, just for my own experience, raise some specifics. Since the fee increases in general, effective July 1st, 1978, really for the first time in ten years which was most appreciated by the courts, we have found that basically, as has said historical, the basic expense of the courts, of course, are paid by those charges on the decedant's estate. There seems to be no way, really, that you can make the personal affairs, the commitments, the conservatorship, the adoptions, the guardianships, in which you find the need for due process with the appointment of the professionals, which is surely needed, there is no way that those matters can pay their own way, if you will. They don't even now.

As you may be aware, our entry fees are \$35 when the attorneys think to pay it, with a maximum fee of \$50 if more than one hearing is necessary, and there's just simply no way that they can pay their own way, that portion of our matters. They are, incidentally becoming an increasing portion of our matters, but the costs do not keep up. Seldom do the expenses hold up.

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ASSEMBLY

HOUSE

PROCEEDINGS

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DEPUTY SPEAKER FRANKEL:

CLERK: The bill as amended passes.

CLERK:

Calendar page 4, Calendar No. 673, File 506, Substitute for Senate Bill No. 710, AN ACT REVISING THE LAWS RELATING TO TRUSTS AND PROBATE MATTERS. (As amended by Senate Amendment Schedule "A"). Favorable Report of the Committee on Judiciary.

REP. MOSLEY: (72nd)

Mr. Speaker.

DEPUTY SPEAKER FRANKEL:

Rep. Maurice 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)

The Clerk has an amendment, LCO No. 3672. I ask the Clerk to call and read, please?

DEPUTY SPEAKER FRANKEL:

The Clerk has an amendment, LCO No. 3672 previously designated Senate Amendment Schedule "A". Would the Clerk please

call and read.

CLERK:

LCO No. 3672 offered by Sen. DePiano of the 23rd District.

In line 630 after the closing bracket insert the following:

tangible, personal property. In line 703 of the contract insert

the following: the proceeds of life insurance or endowment

policies and annuity contracts. After line 788 insert a new

subdivision as follows: if the subject is in interest in

tangible personal property by deliver of an instrument or

conveyance to the custody of such minor under the Connecticut

uniform gifts to minors act executed and acknowledged by the

donor and specifying that the gift is made subject to said act.

DEPUTY SPEAKER FRANKEL:

The amendment is in your possession, sir, what is your pleasure?

REP. MOSLEY: (72nd)

I move adoption of the amendment, Mr. Speaker.

DEPUTY SPEAKER FRANKEL:

The question is on adoption of Senate Amendment Schedule "A". Will you remark, Rep. Mosley.

REP. MOSLEY: (72nd)

Basically, Mr. Speaker, the bill amends the definition of custodial property to include proceeds of life insurance,

endowments, and annuity contracts. It does not include such property in the list of gifts authorized to be made under the act and this amendment includes it. Also, while the bill provides for the manner of making a gift by will or personal tangible property, it does not specify how such a lifetime gift must be made and the amendment specifies it. I move adoption of the amendment, Mr. Speaker.

DEPUTY SPEAKER FRANKEL:

Will you remark further on Senate Amendment Schedule "A"? Will you remark further on its adoption? If not, all those in favor please signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER FRANKEL:

Those opposed nay.

REPRESENTATIVES:

No.

DEPUTY SPEAKER FRANKEL:

The ayes have it. The amendment is adopted and ruled technical. Will you remark further on this bill as amended?

REP. MOSLEY: (72nd)

Mr. Speaker.

DEPUTY SPEAKER FRANKEL:

Rep. Mosley.

REP. MOSLEY: (72nd)

This bill introduces procedures for the administration of estates both testate and in testate of non-residents. They put Connecticut on an equal footing with neighboring states by clarifying that Connecticut has the power to administrate such estates. Thus, they eliminate the tendency of some Connecticut attorneys to designate New York as the state of administration. This provision or these provisions will be used by persons whose last U.S. domicile was Connecticut but also now may be working abroad.

Also it makes certain changes in the fiduciary powers act and also the uniform gift to minors. I move passage of the bill, Mr. Speaker.

DEPUTY SPEAKER FRANKEL:

Will you remark further on this bill as amended by Senate "A"?

REP. BERMAN: (19th)

Mr. Speaker.

DEPUTY SPEAKER FRANKEL:

Rep. John Berman.

REP. BERMAN: (19th)

This is a very good bill and I'm just pleased to be able to support it. There's a tremendous amount of work has gone into

it by a broad cross section of the bar and just by way of illustration, one thing. A number of us would have accounts for minor children and at the present time when they turn 18, their property vests. Under this bill, their property will still be able to be retained under the uniform gift to minors act until your children or even if they're not your children under this new law, until they are 21. So this is a significant change in our law and I support it wholeheartedly and it avoids the needs for people to go out and have to have a trust established by a lawyer in order to keep the funds away from the children at least until they reach age 21.

So I wholeheartedly support this bill.

DEPUTY SPEAKER FRANKEL: Will you remark further on this bill as amended? Will you remark further? If not, staff and guests please come to the well of the House. Would 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.

House of Representatives

Thursday, May 1, 1980

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DEPUTY: Would the Clerk please announce the tally.

CLERK: Senate Bill 710 as amended by Senate Amendment Schedule "A".

Total Number Voting 138

Necessary for Passage 70

Those voting Yea 138

Those voting Nay 0

Those absent and not Voting 13

DEPUTY SPEAKER FRANKEL:

The bill as amended passes.

CLERK: Calendar page 4, Calendar No. 689, File 689, Substitute

for Senate Bill No. 249, AN ACT CONCERNING AN OBJECTIVE JOB EVALUATION PROCEDURE. (As amended by Senate Amendment Schedule "A"). Favorable Report of the Committee on Appropriations.

REP. BALDUCCI: (27th)

Mr. Speaker,

DEPUTY SPEAKER FRANKEL:

Rep. Balducci.

REP. BALDUCCI: (27th)

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

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GEN. ASSEMBLY  
SENATE

PROCEEDINGS  
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PART 6

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File No. 506, Substitute for Senate Bill No. 710. An Act  
Revising The Laws Relating To Trusts And Probate Matters with  
a Favorable Report of the Committee on Judiciary.

SENATOR DEPIANO:

Yes. Move for acceptance of the bill, Mr. President.

THE CHAIR:

Senator DePiano. Will you comment?

SENATOR DEPIANO:

Yes. This bill would clarify the statutes relating to  
trusts and probate matters and would, in effect, help clarify  
jurisdictional problems that are occurring in trusts and pro-  
bate matters. If there's no objection, I move it be placed  
on the consent calendar.

THE CHAIR:

Hearing no further comment, no objections, so ordered.

SENATOR DEPIANO:

Mr. President, may we go back to a bill that we passed on  
page 7? It's Calendar No. 311.

THE CHAIR:

Yes, Senator DePiano. Will the Clerk call that matter please?

THE CLERK:

Going back to page 7 of the calendar on an item that was  
passed temporarily, Calendar No. 311, Substitute for Senate Bill  
No. 24. An Act Concerning Forfeiture of Bail Bonds with a Favor-  
able Report of the Committee on Judiciary.

THE CHAIR:

Senator DePiano.

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1915-2229

Wednesday, April 23, 1980

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I move passage of the bill as amended by Senate Amendment Schedule A. Since we have already discussed the bill, I urge that the matter be placed on the Consent Calendar.

THE PRESIDENT:

Would you remark further? There being no further remarks, the item is moved to the Consent Calendar.

THE CLERK:

Page ten. Cal. 396, File 506. Substitute for Senate Bill 710. AN ACT REVISING THE LAWS RELATING TO TRUSTS AND PROBATE MATTERS. Favorable report of the Committee on Judiciary. The Clerk has an amendment.

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:

Would you remark? First, Mr. Clerk, the amendment.

THE CLERK:

The Clerk has Senate Amendment Schedule A. LCO 3672 offered by Senator DePiano. Copies have been distributed.

THE PRESIDENT:

Is there objection to waiving the reading? If no, proceed Senator DePiano, on the amendment.

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SENATOR DEPIANO:

Basically, the amendment says that if the subject of the gift is an interest intangible personal property, by delivery of an instrument of conveyance to the custody for such minor under the Connecticut Uniform Gifts to Minors Act, executed and acknowledged by the donor and specifying that the gift is made subject to said act; it clarifies the language in regard to trusts dealing with the minors and the ah, act dealing with the Uniform Gifts to Minors. I move its adoption.

THE PRESIDENT:

The motion is on the adoption of the amendment. Will you remark further? If not, all those in favor signify by Aye. Those opposed. SENATE AMENDMENT A IS ADOPTED.

Senator DePiano.

SENATOR DEPIANO:

Thank you. This bill would authorize a Connecticut Court of Probate to grant administration of intestate and estates, that is persons dying without wills, /to admit wills to probate of persons not domiciled in Connecticut under three different categories regarding their death. (1) if any executor or trustee of the deceased has an office there, (2) any cause of action in favor of the deceased that arose or any debtor of the deceased resides or has an office in its district, or (3) that the deceased last resided

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in their district prior to moving out of Connecticut. This bill would further clarify that a court of probate could grant administration of intestate estates and to admit wills to probate of such persons not domiciled in Connecticut at the time of their death, if any of the deceased bank accounts are maintained or evidences of other intangible property, such as stocks or bonds, of the deceased are situated in such court's district. The main purpose of the bill will eliminate any probability, ah, any problems in regard to where a person's estate is going to have to be probated. We have been having some trouble with the State of New York in regard to this.

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

THE PRESIDENT:

The motion is to move this bill to Consent? Would you remark further? Is there objection to Consent? There being no objection, it is so ordered.

THE CLERK:

Cal. 402, File 171. Substitute for House Bill 5546.

AN ACT PROVIDING FOR AN APPEAL PROCESS CONCERNING DECISIONS MADE BY THE COMMISSIONER OF INCOME MAINTENANCE, as amended by House Amendment Schedule A. Favorable report of the Committee on Human Services.

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THE CLERK:

Page one - Cal. 551, 552, 553. Page two - Cal. 554, 555, 556, 557. Page three - Cal. 63, 84, 132. Page four - Cal 187. Page five - Cal. 188, 190, 192, 193. Page six - Cal. 199, 247, 283. Page eight - Cal. 318. Page nine - Cal. 370. Page ten - Cal. 394, 396, 402. Page eleven - Cal. 429 and 436. Page twelve - Cal. 442, 444, 447, 448. Page thirteen - Cal. 452, 453, 460, 461 and 462. Page fourteen - Cal. 464. Page fifteen - Cal. 470, 472, 473. Page sixteen - Cal. 476, 477, 478. Page seventeen - Cal. 482 and 484. Page eighteen - Cal. 486, 488, 490, 491. Page nineteen - Cal. 492, 493 and 494. Page thirty-six - Cal. 89 and 157. And that concludes today's Consent

Calendar. SR 28, SR 29, SR 31, SR 30, SR 32, SR 33, SR 34, SB 308, SB 309, HB 5331, HB 5164, HB 5187, HB 5537, HB 5275, HB 5339, SB 637,

THE PRESIDENT: HB 5181, SB 359, SB 253, SB16, SB 540, SB 710, HB 5546, SB 656, SB 524, SB 718, HB 5865, HB 5213, HB 5572, HB 5902,

The machine is open. Have all senators voted?

The machine is closed. The Clerk will take a tally.

Result of the Vote - 32 Yea - 0 Nay. THE CONSENT

CALENDAR IS ADOPTED. HB 5903, SB 44, SB 47, SB 134, SB 262, SB 450, SB 526, SB 616, HB 5186, HB 5606, HB 5771, HB 5609, Senator Lieberman. HB 5545, HB 5073, HB 5792, HB 5990, HB 6031, HB 6032, HB 5550, HB 5673, SB 488, SB 549

SENATOR LIEBERMAN:

Mr. President, I move for suspension of the rules to allow for immediate transmittal to the House of those bills that should go to the House.

THE PRESIDENT: