

Legislative History for Connecticut Act

HB 7616	PA 332	1985
House 5731-5736		6
Senate 3041, 3140-3141		3
Judiciary 628, 729, 730-731		4

**LAW/LEGISLATIVE REFERENCE
DO NOT REMOVE FROM LIBRARY**

total 13

Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate
and House of Representatives Proceedings

Connecticut State Library
Compiled 2012

H-404

CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS
1985

VOL. 28

PART 16

5586-5932

5731

kpt

265

House of Representatives

Tuesday, May 14, 1985

SPEAKER VAN NORSTRAND:

Have all the members voted and are your votes properly recorded? Have all the members voted? If so, the machine will be locked. The Clerk please take a tally.

The Clerk please announce the tally.

CLERK:

House Bill 7671.

Total number voting	147
Necessary for passage	74
Those voting yea	132
Those voting nay	15
Those absent and not voting	4

SPEAKER VAN NORSTRAND:

The bill is passed.

CLERK:

Page 13, Calendar No. 622, House Bill 7616, File No. 782, AN ACT CONCERNING INTESTATE SUCCESSION BY A SURVIVING SPOUSE. Favorable Report of the Committee on Finance, Revenue and Bonding.

REP. WOLLENBERG: (21st)

Mr. Speaker!

SPEAKER VAN NORSTRAND:

Rep. Wollenberg.

REP. WOLLENBERG: (21st)

Mr. Speaker, I move the acceptance of the Committee's

kpt

5732
266

House of Representatives

Tuesday, May 14, 1985

Favorable Report and passage of the bill.

SPEAKER VAN NORSTRAND:

The question is on passage. Will you remark, sir?

REP. WOLLENBERG: (21st)

Thank you, Mr. Speaker. Mr. Speaker, this bill would raise from \$50,000 to \$100,000 the amount a person could inherit from his or her spouse when the spouse died, without a will, but with surviving children or parents.

I think this, raising this amount brings it more into the modern age and we should pass this bill. Thank you, Mr. Speaker.

SPEAKER VAN NORSTRAND:

The question is on passage. Will you remark?

REP. KRAWIECKI: (78th)

Mr. Speaker.

SPEAKER VAN NORSTRAND:

Rep. Krawiecki.

REP. KRAWIECKI: (78th)

Mr. Speaker, the Clerk has an amendment. It's LCO 6851. Would he please call and read the amendment.

SPEAKER VAN NORSTRAND:

Will the Clerk please call and read LCO 6851

kpt

267

House of Representatives

Tuesday, May 14, 1985

designated House Amendment Schedule "A".

CLERK:

Offered by Rep. Krawiecki, Rep. Farr.

In line 1, before the word "Section", insert
"Section 1."

In line 102, before the word "January", insert
an opening bracket

In line 102, before "1974", strike out the
opening bracket

In line 102, after the closing bracket, insert
"JULY 1,"

After line 106, add a new section 2, as follows:

"Sec. 2. This act shall take effect July 1, 1985."

SPEAKER VAN NORSTRAND:

The amendment is in your possession, sir. What
is your pleasure?

REP. KRAWIECKI: (78th)

I move adoption of the amendment.

SPEAKER VAN NORSTRAND:

The question is on adoption of House "A". Will
you remark, sir?

REP. KRAWIECKI: (78th)

Yes, Mr. Speaker, members of the House. With the
changes in the tax package this year, there goes my

kpt

5731
268

House of Representatives

Tuesday, May 14, 1985

amendment, and with the operative date of our tax package being July 1, 1985 and with the, I think, feeling of the General Assembly and members of the committee, that the effective date of these alterations should be prospective rather than retrospective.

The amendment would simply make the effective date July 1, 1985 rather than the January 1, 1985 date that you see, and I move adoption.

SPEAKER VAN NORSTRAND:

The question is on adoption. Will you remark?

REP. WOLLENBERG: (21st)

Mr. Speaker.

SPEAKER VAN NORSTRAND:

Rep. Wollenberg.

REP. WOLLENBERG: (21st)

Mr. Speaker, this makes it even more current and I suggest that we adopt the amendment.

SPEAKER VAN NORSTRAND:

Will you remark further on the adoption of House "A"? If not, all in favor indicate by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER VAN NORSTRAND:

All those opposed indicate by saying nay.

5735

kpt

269

House of Representatives

Tuesday, May 14, 1985

The eyes have it. House "A" is adopted, ruled technical.

Will you remark further on the bill as amended? Will you remark further on the bill as amended? If not, staff and guests please come to the well of the House.

The machine will be opened. Clerk please announce a roll call.

CLERK:

The House of Representatives is voting by roll call. Please return to the Chamber immediately. The House of Representatives is voting by roll call. Please return to the Chamber immediately.

SPEAKER VAN NORSTRAND:

Have all members voted and are your votes properly recorded? If so, the machine will be locked. The Clerk please take a tally.

The Clerk please announce the tally.

CLERK:

House Bill 7616 as amended by House "A". LCO 6851.

Total number voting 150

Necessary for passage 76

Those voting yea 150

Those voting nay 0

Those absent and not voting 1

kpt

House of Representatives

Tuesday, May 14, 1985

SPEAKER VAN NORSTRAND:

The bill is passed.

CLERK:

Page 3, Calendar No. 383, Substitute for House Bill 6605, File No. 454, AN ACT CONCERNING THE PRESERVATION AND CARE OF ANCIENT BURIAL PLACES AND MEMORIALS FOR THE DEAD. Favorable Report of the Committee on Planning and Development.

REP. MEYER: (135th)

Mr. Speaker.

SPEAKER VAN NORSTRAND:

Rep. Meyer.

REP. MEYER: (135th)

I move acceptance of the Joint Committee's Favorable Report and passage of the bill.

SPEAKER VAN NORSTRAND:

The question is on passage. Will you remark?

REP. MEYER: (135th)

Thank you, sir. The Clerk has an amendment, LCO 5154. Will he please call and may I be allowed to summarize.

SPEAKER VAN NORSTRAND:

Is the Clerk in possession of LCO No. 5154? Would the Clerk please call, designated House Amendment Schedule "A".

S-239

CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS
1985

VOL. 28

PART 9

2823-3170

1985 GENERAL ASSEMBLY

SENATE

WEDNESDAY
MAY 22, 1985

~~3041~~ 18
LFU

THE CHAIR:

Do you want to call that first?

SENATOR SMITH:

I have the Consent Calendar that's been agreed upon for Wednesday, May 22nd, Mr. President. If we could go to the Calendar, starting with page 3, Calendar 430, Senate Bill 953; same page, Calendar 451, Senate Bill 169. On page 5, Calendar 565, House Bill 7767; on page 6, Calendar 577, House Bill 6046; on page 8, Calendar 593, Senate Bill 850; also on page 8, Calendar 594, Senate Bill 757. On page 9, Calendar 598, House Bill 7616; page 10, Calendar 604, House Bill 6406. Page 11, Calendar 613, House Bill 5979; page 12, Calendar 614, House Bill 6305; also on page 12, Calendar 616, House Bill 7443.

Page 13, Calendar 620, House Bill 5565; also on page 13, Calendar 621, House Bill 7446; same page, Calendar 623, House Bill 7849; same page, Calendar 624, House Bill 5297; on page 14, Calendar 626, House Bill 5284; also on page 14, Calendar 629, House Bill 6052. Page 15, Calendar 632, House Bill 7836. Page 15, Calendar 633, House Bill 7706; page 16, Calendar 637, House Bill 7783; page 16, Calendar 638, Senate Bill 337, page 16, Calendar 639, Senate Bill 573; page 17, Calendar 641, Senate Bill 784 and turning to page 35, Mr. President, it's the final item on today's

1985 GENERAL ASSEMBLY

SENATE

WEDNESDAY
MAY 22, 1985

3140 117
LFU

THE CLERK:

SB 800, SB 926, HB 7744
Page 2, Calendar 215, 265 and 316. Page 3, Calendar
SB 953, SB 980, SB 169 HB 7767
430, 435, 451. On Page 5, Calendar 565; on Page 6,
HB 6046 SB 850, SB 757
Calendar 577. On page 8, Calendar 593, 594. On Page 9,
HB 7616 HB 6406
Calendar 598. On page 10, Calendar 604; on Page 11,
HB 5979 HB 6305, HB 7443
Calendar 613. On 12, Calendar 614 and 616. On 13,
HB 5565, HB 7446, HB 7849, HB 5297 HB 5284
Calendar 620, 621, 623, 624. On Page 14, Calendar 626
HB 6052 HB 7836, HB 7706
and 629. On page 15, Calendar 632 and 633. On Page 16,
HB 7783 HJ 33
Calendar 637 and on Page 35, Calendar 619.

THE CHAIR:

Any changes, omissions? Senator Casey.

SENATOR CASEY:

Thank you very much Mr. President. Would you please
take off from the Consent Calendar, SB 980 Calendar 435. I would
like to vote against that.

THE CHAIR:

What page?

SENATOR CASEY:

Page 3.

THE CHAIR:

435? That may be removed. Any other changes? Omissions?
The machine is open. Please record your vote. Sorry, clear
the board please.

1985 GENERAL ASSEMBLY

SENATE

WEDNESDAY
MAY 22, 1985

3141 118
LFU

SENATOR CONSOLI:

Sorry Mr. President. I would also like number 215 off the Consent Calendar.

THE CHAIR:

Which?

SENATOR CONSOLI:

That's Page 2, Calendar 215, Bill 800.

THE CHAIR:

Thank you. Any other changes? Any omissions? The machine is open. Please record your vote. Senator Avallone, Senator Kevin Johnston, Senator Daniels. The machine is closed. Clerk please tally the vote.

The result of the vote:

36 YEA

0 NAY

The Consent Calendar is adopted. We'll need separate votes now and the Clerk will call items that have been removed and will be voted separately.

THE CLERK:

Page 2, Calendar 215, Substitute for Senate Bill 800, File 838.

THE CHAIR:

This was removed from the Consent Calendar and requires a separate vote. Clerk please make an announcement for an

**JOINT
STANDING
COMMITTEE
HEARINGS**

**JUDICIARY
PART 2
337-740**

1985



MR. BEARNS: I have it here and I'll leave it with the--fine. Very briefly, we have four Bills which we drafted in the Probate section this year which we'd like you to consider carefully.

The first deals, 7616, deals with intestate succession by a surviving spouse. There's a \$50,000 first shot in there now. In other words, under certain circumstances the surviving spouse would take the first \$50,000 and then certain percentages of the balance. That was enacted in 1973 and if you look at the consumer price index, it's doubled since that time. So it's become 50 percent less than it was then. This Bill simply proposes to catch up with inflation by doubling it to \$100,000. Any questions on that one?

SEN. JOHNSTON: No.

MR. BEARNS: Okay, 7617 is convenience bank accounts which you've already heard about before. We have a split in the bar association sections on this. The probate section drafted it. We like it. We think it's a good Bill. The banking section opposes it. It's been suggested by our president or actually told to me that I'm not to speak in favor of it. He did authorize me to state this; that the section, our section, probate, would like to change the Bill so that it is permissive only. No bank would be required to open any account. They would have enabling legislation that would permit them to do it if they wanted to and I don't think I'd better say anymore than that.

7618 is a new Bill, a new concept, community property, it's disposition at death. This is not the uniform marital property act which is far more far reaching. It deals with this problem. Somebody is married living in a community property state and moves into Connecticut. They bring their community property with them; one of them dies. Does it still get treated as community property or are the community property rights wiped out?

There's a substantial body of decisions. I can only find about eight or ten. There's no Connecticut law on it that I can find. It's the kind of thing where more and more lawyers are becoming aware of it and it's likely to be increasingly a matter of confusion in litigation.

729
Avt w/
Bice
(See Bill
book)

JUDICIARY COMMITTEE

HEARING OF MARCH 11, 1985

TESTIMONY OF STUYVESANT K. BEARNS
CONCERNING:

- | | |
|-------------------|---|
| <u>H. B. 7616</u> | An Act Concerning Intestate Succession by a Surviving Spouse |
| <u>H. B. 7617</u> | An Act Concerning the Creation of Convenience Bank Accounts |
| <u>H. B. 7618</u> | An Act Concerning the Disposition of Community Property Rights at Death |
| <u>H. B. 7620</u> | An Act Concerning Statutes Relating to Probate Matters |

My name is Stuyvesant K. Bearns. I am Vice Chairman of the Executive Committee of the Probate Section of the Connecticut Bar Association. I am an attorney practicing in Lakeville, Connecticut, where I reside.

The four bills noted above have been kindly introduced as Judiciary Committee bills at the request of the Probate Section. They have been drafted by members of the Probate Section and approved by its Executive Committee. Each one addresses areas of our law which either present problems that we feel need to be resolved or are in need of clarification.

H.B.7616 AN ACT CONCERNING INTESTATE SUCCESSION BY A
SURVIVING SPOUSE

Section 45-273a(b) of our statutes defines the share of a decedent's estate that a surviving spouse will inherit if there is no will. This section currently provides that:

- (1) If there is no issue or parent of the deceased the surviving spouse takes the entire estate;
- (2) If there are no issue but there is a parent, the surviving spouse takes the first \$50,000, plus three quarters of the balance;
- (3) If there are issue, all of whom are also issue of the surviving spouse, the surviving spouse takes the first \$50,000 plus half of the balance.

The section goes on to provide that if the decedent had children of another marriage, the \$50,000 provision is out and the surviving spouse gets only half.

Inflation has eroded the impact of the \$50,000 provision. It came into our law in 1973. The Consumer Price Index (urban consumers) stood then (July 1, 1973) at 154.4. On July 1, 1984 it stood at 307.5. In other words, to keep pace with inflation the \$50,000 provision would have to be doubled. This bill does that.

It should be noted that the bill as drafted would apply to estates of persons dying after January 1, 1985. Given that we are now in the middle of March, this Committee might consider advancing that date.