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CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS
1988

VOL. 31

PART 4

1043-1428

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House of Representatives

Wednesday, March 16, 1988

RESOLUTION ACCEPTING THE RECOMMENDATION OF THE COMMISSIONER OF CLAIMS WITH REGARD TO THE CLAIM OF MICHAEL MITCHEM. Favorable Report of the Committee on Judiciary.

Calendar 153, Senate Bill 65, File 75; AN ACT CONCERNING ATTORNEY'S FEES IN CERTAIN ACTIONS INVOLVING MINOR CHILDREN. Favorable Report of the Committee on Judiciary.

On Page 12, at the top, Calendar 155, Senate Bill 82, File 77; AN ACT PROVIDING INCREASED TIME FOR THE OFFICE OF POLICY AND MANAGEMENT TO MAKE DETERMINATIONS RELATED TO STATE GRANTS TO MUNICIPALITIES IN LIEU OF TAXES ON REAL PROPERTY OF PRIVATE COLLEGES AND GENERAL HOSPITALS. Favorable Report of the Committee on Finance, Revenue and Bonding.

Near the bottom, Calendar 159, Senate Bill 164, File 85, AN ACT CONCERNING LICENSURE OF ALL NAMES UNDER WHICH A LICENSEE CONDUCTS THE BUSINESS OF INSURANCE. Favorable Report of the Committee on Insurance and Real Estate.

On Page 13, near the top, Calendar 162, Substitute for House Bill 5215, File 137, AN ACT CONCERNING AGREEMENTS FOR ACCEPTANCE AND EXPENDITURE OF FUNDS. Favorable Report of the Committee on Transportation.

Mr. Speaker, I would ask that those items be placed

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on the Consent Calendar for action at our next session.

SPEAKER STOLBERG:

Is there objection to the placing of any of those items on the Consent Calendar for action at our next session day? Is there objection to any of those items? If not, those items are placed on the Consent Calendar for later action. Representative Balducci.

REP. BALDUCCI: (27th)

Thank you, Mr. Speaker. I move adoption of today's Consent Calendar. On page 1, Calendar 66, House Bill 5092, File 94; Calendar 67, House Bill 5779, File 92; and Calendar 104, Senate Bill 197, File 51.

SPEAKER STOLBERG:

Is there objection to the passage of any of the items on today's Consent Calendar? Is there objection? Seeing no objection, the Consent Calendar is adopted, and the bills are passed. Clerk, please continue with the call of the Calendar.

CLERK:

Calendar 136, please. Calendar 116; page 7, House Bill 5259. AN ACT CONCERNING THE ORDER OF THE NAMES OF PETITIONING CANDIDATES ON THE BALLOT LABEL. Favorable Report of the Committee on G.A.E.

SPEAKER STOLBERG:

Representative Martin Looney.

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Representative Balducci.

REP: BABDUCCI: (27th)

Thank you, Mr. Speaker. At this time, I would like to move adoption of today's Consent Calendar. I will simply read the Calendar numbers and slowly enough so that everybody can follow.

There is one item that we would like to remove from today's Calendar, Calendar, on page 4, Calendar 162, Substitute for House Bill 5215, File 137. There is an amendment that has to be added to that particular item. With that item removed, Mr. Speaker, I would move adoption of the following items.

On page 1, Calendar 113, House Bill 5013. Calendar 114, Substitute for House Bill 5190. Calendar 115, Substitute for House Bill 5243. On page 2, Calendar 118, Substitute for House Bill 5760. Calendar 119, Substitute for House Bill 5298. Calendar 121, Substitute for House Bill 5781. Calendar 126, House Joint Resolution 6. Calendar 127, House Joint Resolution 7. Calendar 128, House Joint Resolution 8.

On page 3, Calendar 130, House Joint Resolution 10. Calendar 131, House Joint Resolution 11. Calendar 132, House Joint Resolution 12. Calendar 133, House Joint Resolution 13. Calendar 153, Senate Bill 65.

On page 4, Calendar 154, Substitute for Senate Bill

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80. Calendar 155, Senate Bill 82; and Calendar 159,
Senate Bill 164.

I move adoption of those items, Mr. Speaker, on today's Consent Calendar.

SPEAKER STOLBERG:

Is there objection to any of the items on today's Consent Calendar? Representatives Gordes and Betkoski, could you check your...? Thank you. Is there objection to any of those items? If not, the Consent Calendar is adopted, and the bills are passed.

Clerk, please continue with the call of the Calendar.

CLERK:

Continuing on page 7, Calendar 167. Substitute for House Bill 5314. AN ACT CONCERNING PENALTIES FOR PERSONS WHO VIOLATE PROVISIONS GOVERNING UNIT PRICING OF THE UNIVERSAL PRODUCT CODING. Favorable Report of the Committee on JUDICIARY.

REP. FOX: (144th)

Mr. Speaker?

DEPUTY SPEAKER CIBES:

Representative Wayne Fox.

REP. FOX: (144th)

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

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SENATE

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Thank you. Mr. President, under Judicial Nominations, all items are marked go. Executive and Legislative Nominations, all items, even the single starred items, are ready to go.

THE CHAIR:

Do you want to make a motion to suspend the rules, to take up the single items?

SENATOR O'LEARY:

Thank you, Mr. President. I will so move.

THE CHAIR:

Without objection, so ordered.

SENATOR O'LEARY:

Under Favorable Reports, Calendar 42 is marked Passed Retaining. Calendar 49, Passed Retaining. Calendar 53 is marked go.

Calendar 54, Senate Bill No. 46, I move to the Consent Calendar.

THE CHAIR:

Without objection, so ordered.

SENATOR O'LEARY:

Calendar 55 is marked Pass Temporarily. Calendar 56, marked go. Calendar 57, Passed Retaining. Calendar 58, go. 59 is marked go. Calendar 60, Senate Bill No. 65, I move to the Consent Calendar.

THE CHAIR:

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Without objection, so ordered.

SENATOR O'LEARY:

Calendar 61 is marked go. Calendar 62, Substitute
for Senate Bill No. 80, I move to the Consent Calendar.

THE CHAIR:

Without objection, so ordered.

SENATOR O'LEARY:

Calendar 63 is marked go. Calendar 64, Substitute
for Senate Bill No. 303, I move to the Consent
Calendar.

THE CHAIR:

Without objection, so ordered.

SENATOR O'LEARY:

Calendar No. 65 is marked go. Mr. President, I
would like to take that one up first so that we can
suspend, get it down to the House, so that they may act
on it today. This has to get to the Bond Commission by
the 25th.

THE CHAIR:

Without objection, so ordered.

SENATOR O'LEARY:

Calendar 66 is marked go. Calendar 77 is marked
go. Calendar 87, House Bill No. 5005, I move to the
Consent Calendar.

THE CHAIR:

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Please give your attention to the Clerk who will call the items that have been referred to the Consent Calendar. Mr. Clerk.

THE CLERK:

Beginning on Page 5, Calendar No. 53, Senate Bill No. 83.

Calendar No. 54; Senate Bill No. 46, Calendar No. 55, Senate Bill No. 82,

Calendar Page 6, Calendar No. 58, Senate Bill No. 5, Calendar No. 59, Substitute for Senate Bill No. 28, Calendar No. 60, Senate Bill No. 65, Calendar No. 61, Senate Bill No. 91, Calendar No. 62, Substitute for Senate Bill No. 80, Calendar No. 63, Senate Bill No. 164.

Calendar Page 7, Calendar No. 64, Substitute for Senate Bill No. 303, Calendar No. 66; Senate Bill No. 165. Calendar No. 77, Substitute for Senate Bill No. 50, Calendar No. 87, House Bill No. 5005, Calendar No. 88, House Bill No. 5007, Calendar No. 89, Substitute for House Bill 5413.

Calendar Page 8, Calendar No. 90, House Bill No. 5315. Calendar No. 91, Substitute for House Bill No. 5372, Calendar No. 92, House Bill 5084 and Calendar No. 95, Substitute for House Bill 5140.

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Any corrections or omissions? The machine is open.
Please record your vote. Has everyone voted? That
machine is closed. Clerk please tally the vote.

The result of the vote:

36 Yea

0 Nay

The Consent Calendar is adopted.

SENATOR BARROWS:

Mr. President, Senator Daniels and myself were out
of the Chamber and we missed Calendar No. 56, Senate
Bill 145 and I would like to be recorded in the
affirmative. I'll let Senator Daniels speak for
himself.

THE CHAIR:

The record will so note. Senator Barrows and
Senator Daniels. You have no surrogate. Do you wish
to speak.

SENATOR DANIELS:

I would like to be recorded in the affirmative, Mr.
President:

THE CHAIR:

Thank you. The record will so note. Senator
Powers.

SENATOR POWERS:

Thank you Mr. President. I understand I was out of

JOINT
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DAVID HEMOND: Good afternoon. I am David Hemond, staff attorney with the Law Revision Commission. I have two bills to support on behalf of the commission - Senate Bill 65 which is an act concerning attorneys fees and certain acts involving children.

This Bill is necessary to address a constitutional defect in a statute which allocates attorneys fees in family cases and it deals with the fact that under the current statute there is no way to get attorneys fees allocated on behalf, support action on behalf of illegitimate children.

The current statute is drafted using the work spouses and therefore would not apply to a parent of an illegitimate child.

The Bill is necessary to address that defect. The Bill also allows attorneys fees to be allocated where a child has an attorney appointed on its behalf currently the attorneys fees can be allocated between both parents. In some cases there is a grandfather or someone of that nature, a foster parent, who is intervening. This Bill would allow you to equitably and fairly allocate the attorneys fees among all parties in the action.

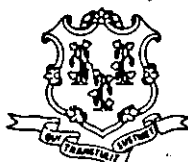
The second Bill, Senate Bill 92 is an act concerning the settlement of small estates. This was testified to earlier by Judge Knierim. It deals with the fact that under existing statutes there is an informal settlement provision which allows informal settlement of estates under \$20,000 in value.

The problem with the existing statute basically is that there is no fiduciary plan in these cases. It is therefore no authority or no explicit authority for the probate court to arrange for transfers of stock, transfers of property, sale of property, so they can be distributed among creditors. It is also unclear when the statute can be used if there is a will and it is unclear whether a family allowance can be allocated.

Senate Bill 92 would address those issues and is therefore needed. That is the extent of my...

...nature ...

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Brief Summary of
Law Revision Commission
Proposed Bill
February 1988

Senate Bill No. 65

An Act Concerning Attorney's Fees
In Certain Actions Involving Children

In Moll v. Gianetti, 8 Conn. App. 50 (1986), the Connecticut Appellate Court ruled that, in actions concerning the custody or support of a minor child, the word "spouse" in section 46b-62 allowing the award of attorney's fees to "spouses" applies to "parents of the child" in actions filed on behalf of illegitimate children. The Court noted that any other result would be constitutionally infirm and observed that:

To construe section 46b-62 so as to deny a custodial parent the right to collect, from the noncustodial parent, counsel fees incurred in an action under section 46b-61 for support of an illegitimate child would effectively preclude the pursuit of support from noncustodial parents on behalf of the class of illegitimate children in need of maintenance by custodial parents without funds to prosecute such suits.

In the light of that opinion and on review of section 46b-62, the Commission recommends that section 46b-62 be amended as follows:

- o That in proceedings concerning the custody, care, education, visitation or support of a minor child, either parent be liable to pay the reasonable attorney's fees of the other in accordance with their respective financial abilities pursuant to statutory and equitable standards.
- o That in any such proceeding in which an attorney is appointed for the minor child, the court be authorized to equitably assess the costs of attorney's fees for the attorney between the parents and any intervening parties.

If you have any questions, please contact David L. Hemond at 566-8254.