

Legislative History for Connecticut Act

<u>HB 5666</u>	<u>PA 90-146</u>	<u>1990</u>
Judiciary	410, 417, 501-502, 545-547, 617-618, 681	(10)
House	3469-3470, 3920A - 3920 D, 8275 - 8278	(10)
Senate	1981-1983, 2013-2014	(5)

25 pages

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

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JOINT
STANDING
COMMITTEE
HEARINGS

JUDICIARY
PART 2
378-722

1990

We're here to talk about 4 bills presently before the Judiciary Committee. I'd like to talk first on two bills, very briefly. HB5666, AN ACT IMPLEMENTING THE RECODIFICATION OF TITLE 45. Specifically, lines 223 and 227, which provides that the cost of service of process in a probate proceeding is to be paid from funds appropriated to the Judicial Department.

We respectfully request that the language be amended to provide that the cost of service shall be paid from the probate court administration fund.

All appropriations for probate fees from the Judicial Department's budget was eliminated during last session and in fact, this morning, you corrected it and we're asking that the same amendment be made. I have included specific language to my written testimony.

The second bill I'd like to briefly discuss is HB5738, AN ACT CONCERNING INJUNCTIVE RELIEF AGAINST DRUG HOUSES. The Judicial Department has several concerns with this bill as it currently is drafted. First, the bill sets forth procedural schemes which are contrary in many instances, to existing procedures utilized by the courts as set forth in the statutes and court rules.

For example, it is unclear whether the action brought pursuant to this bill is criminal or civil in nature. It uses terminology throughout the bill that are appropriate to both types of actions. And another clarification of what we need is what is meant by the phrase, Judge in vacation?

In my written testimony, I have indicated several instances where we believe, if this bill were to be favorable considered, that the procedures be clarified.

Lastly, I just want to point out one other inconsistency, is that the bill doesn't acknowledge current statutory in rem proceedings, asset forfeiture proceedings, or the seize property statutes. These are just a few of the issues we'd

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February 28, 1990

The first is, I would like to indicate my strong support for HB5666, AN ACT IMPLEMENTING THE RECODIFICATION OF TITLE 45. This proposal is a small proposal of the work prepared by the Committee to reorganize Title 45 and that Committee worked tirelessly on the entire reorganization.

The proposal before you is a technical clarification of Sections of the Probate Statute, including the fee schedule and some of the sections concerning the laws of intestate distribution. The bill does not substantively change any of those areas.

I would like to bring two errors to your attention. Line 25 refers to subsections b and c. This should refer to subsections 6 or 7 of this section. Faith Mandell has already brought the other error to your attention, line 227 indicates that if a petitioner is indigent, the costs for service of process should be paid from Judicial Department. This should be from the Probate Administration Fund. And we are in agreement with that.

With these two minor changes, we would urge your favorable support of this bill.

I would like to testify in opposition of HB5671, AN ACT CONCERNING NOTIFICATION ON THE TERMINATION OF PARENTAL RIGHTS. The probate courts have been very careful to accord due process rights to all persons who come before the court.

One of the basic due process rights is the right to be heard. This bill provides that if the probate court in the termination of parental rights matters finds that a child was conceived as the result of sexual assault, that the court may waive notice to that putative father.

There are no guidelines nor are there any standards for the court upon which to make this decision. It would be simple if in fact, the putative father were found guilty by a court of competent jurisdiction. What if, however, the charges were nolle. What if charges were never brought by the mother? These scenarios are very real and yet they are not addressed in this proposal.

have to get out of the way on State owned land, on publicly owned land, get out of the way of a hunter who chooses to hunt the animal that person has been feeding. I think that is really an insidious quality of this bill, and an additional and major reason that I urge you to vote against it.

And as nationally syndicated columnist Roger Simon wrote recently about these statutes. It is legal to shoot an arrow into a deer's eyeball. It is not legal, however, to say, look out deer, someone is going to shoot an arrow into your eyeball.

I'll cut it there. We're all trying to be as short as we can.

SEN. AVALLONE: Thank you. Any questions? Thank you. Warren Johnson and Judge Knierem.

WARREN JOHNSON: Members of the Judiciary Committee, I'm Warren Johnson. I'm here representing the Connecticut Bar Association and I am also Chairman of the Joint Committee of the Connecticut Bar Association Probate Assembly, Probate Court Administrator's Office and the Law Revision Commission. We've been working since 1988, early in 1988 to work out a complete recodification of Title 45, which deals with Connecticut's probate courts and procedures. LIB 5666

You have my written testimony, so I will attempt to summarize and be brief. I realize that statutory reorganization is not an exciting topic to speak on. I didn't want to short-serve the many people who worked so diligently over the past couple of years.

What you have before you is a bill to implement the recodification. Our Committee working in conjunction with the Legislative Commissioner's Office staff, has separated out from our proposals, anything of a real substantive nature. In the bill which you have before you should be completely non-substantive in nature.

Our Committee never intended any substantive inroads. However, to the extent that there are any inroads, we've put them in a separate bill and I would urge your consideration if not in this

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Session, than perhaps in the next. certain matters we found during the course of our work that we think deserve your attention.

Finally, the effort by many lawyers and judges to bring the recodification this far I think is a shining example of voluntary work in the public interest. The experienced probate professionals who have contributed so much to the project, can and do manage well with the present codification.

The inexperienced and the untrained citizens who attempt to use our probate system unaided, are the targeted principal beneficiaries of this legislation. We think that the bill represents the pro bono spirit which you are trying to encourage and which the Judiciary are trying to encourage amongst the bar and the Judiciary, and we urge your support of the bill.

JUDGE GLENN KNIEREM: Members of the Committee, my name is Glenn Knierem, I'm judge of probate for the District of Simsbury, and proud to be a member of Attorney Johnson's committee that did this work.

As Attorney Johnson said, the bill before you, HB5666 is step one in the process. If you used Title 45 as I have for some 30 years, I don't have to give you a sales talk. If you haven't, take a half hour tomorrow and you'll know what we mean when we say that it needs to be reorganized.

I think you know that Connecticut has one of the best sets of probate laws in the country, if you can find them, and that is the problem. You have a bill before you allowing you to do many people a great service without spending any money and I have submitted to you, written testimony, which I would refer you to and close with urging you to take this good first step and give this bill your joint and favorable approval. Thank you.

SEN. AVALLONE: Thank you. Lucy Potter.

LUCY POTTER: Good evening members of the Committee. I'm Lucy Potter. I'm an attorney with the legal aid society of Hartford. I represent both men and women custodial and non-custodial parents in child



State of Connecticut

February 28, 1990

OFFICE OF THE
PROBATE COURT ADMINISTRATOR

186 NEWINGTON ROAD
WEST HARTFORD, CONNECTICUT 06110-2320
(203) 566-7897

TO: Committee on the Judiciary
FROM: Linda A. Dow, Assistant to the Probate Court Administrator
SUBJECT: H.B. 5666 - An Act Implementing The Recodification of Title 45

I would like to indicate my strong support for H.B. 5666 - An Act Implementing The Recodification of Title 45. This proposal is a small portion of the work prepared by the Committee to Reorganize Title 45. That committee worked tirelessly on the reorganization of Title 45. We would, as an aside, respectfully ask this Committee to consider raising that proposal in its entirety.

The Committee to Reorganize Title 45 consisted of the Chair, Attorney Warren Johnson, Attorney David Hemond of The Law Revision Commission, members of the Connecticut Bar Association Estates and Probate Section, the Probate Court Administrator and several judges of probate.

The proposal before you is a technical clarification of sections of the probate statutes, including the fee schedule, and some of the sections concerning the laws of intestacy. The bill does not substantively change the current fee schedule or the laws of intestate distribution.

We bring two errors to your attention. Line 25 refers to subsections (b) and (c). It should refer to subsections (6) or (7) of this section. Line 227 indicates that if a petitioner is indigent, costs for service of process should be paid from funds appropriated to the Judicial Department. This should read "from the Probate Administration Fund."

With these changes, we urge your favorable support of this bill.

JUDICIAL DEPARTMENT

OFFICE OF THE CHIEF COURT ADMINISTRATOR

Drawer N, Station A

Hartford, Connecticut 06106

Testimony of Faith A. Mandell
Judiciary Committee Public Hearing
Wednesday, February 28, 1990

H.B. 5666, An Act Implementing the Recodification of Title 45

I appear before you as a representative of the Judicial Department. I would like to briefly comment on H.B. 5666, An Act Implementing the Recodification of Title 45, specifically lines 223-227, which provides that the cost of service of process in a probate proceeding is to be paid from funds appropriated to the Judicial Department. The Department respectfully requests that the language be amended to provide that the cost of service shall be paid from the probate court administration fund.

Earlier this session, the Judicial Department supported S.B. 45, An Act Concerning Payment of Probate Fees by the Probate Court. That proposal eliminated all references to the Judicial Department paying fees involving probate proceedings. All appropriations for probate fees from the Judicial Department's budget were eliminated during the 1989 legislative session. Therefore, the language in lines 223-227 is contrary to the budgetary decision that fees involving probate proceedings be paid from the probate court administration fund. The probate court administrator has no objection to this amendment.

Thank you for your consideration of our position.

State of Connecticut

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JUDICIAL DEPARTMENT

OFFICE OF THE CHIEF COURT ADMINISTRATOR

Drawer N, Station A
Hartford, Connecticut 06106

Proposed Substitute Language to
H.B. 5666, An Act Implementing the Recodification of Title 45

1. In line 226, delete "funds appropriated to the judicial department" and insert "the probate court administration fund."
2. Delete line 227 in its entirety.

**Connecticut Bar Association**

Testimony of Warren P. Johnson
Judiciary Committee
Wednesday
February 28, 1990

H.B. 5666 An Act Implementing The Recodification of Title 45

I am a practicing attorney-at-law and chairman of a joint committee of the Connecticut Bar Association, the Probate Assembly, the Probate Court Administrator's Office and the Law Revision Commission. The joint committee has been working since early 1988 to prepare a complete recodification of Title 45 of the Connecticut General Statutes. Title 45 deals with Connecticut probate courts and procedure.

The lawyers and judges working on the joint committee and various subcommittees have made an enormous contribution of their time and talent toward a single goal: the recodification of Connecticut's probate law so that everyone using our statutes, especially the public at large, will find it easier to find and understand the applicable law.

Most of the recodification proposal is within the authority of the Legislative Commissioners' Office to implement. Although I have not had the benefit of a hard copy of the L.C.O. draft of our committee's recodification, my understanding from the staff of the L.C.O. is that they are supportive and have invested substantial resources to input the proposed recodification into the State's computer system and to study our proposals.

What you have before you is a bill to implement the recodification. Our committee working in conjunction with the L.C.O. staff has separated out from our proposals all of the substantive matters and produced this bill which is intended to be completely non-substantive in nature. Our committee never intended to reach substantive issues and even the matters that are separated out of this bill make only minor inroads into substantive areas.

The first eight sections of the bill (lines 15-249) are intended to give L.C.O. the ability to reorganize the provisions of the current section 45-17a dealing with probate court fees. The bill proposes that general fees be set out first followed by fees for deceased persons' estates and, finally, fees concerning accountings. A revision may be necessary to the bill in its present form: the words "this section" on line 25 should probably read "section 3".

Sections nine through eleven of the bill (lines 250-411) separate for clarity the conceptually different subjects of spousal and family rights from intestate succession. The present section 45-273a jumbles a number of complex concepts and makes comprehension difficult. To further clarify certain concepts, the bill makes some language changes relative to the spousal election, the spousal and family support allowance, and the intestate succession.

This bill is a giant step forward in improving the accessibility of our probate courts and statutory law to the people of Connecticut. Our committee has proposed a separate bill which has some slight substantive impacts that we hope you will also consider, if not in this session, than in the next. This bill before you lays the foundation for the work of the L.C.O. and will be consistent with all of our separate proposals.

Finally, the effort by many lawyers and judges to bring the recodification this far is a shining example of volunteer work in the public interest. The experienced probate professionals who have contributed so much to the project can and do manage well with the present codification; the inexperienced and the untrained citizens who attempt to use our probate system unaided are the targeted principal beneficiaries. This bill represents the pro bono spirit that the Legislature and the Judiciary are trying to foster in Connecticut. With the cooperation of the skillful staff in the L.C.O. and your favorable action, we feel certain that the public will be well served by the passage of bill No. 5666.

Testimony of David L. Hemond
on behalf of the Connecticut Law Revision Commission
in favor of Raised Bill No. 5666
An Act Implementing the Recodification of Title 45

February 28, 1990

Raised Bill No. 5666 represents part of a proposed revision and recodification of Title 45 - Probate Courts and Procedure prepared by a joint committee of the Connecticut Probate Assembly, the Estates and Probate Section of the Connecticut Bar Association, the Office of the Probate Court Administrator, and the Law Revision Commission. The proposed revision, with the assistance of the Legislative Commissioners' Office, will recodify those statutes as a new Title 45a with an improved organization and indexing.

Raised Bill No. 5666 facilitates that recodification by redrafting and reorganizing the provisions concerning court costs and fees. Those provisions are defective because certain basic fees, such as the general entry fee, are hidden in the text and because the fee waivers occur in different places with inconsistent language. The bill clarifies the fees and consolidates the waiver provisions. In addition, the bill (1) redrafts the spousal elective share language, and (2) places in a separate section provisions concerning the spouse's intestate share.

These changes should significantly improve the clarity and accessibility of Connecticut probate law.

However, the bill includes only part of the draft revisions proposed by the reorganization committee. Among important changes not included are proposals (1) clarifying the authority of a substitute probate judge to hear matters with consent of the parties in his own district, (2) clarifying the process for removal of a principal on a probate bond, (3) clarifying and properly referencing the duty of a conservator to separately hold proceeds from the sale of real property, (4) providing that the probate judge is the agent for service of process for all foreign fiduciaries - removing a provision that requires that the probate judge be appointed in some cases and the Secretary of the State in others, (5) clarifying certain accounting requirements, (6) clarifying that a reference to "legal guardians" in section 19a-571, concerning removal of life supports, includes conservators of the person, (7) cross-referencing rights to proceed against joint bank accounts and rights to appoint a testamentary guardian, and referencing duties of the Commissioner of Administrative Services with respect to memorial trusts, (8) removing an obsolete reference to "commissioners" under the insolvent estates provisions, and (9) making consistent references to "one month" and "thirty days." Making these revisions would assist persons who are not familiar with the statutes in ascertaining their rights. Some or all of the changes should be included in a substitute bill.

Finally, the references at line 25 of the bill to subsections (b) or (c) are incorrect and should read "subsections (6) or (7)". If you have any questions, please give me a call at 240-0220.

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CONNECTICUT
GEN. ASSEMBLY
HOUSE

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1990

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PART 10
3075-3487

Favorable Report of the Committee on
TRANSPORTATION.

Right below it, Calendar 372, House Bill 5124, File
No. 468. AN ACT PROVIDING THAT THE PROCEDURAL
PROVISIONS OF THE STATE TAX ON DOMESTIC INSURANCE
COMPANIES ARE APPLICABLE TO FOREIGN INSURANCE
COMPANIES.

Favorable Report of the Committee on FINANCE,
REVENUE AND BONDING.

The bottom of the next page, Calendar No. 379,
House Bill 5123, File No. 483. AN ACT ELIMINATING THE
REQUIREMENT THAT CORPORATION BUSINESS TAX RETURNS AND
CAPITAL GAINS TAX RETURNS BE SWORN TO BEFORE A NOTARY
PUBLIC, JUSTICE OF THE PEACE OR COMMISSIONER OF THE
SUPERIOR COURT.

Favorable Report of the Committee on FINANCE,
REVENUE AND BONDING.

And on Page 10, Calendar No. 381, House Bill 5666,
File No. 475. AN ACT IMPLEMENTING THE RECODIFICATION
OF TITLE 45.

Favorable Report of the Committee on JUDICIARY.
SPEAKER BALDUCCI:

Is there objection to any of those items being
placed on today's Consent Calendar for action at our
next session. If not, those items are placed on

today's Consent Calendar and will be acted upon tomorrow. Representative Bertinuson.

REP. BERTINUSON: (57th)

Thank you, Mr. Speaker. I'd now like to move adoption of today's Consent Calendar. That includes Calendar numbers 237 and 369.

SPEAKER BALDUCCI:

The motion is for adoption of today's Consent Calendar on Page 1, Calendars 237 and 369. Is there objection to either of those items on today's Consent Calendar? Seeing none, today's Consent Calendar is adopted.

BUSINESS ON THE CONSENT CALENDAR
BILLS PASSED

On motion of Representative Bertinuson of the 57th the following bills on the Consent Calendar which were starred for action were passed in accordance with Rule 43 of the House Rules:

APPROPRIATIONS. Substitute for H.B. No. 6059 (RAISED) (File No. 277) AN ACT NAMING SELECTED TRANSPORTATION RESOURCES

HUMAN SERVICES. S.B. No. 484 (RAISED) (File No. 352) AN ACT CONCERNING THE STATE-WIDE HUMAN RESOURCES ADVISORY COUNCIL.

CLERK:

Page 5, Calendar 305, Substitute for House Bill 5770. AN ACT CONCERNING HUMAN GROWTH AND

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GEN. ASSEMBLY
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House of Representatives

Saturday, April 21, 1990

House Bill 5526.

Total number voting	136
Necessary for passage	69
Those voting yea	136
Those voting nay	0
Those absent and not voting	15

SPEAKER BALDUCCI:

The bill is passed.

SPEAKER BALDUCCI:

Please turn to Page 2, Calendar 381, Substitute for House Bill 5666, AN ACT IMPLEMENTING THE RECODIFICATION OF TITLE 45. Favorable Report of the Committee on Judiciary.

REP. MINTZ: (140th)

Mr. Speaker.

SPEAKER BALDUCCI:

Representative Mintz of the 140th.

REP. MINTZ: (140th)

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

SPEAKER BALDUCCI:

The question is on passage. Will you remark?

REP. MINTZ: (140th)

Thank you, Mr. Speaker. This bill requires that

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House of Representatives

Saturday, April 21, 1990

the cost for service of process in probate cases involving indigents be paid out of probate court administrators fund instead of the Judicial Department, and then it also makes technical clarifications of sections of the probate statutes including the fee schedule and some of the sections concerning the laws of intestacy.

It does not substantively change the current fee schedules of the laws of intestate distribution and in fact there was a bill that did some substantive changes that was killed by the Chairman of Judiciary.

I urge passage.

And at this point, I would like to yield to Representative Looney.

SPEAKER BALDUCCI:

Representative Looney of the 96th, do you accept the yield?

REP. LOONEY: (96th)

Yes, Mr. Speaker, thank you, Mr. Speaker. I would exempt myself from the Chamber on this matter because of a potential conflict.

SPEAKER BALDUCCI:

Will you remark further on the bill? Will you remark? If not, staff and guests please to the well. Members please be seated. The machine will be opened.

House of Representatives

Saturday, April 21, 1990

CLERK:

The House of Representatives is voting by roll.
Members to the Chamber. Members to the Chamber,
please, the House is voting by roll.

SPEAKER BALDUCCI:

If all the members have voted the machine will be
locked. The Clerk take a tally.

Representative Duffy of the 77th.

REP. DUFFY: (77th)

In the affirmative, please.

DEPUTY SPEAKER POLINSKY:

Representative Duffy in the affirmative.

Representative Stolberg of the 93rd.

REP. STOLBERG: (93rd)

Mr. Speaker, in the affirmative, please.

SPEAKER BALDUCCI:

Representative Stolberg in the affirmative.

The Clerk please announce the tally.

CLERK:

House Bill 5666.

Total number voting	136
Necessary for passage	69
Those voting yea	136
Those voting nay	0
Those absent and not voting	15

House of Representatives

Saturday, April 21, 1990

SPEAKER BALDUCCI:

The bill is passed.

Are there any announcements or points of personal privilege?

Representative Rennie of the 14th.

REP. RENNIE: (14th)

Thank you, Mr. Speaker, for an introduction.

SPEAKER BALDUCCI:

Proceed, Sir.

REP. RENNIE: (14th)

Mr. Speaker, I started in politics when I was five years old, not so very long ago, when my father stuck me in front of a polling place in South Windsor to hand out brochures on election day.

He brought me here for the first time on a summer evening in 1971. I must have had a historic summer evening when I sat in the Gallery at the age of twelve and watched an event take place that make some of us still shudder and others of you gushray with joy when the House of Representatives passed an income tax.

My father is here again today, and I'm a little nervous about what may be in store for us. And he is here and he was sort of curious about meeting this woman known as Linda Emmons, but he came, nevertheless, and I would appreciate it if you would all welcome my

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House of Representatives

Saturday, May 5, 1990

tally.

The Clerk will please announce the tally.

CLERK:

House Bill 5153 as amended by House "B".

Total number voting 138

Necessary for passage 70

Those voting yea 138

Those voting nay 0

Those absent and not voting 13

ACTING SPEAKER BERTINUSON:

The bill is passed. (Applause)

CLERK:

Page 29, Calendar 381, Substitute for House Bill 5666, AN ACT IMPLEMENTING THE RECODIFICATION OF TITLE 45, as amended by Senate "A". Favorable Report of the Committee on Judiciary.

REP. MINTZ: (140th)

Mr. Speaker.

SPEAKER BALDUCCI:

Representative Mintz of the 140th.

REP. MINTZ: (140th)

Thank you, Mr. Speaker. I move acceptance of the Joint Committee's Favorable Report and passage of the bill in concurrence with the Senate.

SPEAKER BALDUCCI:

The question is on passage. Will you remark?

REP. MINTZ: (140th)

Yes, this bill was passed by this House, sent up to the Senate. They have done an amendment to bring this bill into concurrence with another bill that we passed in regard to probate fees.

The clerk has an amendment, LCO4312. I ask that he call and I be allowed to summarize.

SPEAKER BALDUCCI:

The Clerk please call LCO4312 previously designated Senate "A".

CLERK:

LCO4312 previously designated Senate "A" offered by Senator Larson et al.

SPEAKER BALDUCCI:

The question is on summarization. Is there objection? Representative Mintz.

REP. MINTZ: (140th)

Yes, this amendment just increases the entry fees from \$50 to \$90 pursuant to another bill that we passed with regard to probate fees. I move adoption.

SPEAKER BALDUCCI:

The question is on adoption. Will you remark? If not, we'll try your minds. All those in favor, signify by saying aye.

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House of Representatives

Saturday, May 5, 1990

REPRESENTATIVES:

Aye.

SPEAKER BALDUCCI:

Opposed nay. The ayes have it. The amendment is adopted and ruled technical.

Will you remark further on the bill? If not, staff and guests to the well. Members please be seated. The machine will be opened.

CLERK:

The House of Representatives is now voting by roll call. Members please report to the Chamber. The House of Representatives is taking a roll call vote. Members report to the Chamber, please.

SPEAKER BALDUCCI:

Have all the members voted and is your vote properly recorded? If so, the machine will be locked and the Clerk take a tally.

The Clerk please announce the tally.

CLERK:

pat

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House of Representatives

Saturday, May 5, 1990

House Bill 5666 as amended by Senate "A" in
concurrence with the Senate.

Total number voting	139
Necessary for passage	70
Those voting yea	139
Those voting nay	0
Those absent and not voting	12

SPEAKER BALDUCCI:

The bill as amended is passed.

The Chair would like to invite to the dais another member of the House, a man who came in again on the other side of the aisle at the same time I did, back in 1975. A man who has proved his worth, certainly in what we call screening, or bill review. Assistant Majority Leader, someone who will be celebrating his 32nd wedding anniversary, I believe, tomorrow, 34th. The Honorable Richard Belden. (Applause)

ACTING SPEAKER BELDEN:

Good morning. Are we ready to move the Calendar?

CLERK:

Yes, Mr. Speaker. Please turn to Page 6, Calendar 480. Substitute for House Bill 6106, AN ACT CONCERNING BOND FINANCED STATE HOUSING PROGRAMS. Favorable Report of the Committee on Finance, Revenue and Bonding. House "A" designated yesterday.

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CONNECTICUT
GEN. ASSEMBLY
SENATE

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1680-1999

WEDNESDAY
May 2, 1990

94 **1981**
abs

Without objection, so ordered.

THE CLERK:

Calendar page 18, Calendar page 18, Calendar 422, File 475, Substitute HB5666, AN ACT IMPLEMENTING THE RECODIFICATION OF TITLE 45. Favorable Report of the Committee on Judiciary.

Clerk is in possession of one amendment.

THE CHAIR:

Senator Avallone. The Senate will stand at ease. Senator Avallone, we are on Calendar 422, Substitute HB5666, File 475.

SENATOR AVALLONE:

I would move the Joint Committee's Favorable Report and adoption of the bill.

THE CHAIR:

You may proceed.

SENATOR AVALLONE:

Thank you. Title 45 deals with the probate matters--

THE CHAIR:

There is an amendment.

SENATOR AVALLONE:

The Probate Administrator through a study involving members of the Bar.

THE CHAIR:

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95 **1982**
abs

Excuse me, Senator. I believe the Clerk is in possession of an amendment.

SENATOR AVALLONE:

Oh, I am sorry.

THE CLERK:

LCO4312, designated Senate Amendment Schedule "A",
offered by Senator O'Leary of the 7th District et al.

SENATOR AVALLONE:

I will take the amendment. I would move the amendment and request permission to summarize.

THE CHAIR:

You may proceed.

SENATOR AVALLONE:

Yes. This increases the application fee from, from \$50 to \$90.

THE CHAIR:

Will you remark further? All those in favor of Senate Amendment Schedule "A", signify by saying aye.

SENATORS:

Aye.

THE CHAIR:

Opposed. The amendment is adopted.

SENATOR AVALLONE:

On the bill itself, with your permission, Mr. President.

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abs

THE CHAIR:

You may proceed, Senator, on the bill itself.

SENATOR AVALLONE:

Yes. Again, it is a recodification of the entire section of the statutes, many of which changes are technical. It was done in concurrence with the Probate Administrator and the Probate Counsel.

THE CHAIR:

Will you remark further?

SENATOR AVALLONE:

If there is no objection, I would move it to
Consent.

THE CHAIR:

Without objection, so ordered.

THE CLERK:

Calendar page 19, Calendar 426 is reported ready to be called. File 620, Substitute SB365, AN ACT CONCERNING INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED. Favorable Report of the Committee on Appropriations.

Clerk is in possession of one amendment.

THE CHAIR:

Senator Przybysz.

SENATOR PRZYBYSZ:

Thank you, Mr. President. I move acceptance of the

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May 2, 1990

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abs

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return to the Chamber. Immediate roll call has been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber.

THE CHAIR:

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

THE CLERK:

First Consent Calendar begins on Calendar page 2, Calendar 100, Substitute for SB125. Calendar 162, SB321. Calendar page 3, Calendar 203, Substitute for SB485. Calendar 245, Substitute for SB512. Calendar page 6, Calendar 320, Substitute for SB422. Calendar page 7, Calendar 338, Substitute for SB473. Calendar page 8, Calendar 341, SB95. Calendar page 10, Calendar 366, Substitute for SB293. Calendar page 14, Calendar 391, Substitute for SB130. Calendar page 18, Calendar 422, Substitute for HB5666. Calendar page 19, Calendar 426, Substitute for SB365. Calendar 432, Substitute for SB490. Calendar page 31, Calendar 139, Substitute for SB326. Calendar page 32, Calendar page 281, Substitute for SJ30. Calendar 283, Substitute for SJ33. Calendar 330, Substitute for SB466. Calendar page 33, Calendar 368, Substitute for SB445. Calendar 392, Substitute for SB376. Calendar 33, Substitute for SB57 Calendar page

WEDNESDAY
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34, Calendar 78, Substitute for SB63. Calendar 80,
Substitute for SB252. Calendar page 36, Calendar 260,
Substitute for SB38.

THE CHAIR:

Are there any changes or omissions? We are now
voting on Consent Calendar number 1. The machine is
open, please record your vote.

Senator DiBella. Senator DiBella, thank you.
Senator Avallone, Senator Powers, Senator Maloney,
Senator Gunther.

Has everyone voted? The machine is closed. Clerk
please tally the vote.

Result of the vote.

36 Yea

0 Nay

The Consent Calendar number 1 is adopted. (Gavel)

The Senate will stand at ease.

THE CLERK:

Calendar page 7, Calendar 322, File 496, SB463. AN
ACT CONCERNING CRIMINAL POSSESSION OF FIREARMS DURING
ILLEGAL DRUG ACTIVITIES. Favorable Report of the
Committee on Judiciary.

The Senate adopted Senate Amendment Schedule "A" on
May 1st. And Senate Amendment Schedule "B" was
designated. Senate Amendment Schedule "B", LC03937,