

Legislative History for Connecticut Act

HB 5064 of act	(PA 90-45)	1990 <sup>11/16</sup>
Senate	826-829, 839-840	(6p)
House	1279, 1599-1600	(3p)
Jud.	5, 109, 112	(3p)

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CONNECTICUT  
GEN. ASSEMBLY  
SENATE

PROCEEDINGS  
1990

VOL. 33

PART 3

605-948

WEDNESDAY  
April 11, 1990

97  
aak

to take up some 21 bills that have been referred to it. The Appropriations Committee, tomorrow after the adjournment of both Sessions of the House and Senate.

THE CHAIR:

Clerk, please call the next item.

THE CLERK:

Calendar page 16, Calendar #196, File #84, HB5064, AN ACT CONCERNING THE TIME PERIOD FOR A CREDITOR TO PRESENT A CLAIM AGAINST AN ESTATE AND FOR A SURVIVING SPOUSE TO ELECT AGAINST A WILL. Favorable Report of the Committee on JUDICIARY.

THE CHAIR:

Senator Avallone.

SENATOR AVALONE:

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

THE CHAIR:

You may proceed.

SENATOR AVALONE:

May I just have one moment, Mr. President?

THE CHAIR:

The Senate will stand at ease. Senator Atkin, did you have an announcement to make? While the Senate is at ease, we will take announcements. Senator Atkin.

SENATOR ATKIN:

WEDNESDAY  
April 11, 1990

98  
aak

Thank you, Mr. President. For the purpose of an announcement. The Government Administration and Elections Committee will meet one half hour before the House Session tomorrow and hold a public hearing on Tuesday at 9:00 a.m. for a collective bargaining agreement.

THE CHAIR:

Thank you, Senator. Senator Herbst.

SENATOR HERBST:

Thank you, Mr. President. The Public Safety Committee will meet in the Public Safety Conference Room on the third floor of the LOB at quarter to eleven tomorrow.

THE CHAIR:

Senator Morris.

SENATOR MORRIS:

Yes, Mr. President. Mr. President, I was absent from the Chamber when we voted on Calendar #185 and Calendar #188. If I had been here, I would have voted in the affirmative.

THE CHAIR:

The Clerk will please note. Senator Przybysz.

SENATOR PRZYBYSZ:

Yes, Mr. President. In case anyone is interested and would like to come, the Human Services Committee

WEDNESDAY  
April 11, 1990

99  
aak

will be meeting at 10:45 outside the House Chamber.

THE CHAIR:

Thank you, Senator. Senator Avallone, are you ready? On the bill itself.

SENATOR AVALLONE:

Yes. The claimant suffered a serious and permanent injury to her right knee and was awarded \$27,500 by the Commission.

THE CHAIR:

Will you remark further?

SENATOR AVALLONE:

I would move it to Consent.

THE CHAIR:

The Senate itself will stand at ease for a second. Senator Avallone, could you come forth for a second?

SENATOR AVALLONE:

Yes, Mr. President. I am sorry.

THE CHAIR:

There was a-- There was a juxtaposition of the Calendar number with the File number, Senator, and if you would proceed to--

SENATOR AVALLONE:

If I may start again, Mr. President? This is not a resolution. I would move the Joint Committee's Favorable Report and adoption of the bill.

WEDNESDAY  
April 11, 1990

100  
aak

THE CHAIR:

You may proceed.

SENATOR AVALLONE:

Thank you. The bill seeks to make uniform the time limit for a creditor to present a claim against both solvent and insolvent estates. It harmonizes the period to 150 days. It changes from 150 days to 210 days.

THE CHAIR:

Will you remark further? Will you remark further?  
Further remarks?

SENATOR AVALLONE:

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

THE CHAIR:

Without objection, so ordered. Clerk, please call  
the next item.

THE CLERK:

Calendar #197, File #136 and 323, HB5889, AN ACT  
CONCERNING MEAL PERIODS. (As amended by House Amendment  
Schedule "A"). Favorable Report of the Committee on  
LABOR AND PUBLIC EMPLOYEES.

THE CHAIR:

Senator Maloney.

SENATOR MALONEY:

WEDNESDAY  
April 11, 1990

110  
aak

Second Consent Calendar begins on Calendar page 5, Calendar #116, Substitute HB5419. Calendar #124, Substitute HB5140. Calendar page 6, Calendar #127, Substitute SB274. Calendar #128, Substitute SB374. Calendar page 7, Calendar #135, SB416. Calendar #136, Substitute SB329.

Calendar page 8, Calendar #142, Substitute SB116. Calendar page 9, Calendar #146, Substitute SB403. Calendar #148, Substitute SB404. Calendar page 10, Calendar #155, Substitute SB438. Calendar page 15, Calendar #188, Substitute HB5726. Calendar page 16, Calendar #196, HB5064. Calendar #197, HB5889.

Calendar page 19, Calendar #211, HB5566. And Calendar page 21, Calendar #51, Substitute SB54. That completes the second Consent Calendar, Mr. President.

THE CHAIR:

Are there any omissions, corrections or deletions to the Consent Calendar? The machine is open. Please cast your vote.

Senator DiBella. Has everyone voted? The machine is closed. Clerk, please tally the vote. The results of the vote for the second Consent Calendar for the day.

The result of the vote:

36      Yea

WEDNESDAY  
April 11, 1990

111  
aak

0 Nay

The Consent Calendar is adopted.

Senator O'Leary, I believe we have Senate Agenda #3  
before us?

SENATOR O'LEARY:

Mr. President, I move that all items on Senate  
Agenda #3, dated April 11, 1990, be acted upon as  
indicated and that the Agenda be incorporated by  
reference into the Senate Journal and the Senate  
Transcript.

THE CHAIR:

Without objection, so ordered.

SENATE AGENDA #3

1. SENATE BILLS FAVORABLY REPORTED - to be tabled  
for the Calendar and Printing

Finance, Revenue and Bonding

Substitute SB462 AN ACT IMPLEMENTING THE  
RECOMMENDATIONS OF THE COMMISSION TO STUDY THE  
MANAGEMENT OF STATE GOVERNMENT WITH RESPECT TO THE  
DEPARTMENT OF MOTOR VEHICLES.

Judiciary

Substitute SB384 AN ACT INCORPORATING THE PERSONAL  
PROPERTY INSURANCE COMPANY.

Judiciary

Substitute SB387 AN ACT INCORPORATING THE NEW

H-557

CONNECTICUT  
GEN. ASSEMBLY  
HOUSE

PROCEEDINGS  
1990

VOL. 33  
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1017-1374

House of Representatives

Wednesday, March 28, 1990

Mr. Speaker.

SPEAKER BALDUCCI:

Representative Frankel.

REP. FRANKEL: (121st)

Yes, I move this item be referred to the Committee on Public Health.

SPEAKER BALDUCCI:

The question is on referral. Is there objection?  
Seeing none, so ordered. Representative Bertinuson.

REP. BERTINUSON: (57th)

Yes, thank you, Mr. Speaker. At this time I believe the concern about Calendar No. 98 has been HB 5064 answered and I would like to move that it be placed on today's Consent Calendar for action at our next regular session.

SPEAKER BALDUCCI:

For the benefit of the membership, the question on Calendar 28 having originally been moved from the Consent Calendar. Excuse me, Calendar 98 having been removed, it is now being placed again on the Consent Calendar. is there any other objection from any member on Calendar 98? Seeing none, it will be placed on today's Consent Calendar for action at our next session.

CLERK:

H-558

CONNECTICUT  
GEN. ASSEMBLY  
HOUSE

PROCEEDINGS  
1990

VOL. 33  
PART 5  
1375-1697

House of Representatives

Wednesday, April 4, 1990

placed on the Consent Calendar for action at our next session? Just to repeat those items. Calendars 132, 142, 146, 147, 151, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 169 be placed on today's Consent Calendar for action at our next session. Seeing none, those items are placed for action at our next session. Representative Bertinson.

REP. BERTINUSON: (57th)

Thank you, Mr. Speaker. I'd now like to move passage of those items listed on today's Consent Calendar with the exception of Calendar No. 116 and 124. So this motion would encompass Calendar Nos. 28, 64, 98, 100, 105 and 120.

SPEAKER BALDUCCI:

Is there objection to any of those items on today's Consent Calendar that have just been read, Calendars 28, 64, 98, 100, 105 and 120? If not, the Consent Calendar is adopted.

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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:

GOVERNMENT ADMINISTRATION AND ELECTIONS. H.J.  
No. 4 (COMM) (File No. 13) RESOLUTION COMMEMORATING  
THE TWO-HUNDREDTH ANNIVERSARY OF THE FIRST SUCCESSFUL  
TRAIL OF A STEAMBOAT BY JOHN FITCH.

House of Representatives

Wednesday, April 4, 1990

BANKS. Substitute for H.B. No. 5777 (RAISED) (File No. 63) AN ACT CONCERNING INTEREST RATES ON LOANS FROM EMPLOYEE BENEFIT PLANS.

JUDICIARY. H.B. No. 5064 (RAISED) (FILE NO. 84) AN ACT CONCERNING THE TIME PERIOD FOR A CREDITOR TO PRESENT A CLAIM AGAINST AN ESTATE AND FOR A SURVIVING SPOUSE TO ELECT AGAINST A WILL.

FINANCE, REVENUE AND BONDING. Substitute for H.B. No. 5731 (RAISED) (File No. 87) AN ACT CONCERNING THE PROCEDURE FOR NUMBERING REGULATIONS RELATED TO TITLE 12 OF THE GENERAL STATUTES AND THE FURNISHING OF FEDERAL EMPLOYER IDENTIFICATION NUMBERS TO THE COMMISSIONER OF REVENUE SERVICES.

EDUCATION. Substitute for H.B. No. 5208 (RAISED) (File No. 96) AN ACT CONCERNING NURSING EDUCATION AND EDUCATIONAL MOBILITY FOR NURSES.

FINANCE, REVENUE AND BONDING. H.B. No. 5733 (RAISED) (File No. 111) AN ACT CONFERRING CERTAIN TAXPAYER PROCEDURAL RIGHTS NOT INCLUDED IN PROVISIONS IMPOSING CERTAIN STATE TAXES AND ASSESSMENTS.

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DEPUTY SPEAKER POLINSKY:

Will the Clerk please return to the Call of the Calendar.

CLERK:

Please turn to Page 6, Calendar 128, House Bill 5090. AN ACT CONFORMING THE CONNECTICUT GENERAL STATUTES TO THE FEDERAL AGE DISCRIMINATION AND EMPLOYMENT ACT.

Favorable Report of the Committee on INSURANCE AND REAL ESTATE.

DEPUTY SPEAKER POLINSKY:

JOINT  
STANDING  
COMMITTEE  
HEARINGS

JUDICIARY  
PART 1  
1-377

1990  
INDEX

5  
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JUDICIARY

February 13, 1990

which are causing us to waive -- not only pay the attorney's fees, but also in most cases waiving the court entry fee and we would ask that you consider increasing the fees to \$90 so that we can handle the increased cost to the court.

With respect to HB5053, AN ACT CONCERNING INHERITANCE BY A PARENT WHO ABANDONS A CHILD. This bill has been submitted as a result of the Supreme Court decision in Hotereck vs. Benson where the Supreme asked that such a bill be submitted. We have drafted it and asked that it be passed. The basic provision of the bill would prohibit a parent who abandons a child while the child is a minor from inheriting from that child. In the Hotereck it was a young woman who had abandoned the child for 13 years. The child was killed in a bicycle accident and she then inherited \$200,000 as a result of that.

REP. TULISANO: Do you believe this language in this proposed bill is okay the way it is?

RALPH LUKENS: I think the way the language reads is --.

REP. TULISANO: There were two drafts. You had one and we had another one, but it works out the same thing.

RALPH LUKENS: It works out the same way, Representative. We have no objections to it.

In HB5064, AN ACT CONCERNING THE TIME PERIOD FOR A CREDITOR TO PRESENT A CLAIM, a Public Act PA89202 last year changed a 210 period to 150 days in certain portions of the statute. It was not consistent. This bill makes it consistent. We have no strong feeling, whether it be \$150 or \$150, but certainly they should be consistent.

HB5116, AN ACT CONCERNING CERTIFICATES OF DEVISED DESCENT, DEVISE OR DISTRIBUTION, will give statutory authority to do something that many courts have felt they had to do. If a person has died leaving real estate, under the present law you have to wait until the estate is completed. No matter how many years it may take, this bill would allow us to transfer the real estate prior to the



## State of Connecticut

February 13, 1990

OFFICE OF THE  
PROBATE COURT ADMINISTRATOR

186 NEWINGTON ROAD  
WEST HARTFORD, CONNECTICUT 06110-2320

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TO: THE JUDICIARY COMMITTEE

FROM: RALPH D. LUKENS, PROBATE COURT ADMINISTRATOR

RE: **H.B. 5064 -- AN ACT CONCERNING THE TIME PERIOD FOR A  
CREDITOR TO PRESENT A CLAIM AGAINST AN ESTATE AND FOR A  
SURVIVING SPOUSE TO ELECT AGAINST A WILL**

Public Act 89-202, as originally proposed, did not change the two hundred ten (210) day period during which time a creditor must present his claim to a fiduciary in a decedent's estate. This time period was changed, in some sections of the general statutes, on the floor of the House and Senate to one hundred and fifty (150) days.

The proposal before you would conform all sections of the general statutes and require that any claim against a solvent or insolvent estate be presented to the fiduciary within one hundred and fifty (150) days.

We do strongly feel that all sections concerning the claims against solvent and insolvent estates should be uniform. I believe the Bar Association will speak later today concerning the appropriate time frame.

MARTIN B. BURKE, CHAIRMAN  
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**Testimony of David L. Hemond  
 Concerning Certain Amendments to Probate Statutes  
Bills 5064, 5115, and 5116**

February 13, 1990

Three of the bills on today's agenda for public hearing before the Judiciary Committee represent proposals for "clean up" legislation with respect to certain probate matters. In particular, the Law Revision Commission recommends:

o Correction of the probate claims statutes to coordinate distribution period references. (Bill 5064, An Act Concerning the Time Period for a Creditor to Present a Claim against an Estate and for Surviving Spouse to Elect against a Will.) Public Act 89-202 reduced the time period within which a fiduciary may distribute estate property in good faith without liability to after-appearing creditors from 210 days to 150 days. However, a number of related sections use a time period based on the same principles and considerations and all such time periods should be conformed. Specifically, the same 150-day period should apply to section 45-230j, concerning the period for making a return and list of claims, section 45-230p, concerning personal claims of the fiduciary, section 45-273a, concerning the period for a spousal election, and sections 45-230ff and 45-230hh, concerning claims against insolvent estates.

o Amendment of section 45-286 concerning certificates of devise. (Bill 5115, An Act Concerning Certificates of Descent, Devise or Distribution.) Section 45-286 requires that a fiduciary of an estate obtain and file in the land records a certificate of descent or devise of real property within thirty days of the final account. The statute does not expressly authorize issuance of the certificate prior to the final account although in many cases the passing of the property is clear and the failure to issue a certificate can prejudice beneficiaries. One case cited by practitioners, for example, is where property devised to a charity continues to be taxed as part of the estate because tax authorities refuse to recognize tax exempt status without the certificate of devise. Some probate judges currently issue