



# House of Representatives

General Assembly

**File No. 490**

January Session, 2003

Substitute House Bill No. 6513

*House of Representatives, April 22, 2003*

The Committee on Government Administration and Elections reported through REP. O'ROURKE of the 32nd Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## **AN ACT CONCERNING COLLECTION OF DEBTS OWED TO THE STATE.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 4a-15 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2003*):

3 The estate administrator may act as guardian, conservator,  
4 administrator or trustee, or in any other fiduciary capacity under the  
5 jurisdiction and appointment of the probate courts of this state or like  
6 courts of any other state or of the United States, or any instrumentality  
7 of any other state or of the United States qualified to appoint  
8 fiduciaries, only in connection with property of any minor, incapable,  
9 incompetent or deceased person who is or has been receiving financial  
10 aid from the state. In the case of any person receiving public or  
11 medical assistance from the state, the estate administrator shall apply  
12 toward the cost of care of such person any assets exceeding limits on

13 assets set by statute or regulations adopted by the Commissioner of  
14 Social Services. The estate administrator shall have the same rights and  
15 powers and be subject to the same duties and obligations as are  
16 possessed by and imposed upon guardians, conservators,  
17 administrators and other fiduciaries, and such courts or  
18 instrumentalities are authorized to appoint the estate administrator,  
19 trustee or other fiduciary in connection with property of any such  
20 minor, incapable, incompetent or deceased person. The authority of  
21 the estate administrator to act and of the court or instrumentality to  
22 appoint such estate administrator shall be limited to cases in which the  
23 estate consists of personal property only, and the amount of personal  
24 property involved, or the annual income other than state benefits, does  
25 not exceed [ten] fifty thousand dollars in value. The estate  
26 administrator shall be excused from giving any bond in any court  
27 proceeding, and shall not be allowed a fee for services.

This act shall take effect as follows:	
Section 1	<i>July 1, 2003</i>

**GAE**      *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Type	FY 04 \$	FY 05 \$
Admin. Serv., Dept	GF - Revenue Gain	Potential Significant	Potential Significant

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

This bill increases, from \$10,000 to \$50,000, the maximum value of an estate for which the Department of Administrative Services (DAS) may assume responsibility as estate administrator. This bill will result in a potentially significant general fund revenue gain<sup>1</sup>.

The probate court may appoint DAS as guardian, conservator, administrator, or trustee over the estates of any minor, incapable, incompetent, or deceased person who is currently receiving or previously received state financial assistance.

Currently, for an estate valued at more than \$10,000 that the state has an interest, DAS spends considerable time and expense petitioning the court to name an administrator so the estate can be probated. Estate assets can be depleted during this probate process. Allowing DAS to be named estate administrator saves money and personnel resources that were spent petitioning the court. The bill also potentially increases revenues significantly as it ensures that estates are probated and that assets do not go unclaimed or become depleted, which would reduce the state’s potential recovery.

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<sup>1</sup> OFA defines significant as exceeding \$100,000.

**OLR Bill Analysis**

sHB 6513

**AN ACT CONCERNING COLLECTION OF DEBTS OWED TO THE STATE**

**SUMMARY:**

This bill increases, from \$10,000 to \$50,000, the maximum value of an estate for which the Department of Administrative Services (DAS) estate administrator may assume responsibility as guardian, conservator, administrator, trustee, or other fiduciary.

By law, the commissioner must appoint someone in her office as the estate administrator. The probate court may appoint this person to act as guardian, conservator, administrator, trustee, or other fiduciary over the estates of any minor, incapable, incompetent, or deceased person who is currently receiving or previously received state financial assistance. The estates are limited to personal, and not real, property. Personal property includes annual income, other than public assistance.

Among the DAS commissioner's many statutory duties is the duty to bill and collect for the state (1) public assistance overpayments and (2) support payments from the legally liable relatives of people aided, cared for, or treated in state humane institutions.

EFFECTIVE DATE: July 1, 2003

**COMMITTEE ACTION**

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 19 Nay 0