

PA13-199

HB6448

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2013**

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HOUSE OF REPRESENTATIVES

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May 15, 2013

Those voting Nay 0

Those absent and not voting 32

DEPUTY SPEAKER GODFREY:

The bill is passed in concurrence.

Mr. Clerk, 457, please.

THE CLERK:

Mr. Speaker, page 49 of the House Calendar, House Calendar Number 457, Favorable Report of the Joint Standing Committee on Finance, Revenue, and Bonding. House Bill Number 6448, AN ACT CONCERNING PROBATE FEES.

DEPUTY SPEAKER GODFREY:

Would the distinguished Chairman of the Judiciary Committee, Representative Jerry Fox.

REP. FOX (146th):

Thank you and good evening, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Good evening, sir.

REP. FOX (146th):

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

DEPUTY SPEAKER GODFREY:

The question is on acceptance and passage. Will you explain the bill, please, sir.

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REP. FOX (146th):

Thank you, Mr. Speaker.

This is a bill that primarily makes technical changes to the Probate Court statutes specifically dealing with some terminology. And the main thing that it deals with with respect to the probate fees is that it institutes a fee for those attorneys who are admitted in our courts pro hac vice.

If you will recall or if the members will recall, recently we increased the fee in Superior Court for those attorneys who are admitted pro hac vice and I believe that went up to \$600. What this does for -- with respect to Probate Court matters, is it will implement a fee of \$250 for those attorney who are out of state and who are admitted upon motion to appear in a specific case in the Probate Courts of Connecticut.

The way it works, for those who are not familiar with pro hac vice is that attorneys from out of state, although they may not have been admitted to the Connecticut Bar, can be admitted when ordered by the court upon a motion of a party to practice in the State of Connecticut on a specific case provided that they have -- also have an attorney who is admitted in the State of Connecticut who also is responsible for

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appearing in court as well in addition to signing pleadings and other necessary documents.

So that is the Probate Court fee bill for this session, and I would urge passage.

DEPUTY SPEAKER GODFREY:

Thank you, sir.

The Distinguished Ranking Member of the Judiciary Committee, Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker.

And I certainly do concur with the representations made by Representative Fox. This is a technical bill that's before us, one that was reached in collaboration between the Probate Assembly and the Office of the Probate Court Administrator. And certainly before that new fee for the -- for an attorney outside the State of Connecticut not licensed in the State of Connecticut to be able to participate and appear in Probate Court is certainly consistent with all the other requirements and our other jurisdictions of the -- of the court system. So I do rise in support of the piece of legislation that's before us. It passed Judiciary unanimously as well, and I ask for everyone's support to the bill.

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Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Thank you, Madam.

Will you remark further on the bill? Will you remark further on bill? If not, staff and guests please come to the well of the House, members take your seats, the machine will be open.

THE CLERK:

The House of Representatives is voting by roll call, members to the Chamber, please. The House of Representatives is voting by roll call, members to the Chamber immediately.

DEPUTY SPEAKER GODFREY:

Have all the members voted? Have all the members voted? Have all the members voted? If all the members have voted, the machine will be locked.

Mr. Clerk, kindly announce the tally.

THE CLERK:

Mr. Speaker, House Bill 6448:

Total number voting	130
Necessary for passage	66
Those voting Yea	130
Those voting Nay	0
Those absent and not voting	20

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HOUSE OF REPRESENTATIVES

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May 15, 2013

DEPUTY SPEAKER GODFREY:

The bill is passed.

Representative Rovero, for what purpose do you
rise?

REP. ROVERO (51st):

Is that me?

DEPUTY SPEAKER GODFREY:

That would be you.

REP. ROVERO (51st):

Sir, I'm sorry, but I'd like to vote in the
positive.

DEPUTY SPEAKER GODFREY:

The transcript will note your indication, sir.

Thank you.

REP. ROVERO (51st):

Thank you.

DEPUTY SPEAKER GODFREY:

Representative Camillo.

REP. CAMILLO (151st):

Mr. Speaker, if I was voting, I would have voted
in the affirmative.

DEPUTY SPEAKER GODFREY:

The transcript will so note.

Representative Guerrero.

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**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

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SENATE

128
June 4, 2013

Also calendar page 8, Calendar 568, House Bill 6445,
move to place this item on the consent calendar.

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Also Madam President, calendar page 9, Calendar 590,
House Bill Number 6680, move to place on the consent
calendar.

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Counter page 10, Calendar 607, House Bill Number 6688,
move to place that item on the consent calendar.

THE CHAIR:

Seeing no objection, sir.

THE CHAIR:

Thank you, Madam President.

Calendar page 11, Calendar 612, House Bill 6448, move
to place on the consent calendar.

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, if we might move to mark some

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June 4, 2013

Page 3, Calendar 422, Senate Bill 978; on page 4, Calendar 475, Senate Bill 1052; on page 8, Calendar 567, House Bill 6387; Calendar 568, House Bill 6445; and Calendar 580, House Bill 6623.

On page 9, Calendar 583, House Bill 5149; and Calendar 590, House Bill 6680; page 10, Calendar 607, House Bill 6688; and calendar 608, House Bill 6384.

Page 11, Calendar 612, House Bill 6448; and Calendar 621, House Bill 6488. On page 12, Calendar 634, House Bill 6403; and Calendar 636, House Bill 6394; page 13, Calendar 645, House Bill 6454; and page 14, Calendar 652, House Bill 6702.

On page 16, Calendar 674, House Bill 6441; page 17, Calendar 677, House Bill 6644; on page 18, Calendar 685, House Bill 6009; and on page 23, Calendar 380 Senate Bill 1054; page 24, Calendar 452, Senate Bill 1142; and Calendar 566, House Bill 6375.

Page 25, Calendar 646, House Bill 5844; and on page 26, Calendar 304, Senate Bill 1019.

THE CHAIR:

At this time, Mr. Clerk, will you call for a roll call vote on a first consent calendar?

The machine will be open.

THE CLERK:

Immediate roll call has been ordered in the Senate. Senators, please return to the chamber. Immediate roll call on the first consent calendar has been ordered in the Senate.

THE CHAIR:

If all members have voted? All members have voted. The machine will be closed.

Mr. Clerk, will you please call the tally?

THE CLERK:

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SENATE

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June 4, 2013

The first consent calendar.

Total Number Voting	35
Necessary for Adoption	18
Those voting Yea	35
Those voting Nay	0
Those absent and not voting	1

THE CHAIR:

The consent calendar passes.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, would move for immediate transmittal to the House of Representatives of all items acted on thus far today requiring additional action in that chamber.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Madam President.

Also, Madam President, on an item previously placed on the foot of the Calendar, would now seek to remove that item and just mark it PR, and that is an item calendar page 16, Calendar 672, House Bill 5480, AN ACT PROHIBITING TAMPERING WITH HYDRANTS. Would just move to remove that item from the foot and to mark it PR.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Madam President.

**JOINT
STANDING
COMMITTEE
HEARINGS**

**JUDICIARY
PART 9
2774 - 3140**

2013

Seeing none, thank you, Attorney Kane.

CHIEF STATE'S ATTORNEY KEVIN KANE: Thank you.

SENATOR COLEMAN: Next is Paul Knierim.

PAUL KNIERIM: Good morning, Senator Coleman, Representative Fox, Representative Rebimbas, members of the committee, I'm Paul Knierim, probate court administrator, and there are two bills I'd like to offer brief testimony on this morning.

HB 6680

The first is 6448, AN ACT CONCERNING PROBATE COURT FEES. This is a pretty simple and pretty straightforward piece of legislation that the Office of the Probate Court Administrator and the Probate Assembly are offering jointly, and it is essentially clean up of our fee statutes.

Specifically, it would repeal absolutely provisions that deal with the calculation of probate fee for the decedent's estates. These are fee schedules that go back pre-1998 so we're operating, essentially, under the 1998 fee schedule. The fact that these are still on the books causes people confusion, simply a clean up.

A second element to the bill is to change nomenclature for the calculation of fees for accountings matters other than decedent's estates. The change simply is reflecting revision to our rules of procedure and the use of new terminology, but it has no net impact on the amount of the fees.

And lastly, the bill contains a provision that would add a new fee for a petition for an out-of-state attorney to be able to hear in a single matter. This, too, reflects our recent

adoption of revised rule of procedure. We now do have a rule that would permit on an exceptional basis an out-of-state attorney to appear in a Connecticut Probate Court. It parallels the rule that's applicable in Superior Court. And I might mention that the fee for admission in Superior Court is \$600, our proposed amount is \$250.

The second bill that I wanted to comment on is 6680, CONCERNING ACCESS TO JOINTLY HELD ASSETS LOCATED IN A SAFE DEPOSIT BOX. We are generally supportive of this bill. I think it's a good idea to have a simplified procedure by which an individual who has claimed ownership of an asset held in a decedent's safe deposit box when that box is solely owned.

I will say that it seems that most common those with a joint ownership interest in an asset in a safe deposit box typically also are joint owners on the safe deposit box. So it's probably not a frequent issue, nonetheless, it -- it certainly can arise. Our suggestion is simply that the bill be amended to have some procedural safeguards so that an individual wouldn't be able to unilaterally remove assets from a safe deposit box.

So the suggestion is we could work with the existing framework by which a probate court can authorize the opening of a decedent's safe deposit box, provide for a person who is operating such an order to bring back to the court an inventory of the assets. And if she or he wishes to remove an asset, to petition for a specific order. It could be a simplified procedure. I think the court could be authorized to have the discretion to act without notice to parties on an ex parte basis if ownership is very clear.

**JOINT
STANDING
COMMITTEE
HEARINGS**

**JUDICIARY
PART 10
3141 - 3485**

2013



STATE OF CONNECTICUT

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TO: Senate Co-Chair Eric Coleman
House Co-Chair Gerald Fox
Senate Ranking Member John Kissel
House Ranking Member Rosa Rebimbas
Honorable Members of the Judiciary Committee

FROM: Paul J. Knierim
Probate Court Administrator

DATE: April 1, 2013

RE: RB 6448 An Act Concerning Probate Fees

Thank you for the opportunity to testify in support of Raised Bill No. 6448, which is submitted jointly by the Probate Assembly and the Office of the Probate Court Administrator. The bill would make minor adjustments to the Probate Court fee structure.

Several different names or phrases are used throughout the statutes when referring to the Probate Courts, including "court of probate," "probate court" and "Probate Court". In the interest of consistency, sections 1 through 8 substitute the phrase "Probate Court" for all other terms. It is our intention to use this phrase when amending other statutes concerning the Probate Courts in the future. A few references in this draft require correction and we would request substitute language so that the usage is consistent throughout the statutes that this bill amends.

Sections 1, 2 and 3 establish a \$250 application fee for an out-of-state attorney seeking permission to appear pro hac vice in a Connecticut Probate Court. The new Probate Court Rules of Procedure, recently adopted by the Connecticut Supreme Court, establish specific procedure by which an out-of-state attorney may be permitted to appear in a case, but only on an exceptional basis and only

if a Connecticut attorney also appears in the case. This procedure is similar to the parallel provision contained in the rules of procedure applicable to the Superior Court. The application fee in Superior Court is presently \$600

Section 2 repeals fee tables applicable only to decedent estates in which proceedings were commenced before April 1, 1998. These sections are essentially obsolete and their continued presence in the statutes causes confusion.

Section 3 updates the terminology in the statute used to calculate fees for periodic accounts to reflect the language now contained in the rules of procedure governing accounts. The amendment is technical and will not change the method by which fees are calculated

On behalf of the Probate Court system, I respectfully urge the committee to act favorably on the bill. Thank you for your consideration.