



2022 Legislative Session in Review

By BILL CHAPMAN

This year's legislative session was the shortest on record. Elections are coming up in November, and two-thirds of the legislature will remain in their seats for four years or less. At least 25 legislators are not running in the fall. Caucus chairs are expected to be the same for the next session. The only sure thing about change is that there will be. The CBA and its sections aim to get bills passed, amended, or stopped, and during this short session, all three have been accomplished.

Uniform laws are often proposed or corrected each session through the Judiciary Committee, which has cognizance over uniform laws. This session, two offerings were moved to the Court Operations bill, An Act Concerning Court Operations and the Uniform Commercial Real Estate Receivership Act (HB 5393). The offerings included legislation on interstate depositions, AA Adopting The Connecticut Interstate Depositions And Discovery Act (HB 5393), which was just placed as-is into the Court Operations bill for the Litigation Section. And as noticed by

some of our Real Property Section members, it was necessary to try to move the enactment date out another year if a uniform bill passed last year. We were able to do that by placing another line into the Court Operations bill for the Uniform Commercial Real Estate Receivership Act (UCRERA).

The Department of Economic Community Development proposed a bill to the Commerce Committee in order to define terms as to how to deal with digital assets in Connecticut. The CBA Commercial Law & Bankruptcy Section noted that the Uniform Commercial Code (UCC) was already developing language ready to go uniform by the fall, which would be much better offered in the next session. However, the CBA tried to assist by striking language that would be acceptable for now but again would need changes in the spring. Thus, we had written a bill that was good to go developed with Department of Economic and Community Development (DECD), but in the last week the Commerce Committee decided the bill should wait until next year when everything was acceptable on a national level through uniform laws and the UCC.

Also in regard to uniform laws was the remote notarization proposal. Our Real Property and Estates and Probate Sections were brought into this proposal after language had been proposed to create a work group. Meanwhile, language had been changed that it would not be a work group but that remote notarization would be acceptable throughout the state. The Estates and Probate Section carved themselves out of the bill, since a uniform law on will and codicils will be completed this summer that would separately be ready to for next session. This aspect fully would incorporate many of our estate and probate and elder law attorneys. At the end, there were two issues with the bill. The Judicial Branch continued to assure that they had jurisdiction over how lawyers practice and that at least some of this language may have cognizance of either the Rules Committee or the legislature. Also, it might be thought that this issue is the domain of the Judiciary Committee and not the Commerce Committee. Thus, there was a challenge to language that was trying to be amended, and though the Senate passed the amended bill, when it came to the House, the Judiciary chairs were able to hold the bill until it returns in different language to a different committee in a different session.

Each year, the Court Operations and the Probate Court Operations bills are proposed by the Judicial Branch and the Probate Assembly and pass, which the CBA always supports. This year, another bill always supported by the Elder Law Section, *An Act Concerning State Agency Compliance with Probate Court Orders*, which had never been given a chance to pass, successfully passed.

Another bill that passed this year after five years of trying included the Probate Assembly and the Department of Revenue Services. SB 424, *An Act Concerning Real Estate and the Probate Courts*, included both the Real Property Section and the Estates and Probate Section, to clarify statutory provisions relating to a person having a title interest in real property that is subject to a lien for probate fees. During the discussions on this legislation, there were two different Probate Assembly administrators, four State Department of Revenue Services commissioners, along with new section chairs changing during the lifetime of this proposal.

The Litigation and the Real Property Sections were both opposed to legislation that would require the filing of an appraisal for certain property assessment appeals and prohibit contingency fee agreements for assessment appeals, found in SB 478, *An Act Concerning Property Assessment Appeals And Homeownership Incentive Tracts, Establishing Tax Credit Voucher Programs to Incentivize Commercial Leases and Residential Conversions and Authorizing the Capital Region Development Authority to Solicit Investment Funds*. As with any section support or opposition, it is important to receive testimony, oral or written, by section members rather than only the lobbyist. Unfortunately, this bill did not make it out of the Finance Committee. However, there was potential placement in the 673-page Budget Implementer Bill, HB 5506. One wins by squashing the bill in the Finance Committee, but can lose if it's in the Implementer Bill. Contingency was avoided. However, there was plenty of conversation with the caucuses, and the appraisals were not amended in HB 5506, but amended in SB9, the companion Implementer. However, the recommendation was that the appraisals be totally dropped since you could not get an expert appraisal, especially within 90 days. They were told that if you couldn't get rid of them then we could live with six months.

Studying the lists of bills as they became available and discussing with the legislator proposing the bill, the Family Law Section was able to deny HB 5268, *An Act Concerning the Award of Reasonable Attorney's Fees to the Prevailing Party in a Family Relations Matter Alleging Contempt of a Court Order*, before it was able to advance any further.

And again, the Tax Section and the Construction Law Section were successful in defeating the False Claims Act. Hard work, good work. The same can be said for the Workers' Compensation Section making technical changes to their statutes.

We worked behind the scene on passing SB 6, *An Act Concerning Personal Data Privacy and Online Monitoring*. And worked very hard for the Business law Section in defeating HB 5249, *An Act Concerning Non-compete Agreements*.

NEXT YEAR: And then there was legislation that we tried but there was not only lack of support but lack of time. That includes Elder Law's "Aid in Dying" bill, Planning and Zoning's "Variances" proposal, Estates and Probates *Revocation by Dissolution in Marriage* legislation which got roughed up on JF day in judiciary. The ADR Section decided to wait until next year for their Uniform Mediation bill. And there's always the International Law Section. And that's what the summer and Fall is for ... preparing language, talking to supporters and opponents of the bills, and cleaning up any language that's necessary.

We are all looking forward to section reauthorizations, new proposals, and finding out who will be sitting in those seats in the Spring. ■

Bill Chapman served as the CBA director of government and community relations until his retirement in June 2022.

ALAN BUDKOFSKY

BUDKOFSKY APPRAISAL CO.

Certified General Real Estate Appraiser

RESIDENTIAL • COMMERCIAL • EXPERT WITNESS

ONE REGENCY DRIVE, SUITE 109, BLOOMFIELD, CT 06002

E-Mail Budappraisal@hotmail.com

Phone 860-243-0007

www.BudkofskyAppraisal.com

We can help with:

- High-Wealth Divorce
- Legal Malpractice
- Business Law
- Personal Injury
- Truck Crashes
- Employment or
- other Legal Matters

We appreciate the referrals we've received from the CT legal community.

StangerLaw.com

Corporate Center West
433 South Main Street, Suite No. 112
West Hartford, CT 06110
860.561.0650

  