

A 2016 Legislative Report for CBA House of Delegates
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The CBA has a comprehensive legislative agenda of authorized positions. Below are only the positions which were lobbied extensively during the 2016 February 3 – May 4 Legislative (SHORT) session. These positions were promoted, opposed, amended to other bills, killed in committee or on the floor; others we tried to amend but just ran out of time. Some positions were approved in one chamber and unpredictably were not called in the other.

The session was tumultuous with the ever-evolving budget, 15% of the General Assembly retiring and impending elections effecting how legislators voted and what bills would be raised.

As of this date, the Governor has signed two-hundred thirty one (231) bills and vetoed eight (8) bills of the 2016 Legislative Session. The Governor has signed four (4) bills and has exercised line item veto authority on PA 16-2 of the 2016 May Special Session.

The CBA had 47 active legislative positions this session, and we had more than 26 WINS in this short session, some made it through ONE chamber and they will get passed next year, and others were voted out of committee but were not raised in the chamber. The budget did create a 'loss' for some.

The Connecticut Bar Association has authorized Association positions on the following issues for the 2015-2016 regular legislative session of the Connecticut General Assembly:

WIN Tax on Legal Services. The CBA, on behalf of the Executive Committee, *opposes* the imposition of any tax on legal services. *To be sure that this was not included, this issue was fought hard during a tumultuous budget discussion.*

WIN Pro hac vice admission. The CBA, on behalf of the Unauthorized Practice of Law Committee *supports* a modification to Rule 2-16 of the Rules of Practice which provides for pro hac vice admission to non-admitted attorneys to appear in state and municipal agency, board and commission proceedings on the same terms and conditions for pro hac admission in Superior Court proceedings. The proposed rule change would clarify that any such requests go to the Judicial Branch, even if no court proceeding is pending. *This will be included on the agenda of the Superior Court judges Annual Meeting in June.*

WIN Legal Aid Block Grant Funding. The CBA, on behalf of the Pro Bono Committee, *supports* restoration of the social service block grant regarding Legal Aid funding to the state budget. *This was included in the budget this year.*

Ethics Reporting Requirements. The CBA, on behalf of the Executive Committee, *supports* [HB 5229](#), An Act Changing Certain Reporting Requirements in the State Codes of Ethics, which would eliminate the requirement that lobbying organizations report public officials that attend and actively participate at an event. *This bill was approved in the House.*

Animal Law Section:

WIN Animal Cruelty Penalties. The Animal Law Section supports [legislation](#) to adopt the same penalties for malicious and intentional animal cruelty as the state of Massachusetts. *This bill was signed by the governor.*

Business Law Section:

WIN Uniform Limited Liability Company Act. The Business Law and the Litigation Sections support adopting the [CT Uniform Limited Liability Company Act](#). *This bill has been signed by the governor.*

Commercial Finance Section:

2012 Amendments to Article 4A (Funds Transfers) of the Uniform Commercial Code (“UCC”). The [Commercial Finance Section](#) supports adopting the 2012 Amendments to Article 4A (Funds Transfers) of the Uniform Commercial Code (“UCC”) drafted and approved by the National Conference of Commissioners on Uniform State Laws and the American Law Institute which would clarify the interaction of UCC Article 4A and the federal Electronic Funds Transfer Act of 1978. The adoption of these amendments in Connecticut will correct a problem in the existing statute exacerbated by recent changes in the federal Dodd-Frank legislation and, when adopted, will make its laws and practice generally conform to that of other states. *This legislation was included in another bill, and once again, the unpredictable happened when the bill was referred and not placed on a committee agenda ... a committee mistake ... however, it caused the entire bill’s demise.*

Disability Law Section:

Asset Limits. The Disability Law Section supports legislation that eliminates [asset limits](#) for individuals to qualify for the Med-Connect program, which provides Medicaid coverage to working individuals with disabilities. *Because of budget implications, this bill which was referred to Appropriations, died in Committee.*

Elder Law Section:

Personal Needs Allowance. The Elder Law Section supports legislation increasing the [personal needs allowance](#) for nursing home residents on Medicaid. *Though the bill passed out of the Committee on Aging, it was referred to Appropriations and because of budget implications it died in Committee.*

Community Spouse Protected Amount. The Elder Law Section supports legislation and/or administrative and regulatory advocacy that would increase the minimum [Community Spouse Protected](#) Amount to the maximum Community Spouse Protected Amount in the Medicaid long-term care coverage group for married couples. *Though the bill was reported out of the Human Services Committee, it was never raised in the House.*

Probate Court orders. The Elder Law Section supports legislation that would require state agencies to recognize, apply and enforce any order, denial or decree of a Probate Court. *Though this bill was consented in Senate, it was not raised in the House.*

WIN Legal Services for the Poor. The Pro Bono Committee and the Elder Law section support SB428, 'An Act Concerning Funding of Legal Services for the Poor', which would increase funding of the delivery of legal services to the poor by creating grant-in-aid from the Client Security Fund and to increase certain court fees by 3%. *The governor has signed this legislation.*

WIN Life Insurance Policy value. The Elder Law Section supports SB 107, An Act Concerning the Treatment of the Cash Value of Life Insurance Policies When Evaluating Medicaid Eligibility. Approved by the House of Delegates, March 21, 2016; expires the end of the 2018 session. *This bill has been signed by the governor.*

WIN Written Agreements. The Elder Law Section opposes legislation that would require a written agreement between a Medicaid applicant or recipient and a family member. *Though this bill passed Human Services, we were convincing in that the bill was not raised in the Senate.*

WIN Waivers. The Elder Law Section opposes Section 32 of SB17 which would repeal C.G.S. 17b-8. C.G.S. providing legislative oversight by the Appropriations and Human Services committees over requests for waivers by the Department of Social Services to the Centers for Medicare and Medicaid Services. *This was in the governor's initial budget which was withdrawn.*

WIN Agency Efficiency in the Regulation Process. The Elder Law Section opposes legislation that would allow agency heads the ability to not promulgate certain legislative regulations. *This legislation died after the public hearing.*

DSS payments. The Elder Law Section supports legislation requiring the Department of Social Services to provide payments for Medicaid services almost immediately upon application for services, as long as the individual didn't transfer any assets for less than fair market value during the 60 months before applying for services. *This bill was not raised in the House.*

WIN Annuity Income. The Elder Law Section opposes legislation that seeks to include the nontaxable annuity income from the spouse of an institutionalized individual who is a Medicaid recipient to the spouse's income for purposes of determining the amount that the spouse owes as a contribution as a "legally liable relative." *This bill was left on the House floor.*

Transfer of Assets. The Elder Law Section *opposes* and seeks changes to proposed regulations effecting patient transfer of assets and nursing home eligibility qualifications issued by the Department of Social Services intending to implement provisions of the 2006 Federal Deficit Reduction Act (DRA). *This regulation is still being bandied about in the Regulations Review Committee.*

Elder Law and Real Property Section:

Prior Title Holders. The Elder Law and Real Property Sections *supports* [SB 407](#), "An Act Preserving the Interests of Prior Title Holders," which prevents a previously recorded interest in property from losing its priority to an unrecorded or subsequently recorded claim or lien by the state against a person for repayment of state aid. *Though this bill was voted out of Banking, Judiciary and Finance, it was left on the Senate floor.*

Elder Law and Estates & Probate Section:

WIN Uniform Power of Attorney. The Elder Law and the Estates & Probate Sections *supports* legislation adopting the [Uniform Power of Attorney Act](#) with modification. *The governor has signed this legislation.*

Estates and Probate Section:

WIN Uniform Fiduciary Access to Digital Assets Act. The Estates & Probate Section *supports* the "Uniform Fiduciary Access to [Digital Assets Act](#)" that ensures account-holders retain control of their digital property and plan for its ultimate disposition after their death. *This legislation has been signed by the governor.*

Uniform Recognition of Substitute Decision-Making Documents Act. The Estates & Probate Section *supports* the "[Uniform Recognition of Substitute Decision-Making Documents Act](#)" which is a joint endeavor of the Uniform Law Commission and the Uniform Law Conference of Canada undertaken to promote the portability and usefulness of substitute decision-making documents for property, health care, and personal care whether the documents are created within or outside of the jurisdiction where a substitute decision is needed. *At the beginning of the session, the Judiciary Committee joined this bill with the Power of Attorney Act. With less than 10 days to end the session, the Bankers had a problem with language regarding "acknowledgement." Instead of losing the whole bill, this legislation was pulled so that the POA was saved. We will deal with our Banker friends before the next session.*

WIN Probate fees. Estates & Probate *supports* legislation to modify Probate Court fees on decedents' estates and to receive funding from the general fund. *Throughout the session we worked tirelessly to endorse state funding of the probate system and a cap on the probate fees.*

Environmental Law Section:

Administrative Orders on Consent. The Environmental Law Section supports legislation to clarify that the power of the Connecticut Department of Energy and Environmental Protection to "issue, modify or revoke" administrative orders under Conn. Gen. Stat. §22a does not authorize unilateral revocation of administrative orders on consent. *This legislation was a scrum in the last couple of days. It's was DEEP's prime bill to kill. SB431 was amended to [SB326](#), and it passed the circle. DEEP had not wanted to discuss until the bill became 326. Though the bill did not get raised in the final hours, there were promises to discuss during the summer.*

Family Law Section:

WIN Teacher Pension Retention. The Family Law Section supports legislation concerning "An Act Concerning Retention of the Co-participant Option under the Teachers' Retirement System after Divorce". *This legislation has been signed by the governor.*

Human Rights & Responsibilities Section:

WIN Human Trafficking. The Human Rights and Responsibilities Section supports potential legislation that seeks to reduce human trafficking and assists the victims of human trafficking. *This legislation was signed by the governor.*

WIN CHRO Independence. The Human Rights and Responsibilities Section opposes legislative efforts in [HB5049](#) to eliminate CHRO's independence in order to, among other things, maintain its eligibility for continued federal funding and preserve the independence of the decision-making process. *CHRO still remains independent.*

WIN Domestic Violence. The Human Rights and Responsibilities Section supports legislative efforts to make changes in various laws that relate to orders of protection and service of process. *This legislation was signed by the governor.*

Litigation Section:

WIN Rule 11. The Litigation section opposes [HB5525](#), "An Act Concerning Court Authority to Impose Sanctions in Civil Actions" which purports to authorize the Courts to impose sanctions in civil actions similar to Rule 11 under the Federal Rules of Civil Procedure. *This bill was not raised for a vote in Judiciary Committee.*

WIN Uniform Limited Liability Company Act. The Litigation Business Law and the Sections support adopting the [CT Uniform Limited Liability Company Act](#). *This bill has been signed by the governor.*

Litigation and Tax Law Sections:

WIN Municipal Tax Appeals. The Litigation Section and the Tax Law Section oppose [HB5183](#), An Act Concerning Attorney Fee Agreements in Municipal Tax Appeals, which proposes to prohibit contingency attorneys' fee agreements in certain appeals of property tax assessments to the Connecticut Superior Court. *This bill did not move out of the Planning & Development Committee.*

Media and the Law Section:

State Civic Network. The Media and the Law section supports [legislation](#) that would create the Connecticut Network (CT-N) into the State Civic Network providing expanded viewing of state government meetings and hearings through video and internet streaming. *The Senate placed this bill on the foot of the calendar.*

Real Property Section:

Building Permit. The Real Property Section supports legislation that would deem any building permit older than nine years closed by operation of law, thereby eliminating the need to obtain a "6 year letter" after a period of nine years from the date the permit was issued. This will save time and money for property owners selling the property, and the purchaser understanding that nothing further is needed. *This bill was one of the first to make it out of the House, however, though promised it was running on the last day, it was never raised in the senate. Next year.*

Adverse Possession. The Real Property Section opposes [legislation](#) that would eliminate the possibility of acquiring property by adverse possession property when the owner pays the taxes on the land in question. *We proposed to fix this bill which had unintended consequences, however, though approved in committee, it was never raised in the Capitol.*

Veterans and Military Affairs Section:

Military Spouse Licensing Rule. The Veterans and Military Affairs Section supports a proposed amendment to Practice Book 2-13 which would provide a licensed attorney spouse of a transferred military member licensure in CT without having to take the CT bar exam. *Although approved by the CT Bar Examining Committee, the proposal was not placed on the May 2016 Rules Committee agenda...waiting until next year.*

Soldiers Sailors Fund. The Veterans and Military Affairs section supports [legislation](#) which would subject records of the American Legion State Fund Commission to disclosure under the Freedom of Information Act. This is a state fund with a corpus of over \$68 million, the beneficiaries of which are our state's veterans. *This bill was left on the Senate floor.*

Homeowner tax benefit. The Veterans and Military Affairs Section supports legislation which would supplement the real property tax freeze for qualified homeowners aged sixty-five years or older with an additional three-thousand dollar benefit to veterans that have a disability rating of at least ten per cent. *This bill was left on the Senate floor.*

Veterans Home Eligibility. The Veterans and Military Affairs Section supports legislation which expands veteran eligibility to the state Veterans' Home by removing the service in time of war requirement. The bill also lowers the residency requirement from two years to thirty-days of continuous residency. *This bill was left on the House floor.*

Tuition Waiver. The Veterans and Military Affairs Section supports legislation which would waive payment of tuition and enrollment fees for veterans and members of the Connecticut National Guard enrolled at any public institution in the state. *This bill was also left on the Senate floor.*

WIN Health Records no Charge. The Veterans and Military Affairs Section supports legislation that would prohibit health providers from charging for health records requested in support of claims or appeals for veterans' benefits. *This bill has been signed by the governor.*

WIN Veteran-Owned Business. The Veterans and Military Affairs section supports legislation which would permit the Commissioner of Administrative Services to give a 15% preference with open market orders or contracts to veteran-owned micro businesses. A "veteran-owned micro business" is defined as a company that has less than three million dollars in gross revenues for the preceding year and has at least 51% ownership held by veterans. The bill would also waive the business entity tax for any veteran owned business, established after July 1st, 2016, for the first taxable year. *This bill has been signed by the governor.*

Pro Bono Committee

WIN Civil Gideon. The Pro Bono Committee and the Elder Law section support SB 426 'An Act Creating a Task Force to Improve Access to Legal Counsel in Civil Matters', creating a 33 member task force that will examine and make recommendations on different mechanisms to increase legal representation in civil proceedings in the state of Connecticut. *The governor has signed this special act.*

WIN Legal Services for the Poor. The Pro Bono Committee and the Elder Law section support SB428, 'An Act Concerning Funding of Legal Services for the Poor' which would increase funding of the delivery of legal services to the poor by creating grant-in-aid from the Client Security Fund and to increase certain court fees by 3%. *The governor has signed this legislation.*

Cash Bail Bonds. The Pro Bono committee *supports* legislative efforts in [Section 27 of Governor's Bill 18](#), *An Act Concerning a Second Chance Society*, proposing that cash bail bonds posted by criminal defendants be deposited in interest bearing accounts. The interest earned on such deposits and bonds forfeited by accused individuals failing to appear for a court date would be used to fund civil legal assistance for low income residents. *The Second Chance bill was never raised.*

Special Committee on Sex Trafficking of Children

WIN Vacating prostitution-related offenses. The Special Committee on Sex Trafficking of Children *supports* an [amendment](#) to section 54-95c of the Connecticut General Statutes to rectify the gaps in its protection by vacating prostitution convictions of adults deemed sex trafficked individuals who have been criminalized as a result of their victimization. *The governor has signed this bill.*

Standing Committee on Professional Ethics:

Proposed Rule Changes.

The CBA's Standing Committee on Professional Ethics *proposes* the following changes to the Rules Committee of the Superior Court:

- To oppose the proposed amendment of Rule 1.11 (Special Conflicts of Interest for Former and Government Officers and Employees) as proposed to the Rules Committee of the Superior Court. *This proposal is on the agenda for the Judges Annual meeting in June.*