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At the Capitol

By Bill Chapman

This year's legislative session ended at midnight on June 7. Or did it? We still need a budget. The governor and all four caucuses had budgets but none were introduced for discussion or vote by the end of the day on June 30. So, the governor signed an executive order on June 30 to keep the government running for the next quarter. The governor stated that there will be some cuts, but many programs need to be able to operate especially, for the mentally ill, the disabled, and others who simply cannot care for themselves.



The House Democrats offered a budget that would have increased sales tax to 6.99 percent. They started with a revenue ask to which the other caucuses were in opposition. The House, on July 24, approved the labor concessions agreement by a slight 78-72 vote, needing 76 votes for passage. The Senate also approved the proposed concessions bill, which was approved by 83 percent of its union voters.

There is talk as of this writing that a budget may not be approved until October, at which time an implementer bill should be included. It is our hope that the budget may include a repeal of the Connecticut gift tax, an estate tax exemption adjusting the Connecticut estate tax exemption to match the federal estate tax exemption, and the approval of Civil Gideon legislation. We'd be grateful for all or some of these to be included, though it's possible or probable to return next year with these same requests.

With the budget in the forefront of all legislative discussions, and with the way a legislator votes on the budget weighing heavily over them for their 2018 elections, it still was very difficult for lobbying groups to get any of their bills passed or to stop any bills which they opposed. If a bill had a fiscal note on it, most likely it would not move out of committee or into the house or senate chambers for a vote.

Besides myself, the CBA is fortunate to have Bob Shea continue working with the Estates and Probate and the Family Law Sections, while Melissa Biggs is working with the Elder Law Section. We have all worked strenuously during this past session to advance the CBA's legislative agenda. Some of our results follow.

Bills Supported And Passed

HB7309, AN ACT CONCERNING HUMAN TRAFFICKING

This act makes various changes in laws that pertain to human trafficking, including the types of conduct punishable as a trafficking in persons crime and increases the penalty for the crime.

HB7311, AN ACT CONCERNING LIMITED LIABILITY COMPANIES AND BUSINESS CORPORATIONS

This bill makes numerous changes to statutes governing business corporations and limited liability companies (LLCs). Principally, it (1) revises the Connecticut Business Corporation Act (§§ 1-24 and 44-45) and (2) makes minor and technical changes to the Connecticut Uniform LLC Act, which was passed in 2016 and is effective as of July 1, 2017 (§§ 25-42).

SB884, AN ACT ADOPTING THE CONNECTICUT UNIFORM RECOGNITION OF SUBSTITUTE DECISION-MAKING DOCUMENTS ACT AND REVISING THE CONNECTICUT UNIFORM POWER OF ATTORNEY ACT

This act establishes the "Connecticut Uniform Recognition of Substitute Decision-Making Documents Act" and makes it applicable to any substitute decision-making document created before, on, or after October 1, 2017. The act revises the Uniform Power of Attorney Act (UPOA) by (1) allowing the use of forms substantially similar to the statutory forms; (2) broadening the list of activities that require a power of attorney's specific grant of authority; and (3) revising the statutory forms, including adding provisions for digital devices, digital assets, user accounts, electronically stored information, and intellectual property.

HB7046, AN ACT CONCERNING THE CLOSURE OF CERTAIN BUILDING PERMITS

This act automatically closes certain open building permits nine years after a municipality issues them if a certificate of occupancy has not been granted.

HB6695, AN ACT CONCERNING THE PROTECTION OF YOUTH FROM CONVERSION THERAPY

This act prohibits health care providers from practicing or administering "conversion therapy" (i. e., any practice or treatment that seeks to change a minor's sexual orientation or gender identity).

SB816, AN ACT CONCERNING THE APPLICATION OF THE UNIFORM COMMERCIAL CODE TO CERTAIN FUNDS TRANSFERS UNDER THE ELECTRONIC FUND TRANSFER ACT

This act addresses a gap in how state and federal law apply to remittance transfers

by allowing state law to apply whenever federal law does not.

HB7044, AN ACT CONCERNING PRETRIAL JUSTICE REFORM

This bill makes various changes in laws concerning pretrial detention for certain crimes, including limiting the circumstances in which a court can impose financial conditions of release for someone charged only with a misdemeanor that is not a family violence crime.

SB938, AN ACT CONCERNING THE DEPARTMENT OF PUBLIC HEALTH'S RECOMMENDATIONS FOR THE STATE-WIDE ADOPTION OF THE MEDICAL ORDERS FOR LIFE-SUSTAINING TREATMENT PROGRAM

Under the act, a MOLST is a medical order written by a physician, advanced practice registered nurse (APRN), or physician assistant (PA) to effectuate a patient's request for life-sustaining treatment when a physician or APRN has determined the patient is approaching the end stage of a serious, life-limiting illness or is in a condition of advanced, chronic progressive frailty. The act requires the DPH commissioner to adopt regulations on various matters to implement the statewide program, such as ensuring that (1) MOLST orders are transferrable and recognized by various types of health care institutions and (2) authorized providers intending to write these orders receive training on specified matters.

Bills Opposed (Partially) then CBA Amended and Supported

HB7196, AN ACT CONCERNING NON-ADVERSARIAL DISSOLUTION OF MARRIAGE

This act makes changes in the conditions for nonadversarial divorce actions. In so doing, it extends this divorce option to certain parties who (1) have been married for nine years or less instead of eight years or less and (2) own property with a total combined net fair market value less than \$80,000 instead of less than \$35,000.

SB976, AN ACT CONCERNING CONSERVATOR ACCOUNTABILITY

This act authorizes the probate court administrator, within available appropriations, to audit an account of a "conservator of the

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Capitol Wrap

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estate." By law, a "conservator of the estate" is generally a person the probate court appoints to supervise the financial affairs of someone (1) found to be incapable of managing his or her own affairs or (2) who asks the court to make such an appointment, including temporary conservators. It also requires the probate court administrator, in consultation with the Connecticut Probate Assembly, to adopt standards of practice to guide all court-appointed conservators in performing their duties.

HB7100, AN ACT CONCERNING AMERICAN LEGION STATE FUND COMMISSION TRANSPARENCY AND MUNICIPAL OPTION PROPERTY TAX EXEMPTIONS FOR CERTAIN VETERANS

The bill, generally, deems any American Legion records related to the administration of the Soldiers', Sailors', and Marines' Fund (SSMF) as public records and subject to disclosure under the

Freedom of Information Act. It prohibits the state treasurer, as the SSMF custodian and trustee, from disclosing certain personal information.

Opposed and Expired

HB7130, AN ACT CONCERNING EFFECTUATION OF QUITCLAIM DEEDS

To require both the grantor and the grantee, or their duly authorized legal representatives, to be present at the time a quitclaim deed is executed.

HB7197, AN ACT INCREASING THE JURISDICTIONAL MONETARY LIMIT IN SMALL CLAIMS MATTERS

To increase the jurisdictional monetary limit in small claims matters from \$5,000 to \$7,500.

HB6681, AN ACT CONCERNING MUNICIPAL TAX APPEALS AND CONTINGENCY AGREEMENTS

To require persons representing property owners or lessors in certain appeals concerning real property assessments to be either attorneys or certified or provisionally licensed real estate appraisers, and to prohibit contingency fee agreements in such appeals.

HB7029, AN ACT CONCERNING THE PROTECTIONS OF ELDERLY PERSONS FROM ACTUAL OR SUSPECTED FINANCIAL ABUSE

To protect elderly persons from actual or suspected financial abuse.

SB1049, AN ACT CONCERNING REGISTRATION FEES FOR COUNSEL AND GUARDIANS AD LITEM FOR MINOR CHILDREN AND OTHER REQUIREMENTS FOR CERTAIN FAMILY RELATIONS MATTERS

To establish registration fees for counsel and guardians ad litem for minor children and specify other requirements for certain family relations matters.

SB107, AN ACT CONCERNING THE TRANSFER OF TITLE TO LAND ACQUIRED BY ADVERSE POSSESSION.

To limit a person's ability to transfer title to land acquired by adverse possession.

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