



Capitol Update: 2018 Legislative Session

By Bill Chapman

Connecticut's legislative session ended on May 9. This year was the short session since it is a big election year, with all 151 House seats and 36 Senate seats potentially available in the fall election.

With 11 percent of the House leaving the legislature, only 22 incumbent House lawyers and four incumbent Senate lawyers will be running for office this year. Also, it is a question as to whether the speaker of the house will remain in his position, or if there will be a different voice and leadership in the House next year? There are only a few seats to flip for that change to happen.

Constitutional offices are also up for election: governor, attorney general, treasurer, and lieutenant governor.

During this session there were numerous hearings for judges—those being renominated and those nominated (32) for the first time.

Some topics of bills that did not pass in the legislature this session included gambling, sports betting, recreational marijuana, tolls, minimum wage, and sexual harassment statute of limitations.

Some topics of bills that did pass in the legislature this session included dreamers, banning bump stock, national popular vote, domestic violence primary aggressor, crumbling foundations funding, drug pricing controls, and pay equity.

The budget passed in the last day of the session and was approved without many of the legislators noting what was or wasn't in that budget. Knowing that the budget hung over every aspect of bills being brought before the legislature that not many would pass, or they would be included in omnibus bills and if they had any money posted with the bills that they would not advance. Work-

ing feverishly each day before and through the session to advance the CBA agenda, below are some of our results of the 500 bills we watched all year.

Bills Supported and Passed

HB-5258 AA ADOPTING THE REVISED UNIFORM ARBITRATION ACT

This bill is to respond to the increased use of arbitration in resolving disputes and revise and modernize arbitration procedures by adopting the Revised Uniform Arbitration Act. Since this was revised by the Uniform Law Commission, we were pleased to finally get the bill enacted after a good ten years.

SB-483 AAC THE PREVENTION AND TREATMENT OF OPIOID DEPENDENCY AND OPIOID OVERDOSES IN THE STATE

This became an omnibus bill that included many aspects of the call to alleviate the opioid crisis, including the study of establishing opioid intervention court(s) in the state. This bill also prohibits prescribing practitioners from prescribing controlled substances to self or family members; requires the Alcohol and Drug Council to convene a working group to evaluate methods of combating the opioid epidemic; requires hospital and emergency medical services personnel that treats a patient to report such overdose to DPH; and extends a pilot treatment program at corrections.

SB-215 AAC COURT OPERATIONS

This bill makes various clarifications and technical changes, and includes extending the "Civil Gideon" pilot program reporting requirements.

HB-5470 AAC THE PROVISION OF TIMELY NOTICE OF CHILD PLACEMENT INFORMATION FROM THE DEPARTMENT OF CHILDREN AND FAMILIES TO THE ATTORNEY

REPRESENTING THE CHILD IN A CHILD PROTECTION MATTER

This bill was supported by our Child Welfare and Juvenile Law Section to provide this timely notice information to an attorney or GAL representing a child in a child protection matter.

SB-247 AAC PROBATE COURT OPERATIONS

This bill makes minor revisions to statutes governing certain probate court procedures.

SB-509 AAC NEWLY DISCOVERED EVIDENCE

This bill is about junk science, new evidence to be considered in the same manner as DNA evidence for a petition for a new trial.

HB-5241 AAC ESTABLISHING FINES FOR VIOLATIONS OF THE ELECTRONIC PRESCRIPTION DRUG MONITORING PROGRAM

This bill is an effort to reduce the number of deaths related to opioid prescriptions

HB-5149 AAC SOBER LIVING HOMES

This bill will permit sober living homes to register with the Department of Mental Health and Addiction Services. Additional work needs to be done for the next session and CBA will be involved.

HB-5575 AAC THE APPOINTMENT OF A LICENSED HEALTH CARE PROFESSIONAL TO PROVIDE TREATMENT OR AN EVALUATION IN CONNECTION WITH A FAMILY RELATIONS MATTER

This bill establishes a process for selecting qualified, licensed health care providers in family relations matters involving court-ordered treatment or evaluation of parents and children.

Worked Hard, But Never Approved in Both Chambers

SB-397 AAC ADOPTION OF THE UNIFORM TRUST CODE, THE CONNECTICUT UNIFORM DIRECTED TRUST ACT AND THE CONNECTICUT QUALIFIED DISPOSITIONS IN TRUST ACT

This bill was intended to update the Trust Code. Passed in the Senate and wished there were three more minutes left in the House on the last night.

HB-5251 AA ESTABLISHING BENEFIT LIMITED LIABILITY COMPANIES

This bill establishes a legal framework for forming a limited liability company (LLC) that both pursues social benefits and increases value (a benefit limited liability company, or b-LLC). The structure is similar to the one in place for benefit corporations (b-corps). The Secretary of the State placed a fiscal note on this bill of \$60,000.

HB-5472 AAC THE CERTIFICATION OF SHORTHAND REPORTERS AND CONCERN-

ING A STUDY OF VIDEO COURT APPEARANCES BY DEFENDANTS

This bill would require Department of Consumer Protection certification to shorthand reporters who work for compensation in the state. It had been eliminated in 2017.

SB-234 AAC PERMITTING A COMMUNITY SPOUSE OF AN INSTITUTIONALIZED SPOUSE TO RETAIN THE MAXIMUM AMOUNT OF ALLOWABLE ASSETS

This bill is to allow a community spouse of an institutionalized spouse to retain the maximum amount of resources allowable under federal law. The Finance Committee did not approve for fiscal reasons. We have tried for years.

SB-399 AAC THE UNIFORM PROTECTED SERIES ACT

This bill would adopt the Uniform Protected Series Act (UPSA), which creates a framework for forming and operating a protected series of a limited liability company (LLC). A "protected series" is an entity governed

by the operating agreement of a series LLC (a "series LLC" is an LLC with one or more protected series). Generally, the bill deems a protected series as an independent LLC, which, with certain exceptions, subjects it to the same requirements existing law applies to other LLCs. The Secretary of the State in her fiscal note stated that this would cost \$500,000 to enact.

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 legislative agenda. **CL**



Bill Chapman handles government and community relations for the CBA.

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Alternative Dispute Resolution Practice



(Left to right) Retired Judges Michael Riley, Anne Dranginis, Robert Holzberg and Lynda Munro

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For more information, please contact:

Robert L. Holzberg, Chair
860.424.4381
rholzberg@pullcom.com

David P. Atkins
203.330.2103
datkins@pullcom.com

Anne C. Dranginis
203.330.2246
adranginis@pullcom.com

Andrew C. Glassman
860.541.3316
aglassman@pullcom.com

Frederic L. Klein
860.424.4354
fklein@pullcom.com

Lynda B. Munro
203.330.2065
lmunro@pullcom.com

Michael E. Riley
860.424.4333
mriley@pullcom.com

Gregory F. Servodidio
860.424.4332
gservodidio@pullcom.com

Ronald C. Sharp
203.330.2148
rsharp@pullcom.com

James T. Shearin
203.330.2240
jtshearin@pullcom.com

H. William Shure
203.330.2232
hwshure@pullcom.com

pullcom.com
@pullmancomley

BRIDGEPORT
203.330.2000

HARTFORD
860.424.4300

STAMFORD
203.324.5000

WATERBURY
203.573.9700

WHITE PLAINS
914.705.5355