

CBA LEGISLATIVE AGENDA

December 2017

The Connecticut Bar Association has authorized Association positions on the following issues for the 2017-2018 regular legislative session of the Connecticut General Assembly:

Threatening of Judges. The CBA, on behalf of the Executive Committee, supports legislation to increase penalties for threatening judges when the threat is related to the victim's official duties. Approved by the House of Delegates, September 19, 2016; expires end of 2019 Legislative session.

Civil Gideon. The CBA, on behalf of the Pro Bono Committee, supports legislation of a pilot program for counsel for indigents in civil restraining orders under CGS 46b-15. Currently applicants and respondents without sufficient funds lack access to counsel. This bill arises out of the Task Force for Right to Counsel in Civil Matters. Approved by the House of Delegates, September 18, 2017; expires end of 2020 Legislative session.

Tax on Legal Services. The CBA, on behalf of the CBA Executive Committee, opposes the imposition of any tax on legal services. Approved by the House of Delegates, December 11, 2017; expires end of 2020 Legislative session.

Legal Services to Homeless Veterans. The CBA, on behalf of the Pro Bono Committee, supports Congressional legislation in HR2703 (Legal Services to Homeless Veterans Act of 2017) that would amend Title 38, United States Code, to authorize the Secretary of Veterans Affairs to award grants or enter into contracts with public and private entities to provide pro bono legal services to homeless veterans and veterans at risk of homelessness. Such grants and contracts are subject to the availability of funds. Approved by the House of Delegates, June 19, 2017; expires end of 2020 Legislative session.

Conversion Therapy. The CBA, on behalf of the HRR & LGBT Sections, supports "An Act Concerning the Protection of Youth from Conversion Therapy" for which this bill protects youth under 18 years of age as these sections have long supported protecting of the LGBT community from discrimination and bully behavior from those who cannot accept the person as they are. Approved by the House of Delegates, March 20, 2017; expires end of 2019 Legislative session. (PA17-5).

Public Service Loan Forgiveness. The CBA, on behalf of the Veterans and Military Affairs Section, opposes the elimination of federal student loan forgiveness (Public Service Loan Forgiveness Program) for those lawyers involved in public service. Approved by the House of Delegates, December 10, 2015; expires end of 2018 Legislative session.

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. Approved by the House of Delegates, March 21, 2016; expires the end of the 2018 Legislative session.

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. Approved by the House of Delegates, December 10, 2015; expires December 10, 2018.

Ethics Reporting Requirements. The CBA, on behalf of the Executive Committee, supports legislation, titled such as 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. Approved by the House of Delegates, March 21, 2016; expires the end of the 2018 Legislative session.

Revised Uniform Arbitration Act. The CBA, on behalf of the Alternative Dispute Resolution Section and the Litigation Section, supports the Revised Uniform Arbitration Act as promulgated by the National Conference of Commissioners on Uniform State Laws, now called the Uniform Law Commission. Approved by the House of Delegates, June 20, 2016; expires end of 2019 Legislative session.

A CBA Section has an authorized position on the following issues during the 2017-2018 regular legislative session of the Connecticut General Assembly:

Alternative Dispute Resolution Section:

UNCITRAL Model Law on International Commercial Arbitration. The Alternative Dispute Resolution Section supports the revisions to the UNCITRAL Model Law on International Commercial Arbitration (CGS Statutes Title 50a). The revisions clarify a number of points not well-covered when the Model Law was drafted in 1985: interim measures of protection and to modernize the required form for an arbitration agreement. Approved by the House of Delegates, June 20, 2016; expires end of 2019 Legislative session.

UNCITRAL Model Law on Internal Commercial Conciliation (Mediation). The Alternative Dispute Resolution Section supports the UNCITRAL Model Law on Internal Commercial Mediation. While mediation used to be a rare thing, it has become more mainstream. It is used in international cases as well as domestic cases. Since there is an international "standard", it would keep Connecticut competitive internationally to have it. Approved by the House of Delegates, June 20, 2016; expires end of 2019 Legislative session.

Business Law Section:

Establishing Benefit Limited Liability Companies. The **Business Law section** supports legislation creating a Connecticut Benefit Limited Liability Companies Act similar to the Connecticut Benefit Corporation Act. Approved by the House of Delegates, December 12, 2016; expires end of 2019 Legislative session.

Uniform Limited Liability Company Act. The Business Law and the Litigation Sections support adopting the CT Uniform Limited Liability Company Act. Approved by the House of Delegates, December 10, 2015; expires end of 2018 Legislative session. (PA16-97)

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. Approved by the House of Delegates, September 21, 2015; expires end of 2018 Legislative session. (PA17-40)

Fraudulent Filings. The Commercial Finance section supports AAC Fraudulent Filings, with the recommendation that the proposed Act be amended to require the petitioner to send notice of the petition and proposed hearing date to all parties named in the filing having interests therein. The court should require proof of such notice before taking action on such petition. Approved by the House of Delegates, March 20, 2017; expires end of 2019 Legislative session. (PA17-99)

Construction Law Section:

Prohibiting Mandatory Alternative Dispute Resolution Clauses. The Construction Law Section opposes legislation prohibiting mandatory ADR in home improvement and new home construction contracts. Approved by the House of Delegates, December 10, 2015; expires end of 2018 Legislative session.

State Contracts Enforcement. The Construction Law Section supports legislation which would authorize and allow the enforcement of state construction contracts signed by the State’s authorized representatives. Approved by the House of Delegates, June 20, 2016; expires end of 2019 Legislative session.

Pass Through Claims. The Construction Law Section supports legislation amending C.G.S. §4-61 to allow general contractors to include subcontractor pass-through claims in a claim against the state arising out of a highway or public works contract without requiring the contractor to first admit liability for the subcontractor’s claim. Approved by the House of Delegates, June 20, 2016; expires end of 2019 Legislative session.

False Claims Act. The Construction Law Section opposes the establishment of a state False Claims Act which could potentially be misused. It would impose significant civil and criminal penalties; is an incorrect remedy for problems associated with the state contract bidding process; and would likely reduce business with the state and revenue. The Section is not opposed to legislation that would include penalties resulting from willful or intentional fraudulent conduct. Approved by the House of Delegates, June 20, 2016; expires end of 2019 Legislative session.

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. Approved by the House of Delegates, June 20, 2016; expires end of 2019 Legislative session.

Elder Law Section:

Protections of Elderly from Abuse. The Elder Law section opposes banking legislation calling on elder abuse protections that are too broad in scope and do not provide any procedural safeguards including notice, recourse, or appeal rights to the bank customer/elderly person. Approved by the House of Delegates, December 11, 2017; expires end of 2020 Legislative session.

Elder Exploitation. The Elder Law section opposes legislation which is intended to prevent elder abuse and exploitation but is so broadly drafted as to create significant adverse unintended consequences for the families of elderly citizens. Elderly being defined as anyone 60+. Approved by the House of Delegates, December 11, 2017; expires end of 2020 Legislative session.

Money Follows the Person. The Elder Law section supports legislation that would increase the availability of home and community based services for the elderly and individuals under age sixty-five, including but not limited to, increasing the number of persons served in various Medicaid waiver programs and/or increasing the availability of services under the Money Follows the Person Program. Approved by the House of Delegates, December 11, 2017; expires end of 2020 Legislative session.

Surviving Spouse a Statutory Share. The Elder Law section opposes legislation that would provide a Probate Court judge with the discretion to award a surviving spouse a statutory share of an estate that exceeds one-third of all property passing under a will based on the equities of the case. Approved by the House of Delegates, December 11, 2017; expires end of 2020 Legislative session.

Inaccessible Assets. The Elder Law section opposes legislation from the Department of Social Services (DSS) to remove the word "inaccessible" as it applies to assets and income in Medicaid and certain other programs. Approved by the House of Delegates, January 23, 2017; expires end of 2019 Legislative session.

Personal Needs Allowance. The Elder Law Section supports legislation increasing the personal needs allowance for nursing home residents on Medicaid. Approved by the House of Delegates, December 10, 2015; expires end of 2018 Legislative session.

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. Approved by the House of Delegates, March 21, 2016; expires the end of the 2018 Legislative session.

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%. Approved by the House of Delegates, March 21, 2016; expires the end of the 2018 Legislative session. (PA16-26)

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 Legislative session.

Written Agreements. The Elder Law Section opposes legislation that would require a written agreement between a Medicaid applicant or recipient and a family member. Approved by the House of Delegates, March 21, 2016; expires the end of the 2018 Legislative session.

Budget line items. The Elder Law Section opposes the elimination of line item budget review in Human Services. Approved by the House of Delegates, March 21, 2016; expires the end of the 2018 Legislative session.

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. Approved by the House of Delegates, March 21, 2016; expires the end of the 2018 Legislative session.

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. Approved by the House of Delegates, March 21, 2016; expires the end of the 2018 Legislative session.

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. Approved by the House of Delegates, March 21, 2016; expires the end of the 2018 Legislative session.

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." Approved by the House of Delegates, June 20, 2016; expires end of 2018 Legislative session.

Applied Income. The Elder Law Section opposes legislation that would add additional grounds for allowing nursing home facilities to transfer or discharge patients, including but not limited to residents who fail to pay applied income to the facility for more than sixty days. Approved by the House of Delegates, June 20, 2016; expires end of 2019 Legislative session.

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). Approved by the House of Delegates, June 20, 2016; expires end of 2019 Legislative session.

Life Use Estates Regulations. The Elder Law Section opposes the CT Department of Social Services (DSS) proposed regulations to amend UPM Section 4030.35, which would change the calculation of interest on life use estates. This proposed regulation would greatly overstate the value of a life use. Approved by the House of Delegates, June 20, 2016; expires end of 2019 Legislative session.

Life Uses. The Elder Law Section opposes an expansion of the state's right of recovery for medical assistance benefits paid to include claims against life uses. Approved by the House of Delegates, June 20, 2016; expires end of 2019 Legislative session.

Elder Law and Human Rights & Responsibilities Sections

Aid in Dying. The Elder Law and the Human Rights and Responsibilities sections oppose legislation concerning "AAC Compassionate Aid in Dying for Terminally Ill Patients" unless additional safe guards are added, which would be that:

1. Care givers and heirs cannot be witness to the request by the patient;
2. Two independent physicians must sign off on the terminal nature of the illness;
3. Nothing in this Act shall limit the jurisdiction or authority of the Office of Protection and Advocacy for People with Disabilities to exercise its statutory powers;
4. The two independent physicians referenced in #2 above must advise the patient of the availability of counseling with a psychologist, psychiatrist or licensed clinical social worker.

As written, this bill would allow a physician to prescribe medication at the request of a mentally competent patient who has a terminal illness that such patient may self-administer to bring about his or her death. Approved by the House of Delegates, December 11, 2017; expires end of 2020 Legislative session.

Elder Law and Real Property Section:

Prior Title Holders. The Elder Law and Real Property Sections supports legislation 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. Approved by the House of Delegates, June 20, 2016; expires end of 2018 Legislative session.

Elder Law and Estates & Probate Section:

Statutory Share. The Estates and Probate and the Elder law sections oppose legislation to increase the value of a surviving spouse's statutory share. Approved by the House of Delegates, March 20, 2017; expires end of 2019 Legislative session.

Uniform Power of Attorney. The Elder Law and the Estates & Probate Sections supports legislation adopting the Uniform Power of Attorney Act with modification. Approved by the House of Delegates, December 10, 2015; expires end of 2018 Legislative session. (PA16-40)

Estates and Probate Section:

Estate Tax Exemption. The Estates & Probate supports legislation to adjust the Connecticut estate tax exemption to match the federal estate tax exemption. Approved by the House of Delegates, March 20, 2017; expires end of 2019 Legislative session.

Gift Tax Repeal. The Estates & Probate section supports legislation to eliminate the Connecticut gift tax. Approved by the House of Delegates, March 20, 2017; expires end of 2019 Legislative session.

Probate fees. Estates & Probate supports legislation to modify Probate Court fees on decedents' estates and to receive funding from the general fund. Approved by the House of Delegates, March 21, 2016; expires the end of the 2018 Legislative session.

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. Approved by the House of Delegates, March 21, 2016; expires the end of the 2018 Legislative session.

Environmental Law and Real Property Sections:

Green Bank. The Environmental Law and Real Property Sections support an amendment to legislation regarding the residential Property Assessed Clean Energy (PACE) Financing program which (i) deletes recent legislation to utilize a super lien and replaces it with text that would make the resulting residential PACE lien subject to existing liens of record and (ii) supports the remaining provisions of such proposed legislation. Approved by the House of Delegates, June 19, 2017; expires the end of the 2020 Legislative session.

Family Law Section:

Non- Adversarial Divorce. The Family Law Section opposes Section 3 of HB7196, "AAC Non-Adversarial Divorce" noting that if the court were to allow default judgements, 14 days is too short a time period. We believe that there should be a longer time period in divorce cases. Approved by the House of Delegates, March 20, 2017; expires end of 2019 Legislative session. (PA17-47)

Alimony Deduction. The Family Law Section opposes in federal legislation (HR 1) the repeal of Sections 215 and 71 of the Internal Revenue Code, which provide for an income tax deduction for individuals who pay qualifying alimony, and require recipients to declare taxable alimony as income. Approved by the House of Delegates, December 11, 2017; expires end of 2020 Legislative session.

DPH and Family Court. The Family Law Section opposes legislation that seeks to establish a task force to study the Department of Public Health's "involvement" in the family court system. Approved by the House of Delegates, December 11, 2017; expires end of 2020 Legislative session.

Litigation Privilege. The Family Law Section opposes abolishment of common law immunity for attorneys for statements made in a courtroom in the prosecution of a case. Approved by the House of Delegates, December 11, 2017; expires end of 2020 Legislative session.

Relocation. The Family Law section supports legislation which would amend C.G.S. 46b-56d to add “the court should not inquire or permit inquiry or consider whether the person seeking relocation of a child will relocate without the child if relocation of the child is denied.” Approved by the House of Delegates, December 11, 2017; expires end of 2020 Legislative session.

Alimony reform. The Family Law section supports legislation which would codify the recommendations of the 2014 Alimony Reform Task Force with the exception of the cohabitation provision. Approved by the House of Delegates, January 23, 2017; expires end of 2019 Legislative session.

Immunity. The Family Law section opposes legislation which would eliminate the absolute quasi-judicial immunity conferred upon AMCs and GALs by Carrubba v. Moskowitz, 274 Conn. 533 (2005) or to further restrict their qualifications, timing of their appointment, compensation, scope of duties, or exercise of their discretion. Approved by the House of Delegates, January 23, 2017; expires end of 2019 Legislative session.

Custody. The Family Law section opposes any attempt to reduce or eliminate judicial discretion to enter orders regarding custody or parental access (visitation) or eliminate the “best interests of the child” standard. Approved by the House of Delegates, January 23, 2017; expires end of 2019 Legislative session.

Immunity for Psychologists & Psychiatrists. The Family Law section supports legislation which would confer quasi-judicial immunity in tort litigation on licensed psychologists appointed by the court to perform forensic evaluations of the parties and/or their child(ren) in custody cases and to further support legislation or practice rules which would require that psychological evaluations entered as exhibits be sealed in the court’s file. Approved by the House of Delegates, January 23, 2017; expires end of 2019 Legislative session.

Parental Alienation in Statute. The Family Law section opposes adding “Parental Alienation” to the C.G.S. §46b-56 factors which the court must consider in making a custody determination. Approved by the House of Delegates, January 23, 2017; expires end of 2019 Legislative session.

Supervised Visitation. The Family Law section opposes legislation which would limit the circumstances under which the court might order supervised visits between a parent and child, or limit the period during which supervised visits may be ordered, or limit the qualifications of providers, or otherwise limit the court’s discretion to enter visitation orders designed to protect the best interests of the child. Approved by the House of Delegates, January 23, 2017; expires end of 2019 Legislative session.

Human Rights & Responsibilities Section:

Human Trafficking. The Human Rights and Responsibilities Section supports potential legislation that seeks to reduce human trafficking and assists the victims of human trafficking. Approved by the House of Delegates, September 21, 2015; expires end of 2018 Legislative session. (PA16-71)

CHRO Independence. The Human Rights Section opposes legislative efforts 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. Approved by the House of Delegates, March 21, 2016; expires end of 2018 Legislative session.

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. Approved by the House of Delegates, September 21, 2015; expires end of 2018 Legislative session. (PA16-34)

Adult Adoptee Birth Certificates: The Human Rights and Responsibilities Section supports restoring the right of adult adoptees to receive a copy of their original birth certificate upon reaching the age of majority. Approved by the House of Delegates, January 25, 2016; expires end of 2018 Legislative session.

Litigation Section:

Municipal Tax Appeals. The Litigation Section and the Tax Law Section oppose legislation regarding 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. Approved by the House of Delegates, March 21, 2016; expires the end of the 2018 Legislative session.

Summary Judgement Deadlines. The Litigation Section supports an amendment to Practice Book Section 17-45 that changes the time deadlines for responding to a summary judgement motion to 45 days after filing the motion, with argument to take place 65 days after filing the motion. Approved by the House of Delegates, December 10, 2015; expires December 10, 2018.

Self-incrimination. The Litigation Section opposes a proposed rule revision to Codes of Evidence regarding "Privilege against self-incrimination" that would protect only natural persons and not corporations whereas corporations in Connecticut do not enjoy privilege against self-incrimination. The opposition is within the commentary of the proposed rule. Approved by the House of Delegates, December 11, 2017; expires December 11, 2020.

Black Boxes. The Litigation Section opposes that black boxes be automatically subject to production pursuant to section 13-3 of the Practice Book. Rather than be automatically required, the need for production should be case to case basis, thus not imposing undue burden and expense. Approved by the House of Delegates, December 11, 2017; expires December 11, 2020.

Uniform Limited Liability Company Act. The Litigation and the Business Law Sections support adopting the CT Uniform Limited Liability Company Act. Approved by the House of Delegates, December 10, 2015; expires end of 2018 Legislative session. (PA16-97)

Rule 11. The Litigation section opposes legislation which purports to authorize the Courts to impose sanctions in civil actions similar to Rule 11 under the Federal Rules of Civil Procedure. Approved by the House of Delegates, March 21, 2016; expires the end of the 2018 Legislative session.

Planning & Zoning Section:

Affordable Housing Applications. The Planning and Zoning Section supports to make amendments in 8-30g of the proposed bill. Approved by the House of Delegates, March 20, 2017; expires end of 2019 Legislative session.

Professional Discipline Section:

Rule 1.11. The Professional Discipline Section opposes a proposed amendment to Rule 1.11 of the Practice book, regarding Special Conflicts of Interest for Former and Current Government Officers and Employees. The proposed amendment seeks to prohibit grievance counsel, disciplinary counsel, bar counsel, and members of the grievance committee and panels from representing clients before the grievance committee and panels for one year after serving in their disciplinary role. Approved by the House of Delegates, December 11, 2017; expires December 11, 2020.

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. Approved by the House of Delegates, December 10, 2015; expires end of 2018 Legislative session. (PA17-176)

Quit Claim Deed. The Real Property opposes legislation 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. Approved by the House of Delegates, March 20, 2017; expires end of 2019 Legislative session.

Infinite Duration of the Succession, Estate and Probate fee liens. The Real Property section supports legislation to address the fact that a) Probate Court fee liens and estate/successions tax liens are of infinite duration; and b) property is sometimes conveyed or mortgaged without such liens being cleared. Approved by the House of Delegates, December 12, 2016; expires end of 2019 Legislative session.

Internal Revenue Code 1031. The Real Property Section opposes federal legislative efforts to (a) repeal section 1031 of the Internal Revenue Code, and (b) limit the amount of capital gains which can be deferred in a section 1031 tax deferred exchange. Approved by the House of Delegates, September 21, 2015; expires September 21, 2018.

Fixed Recording Fees. The Real Property Section supports legislation that would set fixed recording fees for documents to be filed on the land records in Connecticut for one-to-four family housing, without significantly increasing the average cost to record a document, in order to simplify the disclosures process in connection with residential closings occurring after new federal Consumer Financial Protection Bureau (“CFPB”) regulations go into effect on October 3, 2015. Approved by the House of Delegates, December 10, 2015; expires end of 2018 Legislative session.

Good Funds. The Real Property Section supports legislation to require lenders to deliver ‘good funds’ for real estate closings no later than the day scheduled for such real estate closings, which would be a reinstatement of 36a-758a, which was repealed in 2007. Approved by the House of Delegates, June 20, 2016; expires end of 2019 Legislative session.

Allowing Insurance Producers to Sell Title Insurance. The Real Property Section opposes any legislation which may be introduced which would have the effect of permitting non-attorneys to sell title insurance. Approved by the House of Delegates, September 21, 2015; expires end of 2018 Legislative session.

Real Property and Elder Law Section:

Prior Title Holders. The Elder Law and Real Property Sections support legislation that 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. Approved by the House of Delegates, June 20, 2016; expires end of 2018 Legislative session.

Tax Law Section

Municipal Tax Appeals. The Litigation Section and the Tax Law Section oppose legislation concerning 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. Approved by the House of Delegates, March 21, 2016; expires the end of the 2018 Legislative session.

Carried Interest. The Tax Law Section opposes federal regulations regarding “carried interest” as proposed through the Department of the Treasury. Approved by the House of Delegates, December 10, 2015; expires December 10, 2018.

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. Approved by the House of Delegates, March 21, 2016; expires the end of the 2018 session. Judicial Approval June 2017.

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. Approved by the House of Delegates, June 20, 2016; expires end of 2018 Legislative session. (PA17-189)

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. Approved by the House of Delegates, June 20, 2016; expires end of 2018 Legislative session.

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. Approved by the House of Delegates, June 20, 2016; expires end of 2018 Legislative session.

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. Approved by the House of Delegates, June 20, 2016; expires end of 2018 Legislative session.

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. Approved by the House of Delegates, June 20, 2016; expires end of 2018 Legislative session. (PA16-109)

Uniform Military and Overseas Voters Act. The Veterans and Military Affairs Section supports the Uniform Military and Overseas Voters Act (UMOVA) ensuring that military members and their families, serving away from their place of residence at the time of elections, are provided the infrastructure necessary to cast absentee ballots in a timely and meaningful manner. Approved by the House of Delegates, September 21, 2015; expires end of 2018 Legislative session.

Vets 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 1, 2016, for the first taxable year. Approved by the House of Delegates, June 20, 2016; expires end of 2018 Legislative session. (PA16-184)

A **CBA committee** has an authorized position on the following issues during the 2017-2018 regular legislative session of the Connecticut General Assembly:

Diversity & Inclusion Committee:

Refugee Crisis. The Diversity & Inclusion Committee, along with the Young Lawyers section, the Human Rights & Responsibilities section, the Animal Law section, the Women in the Law Section, and the Pro Bono and the Immigration Law Committees support an ABA resolution that:

- Reaffirms that the Connecticut Bar Association supports the establishment of laws, policies, and practices that ensure optimum access to legal protection for refugees, asylum seekers, torture victims, and others deserving of humanitarian refuge.
- Urges Congress to adopt additional legislation and appropriate adequate funding for refugee applications and processing.
- Urges Congress to pass legislation to mandate that refugees, asylum seekers, torture victims, and others deserving of humanitarian refuge receive an appropriate individualized assessment in a timely fashion to determine their eligibility as such, and that neither national origin nor religion be the exclusive factors in such determination.

Approved by the CBA Executive Committee, February 1, 2017, expires February 1, 2018.

Pro Bono Committee

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. Approved by the House of Delegates, March 21, 2016; expires the end of the 2018 Legislative session. (SA16-19)

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%. Approved by the House of Delegates, March 21, 2016; expires the end of the 2018 Legislative session. (PA16-26)

Special Committee on Sex Trafficking of Children

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. Approved by the House of Delegates, June 20, 2016; expires end of 2018 Legislative session. (PA16-71)

*** Although there are a number of authorized positions that have become public acts either through the Legislature or through the Practice Book rule changes approved at the annual judges meeting (note parenthesized), the positions remain on this Legislative agenda until the authorization expires.*