Office of Legislative Research

Connecticut General Assembly

OLR MAJOR ACTS

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NOTICE TO READERS

These summaries are intended to briefly describe the most significant, far-reaching, and publicly debated acts adopted by the General Assembly in its 2007 regular session. Not all provisions of these acts are included. Our 2007 Public Act Summary book, which contains detailed summaries of all public acts, will be available this fall.

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The Major Public Acts are posted on the intranet at http://cgalites/olr/ and on the Internet at http://www.cga.ct.gov/olr/. This report does not include an Office of Fiscal Analysis budget summary because the General Assembly did not adopt a budget by the end of the regular session. We will issue a supplemental report on Major Public Acts adopted during the special session.

The Office of Legislative Research also produces a number of specific reports highlighting legislation in various subject areas, including acts affecting children, senior citizens, the environment, and business. These reports will be available throughout the summer and on request.

Finally, we refer to Major Public Acts to which the Secretary of the State has assigned a Public Act number by that number. In other cases we refer to the Major Public Act by its bill number.

Mary M. Janicki, Director
Phone (860) 240-8400
FAX (860) 240-8881
http://www.cga.ct.gov/olr

Connecticut General Assembly
Office of Legislative Research

Room 5300
Legislative Office Building
Hartford, CT 06106-1591
Olr@cga.ct.gov

BANKS

Allowing Participation in the National Mortgage Licensing System

This act allows the banking commissioner to participate in the national mortgage licensing system. It (1) requires mortgage originators to be licensed rather than registered; (2) allows the system to process mortgage lender, broker, and originator licenses in Connecticut and receive and maintain related records; and (3) makes a number of conforming changes regarding confidentiality, criminal history record checks, and license fees. The act defines the "national mortgage licensing system" as the system that the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators will implement under a uniform mortgage licensing project.

HB 7116, effective September 30, 2008

BUSINESS & LABOR

Stop Work Orders and Workers' Compensation Premiums

This act authorizes the labor commissioner to issue a stop work order to an employer who fails to obtain workers' compensation insurance for its employees or intends to defraud the employer's workers' compensation insurer by knowingly (1) misrepresenting an employee as an independent contractor or (2) providing false information to the insurance company on the number of employees in order to pay a lower premium.

The act requires the commissioner to issue a stop work order within 72 hours if, after an investigation, she determines that the employer committed one of these violations. The order must remain in effect until the commissioner orders it released on finding that the employer complied with the workers' compensation requirement or after a hearing requested by the employer.

PA 07-89, effective October 1, 2007

Noncompete Agreements

This act prohibits a contract between a broadcasting industry employer and a broadcast employee from containing a provision that the employee:

1. refrain from working in a specified geographic area for a specified period after ending employment;
2. disclose the terms or conditions of an employment offer, or the existence of one, from another broadcasting industry employer following

the expiration of the employment contract; or
3. must remain with his current employer if the current employer matches a prospective employer's offer.

The act also prohibits an employer from requiring an employee who is a security guard to agree to a non-competition agreement if (1) it prohibits the employee from having the same or a similar job at the same location and (2) the job is for another employer or as a self-employed person. This prohibition does not apply if the employer proves that the employee has obtained the employer's trade secrets.

Until this act take effect it is up to the Connecticut courts to set limits on such agreements. Courts have upheld non-competition agreements if their restrictions are reasonable.

sHB 6989, effective October 1, 2007 for agreements regarding security guards and applicable to agreements entered into, renewed, or extended on and after that date and July 1, 2007 for agreements regarding broadcast industry employees, and applicable to agreements entered into, renewed, or extended on and after that date.

Film Infrastructure Investment Tax Credit

This act establishes a credit against corporation and insurance premium taxes for investments in capital projects that provide basic buildings, facilities, or infrastructure that the film and digital media industry need to function in Connecticut. Projects must be state-certified. Credits can equal 10%, 15%, or 20% of the investment, depending on the project's total cost.

Companies that receive credits may sell or transfer them and those who buy the credits can sell them to others, up to total of three transfers. Taxpayers holding credits can claim them only for the income years in which they made infrastructure expenditures. Credits are not refundable, but excess credits can be carried forward for up to three income years.

sHB 6500, effective July 1, 2007 and applicable to income years starting on or after that date.

Historic Preservation Tax Credits for Mixed Use Structures

Beginning in FY 09-11, the act authorizes up to $50 million per three-year cycle in business tax credits for rehabilitating historic property used for residential and commercial purposes. The credit equals 25% of the total three-year credit allocation or, if a portion of the units are affordable to low- and moderate- income people, 30%. No single project can receive more than 10% of the three-year allocation.

Individuals, limited liability companies, nonprofit and for profit corporations, and other businesses are eligible if they have title to the property and rehabilitate it. They qualify for credits based on the property's historic status and how the property will be used after rehabilitation.

The property must be a certified historic commercial or industrial property either individually listed, or located in an historic district that is listed, on the national or state Register of Historic Places. In addition, the Connecticut Commission on Culture and Tourism must have certified that the property contributes to the district's historic character.

The rehabilitated property must meet two criteria: it must be used to house people and operate a business, and the residential portion must comprise at least 33% of its total floor area.

SB 1435, effective upon passage and applicable to income years starting on or after January 1, 2008, except for a monitoring requirement, which is effective July 1, 2007.

CONSUMER PROTECTION

Prevention of Abusive and Deceptive Debt Collection Practices.

This act makes a creditor who violates state law on creditors' collection practices liable for damages and other costs under certain circumstances. If the creditor uses abusive, harassing, fraudulent, deceptive, or misleading representations, devices, or practices to collect or attempt to collect the debt he is liable for (1) actual damages; (2) additional damages up to $1,000, if the debtor is an individual; and (3) if the suit is successful, court costs and, at the court's discretion, reasonable attorney's fees. Suits must be brought within one year after the date of the violation. The act requires the trier of fact to consider the frequency and persistence of noncompliance by the creditor, the nature of the noncompliance, whether the noncompliance was intentional, and other relevant factors when determining the amount of liability. A creditor may not be held liable under the act if it can show by a preponderance of the evidence that the violation was not intentional and resulted from a bona fide error, despite procedures reasonably adapted to avoid the error.

By law, a creditor is a person or his or her assignee to whom a consumer owes a debt resulting from a transaction that occurred in the ordinary course of the person's business. A creditor is not a consumer collection agency or a federal, state, or municipal department.

sHB 7210, effective July 1, 2007, and applicable to causes of action arising on or after that date.

Protecting Consumers from Unlicensed Contractors, Criminal Simulation and the Resale of Tickets to Entertainment Events

This act eliminates the prohibition against selling, offering to sell, or attempting to sell tickets to sporting or entertainment events to be held in Connecticut at a price greater than $3 above the price, including tax, printed on the face of the ticket. It also (1) requires ticket resellers to provide refunds if (a) the event is cancelled or (b) the ticket does not grant admission to the event or is not as advertised, and (2) generally prohibits reselling tickets within 1,500 feet of an event on the day of the event. In addition, the act increases the penalty for criminal simulation, which is committed when someone makes a counterfeit ticket. **sSB 1043**, effective October 1, 2007.

Protecting Consumers' Privacy in Mortgage Applications

This act prohibits lenders and brokers of first and second mortgages from engaging in any unfair or deceptive act or practice, as defined in the act, when soliciting a mortgage secured by residential property in Connecticut if the solicitation is based in any way on a mortgage trigger lead. The act defines a "mortgage trigger lead" as a consumer report that is (1) obtained in accordance with the provisions of the federal Fair Credit Reporting Act governing the issuance of consumer reports when the transaction is not initiated by the consumer and (2) issued as a result of an inquiry to a consumer reporting agency in connection with a consumer's credit application. It makes a violation of its provisions an unfair or deceptive trade practice under the Connecticut Unfair Trade Practices Act.

sHB 7073, effective October 1, 2007

EDUCATION & HIGHER EDUCATION

In-School Suspensions

This act requires student suspensions to be in-school suspensions unless the school administration determines, at the required informal suspension hearing, that the student (1) poses a danger to persons or property or (2) is so disruptive of the educational process, that an out-of-school suspension is warranted. Prior law defined in-school suspension as exclusion from classroom activity, but not from school, for up to five consecutive days. The act extends this to 10 consecutive days. Under existing law, an exclusion from school privileges for more than 10 days constitutes an expulsion.

PA 07-66, effective July 1, 2007

School Security Assessments and Assistance

This act requires school districts applying for school construction grants for new schools or major school alterations, extensions, renovations, or replacements to include security infrastructure for any entrances involved in the project plans. It bars the State Department of Education from approving plans without entrance security infrastructure, starting with applications for school construction project priority lists to be submitted to the General Assembly for approval on or after July 1, 2008.

It establishes a competitive grant for FY 08 to improve security infrastructure in schools, install security systems in schools' primary entryways, purchase portable security devices, and train school personnel to use the devices and the infrastructure. The grants reimburse school districts for 20% to 80% of the eligible expenses for such security measures incurred after its effective date. To receive a grant, a district must show that it (1) has conducted a uniform security assessment of its school entrances and any security infrastructure; (2) has an emergency plan at its schools that has been developed with applicable state and local first-responders; and (3) periodically practices the plan.

Finally, the act requires colleges, universities, and private occupational schools to (1) by October 1, 2007, have emergency response plans and (2) by that date and annually thereafter, submit these plans to the public safety and emergency management and homeland security commissioners and local first-responders. Institutions must consult local first-responders in developing their plans. Each plan must include a method for notifying the institution's students, employees, and visitors of emergency information.

sSB 1110, effective July 1, 2007, except for the grants, which take effect on passage.

Teachers' Retirement System Funding

This act authorizes 30-year general obligation bonds to fund $2 billion of the unfunded liability of the Teachers' Retirement System (TRS), the bond issuance cost, and up to two years' of bond interest. It exempts the bonds from the state's debt limit.

While the bonds are outstanding, the act automatically appropriates the actuarially required annual state contribution to the Teacher's Retirement Fund (TRF). It allows the state to reduce its contributions only if (1) it protects bondholders' rights in another way or (2) the governor declares an emergency or

extraordinary circumstances, a supermajority of the legislature approves, and the reduction does not cause the TRF's funding to fall below specified levels.

The act guarantees TRS members who retire on or after September 1, 1992 an annual cost of living adjustment (COLA). It also reduces promised retirement COLAs for members who join TRS on or after July 1, 2007.

sHB 6141, effective July 1, 2007

Financial Assistance to Individuals to Pursue Post Secondary School Educational Opportunities

This act extends in-state tuition status to undocumented immigrants residing in Connecticut who meet certain criteria. The act qualifies anyone for in-state tuition, except a nonimmigrant alien (someone with a visa permitting temporary entrance to the country for a specific purpose), if he or she (1) resides in Connecticut; (2) attended any educational institution in the state and completed at least four years of high school here; (3) graduated from a high school in Connecticut, or the equivalent; and (4) is registered as an entering student, or is currently a student at, UConn, a Connecticut State University, a community-technical college, or Charter Oak State College.

If the individual is an undocumented immigrant, he or she must file an affidavit with the college stating that he or she has applied to legalize his or her immigration status or will do so as soon as he or she is eligible to apply.

sHB 5656, effective July 1, 2007

ELECTIONS

Integrity and Security of the Voting Process

This act makes a number of unrelated changes to state election laws.

It prohibits the use of voting machines in the state that the secretary of the state determines do not meet the performance and test standards for voting systems that the federal Election Assistance Commission adopted pursuant to the Help America Vote Act (HAVA). This prohibition effectively bans the use of lever voting machines in this state.

The act requires the registrars of voters to conduct a manual audit of at least 10% of the state's voting districts, selected through random drawing. It requires municipalities to compensate the registrars at the standard rate of pay established for elections or primaries, as appropriate. It permits the secretary of the state to use HAVA funds, to the extent allowed under federal law, to reimburse the municipalities.

The act specifies that for voter registration purposes, individuals

are “bona fide” residents if their dwelling unit is located within the boundaries of the town in which they apply for admission. It allows registrars of voters to contact, by telephone or mail, people whose mail-in voter registration applications do not meet the deadline for admission to vote in the next election or primary.

The act restricts the permissible political activities of individuals who (1) transfer from one political party to another or (2) apply for transfer or removal from a party’s list. For a period of three months after transferring or making an application for removal, it prohibits such individuals from participating in any party's caucus or primary. It also bans them from (1) appointing members to any political board or commission or (2) accepting such an appointment.

sSB 1311, various effective dates

ENERGY

Electricity and Energy Efficiency

This act makes a number of changes in the areas of energy efficiency, electricity generation, and renewable energy.

In the area of energy efficiency, it

1. appropriates approximately $70 million from the FY 07 surplus to restore the Conservation Fund (Gov. Rell vetoed this provision),
2. expands “green building” requirements for state facilities and extends the requirement to school construction projects and all large new construction projects subject to the State Building Code,
3. authorizes $30 million in bonding for energy efficiency in state buildings,
4. extends and expands sales tax exemptions for energy efficiency;
5. requires the Office of Policy and Management to provide grants to people who replace their furnaces with more efficient models, and
6. establishes gas and oil conservation programs funded by energy tax revenues that exceed the levels in the revenue estimate.

It creates an “Energy Efficiency Partnership” program, that

1. allows energy management services companies and electric company customers to apply to the Department of Public Utility Control (DPUC) for funding for supply and demand side measures (e.g., renewable generation and conservation measures, respectively) that reduce electric demand,

2. requires measures to have at least a two-to-one payback ratio,
3. allows up to $60 million in ratepayer funds to go to the program each year, and
4. also requires DPUC to develop a low-interest loan program to finance the cost of the technologies.

In the area of electricity generation, it

1. requires electric companies, singly or jointly, to submit a plan to DPUC, for its approval, to build peaking generation plants;
2. requires Connecticut Innovations, Inc. to provide grants to municipalities for renewable energy sources and cogeneration (technology that simultaneously process power and heat), and authorizes $50 million in bonding for the program;
3. expands funding for distributed generation (technologies like micro-turbines and fuel cells); and
4. allows DPUC to order electric companies to submit proposals starting in 2009 to build power plants if the market does not provide enough capacity.

In the area of renewable energy, it

1. appropriates approximately $25 million from the FY 07 surplus to restore the Clean Energy Fund (Gov. Rell vetoed this provision);
2. increases the proportion of power that must come from renewable resources;
3. requires DPUC to establish a grant program for small scale generation projects in businesses and state buildings powered by solar energy, fuel cells, etc., and authorizes $50 million in bonding for the program;
4. exempts several renewable energy technologies from the sales tax;
5. establishes mandatory property tax exemption for renewable energy technologies; and
6. extends net metering (where electric companies run the meter backwards for customers who generate power using renewable energy).

In the area of energy assistance, it

1. extends the winter moratorium period when electric companies are barred from terminating service to hardship customers,
2. expands funding opportunities for Operation Fuel (non-profit energy assistance organization),
3. provides funding to help low-income customers pay off their electric arrearages (Gov. Rell vetoed this provision), and
4. broadens requirements for the Department of Social

Services to buy fuel at discounted prices for energy assistance recipients.

The act also:

1. requires electric companies to develop comprehensive annual plans to procure the resources they need, including energy efficiency, traditional and renewable generating facilities, cogeneration, and distributed generation;
2. requires resource needs to be met first with all cost-effective efficiency resources, and the plan to consider environmental issues, reliability, and electric costs, among other things;
3. requires electric companies to develop plans to deploy advanced meters, e.g., meters that can support prices that vary as demand goes up and down, and recover the costs in their rates;
4. requires electric companies to provide information about competitive suppliers when a customer begins service or asks about rates or conservation programs;
5. allows municipalities to establish "Energy Improvement Districts," with bonding and other powers, to develop small power plants and conservation programs; and
6. requires electric and gas companies to "decouple" their sales from their revenues.

HB 7432, various effective dates

Certified Competitive Video Service

This act requires companies, other than cable TV companies and their affiliates, that provide video programming to be certified by DPUC. It subjects the companies that provide these competitive video services ("providers") to some of the requirements that apply to cable TV companies, notably requirements regarding community access and customer information. But the providers are not subject to other requirements that currently apply to cable TV companies, including obtaining and renewing a franchise for a specified number of years and being subject to rate regulation.

Once a provider enters the territory of a cable TV company, the act allows the cable TV company to apply for a new certificate in lieu of its existing franchise certificate. The cable TV company is generally subject to the same application requirements and DPUC review as a provider. Once DPUC grants the new certificate, the cable TV company becomes subject to a similar type of regulation as the provider, and thus will no longer need to have its franchise

renewed and its rates will apparently not be subject to DPUC regulation. The act subjects providers to the 5% gross earnings tax that currently applies to cable TV companies. This tax is in lieu of the property tax for the company‘s tangible personal property. The act subjects the services sold by the providers to the sales tax, and modifies how the sales tax applies to other telecommunication services.

The act establishes one account to provide property tax relief for municipalities and one to provide funding for community access and for education technology. It funds the first account with up to $5 million per fiscal year from the gross earnings tax. It funds the second account with a new tax on the gross earnings of cable TV, direct broadcast satellite, and the providers.

By law, DPUC determines whether a cable TV company or a nonprofit organization will administer community access programming in the company's franchise area. The act allows the DPUC to extend the company's franchise by two years if the company agrees with the organization to provide funds solely to upgrade or replace capital equipment.

sHB 7182, effective October 1, 2007, except that the gross earnings tax provisions are effective July 1, 2007.

ENVIRONMENT

Collection and Recycling Of Covered Electronic Devices

This act creates a mandatory recycling program for discarded computers and televisions (covered electronic devices or CEDs). Starting January 1, 2009, CED manufacturers must participate in a program to implement and finance the collection, transportation, and recycling of these products. They may participate in the statewide program or a private program.

It requires each CED manufacturer to register with the Department of Environmental Protection (DEP) and pay it an annual registration fee, which DEP must use to administer the program. Each registered CED manufacturer also must pay recyclers the reasonable costs of transporting and recycling its CEDs.

The act prohibits, with some exceptions, retailers from selling CEDs manufactured by noncompliant manufacturers. It requires municipalities to provide for the convenient recycling of CEDs generated within their borders and arrange for bringing CEDs to DEP-approved recyclers.

It prohibits, starting January 1, 2011, anyone (1) from knowingly discarding a CED at a solid waste disposal facility other than a transfer station, and (2) charging a fee to state residents bringing seven or fewer CEDs to a collector (apparently a transfer

station or solid waste hauler) at any one time.

sHB 7249, various effective dates

Establishing a Farmland Preservation Advisory Board

This act requires the State Bond Commission to vote on whether to authorize, at certain times and when available, the issuance of bonds that the legislature approved for agricultural land preservation programs but the commission has not allocated. It also (1) allows the agriculture commissioner to request such approved, unallocated bond funds, when available, for pending agricultural land preservation transactions above $5 million and (2) requires the bond commission to vote on whether to approve the funds.

The act creates a 12-member Farmland Preservation Advisory Board to help the agriculture department with its purchase of development rights program and other efforts to preserve agricultural lands. It establishes the board's make-up and duties, and puts it within the department for administrative purposes only.

sSB 872, effective July 1, 2007

Open Space and Farmland Preservation (The Face of Connecticut)

This act increases grant ceilings for, and makes adjustments to, the Open Space and Watershed Acquisition Grant Program. It also creates a loan program to help municipalities purchase agricultural land. By law, grants under the Open Space and Watershed Acquisition Grant Program are capped at certain percentages of a desired property's fair market value. The act increases those percentages. It also increases, from 2% to 5%, the percentage of grant funds that the Department of Environmental Protection may use for certain administrative expenses related to the program.

The act requires the agriculture commissioner to administer a program that provides eligible municipalities with loans to purchase agricultural land. Under the act, the loan term cannot exceed five years and is not subject to interest.

The act establishes the "municipal purchasing of agricultural land account" as a separate, non-lapsing account within the General Fund. The agriculture commissioner must use the account funds to provide municipalities interest-free agricultural land acquisition loans. It authorizes the agriculture commissioner to adopt regulations that establish the criteria for the agricultural land acquisition loans and the terms governing the loans.

sHB 7275, effective July 1, 2007

Banning Pesticide Use on School Grounds

This act:

1. expands a ban on applying lawn care pesticides to school playing fields and playgrounds to schools with students through grade eight;
2. extends, until July 1, 2009, an exemption for pesticides applied on these grounds according to certain integrated pest management plans;
3. expands a school superintendent's ability to authorize emergency applications of lawn care pesticides in health emergencies to any public school, apparently with students through grade eight, instead of just a public elementary school; and
4. makes the Department of Environmental Protection responsible for administering and enforcing school pesticide applications.

sHB 5234, effective October 1, 2007

Cleaning Up Brownfields

This act changes the state's policies and programs for cleaning up and redeveloping brownfields. Among other things, it creates a new program providing different types of financing for these purposes. It allows the state's development finance agency to (1) guarantee bank loans for redeveloping brownfields and (2) issue bonds on towns' behalf for remediating and reusing these sites for homes, apartments, stores, and other mixed uses.

It gives property owners more options to voluntarily clean up polluted properties, allows licensed environmental professionals to play a larger role in overseeing the remediation process, and specifies how they must document and verify the results. The act also broadens the conditions under which the state can pledge not to sue property owners who agree to voluntarily clean up their property according to state standards. Lastly, it makes it easier for state agencies to clean up and redevelop brownfields in floodplain areas.

sHB 7369, effective July 1, 2007

HEALTH

Emergency Contraception for Rape Victims

This act establishes standard-of-care requirements for hospitals providing emergency treatment to female rape victims. Each facility must promptly provide (1) a victim with medically and factually accurate and objective information about emergency contraception, its availability, use, and efficacy and (2) emergency contraception at the facility at her request, unless she

is determined to be already pregnant based on a U.S. Food and Drug Administration (FDA) approved pregnancy test.

The act prohibits a hospital from determining its protocol for standard of care compliance on any basis other than an FDA-approved pregnancy test. It also allows hospitals to contract with independent providers to (1) ensure compliance with the standard of care at the facility and (2) conduct forensic exams of victims at the facility.

PA 07-24, effective October 1, 2007

Medical Marijuana

This act allows a physician to certify an adult patient's use of marijuana after determining that the patient has a debilitating condition and could potentially benefit from the palliative use of marijuana. It establishes a procedure for certifying patients.

It allows people suffering from these conditions and their primary caregivers to possess a quantity of marijuana that the act sets to treat the conditions.

The act requires the patients and their primary caregivers to register with the Department of Consumer Protection and authorizes the department to impose a $25 registration fee. The fees must be deposited in a separate, nonlapsing Palliative Marijuana Administration Account the act establishes.

The act prohibits physicians, qualifying patients, and their caregivers from being arrested, prosecuted, or otherwise punished for certifying, using, or possessing palliative marijuana.

The act requires law enforcement agencies to return marijuana, marijuana paraphernalia, or other property seized from a patient or primary caregiver who complies with its provisions.

sHB 6715, effective October 1, 2007, except for the provision establishing the Palliative Marijuana Administration Account, which is effective July 1, 2007.

Professional Assistance Program for Health Care Professionals

This act allows state or local health care professional societies and organizations to establish a single assistance program to serve all health care professionals. The assistance program is an alternative, voluntary, and confidential program for the rehabilitation of health care professionals. It must provide a variety of educational, rehabilitative, and supportive services to health care professionals with a chemical dependency, emotional or behavioral disorder, or physical or mental illness. It must include mandatory, periodic evaluations of each participant's ability to practice with skill and safety and without posing a threat to the health and safety of any person

or patient in the health care setting.

The program must annually report certain information to the Department of Public Health (DPH), licensing boards, and the Public Health Committee.

A medical review committee must determine a person's appropriateness for the program before admittance. The act specifies various confidentiality provisions concerning the program and participation by health care professionals.

PA 07-103, effective upon passage

Access to Healthcare

This act expands access to health insurance and health care services; promotes the use of health care technology, preventive services, and quality measurement; and creates two entities (HealthFirst Connecticut and Statewide Primary Care authorities) to examine alternative ways to provide health care coverage and primary care, finance insurance coverage, contain health care costs, and improve health care quality.

It makes a number of changes to the HUSKY and other public health insurance programs; extends, from age 23 to 26, the age to which private insurance policies must cover dependents; permits a state-mandated reinsurance association to again sell health care plans to small employers with low-income workers; and funds various school- and community-based health center operations.

Among other changes in HUSKY and public insurance programs it:

1. raises the income limit for HUSKY A (Medicaid) coverage for caretaker relatives of children receiving HUSKY A, expands HUSKY A coverage for pregnant women, and requires automatic enrollment of uninsured newborns in HUSKY;
2. expands HUSKY B coverage for children in higher income families, with premium assistance for families with access to employer-sponsored coverage;
3. requires the Social Service Department (DSS) and other entities to expand HUSKY outreach;
4. requires DSS to seek a federal waiver to convert the State-Administered General Assistance (SAGA) program from a fully state-funded program to a Medicaid-funded one and potentially raises the income limit for this coverage; and
5. requires DSS, within available appropriations, annually to increase the rates it pays Medicaid providers, including hospitals, beginning in FY 08.

It (1) establishes a board to govern an electronic network that

integrates state and social services data, (2) requires DPH to develop standards for a "electronic health information system" that state-funded health care providers can use and develop an electronic license renewal system for some providers, and (3) designates a nonprofit entity to act as the state's lead health information exchange organization.

The act requires DSS to (1) develop and implement a plan for a preventive health services system for children covered by HUSKY A and B, (2) establish a child health quality improvement program to promote the implementation of evidence-based strategies by HUSKY providers, and (3) inventory public disease management programs. It also requires the healthcare advocate to create a consumer health information website.

SB 1484 (emergency certified), various effective dates

HUMAN SERVICES

Legislative Oversight of Waiver Applications

The legislature passed a law strengthening legislative oversight of Department of Social Services (DSS) applications for waivers of federal law. The new law (1) requires, rather than allows, the Human Services and Appropriations committees to advise the DSS commissioner of approving, rejecting, or modifying these applications; (2) requires the committees to hold a public hearing on the application before advising the commissioner; and (3) makes their failure to advise an approval. The commissioner may not submit the application when both committees reject it.

If the committees disagree on what action to take the act requires a conference committee, which reports back to the two committees. If either committee rejects the conference report, the application is deemed approved.

PA 07-83, effective July 1, 2007

INSURANCE & REAL ESTATE

Homeowners Insurance and Mitigating Storm Damage

This act prohibits an insurer from not issuing or renewing a homeowner's insurance policy solely because a person has not installed storm shutters to mitigate damage from hurricanes and severe storms. It requires an insurer to offer a premium discount to people who install storm shutters or impact-resistant glass.

PA 07-77, effective January 1, 2008

Postclaims Underwriting

This act prohibits, except when the insurance commissioner approves it, health insurers and HMOs from rescinding, canceling, or limiting coverage based on information submitted with or omitted from

an insurance application if the insurer or HMO did not perform a thorough medical underwriting process before issuing the policy, contract, or certificate. It prohibits, without exception, such action after coverage has been effective for more than two years.

PA 07-113, effective October 1, 2007

JUDICIAL MATTERS

Disrupting Funerals

This act makes it a class A misdemeanor to disturb the peace or impede the entrance or exit near a funeral, which includes a ceremony or memorial service connected to burying or cremating an individual. The act's prohibition applies from 60 minutes before to 60 minutes after the funeral and the act specifies the conduct and areas where the activity is prohibited. A class A misdemeanor is punishable by up to one year in prison, a fine of up to $2,000, or both.

PA 07-98, effective October 1, 2007, but **HB 6959** changes the effective date to upon passage.

Appointing Conservators And Setting Their Powers

This act changes procedures for appointing conservators and designating their powers and sets procedures for appealing probate court decisions.

Among other things, it:

1. changes the definitions of incapacity, which is required for the court to find appointment of a conservator necessary;
2. requires the probate court to consider certain factors and changes the standard the court must apply before deciding to appoint a conservator, including requiring a finding that appointing the conservator is the least restrictive intervention available to assist the person;
3. requires the probate court to give a conservator only the least restrictive duties and authority necessary to meet the person's needs;
4. requires a conservator to carry out the duties and authority assigned by the court in a manner that is the least restrictive means of intervention;
5. adds specific provisions about the right to an attorney and to choose an attorney;
6. requires appeals of hearings appointing a conservator to be on the record and sets the standard for court review; and

7. allows a conserved person to petition the probate court to terminate the conservatorship at any time and adds provisions on filing writs of habeas corpus.

sSB 1439, effective October 1, 2007

Jessica's Law

This act:

1. decriminalizes consensual sexual activity between children and teenagers close in age;
2. establishes a new crime of aggravated sexual assault of a minor;
3. enhances the penalty for enticing children under age 13;
4. imposes mandatory minimum terms of imprisonment for enticing a child under age 13, having sexual or indecent contact with a child under age 13, employing a minor in an obscene performance, and importing or possessing child pornography;
5. creates an exception to the hearsay rule for statements of victims of sexual or physical assault who are under age 13; and
6. permits courts to set the same conditions for special parole that they may currently set for probation or conditional discharge and allows the Board of Pardons and Paroles to set conditions that are not inconsistent with those set by courts.

sSB 1458, effective July 1, 2007, except that the provisions on special parole and decriminalization of consensual sexual activity are effective on October 1, 2007.

Probate Court Administration and Judicial Openness

This act gives the probate court administrator additional powers over probate courts and probate court judges. Specifically it authorizes him to enforce statutes dealing with probate court administration and with regulations he or she issues. Also, under certain circumstances, it authorizes him to reassign pending cases to a special assignment probate judge or another probate judge and designate a special assignment probate judge to help the judge conduct his or her business.

The act increases the minimum hours a court must be open and the minimum requirements for probate court facilities, requires the probate court administrator to notify a town if the court does not comply with minimum requirements, gives the town the chance to submit a compliance plan, and requires probate court regulations to be submitted to the Judiciary Committee for approval.

sSB 1438, effective July 1, 2007.

MUNICIPALITIES

Eminent Domain

This act makes a number of changes regarding taking property by eminent domain under redevelopment plans (which are used for blighted areas), municipal development plans (which are used for economic development), and Manufacturing Assistance Act (MAA) plans (which are used for economic development). It:

1. prohibits taking property by eminent domain for the primary purpose of increasing local tax revenues,
2. requires a public hearing on a plan and certain findings about taking property,
3. requires the town legislative body to approve proposed takings by a two-thirds vote of its members for takings under the municipal development and MAA statutes,
4. imposes an overall 10-year deadline for completing a taking,
5. allows owners to ask the Superior Court to enjoin a taking if the implementing agency did not follow the correct statutory procedures,
6. gives the former owner of property taken by eminent domain the right of first refusal to buy it back if it is not used for its intended purpose or another public purpose,
7. expands the kind of information and analyses the agency must include in the project plan,
8. bases compensation on the average value of two independent appraisals for takings under a redevelopment plan and requires compensation for takings under the municipal development and MAA statutes to equal 125% of that value, and
9. requires relocation benefits paid to property owners and tenants when the actions of a state or municipal agency force them to relocate to be the higher of those under state or federal law when their property is acquired or taken under these statutes.

The act prohibits towns from taking property under the general municipal powers statutes for private commercial development and, in doing so, allows takings for this purpose only under the development statutes described above.

It also makes it an unfair trade practice for a person negotiating to acquire real property to represent in the negotiation that he or she has the power to acquire the property by eminent domain, unless that person is an appointed or elected public official of an agency with eminent domain powers.

The act includes many other provisions on eminent domain, including changing procedures for taking property.

sSB 167, various effective dates. **sSB 1054** also makes changes to eminent domain laws.

Family and Medical Leave for Municipal Employees and Discrimination Based on Civil Union Status

This act requires political subdivisions of the state to provide employees who have worked for them at least 12 months and 1,250 hours during the past 12 months with (1) the same Family and Medical Leave Act (FMLA) benefits that federal law provides to parties to a marriage for employees who are parties to a civil union and (2) leave in order to serve as an organ or bone marrow donor. These employees are covered by the federal FMLA and are eligible for the other leave benefits offered under that law. Political subdivisions include any town, city, borough, school district, fire district, improvement association, or other districts or associations.

The act adds civil union status as a protected class under four laws that make it illegal to discriminate on the basis of sexual orientation. These laws cover employment, public accommodations, housing, and credit transactions, and the act explicitly makes discrimination on the basis of civil union status in these contexts illegal.

The act specifies that when the term "marital status" is used in the general statutes, civil union status must be included in that use. The term "marital status" is used in a number of statutes including those on non-discrimination and affirmative action provisions in contracts of the state and political subdivisions other than municipalities, discrimination by local and regional boards of education, and discriminatory practices by state agencies.

sSB 1447, effective October 1, 2007 except the anti-discrimination provisions are effective upon passage.

Loans to Municipalities to Fully Fund Pension Systems

This act creates a municipal pension solvency loan program to provide municipalities with funds for their unfunded employee pension liabilities. Loans will be made at the same interest rate the state pays on the bonds, notes, or obligations it issues to fund the program but towns may be liable for administrative, issuance, and capital reserves-related costs. The act permits the bonds to be either general obligation or revenue bonds.

The act requires the state treasurer to administer the program and establish a priority list of eligible towns and a ranking system for making the loans. The treasurer must consider the amount of a

municipality's unfunded pension liability and whether the loan can eliminate or substantially eliminate the liability. Loan agreements must contain penalty provisions for municipalities that fail to contribute to their pension funds as required under the agreement.

sSB 848, effective July 1, 2007

PUBLIC SAFETY

Fire-Safe Cigarettes

Beginning July 1, 2008, this act, with one minor exception, requires cigarettes sold or offered for sale to consumers in Connecticut by cigarette manufacturers to be fire-safe (i.e., be tested and meet minimum fire-safe performance standards). Fire-safe cigarettes have the same characteristics as conventional cigarettes but are designed to be self-extinguishing, i.e., they stop burning when left unattended. The act requires the State Fire Marshall's Office to administer the program and adopt implementing regulations.

sSB 703, effective July 1, 2008

Lost or Stolen Firearms and Firearms Trafficking

This act establishes the crime of firearm trafficking and makes it a class B felony (which carries a maximum 20-year jail term and up to $15,000 in fines) or class C felony (which carries a maximum 10-year jail term and up to $15,000 in fines) depending on the number of firearms involved. A person commits this crime if he or she knowingly and intentionally gives a person who cannot legally possess firearms access to his or her firearms. The provisions do not apply to long guns or antique firearms.

The act also requires anyone whose firearm (except an antique firearm) is lost or stolen to file a police report within 72 hours after he or she discovered or should have discovered the theft or loss and imposes penalties ranging from an infraction (fine of up to $90) to a class C felony for failing to file within the deadline. Under prior law, the reporting requirement applied only to the theft of assault weapons, and the statute contained no penalties.

sSB 938, effective October 1, 2007

SENIORS

Establishing the Connecticut Homecare Option Program for the Elderly

This act establishes a Connecticut Home Care Option Program for the elderly and a Connecticut Home Care Trust Fund, administered by the state comptroller. The program allows participants to establish individual savings accounts within the fund to help save for the costs of certain elderly services that (1) are either not covered by a long-term health

insurance policy or supplement services covered by such a policy or by Medicare and (2) will allow them to remain in their homes or live in a non-institutional setting as they age.

The act exempts interest earned on fund accounts from the state income tax and allows an account beneficiary to withdraw funds to pay for qualified home care expenses, such as chore, homemaker, or companion services; adult day care; preparing meals; home-delivered meals; and transportation. Any unspent funds remaining in an account when a beneficiary dies becomes part of his or her estate.

Finally, the act eliminates the 250-person limit on the number of participants in a state-funded pilot program that allows seniors to hire their own personal care assistance attendants directly instead of going though a home health care agency.

sSB 1451, effective October 1, 2007. The income tax exemption applies to tax years starting on or after January 1, 2007.

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