

**Summary
of 2003
Public Acts
Part II of II**

ACT, n. Denotes Affirmative; expression of purpose, will; carries idea of performance; a deed; exercise of power. A written law, formally ordained or passed by the legislative power of a state, called in the United States an “act of legislature,” or “congress”; a statute.

SUMMARY OF 2003 PUBLIC ACTS PART II OF II

Connecticut General Assembly

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NOTICE TO USERS

This publication, *Summary of 2003 Public Acts, Part II*, summarizes all public acts passed by the June 30, 2003 Special Session and the September 8, 2003 Special Session of the Connecticut General Assembly. Special acts are not summarized.

The acts from the 2003 Regular Session are summarized in a separate publication, Part I.

It is important to note that special session acts changed provisions in regular session acts. A table on page 417 lists the regular session acts altered by 2003 special session acts.

Use of this Book

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Organization of the Book

Summaries are arranged in order by public act number.

A table on penalties, appearing on the next page, describes the fines and prison sentences for various types of offenses. In the back of the volume is a list of vetoed acts and a list of acts by public act number.

TABLE ON PENALTIES

Crimes

The law authorizes courts to impose fines, imprisonment, or both when sentencing a convicted criminal. They must specify the period of incarceration for anyone so sentenced. The prison terms below represent the range within which a judge must set the sentence. The judge also sets the exact amount of a fine, up to the established limits listed below. Some crimes have a mandatory minimum sentence or a minimum sentence higher than the minimum term specified in the table. Repeated offenses may result in a higher maximum than specified here.

<i>Classification of Crime</i>	<i>Imprisonment</i>	<i>Fine</i>
Capital felony	execution or life	—
Class A felony (murder)	25 to 60 years	up to \$20,000
Class A felony	10 to 25 years	up to 20,000
Class B felony	1 to 20 years	up to 15,000
Class C felony	1 to 10 years	up to 10,000
Class D felony	1 to 5 years	up to 5,000
Class A misdemeanor	up to 1 year	up to 2,000
Class B misdemeanor	up to 6 months	up to 1,000
Class C misdemeanor	up to 3 months	up to 500

Violations

CGS § 53a-43 of the Penal Code authorizes the Superior Court to fix fines for violations up to a maximum of \$500 unless the amount of the fine is specified in the statute establishing the violation. CGS § 54-195 on criminal procedure requires the court to impose a fine of up to \$100 on anyone convicted of violating any statute without a specified penalty.

A violation is not a crime; thus a violator does not have a criminal record. Most statutory violations are subject to Infractions Bureau procedures which allow the accused to pay the fine by mail without making a court appearance. As with an infraction,

the bureau will enter a *nolo contendere* (no contest) plea on behalf of anyone who pays a fine in this way. The plea is inadmissible in any criminal or civil court proceeding against the accused.

Infractions

Infractions are punishable by fines, usually set by Superior Court judges, of between \$35 and \$90, plus an additional fee based on the amount of the fine and a \$20 or \$35 surcharge. In some instances, there can be an additional \$15 cost. In addition, certain motor vehicle infractions are subject to a Transportation Fund surcharge of 50% of the fine. Finally, certain infractions committed in designated construction, utility work, and school zones or when a driver fails to yield to a bicyclist have additional fees equal to 100% of the basic infraction fine. This means some violators could have to pay \$376, although most have to pay less than that and many pay less than \$100. Parking tickets and seat belt violations can be less than \$35. An infraction is not a crime; thus, violators do not have criminal records and can pay the fine by mail without making a court appearance.

Larceny

There are six different classifications of larceny, generally depending on the value of the property illegally obtained.

<i>Degree of Larceny</i>	<i>Amount of Property Involved</i>	<i>Classification</i>
First Degree	Over \$10,000	Class B felony
Second Degree	Over 5,000	Class C felony
Third Degree	Over 1,000	Class D felony
Fourth Degree	Over 500	Class A misdemeanor
Fifth Degree	Over 250	Class B misdemeanor
Sixth Degree	\$250 or less	Class C misdemeanor

REGULAR SESSION ACTS ALTERED BY 2003 SPECIAL SESSION ACTS

This table shows the regular session acts contained in Part I that were later altered by special session acts. The special session summaries, including the changes to the earlier acts, are available in this book, Part II.

<i>Regular Session Act</i>	<i>Altered By Special Session Act</i>
PA 03-2	JSS PA 03-1, § 141
PA 03-2	JSS PA 03-1, § 95-97
PA 03-2	JSS PA 03-1, § 98
PA 03-2	JSS PA 03-3, § 50
PA 03-2	JSS PA 03-3, § 52
PA 03-2	JSS PA 03-3, § 58
PA 03-2	JSS PA 03-3, § 63
PA 03-2	JSS PA 03-3, § 83
PA 03-2	JSS PA 03-3, § 84
PA 03-2	JSS PA 03-6 §§ 197-198
PA 03-2	JSS PA 03-6 § 202
PA 03-2	JSS PA 03-6 § 206
PA 03-18	JSS PA 03-6, § 175
PA 03-19	JSS PA 03-3, § 50
PA 03-45	JSS PA 03-3, § 33
PA 03-118	JSS PA 03-3, § 20
PA 03-147	JSS PA 03-6, § 76
PA 03-168	JSS PA 03-6, § 33
PA 03-171	JSS PA 03-3, § 94
PA 03-192	JSS PA 03-6, § 242
PA 03-268	JSS PA 03-3, § 63

JSS-June 30 Special Session

PA 03-1, June 30 Special Session—HB 6802
Emergency Certification

AN ACT CONCERNING EXPENDITURES AND REVENUE FOR THE BIENNIUM ENDING JUNE 30, 2005

SUMMARY: This act appropriates money for state agencies and programs and estimates state revenues for FYs 2004 and 2005. It directs funds to be transferred and spent for specified purposes, caps certain expenditures and hiring, and carries forward certain unspent appropriations from prior years for specified purposes in FYs 2004 and 2005.

The act increases various taxes, reduces and limits tax credits, cancels and delays scheduled tax reductions, and reduces and eliminates tax exemptions. It requires out-of-state vendors with no tax nexus in Connecticut, but who sell supplies to the state, to collect and remit use taxes on all their sales of tangible personal property in Connecticut. It transfers money from various special and off-budget funds to the General Fund, earmarks revenues for specific functions and programs, and adjusts revenue transfers to and from various state funds.

The act also permanently eliminates the sales and use tax on hospital patient care services, expands hours during which liquor may be sold, increases various fees, and establishes new rules and timetables for the state to take custody of abandoned property.

EFFECTIVE DATE: Upon passage, unless otherwise noted below.

APPROPRIATIONS (§§ 1-20)

The act appropriates money for state agencies and programs for FYs 2004 and 2005. Annual appropriations totals for each state fund are shown in Table 1.

Table 1: FYs 2004 and 2005 Appropriations By Fund

§§	Fund	Appropriation	
		FY 2004	FY 2005
1,11	General Fund	\$12,444,854,545	\$12,959,785,632
2,12	Special Transportation Fund	897,565,193	921,676,360
3,13	Mashantucket Pequot & Mohegan Fund	85,000,000	85,000,000
4,14	Soldiers', Sailors', and Marines' Fund	3,460,895	3,485,723
5,15	Regional Market Operation Fund	940,855	963,467
6,16	Banking Fund	15,134,757	15,186,508

7,17	Insurance Fund	19,657,754	19,552,499
8,18	Consumer Counsel & Public Utility Control Fund	19,342,341	19,171,466
9,19	Workers' Compensation Fund	22,435,338	22,807,794
10,20	Criminal Injuries Compensation Fund	1,425,000	1,425,000

REVENUE ESTIMATES (§§ 121-140)

The act contains estimated revenues for FYs 2004 and 2005 for each state fund shown in Table 2.

Table 2: Revenue Estimates for FYs 2004 and 2005

§§	Fund	Estimated Revenue	
		FY 2003- 04	FY 2004-05
226,236	General Fund	\$12,484,800,000	\$13,098,700,000
227,237	Special Transportation Fund	926,400,000	941,300,000
228,238	Mashantucket Pequot & Mohegan Fund	100,000,000	100,000,000
229,239	Soldiers', Sailors', and Marines' Fund	3,500,000	3,500,000
230,240	Regional Market Operation Fund	1,000,000	1,000,000
231,241	Banking Fund	15,200,000	15,300,000
232,242	Insurance Fund	19,700,000	19,700,000
233,243	Consumer Counsel & Public Utility Control Fund	19,900,000	19,900,000
234,244	Workers' Compensation Fund	22,900,000	22,900,000
235,245	Criminal Injuries Compensation Fund	1,500,000	1,500,000

FUNDING AND EXPENDITURE DIRECTIVES

Transfers To Maximize Federal Funds (§ 21)

The act allows the governor, with the Finance Advisory Committee's (FAC) approval, to transfer all or part of an agency's General Fund appropriation, at its request, to another agency to take advantage of federal matching funds, as long as both agencies certify that the receiving agency will spend the money for the original purpose. Federal funds generated from transfers can be used to reimburse General Fund spending, expand services, or both as the governor, with FAC approval, determines.

Expenditure Reduction Requirements (§§ 22, 23)

The act requires the Office of Policy and Management (OPM) secretary to reduce spending for personal services and other expenses by \$14 million and \$11 million, respectively, in each fiscal year of the biennium.

Transfers to Reserve for Salary Adjustments (§ 25)

The act allows the governor to recommend, and the FAC to approve, transfers of FY 2004 and FY 2005 General and Special Transportation Fund appropriations for personal services to the reserve for salary adjustments account to more accurately reflect the impact of collective bargaining and related costs. The governor can make transfers from the reserve and add amounts from special funds as needed to implement salary increases; other employee benefits; costs, including accrual payments, related to staff reductions; agency personal services reductions; or other personal services adjustments this act or any other law authorizes.

Funding Reallocations

The act carries forward appropriations from prior years and transfers them to other purposes for FY 2004 as shown in Table 3.

Table 3: Funding Reallocations for FY 2004

§	Agency	Original Purpose	Transferred To	For	Amount
28(d)	OPM	PILOT New Manufacturing Machinery and Equipment Grant	Capital City Economic Development Account	Adriaen's Landing Convention Center	Up to \$4.2 million
28(e)	OPM	Local Aid Adjustment Grant	Department of Social Services, Housing and Homeless Services account	Home for the Brave (veterans' housing)	Up to \$250,000
28(f)	OPM	Drug Enforcement Program Payments to Local Governments	Justice Assistance Grant	Grant to Hartford Police Department for community policing	Up to \$1,000,000
28(g)	OPM	Local Aid Adjustment Grant	Office of Workforce Competitiveness - Connecticut Employment & Training Commission Workforce Account	Spanish American Merchants' Association	Up to \$200,000
28(j)	OPM	PILOT New Manufacturing Machinery and Equipment Grant	Nutmeg Games	State Games of America	Up to \$100,000
33(b)	Labor Department	Personal Services	Opportunity Industrial Centers (OICs)	Grants of \$100,000 each to Bridgeport and Waterbury OICs	Up to \$200,000

Department of Administrative Services Positions (§ 30)

The act limits the number of positions the Department of Administrative Services may fill from the General Services Revolving Fund to 124.

Information Technology Positions (§ 31(a))

To consolidate information technology positions within the Department of Information Technology (DOIT), the act allows the governor, with FAC approval, to make extra rescissions, revise the number of positions an agency may fill during FYs 2004 and 2005, and transfer funds and positions to DOIT.

Birth-to-Three Program (§ 36)

For FYs 2004 and 2005, the act requires the State Department of Education to transfer \$1 million annually of the federal special education funds it receives to the Department of Mental Retardation for the Birth-to-Three Program to carry out special education-related requirements consistent with federal law.

Department of Social Services (DSS) Disproportionate Share (DSH) Payments to DMHAS Hospitals (§ 37(a))

The act requires DSS to spend money appropriated to it for Department of Mental Health and Addiction Services (DMHAS)/Medicaid Disproportionate Share payments only when, and in the amounts, OPM specifies. DSS must make payments to DMHAS hospitals for operating expenses and related fringe benefits. Hospitals must reimburse the comptroller from the fringe benefit payments and deposit all the other funds to "grants – other than federal accounts." Unspent DSH funds in the "grants" account must lapse at the end of each fiscal year.

Teachers' Retirement Fund (§ 38)

The act requires the state to contribute \$185.3 million per year rather than the actuarially recommended amounts to the Teachers Retirement System in FYs 2004 and 2005.

Department of Higher Education (§ 39)

Despite statutory restrictions on such spending, the act allows the Department of Higher Education (DHE) to spend \$206,000 in FY 2004 and \$216,000 in FY 2005 from the private occupational school student protection account. It also earmarks \$100,000 of the DHE's FY 2004 and FY 2005 Minority Advancement Program appropriations for the Saturday Academy.

Department of Transportation (§ 42(a) & (b))

The act carries forward the unspent balance of prior years' appropriations for the Transportation Strategy Board to FYs 2004 and 2005, but it requires OPM to use up to \$640,000 of the money in FY 2004 to fund statutorily required grants-in-aid for regional planning agencies.

Commercial Recording Account (§ 44)

During FY 2004, the act requires the commercial recording account to pay up to \$617,000 of the secretary of the state's costs for other expenses for the computerized voter registration system. For FYs 2004 and 2005, the act also requires the account to pay for five positions in the Secretary of the State's Office, three of which are for voter registration.

University of Connecticut (§46(h))

For FY 2004, the act earmarks \$50,000 from UConn's block grant to fund the Veterinary Diagnostic Lab.

Higher Education Constituent Unit Administrative Spending Caps (§ 48)

The act caps certain administrative spending by higher constituent units for FYs 2004 and 2005 as shown in Table 4. (These caps are revised in PA 03-6, June 30 Special Session.) The spending limits apply to General Fund appropriations and operating fund spending and exclude federal, private, capital bond, and fringe benefit funds.

Table 4: Higher Education Spending Limits

Function	Unit	Spending Limits for FYs 04 & 05
System office spending excluding telecommunication center funds, capital	Community-Technical Colleges	\$3,100,000

equipment bond funds, funds for identified systemwide projects benefiting individual campuses, and data center funds	Connecticut State University	3,100,000
Institutional administration spending (system office, executive management, fiscal operations, and general administration but not logistical services, administrative computing, and development)	Community-Technical Colleges	22,000,000
	Connecticut State University	20,100,000
	UConn	13,700,000

The act requires the higher education commissioner to monitor compliance with the limits and report her findings to the Education and Appropriations committees within 60 days after the end of each quarter of FYs 2004 and 2005.

Community Justice Centers (§ 54)

The act requires \$2 million of the Department of Correction's FY 2005 personal services appropriation to be used for community justice centers during FY 2005.

Commission on Racial and Ethnic Disparity (§ 56)

For FYs 2004 and 2005, the act allocates \$50,000 per year to the Commission on Racial and Ethnic Disparity from the Judicial Department's other expenses appropriation.

Pre-Trial Alcohol and Substance Abuse Program (§ 63)

The act makes up to \$250,000 of the FY 2003 appropriation for the Pre-Trial Alcohol and Substance Abuse Program available for regional action councils during FY 2004.

Department of Public Safety

The act requires up to \$750,000 of the Department of Public Safety's FY 2003 appropriation to be carried-forward to FY 2004 and used to match and acquire federal homeland security funding for overtime costs for community policing and homeland security efforts.

PRIOR APPROPRIATIONS CARRIED FORWARD

The act authorizes various unspent balances from prior years' appropriations to be carried forward and used for the same purpose in FY

2004 or in both FY 2004 and 2005, rather than lapsing at the end of FY 2003 or FY 2004.

Table 5: Funds Carried Forward

§	Agency	Purpose	Amount	To
26	OPM	Collective bargaining agreements and related costs	Unspent balance	2004, 2005
27	Comptroller	Core Financial Systems & State Employees Retirement System data base	Unspent balance	2004
28(a)	OPM	Funding interlocal agreements signed before June 30, 2001	Unspent balance	2004, 2005
28(b)	OPM, which may transfer money to other state agencies that need it for that purpose	Litigation-settlement costs	Unspent balance	2004, 2005
28(c)	OPM	Justice Assistance Grants	Up to \$400,000	2004
28(h)	OPM	Relocate Hartford city offices	Unspent balance	2004
28(i)	OPM	Other Expenses – actuarial services	Up to \$150,000	2004, 2005
29(a)	Office of Workforce Competitiveness	Connecticut Employment and Training Commission - Workforce	Up to \$ 1 million	2004
29(b)	Office of Workforce Competitiveness	Jobs Funnel projects	Unexpended balance	2004
31(b), (c)	DOIT and other agencies to which DOIT may transfer funds	Health Insurance Portability and Accountability Act	Unspent balance	2004
32	Police Officer Standards and Training Council	Training at satellite academies	Unspent balance	2004
33(a)	Labor Department	Welfare-to-Work Grant Program	Unspent balance	2004
33(c)	Labor Department	Workforce Investment Act	Unspent balance	2004, 2005
34	Department of Public Health	Children's Health Initiatives, expand "Easy Breathing" Asthma Initiative	Unspent balance	2004
35(a)	Office of Medical Examiner	Other expenses	Unspent balance	2004
35(b)	Office of Medical Examiner	Equipment	Unspent balance	2004
37(b), (c)	Department of Social Services	Work Performance	Unspent balance of	2004

		Bonus Account	2001 appropriation and any funds transferred to the account with FAC approval	
37(d)	Department of Social Services	Data Warehouse Project	Unspent balance	2004, 2005
37(e)	Department of Social Services	Child Care Management Information System	Up to \$850,000	2004
37(f)	Department of Social Services	Geriatric Assessment	Unspent balance	2004
37(g)	Department of Social Services	Community Services	Unspent balance	2004
39(c)	Department of Higher Education	National Service Act	Up to \$85,000	2004
40(a)	Department of Correction	Inmate medical services	Unspent balance	2004
40(b)	Department of Correction	Inmate tracking system	Unspent balance	2004, 2005
41(a)	Department of Motor Vehicles	Commercial Vehicle Information Systems and Networks project	Unspent balance	2004, 2005
41(b)	Department of Motor Vehicles	Upgrading registration and driver license data processing systems	Unspent balance of funds appropriated for converting to fully reflective license plates	2004, 2005
42(c)	Department of Transportation	Highway planning and research	Unspent balance	2004, 2005
43(a)	Department of Education	Priority school districts	Unspent balance	2004, 2005
43(b)	Department of Education	School construction grants	Unspent balance	2004
43(c)	Board of Education and Services for the Blind	Educational aid for blind and visually handicapped children	Unspent balance	2004
53	Department of Administrative Services	Hospital billing system development	Unspent balance	2004
55(a)	Banking Department	Equipment	Up to \$250,000	2004
55(b)	Insurance Department	Other Expenses	Up to \$300,000	2004
62	Department of Revenue Services	Other Expenses	Up to \$200,000	2004, 2005

TRANSFERS TO THE GENERAL FUND (§§ 46, 47)

For FYs 2004 and 2005, the act transfers money from various special funds and quasi-public authorities to the General Fund as shown

in Table 6.

Table 6: Transfers to the General Fund

<i>From</i>	<i>Annual Transfer Amounts</i>
Tobacco and Health Trust Fund	\$12,000,000
Connecticut Development Authority	10,000,000
Connecticut Innovations, Inc.	5,000,000
Connecticut Housing Finance Authority	2,500,000
Biomedical Research Trust Fund	2,000,000

In addition, the act (1) transfers \$5 million of the Banking Fund's nonassessment funds to the General Fund for FY 2004 and (2) directs any money the state receives from the legal action known as the "Wall Street Settlement" to be deposited in the General Fund.

The act also eliminates a requirement that the \$1 million per month that must, by law, be transferred to the General Fund from electric utilities' energy conservation and load management funds until July 2005 go to a nonlapsing General Fund account to pay for state agencies' electricity costs and conservation projects. Instead, the act makes the money an unrestricted part of the General Fund. (This change was repealed by PA 03-6, June 30 Special Session and then restored by PA 03-1, September 8 Special Session.)

REVENUE EARMARKS

Emergency Spill Response Account (§ 45)

For FYs 2004 and 2005, the act requires the comptroller to deposit \$10.5 million of annual petroleum products gross earnings tax revenues into the Department of Environmental Protection's Emergency Spill Response Account.

Special Transportation Fund (§ 65)

The act reduces quarterly revenue allocations to the Special Transportation Fund (STF) from the petroleum products gross earnings tax on motor fuel from \$5.25 million to \$2.625 million in FY 2004 and \$3.25 million in FY 2005.

Connecticut Television Network (§ 106)

The act earmarks \$2 million per year in cable TV company gross earnings tax revenues for the Connecticut Television Network's (CTN) coverage of state government deliberations and

public policy events. It requires the Department of Revenue Services (DRS) commissioner to deposit the money with the treasurer, who must make it available to the Office of Legislative Management for CTN.

Transportation Strategy Board Projects Account (§§ 113, 114)

The act creates the Transportation Strategy Board (TSB) Projects Account as a nonlapsing account in the STF. For FY 2004, it allocates to the account \$5 million of the revenue from the increase in Department of Motor Vehicle (DMV) fees for specified copies, abstracts, duplicates, replacements, and searches (see §117 below) and for FY 2005 and subsequent years, half of the revenue increase. The revenue must be used to fund the TSB and its projects.

The act also transfers the following amounts from the STF to the TSB Projects Account: (1) \$10 million for FY 2004, (2) \$5 million for FY 2005, and (3) \$5 million on July 1, 2005.

Conservation Fund (§ 118)

For FYs 2004 and 2005, the act maintains at \$2 million the amount of tax revenue generated from the sale of motor fuel by distributors to boatyards, marinas, and other such facilities the DRS commissioner must transfer to the Conservation Fund. The amount was scheduled to increase to \$3 million for FY 2004 and subsequent years.

The act also maintains the \$1 million allocation from the fund to the fisheries account for FYs 2004 and 2005 instead of increasing it to \$2 million annually as scheduled. Finally, for FYs 2004 and 2005, the act continues the \$250,000 annual allocation from the Conservation Fund to the boating account and the \$75,000 minimum annual allocation from the fisheries account to UConn for the Long Island Sound Councils.

Funding For Arts, Culture, And Tourism (§ 85)

For FYs 2004 and 2005, the act allocates \$20 million annually from hotel occupancy tax revenues to the Department of Economic and Community Development (DECD) for arts, culture, and tourism. (This provision was revised in PA 03-6, June 30 Special Session.)

Tourism Account (§§ 107-112, 141)

The act eliminates the Tourism Account and transfers the following revenue earmarked for the account to the General Fund:

1. a \$1-per-day surcharge on the cost of renting a car for 30 days or less,
2. payments the state receives from tourism advertising or products, and
3. any revenue generated from the request for proposals process for electronic information systems at state welcome centers.

It also eliminates diversion of hotel tax revenue to tourism districts and other special purposes (such as the Historical Commission and Arts Trail), as well as the formula for distributing this revenue. It eliminates the mandatory grant to tourism districts that receive less than \$100,000 per year from the hotel tax diversion and an obsolete statute. (PA 03-6, June 30 Special Session, substantially revises the administrative structure and funding of the state's tourism activities.)

Judicial Fee Increases Allocated To The General Fund (§ 141)

The act repeals a provision of PA 03-2 that credited all revenue from specified court fees and attorney taxes established or increased on or after that act's effective date, up to a maximum of \$1.5 million in FY 2003 and \$4.9 million annually thereafter, to the Judicial Department's other expense account. Thus, the act makes those revenues an unrestricted part of the General Fund.

FILLING STATE EMPLOYEE POSITIONS

All State Agencies (§ 49)

Unless the governor recommends it and the FAC approves, the act limits the number of positions state agencies, other than higher education constituent units, may fill to the number recommended by the Appropriations Committee as revised by the full General Assembly and set out in the Office of Fiscal Analysis report on the state budget.

Higher Education Constituent Units (§§ 50, 51)

For FYs 2004 and 2005, the act allows higher education constituent units to fill up to 100% of the faculty positions vacated because of

the 2003 Early Retirement Incentive Program (ERIP). It allows the units to retain 50% of the savings attributable to the ERIP but requires them to (1) reallocate at least 10% of faculty vacancies from the ERIP to programs in critical workforce areas identified by the Office of Workforce Competitiveness, in consultation with the departments of Higher Education, Education, and Labor, including teacher shortage areas and nursing; (2) submit a reallocation plan to the Higher Education and Employment Advancement Committee by January 1, 2004; and (3) report to the committee on the impact of the reallocations on enrollment in shortage fields by October 1, 2004.

Legislative Commissions (§ 52)

The act bars legislative commissions from filling vacancies during FYs 2004 and 2005 unless the Legislative Management Committee considers it critical to the commission's operations.

GOVERNOR'S BUDGET RESCISSION AUTHORITY

Collective Bargaining Savings (§ 24)

The act allows the governor, with FAC approval, to modify or reduce funding allotments from FY 2004 and FY 2005 appropriations to achieve collective bargaining savings required by the act, any other public or special act, or any collective bargaining agreement.

Extraordinary Rescission Authority (§ 60)

The act authorizes the governor to make up to \$55 million in deeper-than-normal rescissions in FY 2005 budget appropriations on or after October 1, 2004, but only if the state fails to receive a minimum level of federal assistance for FY 2005 (see § 61 below).

The governor's rescission authority is ordinarily limited to 3% of the total appropriations from any fund or 5% of any appropriation. He can exercise the authority when he determines that (1) circumstances have changed since the budget was adopted or (2) there are not enough estimated resources to fund all appropriations. This act allows him to reduce total FY 2005 budget appropriations from any fund by up to an extra 5% (or a maximum of 8%) and to reduce any FY 2005 appropriation by up to an extra 5% (or a maximum of 10%). The

limits in the law and the act do not apply during wars, invasions, or natural disasters.

The governor can exercise this extraordinary authority if he determines (1) there is either a fiscal exigency related to the budget or there are not enough estimated resources to fund all appropriations and (2) his ordinary rescission authority will not be enough to deal with the exigency or shortfall. For budget reductions carried out under the extra rescission authority, the act suspends the statutory requirement that the governor get the FAC's approval.

Under the law granting the governor's regular rescission authority, if the comptroller's cumulative monthly financial statement includes a projected General Fund deficit that exceeds 1% of total General Fund appropriations, the governor must, within 30 days, file a report with the Appropriations and Finance, Revenue and Bonding committees on his plan for reducing budget allotments to prevent a deficit. If the governor's plan requires a reduction of more than 3% in total appropriations from any fund or more than 5% in any appropriation, the governor can ask the FAC to approve the reduction. The full General Assembly must approve any reduction in total appropriations greater than 5%.

The governor must follow similar procedures for making the extra reductions under the act. Before making the additional reductions, he must file a report with the Appropriations and Finance, Revenue and Bonding committees that describes, as applicable, the fiscal exigency or the basis for his determination that resources will be insufficient to fund full appropriations. The OPM secretary must submit copies of the reductions and the reasons for them to state agency heads; the comptroller; and the Appropriations Committee, through the Office of Fiscal Analysis. As under the statute, the comptroller must use the reduced allotments in her control of state agency spending.

FEDERAL FUNDS CONTINGENCY (§ 61)

By July 1, 2004, the act requires the OPM secretary to certify the amount of any extraordinary federal assistance the state will receive in FY 2005. The extraordinary federal assistance is extra federal medical assistance and other aid similar to that received for FYs 2003 and 2004 under the federal Jobs Growth, Tax Relief and Reconciliation Act of 2003. The secretary must certify the federal assistance amount to the state treasurer, comptroller, Department of Revenue Services (DRS)

commissioner, and legislative leaders. Depending on the amount certified, the act first reduces or eliminates the governor's extraordinary rescission authority for FY 2005 (see § 60 above) and second, eliminates a special estate tax (see § 59 below).

If the certified amount of federal aid the state is to receive is at least \$110 million, the act repeals both the special estate tax and the governor's extraordinary rescission authority. If the federal aid is \$55 million or more but less than \$110 million, it repeals only the extraordinary rescission authority. If the federal aid is less than \$55 million, the act keeps the special estate tax and allows the governor to use the extraordinary rescission authority but only up to the difference between the federal aid amount and \$55 million.

REIMBURSEMENT TO SCHOOL DISTRICTS FOR HEALTH SERVICES TO PRIVATE SCHOOL STUDENTS (§ 57)

For FYs 2004 and 2005, the act continues an existing state reimbursement grant for health services school districts must provide to Connecticut students attending private schools. As under prior law, reimbursement percentages range from 10% to 90%, based on town wealth. A town must receive a minimum 80% reimbursement if (1) its number of children on welfare was more than 1% of its population in 1997 or (2) it has a wealth ranking below 30 and provides health services to more than 1,500 private school students who do not live in the town. (PA 03-6, June 30 Special Session, makes the grant and distribution formula permanent.)

GAAP ACCOUNTING (§ 58)

The act delays, from July 1, 2003 to July 1, 2005, the date after which the comptroller and the OPM secretary may start using Generally Accepted Accounting Principles (GAAP) to maintain the state's financial statements and prepare the state budget, respectively. It also requires the comptroller and OPM secretary to submit GAAP conversion plans to the Appropriations Committee by February 1, 2005 and adjusts other GAAP-related deadlines to conform to the two-year implementation delay.

INCOME TAX

Property Tax Credit (§ 101)

The act reduces the maximum property tax credit against the income tax from \$500 to \$350 and eliminates a residual \$100 property tax credit formerly available to higher income taxpayers.

Under the act, as under prior law, the maximum credit is reduced by 10% for each \$10,000 of Connecticut adjusted gross income (10% for each \$5,000 for married people filing separately) above specified levels. But under the act, the reductions apply to the entire credit instead of only to the credit over \$100 (see Table 7).

Table 7: Old and New Maximum Property Tax Credits

MAXIMUM CREDIT		CT ADJUSTED GROSS INCOME			
		Married Filing Jointly		SINGLE (for 2003 only)	
Prior Law	Act	From	To	From	To
\$500	\$350	\$24,001	\$100,500	\$12,501	\$54,500
460	315	100,501	110,500	54,501	64,500
420	280	110,501	120,500	64,501	74,500
380	245	120,501	130,500	74,501	84,500
340	210	130,501	140,500	84,501	94,500
300	175	140,501	150,500	94,501	104,500
260	140	150,501	160,500	104,501	114,500
220	105	160,501	170,500	114,501	124,500
180	70	170,501	180,500	124,501	134,500
140	35	180,501	190,500	134,501	144,500
100	0	Over \$190,500		Over \$144,500	
MAXIMUM CREDIT		Head of Household		Married Filing Separately	
		From	To	From	To
Prior Law	Act	From	To	From	To
\$500	\$350	\$19,001	\$78,500	\$12,001	\$50,250
460	315	78,501	88,500	50,251	55,250
420	280	88,501	98,500	55,251	60,250
380	245	98,501	108,500	60,251	65,250
340	210	108,501	118,500	65,251	70,250
300	175	118,501	128,500	70,251	75,250
260	140	128,501	138,500	75,251	80,250
220	105	138,501	148,500	80,251	85,250
180	70	148,501	158,500	85,251	90,250
140	35	158,501	168,500	90,251	95,250
100	0	Over \$168,500		Over \$95,250	

The income levels at which the maximum credit reduction starts for singles shown in Table 7 apply for the 2003 tax year. Starting January 1, 2004, the income at which the reduction starts for single filers is scheduled to increase every year until it reaches \$64,501.

The property tax credit reductions apply to tax years starting on or after January 1, 2003.

Changes for Single Filers (§§ 101, 115, 116)

The act delays scheduled income tax reductions for single filers by (1) stretching out

the schedule of increases in the amount of their adjusted gross income that is exempt from the tax (“personal exemption”) and (2) delaying scheduled increases in income thresholds for reducing their personal exemptions, personal credits, and property tax credits.

Personal Exemption. The maximum personal exemption for single filers is \$12,500 for the 2003 tax year. Under prior law, the maximum was scheduled to increase to \$12,750 on January 1, 2004 and rise, in five more annual steps, to \$15,000 on January 1, 2009. The act reduces the January 1, 2004 exemption level to \$12,625 and delays the increase to \$12,750 and each subsequent increase by one year. It also adjusts the exemption reduction thresholds to correspond to its changes in the maximum, as shown in Table 8. (By law, the exemption for single filers is reduced by \$1,000 for each \$1,000 of adjusted gross income (AGI) over twice the maximum exemption.)

Table 8: Personal Exemption For Single Filers

Tax Year	PRIOR LAW		ACT	
	Maximum Exemption (AGI)	Exemption Reduction Threshold (AGI)	Maximum Exemption (AGI)	Exemption Reduction Threshold (AGI)
2003	\$12,500	\$25,000		
2004	12,750	25,500	12,625	25,250
2005	13,000	26,000	12,750	25,500
2006	13,500	27,000	13,000	26,000
2007	14,000	28,000	13,500	27,000
2008	14,500	29,000	14,000	28,000
2009	15,000	30,000	14,500	29,000
2010			15,000	30,000

Personal and Property Tax Credits.

By law, Connecticut income taxpayers with AGIs under a specific threshold are eligible for a (1) personal credit of from 1% to 75% of the tax due and (2) a credit of up to \$350 (reduced from \$500 by the act – see §101 above) for property taxes they pay. Both credits gradually decrease as income rises and are phased out entirely at specified AGI thresholds. The AGI threshold at which the personal credit is eliminated and the property tax credit reduction starts is the same.

Under prior law, for single filers, this AGI threshold was gradually scheduled to increase from \$54,500 to \$64,000 over six years from 2003 to 2009. The act stretches this schedule out by reducing the increase scheduled for 2004 by 50% and delaying each subsequent increase by one year (see Table 9). Finally, the act makes corresponding changes in the income levels at which the 1% to 75% personal income tax credits apply to reflect the delays in the personal

exemption increases. The changes for single filers apply to tax years beginning on or after January 1, 2004.

Table 9: Personal Credit Elimination And Property Tax Credit Reduction Thresholds for Single Filers

Tax Year	PRIOR LAW	ACT
	Threshold (AGI)	Threshold (AGI)
2003	\$54,500	\$54,500
2004	55,500	55,000
2005	56,500	55,500
2006	58,500	56,500
2007	60,500	58,500
2008	62,540	60,500
2009	64,500	62,500
2010		64,500

SALES AND USE TAX

Computer and Data Processing Services (§§ 95, 96)

The act repeals the scheduled elimination of the sales and use tax on computer and data processing services formerly set to take effect July 1, 2004, thus maintaining the existing 1% tax on such services.

Hospital Patient Care Services (§§ 95, 96)

The act eliminates the 5.75% sales and use taxes on hospital patient care services payments received after June 30, 2003. Under prior law, the tax on patient care services was suspended for two years, from July 1, 2001 through June 30, 2003, and was to resume for payments for such services that hospitals received on or after July 1, 2003.

Exemption for Media and Cooperative Direct Mail Advertising and Public Relations (§§ 95, 96, 97)

Starting July 1, 2003, the act exempts advertising and public relations services for developing media and cooperative direct mail advertising from the sales and use tax. It thus eliminates the 3% tax PA 03-2 imposed on such services starting April 1, 2003.

Exemption for Newspapers and Magazines (§ 98)

Starting July 1, 2004, the act exempts newspaper sales and magazine subscription sales from sales and use taxes. PA 03-2 applied a 6% tax to such sales starting April 1, 2003.

Tax Collection by Remote Sellers Who Are State Vendors (§ 105)

Starting with sales on or after July 1, 2003, the act requires new contracts for state agency purchases of supplies, equipment, and similar items from sellers with no taxable relationship (“nexus”) to Connecticut to include an agreement requiring the contractor and its affiliates to collect use tax on all sales to Connecticut consumers during the term of the state contract. The requirement also applies to affiliates that control, are controlled by, or are under common control with, the contractor.

The act requires the state’s agreements with vendors to include the following provisions:

1. the contractor and affiliates are liable only for use taxes paid by customers;
2. once a customer pays use tax to the contractor or affiliate, he is no longer liable for paying the tax on the item to the state;
3. contractors and affiliates must remit taxes collected by the due date specified in the agreement, which must be no later than the end of the month following the calendar quarter or other collection period during which they collected the tax; and
4. contractors and affiliates that fail to remit taxes on time are subject to the same interest and penalties as other retailers (1% for each month or part of a month the payment is overdue, plus a penalty of 15% of the deficiency or \$50, whichever is greater for negligent or intentional nonpayment and 25% of the deficiency for nonpayment due to fraud).

The act also allows agreements to provide that contractors and affiliates collect use tax only on items subject to the 6% tax rate.

By law, the use tax applies to taxable items and services Connecticut residents buy out-of-state for use in the state.

Sales-Tax-Free Week (§ 142)

Starting July 1, 2004, the act eliminates a sales tax exemption for clothing and footwear costing less than \$300 that applies annually during the third week of August, a period known as the “sales-tax-free week.”

BUSINESS TAXES

Corporation Tax Surcharge (§ 87-88)

For the 2004 income year, the act imposes a 25% corporation tax surcharge on any corporation with a 2004 tax liability greater than the \$250 minimum tax. Corporations subject to the surcharge must calculate their surcharge amounts based on their tax liability before any tax credits.

All corporations, including those paying the minimum tax, were already subject to a 20% corporation tax surcharge for the 2003 income year.

Optional Combined Corporation Tax Returns (§ 90)

By law, if affiliated, multi-state companies filing a combined return think that the statutory method for apportioning their combined net income or capital base to Connecticut is unfair, they may petition the DRS commissioner to use another apportionment method. The act adds a third condition to the criteria for the commissioner's decision to approve a proposed alternate method. In addition to requiring the commissioner to conclude that the petitioning companies are part of a unitary business engaged in one enterprise and that they have substantial business transactions with one another, the act requires the commissioner also to determine that the proposed alternate method accurately reflects the companies' activity, business, income, or capital in Connecticut. PA 03-6, June 30 Special Session repealed these changes, which were to apply to income years starting on or after January 1, 2003.

The act also makes technical changes, some of which make the law conform to the mandatory alternative combined reporting requirements the act imposes (see below). PA 03-6, June 30 Special Session also repealed the conforming changes.

Mandatory Alternate Combined Reporting Requirements (§ 91)

New Requirement. The act requires a group of related corporations that meet certain criteria to determine the corporation tax liability of the group's members doing business in the Connecticut as if the group were a single company. By doing so, it subjects more of a covered group's income or capital base to the

Connecticut corporation tax and also allows the state to tax a share of the income from royalties, interest, or similar payments and transactions among the group members. (PA 03-6, June 30 Special Session, repealed these new requirements.)

Under prior law, corporate groups that filed consolidated federal corporate tax returns could choose to file combined Connecticut returns but first had to apportion each member's net income and losses or capital base separately among the states where the member operates. The DRS commissioner could also require groups that do not file consolidated federal returns to file combined Connecticut reports under certain circumstances. All other Connecticut corporation taxpayers had to compute their tax liability as separate entities.

Covered Groups. Under the act, a Connecticut corporate taxpayer must comply with the new combined filing requirement if:

1. 50% or more of its gross income comes from transactions with affiliates or related entities or 50% or more of the income of any one of its affiliates or related entities comes from transactions either with the taxpayer or with the taxpayer and its affiliates or related entities;
2. the taxpayer and one or more of its affiliates or related entities provide three or more of the following services to one another: advertising, public relations, accounting and bookkeeping, centralized cash management, distribution, legal services, personnel services, manufacturing, sales, purchasing, research and development, management, collections, nonemployee-benefit-related insurance procurement and servicing, and employee benefit programs;
3. the taxpayer owes 20% or more of its debt to affiliates and related entities or the debt its affiliates and related entities owe the taxpayer is 20% or more of the total debt owed to it; or
4. the taxpayer transfers or sells to, or exchanges with, an affiliate or related entity income-producing property other than operating cash, such as real property, accounts receivable, securities, patents, trademarks, copyrights, and similar property, and later directly or indirectly receives income or money attributable to the

property.

The act requires the combined filing even if these inter-company transactions (1) involve an “arm’s length charge” as defined by US Treasury Department regulations or (2) have a valid business purpose.

Company groups that file optional combined returns under existing law must include in those returns any affiliate or related entity of a group member that meets any of the listed conditions. The act also gives the DRS commissioner discretion to include in a group’s alternate combined report any affiliate or related entity that does not meet the listed conditions, or to exclude one that does, if she (1) determines it is required to accurately reflect the group’s activity, business, income, or capital in Connecticut and (2) does not exercise the discretion arbitrarily, capriciously, or unreasonably.

Affiliates and Related Entities. The act defines corporations or corporate chains connected to the same parent corporation as an “affiliated group” if (1) one or more of the corporations directly owns more than 50% of each of the others’ voting and nonvoting stock and (2) their common parent directly owns more than 50% of the voting and nonvoting stock of at least one of them.

It defines an “affiliate” as corporate group member that, either on its own or with its affiliated corporations, meets any of the listed conditions with a Connecticut corporate taxpayer. Affiliates can include limited liability companies that choose to be taxed as corporations for federal tax purposes, but not statutorily defined passive investment companies affiliated with financial or insurance companies that are exempt from the corporation tax.

A partnership, limited liability company, S corporation, real estate investment trust, or other pass-through entity is considered a taxpayer’s “related entity” under the act if the taxpayer, one or more of its affiliates, or a combination of them, directly or indirectly own, together or separately, at least 50% of the entity.

Other Provisions. The act gives the DRS commissioner discretion to allow a covered corporate group to use an alternate method of apportioning income to more accurately reflect its actual business activity in the state based on the same three criteria that already apply to voluntary combined reports (see §90 above). The group must file its request to use an alternate method no later than 60 days before the final filing date for its return.

The act requires the commissioner to adopt regulations (1) establishing methods for corporate groups subject to mandatory combined reporting to apply tax credits, net operating losses, and net operating loss carryovers against their tax liability and (2) establishing apportionment methods for groups whose members are subject to different apportionment formulas.

The act makes all companies included in the mandatory combined return jointly and severally liable for the group’s taxes. If a group member that files a separate return owes more tax under the mandatory combined return, the act requires it to pay the tax computed under the combined return.

The mandatory combined reporting was to apply to income years starting on or after January 1, 2003, but PA 03-6, June 30 Special Session, repealed it.

Insurance Premium Tax Credit Limit (§ 86)

The act limits the total value of the credits an insurance company or HMO may take against the 1.75% premium tax in any year to 70% of its pre-credit tax liability for the same year. The credit limit applies to income years starting on or after January 1, 2003.

R&D Credit Refunds for Capital Base Companies (§ 89)

The act reinstates eligibility for research and development (R&D) credit refunds for the 2003 and 2004 income years for companies that pay the alternative capital base tax for a year when they report no net income.

By law, all companies must pay a tax of 7.5% of net income or 3.1 mills per dollar of capital base, whichever is higher, but no less than \$250. Thus, the minimum tax a corporation pays is either \$250 or the alternative capital base tax, whichever is more. The R&D credit refund program entitles certain companies to cash refunds for 65% of the value of unused corporation tax credits for R&D expenses up to certain limits. It originally required eligible companies to have no corporation tax liability, but a 2002 law barred companies from using credits to reduce their annual corporation tax below \$250, making it impossible to have no liability. A subsequent 2002 law preserved eligibility for qualifying companies owing only the \$250 minimum tax, but it did not address companies without net income that were still

required to pay more than \$250 in alternative capital base taxes, even though they were eligible for refunds before 2002.

For the 2003, and 2004 income years only, this act reinstates eligibility for such companies. (PA 03-120 reinstated their eligibility for the 2002 income year.)

Gross Earnings Tax on Satellite TV Service (§§ 92, 93, 119)

The act extends the 5% gross earnings tax on cable TV companies to satellite TV companies providing service to Connecticut subscribers. As is the case with the cable TV tax, satellite TV companies must file returns and pay the tax quarterly. But, under the act, the first quarterly payment for satellite TV companies covers the four months from September 1 to December 31, 2003. The act requires each satellite TV company's taxable gross earnings to be based on the ratio of its Connecticut subscribers to its total subscribers on the first and last day of each quarter.

The act also allows the comptroller to count as revenue for the previous fiscal year ("accrue") any satellite TV company gross earnings tax payments postmarked by July 31 or, if that is a weekend or holiday, the following business day.

The act applies to calendar quarters starting on or after September 1, 2003.

Controlling Interest Transfer Tax (§ 100)

The state imposes a controlling interest transfer tax on the sale or transfer of any entity that controls a real property interest worth \$2,000 or more. The tax is 1.11% of the value of the interest. The act explicitly applies the tax when:

1. an entity holds the property either directly or indirectly,
2. the sale or transfer occurs in one transaction or a series, and
3. the sale or transfer involves one seller or transferor or a group acting in concert.

The act establishes presumptions that, unless shown to the contrary, (1) transactions that occur within six months of each other are part of a series and (2) sellers or transferors who are related to one another by blood or marriage are acting in concert.

Finally, although the act maintains the tax exemption for transfers of controlling interests in entities possessing real property located in

enterprise zones, it expressly applies the tax to such transfers to the extent an entity also holds property outside a zone.

The act applies to controlling interest sales or transfers on or after August 1, 2003.

INHERITANCE AND TRANSFER TAXES

Special Estate Tax (§§ 59, 61, 120)

The act imposes a special estate tax, payable in lieu of the regular estate tax, on estates valued at over \$1 million of people who die between July 1, 2004 and January 1, 2005. The special tax is 1.3 times the maximum federal estate tax credit applicable in 2004 but without the 75% federal credit reduction applicable in that year. But if, by July 1, 2004, the OPM secretary certifies that the state will receive at least \$110 million or more in extra federal assistance for FY 2005, the special tax does not take effect.

Estates subject to the tax must file returns and pay within six months after the death date instead of within nine months after, as under the regular estate tax. For nonresident estates, the act requires the special tax to be apportioned according to the share of the total estate under Connecticut's jurisdiction. The act also allows the comptroller to count as revenue for FY 2005 any payments of the special tax she receives on or before July 31, 2005.

Connecticut's regular estate tax is linked to the federal estate tax in effect on the death date and is set at the maximum federal estate tax credit as of that date. For deaths in 2004, the federal tax applies to estates valued at \$1.5 million or more. Because Connecticut's regular tax is tied to the federal law, the same taxable estate threshold applies to it. But for the special tax, the act sets the taxable estate threshold at \$1 million.

The regular tax is also linked to the federal tax in that Connecticut's tax equals the maximum federal estate tax credit for state inheritance taxes paid. A 2001 federal law is phasing out the federal credit for state taxes, reducing it by 25% per year until it is eliminated in 2005. By reducing the federal credit, the federal law is simultaneously reducing Connecticut's estate tax. For deaths in 2004, the regular Connecticut tax will be 25% of its 2001 rate. The special tax disregards this credit reduction.

Except for the taxable estate threshold, the federal credit reduction disallowance, and the six-month filing deadline, the act applies all

other provisions of the existing state and federal estate tax law to the special tax.

Succession Tax Phase-Out (§ 94)

The act delays each remaining step of the succession tax phase-out by two years. It affects estates of people who die on or after March 1, 2003 that exceed certain values and that pass either to collateral descendants, such as brothers, sisters, nephews, and nieces (Class B heirs), or to other, more remote, heirs (Class C heirs). The act also increases tax rates for taxable estates of those who die between March 1, 2003 and December 31 2004. For those estates, the act applies the tax rates that were in effect in 2002, reversing a rate reduction for such estates that took effect January 1, 2003.

The succession tax was scheduled for elimination as of January 1, 2004 for Class B heirs and as of January 1, 2006 for Class C heirs. The act delays elimination for Class B heirs to January 1, 2006 and for Class C heirs to January 1, 2008.

Table 10 shows when remaining succession tax rates are effective under prior law and under the act for each class of heirs. (Rates given include applicable surcharges of 10% plus 30% imposed under CGS § 12-344a.)

Table 10: Old and New Succession Tax Rate Effective Dates

Class B Heirs			
EFFECTIVE		ESTATE VALUE	TAX RATE (WITH SURCHARGES)
PRIOR LAW	ACT		
Death Date: January 1, 2001 to January 1, 2003	Death Date: March 1, 2003 to January 1, 2005	\$600,000 or less	No Tax
		\$600,001-\$1,000,000	11.7%
Death Date: January 1, 2003 to January 1, 2004	Death Date: January 1, 2005 to January 1, 2006	\$1,500,000 or less	No Tax
		Over \$1,500,000	11.44%
Death Date: January 1, 2004 or after	Death Date: January 1, 2006 or after	Any	No Tax
Class C Heirs			
EFFECTIVE		ESTATE VALUE	TAX RATE (WITH SURCHARGES)
PRIOR LAW	ACT		
Death Date: January 1, 2001 to January 1, 2003	Death Date: March 1, 2003 to January 1, 2005	\$200,000 or less	No Tax
		\$200,001-250,000	14.3%
		\$250,001-400,000	15.73%
		\$400,001-600,000	17.16%
		\$600,001-1,000,000	18.59%
		Over \$1,000,000	20.02%
Death Date: January 1, 2003 to January 1, 2004	Death Date: January 1, 2005 to January 1, 2006	\$400,000 or less	No Tax
		\$400,001-600,000	17.16%
		\$600,001-1,000,000	18.59%
		Over \$1,000,000	20.02%
Death Date: January 1, 2004 or after	Death Date: January 1, 2006 to January 1, 2008	\$600,000 or less	No Tax
		\$600,001-\$1,000,000	18.59%

January 1, 2004 to January 1, 2005	to January 1, 2007	Over \$1,000,000	20.02%
Death Date: January 1, 2005 to January 1, 2006	Death Date: January 1, 2007 to January 1, 2008	\$1,500,000 or less	No Tax
		Over \$1,500,000	20.02%
Death Date: January 1, 2006 or after	Death Date: January 1, 2008 or after	Any	No tax

Gift Tax Phase-Out Delays (§ 99)

The act delays by two years the remaining steps of the phase-out of the tax on gifts between \$25,000 and \$1 million, thus maintaining 2003 gift tax rates until January 1, 2006. Under the act, the phase-out resumes as of that date and runs until January 1, 2010. The phase-out was formerly scheduled to run from January 1, 2004 to January 1, 2008 (see Table 11).

Table 11: Old And New Gift Tax Phase-Out

IN EFFECT DURING		GIFT AMOUNT	TAX
Prior Law	Act		
2003	2003 2004 2005	\$25,000 or less	None
		\$25,001-\$50,000	\$250 plus 2% of the amount over \$25,000
		\$50,001-\$75,000	\$750 plus 3% of the amount over \$50,000
		\$75,001-\$100,000	\$1,500 plus 4% of the amount over \$75,000
		\$100,001-\$675,000	\$2,500 plus 5% of the amount over \$100,000
		Over \$675,000	\$31,250 plus 6% of the amount over \$675,000
2004	2006	\$50,000 or less	None
		\$50,001-\$75,000	\$750 plus 3% of the amount over \$50,000
		\$75,001-\$100,000	\$1,500 plus 4% of the amount over \$75,000
		\$100,001-\$700,000	\$2,500 plus 5% of the amount over \$100,000
		Over \$700,000	\$32,500 plus 6% of the amount over \$700,000
2005	2007	\$75,000 or less	None
		\$75,001-\$100,000	\$1,500 plus 4% of the amount over \$75,000
		\$100,001-\$700,000	\$2,500 plus 5% of the amount over \$100,000
		Over \$700,000	\$32,500 plus 6% of the amount over \$700,000
2006	2008	\$100,000 or less	None
		\$100,001-\$850,000	\$2,500 plus 5% of the amount over \$100,000
		Over \$850,000	\$40,000 plus 6% of the amount over \$850,000
2007	2009	\$950,000 or less	None
		Over \$950,000	\$45,000 plus 6% of the amount over \$950,000
2008 and after	2010 and after	\$1,000,000 or less	None
		Over \$1,000,000	\$47,500 plus 6% of the amount over \$1,000,000

EXTENDED HOURS FOR ALCOHOL SALES (§ 103)

The act allows package stores, drug stores, and grocery stores to sell alcohol for an additional hour, until 9:00 p.m., on weekdays and Saturdays. Under prior law, these stores could sell alcohol only until 8 p.m. on those days.

Because holders of manufacturing brew pub permits can sell beer for consumption off premises during the same hours as package, drug, and grocery stores, the act effectively extends the hours for such sales as well.

NEW AND INCREASED FEES

Delinquent Motor Vehicle Property Tax Reports (§ 102)

By law, municipal tax collectors must notify the Department of Motor Vehicles (DMV) commissioner when property taxes on a motor vehicle or snowmobile are delinquent. The act requires municipalities to pay 50 cents for each such vehicle they report when they submit the notice and requires the payments to be deposited in the General Fund.

Infraction Surcharge (§ 104)

The act raises, from \$20 to \$35, the surcharge on infractions that carry a \$35 fine set by law or any fine set by the judges of the Superior Court. (PA 03-6, June 30 Special Session, applies the surcharge to all infractions with fines of at least \$35.)

The surcharge applies when an accused is found to have committed any infraction carrying a \$35 fine or pleads no contest and pays the fine by mail. By law, any infraction for which a fine is not set by statute or by the Superior Court judges carries a \$35 fine.

The surcharge increase takes effect October 1, 2003.

DMV Fees (§ 117)

The act increases most DMV fees for copies, abstracts, duplicates, replacements, and searches to \$20 from the prior fees listed in Table 12. It also establishes a \$15 minimum fee for driving history records DMV furnishes on a volume basis in connection with a person's business.

Table 12: DMV Fee Increases

	<i>Old Fee</i>	<i>New Fee</i>
Duplicate registration certificate	\$5	\$20
1 st duplicate driver's license	10	20
Replacement plate or set of plates, other than handicap plates	11	20
Replacement plates or set of plates with same number as old plate(s)	11	20
Search for copy of accident record that fails to produce document	10.75	20
Copy of accident report	10.75	20
Certified copy of accident report	14	20

	<i>Old Fee</i>	<i>New Fee</i>
Certified statement of "No record of accident"	14	20
Certified driver history or abstract for commercial drivers' license with passenger endorsement or transportation permit	10	20
Name of registered owner	4.50	20
Operator license information	5.50	20
Certification of any copy or record	3.50	20
Certified transcripts of commissioner's hearing (minimum)	17.50	20
Copy of completed driver's license application	7	20
Copy of completed motor vehicle registration application	7	20
Copy of title provided to municipality	10	20

UNCLAIMED PROPERTY (§§ 66-84)

Most property held or owed in this state that the owner fails to claim is presumed abandoned after a specified amount of time. The state treasurer assumes custody and is responsible for any ownership or other types of claims in the property. This act:

1. reduces the time that must pass without a claim before property is presumed abandoned;
2. alters some of the requirements for presuming abandonment, provides specific rules for some types of property that would otherwise fall under the general catch-all provision (such as gift certificates and mineral proceeds), and alters some definitions and provides some new ones;
3. changes the treasurer's powers to examine people about unclaimed property, to demand unclaimed property, and to ask the attorney general to bring suit;
4. prohibits holders from imposing abandonment fees;
5. prohibits selling or issuing gift certificates with expiration dates;
6. changes when the treasurer must pay interest on abandoned property and determines the interest rate based on a rate set by the banking commissioner;
7. specifies that the treasurer must follow the Uniform Administrative Procedure Act in adopting regulations to enforce the abandoned property laws; and
8. makes other changes related to the duties of a holder of abandoned property; agreements to locate property; and records of issuing a check, draft, or instrument as prima facie evidence.

Funds Held By Banking Or Financial Organizations

The act reduces, from five to three years, the time that must pass without any activity before the following property is presumed abandoned:

1. a demand or savings deposit in this state;
2. funds paid in the state to purchase shares or interests in a financial organization or a deposit made with them;
3. sums payable on checks certified in this state or written instruments issued in the state when a bank or financial institution is directly liable, such as money orders, drafts, and traveler's checks (the act deletes specific reference to certificates of deposit); and
4. a matured time deposit made in this state (by law, an additional period applies if there is automatic renewal).

The act also reduces the dormancy period, from 10 to five years, for funds or personal property in a safe deposit box or other safe depository in this state where the lease or rental period expired because the rent was not paid or for another reason. The act requires whoever has this property to sell it and pay the proceeds, minus any lawful charges, to the treasurer.

By law, these rules do not apply if an officer of the organization knows the owner is alive and certain other actions prevent the dormancy period from applying.

Funds Held By Insurance Companies

The act applies the unclaimed property provisions to insurance companies, not just life insurance corporations, and reduces the dormancy period from five to three years. It defines an "insurance company" as an association, corporation, or fraternal or mutual benefit organization, whether for profit or not, in the business of providing life endowments, annuities, or insurance, including accident, burial, casualty, credit life, contract performance, dental, disability, fidelity, fire, health, hospitalization, illness, life, malpractice, marine, mortgage, surety, wage protection, and workers' compensation.

By law, unclaimed funds that are held and owing are presumed abandoned if a person other than the insured or annuitant is entitled to them and the company does not know his address. Unclaimed funds are all money held and owing

that are unclaimed and unpaid after becoming due and payable as established by life insurance company records under a life or endowment insurance policy or annuity contract that has matured or terminated. The act also allows records of other insurance companies to establish that money became due and payable.

By law, a life insurance policy not matured by actual proof of death is deemed mature and the proceeds due and payable if the policy was in force when the insured reached the limiting age under the mortality table on which the reserve is based, unless the person appearing entitled has (1) assigned, readjusted, or paid premiums on the policy or subjected it to loan or (2) written the company about the policy. The act reduces this dormancy period from five to three years.

Property Held By Business Associations

The act reduces, from five to three years, the time that must pass without any activity before property is presumed abandoned for stocks, certificates of ownership, dividends, profits, distributions, interest, payments on principal, or other sums held or owing by a business association for or to a shareholder, certificate holder, member, bondholder or other security holder, or participating patron of a cooperative. The person must not have claimed it or written the association about it for three, instead of five, years after the date for payment or delivery.

The act adds more examples of a business association and broadens the definition. It expands the definition to apply to business entities with one or more people instead of only to associations for business purposes of two or more people as under prior law. As under prior law, a business association is a corporation, limited liability company, joint stock company, business trust, or partnership. The act also specifies that the definition includes an unincorporated association, joint venture, trust company, safe deposit company, financial organization, insurance company, person controlling a mutual fund, and utility.

Ownership Interests

The act reduces, from five to three years, the time that must pass before an ownership interest in a business association shown on stock or membership records is presumed abandoned. As under prior law, the owner must not claim a dividend or other sum, write to the association, or otherwise indicate an interest by a memo on

file with the association during that period.

Property Held By Government

The act reduces, from five to three years, the time that must pass before property held for its owner by a court, public corporation, public authority, state officer, or political subdivision is presumed abandoned. (The rule that a claim against the state granted for less than \$3,000 is presumed abandoned after one year remains unchanged.)

Intangible Property

The act subjects intangible property to state custody as unclaimed property if it raises a presumption of abandonment under any of the provisions of the law or the act, not just under the provisions on property held by banking organizations, funds held by life insurance corporations, property held by a business association, ownership interests in business associations, property held by a fiduciary, or the general provision for property not otherwise covered by law.

The law requires certain other conditions to be met in addition to meeting the presumptions of abandonment.

Categories Of Abandoned Property

By law, all property not otherwise provided for or excluded from other categories that is held or owing in this state and is unclaimed for more than three years after it becomes due, payable, or distributable, is presumed abandoned. The act provides specific rules for property that would have otherwise been covered by this provision.

Gift Certificates. Under the act, the value of a gift certificate is presumed abandoned if it is not redeemed within three years of (1) its purchase or issuance date or (2) the last date of a transaction that increased or decreased its value, whichever is later.

The act defines a gift certificate as a record showing a promise by the seller or issuer, made for consideration, that goods or services will be provided to the owner to the value shown in the record. This includes a (1) record that contains a microprocessor chip, magnetic stripe, or other means to store information that is prefunded and for which value is decreased with use; (2) gift card; (3) electronic gift card; (4) stored value card or certificate; (5) store card; (6) prepaid telephone card; or (7) similar record or card. It

does not include prepaid calling cards or prepaid commercial mobile radio services.

The act defines a “record” as information inscribed on a tangible medium or stored in an electronic or other medium and retrievable in perceivable form.

Mineral Proceeds. The act provides a specific rule for mineral proceeds. Under the act, any mineral proceeds held or owing by a business association for someone who has not claimed or written the association about them within three years after the date for payment or delivery are presumed abandoned.

It defines a “mineral” as gas; oil; other gaseous, liquid, and solid hydrocarbons; oil shale; cement material; sand and gravel; road material; building stone; chemical raw material; gemstone; fissionable and nonfissionable ores; colloidal and other clay; steam and other geothermal resource; or any other substance defined as a mineral by Connecticut law.

“Mineral proceeds” are amounts payable for extraction, production, or sale of minerals or all payments that become payable after abandonment of those payments. It includes amounts payable (1) for acquiring and retaining a mineral lease, including bonuses, royalties, and delay rentals; (2) for extracting, producing, or selling minerals, including net revenue interests, royalties, and extraction and production payments; and (3) under an agreement or option, including a joint operating agreement, unit agreement, pooling agreement, and farm-out agreement.

Demutualization Payments. Under the act, any property payable or distributable in the course of the demutualization of an insurance company is presumed abandoned if it is unclaimed and unpaid three years after it became payable or distributable.

Wages. Under the act, any wages, salary, or compensation for personal services unclaimed for more than one year after becoming due, payable, or distributable is presumed abandoned. This does not apply to wages collected by the labor commissioner for an employee whose location is unknown, which the law requires to be either given to a relative of the employee or considered abandoned after two years.

Utility Deposits, Refunds, or Other Sums. Under the act, a deposit, refund, or sum a utility owes a customer or subscriber that is unclaimed for more than a year after becoming due, payable, or distributable is presumed abandoned.

The act defines a utility as a person who owns or operates for public use a plant,

equipment, real property, franchise, or license for transmitting communications or producing, storing, transmitting, selling, delivering, or furnishing electricity, water, steam, or gas.

Treasurer's Powers

The act requires the treasurer, when any abandoned funds or property exists or may exist, to demand them or ask the attorney general to bring a lawsuit and take appropriate action to recover them. Under prior law, the treasurer only had these powers over property held by a federal court or agency.

Under prior law, the treasurer could examine any person under oath, or examine records, when she believed the person knew of or had failed to report or transmit property presumed abandoned. The act instead allows the examination to determine whether the person has complied with the law on abandoned property and allows the treasurer to conduct the examination even if the person believes he does not possess the property. The act also allows her to examine a person's agent, including a dividend disbursement agent or transfer agent of a business association, banking organization, or insurance company that holds property presumed abandoned.

Prohibition On Abandonment Fees

The act prohibits the holder of property subject to the abandonment provisions from imposing a charge or fee for dormancy, abandonment, escheat, inactivity, or any similar charge. It prohibits the property or an agreement concerning it from containing language suggesting that the property may be subject to such a charge, fee, or penalty.

Gift Certificates

The act prohibits anyone from selling or issuing a gift certificate with an expiration date and prohibits the gift certificate or an agreement from having language suggesting that an expiration date may apply.

The act requires anyone who sells or issues a gift certificate to get and maintain the owner's address. If there is no record of the owner's address, the treasurer's address is used.

The act provides that it does not prevent someone from honoring a gift certificate and seeking reimbursement from the treasurer after he has reported the certificate's unredeemed value to the treasurer.

Interest

The act eliminates the requirement that the treasurer pay interest on claims for (1) funds paid in the state to purchase shares or interests in a financial organization or a deposit made with them and (2) sums payable on checks certified in this state or written instruments issued here when a bank or financial institution is directly liable.

By law, the treasurer must pay interest on claims for (1) demand or savings deposits in this state and (2) matured time deposits made in this state. The act changes the rate of interest from 4% to the deposit index rate the banking commissioner sets annually.

Duties Of Holder Of Abandoned Property

The law requires the holder of property to notify an owner by first class mail at the last-known address, one year before a presumption of abandonment takes effect, that the owner must indicate his interest in the property or it will be transferred to the treasurer and subject to escheat to the state. The act requires this notice 180 days before the presumption of abandonment takes effect for the act's new provisions on (1) wages, salary, or compensation and (2) utility deposits, refunds, or other sums.

The act also requires items valued at \$50 to be listed separately on the unclaimed property report that holders must provide the treasurer. As under prior law, items over \$50 are listed separately and those under \$50 are listed in aggregate.

Under the act, the expiration, before or after the act's effective date, of any period in a contract during which an owner has the right to receive or recover money or property does not prevent it from being presumed abandoned or affect the duty of the holder to file a report or pay or deliver the property to the treasurer.

Agreements To Locate Property

By law, an agreement to locate property is not valid if it is made (1) within two years after the date a holder of abandoned property must report it to the treasurer or between the time the report is required and actually filed, whichever is later or (2) for a fee of more than 10% of the property's value. The act also makes an agreement invalid if it is made within two years of the date the treasurer publishes notice of abandoned property in a newspaper. (She must publish notice of all property with a value of at

least \$50 every two years for property presumed abandoned during those two years.)

Checks, Drafts, Similar Instruments

The act makes the record of issuing a check, draft, or a similar instrument prima facie evidence (evidence that on its face and absent contradictory evidence is sufficient to establish a fact) of the obligation. The treasurer satisfies her burden of proof about the item, its amount, and the passage of time by showing the issuance when claiming property from a holder who is the issuer. The holder may establish affirmative defenses of payment, satisfaction, discharge, and lack of consideration.

PA 03-2, June 30 Special Session—HB 6801 (VETOED)

Emergency Certification

AN ACT MAKING APPROPRIATIONS FOR CERTAIN EXPENSES OF THE STATE FOR THE PERIOD ENDING JULY 14, 2003

SUMMARY: This act appropriates money for state agencies and programs for the two weeks from July 1, 2003 to July 14, 2003. As of the effective date of a budget for the 2003-2005 biennium, it cancels its temporary appropriations and requires any amounts spent under them to be charged, under the comptroller's direction, to appropriations authorized by the biennial budget.

The act also delays, from July 1, to July 15, 2003:

1. the scheduled reinstatement of the 5.75% sales and use tax on hospital patient care services, and
2. scheduled increases in rates or payments determined by the social services commissioner.

The act requires any decreases in rates or payments determined by the social services commissioner to take effect as scheduled on July 1, 2003.

EFFECTIVE DATE: July 1, 2003

PA 03-3, June 30 Special Session—SB 2001

Emergency Certification

AN ACT CONCERNING PUBLIC HEALTH, HUMAN SERVICES AND

OTHER MISCELLANEOUS IMPLEMENTER PROVISIONS

SUMMARY: This act makes a number of changes affecting human services and senior programs. Among these, the act:

1. makes several changes in the State-Administered General Assistance (SAGA) program, including (a) reducing the benefits for nearly all recipients, (b) eliminating state reimbursements to Norwich (the only town still running its own GA program), (c) requiring most SAGA medical assistance recipients to get their health care from federally qualified health centers or similar entities and setting up a payment methodology for these providers, (d) increasing the co-payment for prescription drugs from \$1 to \$1.50, (e) requiring the Department of Social Services (DSS) to apply for a federal waiver to get federal Medicaid funds to pay for SAGA medical assistance expenditures, and (f) eliminating SAGA recipients' ability to continue receiving aid while awaiting an administrative hearing (§§ 42-49);
2. makes numerous changes in the HUSKY A and B programs, including (a) permitting DSS to charge premiums for lower income families and increase the cost-sharing caps in the HUSKY B program; (b) requiring HUSKY B services and cost-sharing to be substantially similar to those provided by the largest commercially available managed care organization (MCO) offered to state residents, instead of offering them the Medicaid service plan; (c) establishing a \$3 maximum service co-payment and increasing from \$1 to \$1.50 prescription co-payments in HUSKY A; (d) requiring HUSKY A recipients to pay premiums; (e) requiring the service plan for HUSKY A beneficiaries to resemble the state employees' non-gatekeeper health plan; and (f) eliminating presumptive eligibility for HUSKY A applicants (§§ 55, 56, 57, 72, 73);
3. imposes an asset test in the ConnPACE program of \$100,000 for single people and \$125,000 for married couples and, for program participants who die after September 1, 2003, gives the state a

- claim on their estates so it can recover benefits it paid them on or after July 1, 2003 (§§ 58-59);
4. requires nursing homes to have automatic fire sprinklers on each floor by July 1, 2005 and requires the Connecticut Health and Educational Facilities Authority (CHEFA) to develop a plan for planning for and financing their installation by February 1, 2004 (§§ 11, 92);
 5. makes a number of statutory changes in preparation for potential approval by the federal government of the state's Medicaid long-term care asset transfer waiver request relating to penalty periods for inappropriate asset transfers, extending look-back periods, establishing thresholds for small transfers, and related issues (§ 62);
 6. requires the maximum allowed diversion of income from a spouse on Medicaid in a nursing home to the spouse living in the community before the community spouse can be allowed by a court to keep more than the federally allowed maximum assets (§ 63);
 7. makes several changes concerning nursing home receivers, nursing home waiting lists, and procedures for court-ordered nursing home closures (§§ 73, 76-78);
 8. adjusts Medicaid rates for nursing homes and intermediate care facilities for people with mental retardation, makes an adjustment in how debt service is calculated for residential care homes' reimbursement rates, allows mortgage refinancing fees to be included in the rate the Department of Mental Retardation (DMR) pays private group homes, freezes Medicaid reimbursements to hospitals for two years, and makes various other changes related to reimbursement (§§ 50, 53, 67, 68, 79, 81, 88);
 9. cuts reimbursement to pharmacists for Medicaid, ConnPACE, and other medical assistance programs from \$3.60 to \$3.30 per prescription, requires DSS to get federal approval to allow pharmacies to refuse to fill Medicaid prescriptions for nonpayment of co-payments; and makes adjustments to prescription prior authorization requirements, the membership of the Medicaid Pharmaceutical and Therapeutics Committee and its jurisdiction, and the preferred drug list which DSS must adopt (§§ 52, 69, 82, 83);
 10. continues to freeze benefits in all of DSS's cash assistance programs for another two years (§§ 60-61);
 11. reduces state grants to towns for administering the School-Based Child Health Program (§ 54);
 12. expands the purposes for which the Board of Education and Services to the Blind can use its vending revenues (§§ 64-65); and
 13. allows guardian caretakers to receive family welfare benefits through the Temporary Family Assistance (TFA) program (§ 80).
- The act makes a number of changes to health-related laws and programs. These include:
1. reducing funding to local and district health departments (§§ 1-3);
 2. allowing judges to send criminal defendants charged with less serious and nonviolent crimes to a treatment program if they are incompetent to stand trial rather than order their confinement in Connecticut Valley Hospital (§§ 13-17);
 3. revising the mandatory insurance coverage requirements for birth-to-three services and allowing DMR to charge participating parents a fee, regardless of their income (§§ 7-9);
 4. establishing a newborn screening account funded by the fees hospitals collect for screening and designating a portion of the fund to the Department of Public Health (DPH) for the screening and follow-up services (§§ 4-5);
 5. establishing a mechanism for assessing life and health insurance companies and HMOs for the state's cost of providing childhood and other immunizations (§ 6);
 6. extending the licensing period and accordingly increasing license renewal fees for a variety of health-related occupations and institutions (§§ 18-28);
 7. allowing personal care assistants to access the state's Municipal Employee Health Insurance Program (§§ 31-32);
 8. exempting all residential care homes

from Office of Health Care Access oversight and certificate of need review (§§ 33, 90);

9. suspending operation of the Tobacco and Health Trust Fund board for two years (§ 10);
10. creating a pilot residential program for adults with acquired brain injury and a pilot assisted living program for people with mental retardation (§§ 12, 91); and
11. permitting smoking at dog tracks and certain off-track betting facilities until April 1, 2004 (§ 33).

The act postpones initiation of vision screening for people renewing drivers' licenses until July 1, 2005, changes requirements for taxicab and service bus safety inspections, increases fares on the two state-owned and operated Connecticut River ferries, decreases a portion of the Town Aid Road allotment, and eliminates the Department of Motor Vehicles (DMV) responsibility to assign an agency inspector to monitor motor vehicle racing events and exhibitions.

The act also makes passenger restrictions on newly licensed 16- and 17-year-olds effective January 1, 2004, instead of October 1, 2003, and eliminates requirements that the DMV commissioner obtain Social Security numbers and federal employer identification numbers from anyone applying for a motor vehicle registration and provide these numbers to the Department of Revenue Services for purposes of identifying people affected by taxes administered by that agency.

EFFECTIVE DATE: Upon passage unless noted below.

LOCAL HEALTH DEPARTMENT PAYMENTS (§§ 1-3)

The act reduces funding to local and district health departments as follows:

<i>Department Type</i>	<i>Previous Per Capita Funding</i>	<i>New Per Capita Funding</i>
Health District		
• Town over 5,000 pop.	\$1.99	\$1.66
• Town under 5,000 pop.	\$2.32	\$1.94
Full-time Local Health Dept.	\$1.13	\$0.94
Part-time Local Health Dept.	\$0.59	\$0.49

NEWBORN SCREENING (§§ 4-5)

The act establishes a “newborn screening account” as a separate, nonlapsing General Fund

account. This account must contain those funds required by law to be deposited in it and any balance remaining at the end of a fiscal year must be carried forward to the next fiscal year.

By law, DPH must set a fee that covers all newborn screening program expenses, including initial testing, tracking of infants, and treatment. The law requires DPH to charge hospitals at least \$28 per birth for the screening program. The act specifies that \$345,000 of the amount collected in fees in each fiscal year be credited to the newborn screening account and be available to DPH for the expenses of required testing, including testing to identify newborns at high risk for hearing impairment.

The law requires screening for eight named conditions, including phenylketonuria, biotinidase deficiency, hypothyroidism, and “other inborn errors of metabolism.” The DPH commissioner must also adopt regulations specifying the conditions to be tested for. The act extends from January 1, 2003 to January 1, 2004 the time by which these regulations must include testing for amino and organic acid disorders and fatty oxidation disorders.

IMMUNIZATIONS (§ 6)

Beginning by September 1, 2003, the act requires the Office of Policy and Management (OPM) secretary annually, in consultation with the DPH commissioner, to determine the amount appropriated to:

1. purchase, store, and distribute vaccines for routine immunizations included in the schedule for active childhood immunizations required by law;
2. purchase, store, and distribute (a) vaccines to prevent hepatitis A and B for all ages, (b) antibiotics and biologics necessary for treating tuberculosis, and (c) antibiotics for treating people in communicable disease control clinics; and
3. provide services needed to collect current information on childhood immunizations for all children enrolled in Medicaid who reach two years of age during the year preceding the current fiscal year and record the information in the childhood immunization registry.

He must inform the insurance commissioner of the total appropriated.

The act requires all domestic insurance companies and HMOs that do life or health insurance business in Connecticut to annually

pay the insurance commissioner a health and welfare assessment based on the amount appropriated for immunizations. This assessment must be deposited in the General Fund. Under the act, "health insurance" applies to all types of coverage specified in law, including basic hospital and medical-surgical, major medical, disability, accident only, long-term care, Medicare supplement, and specified accident and disease coverage.

Annually, beginning October 1, 2003, the act requires the commissioner to determine each insurer's assessment for the following fiscal year. On that date she must also determine the assessment for FY 2003-04. The assessment is a percentage of the total appropriation determined by each insurer's share of health and life insurance premiums and subscriber charges. It must be calculated in the same manner as is currently used to pay for the operations of the Insurance Department and the managed care ombudsman. By November 1, 2003 and annually afterwards, the commissioner must provide each assessed entity with a statement of its proposed assessment. Any company or entity aggrieved by the assessment can appeal to Superior Court.

The act limits the total assessment for FYs 2003-04 and 2004-05 to \$7.1 million annually.

BIRTH-TO-THREE PROGRAM (§§ 7-9)

Current law requires certain kinds of individual and group health insurance policies delivered, issued, or renewed in the state beginning July 1, 1996 to provide at least \$5,000 of annual coverage for medically necessary early intervention services provided as part of an individualized family service plan. It also prohibits any such payments from being applied against a maximum lifetime or annual limit in the policy plan.

The act changes the dollar amount of coverage these policies must offer and specifies that coverage is for services provided by qualified personnel (e.g., physicians, psychologists, special education teachers, speech and physical therapists, nurses, social workers) from a child's birth to third birthday. It sets the annual maximum policy benefit at \$3,200 per child with an aggregate benefit of \$9,600 over the three-year period. It continues the prohibition on applying payments against a maximum lifetime or annual limit in the policy plan.

This coverage applies to policies providing coverage for (1) basic hospital expenses, (2) basic medical-surgical expenses, (3) major medical expenses, (4) hospital or medical expenses, and (5) hospital and medical expenses covered by HMOs.

Existing law requires the DMR commissioner to establish a sliding scale fee schedule for early intervention services. The schedule must consider the cost of services relative to the financial resources of the child's parents or legal guardians. The act (1) allows fees to be charged to any parent or guardian, regardless of income and (2) requires charging fees to any parent or guardian with a gross annual income of \$45,000 or more. But it prohibits charging any parent or guardian of a child who is eligible for Medicaid. It also allows DMR to implement procedures for collecting fees while in the process of amending such criteria in regulation.

TOBACCO AND HEALTH TRUST FUND BOARD OF TRUSTEES (§ 10)

The act suspends operation of the Tobacco and Health Trust Fund's board of trustees for two years (July 1, 2003 to June 30, 2005). The suspension period does not affect any trustee's term on the board.

The 17-member board administers the trust fund, a separate, nonlapsing fund that can accept transfers from the Tobacco Settlement Fund and donations and grants from public or private sources. The fund's purpose is to create a continuing source of money to (1) support and encourage programs to reduce tobacco abuse through prevention, education, and cessation; (2) support and encourage program development for substance abuse reduction; and (3) develop and implement programs to meet the state's unmet physical and mental health needs. The board establishes rules of procedure, including criteria and processes for selecting programs to receive money from the fund.

NURSING HOME FIRE SPRINKLERS (§ 11)

The act requires the Connecticut Health and Educational Facilities Authority (CHEFA) to develop a plan for planning for and financing the installation of automatic fire sprinklers in nursing homes. CHEFA must do this in conjunction with the Public Safety, Social Services and Public Health departments. It must submit the plan the governor and the Public

Safety, Human Services, and Public Health committees by February 1, 2004.

PILOT PROGRAM FOR RESIDENCES FOR ADULTS WITH ACQUIRED BRAIN INJURY (§ 12)

The act allows community-based organizations to operate residences for adults with acquired brain injury on a pilot basis until October 1, 2005 without being licensed by DPH or obtaining a certificate of need from the Office of Health Care Access. It allows trained individuals other than licensed nurses to administer medication to residents if they do so under the orders of a physician, dentist, advance practice registered nurse, or physician's assistant. The act requires the DPH commissioner, in consultation with the Department of Mental Health and Addiction Services (DMHAS) commissioner, to develop standards for operating such residences and training requirements for people to administer medication in them.

ALTERNATIVE INCARCERATION FOR PEOPLE WITH PSYCHIATRIC DISABILITIES (§§ 13-17)

This act allows judges to send criminal defendants who are incompetent to stand trial to a treatment program rather than order confinement in Connecticut Valley Hospital's (CVH) restoration unit. The new option generally cannot be used by people accused of serious felonies and certain crimes in which physical violence was used against another person.

The act also authorizes judges to order periodic examinations of incompetent people charged with crimes that caused death or serious injuries whom they have placed in DMHAS custody. Under current law, such examinations are explicitly permitted only when a judge orders a person released from custody.

Civil Commitment Program

By law, courts must order competency examinations when there is a question about a criminal defendant's ability to understand the court proceedings or assist in his defense. A team of mental health professionals conducts the examination and submits a court report. Reports must indicate whether there is a substantial probability that, if treated, an incompetent defendant will regain competency within the

time he can be held (18 months or the maximum jail sentence for the crimes charged, whichever is shorter). Under the act, reports must also state whether an incompetent defendant appears eligible for civil commitment monitored by the Judicial Department's Court Support Services Division (CSSD).

As under existing law, courts must hold hearings within 10 days of receiving the clinical team's report. But instead of requiring judges to send people they find likely to become competent to CVH's restoration unit, the act also allows them to give custody to DMHAS, at a treatment facility the department chooses, pending civil commitment. Custody time limits are the same as those described above. The court may consider this treatment option on its own or when the defendant or prosecutor requests it.

Previously, criminal judges could not transfer custody for civil commitment until (1) the person had been held at CVH's restoration unit for the maximum period allowed or (2) the court determined there was no substantial likelihood that the defendant will become competent during the restoration period.

Excluded Crimes

People charged with class A and B felonies are ineligible for the treatment option, except for those accused of nonviolent 1st degree larceny. The act also excludes people charged with (1) drunk driving or a crime or motor vehicle violation in which another person was killed and (2) the following specific crimes:

1. sexual contact with a child under age 16;
2. 1st, 2nd, or 3rd degree sexual assault or aggravated 1st degree sexual assault;
3. sexual assault in a spousal or cohabiting relationship;
4. 3rd degree sexual assault with a firearm; and
5. 2nd degree manslaughter or assault with a motor vehicle.

People accused of other class C felonies may participate if they show good cause for doing so.

Custody Orders

The order placing the defendant in DMHAS custody must assign CSSD as compliance monitor. It must also include provisions:

1. authorizing the commissioner to initiate commitment proceedings in the probate

- court;
2. permitting the defendant to agree to comply with a treatment plan the agency devises; and
 3. requiring the person in charge of the treatment facility, or a designee, to give the court a written progress report when (a) the probate court denies the commitment application, (b) DMHAS decides not to pursue commitment, or (c) a defendant who agreed to comply with a treatment plan stops doing so.

When the court receives a progress report for one of the reasons described above, it must hold a hearing.

Case Dismissals

At the end of the period specified in the court order, judges must approve the entry of a nolle prosequi or dismiss the criminal charges, if the defendant complied with the treatment plan and other conditions the court imposed.

Treatment Costs

Treatment costs are computed and allocated under existing state medical assistance program rules involving people the probate court civilly commits.

OCCUPATIONAL LICENSING AND FEES (§§ 18-27)

The act extends the licensing period for the following health-related occupations from one to two years, doubles their license renewal fees accordingly, and makes other related changes:

1. nursing home administrators;
2. massage therapists;
3. acupuncturists;
4. barbers, hairdressers, and cosmeticians;
5. electrologists; and
6. hearing instrument specialists.

The act also raises the initial licensing fee for hearing instrument specialists from \$100 to \$200.

For nursing home administrators the two-year licensing period begins with renewals made after October 1, 2004; for the other licensees it begins with renewals after January 1, 2004.

The act requires nursing home administrators to complete at least 40 hours of continuing education every two years instead of 20 hours annually.

EFFECTIVE DATE: January 1, 2004

HEALTH CARE INSTITUTION LICENSING, FEES, AND CODE COMPLIANCE (§ 28)

Licensing and Fees

The act extends the licensing period for various health care institutions and increases their licensing fees. It increases the licensing period for residential care homes from two to three years and the licensing fees from \$300 to \$450 per site and \$3 to \$4.50 per bed.

It eliminates the biennial renewal and \$500 licensing fee for certain “ambulatory facilities” (a term not defined in statute) and imposes licensing renewal periods and fees on specific types of outpatient facilities as follows:

1. outpatient dialysis units and surgical facilities—biennial licensure, \$500 licensing fee;
2. outpatient medical, mental health service, and well-child clinics, except those operated by local health districts or nonprofit nursing or community health agencies—quadrennial licensure, \$1,000 fee; and
3. maternity homes—quadrennial licensure, \$200 per site and \$10 per bed fee.

Code Compliance

By law, the owner of real property or a building on or in which a licensed health care institution (e.g., nursing home, hospital, mental health or substance abuse treatment facility, home health care or homemaker-home health aide agency, residential care home, etc.) is located biennially must obtain a DPH certificate indicating that the property or building complies with the Public Health Code requirements concerning property maintenance and repair. In addition, DPH may require the institution’s license holder to show compliance with the code.

Instead of obtaining a DPH certificate, the act requires property or building owners that are not the institution’s license holder to submit a copy of the lease agreement to DPH indicating the person or entity responsible for maintenance and repair. The lease must be submitted whenever the institution’s license is renewed and whenever the property owner changes.

PUBLIC SCHOOL DAY CARE LICENSING EXEMPTION (§ 29)

Prior law exempted from day care licensing requirements child care services that a town agency or department offers in a public school building for students enrolled in that school. The act removes the requirement that the children served must be enrolled in the school.

EXEMPTING RESIDENTIAL CARE HOMES FROM CON REVIEW (§§ 30, 90)

The act exempts all residential care homes from the Office of Health Care Access' (OHCA) certificate of need (CON) review and eliminates OHCA oversight of them. Under prior law, these homes were exempt from the CON process unless they were created, acquired, operated, or in any way related to, affiliated with, or under the complete or partial ownership of a facility, institution, or affiliate subject to CON review. Thus, the act removes the CON requirement for any homes that were not already exempt.

The act eliminates the requirement that exempt residential care homes provide OHCA with information about capital projects, expansion or relocation, service changes or termination, change of ownership, or reduction in bed capacity. Under prior law, they had to do this between 10 and 60 calendar days before any change or, if they were in operation on June 5, 1998, within 60 days afterward. The act also eliminates the requirement that these homes annually renew their exemption by filing current information with OHCA.

EXTENDING MEHIP TO PERSONAL CARE ASSISTANTS (§§ 31-32)

This act authorizes the comptroller to provide health insurance coverage under the Municipal Employees' Health Insurance Plan (MEHIP) for members of personal care assistant associations (PCAA). It defines "association for personal care assistants" as an organization of personal care attendants employed by recipients of any of the following: Connecticut Home Care Program for the Elderly, Personal Care Assistance Program (for people with physical disabilities), independent living centers (for people with mental or physical disabilities), or the Acquired Brain Injury Program.

The act applies a number of parallel requirements for PCAA participation that apply to small employers, municipalities, community

action agencies, and nonprofit corporations, which are already eligible to obtain MEHIP coverage. These include that (1) participation is voluntary, (2) the state does not pay administrative costs, and (3) no employees be refused entry to the plan because of past or future health care costs or claim experience.

The act allows the comptroller to offer PCAAs health insurance that is either fully underwritten or on a risk-pool basis. She already has the same discretion with plans for nonprofit corporation and community action agency employees. The law requires MEHIP plans for small employers to be fully underwritten.

The act also specifies that a PCAA procuring health insurance through MEHIP cannot also be designated a "small employer" under existing health care insurance statutes.

SMOKING AT DOG TRACKS AND CERTAIN OTB FACILITIES (§ 33)

The act allows smoking in any area of a dog track or off-track betting facility with simulcasting capacity until April 1, 2004. After that date it bans smoking anywhere in such facilities.

EFFECTIVE DATE: October 1, 2003

MOTOR VEHICLE AND TRANSPORTATION PROVISIONS (§§ 34-41)

The act:

1. postpones for two years, until July 1, 2005, the requirement that all licensed drivers undergo a vision screening performed either by DMV or by a qualified licensed health care professional prior to every second license renewal (§ 34);
2. requires taxicabs to undergo a safety inspection every two years at the time of registration renewal rather than every six months and requires all such inspections to be performed at DMV-authorized motor vehicle repairers or limited repairers instead of at either DMV or at such authorized repairers; however, the commissioner retains authority to set the fee for taxi inspections (currently \$20) (§ 35);
3. requires service buses to be inspected every two years at the time of registration renewal instead of annually, eliminates the fee exemption for service buses owned by the state or a

municipality, sets a fee of \$40 for the biennial inspection (currently \$20 for annual inspections), and requires inspections to be performed by DMV-authorized motor vehicle repairers or limited repairers instead of by DMV (§ 36);

4. eliminates DMV’s responsibility to assign a DMV inspector to monitor motor vehicle racing events or exhibitions and makes related changes (§§ 37-39);
5. increases the fees currently set by the Department of Transportation for using the Chester-Hadlyme and Rocky Hill Connecticut River ferries from \$2.25 per vehicle and driver to \$5.00 and from \$0.75 to \$1.75 per additional passenger, walk-on, or bicycle (§ 40) (§ 8 of PA 03-1, September 8 Special Session allows the commissioner to discount these fares for regular ferry commuters); and
6. decreases from \$14.6 million to \$12.5 million the portion of the Town Aid Road allocation that is distributed to towns based on the formula of \$1,500 per mile for the first 32 miles of improved road in the town with the remainder distributed pro rata based on the ratio of the town’s population to the state’s population (§ 41).

EFFECTIVE DATE: Upon passage with the vision screening provision applicable as of July 1, 2003.

SAGA—CASH ASSISTANCE REDUCTIONS, ELIMINATION OF REIMBURSEMENT TO NORWICH (§ 42)

The act reduces SAGA and GA cash payments, starting no earlier than September 1, 2003, but no later than October 1, 2003, as follows:

<i>Category of Single Recipient</i>	<i>Prior Monthly Benefit</i>	<i>New Monthly Benefit</i>
Unemployable	\$350	\$200
Transitional—pays shelter	\$200	\$200
Transitional—does not pay shelter	\$150	\$50

Also by those dates, the act requires that eligible families receive \$50 less than what they formerly received. Previously, family cases (those who do not qualify for Temporary Family

Assistance (TFA) for reasons other than having exhausted the TFA program time limits) receive payments identical to those provided under the TFA program. For example, a family of three previously received \$543 per month; under the act this falls to \$293 per month. (But the act makes it easier for most, if not all of these families to qualify for TFA, see § 80.)

Under the act, the payments DSS makes for individuals residing in rated boarding facilities will stay the same as they are on August 31, 2003. (DSS regulations make four types of boarding facilities eligible for SAGA cash payments, such as private homes licensed by DMR.)

The act eliminates state reimbursement to towns for any GA medical expenses incurred after September 30, 2003 or for any GA cash benefits or program administrative costs incurred after February 29, 2004. (Norwich is the only town currently running its own GA program.) The commissioner must implement this change regardless of whether certain existing SAGA and town GA statutes contain contrary provisions.

The act continues prior law’s cash assistance eligibility requirements, such as requiring the applicant to be at least 18 years old and have assets of no more than \$250.

SAGA MEDICAL ASSISTANCE (§ 43)

Under prior law, the DSS commissioner had to run a SAGA medical assistance program for people who were ineligible for Medicaid, and she had to run it like she ran the Medicaid program and pay for services using the same rates established for Medicaid-covered services. The services provided were the same as those available under Medicaid, but they excluded the following: nonemergency medical transportation, eye care, optical hardware and optometry, podiatry, chiropractic, naturopathy, home health care, long-term care, and services available through a Medicaid home and community based services waiver.

Prior law also required the DSS commissioner to implement a managed care program for medical services provided under SAGA medical (she never did this) and allowed her to enter into contracts to do so.

Contracts With Fqhc Or Other Providers

The act restructures the SAGA medical assistance program. Beginning no later than October 1, 2003, the act makes anyone eligible

for SAGA entitled to receive medical care through a federally-qualified health center (FQHC) or other primary care provider the commissioner specifies and authorizes the commissioner to contract with these entities as needed to provide services to eligible people. Provisions of any contract into which the commissioner enters supersede any inconsistent provision in the regulations. Previously, SAGA medical assistance was provided on a fee-for-service basis.

The act requires recipients of town GA to also be assigned to the FQHCs or other providers in the same manner as those recipients in the state-run program.

Services

The commissioner must determine appropriate service areas and contract with community health centers, other clinics, and other primary care providers to assure primary care access for recipients who do not live reasonably close to an FQHC. She must assign and enroll eligible SAGA and town GA recipients with an FQHC or other provider contracted for the program. The act also entitles these individuals to hospital services. The act limits the medical services to those already offered by the FQHC, hospital, or other provider.

The act requires the DSS commissioner to ensure that ancillary and specialty services are provided by a center, hospital, or other provider. Ancillary services include, but are not limited to, radiology, laboratory, and other diagnostic services not available from an assigned primary care provider, and durable medical equipment. Specialty services are those provided by a physician with a specialty that are not included in the ancillary services. The act limits ancillary and specialty services to those provided under SAGA as of July 1, 2003.

Payments

The act requires the commissioner, within available appropriations, to make payments to FQHCs and hospitals for inpatient services based on their pro rata share of the cost of services provided, the number of clients served, or both. She must create a methodology for paying the other providers, and pay them within available appropriations. The commissioner can reimburse for extraordinary medical services, provided these services are documented to her satisfaction. She is also permitted to contract

with a managed care organization or other entity to perform administrative functions. She must create a methodology for paying for ancillary and specialty services, and pay them within available appropriations.

Pharmacy

Beginning October 1, 2003, the act requires pharmacy services to be provided to SAGA recipients through the FQHC to which they are assigned or through a pharmacy with which the FQHC has a contract. Before then, pharmacy benefits must be provided as they are to Medicaid recipients. SAGA recipients who are assigned to a community health center or similar clinic or primary care provider other than an FQHC, and those enrolled in FQHCs that do not have pharmacy contracts, receive their pharmacy benefits at pharmacies the DSS commissioner designates.

The act increases from \$1 to \$1.50 the prescription co-payment SAGA recipients must pay. But it eliminates the \$1 co-payment for medical services under prior law.

The act requires each contracting FQHC, within 30 days of its passage, to enroll in the federal Office of Pharmacy Affairs Section 340B drug discount program to provide pharmacy services to SAGA medical assistance recipients at the federal supply schedule (lower) cost. It permits any of the FQHCs to establish an on-site pharmacy or contract with a commercial pharmacy to provide these services. Existing law, which the act does not change, permits DSS to contract with FQHCs.

Eligibility

The act codifies existing regulations by requiring the income eligibility criteria for SAGA medical assistance to be the same as the "medically needy component" of the Medicaid program, except it allows DSS to disregard up to \$150 of monthly earned income. Unearned income is not disregarded. (The medically needy component of Medicaid covers certain pregnant women and individuals who are aged, blind, or disabled. That program allows a smaller amount of earnings to be disregarded but also allows unearned income to be disregarded since most recipients receive Social Security income. The income limit for that program is 143% of the TFA need standard for the assistance unit's size.) The act also codifies the \$1,000 asset limit, which is already in regulations.

Waiver

The act requires the DSS commissioner to apply for a federal Health Insurance Flexibility and Accountability (HIFA) waiver by March 1, 2004 to increase the number of SAGA-eligible individuals who can get Medicaid coverage. (HIFA allows states to use either Medicaid or federal State Children's Health Insurance Program (SCHIP) funds to pay for health care initiatives that cover individuals not traditionally served by those programs.) The existing legislative waiver approval process applies to this waiver.

APPEALS (§ 44)

The act continues to permit applicants or recipients of SAGA (both cash and medical assistance) who are aggrieved by a DSS commissioner decision to request an administrative hearing. But, under the act, no (1) applicant for either type of benefits or (2) recipient of cash assistance can receive or continue receiving these benefits pending a hearing decision. It specifies that DSS must continue paying medical assistance recipients' benefits while their appeal is pending.

Under regulations, SAGA recipients who were appealing a decision to terminate benefits could previously continue to receive cash or medical benefits pending the outcome of the administrative hearing.

IMPLEMENTING POLICIES AND PROCEDURES BEFORE REGULATIONS; REPEAL OF PAYMENT STANDARDS AND OTHER ADMINISTRATIVE PROVISIONS (§ 45)

The act requires the DSS commissioner to implement policies and procedures necessary to carry out the act's provisions regarding SAGA, including the appeals, while in the process of adopting regulations. She must publish notice of intent in the *Connecticut Law Journal* within 20 days of implementation. The policies and procedures are valid until the final regulations take effect. The commissioner must also amend any existing regulations as needed to conform with the act's provisions.

The act makes conforming changes, such as eliminating provisions that establish the prior payment standards for SAGA and town GA (i.e., the \$350, \$200, and \$150 levels), consistent with the reductions in § 42 of the act.

It eliminates language pertaining to towns providing medical assistance to someone who is unable to pay his medical bills over a two-year period. And it eliminates a requirement that the DSS commissioner adopt regulations establishing these standards and requirements, as well as those (1) permitting an earned monthly gross income disregard of up to \$150 (2) requiring towns to distribute monthly financial assistance through a central distribution location, (3) requiring recipients to present identification when receiving assistance, and (4) prohibiting towns from charging a fee for distributing assistance.

Additionally, it eliminates a requirement that DSS adopt regulations concerning audits of all GA programs.

Finally, it eliminates provisions requiring regulations for recoveries of reimbursements DSS makes to towns based on audit findings and appropriate sanctions for noncompliance with standards.

SAGA DEFINITIONS (§ 46)

The act generally re-states, conforms to regulations, and amends existing definitions for employable, transitional, and unemployable individuals. In general, these are identical to those already in state law or agency regulations.

It changes the definition of an "employable" person. Currently, this person must not have a physical or mental impairment. The act instead specifies that an impairment must prevent the person from engaging in a work, education, or training activity, which is the standard used for the transitional and unemployable categories.

Under the definition of "transitional" individuals, the act removes some of the statutory details about a person's connection to the labor market. Regulations still contain these details, such as the requirement that he must have worked and earned \$500 or more in each of three of the last five calendar quarters.

Under prior law, in addition to the labor market connection and the short-term disability criteria, someone could be considered transitional if he had a mental illness or substance abuse problem and was in an approved treatment plan until DMHAS implemented its basic needs supplement program. DMHAS implemented this program in 1998, making this criterion obsolete.

The act continues to require substance abusers to participate in treatment and makes them eligible for cash while awaiting assistance.

The act specifies that the DSS commissioner, when making determinations about disabilities or impairments that are expected to last at least six months, must make them based on recommendations made by a medical review team. DSS caseworkers currently assemble medical information and send it to a contractor (Colonial Cooperative Care), which conducts unemployability determinations.

BEHAVIORAL HEALTH MANAGED CARE (§ 47)

By law, DMHAS must run a behavioral health managed care program, within available appropriations, for eligible people needing such services. Previously, unemployable, transitional, and employable people who were eligible for SAGA or town GA cash or medical assistance could participate in this program. The act specifies that only people eligible for SAGA medical assistance can participate in this program.

BURIALS FOR INDIGENTS (§ 48)

By law, when someone in a town, or sent from such a town to a licensed institution or state humane institution, dies in that town and does not leave a sufficient estate for a proper burial and funeral, the town must provide such a burial. Under prior law, the town could spend up to \$1,200 for the burial and the state reimbursed the town for these costs, which were considered GA expenditures, even if the deceased never received assistance. The act continues to require DSS to reimburse towns up to this amount, but requires, instead of allows, the town to spend its own funds up front. And it requires the chief executive officer of the town, instead of the selectmen or public official charged with running the GA program, to provide the funeral and burial.

It is not clear what the effect of this provision will be. In practice, DSS pays funeral directors directly for virtually all indigents in SAGA towns, even if the individual never received SAGA, with no town involvement. In Norwich, the town pays for the burial and DSS reimburses it. The act requires the towns to provide the burials, with DSS reimbursing them, regardless of whether they administer a GA program.

The act eliminates a minimum \$25 fine that can be imposed on anyone who buries or causes to be buried any such individual in violation of

the law.

APPEALS OF SUPPLEMENTAL SECURITY INCOME (SSI) DENIALS (§ 49)

The act conforms law to practice by requiring DSS to advise SAGA clients of their right to appeal SSI denials and the availability of legal counsel paid by DSS. It also eliminates a reference to town general assistance.

NURSING HOME RATES, NURSING HOMES IN RECEIVERSHIP, ICF/MR RATES (§ 50)

Nursing Home Rates

The act generally freezes Medicaid payments to nursing homes at their June 30, 2003 level for FY 2003-04 and the first half of FY 2004-05 and schedules a 1% increase for January 1, 2005. However, homes that would have received a lower rate on July 1, 2003 or 2004 than they had for the prior fiscal year because of their interim rate status or agreement with DSS will receive that lower rate until the January 1, 2005 increase, which also applies to them.

The act also prohibits the DSS commissioner from otherwise adjusting a nursing home's annual reimbursement rate for FYs 2003-04 and 2004-05 for any reason other than to (1) reflect the act's permitted percentage increase, (2) lower a rate, or (3) include extraordinary and unanticipated costs allowed under existing law, which allows inclusion of these items if they provide services to avoid an immediate negative impact on patients' health and safety.

Rates for Nursing Homes in Receivership Upon Their Sale

The act prohibits the interim reimbursement rate DSS sets to take effect on the sale of a nursing home in receivership from exceeding the pre-receivership rate, subject to the annual increases the act allows. But if that results in a rate below the median rate for the facility's peer grouping, the act allows the commissioner, in her discretion, to give the facility a higher rate up to the median rate. The commissioner can only exceed the median rate if the OPM secretary, after reviewing area nursing home bed availability and other pertinent factors, authorizes a higher rate.

The law establishes two geographic “peer groupings” of nursing homes for each level of care (there are two levels: chronic and convalescent care homes and rest homes with nursing supervision) for the purpose of determining rates and allowable costs. One peer grouping is for facilities in Fairfield County and the other is for facilities in the rest of Connecticut.

ICF/MR Rates

The act generally freezes Medicaid payments to intermediate care facilities for people with mental retardation at their June 30, 2003 level for FY 2003-04 and schedules a ¾ % increase for July 1, 2004. However, facilities that would have received a lower rate on July 1, 2003 than they had for the prior fiscal year because of their interim rate status or agreement with DSS receive that lower rate starting July 1, 2003 until the July 1, 2004 increase, which also applies to them.

Residential Care Homes

The act requires the DSS commissioner to allow actual debt service (principal, interest, and a repair and replacement reserve on the loan) to be used in place of otherwise allowed property costs in residential care homes’ reimbursement rate calculations under certain conditions, whether the debt service is higher or lower than the allowed property costs. Under the act, the commissioner must do this only if she determines that a loan the Connecticut Housing Finance Authority is to issue to the home is reasonable in relation to the useful life and property cost allowance in DSS regulations setting out various factors used in rate calculations.

MEDICAID DISEASE MANAGEMENT (§ 51)

The act requires the DSS commissioner to design and implement a care enhancement and disease management initiative, which must provide for an integrated and systematic approach to managing high cost Medicaid recipients’ health care needs. It allows the commissioner, regardless of other statutes, to implement this initiative by contracting with an entity that has an established and demonstrated capability in disease management initiative design and implementation. The commissioner must report annually on the initiative’s status to

the Appropriations and Human Services committees.

PHARMACY REIMBURSEMENT CUT (§ 52)

The act reduces pharmacies’ per-prescription dispensing fee from \$3.60 to \$3.30 starting October 1, 2003 in the Medicaid, SAGA, town General Assistance (Norwich), Connecticut Pharmaceutical Assistance Contract to the Elderly and Disabled (ConnPACE), and the Connecticut AIDS Drug Assistance programs. But it allows DSS to provide an enhanced dispensing fee to a pharmacy enrolled in the federal Office of Pharmacy Affairs Section 340B drug discount program or a pharmacy under contract to provide services under that program.

FEE SCHEDULES FOR DURABLE MEDICAL EQUIPMENT, OTHER SERVICES AND DEVICES (§ 53)

The act allows the DSS commissioner to modify the Medicaid fee schedules for durable medical equipment, medical surgical supply, oxygen, orthotic and prosthetic devices, and hearing aids, as well as applicable regulations, policies, procedures, or purchase of service contracts to achieve the FY 2003-04 and FY 2004-05 budget expenditure reductions. If such modifications require revisions to state regulations, the act allows the commissioner to make the modifications while in the process of adopting the regulations as long as she publishes notice of the modifications in the *Connecticut Law Journal* within 20 days of their implementation. The act allows these modifications to include, but does not limit them to:

1. a change in the reimbursement for customized manually priced devices (e.g., customized wheelchairs) to a formula based on a percentage of list or acquisition costs;
2. a percentage reduction in payments to all other durable medical equipment, medical surgical supply, oxygen, orthotic and prosthetic devices, and hearing aid providers;
3. application of rental costs to the purchase price when DSS purchases the same durable medical equipment for a beneficiary that was previously rented for him; and
4. selection of one or more vendors to provide such equipment, services, and

devices through a competitive bidding process.

The act also prohibits these modifications from resulting in savings less than those adopted in the FY 2003-04 and 2004-05 budget.

SCHOOL-BASED CHILD HEALTH PROGRAM (§ 54)

Starting with FY 2003-04, the act reduces DSS grants to towns and regional school districts that participate in the School-Based Child Health Program. It reduces them from 60% to 50% of the federal portion of Medicaid claims the state processes for Medicaid-eligible special education and related services provided to the towns' Medicaid-eligible students. (The federal government reimburses the state 50% of what it spends on Medicaid.)

HUSKY B COST SHARING—CAPS AND PREMIUMS (§ 55)

The act requires, rather than allows, the DSS commissioner to impose cost sharing on HUSKY B participants. She must do it to the extent permitted by federal law.

Under prior law, DSS required cost sharing by families as follows: families with incomes between 185% and 235% of the federal poverty level (FPL) had a \$650 cap on cost sharing payments. Families in the 235% to 300% of the FPL range had a \$1,250 cap. The act permits the commissioner, beginning October 1, 2003, to increase the caps, provided that they are no higher than 5% of the family's gross income. Federal regulations (42 CFR § 457.560) prohibit states from imposing premiums, enrollment fees, co-payments, or other cost sharing that in the aggregate exceed 5% of a family's total income.

The act also allows the commissioner to impose a premium requirement on families in the 185% to 235% income range as part of the overall cost-sharing cap. Previously, these families paid no premiums but were responsible for paying nominal co-payments, up to the cap. Families in the 235% to 300% of FPL range already pay monthly premiums of \$30 per child with a maximum monthly premium of \$50.

The act eliminates a requirement that the DSS commissioner submit changes to maximum aggregate cost sharing to the Human Services, Appropriations, Insurance, and Public Health committees, which could approve, deny, or modify these changes.

EFFECTIVE DATE: October 1, 2003

HUSKY B—COST SHARING AND SERVICE COMPARABILITY TO MANAGED CARE ORGANIZATIONS; PRESUMPTIVE ELIGIBILITY ELIMINATION (§ 56)

The act requires the HUSKY B services and cost-sharing requirements to be substantially similar to the services and cost sharing requirements of the largest commercially available managed care organization offered to state residents, as measured by the number of covered lives reported to the Insurance Department in the most recent audited annual report.

Previously, HUSKY B participants had access to the same services that are available to children enrolled in the Medicaid (HUSKY A) program.

The act eliminates a requirement that DSS do presumptive eligibility for children applying for Medicaid. Presumptive eligibility allows for faster eligibility determinations.

The act eliminates the DSS commissioner's authority to send copies of enrollment data to the Children's Health Council. (PA 03-1, June 30 Special Session, eliminated the council's funding.)

PRESUMPTIVE ELIGIBILITY (§ 57)

The act makes a conforming change by eliminating a requirement that the DSS commissioner, within available appropriations, contract with qualified entities that are authorized to make applicants for Medicaid presumptively eligible for assistance.

CONNPACE ASSET TEST (§ 58)

The act imposes an asset test on ConnPACE participants. Single participants' "available assets" must be below \$100,000 and married couples must have less than \$125,000. Available assets are those considered available under the Connecticut Home Care for Elders Program (mainly liquid assets such as bank deposits and investments in stocks or bonds, not the family's primary home or certain other excluded assets).
EFFECTIVE DATE: October 1, 2003

CONNPACE ESTATE RECOVERY, PUBLIC ASSISTANCE, AND ANNUITY RECOVERIES (§ 59)

The act gives the state a claim, starting September 1, 2003, against deceased ConnPACE

beneficiaries' estates to recoup ConnPACE benefits paid. The change applies to deaths on or after September 1, 2003 and allows recoupment only of benefits the deceased person actually received on or after July 1, 2003.

Also for estate recovery purposes, the act makes all annuity sums due on or after July 1, 2003 to anyone after a public assistance recipient's death part of the deceased person's estate, if the annuity contract was purchased with the assistance recipient's assets. Consequently, this money becomes accessible to the state for repayment of public assistance benefits. It makes the annuity beneficiary solely liable to the state for repayment of assistance granted to the deceased person up to the amount of the payments the annuity beneficiary receives. This provision also applies to estates of recipients of public assistance, such as Medicaid, TFA, SAGA, or State Supplement, and to ConnPACE recipients.

CASH ASSISTANCE PROGRAM BENEFIT FREEZES (§ 60)

The act continues for another two years the freeze on benefits paid to TFA, SAGA, and GA program participants. (But § 42 of the act actually lowers the SAGA and GA benefits).

STATE SUPPLEMENT PROGRAM BENEFIT FREEZE (§ 61)

The act continues for the next two fiscal years the freeze on the adult payment standard (need standard) in the State Supplement Program. But it authorizes the DSS commissioner to increase the personal needs allowance component of the standard as necessary to meet federal maintenance of effort requirements. (Federal law requires state supplement programs to maintain benefits at a certain level or they risk losing federal matching Medicaid funds.)

LONG-TERM CARE TRANSFER OF ASSETS CHANGES (§ 62)

The act makes several changes related to the effects of transfers of assets for less than fair market value on eligibility for Medicaid long-term care (nursing homes and home care) coverage. Most of the changes are in preparation for federal approval of Connecticut's Medicaid waiver request in this area and will not have a practical effect until the waiver, which the state

submitted in 2002, is approved. Waiver approval would change the start date of penalty periods for "inappropriate" asset transfers from the date the transfers occurred to the date the person otherwise would become eligible for Medicaid. (A "penalty period" is a period of time during which Medicaid will not pay for long-term care because assets were transferred for less than fair market value, generally within three years and, if a trust was created five years. The penalty period is calculated based on how much long-term care the transferred assets would have covered.) The waiver would also change the look-back period from three years to five years for real estate transfers and exempt small amounts of transfers from the penalties.

The act:

1. codifies existing DSS regulations specifying that any asset transfer resulting in a penalty period will be presumed to be intended to enable the transferor to become or remain eligible for Medicaid and allows rebuttal of this presumption only by clear and convincing contrary evidence;
2. requires that such transfers resulting in penalty periods also create a "debt" as defined in the state Creditors' Collection Practices law that the transferor or transferee owes DSS a sum equal to assistance DSS gave to or on behalf of the transferor on or after the transfer date, up to the assets' fair market value on that date, and authorizes the DSS and Department of Administrative Services commissioners and the attorney general to seek administrative, legal, or equitable relief as allowed in other statutes or common law;
3. allows the DSS commissioner, at a nursing home's request, to grant the home financial relief if the home establishes that it (a) is experiencing severe financial hardship because of the change in the asset transfer penalty period start date and (b) has made every legally permissible effort to recover the transferred funds owed it;
4. prohibits a nursing home from requesting relief until the patient has been in the home for at least 90 days without payment and, if DSS agrees to grant relief to the home by providing Medicaid payments, requires DSS, by all means available under state and

- federal law, to recoup the money from the patient and the transferee;
5. allows the commissioner to waive the penalty period when the transferor (a) suffers from dementia when he applies for Medicaid and cannot explain the transfers, (b) suffered from dementia at the time of the transfer, or (c) was exploited into making the transfer, but specifies that waiving the penalty period does not prohibit establishing a debt as described above (under current regulations, the commissioner has a general right to waive imposition of the penalty period if the transfer was made for a purpose other than to qualify for Medicaid or if its imposition poses an undue hardship on the applicant in that he is threatened with eviction from the home and the transferred assets cannot be recovered from the transferee);
 6. extends the look-back period for real estate transfers from three years to five years, except for transfers that are exempt under DSS regulations, if the federal waiver is approved (transfers that do not involve real property remain subject to the current look-back period contained in federal law, which is three years generally and five for trusts);
 7. allows the commissioner to establish threshold limits for total annual transfers allowed during the look-back period without resulting in a penalty period; and
 8. lets the commissioner implement policies and procedures needed to carry out these changes while still in the process of adopting regulations, if she publishes the notice of intent in the *Connecticut Law Journal* within 20 days after implementation (such policies and procedures remain valid until final regulations take effect).

DIVERSION OF INCOME FROM INSTITUTIONALIZED SPOUSE ON MEDICAID (§ 63)

The act requires someone who is applying for Medicaid in a nursing home and has a spouse living in the community to divert the maximum allowable income to the community spouse to raise that spouse's income to the level of the federally required minimum monthly needs allowance. The act requires this diversion to

occur before the community spouse is allowed to retain assets above the federally mandated community spouse protected asset limit (this concept is called "income first"). The act also allows the DSS commissioner to implement this change while still in the process of adopting regulations, as long as she prints the notice of intent in the *Connecticut Law Journal* within 20 days of adopting the policy. The policy is valid until final regulations take effect.

BOARD OF EDUCATION AND SERVICES TO THE BLIND (BESB) VENDING PROCEEDS (§§ 64-65)

The act expands the purposes for which funds in BESB's Business Enterprise Program (BEP) account (vending income) can be used to include vocational rehabilitation programs and services for adults who are blind. The funds can already be used to pay the fringe benefits, training, and support to vending facility operators, and to provide entrepreneurial and independent living training and equipment to blind adults and children who are blind or visually impaired.

The act requires \$283,000 to be disbursed from the BEP account in FY 2003-04 to terminate the contract that BESB's Blind Industries Program had to make tee shirts. It also requires not more than \$500,000 to be disbursed to fund competitive employment or assisted employment of blind and visually impaired adults. Funding for the Blind Industries Program was eliminated in the FY 2003-05 budget.

HOSPITAL DISPROPORTIONATE SHARE PAYMENTS (§ 66)

The act allows DSS, within available funds, to make disproportionate share (DSH) payments to short-term general hospitals located in targeted investment communities with enterprise zones with a population over 100,000 (Stamford). This is in addition to existing authority for DSH payments to such hospitals in distressed municipalities with populations over 70,000, which the act also makes permanent.

FREEZE ON HOSPITAL OUTPATIENT AND INPATIENT RATES (§§ 67-68)

The act freezes, through June 30, 2005, the Medicaid rate paid to hospitals for outpatient services.

The act also prohibits the DSS commissioner from applying an annual adjustment factor to the hospital inpatient target amount per discharge through September 30, 2005.

DENYING PRESCRIPTIONS FOR FAILURE TO PAY CO-PAYMENTS (§ 69)

By September 30, 2003, the act requires the DSS commissioner to submit a Medicaid state plan amendment to allow pharmacies to refuse to fill Medicaid prescriptions, except those for psychotropic therapies, for program beneficiaries who demonstrate a documented and continuous failure to pay co-payments in spite of their ability to make them. Federal regulations (42 CFR § 447.53) prohibit Medicaid providers from denying services to individuals who are Medicaid-eligible based on their inability to pay the program’s cost sharing requirements. Continuous failure is defined as failure to (1) make required co-payments within six months from when a prescription is filled or (2) make required co-payments on six or more prescriptions when these prescriptions are filled during any six-month period.

MENTAL HEALTH ADULT REHABILITATION SERVICES (§ 70)

The law requires the DSS commissioner to amend the state’s Medicaid plan to provide coverage for optional adult rehabilitation services for DMHAS clients. The act requires that, for FYs 2003-04 and 2004-05, up to \$3 million of any money the state receives as federal reimbursement for these services must be credited to the Community Mental Health Restoration subaccount. It requires the DSS commissioner to (1) adopt regulations to implement these optional Medicaid services and (2) implement policies and procedures to administer them while in the process of adopting the regulations, as long as the notice of intent to adopt the regulations is printed in the *Connecticut Law Journal* within 45 days of implementation (the act makes the policies or procedures valid until the final regulations take effect). The act also removes obsolete language concerning a study that has been completed.

The amendment must allow for a resumption of drug benefits once the beneficiary pays all of his outstanding co-payments.

EFFECTIVE DATE: Upon passage

FUND TRANSFERS TO DSH ACCOUNT (§ 71)

The act allows the OPM secretary to transfer certain budget appropriations from the University of Connecticut Health Center to the DSS disproportionate share account to maximize federal reimbursement.

HUSKY A (MEDICAID FOR CHILDREN AND CERTAIN CARETAKER ADULTS) (§§ 72-73)

Service Package

The act requires the managed care plan for people enrolled in the HUSKY A program to (1) be substantially similar to the state employee “Non-Gatekeeper POE Plan” as of the date the act passes (August 20) and (2) comply with all federal Medicaid rules.

The act specifies that the DSS commissioner, in consultation with OPM, must enter into contracts with managed care organizations (MCOs) to provide these services regardless of any existing statute. (HUSKY A children and certain caretaker relatives already receive their benefits from MCOs contracting with the department.)

Cost Sharing

For FYs 2003-04 and 2004-05, the act sets a maximum \$3 co-payment for HUSKY A medical services and a \$1.50 cap for prescription drugs. PA 03-2 required DSS to impose \$1 co-payments, beginning April 1, 2003, for prescriptions and medical services on the Medicaid, non-managed care population. DSS applied the \$1 prescription co-payment to the HUSKY A population as well under separate authority. In addition, the act requires the DSS commissioner to direct the MCOs to assess monthly cost sharing as follows:

<i>Family Income</i>	<i>Monthly Premiums—Per Person</i>	<i>Monthly Family Cap</i>
50% to 100% of FPL	\$10	\$25
100% to 185% of FPL	\$20	\$50

Previously, HUSKY A required no cost sharing.

Individuals participating in HUSKY A but not enrolled in managed care must be assessed similar co-payments and premium requirements. The act permits the DSS commissioner to deny

coverage or discontinue HUSKY A eligibility when a recipient falls two months behind in making premium payments. But the termination cannot occur until 30 days after the client is notified. (Federal Medicaid law gives individuals the right to appeal benefit terminations.)

The act requires the DSS commissioner to amend the state's Medicaid plan and to seek any necessary waivers to carry out these provisions. It requires her to implement the changes while in the process of adopting necessary policies and procedures in regulation form.

Federal regulations (42 CFR § 447.52, et. seq.) limit what cost sharing can be imposed on Medicaid recipients, both in terms of the actual amount that can be charged, as well as who can be required to pay (e.g., pregnant women and children under the age of 21 cannot be required to pay cost sharing).

The act applies all of the definitions in the HUSKY B program to the HUSKY A program.

NURSING HOME WAITING LISTS (§ 74)

The act allows a nursing home to admit an applicant seeking to transfer from a nursing home that is closing without regard to the state's waiting list law, which generally requires homes to admit patients on a first-come, first-served basis.

FOOD STAMP PROGRAM SIMPLIFICATION AND IMPROVED ACCURACY (§ 75)

The act allows the DSS commissioner, in accordance with federal law, to implement a policy to simplify the Food Stamp program's administration and increase its payment accuracy. It allows her to implement this policy while still in the process of adopting it as a regulation, as long as she publishes notice of intent in the *Connecticut Law Journal* within 20 days of implementation.

CHOICE OF NURSING HOME RECEIVERS (§ 76)

The act requires a court, in appointing a receiver for a nursing home, to choose only a responsible individual (1) whose name the DSS and DPH commissioners propose and (2) who is a Connecticut-licensed nursing home administrator with substantial experience in operating Connecticut nursing homes. The DSS commissioner must adopt regulations setting qualifications for proposed receivers consistent

with this provision by July 1, 2004. Under prior law, the court could choose any responsible individual except a state employee, the failing nursing home's owner or administrator, or any other person with a financial interest in it. The act continues to prohibit these individuals from acting as a receiver for the home they are involved with. It also prohibits any receiver from having a financial interest in that home either currently or for five years after the receivership ends.

NURSING HOME RECEIVER POWERS (§ 77)

The act requires a nursing home receiver, within 90 days after his appointment, to:

1. determine whether the facility can continue to operate, provide adequate care, and substantially comply with federal and state law within the limits of state payments, income from self-pay residents, Medicare payments, and other current income;
2. report his determination to the court; and
3. seek facility purchase proposals.

If the receiver determines that the facility cannot continue to operate in compliance with these requirements, he must request an immediate court order to close it and must arrange for the residents' orderly move to another facility under existing procedures, unless he expects such a transfer to a qualified purchaser within 90 days. If this transfer is not completed within 180 days after the receiver's appointment, the act requires the receiver to request an immediate court order to close the facility and arrange for the residents to move.

NEED FOR PERMISSION FROM DSS FOR COURT-ORDERED NURSING HOME CLOSURES ELIMINATED (§ 78)

The law requires nursing homes that transfer ownership or control before being initially licensed, add or expand services, terminate services, or substantially decrease bed capacity to request permission from DSS for the change and, at the same time, to notify the Office of the Long-Term Care Ombudsman. This act exempts Superior Court-ordered receivership-related closures from this requirement. But it still requires the facility in receivership to notify the ombudsman's office when it is closed by the Superior Court's order.

PATHOLOGIST REIMBURSEMENT (§ 79)

The act requires DSS to reimburse licensed pathologists who provide medical services to people under DSS-administered programs for the services' professional component with no distinction as to whether the service is provided in a hospital or outpatient setting. It limits this rate to no more than the prevailing rate for similar physician services. And the act prohibits any increase in reimbursement from exceeding a total of \$150,000 for each of the next two fiscal years.

TEMPORARY FAMILY ASSISTANCE (TFA)—FAMILY COMPOSITION (§ 80)

The act changes the family composition requirements for TFA eligibility to allow more families to qualify. Under current regulations, to qualify for TFA, the applicant must be (1) pregnant; (2) a parent or parents of a minor child (or an 18-year-old who is a full-time secondary school student); or (3) a caretaker who is related to the child by blood, marriage, or adoption, or who is a spouse or former spouse of a blood relative. The act, to the extent the DSS commissioner determines that this is permitted by federal law, (1) codifies the above criteria and (2) allows the caretaker to be the child's legal guardian or be pursuing legal guardianship. Previously, families with guardian caretakers or those pursuing guardianship could only get cash assistance through the SAGA or GA program.

Under the act, if the commissioner expands TFA eligibility consistent with federal law, she may administratively transfer SAGA cash assistance cases to TFA without following the usual enrollment and eligibility procedures. If a change in federal law later makes the family ineligible for TFA, she can administratively transfer them back to SAGA.

REFINANCING COSTS ALLOWED IN RATE CALCULATION FOR DMR GROUP HOMES (§ 81)

The act permits the DSS commissioner to allow mortgage refinancing fees to be included in allowed room and board costs in the rate it pays to private group homes for people with mental retardation and residential facilities operated by regional education service centers. But she may only allow this if the refinancing will result in state savings after comparing costs over the terms of the existing and proposed

loans.

PHARMACISTS' PROCEDURE UNDER PRIOR AUTHORIZATION (§ 82)

The act requires pharmacists, when filling prescriptions under Medicaid, ConnPACE, Connecticut AIDS drug assistance, or SAGA, to fill the prescription using the most cost-efficient dosage, consistent with the prescribing practitioner's instructions, unless the pharmacist receives permission to do otherwise under the state's prior authorization plan.

MEDICAID PHARMACEUTICAL AND THERAPEUTICS COMMITTEE AND PREFERRED DRUG LIST (§ 83)

The act changes the composition of the Medicaid Pharmaceutical and Therapeutics Committee created last year by PA 02-1, May 9 Special Session. Previously, the law required that there be an 11-member committee, appointed by the governor, consisting of five physicians, five pharmacists, and one consumer representative, and at least one of these had to be a representative of pharmaceutical manufacturers. The act increases the membership to 14. It specifies that the five physicians must include one general practitioner, one pediatrician, one geriatrician, one psychiatrist, and one family planning specialist.

It reduces the number of pharmacists to four. But it adds (1) two members who are visiting nurses (one specializing in adult care and one in psychiatric care), (2) one member who must be a clinician designated by the mental health and addiction services commissioner, and (3) one representative of pharmaceutical manufacturers. Under the prior law, at least one of the physicians or pharmacists had to represent a pharmaceutical manufacturer; this act limits the manufacturers' representative to one, but gives him his own membership slot. It maintains the one consumer representative. The act allows the committee, on an *ad hoc* basis, to ask other state agencies or interested parties to participate in its deliberations. It requires the DSS commissioner, or her designee, to convene the committee after the governor makes his appointments. (The law requires the committee to convene by March 31, 2003.)

The law requires DSS to adopt a preferred drug list for its Medicaid program by July 1, 2003 in consultation with the Medicaid and Pharmaceutical Therapeutics Committee (PA 03-

2, § 19). This act requires that the preferred drug list be used in the Medicaid and ConnPACE programs and that the list and the committee's functions also apply to the SAGA program. The act limits the preferred drug list to three classes of drugs for FY 2003-04: proton pump inhibitors and two other classes that the DSS commissioner determines. The commissioner must notify the Human Services and Appropriations committees of the drug classes on the list by January 1, 2004.

By law, one of the committee's functions is to make recommendations to DSS regarding prior authorization of prescribed drugs. This act specifies that these recommendations must be in accordance with the prior authorization plan already developed and implemented under existing law.

PRIOR AUTHORIZATION—BRAND NAME VS. GENERIC DRUGS (§ 84)

The law generally requires prior authorization for pharmacists to dispense brand name drugs under Medicaid, SAGA, GA or ConnPACE if a chemically equivalent generic drug is available at a lower cost. The act removes the requirement that the generic drug cost less and instead requires dispensing the brand name drug in cases where it is less costly than the generic when factoring in manufacturers' rebates.

FQHC PAYMENT METHODOLOGY (§ 85)

The act requires the DSS commissioner to make changes to the cost-based reimbursement methodology in the Medicaid program for FQHCs. The changes must be consistent with federal law. She must report to the Appropriations and Human Services committees by March 1, 2004 on the status of the changes.

COMMUNITY HEALTH CENTER GRANTS (§ 86)

The act requires FYs 2003-04 and 2004-05 grants to community health centers to support health center infrastructure services to uninsured people or expansion projects to be in the same proportion as the grants made in FYs 2002-03 and 2003-04, respectively. If any portion of the grant is not needed by a center, the differential must be distributed among all the other community health centers based on their share of total funding.

CHRONIC DISEASE HOSPITAL AND NURSING HOME PILOT (§ 87)

By July 1, 2004, the act requires DSS to implement, within available Medicaid funding, a nursing home pilot project in Greater Hartford with a chronic disease hospital (1) co-located with a skilled nursing facility and (2) that has the facilities, medical staff, and all personnel needed for diagnosis, care, and treatment of chronic or geriatric mental conditions requiring prolonged hospital or restorative care. It defines "chronic disease hospital" for this purpose using the above enumerated criteria.

CASE MANAGEMENT REIMBURSEMENT (§ 88)

The act allows the DSS commissioner to reimburse DMHAS for targeted case management services it provides to its target population, regardless of other state law or regulation. The act defines the target population to include people with severe persistent psychiatric illness and those with persistent substance dependence.

FUND TRANSFER FROM PRIVATE PROVIDER ACCOUNT (§ 89)

For FY 2004-05, the act authorizes the OPM secretary to transfer funds to state agencies from the OPM private provider account to put rate increases for private providers into effect.

ASSISTED LIVING PILOT PROGRAM FOR PEOPLE WITH MENTAL RETARDATION (§ 91)

The act requires the DMR commissioner, in conjunction with the DSS commissioner and within available funding, to prepare a plan for a pilot program that provides residences with assisted living services to people on DMR's waiting list for residential placement or support. The plan must describe the elements needed to implement the pilot program, including staffing coordination issues, necessary Medicaid waivers, and potential federal grants. The report must be submitted to the Public Health and Human Services committees by January 1, 2004.

NURSING HOME AUTOMATIC FIRE SPRINKLER SYSTEMS REQUIRED (§ 92)

The act requires nursing homes to have an automatic fire sprinkler system approved by the state fire marshal on each floor by July 1, 2005. It requires each home's owner or authorized agent, by July 1, 2004, to (1) submit plans for installing such a system, signed and sealed by a licensed professional engineer, to the local fire marshal and building official or to the state fire marshal, as the case may be, and (2) apply for a building permit to install the system.

The act subjects anyone failing to install the required systems to a civil penalty of up to \$1,000 for each day the violation continues and requires the attorney general, at the state fire marshal's request, to begin a civil action to recover the penalty. This new penalty applies to nursing homes as well as other buildings that must, by law, already have such systems. These other buildings include:

1. new buildings with more than four stories built for human occupancy;
2. all residential buildings with more than four stories and occupied primarily by the elderly;
3. any residential building occupied primarily by, or designed primarily for, elderly occupants, if the building has more than 12 living units and is issued a building permit for new occupancy or is substantially renovated on or after January 1, 1997;
4. any hotel or motel with more than five guest rooms that provides sleeping accommodations for more than 16 persons and is issued a building permit for new occupancy on or after January 1, 1987;
5. hotels or motels with more than four stories; and
6. new educational buildings that are eligible for a school building project grant and put out to bid after July 1, 2004.

NEW HOME CONTRACTOR REQUIREMENT TO DISCUSS FIRE SPRINKLERS (§ 93)

The act requires a new home construction contractor or his agent to discuss installing an automatic fire sprinkler system in a new home with the consumer. It also incorporates this item into the written notice a contractor must provide

that, among other information, lists subjects that the consumer is advised to discuss with the contractor.

EFFECTIVE DATE: October 1, 2003

PASSENGER RESTRICTIONS FOR TEENAGE DRIVERS (§ 94)

The act makes the passenger restrictions for 16- and 17-year-old licensed drivers enacted by PA 03-171 effective on January 1, 2004 instead of October 1, 2003, thus making the restrictions applicable to all 16- and 17-year-old drivers instead of only those who apply for a learner's permit on October 2, 2003 or after.

PA 03-171 establishes, among other things, restrictions on the number and type of passengers a 16- or 17-year-old driver may transport for specific periods following licensure. That act made the restrictions effective October 1, 2003 and applicable only to 16- and 17-year-olds who apply for learners' permits after that date. This act, instead, makes these restrictions effective on January 1, 2004. Thus it appears to require some 16- and 17-year-olds who received unrestricted licenses prior to January 1, 2004 (in particular, those who were licensed between July 1 and September 30, 2003, or who applied for their learners' permits before October 2, 2003 and were licensed before December 31, 2003) and who are not currently restricted in the number of passengers, to comply with the restrictions beginning January 1, 2004.

COLLECTION OF SOCIAL SECURITY NUMBERS BY DMV (§ 95)

The act eliminates certain requirements for the DMV to obtain the Social Security number or federal employer identification number, or both, of each person applying for a motor vehicle registration after July 1, 2003 and forward this information to the Department of Revenue Services (DRS) annually for purposes of identifying people affected by taxes DRS administers.

Previously, as of July 1, 2003, the DMV commissioner had to require each person applying for a motor vehicle registration to provide his Social Security number or federal employer identification number, or both, if available. If such numbers were unavailable, the DMV had to find out the reasons for their unavailability. Previously, beginning February 1, 2004 and annually thereafter, the DMV commissioner had to furnish the DRS

commissioner on a magnetic tape or some other suitable medium a list of all those to whom a motor vehicle registration was issued in the preceding year. The list had to contain the person's name, address, Social Security number, federal employer identification number, or both numbers, and, if they are unavailable, the reason for the unavailability.

EFFECTIVE DATE: Upon passage and applicable as of July 1, 2003.

REPEALERS

HUSKY (§ 96)

The act repeals the DSS commissioner's general authority to impose cost sharing on Medicaid recipients. (§ 11 of PA 03-1, September 8 Special Session restores this authority, and specifies the amounts of the co-payments for prescription drugs and outpatient services.)

To conform to the changes in § 72, the act eliminates the minimum benefit coverage requirements for HUSKY B recipients. And it eliminates a prohibition on DSS (1) requiring deductibles or co-payments for certain HUSKY B preventive care and services, such as inpatient services and home health care; (2) applying a preexisting condition exclusion; and (3) imposing an annual or lifetime benefits cap or coinsurance.

The HUSKY B program is funded primarily by a federal State Children's Health Insurance Program (SCHIP) block grant. Federal law prescribes the types of services provided and cost sharing that states may impose as a condition of receiving these funds.

Elimination of DSS Pharmacy Review Panel

The act also eliminates the DSS commissioner's authority to establish a pharmacy review panel to advise in the operation of the department's pharmacy benefit programs.

Town GA (§ 97)

To conform with the act's changes, the act repeals a number of sections of law, relative to town GA, some of which is already obsolete, except as it affects the Norwich GA program. Among these, it eliminates provisions:

1. requiring towns to provide necessary support to the poor, to the extent required under the town GA program,

and to operate and keep records of their GA programs;

2. requiring DSS to reimburse municipalities that run GA programs for 100% of their cash assistance expenditures;
3. setting GA program and reimbursement guidelines and directing DSS to adopt regulations and make reports to the legislature; and
4. making pharmaceutical manufacturers liable for rebates on any pharmaceutical paid for by the GA program.

EFFECTIVE DATE: March 1, 2004

PA 03-4, June 30 Special Session—HB 6805 *Emergency Certification*

AN ACT CONCERNING THE RECOMMENDATIONS OF THE TRANSPORTATION STRATEGY BOARD

SUMMARY: This act (1) approves the principles set forth in the initial transportation strategy for Connecticut submitted to the legislature by the Connecticut Transportation Strategy Board (CTSB) pursuant to state law; (2) requires completion of certain transportation projects and initiatives recommended by the CTSB in its initial strategy; (3) authorizes more than \$264 million in bonding over a 10-year period for use in funding the projects and programs recommended by the CTSB and identified in the act as transportation strategy related projects; and (4) increases driver's license, certain vehicle registration, and several other fees and dedicates the revenue derived from these increases, along with the revenue derived from certain fee increases and revenue transfers made by PA 03-1, June 30 Special Session, for paying the costs of the strategy-related transportation projects recommended by the CTSB and designated for completion by the act. It defines these as "incremental revenues."

The act prohibits any funds in the Transportation Strategy Board projects account (created by PA 03-1, June 30 Special Session) from being authorized for any transportation project other than one this act designates for completion. However, this does not preclude any capital, planning, or operating project recommended by the CTSB in its strategy (a "TSB project") from being funded, either wholly or partly, by other state or federal funds. Funds authorized for any TSB project may be used only

for that project. The act requires TSB projects to be funded from funds authorized for the CTSB only to the extent that the projects are not funded from the Infrastructure Improvement Fund.

The act authorizes issuance of bonds backed by the dedicated revenue to implement the strategy-related projects recommended by the CTSB. It requires the Department of Transportation (DOT) to prioritize the projects identified in the act and produce annual and five-year financing plans based on the funding levels the act authorizes.

The act also:

1. requires any of the designated transportation strategy projects needing an expenditure of more than \$1 million, unless their sole purpose is public safety, to be accompanied by an economic development plan that provides for planned growth to support the project, and establishes related requirements for this process;
2. requires the CTSB to prepare and periodically submit an analysis of the short- and long-term effects of the initial transportation strategy on state transportation, economic development, and environmental concerns using the measures and analytical methods it develops by itself or in conjunction with other state agencies, and establishes procedures for developing and submitting the analysis with other required reports;
3. requires the CTSB, when developing and revising the strategy pertaining to roads, to (a) have as its priority for improving transportation on public highways the use of public transportation, (b) propose improving or expanding public highways only after it has determined that no means of public transportation exists that will accomplish the improvement, and (c) include an explanation and documentation of such a determination with any proposed improvement or expansion of a public highway;
4. expands the CTSB's statutory charge for designing a state transportation strategy to (a) include consideration of managing demand for transportation assets, including the integral use of employer- and employee-based initiatives and (b) explicitly include as a result of the strategy the expanded use

of public transportation and other traffic mitigation methods to relieve highway congestion;

5. substitutes the Finance, Revenue and Bonding and Transportation committees for the legislature as recipients of the CTSB's strategy, strategy revisions and updates, and other required documents, but continues to require the legislature to approve the plan and a copy to be submitted to the governor;
6. requires the DOT to consult with the Department of Motor Vehicles (DMV) and the Department of Public Safety and establish a program by January 1, 2004 to implement regularly scheduled and enforced hours of operation for truck weighing stations and report to the Transportation Committee on the planned program by October 1, 2003;
7. requires DOT, as soon as is practicable after the act is signed, to submit the transportation strategy projects designated for completion by the act and all future updates and revisions of the transportation strategy to the appropriate state metropolitan planning organizations for consideration under the federally required regional planning process for transportation improvement projects;
8. requires all payments the state receives under any agreement it enters involving the rolling stock used on the Metro North-New Haven Line pursuant to the DOT commissioner's existing statutory authority to make lease agreements regarding transportation equipment and facilities for the purpose of obtaining payments based on the tax benefits associated with owning or leasing such equipment and facilities to be used exclusively for refurbishing the rolling stock on, and other capital improvements to, the line;
9. authorizes the governor to enter into an agreement with New York State that provides voting representation for Connecticut on the Metropolitan Transportation Authority and the Metro-North Commuter Railroad boards and any successors to them;
10. requires the DOT commissioner to report to the governor and legislature by January 1, 2005 on (a) the status of efforts to secure voting representation

- on the above-noted boards, (b) the status of the recommendations regarding the Metro-North operating agreement made in the report mandated by PA 00-129, and (c) any other actions regarding the operating agreement that the commissioner believes are necessary, proper, and appropriate to improve commuter service on the New Haven Line and protect the state's financial interests;
11. requires the DOT commissioner to submit a report to the CTSB annually, beginning January 1, 2004, listing all transportation projects, other than ones identified and recommended in the transportation strategy, considered to be of the greatest importance and explaining the reasons why;
 12. requires the Connecticut Public Transportation Commission to submit its statutorily required annual list of recommendations to the CTSB, in addition to the governor and transportation commissioner, requires the commissioner to notify the Finance, Revenue and Bonding Committee, in addition to the Transportation Committee of the availability of his comments and analysis of the commission's recommendations, and eliminates the requirement for notice to the rest of the General Assembly;
 13. requires future revisions of the state Plan of Conservation and Development (Plan of C&D) to take into account economic and community development needs, patterns of commerce, and linkages between affordable housing objectives, land use objectives, and transportation systems;
 14. allocates \$10.3 million in funding previously appropriated to DOT for the CTSB and carried forward by prior legislation during the June 30 special session for specific projects and purposes; and
 15. conveys a parcel of land from the DOT to the town of Bethel.

EFFECTIVE DATE: Upon passage, except the fee increases for non-driver photo identification cards and automobile club licenses are effective January 1, 2005 and all the other fee increase are effective January 1, 2004.

APPROVAL OF INITIAL TRANSPORTATION STRATEGY PRINCIPLES

The act approves the principles set forth in Section I of the transportation strategy submitted by the CTSB to the legislature in January 2003 as required by law. These strategic principles are as follows:

- *Overall Objective*—Strengthen and expand the state's transportation system over the next 20 years to enhance Connecticut's prospects for sustainable economic growth and a premier quality of life in a manner consistent with environmental standards; use evaluation techniques and metrics to support major capital investments and operating in the system; and ensure the proper integration of land use planning with transportation planning and investment decisions to support the intelligent management of the state's projected growth in population densities, commercial development, automobile usage, and freight shipments.
- *Economic Strategy*—Ensure that the state's Transportation Investment Areas (TIAs) remain vibrant and competitive economic engines and attractive gateways to the state by leveraging existing transportation and other infrastructure assets, especially in urban centers, and by focusing appropriate resources on the mitigation and management of road congestion throughout the state with a focus in the near term on the Coastal Corridor.
- *Movement of People Strategy*—Facilitate the movement of people in and through the state by: expanding the quality and quantity of options to single occupancy automobile trips (such as air, bicycle, bus, ferry, flex-time, rail, ridesharing, and telecommuting); encouraging employer participation in demand management programs; enhancing the customer's transit experience; improving transit travel times through better integration of all transportation options; increasing capacity of roads through continued focus on information, safety, and incident management tools; and expanding targeted portions of certain roads.

- *Movement of Goods Strategy*—Facilitate the movement of goods to and through the state by: expanding and coordinating the state’s air, rail, road and water infrastructure; improving the flow and safety of commercial truck traffic; and providing a broader range of competitive options to commercial trucks.
 - pedestrian station access
 - Potential to attract sufficient riders to support additional express trains
 - Operation under state control
 - Feeder bus service for rail users
- *Special Funding Strategy*—Implement a comprehensive and dedicated 10-year financing plan for the period from FY 2003-04 through FY 2012-13 to raise money exclusively to fund the recommended capital investments needed to implement the strategies.
- *Ongoing Funding Strategy*—Ensure that the state’s budget provides adequate and reliable financial support for its annual transportation capital and operating needs, including the amounts needed (1) for its public transit system to respond in a timely and satisfactory way to evolving public needs and (2) for greater flexibility in the transportation budget regarding the amount required to service outstanding debt.

- Make improvements to Long Island Sound, including, at least, bulkheading and dredging (upon removal of federal prohibitions), and expanding passenger facilities, including the Bridgeport Intermodal Facility, to support high-speed ferry service.

I-84 Corridor TIA

- Establish express bus services from Bridgeport and New Haven to Bradley International Airport.
- Complete the New Britain-Hartford busway and establish other bus rapid transit or light rail service in Hartford and surrounding towns.
- Expand rail passenger service through Danbury to New Milford on the Danbury branch line of the New Haven Line service (Norwalk to Danbury) to assist commuter movement on Route 7 and I-95.

I-91 Corridor TIA

- Upgrade or construct maintenance facilities and parking facilities, and upgrade feeder bus services for passenger rail service, particularly along the Metro North-New Haven Line.
- Establish bus or commuter rail service as determined in the New Haven-Hartford-Springfield Implementation Study being conducted by the DOT, including connection to Bradley International Airport.

I-395 Corridor TIA

- Establish rail freight service with connections to the New London port.
- Expand bus service frequency and connections within and outside of the region, particularly in and to Norwich and New London, and acquire enough buses to add at least 200 new seats.
- Design and plan for traffic mitigation in southeastern Connecticut, including planning for the extension of Route 11 from its terminus in Salem to the I-95 and I-395 intersection, with appropriate greenway purchases.

RECOMMENDED TRANSPORTATION STRATEGY PROJECTS DESIGNATED FOR COMPLETION

The act designates the following Priority Transportation Strategy Recommended Projects:

Coastal Corridor TIA

- Acquire rail rolling stock, as the CTSTB deems appropriate, for Metro North-New Haven Line rail service sufficient to add not less than 2,000 additional seats for interstate and intrastate service.
- Construct or expand stations in Stamford, Bridgeport, and New Haven to accommodate rail service and one or more other modes of transportation and have:
 - Facilities for 1,000 or more parking spaces
 - Connections to bus and other transit systems
 - Opportunity for community revitalization
 - Opportunity for transit-oriented development
 - Ease of auto, bus, bicycle, and

Southeast Corridor TIA

- Acquire enough rail rolling stock for the Shoreline East Railroad Line to add at least 1,000 additional seats.
- Make highway operational improvements that improve traffic flow on I-95 and I-395.

Statewide Projects and Programs

- Expand DOT marketing of the Deduct-a-Ride program to all eligible employers.
- Continue funding the Jobs Access Program.

The five TIAs were created by the law that established the CTSB. They cover the entire state geographically and are oriented toward major transportation facilities. TIAs must develop corridor plans and make recommendations to the CTSB. The CTSB may incorporate TIA recommendations in its overall state strategy. Some municipalities are in more than one TIA.

TRANSPORTATION PROJECT ECONOMIC DEVELOPMENT PLANS AND PERFORMANCE REPORT

Economic Development Plans

The act requires any of the transportation strategy projects it designates for completion that require spending more than \$1 million to be accompanied by an economic development plan. The plan must specify the economic development benefits projected for the state and the TIA in which the project is located. It must provide for economic development projects that meet at least one the following criteria: (1) generation by the CTSB project, (2) support of the project, (3) maximization of the economic benefits of the project, or (4) use of the project to maximize the economic benefits of the economic development project. A plan is not required if the transportation project's sole purpose is public safety.

Performance Report for Projects Requiring Economic Development Plans

The act requires the CTSB to coordinate the preparation of a performance report on the projects that require accompanying economic development plans. The board must consult with the DOT, Department of Economic and Community Development, and Office of Policy

and Management on the report format.

The performance report must include, at least: (1) a TIA map that identifies the CTSB projects and associated economic development projects; (2) a funding description, implementation status, and estimated completion date for each economic development and transportation project; (3) an explanation of how each economic development project meets one or more of the designated criteria; (4) a statement of how each economic development and transportation project addresses the goals and objectives of the state Plan of C&D; (5) a description of the roles of municipalities and regional planning agencies in planning and implementing each transportation and economic development project; (6) a description of the extent to which the projects in a TIA address its transportation problems, needs, or concerns; and (7) an evaluation of how each project addresses the TIA's transportation problems, needs, or concerns in terms of the statistical measures the CTSB develops with the other agencies.

This report must be submitted by December 15, 2004 along with the other reports required by law, and periodically thereafter when the other reports are submitted in compliance with the existing reporting requirements. The performance report must go to the Transportation; Planning and Development; and Finance, Revenue and Bonding committees. Within 15 days after receiving the report, the Transportation and Planning and Development committees must submit their comments and recommendations to the Finance, Revenue, and Bonding Committee's bonding subcommittee. The Finance, Revenue, and Bonding Committee must conduct a public hearing within 30 days of receiving the committees' reports.

Performance Analysis of Transportation Strategy

The act requires the CTSB to prepare an analysis of the short- and long-term effects of the initial transportation strategy, using the measures, methodologies, and standards it develops or adopts from any other governmental agency. The analysis must assess the strategy's effect on (1) present and future state transportation needs for moving people and goods; (2) state economic development; and (3) the environment, including air quality, wetlands, open space, and energy consumption.

The analysis must include the projected return on investment for each transportation project identified in the strategy. The CTSB

must submit its analysis to the governor; Transportation Committee; and Finance, Revenue and Bonding Committee along with its other required reports due on December 15, 2004, as required by law.

The CTSB must monitor the planning and implementation of the transportation strategy projects designated for completion by the act and report to the governor and legislature. Any recommended update or revision to any transportation strategy project or to the initial strategy, including any project recommended in addition to the initial strategy, contained in the December 2004 or later updates to the strategy must include the impact analysis required above.

IMPLEMENTATION OF CTSB-RECOMMENDED PROJECTS AND PROGRAMS

The act states that its purpose is to implement and fund certain transportation-related projects and strategies in order to (1) improve personal mobility and freight movement in and through Connecticut; (2) integrate transportation with economic, land use, environmental, and quality of life issues; (3) develop policies and procedures that will integrate the state’s economy with regional, national, and global economies; and (4) identify policies and sources that provide adequate and reliable funding necessary for a quality intermodal transportation system.

Bonding Authority

The act authorizes a total of \$264,807,000 in bonding for the 10-year period covering FY 2003-04 through 2012-13 for funding the projects and purposes identified in the act as the transportation strategy projects, including costs of issuance and required reserves. It specifies the following annual authorized amounts:

FISCAL YEAR	AUTHORIZED FUNDING AMOUNT
2003-04	\$32,423,000
2004-05	\$35,125,000
2005-06	\$32,526,000
2006-07	\$26,528,000
2007-08	\$25,530,000
2008-09	\$25,532,000
2009-10	\$23,533,000
2010-11	\$22,535,000
2011-12	\$21,537,000
2012-13	\$20,538,000
Total Authorization	\$264,807,000

The projects and programs must be funded by: (1) available federal revenue, grants, or other transportation-related financial assistance; (2) special tax obligation (STO) bonds; and (3) where appropriate, cash from incremental revenues. A maximum of \$1 million of such amounts may be made available to fund CTSB operations for FY 2003-04 and FY 2004-05.

The act authorizes the State Bond Commission to authorize STO bonds for specific transportation projects and uses when it finds this to be in the state’s best interests. It may authorize issuance of bonds in one or more series up to the aggregate authorized amount.

Incremental Funding for Supporting Transportation Strategy Priority Projects

The act increases several motor vehicle-related fees and requires the revenue from the increases (e.g, the difference between the old and new fee) between July 1, 2003 and June 30, 2036 to be deposited in the Transportation Strategy Board projects account established by PA 03-1, June 30 Special Session, for support of the designated transportation strategy projects (see Table 1). The fee increases are shown below.

Table 1: Motor Vehicle Fee Increases

Fee Category	Old Fee	New Fee (effective 1/1/04, except as noted)
<i>Motor Vehicle Operator Learner's Permit and Renewals</i>	\$6.00	\$18.00
<i>Motorcycle Learner's Permit and Renewals</i>	\$5.50	\$15.00
<i>Motor Vehicle Operator's License Renewals</i>	\$35.50 (four-year license) \$53.25 (six-year license)	\$43.00 (four-year license) \$65.00 (six-year license)
<i>Commercial Driver's License Renewals</i>	\$75.00	\$90.00
<i>Commercial License Learner's Permit</i>	\$8.00	\$10.00
<i>Passenger Vehicle Registration</i>	\$70.00 (two-year reg.) \$35.00 (one-year option for age 65+)	\$75.00 (two-year reg.) \$38.00 (one-year option for age 65+)
<i>Antique, Rare or Special Interest Motor Vehicle Registration</i>	\$70.00	\$75.00
<i>Combination Passenger and Commercial Registration</i>	\$78.00	\$83.00
<i>Motorcycle Registration</i>	\$36.00	\$40.00
<i>Registration for Vehicle (1) Used in Part for Commercial Purposes and as a Passenger Vehicle or (2) Seating More Than 10 and Not Used to Convey Passengers for Hire</i>	Commercial Fee (based on gross weight) plus \$8.00	Commercial Fee (based on gross weight) plus \$13.00

<i>COMMERCIAL VEHICLE REGISTRATIONS</i>		
Gross weight not exceeding 20,000 lbs.	\$1.15 per each 100 lbs. or fraction	\$1.16 per each 100 lbs. or fraction, plus \$10.00
Gross weight not exceeding 30,000 lbs.	\$1.40 per 100 lbs. or fraction	\$1.42 per 100 lbs. or fraction, plus \$10.00
Gross weight not exceeding 73,000 lbs.	\$1.75 per 100 lbs. or fraction	\$1.77 per 100 lbs. or fraction, plus \$10.00
Gross weight 73,001 lbs. and above	\$1.90 per 100 lbs. or fraction	\$1.92 per 100 lbs. or fraction, plus \$10.00
Minimum Commercial Registration Fee	\$39.00	\$44.00
Semitrailer Registration	\$35.00	\$40.00
Taxi or Livery Vehicle Registration (7 or less seating capacity)	\$105.00	\$125.00
Wrecker Registration	\$92.00	\$125.00
Snowmobile or All-Terrain Vehicle Registration	\$14.00	\$20.00
Non-driver Photo Identification Card	\$10.00	\$15.00 (eff. 1/1/05)
Passenger Endorsement on Driver's License	\$9.00	\$12.00
Driver's License Examination	\$36.00	\$40.00
Automobile Club License	\$35.00	\$250.00 (eff. 1/1/05)
Transporter Registration	\$114.00	\$250.00

Annual Financing Plan and Funding Implementation

By August 1, annually, DOT must consult with OPM, the state treasurer, and the CTSB and prepare an annual financing plan for the annual funding and financing of the projects and purposes the act identifies. The annual plan must be based on the authorized funding amount (cash from incremental revenues and STO bond proceeds), and any federal grants or other transportation related financial assistance that may be available in the fiscal year. It must also meet all requirements of state law and applicable trust indenture provisions, including reserve coverage requirements, relating to the plan.

Following the governor's approval of the annual financing plan, the incremental revenues it identifies for cash funding must be paid within the fiscal year of the plan into the Transportation Strategy Board projects account (created by PA 03-1, June 30 Special Session), of the Special Transportation Fund and must be available for the projects and purposes identified in the annual financing plan for cash funding. Upon approval by the treasurer and OPM secretary of the portion of the annual financing plan relating to the use of bond proceeds, the treasurer must

issue the required amount of STO bonds, subject to any required approval by the State Bond Commission, for those projects and purposes the plan identifies for use of bonds.

STO bonds may be issued up to the authorized funding amount the act authorizes for each fiscal year.

Five-Year Financing Plan

The act also requires DOT to prepare a five-year financing plan in which it projects the incremental revenues to be credited to the Transportation Strategy Board projects account of the Special Transportation Fund; the expenditures anticipated for the projects designated under the act; and the anticipated use of cash funding, bonding, and federal and other transportation-related financial assistance for these purposes. DOT must update the five-year plan by August 1 annually at the same time it prepares the annual financing plan. The five-year plan must be provided to the CTSB, state treasurer, OPM secretary, and legislature's Transportation and Finance, Revenue and Bonding committees.

DOT Project Prioritization

DOT must establish the priority of each of the transportation projects and purposes designated for completion in the act, including an associated operating and maintenance costs. By August 1, 2004, and every two years thereafter, it must submit a list to the CTSB describing the priority and providing supporting documentation. The act authorizes the CTSB, by November 1 of the year of submittal, to revise, delete, or add a particular project or purpose, or determine the sequence and timing of projects. DOT must revise its annual financing plan in accordance with any changes the CTSB recommends to the priority list. The CTSB must submit its recommendations to the General Assembly by the January 1 following its receipt of the DOT list. Any additions or deletions are subject to the General Assembly's approval.

Copies of all CTSB recommendations, including, without limitation, any material additions or deletions, must be given to the Transportation Committee; Finance, Revenue and Bonding Committee; DOT commissioner; OPM secretary; and state treasurer. The projects or purposes identified in the act may be funded through the use of (1) federal revenue, grants, or other transportation-related financial assistance;

(2) bonds; or (3) where appropriate, cash from incremental revenues in accordance with the annual and five-year financing plans.

Allocation of Funds Carried Forward by PA 03-1, June 30 Special Session

PA 03-1, June 30 Special Session, (§ 42(a)) carries forward approximately \$10.3 million in unspent funding previously appropriated to DOT for the CTSB. This act allocates the money as shown in Table 2.

Table 2: Allocation of Carry Forward Funds

<i>Allocation</i>	<i>For</i>
\$150,000	East Haven Road and Sidewalk Improvement Aid
\$900,000	Fairfield County Interregional Services
\$320,000	New Haven Line Commuter Connection
\$200,000	Danbury Area Feeder Bus Service—Harlem Line
\$750,000	Expanded Hartford Area Express Bus Service
\$1,700,000	Shoreline East Service Through New Haven-Bridgeport-Stamford
\$600,000	Continuation of State Operating Subsidy for Tweed-New Haven Airport
\$3,700,000	Transportation Strategy Board Projects Account

The act conditions the \$600,000 allocation for the Tweed-New Haven Airport operating subsidy on the city of New Haven continuing its existing level of operating subsidy.

Transfer of DOT Parcel to Town of Bethel

The act requires the DOT commissioner to convey approximately .542 acres of land on Depot Place and Greenwood Avenue in Bethel to the town for the administrative costs of the conveyance. The parcel is located within the rail right-of-way on the northeasterly side of the Danbury Branch Rail Line, with appurtenances identified as the former Bethel Train Station. The conveyance is subject to State Properties Review Board approval.

Bethel must use, maintain, or improve the appurtenances contained on the parcel. The parcel must revert to the state if Bethel does not use it for the required purposes, does not retain ownership of it, or leases all or any part of it.

The properties review board must complete its review of the conveyance within 30 days of receiving a proposed agreement from DOT and

the land remains under DOT control until the conveyance is made. The state treasurer must execute any necessary deed or instrument, which must contain provisions to carry out the use restrictions. The transportation commissioner is solely responsible for all other incidents of the conveyance.

BACKGROUND

Related Act

PA 03-6, June 30 Special Session (§ 27) transfers \$1.3 million of the amount carried forward by PA 03-1, June 30 Special Session, from unexpended funds appropriated to DOT to OPM for Local Aid Adjustments for FY 2003-04.

Sec. 207 of that act also transfers \$40,000 of the amount carried forward in PA 03-1, June 30 Special Session, from unexpended funds appropriated to DOT for the CTSB to OPM to develop a plan in cooperation with DOT and any other agencies that own rights to outdoor advertising locations to increase revenue by licensing these existing locations. OPM must submit the plan to the legislature by January 1, 2004. The plan must provide for at least 75% of the increased revenues to be dedicated to CTSB projects.

PA 03-5, June 30 Special Session—SB 2002
Emergency Certification

**AN ACT CONCERNING THE
CONNECTICUT RESOURCES
RECOVERY AUTHORITY**

SUMMARY: This act authorizes the Connecticut Resources Recovery Authority (CRRA) to borrow up to \$22 million from the state to support the repayment of debt CRRA issued on behalf of the Mid-Connecticut project for FY 2002-03 and FY 2003-04, provided CRRA repays the principal and interest before June 30, 2012. It reduces by \$22 million, from \$115 million to \$93 million, the amount of money CRRA may borrow temporarily from the state to support the repayment of debt issued for the project for post 2004 fiscal years. In either case, as under prior law, such borrowing requires approval of two-thirds of the CRRA board of directors, and of the state treasurer and Office of Policy and Management (OPM) secretary. The act requires CRRA to provide collateral for these

loans to the extent possible, as determined by the treasurer and secretary.

As under prior law, CRRA must submit a financial mitigation plan to the treasurer and secretary. The act requires that the plan include an analysis of CRRA staffing levels and the performance and qualifications of CRRA staff and directors. It eliminates the requirement for the treasurer and secretary to approve the plan.

It requires CRRA to (1) submit quarterly reports detailing the status of its financial mitigation plan to the treasurer, OPM secretary, and the Finance, Revenue and Bonding Committee; (2) enter into talks with municipal members of the Mid-Connecticut project about their interest in extending their contracts beyond June 30, 2012; and (3) include the status of those discussions in the quarterly reports.

The act specifies that CRRA must submit its proposed budget, three-year financial plan, cash flow analysis, and most recent certified audit annually.

The act requires CRRA to produce reports upon any matter of property or finance OPM or the governor requires during the terms of the loans it receives.

It reduces the membership of the CRRA board of directors from 13 to 11, removing the OPM secretary and treasurer as voting ex-officio members. The act's attempt to reduce the membership prior to its effective date, August 20, 2003, appears to have no legal effect. It reduces a quorum of the board from seven to six members and eliminates the requirement that a quorum include at least one ex-officio member or his designee.

EFFECTIVE DATE: Upon passage

PA 03-6, June 30 Special Session—HB 6806
Emergency Certification

**AN ACT CONCERNING GENERAL
BUDGET AND REVENUE
IMPLEMENTATION PROVISIONS**

SUMMARY: This act makes a wide variety of changes in state law required to implement the provisions of the FY 2003-05 state budget and revenue act (PA 03-1, June 30 Special Session). It also makes corrections, revisions, and adjustments in acts passed earlier in 2003.

The act makes numerous changes in education funding including:

1. postponing elimination of the maximum 6% cap on annual increases in

- Education Cost Sharing (ECS) grants until July 1, 2005 (§§ 22-25);
2. distributing \$53 million in supplemental ECS funds proportionately to capped towns in FY 2003-04 (§§ 22-25);
3. reducing by 3% each town's FY 2003-04 ECS grant, including any supplemental capped town grant (§§ 22-25);
4. giving each town the same ECS grant in FY 2004-05 as it receives in FY 2003-04 (§§ 22-25);
5. freezing the existing ECS foundation amount and extending the existing minimum expenditure requirement through June 30, 2005 (§§ 22-25);
6. eliminating a special supplemental ECS grant to towns with high population density (§§ 22-25);
7. delaying for two years increased state reimbursements to local school districts for high-cost special education placements (§§ 20-21);
8. allowing proportional reductions in education reimbursement grants for such things as school transportation, adult education, and special education services provided to children placed by state agencies (§§ 9-13, 203, 244-246); and
9. increasing annual charter school grants (§ 14).

In addition, the act:

1. requires the state treasurer and the Office of Policy and Management (OPM) secretary to develop a plan to borrow against future tobacco settlement payments to raise \$300 million for the General Fund (§ 43);
2. authorizes bonds, backed by electric utility revenues, to mitigate the effects of a mandatory revenue transfer from utility energy conservation and renewable energy programs to the General Fund (§ 44-50);
3. repeals a budget act provision requiring certain related companies to determine their corporation tax liability as a group and instead requires companies to add back otherwise deductible interest costs arising from transactions with affiliates (§§ 78, 81, 248);
4. increases from \$25,000 to \$250,000 per year the maximum supplemental tax due from corporate groups filing combined corporation tax returns (§

- 80);
5. makes state law conform to the federal Help America Vote Act by (a) creating enhanced identification requirements for people applying by mail to register to vote, appearing at the polls, or voting by absentee ballot and (b) establishing a provisional ballot with procedures for using and counting it (§§ 83-103);
6. increases Department of Environmental Protection (DEP) fees (§§ 108-139 and 149-153);
7. authorizes the Department of Correction (DOC) commissioner to send up to an additional 2,000 inmates to out-of-state prisons (§§ 156-157);
8. requires the chief court administrator to establish one or more drug courts to hear juvenile and criminal cases of those who could benefit from substance abuse programs (§ 164);
9. suspends a requirement that the State Police maintain a minimum number of sworn officers (§ 174);
10. suspends reimbursements and payments for underground petroleum storage tank clean-ups (§145);
11. limits administrative expenditures by the community-technical and Connecticut State University systems and the University of Connecticut (§ 17);
12. allows New Britain and Stamford to redevelop certain state-assisted moderate income rental housing, with the Department of Economic and Community Development's approval and under specified conditions (§§ 34-36, 38-39);
13. broadens the powers of the Capital City Economic Development Authority and the OPM secretary with respect to the Adriaen's Landing project in Hartford and obligates the state to make payments in lieu of taxes on land it leases for the project for at least 99 years (§§ 60-62 & 240); and
14. allows towns to charge those whose motor vehicle property taxes are delinquent a \$5 fee if they notify the Department of Motor Vehicles of the delinquency (§ 58).

Among the act's property tax-related changes are:

1. one-year suspension of a mandatory, state-reimbursed property tax

- exemption for people with disabilities (§§ 40-41);
2. reduced state reimbursements to municipalities for lost revenue from certain property tax exemptions for veterans (§ 59);
3. reduced state grants to municipalities to offset revenue losses from certain property tax exemptions (§§ 183-84);
4. a property tax amnesty for troops stationed in the Middle East (§42); and
5. narrowing the scope of a mandatory state-reimbursed property tax exemption for manufacturing equipment (§ 53).

The act reconfigures state agencies and functions, including:

1. merging the Department of Agriculture and the Department of Consumer Protection (§ 146-148);
2. placing the Board of Pardons and Board of Parole in the Department of Correction (§§ 160-161); and
3. reorganizing the state's tourism program and funding by (a) merging the Arts, Historical, and Film Commissions, the Tourism Council, and the Film Office into a new commission; (b) reducing 11 tourism districts to five; and (c) earmarking \$20 million in lodging tax receipts for FYs 2003-04 and 2004-05 and appropriating \$4.48 million for FY 2003-04 to fund the new system (§§ 210-239, 241, 243).

The description below provides a section-by-section analysis. An amendment deleted sections 37, 154-155, 171, and 188 and those sections were left blank in the engrossed act.

EFFECTIVE DATE: See sections below

REIMBURSEMENT TO SCHOOL DISTRICTS FOR HEALTH SERVICES TO PRIVATE SCHOOL STUDENTS (§ 1)

The act makes permanent the state reimbursement grants for health services school districts must provide to Connecticut students attending private schools in the district. The grant was scheduled to terminate on June 30, 2003. As under prior law, reimbursement percentages range from 10% to 90%, based on town wealth. A town must receive a minimum 80% reimbursement if (1) its number of children on welfare was more than 1% of its population in 1997 or (2) it has a wealth ranking below 30 and provides such services to more than 1,500

students who do not live in the town.
EFFECTIVE DATE: Upon passage

SPECIAL EDUCATION DEFINITIONS (§§ 2-4)

The act conforms state law to the federal Individuals with Disabilities Education Act (IDEA) by incorporating references to federal definitions and terms and eliminating the following redundant and inconsistent state provisions and definitions:

1. listing disabilities that qualify a child for special education and related services,
2. defining the eligible disabilities, and
3. requiring transitional services for special education students leaving school.

The act also eliminates an inconsistent provision requiring local boards to identify children who may require special education only when they reach school age (age five). Another provision of Connecticut law makes children eligible for special education when they reach age three if they are experiencing a developmental delay. IDEA regulations expressly allow states to include such children aged three to nine (34 CFR 300.7(b)).

EFFECTIVE DATE: Upon passage

SPECIAL EDUCATION DUE PROCESS HEARINGS (§§ 5-7)

The act conforms state law to the federal IDEA by eliminating (1) a prohibition against parents, guardians, or local school boards raising issues at special education due process hearings that they did not previously raise at a meeting of the child's planning and placement team (PPT) and (2) a requirement that the mandatory prehearing conference for parties to a due process hearing take place at least 10 days before the hearing is to begin. It also eliminates a local school board's right to ask for a hearing when a parent or guardian refuses to consent to or withdraws consent for a pre-placement evaluation or initial special education placement of the child. But it expressly allows a board to ask for a hearing when a parent refuses to consent to or withdraws consent for a child's initial evaluation or a reevaluation. As under prior law, the act requires a school board to request a hearing, and allows it to request mediation, when a parent or guardian refuses to consent to a private placement proposed by the

PPT. But the act allows the board to do so only if the parent or guardian consented to the child's initial receipt of special education services and the board sought a private placement after the child's initial placement.

If a parent or guardian refuses to consent to a child's initial evaluation or reevaluation, the act allows a hearing officer or hearing board to order the evaluation or reevaluation without that consent. Under prior law, the hearing officer or board could order special education evaluation or placement without the parent or guardian's consent. As under prior law, such orders are subject to court appeal.

The act allows a local or regional board of education to reevaluate, as well as evaluate, a child without his parent or guardian's consent if the hearing officer upholds the board on an evaluation issue. Under prior law, a local or regional board of education could also place a child without his parent or guardian's consent if the hearing officer upheld the school board on a placement issue. The act specifies that the board's authority to provide services applies only to when the hearing officer upholds the board on the issue of placement in a private facility.

The act also requires the Superior Court, upon appeal of a hearing officer's decision, to hear additional evidence at a party's request. Prior law gave the court discretion to hear additional evidence at a party's request only if it found certain circumstances to exist.

EFFECTIVE DATE: Upon passage

HOMELESS CHILDREN (§ 8)

The act requires local and regional boards of education to follow the federal *McKinney-Vento Homeless Assistance Act* in providing educational services to children who are homeless.

Prior state law allowed a child who lived in a temporary shelter to go to school in the district where he lived permanently or in the district where the shelter was located. *McKinney-Vento* requires local education agencies (LEAs) that receive federal funding to, according to the child's best interest: (1) continue a homeless child's education in his original school (the school he attended when he was permanently housed or where he was last enrolled) for the rest of the school year or, if the family becomes homeless between school years, for the following school year or (2) enroll the student in the school in the attendance area where he is actually living. It also requires the LEA to

comply with the parent or guardian's request regarding school selection, to the extent feasible, and to make placements regardless of whether the child is living with homeless parents or has been temporarily placed elsewhere.

EFFECTIVE DATE: Upon passage

PROPORTIONAL GRANT REDUCTIONS (§§ 9-13, 203, 244-246)

For FYs 2003-04 and 2004-05, the act requires proportional reductions in certain education grants to school districts if the total grant appropriation is less than required to pay the full amount. The reduction provisions apply to:

1. school transportation grants for public and private school students (§§ 9, 203),
2. adult education grants (§ 10),
3. regional education service center (RESC) lease cost and operating grants (§§ 11-12),
4. grants for health services for students attending private nonprofit schools (§ 13),
5. expenses for special education students placed by state agencies or residing on state property (§§ 244-245), and
6. payments for students placed out by the Department of Children and Families commissioner or other agencies in a private residential facility who need educational services other than special education services (§ 246).

EFFECTIVE DATE: Upon passage

CHARTER SCHOOL GRANTS (§ 14)

The act increases the annual charter school grant from \$7,000 to \$7,250 per student. It allows the grants to be increased proportionately if the amount appropriated for them exceeds \$7,250 per student.

EFFECTIVE DATE: Upon passage

SCHOOL READINESS STAFF QUALIFICATIONS (§ 15)

The act delays, from July 1, 2003 to July 1, 2004, implementation of the requirement that a person in each school readiness classroom have at least (1) a credential issued by an organization the education commissioner approves and nine or more credits in early childhood education or child development from an accredited college or university or (2) an associate's or four-year

degree in early childhood education or child development.

EFFECTIVE DATE: Upon passage

FUNDING FOR WATERBURY TECHNICAL TRAINING PROGRAM (§ 16)

For FYs 2003-04 and 2004-05, the act exempts WACE Technical Training Center in Waterbury from adult education grant requirements and allows it to spend up to \$300,000 of the grant money it receives for technical training.

EFFECTIVE DATE: Upon passage

HIGHER EDUCATION SYSTEM OFFICE EXPENDITURES (§ 17)

Community-Technical College System

For FYs 2003-04 and 2004-05, the act prohibits the Community-Technical College (CTC) system's office expenditures, excluding telecommunications and data center funds, capital equipment bond funds, and funds for identified systemwide projects benefiting individual CTC campuses, from exceeding 1.59% of the system's annual General Fund appropriation or 1.55% of operating fund expenditures. The act also prohibits the CTC's FYs 2003-04 and 2004-05 expenditures for institutional administration (defined as system office, executive management, fiscal operations, and general administration), excluding expenditures for logistical services, administrative computing, and development, from exceeding 10.69% of its annual General Fund appropriation or 10.38% of its operating fund expenditures. None of these prohibitions include federal, private, capital bond, or fringe benefit funds.

Connecticut State University System

For FYs 2003-04 and 2004-05, the act prohibits the Connecticut State University (CSU) system's office expenditures, excluding telecommunications and data center funds, capital equipment bond funds, and funds for identified systemwide projects benefiting individual CSU campuses, from exceeding 1.13% of its annual General Fund appropriation or 1.1% of its operating fund expenditures. The act also prohibits CSU's FY 2003-04 and 2004-05 expenditures for institutional administration, excluding expenditures for logistical services,

administrative computing, and development, from exceeding 7.94% of its annual General Fund appropriation or 7.7% of its operating fund expenditures. None of these prohibitions include federal, private, capital bond, or fringe benefit funds.

University of Connecticut

The act prohibits the University of Connecticut's FYs 2003-04 and 2004-05 expenditures for institutional administration, excluding expenditures for logistical services, administrative computing, and development, from exceeding 3.58% of its annual General Fund appropriation or 3.47% of its operating fund expenditures. These prohibitions do not include federal, private, capital bond, or fringe benefit funds.

Higher Education Commissioner's Role

The act requires the higher education commissioner to monitor compliance with the above restrictions and report her findings to the Appropriations and Higher Education and Employment Opportunities committees no more than 60 days after the close of each quarter in FYs 2003-04 and 2004-05.

EFFECTIVE DATE: Upon passage

SCHOOL CHOICE TRANSPORTATION GRANTS (§ 18)

The act allows the education commissioner to grant to RESCs additional amounts from funds remaining for the school choice transportation program if needed to offset transportation costs that exceed the maximum amount. By law, the State Department of Education (SDE) must provide RESCs and school districts participating in school choice programs grants for the reasonable cost of transportation, provided the statewide average of the grants does not exceed \$2,100 per student transported.

EFFECTIVE DATE: Upon passage

CRIMINAL HISTORY RECORDS CHECKS (§ 19)

The act requires supplemental service provider employees having direct contact with students to undergo those criminal history records checks already applicable to other school personnel. "Supplemental services," as

referenced in the federal "No Child Left Behind Act of 2001," means extra help in math, reading, and language arts before or after school or on the weekends.

EFFECTIVE DATE: Upon passage

CATASTROPHIC SPECIAL EDUCATION GRANTS (§§ 20-21)

The act delays from July 1, 2003 to July 1, 2005 the date on which a local school district's maximum share of the funding for high-cost special education placements will be reduced from five to four-and-a-half times its average per pupil expenditure for the preceding fiscal year. By law, the state is responsible for all costs exceeding the local share. The act also requires a proportional reduction in the grant amounts for FYs 2003-04 and 2004-05 if the grant total exceeds the amount appropriated for the excess cost grants.

EFFECTIVE DATE: Upon passage

EDUCATION COST SHARING (ECS) GRANTS (§§ 22-25)

The act:

1. extends the existing ECS foundation amount of \$5,891 per student for two years, through June 30, 2005;
2. postpones elimination of the 6% "cap" on annual increases in town ECS grants for two years, until July 1, 2005;
3. starting in FY 2003-04, eliminates the ECS density supplement, which gives additional money to towns with greater-than-average population density;
4. starting in FY 2003-04, eliminates the hold-harmless provision for priority school districts;
5. for FY 2003-04, distributes \$50 million to capped towns in proportion to the difference between each town's capped grant and what its grant would be without the cap ("target aid");
6. for FY 2003-04, distributes \$3 million to capped towns in proportion to the difference between each town's capped grant and its target aid;
7. reduces each town's FY 2003-04 grant, including the cap supplement, by 3%;
8. requires FY 2003-04 grants to Bridgeport, Hartford, and New Haven to be at least equal to their FY 2002-03 grants, plus \$1 million;

9. requires grants to towns eligible for priority school district, transitional school district, or priority or transitional school district phase-out grants to be at least equal to their FY 2002-03 grants;
10. gives all towns except Bridgeport, Hartford, and New Haven a proportional share of any remaining ECS funds based on their ECS grant;
11. gives every town the same ECS grant in FY 2004-05 as it received in FY 2003-04; and
12. extends the minimum expenditure requirement (MER) for two years, through FY 2004-05.

Under prior law, towns with population densities greater than the state average were eligible for the density supplement. The supplement amount varied according to the ratio of an eligible town's population density to that of the densest town. The supplement was not subject to the cap, and no town's density supplement could fall below the level it received in the prior year.

The MER requires towns to spend a minimum amount on regular education programs. Under the act, each town's FY 2003-04 MER is the sum of (1) its FY 2002-03 MER; (2) any ECS grant increase; and (3) if its enrollment dropped between 2001 and 2002, an amount equal to the decrease multiplied by one-half the foundation. Similarly, each town's FY 2004-05 MER is the sum of (1) its FY 2003-04 MER; (2) any ECS grant increase; and (3) if its enrollment dropped between 2002 and 2003, an amount equal to the decrease multiplied by one-half the foundation.

EFFECTIVE DATE: Upon passage

RESC-RUN MAGNET SCHOOLS (§ 26)

For FY 2003-04, the act directs at least \$1 million of the \$58,768,158 appropriated to the SDE for magnet schools to be used, by September 1, 2003, to provide a supplemental grant to RESCs operating full- or part-time interdistrict magnet schools. The education commissioner must determine the grant amounts.

EFFECTIVE DATE: Upon passage

LOCAL AID ADJUSTMENTS (§ 27)

The act transfers \$1,300,000 from funds carried forward by the Transportation Department under PA 03-1, June 30 Special Session, to OPM for local aid adjustments.

These funds must be disbursed for FY 2003-04 as follows:

1. \$150,000 to Griswold;
2. \$200,000 to Milford;
3. \$200,000 to Plainfield;
4. \$150,000 to Plymouth;
5. \$200,000 to Southington;
6. \$200,000 to Vernon; and
7. \$200,000 to Wallingford.

EFFECTIVE DATE: Upon passage

PRIORITY SCHOOL DISTRICT GRANTS (§§ 28-29)

For FY 2003-04, the act directs distribution of priority school district grants as follows: (1) \$20,057,500 for priority school districts; (2) \$37,576,500 for school readiness; (3) \$17,858,939 for early reading; (4) \$3,030,669 for extended school building hours; and (5) \$2,630,879 for summer school. For FY 2004-05, the act directs distribution of priority school district grants as follows: (1) \$20,336,250 for priority school districts; (2) \$37,576,500 for school readiness; (3) \$17,647,286 for early reading; (4) \$2,994,752 for extended school building hours; and (5) \$2,599,699 for summer school.

EFFECTIVE DATE: Upon passage

SCHOOL READINESS GRANTS (§ 30)

The act appropriates \$2,309,249 for school readiness competitive grants in FY 2003-04 and \$2,318,349 in FY 2004-05. It limits the maximum that may be used for administrative purposes in each year to \$198,199.

EFFECTIVE DATE: Upon passage

EARLY READING SUCCESS GRANTS (§ 31)

The act appropriates \$1,788,001 for early reading success competitive grants for FYs 2003-04 and 2004-05 and limits the maximum that may be used for administrative purposes to \$203,646.

EFFECTIVE DATE: Upon passage

SCHOOL READINESS GRANTS TO FORMER PRIORITY SCHOOLS (§ 32)

Beginning in FY 2003-04, the act allows a town that received a school readiness competitive grant for a priority school but is no longer eligible to receive a grant for that school to receive a phase-out grant for three fiscal years

after it received its final grant. For the first fiscal year, it may receive a grant up to 75% of the grant amount it received in the school's final year of eligibility. For the second fiscal year, the town may receive a grant up to 50% of that grant amount and up to 25% for the third fiscal year.
EFFECTIVE DATE: Upon passage

TEACHING CERTIFICATES (§ 33)

PA 03-168 overrode SDE regulations to allow teachers with certain certificate endorsements to teach kindergarten. This act makes it clear that only elementary endorsements to teach grades one to six and comprehensive special education endorsements to teach grades one to 12 allow the holder to teach kindergarten.
EFFECTIVE DATE: Upon passage

HOUSING REDEVELOPMENT (§§ 34-36, 38-39)

This act allows New Britain and Stamford to redevelop certain state-assisted moderate-income rental housing developments, subject to conditions and requirements and with the approval of the Department of Economic and Community Development (DECD). It allows:

1. New Britain and its housing authority to redevelop Corbin Heights, Corbin Heights Extension, Pinnacle Heights, and Pinnacle Heights Extension housing projects and
2. Stamford's housing authority to redevelop the Vidal Court housing project.

The act authorizes each project to include some market-rate housing in addition to the publicly assisted units. It requires New Britain to produce at least 635 publicly assisted units and Stamford at least 216.

Under the act, New Britain may redevelop its state-assisted, moderate-income rental developments without meeting requirements of certain public housing laws, including one-for-one unit replacement and a resident antidisplacement and relocation plan. It instead requires compliance with the approved housing redevelopment plan for the project and provisions of the act.

The act authorizes the New Britain housing authority to (1) sell or lease property or buildings for either housing or non-housing uses and (2) develop some of the land for non-housing uses. It also restricts how the proceeds of any sale can

be used by New Britain or the state.

It exempts the Stamford housing authority from certain housing laws but specifies that Stamford must comply with (1) one-for-one unit replacement and antidisplacement and relocation plan requirements, (2) the approved housing redevelopment plan for the project, and (3) the provisions of the act.

The act amends the powers and duties of Connecticut Housing Finance Authority (CHFA) to include providing financial assistance, as it sees fit, to a local housing authority or project sponsor connected with the New Britain and Stamford housing redevelopment projects. Under prior law, CHFA was not authorized to provide such assistance to local housing authorities.

It also makes technical changes.
EFFECTIVE DATE: Upon passage

Conditions and Requirements for Redevelopment Of New Britain's Moderate-Income Rental Housing Developments

Replacement Units. The act creates an exception from the law requiring one-for-one unit replacement and an antidisplacement and relocation plan for tenants for New Britain to redevelop Corbin Heights, Corbin Heights Extension, Pinnacle Heights, and Pinnacle Heights Extension. By law, every publicly assisted unit that is demolished or otherwise removed from use must be replaced with a new one.

The act requires New Britain to assure that the number of replacement units is consistent with the housing redevelopment plan, the master plan for housing redevelopment completed by the local planning committee, as accepted by New Britain's housing authority on March 13, 2002, and approved by the commissioner pursuant to this act. The act requires that at least 635 replacement units must be created.

Under the act, replacement units may consist of (1) new construction, (2) rehabilitation, (3) renovation, (4) federal Section 8 housing vouchers, (5) state rental assistance program rent subsidies, or (6) any other government-assisted housing program. But Section 8 vouchers and state low-income rental assistance certificates must be in addition (newly authorized) to those existing when the act became effective to be considered as replacements. The act does not prohibit the use of Section 8 vouchers for rent payments at market rates current when the voucher is issued, provided housing costs the

occupants of replacement units pay do not exceed the market rate.

Replacement units must be completed in the timeframe established in the redevelopment plan and include all units constructed from the inception of the local planning committee (i.e., before the plan was developed).

Project Area, Offsite Replacement, and Market-Rate Units. The replacement units may be on the site of the project area (that is, the location of the existing developments) or offsite. The formula for how many replacement units can be built on- or offsite provides that the more onsite units are built, the fewer offsite ones are needed and vice versa. It also requires that all units provided offsite must be available for people earning 60% of area median income (AMI) or less. It allows the flexibility of having some market rate units onsite, but such units can only be in addition to the overall number of replacement units the act requires.

Between 270 and 550 onsite units must be available when the housing redevelopment plan is completed, and the total number of offsite units cannot be less than the difference between 635 and the number of onsite replacement units. If the maximum number of onsite units (550) are built, at least 85 offsite units must be built; if the onsite minimum of 270 are built, then 365 offsite will be required.

Of the onsite units, at least (1) 25% must be rented or sold to people whose income is below 60% of the AMI and (2) 15% must be rented or sold to people whose income is below 25% of the AMI. This latter group may receive Section 8 certificates.

Half of the offsite replacement units must be rented or sold to people who earn 60% or less of the AMI. The housing redevelopment plan must also assure that New Britain requires that 10 such offsite replacement units are built every year in which the plan is in effect until the 50% requirement is fulfilled. The other half of the offsite units must be rented or sold to people with incomes less than 25% of the AMI. The plan must require New Britain to assure that 10 offsite replacement units are built for these individuals every year that the housing redevelopment plan is in effect until the 50% requirement is fulfilled. The act prohibits rehabilitated or renovated offsite units from being considered replacement units unless they were vacant for a year before being rehabilitated or renovated.

The act allows for the creation of nonreplacement units, which are new market-rate

housing units, on the site of the development.

Sponsor or Successor Entity. Under the act, a sponsor is (1) a local housing authority; (2) any Connecticut corporation, either nonprofit or for-profit, limited liability company, partnership, joint venture, sole proprietorship, trust, or association that has as one of its purposes the construction, rehabilitation, ownership, or operation of housing; (3) a municipal developer; or (4) any combination of these entities. A "successor entity" means a public body, including CHFA, that obtains title to, or control of, the developments from DECD or the housing authority.

The act specifies that a successor entity that obtains title to or control of the developments has all of the housing authority's rights, powers, and responsibilities. The housing authority must select a sponsor or successor on a competitive basis. Any sponsor proposal submitted for consideration in the competitive review must include (1) resident involvement in the planning process for construction, lease, or sale of replacement units and (2) a mechanism allowing residents to comment on the implementation plan. The housing authority or successor entity may, when selecting a sponsor, take into consideration the role of residents in the development and implementation of the proposal as well as the sponsor's support for such involvement.

Sale for Housing Uses. New Britain's housing authority, in consultation with the city, the DECD commissioner, and the CHFA may sell, lease, transfer, or any combination thereof, all or part of the premises and buildings of the developments to a qualified sponsor for a housing use.

Sale for Nonhousing Uses. Under the act, "land use and disposition plan" means a plan for the use and disposition of part of the housing developments for nonhousing uses created by New Britain and its housing authority, or a successor entity, and approved by the commissioner. (The act does not link the disposition plan to the overall housing redevelopment plan. Presumably they would be closely related. Both must be approved by the commissioner.)

The housing authority or a successor entity, following the final housing redevelopment plan and with the commissioner and CHFA's approval, may sell, lease, transfer, or any combination of these, a portion of the developments' premises and buildings as is to New Britain or the city's designated developer

for alternative nonhousing uses as approved under the land use and disposition plan.

Non-housing Proceeds to the Housing Authority. Any proceeds from the sale, lease, transfer, or other disposition of all or part of a housing development for a nonhousing use discussed above must (1) be used solely for the capital cost of the redevelopment or redevelopment of the housing planned for the development and (2) are deemed part of the state's contribution to the housing redevelopment plan's implementation.

Proceeds to the State. The act allows the commissioner and CHFA, in situations when DECD or CHFA do not cancel outstanding debt on the project, to use proceeds from the sale, lease, or transfer of developments for housing or nonhousing uses to do anything necessary for redevelopment, despite existing law, including:

1. securing federal funds or program participation and
2. acting as an eligible developer, as defined by law, if necessary in the event of a default.

Debt Cancellation and Proceeds. The act allows DECD, in consideration of a sale, lease, transfer, or any combination thereof, to cancel outstanding principal, interest, and late charges the housing authority owes the state on the housing developments due and payable on or before June 30, 2003. CHFA may also cancel the outstanding notes and mortgages, including principal, interest, and late charges that the housing authority owes it for the developments on or after July 1, 2003.

Additionally, CHFA may extend, renegotiate, or modify the outstanding notes, mortgages, and grants provided to the housing authority for the developments, in whole or in part, to another sponsor, if in doing so the authority will assist in the redevelopment of housing on all or part of the developments.

Deed Restrictions. The sale or rental of housing units to eligible residents and low- and moderate-income families must be (a) subject to 30-year deed restrictions, which commissioner must approve, and (b) require that:

1. at the time of any subsequent purchase or rental of one of the housing units by new owners or tenant families, New Britain must insure that the owners or families are low- and moderate-income, and
2. resale prices of each housing unit are limited to the original purchase price, adjusted for inflation and

improvements, as determined by New Britain's assessor.

Eligible Residents and Assistance Buying Homes. Eligible residents, those residing in the developments on or after January 1, 2002, have priority over other families for the purchase and rental of available housing units. If the number of eligible residents exceeds the available housing units, the housing authority or a successor entity may create an equitable system (such as a lottery) to determine who will be allowed to purchase or rent.

New Britain's housing authority or a successor entity and the sponsor, with assistance from DECD, CHFA, and the Department of Social Services (DSS) must reasonably assist eligible residents in qualifying to buy or rent replacement units, including:

1. linking them to public or private mortgage and down payment assistance programs;
2. providing them with, or linking them to, state or federal rental assistance;
3. adjusting interest rates and minimum payment requirements in their programs to make installment payments affordable to eligible residents; and
4. taking other reasonable actions for them to purchase or rent the housing units.

Public Hearing. The act requires New Britain's housing authority or its successor to hold a public hearing on the final housing redevelopment plan before submitting it to the commissioner. At least 30 days before the hearing, the housing authority or its successor must give written notice, including the hearing's date, time, and place to each household in the development. The notice must inform them that the housing redevelopment plan is available for review in the housing authority's office.

DECD Commissioner's Approval. The commissioner may approve the plan if he finds:

1. its implementation is in the best interest of the state, community, and residents of the development;
2. adequate provision has been made for the developments' current residents, including relocation assistance;
3. there is sufficient, affordable housing in the community for the displaced residents;
4. residents have been involved in the planning process;
5. a mechanism will be available to facilitate resident comments about the plan's implementation; and

6. New Britain's mayor approved the plan.

Under the act, the plan must also have sufficient funding to complete one or more phases of the project, and an agreement must have been made to assure compliance with the requirement that percentages of offsite units are for people below 60% and 25% of the AMI. If the plan is implemented in phases (1) each phase involving demolition must include related reconstruction and (2) the demolition cannot be carried out unless sufficient funds are secured to complete the reconstruction phase.

But the act specifies that the commissioner's approval does not constitute a commitment or obligation by the state or CHFA to provide funds. The commissioner may provide unallocated funds from authorized bond sales that were in effect before the enactment of the act, but only for capital costs.

Housing Authority Services. New Britain's housing authority may provide functions such as maintenance, tenant selection, billing, payroll, and other related services under an agreement with the sponsor. If the housing authority enters such an agreement, its employees must provide the services.

Redevelopment of Stamford's Vidal Court (State-Assisted Moderate-Income Development)

The act allows a sponsor, an entity that is an eligible developer under any state-assisted housing program, in which Stamford's housing authority is a participant or partner, to redevelop Vidal Court as a mixed-income development. Vidal Court is currently a 216 unit, state-assisted moderate-income rental housing development. The sponsor may include an entity whose participation is financial and which is not otherwise involved in housing. The housing authority must assure that, upon completion, 216 replacement units for low- and moderate-income people are built.

Housing Redevelopment Plan Requirements. The housing redevelopment plan for Vidal Court must include:

1. identification of the sponsor and its participating entities;
2. a description of all financing, public and private, necessary for the plan's implementation;
3. a description of the proposed housing, including the required minimum number of below-market rate housing units (216) and the maximum housing costs and income limits for such units;

4. an analysis of the anticipated market for the market-rate and below-market rate units for the redevelopment;
5. cost estimates for the redevelopment;
6. the proposed displacement and relocation of current residents, including responsibility for the costs of relocating them;
7. a demonstration that the redevelopment will be operated in a profitable manner;
8. a statement of guaranteed affordability provisions governing the below-market rate units;
9. evidence of support for the redevelopment from the resident population and the local community and a plan for ensuring continuing resident and community consultation; and
10. any other information that the commissioner deems necessary.

Open Meeting. Before submitting the final housing redevelopment plan to the commissioner for approval, the housing authority and Vidal Court's tenant association must hold an open meeting on it. At least 30 days before the meeting, the housing authority must notify each Vidal Court household of the meeting. The notice must state that the final plan is on file and available for inspection at the housing authority and that a copy of the plan will be provided upon request.

At the meeting, the housing authority must receive all spoken and written comments. It must provide a summary of the comments and identify changes it made to the plan in response to them when submitting the plan to the commissioner.

Tenant Participation, Memoranda of Understanding, and the Commissioner's Approval. The commissioner cannot approve the housing redevelopment plan without evidence that the sponsor has permitted Vidal Court's tenants full participation in the planning, review, and implementation process and will continue to do so, as called for in the memoranda of understanding between the Stamford Housing Authority and the Vidal Court tenants dated April 16, 2002 and December 10, 2002.

Commissioner's Approval. The commissioner may approve a housing redevelopment plan for Vidal Court, if he finds (1) it is in the interest of the state and the community and (2) it complies with all provisions of this act; local ordinances; and any laws applicable to the demolition of Vidal Court, resident consultation and participation, and anti-displacement and relocation of displaced

residents.

Funds. The commissioner may provide unallocated funds from bonds authorized before the act's passage. But such funds may be used solely for (1) architectural, design, and engineering work; (2) site acquisition; (3) demolition, construction, rehabilitation, and reconfiguration costs, including site preparation; (4) furniture, fixtures, and equipment; and (5) reasonable relocation expenses required under the Uniform Relocation Act.

Debt Cancellation or Extension. The act allows the commissioner to cancel the outstanding principal, interest, and late charges the housing authority owes the state for Vidal Court that are due and payable on or before June 30, 2003.

CHFA may also cancel the outstanding notes and mortgages, including principal, interest, and late charges that the housing authority owes it for the developments on or after July 1, 2003. Additionally, CHFA may revise, extend, or cancel outstanding notes that the housing authority owes for Vidal Court, subject to CHFA terms, conditions, agreements, or considerations.

TAX EXEMPTION FOR THE DISABLED (§§ 40-41)

The act suspends, for the October 1, 2003 assessment year, the mandatory local property tax exemption for up to \$1,000 worth of property owned by a state resident who is permanently and totally disabled. It suspends, for FYs 2003-04 and 2004-05, state reimbursements to towns for lost revenues attributable to the exemption. The act restores the exemption and the state reimbursement for the October 1, 2004 and subsequent assessment years. To receive the exemption, a property owner must be eligible for Social Security or other comparable federal, state, or local government disability benefits.

EFFECTIVE DATE: Upon passage and applicable to assessment years beginning on or after October 1, 2002.

PROPERTY TAX AMNESTY FOR TROOPS IN THE MIDDLE EAST (§ 42)

The act bars municipalities from charging or collecting interest on property taxes for one year for any state resident who is a member of the U.S. armed forces or any state National Guard or reserve unit who has been called to active service for military operations authorized by the

president that entail military action against Iraq and who is serving in the Middle East on the final day the tax payment is due.

EFFECTIVE DATE: Upon passage and applicable to assessment years starting on or after October 1, 2002.

SECURITIZING TOBACCO SETTLEMENT AND OTHER FUNDS (§ 43)

The act requires the state treasurer and the OPM secretary jointly to develop a financing plan to raise up to \$300 million (net) in general revenue for use in FY 2004-05. The plan can include "securitization" of future revenue sources (i.e., the state selling its right to receive future payments), including those from the Tobacco Settlement Agreement; issuing bonds and other debt instruments or placing them privately; or the purchase of state debt instruments by public pension funds (including state and municipal employees' and teachers' funds). The plan must be completed by February 4, 2004.

EFFECTIVE DATE: Upon passage

TRANSFER OF ENERGY CHARGES TO GENERAL FUND AND RELATED PROVISIONS (§§ 44-50)

The act transfers to the General Fund revenues from two charges on consumers' electric bills that currently fund conservation and renewable energy programs. The transferred amount equals the revenues produced by the charges over the next two fiscal years. Revenues from the conservation and renewable energy charges, minus the amount needed for the General Fund transfer, must continue to go to the funds used to pay for the conservation and renewable energy programs. PA 03-2 also authorized a transfer, which was repealed by § 278 of this act and then reinstated by § 9 of PA 03-1, September 8 Special Session.

The act authorizes the issuance of bonds backed by electric utility revenues, using a process called securitization, to mitigate the reduction in funding for the programs. The bonds are issued through the state, but are not state obligations. The issuance must follow the same procedures as applied to the issuance of bonds to pay off part of the utilities' stranded costs. The act makes conforming changes in the existing securitization provisions of the electric restructuring law. It includes provisions to hold

the utilities harmless from these changes.

Transfer of Energy Charge Revenues

Connecticut Light & Power and United Illuminating customers pay 0.3 cents per kilowatt-hour (kwh) to fund conservation programs. Customers pay 0.075 cents per kwh to fund renewable energy programs; this charge will rise to 0.1 cents per kwh starting July 1, 2004.

Customers pay a third charge, called the competitive transition assessment, (CTA) to pay off the utilities' stranded costs. These are costs that were previously in electric rates but whose continued recovery was jeopardized with the start of competition in the electric industry authorized by the 1998 electric restructuring law. The law allows for the issuance of "rate reduction bonds" backed by the CTA using a process called securitization.

The act requires that all of the revenues from the conservation and renewable energy charges raised during FYs 2003-04 and 2004-05 be transferred to the General Fund unless the Department of Public Utility Control (DPUC) authorizes, by October 30, 2003, the issuance of new securitization bonds authorized by the act on behalf of both utilities. If DPUC authorizes the new bonds, their proceeds must provide the General Fund an amount equivalent to the two year's worth of revenues from each charge. DPUC can authorize a single issuance of bonds to cover the transfer of revenues for both programs and both utilities. If DPUC approves bonding only for one program, all of the FY 2003-05 revenues from the other charge must be transferred to the General Fund.

Bond Issuance Procedures

DPUC must generally follow the same process in authorizing the new bonds, including holding a public hearing, that applied to the authorization of the original stranded costs bonds. But, the hearing does not count as a contested case. As a result, the Office of Consumer Counsel is not entitled to participate in the case and the decision cannot be appealed to the courts. DPUC may not authorize bonds that include covenants that prohibit any change to the utilities' appointment of an administrator of the conservation fund or the authorization of continuation of the transfer of conservation charge revenue to the General Fund under the budget act. The act does not affect the process

for spending the conservation fund. The new bonds, like the existing stranded cost bonds, must be backed by the CTA. The CTA must cover the costs of issuing the new bonds as well as the costs of paying the bonds' principal, interest, and any premiums.

To the extent that the CTA must be increased to cover the costs of the new bonds, the conservation and renewable energy charges must be reduced, thus reducing funding for the conservation and renewable energy programs. However, the CTA must be increased to cover the costs associated with the new bonds, even if DPUC does not make offsetting cuts in the conservation and renewable energy charges. Any increase in the CTA or decrease in the conservation or renewable energy charges that result from the issuance of the bonds must be included as a rate adjustment on customers' electric bills.

By law, the right to receive the CTA used to cover the costs eligible for securitization is called "transition property," which belongs to the utility. The utility can sell its interests in this property to an affiliate. The utility or its affiliate can, in turn, sell this interest to a financing entity (the state treasurer or an entity she designates), to be used as the basis of securitization bonds. Any of these entities can also pledge the transition property as collateral for the bonds. DPUC can issue a "financing order" authorizing the issuance of securitization bonds. The order can be adopted only if the utility consents to all of its terms. The order and CTA are irrevocable. DPUC cannot (1) revise the order, (2) determine that the CTA is unjust or unreasonable, or (3) do anything to reduce the value of the transition property. DPUC must adjust the CTA in order to allow timely recovery of all affected costs that it covers. The act additionally bars DPUC from revising the amount of revenue from the two charges that is transferred to the General Fund.

By law, the financing entity (the state, acting through the treasurer or certain other parties) can issue securitization bonds after DPUC approves the financing order. By law, the bonds must mature by December 31, 2011. Their proceeds must be used for DPUC-approved purposes as specified in the financing order. The proceeds cannot be used to buy generation assets, buy back stock, pay dividends to shareholders, or pay operating costs (other than taxes on the proceeds). The act requires DPUC to determine the amount of the bond proceeds that can go to the General Fund. This determination is not considered a contested case, thus the Office of

Consumer Counsel is not entitled to participate in the determination and it cannot be appealed to the courts.

The bonds and the financing order are not state debt, and the bonds must say this on their face. They do not count towards the state's debt limits. They do not make the state or municipalities contingently liable. The state pledges with the bondholders and the owners of transition property that it will not alter the CTA, transition property, and financing orders until its obligations have been met. The parties involved in the securitization process are exempt from taxes on the relevant property or revenue. The bonds are treated for state income tax purposes as though a public body had issued them.

Hold Harmless Provisions

If the bonds are not issued, all of the utilities' expenditures and commitments that would have been funded by the conservation and renewable energy charges in the absence of the act must be recovered through the utilities' CTA or the systems benefits charges, provided the conservation expenditures do not exceed \$4 million and the renewable energy expenditures do not exceed \$1 million per month. (The systems benefits charge is an existing charge on electric bills that is used to cover several public policy costs.) This provision applies to the utilities' expenditures and commitments approved by DPUC from the act's passage until DPUC determines that the bonds cannot be issued.

The act bars DPUC from including the existing or newly authorized bonds as debt (1) in determining a utility's capital structure for ratemaking purposes, (2) in calculating its return on equity, or (3) in any way that would harm the utility for ratemaking purposes. Utilities finance their facilities with a mix of debt and equity. DPUC allows utilities to earn a lower rate of return on their debt than their equity, and a utility's mix of debt and equity affects the rates that it is allowed to charge. If a utility exceeds its authorized return on its equity, DPUC can initiate a proceeding that can result in a rate decrease.

EFFECTIVE DATE: Upon passage

Background-Securization

Securitization is a financial mechanism that converts the value of a revenue stream into marketable securities. This mechanism has been

widely used in connection with assets such as mortgages, consumer installment loans, and student loans. Typically, the assets are transferred to a third party such as a trust, which issues securities that are bought by institutional investors. For example, a bank could transfer its mortgages to a third party, which then issues bonds that are backed by the mortgage payments. The bond proceeds go to the bank, which can use the money to retire or refinance its debt, among other things. The underlying revenue stream (in this case the mortgage payments) go to the bondholders

DISTRESSED PROPERTY TRANSFER (§ 51)

The act allows a housing authority, with the DECD commissioner's approval, to convey a financially distressed property it owns to CHFA under certain conditions. The authority can do this with respect to any property DECD financed then transferred to CHFA for administrative oversight. PA 02-1 and PA 02-5, May 9 Special Session, authorized the transfer and required CHFA to pay the state \$85 million for the property.

The commissioner can approve a transfer if he finds that:

1. the housing authority is financially unable to maintain a property,
2. there is no reasonable prospect that the authority will be able to do so in the future,
3. the authority requested the transfer, and
4. CHFA is prepared to accept it.

EFFECTIVE DATE: Upon passage

FINANCING AFFORDABLE HOUSING (§ 52)

The act adds businesses that finance affordable housing to the list of businesses that are eligible to obtain state financial assistance. Businesses that (1) construct; (2) acquire; (3) rehabilitate; or (4) operate affordable housing, or do any combination of these activities, were already eligible to obtain assistance.

EFFECTIVE DATE: October 1, 2003

PROPERTY TAX EXEMPTION FOR MANUFACTURING EQUIPMENT (§ 53)

The act narrows the scope of the property tax exemption on manufacturing equipment in three ways. First, it subjects machinery and equipment used to provide presorting, sorting, coding, folding, stuffing, or delivering direct or

indirect mail distribution services to the tax. Second, it specifies that in order for processing machinery and equipment to be tax-exempt, it must be used in a manufacturing process. Third, it makes machinery and equipment that it is used to develop microorganisms for specific uses, as distinct from other biotechnology applications, subject to the tax.

EFFECTIVE DATE: Upon passage

FOR PROFIT HOSPITAL SALES TAX EXEMPTION (§ 54)

The act exempts from the sales and use tax medical equipment and supplies for patient care sold to or by for-profit, acute care hospitals for their exclusive use. By law, sales of tangible personal property or services to and by nonprofit hospitals, nursing homes, rest homes, and residential care homes are tax-exempt.

EFFECTIVE DATE: Upon passage and applicable to sales on or after July 1, 2005

HOSPITAL DISPROPORTIONATE SHARE PAYMENTS (§ 55)

The act authorizes the social services commissioner to make disproportionate share payments to a short-term general hospital that changes ownership in the middle of a hospital fiscal year (which begins on October 1) for the year in which the ownership change occurs.

EFFECTIVE DATE: Upon passage

CONNECTICUT ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS (§ 56)

The act permits legislators to serve as gubernatorial appointees on the Connecticut Advisory Commission on Intergovernmental Relations. The governor appoints 10 members to the 24-member commission: six municipal officials, two local public education officials, one representative from the regional council of government or regional planning agency, and one nongovernmental official. The governor also appoints the chairman and vice chairman from the membership. The commission acts as a forum for consultations among state and local government officials, conducts research on intergovernmental issues, encourages and coordinates studies of intergovernmental issues, and makes public policy recommendations.

EFFECTIVE DATE: Upon passage

BRISTOL HISTORICAL SOCIETY VALIDATION (§ 57)

The act gives the Bristol Historical Society 30 days from its effective date to file its property tax-exempt statement with the Bristol board of assessors, so long as the society pays the late filing fee.

EFFECTIVE DATE: Upon passage

FEE FOR DELINQUENT PROPERTY TAX PAYMENT ON MOTOR VEHICLES (§ 58)

The act allows a municipality, by vote of its legislative body, to impose a \$5 fee on delinquent motor vehicle property tax payers if the municipality notified the Department of Motor Vehicles of the delinquency under the program in which the registration for such vehicles can be denied.

EFFECTIVE DATE: Upon passage

REDUCTION IN REIMBURSEMENT GRANTS FOR VETERANS PROPERTY TAX EXEMPTION (§ 59)

The act eliminates the state's reimbursement for revenue municipalities lose due to the partial property tax exemption for veterans who have incomes above statutory limits. It requires, starting in FY 2003-04, that the grant to municipalities to compensate them for the property tax lost due to the property tax exemption for veterans with incomes below these limits be reduced proportionately if the total amount due to municipalities exceeds the amount appropriated for this reimbursement.

EFFECTIVE DATE: Upon passage and applicable to assessment years starting on or after October 1, 2002.

ADRIAEN'S LANDING (§§ 60-62, 240)

The act expands the powers of the Capital City Economic Development Authority (CCEDA) with respect to the convention center component of the Adriaen's Landing project. The act allows CCEDA to acquire land or rights-in-land in connection with on-site private development or related infrastructure improvements. It allows CCEDA to lease land or rights-in-land in connection with these developments and improvements, the convention center hotel, and other convention center facilities. It allows CCEDA to enter into related common area maintenance, easement, access,

support, and similar agreements.

Under prior law, construction projects for all major components of the project had to be awarded on a guaranteed maximum price basis. The act allows the OPM secretary to waive this requirement if he determines that this is in the state's best interest.

The act broadens the circumstances under which land leased for the project is considered to be state-owned and for which the state must make a grant in lieu of taxes. It requires the state to make the payment on any land it leases for at least 99 years. Prior law required the state to do this if it leased the land for this period and the lessor owned the land on May 2, 2000.

The act also makes related minor changes.
EFFECTIVE DATE: Upon passage

PARTICIPATION IN STATE-NEGOTIATED HEALTH INSURANCE PROGRAM (§§ 63-64)

The act allows individuals eligible for a health coverage tax credit under the federal Pension Benefit Guaranty Corporation and Trade Adjustment Assistance programs of the Trade Act of 2002 (PL 107-210) to participate in a state negotiated health insurance program. The federal law applies to certain displaced workers harmed by foreign trade and certain retirees receiving payments from the Pension Benefit Guarantee Corporation.

The act does not require a participating insurer or health care center to issue individual policies to these individuals. The act extends to them some, but not all, of the participation conditions that apply to other program participants. Among the applicable conditions are that participation is voluntary and cannot increase the insurance rates that the state pays for its employees. On the other hand, the act does not extend to these individuals provisions that protect a group of employees from denial of entry into the program due to past health care costs or claim experience and other provisions relating to an employee-employer relationship. By law, municipal employees and employees of nonprofit organizations and community action agencies are eligible for this program, and PA 03-149 made employees of small employers eligible.

The act requires the comptroller's annual report to the legislature on the program to cover these eligible individuals, as well as others covered by the program.

EFFECTIVE DATE: Upon passage

EXEMPTION FROM TAX ON HEALTH CARE CENTERS (§ 65)

The act exempts from the tax on health care centers any new or renewal contract or policy entered into on or after July 1, 2003 to provide health care coverage under the municipal employees health insurance program to individuals eligible for a health coverage tax credit and their families.

EFFECTIVE DATE: Upon passage

HEALTH CARE TAX CREDIT FOR INDIVIDUALS—HEALTH REINSURANCE ASSOCIATION (§§ 66-68)

The act prohibits the inclusion in any comprehensive health care plan issued through the Health Reinsurance Association (HRA) to an eligible person of any limitation or exclusion of benefit based on a preexisting condition if he maintained creditable health insurance coverage for three months as of the date on which he seeks to enroll. The three-month period does not include any period prior to a 63-day break in coverage. This prohibition applies to certain displaced workers harmed by foreign trade and certain retirees receiving payments from the Pension Benefit Guarantee Corporation, who are eligible for a federal tax credit for health care insurance costs under § 35 of the Internal Revenue Code as amended by PL 107-210. The act allows coverage to be terminated to the extent permitted by federal law.

HRA is a health insurance risk pool whose members are health insurers, self-insurers, and HMOs doing business in the state. It provides individual and group comprehensive health care plans to residents who cannot obtain other coverage in the private market.

The law requires HRA's board of directors to submit a plan of operation to the insurance commissioner with certain information. The act requires that the plan also contain whatever provisions necessary for the association to qualify as acceptable coverage for purposes of the federal Trade Act of 2002. (This law provides a refundable tax credit for 65% of the taxpayer's expenses for qualified health insurance to the taxpayer and qualifying family members for each eligible coverage month beginning in the taxable year.)

The law gives the association certain powers and authority. The act authorizes it to apply for and accept grants, gifts, and bequests of funds from other states, federal and interstate agencies

and independent authorities, private firms, individuals, and foundations to carry out its responsibilities. It requires that any such funds it receives be deposited in the General Fund and credited to a separate non-lapsing account for HRA. It permits HRA to use these funds in the performance of its duties.

EFFECTIVE DATE: Upon passage

UCONN STADIUM FACILITY ENTERPRISE FUND (§ 69)

The act makes several accounting changes to the UConn Stadium Facility Enterprise Fund. It requires that earnings on investments of money in the fund be retained and used for the fund's purposes.

Accounts Within the Fund

The act specifies that any General Fund appropriations or other money received from federal, state, municipal, or private sources for capital additions or replacements at the stadium be deposited in the existing stadium facility capital replacement account within the Enterprise Fund. This provision does not apply to money provided by United Technologies Corporation for traffic and road improvements under existing law. By law, money remaining in the Enterprise Fund at the end of the fiscal year, other than money needed for certain uses, must be transferred to the account. The act specifies that one of these uses is scheduled or other future maintenance or repairs, rather than just deferred maintenance and repairs.

The act allows the OPM secretary, with the approval of the treasurer and comptroller, to establish box office, revenue, and operating expenses accounts and escrow accounts for specific events, all within the fund, to facilitate day-to-day stadium operations. The establishment of the revenue and operating expenses accounts and any other accounts holding state moneys associated with the stadium requires the approval of the comptroller and treasurer, as does the cash management and overnight investment features of these accounts. The treasurer must make or approve any investments or investment arrangements. The interest and earnings of any such investments of these accounts must be treated as revenues from stadium operations.

The accounts must be established under agreements with the stadium facility manager and be held at one or more Connecticut banks.

The box office account can receive and hold ticket receipts. The escrow accounts can hold rental, security, and similar deposits until the event takes place and accounts are reconciled. Receipts and deposits from this account can be disbursed in accordance with industry standard practices. The revenue account can be used to collect revenue from stadium operations on a daily basis. The operating expense account can be used to pay reasonable and prudent stadium operational expenses on a daily basis. Money in the box office account and any escrow accounts do not count as state moneys, and thus subject to the laws governing accounting and deposit of such moneys, until they are recognized as stadium operations revenues when accounts are reconciled in accordance with standard industry practices.

The secretary can move money from the revenue account to the operating expense account, in accordance with accounting and payment procedures approved by the comptroller, to pay for the expenses of stadium operations. The stadium manager, in accordance with such procedures, can pay operating expenses directly from the operating expense account. If the balance in the revenue and operating expenses accounts at the end of any calendar month is more than the stadium's projected expenses for the next three calendar months, the secretary must transfer the excess to the fund. The secretary must determine what constitutes reasonable and prudent operational expenses with due regard to the customary practices at comparable facilities hosting similar events.

The secretary, with the other officials' approval, can also establish subaccounts within the revenue and operating expenses accounts that he considers appropriate to segregate and account for revenues and expenses of catering, concessions, parking, and other ancillary activities.

Accounting, Auditing, and Related Requirements

The Enterprise Fund, the revenue and operating expenses accounts, and any other accounts that hold state money associated with the stadium are subject to statutory accounting and deposit requirements, except as specified above. They are subject to a comprehensive annual audit by an independent auditing firm using generally accepted auditing standards. The secretary must select the auditing firm from a list of at least four firms supplied by the comptroller.

The audit's cost must be treated as a stadium operating expense. In addition, the auditors of public accounts must conduct an audit of the internal control of the stadium's operations before November 30, 2003. The auditors must pay for this audit and provide advanced notice of the audit to the secretary.

The act also requires the secretary to submit an annual operating and capital budget for the stadium to the comptroller by April 2. No more than 45 days after the budget's submission, the comptroller must submit her comments to the secretary. By law, a copy of the budget must go to the Finance, Revenue and Bonding and Appropriations committees; the act specifies that this must happen after the comptroller submits her comments on the budget.

EFFECTIVE DATE: Upon passage

LOCAL APPROVAL OF MOTOR VEHICLE DEALERS, REPAIRERS, AND RECYCLERS (§§ 70-71)

This act limits the local agencies that can approve the siting of a vehicle dealer and repairer businesses and vehicle recyclers. Under prior law, the site could be approved by the zoning commission, planning and zoning (P&Z) commission, or other board of authority designated by local law. Under the act, in the case of towns or cities that have a zoning commission, P&Z commission, and a board of appeals, the act requires that the board of appeals grant the approval. (A municipality can have a zoning commission or a P&Z commission, but not both, and thus it is unclear whether any municipalities are affected by this provision.)

EFFECTIVE DATE: October 1, 2003

CONNECTICUT MINIMUM TAX (§ 72)

The act increases the Connecticut minimum tax for individuals, trusts, and estates. Under prior law, the minimum was the lesser of 19% of the adjusted tentative minimum tax or 5% of the taxpayer's adjusted federal alternative minimum taxable income. The act increases the latter figure to 5.5%.

EFFECTIVE DATE: Upon passage and applicable to taxable years starting on or after January 1, 2003

SALES TAX PERMITS (§ 73)

The act makes sales tax permits issued on or after October 1, 2003 valid for five rather than

two years. The permit expires at that time unless renewed by the revenue services commissioner. The act increases the permit fee from \$20 to \$50. EFFECTIVE DATE: October 1, 2003

SALES TAX PAYMENT FREQUENCY (§ 74)

By law, retailers must remit their sales taxes on a monthly basis unless their annual tax liability is less than \$4,000, in which case they must pay quarterly. The act changes the date that the year ends, for purposes of making this determination, from September 30 to June 30.

EFFECTIVE DATE: October 1, 2003

UNPAID TAXES AND COLLECTION AGENCIES (§ 75)

Under the act, when the revenue services commissioner enters into an agreement with a collection agency or lawyer to collect a taxpayer's unpaid taxes and associated interest and penalties, the taxpayer's account must be credited with the amount collected before it is reduced by the compensation the commissioner pays or the agency or lawyer retains under the agreement.

EFFECTIVE DATE: Upon passage

NONRESIDENT CONTRACTORS (§ 76)

This act allows a nonresident contractor carrying out a contract in Connecticut to petition the revenue services commissioner to allow him to furnish a guarantee bond for 5% of the contract price rather than have an equivalent amount withheld from the contract price, as prior law required.

Under prior law, customers doing business with nonresident contractors had to withhold 5% of the contract price, depositing it with the commissioner within 30 days after the contract's completion. By law, DRS must provide the customer a receipt and deduct from the deposit any taxes due as a result of the contractor's activities.

The act requires the nonresident contractor to petition the commissioner no later than 120 days after the start of the contract. The commissioner may grant the petition on such terms and conditions as she requires. The commissioner must, upon the contractor's request, follow the same audit, certification, and payment procedures she would have followed if the 5% was withheld from the contract price.

EFFECTIVE DATE: Upon passage

INVESTMENTS UNDER THE URBAN SITES PROGRAM (§ 77)

The act increases, under certain circumstances, the maximum investment that a taxpayer can make under the urban sites program, in which it receives a credit against its state business taxes. Under prior law, the maximum investment was the amount of state revenue that the project will produce, as determined by a revenue impact assessment. The act increases the maximum investment to the combined state and local revenue, as determined by the assessment, if the project involves a firm in one of four manufacturing industries, the firm is relocating from out of state, and the relocation will result in the development of at least 725,000 square feet in a state-sponsored industrial park. The industries are pharmaceutical preparations, unclassified food preparation, lubricating oils and greases, and miscellaneous manufacturing industries.

The act requires the tax credit applicant to pay for the costs of all activities performed in the exercise of due diligence in reviewing the project, rather than just the costs of the revenue impact assessment and economic feasibility studies.

The act establishes a separate non-lapsing "Connecticut Impact and Analysis Account" in the General Fund to hold any proceeds the state realizes in connection with the urban sites program and any other money required by law to be held in the account. Investment earnings stay with the account. The DECD can use the money in the account for the costs of the program, including the department's administrative costs, and can carry forward any balance to the next fiscal year.

EFFECTIVE DATE: Upon passage

LIMITS ON DEDUCTIONS FOR INTEREST PAID AMONG AFFILIATED CORPORATIONS (§§ 78, 81, 248)

The act repeals the alternative combined corporation tax filing provisions of PA 03-1, June 30 Special Session (the budget act), which had not yet taken effect. Instead, it limits deductions for interest costs relating to transactions among affiliates. A similar but not identical law, which the act does not change, limits deductions for fees and related interest costs arising from intangible property transactions among affiliated corporations, such as payments for the use of patents, copyrights,

and trademarks. It is not clear whether the act or the existing law governs intangible property transaction interest cost add-backs.

Alternative Combined Reporting Requirements Repealed

The act repeals budget act provisions that required a group of related companies that meet certain criteria to determine the corporation tax liability of the group's members doing business in Connecticut as if the group were a single company, thus making more of the group's income to Connecticut tax and making a share of the royalties, interest, or similar payments and transactions a corporate taxpayer makes among its affiliates taxable in Connecticut. The act also eliminates a third condition the budget act added to the list of conditions for the Department of Revenue Services (DRS) commissioner's decision to approve an alternate method of calculating taxes for corporate groups filing optional combined corporation tax returns. (A full description of the repealed provisions can be found in the summary of PA 03-1, June 30 Special Session, §§ 90 and 91.)

Treatment of Interest Expenses and Costs

The law already requires companies, in determining net income for corporation tax purposes, to add back otherwise deductible intangible property and related interest expenses arising from transactions with affiliated companies. This act imposes an add-back requirement on any otherwise deductible interest costs arising from transactions with affiliates. It is not clear how the act and the existing law interact

The act specifies that interest added back does not count towards the Connecticut company's gross income for Connecticut corporation tax purposes. A multi-state corporation must also exclude from its apportionment receipts factor any interest it receives from an affiliate that was already added back in the affiliate's net income under the act. As is the case with the law on intangible cost add-back requirement, under the act, a company need not add the costs or expenses to its net income more than once.

Covered Affiliates

The act applies the add-back requirements to transactions between a taxpaying company and:

1. a stockholder, who individually or with his family or his affiliated business entities, owns at least 50% of the value of its stock;
2. another corporation that owns at least 50% of its stock;
3. a "component member" under the Internal Revenue Code (generally, a corporation that is part of a controlled group of corporations for at least half of the days in the taxable year); or
4. a person who is considered to own the company under the Internal Revenue Code, other than a statutory business trust which has no beneficiary that meets one or more of the first three criteria in this list. (Under the Code, a person can be considered a constructive owner based on ownership of options to buy stock; on stock owned through a partnership, estate, trust, or corporation; or, in certain circumstances, on stock the person's spouse, children, or grandchildren own.)

The intangible property add-back law also applies to the above-listed affiliates. But, unlike the intangible property law, the act extends the interest add-back requirement to transactions with any entity, regardless of how it is organized, that has the same relationship to the taxpaying company as any of the affiliates described above.

Exclusions

As is the case for intangible property transaction cost add-back requirements under existing law, interest cost add-backs under the act do not apply in certain situations and circumstances. The act's add-back requirement does not apply if a company establishes by clear and convincing evidence that:

1. the transaction's principal purpose was not to avoid the Connecticut corporation tax;
2. the interest is paid at a rate and under a contract whose terms reflect an arm's length transaction; and
3. either (a) the affiliate is subject to Connecticut's insurance premium tax or a comparable tax in another state or (b) its net income, including interest from the transaction with the Connecticut company, is taxable in another state, a U.S. possession, or a foreign country and the tax rate in the other jurisdiction is at least 4.5% (Connecticut's rate

minus 3%).

The existing law's intangible property transaction cost add-back requirement does not apply if the taxpaying company shows by a preponderance of evidence (a lower standard than the act's "clear and convincing" evidentiary requirement for this exclusion) that (1) the transaction's principal purpose was not to avoid Connecticut tax or (2) the affiliate transferred the intangible property transaction fees and related interest costs to a third, unaffiliated party in the same income year as it received them.

The act's add-back requirement also does not apply if:

1. the company establishes by clear and convincing evidence, as determined by the DRS commissioner, that the adjustment is unreasonable;
2. the company establishes to the commissioner's satisfaction that it and its affiliates engage in substantial inter-corporate transactions, the company and the commissioner agree in writing to use an alternative way of determining the group's combined tax, and the combined tax accurately reflects the activity, business, income, or capital of the companies in Connecticut; or
3. the company and its affiliates have substantial inter-corporate transactions and the company elects, irrevocably and in writing on DRS-authorized forms, to calculate its tax on a combined basis with those affiliates for five successive income years.

The existing law's intangible property transaction add-back requirement does not apply if (1) the company establishes by clear and convincing evidence that the adjustment is unreasonable or (2) the company and the DRS commissioner agree to use an alternate method of apportionment to determine the tax. The existing law does not allow a company to avoid the intangible property transaction add-back requirement by choosing to file on a combined basis with its affiliates.

Finally, the act's add-back requirement does not apply if the interest is paid to a related company located in a country with which the United States has a comprehensive income tax treaty. The intangible property add-back law has no similar exclusion.

Neither the existing law's nor the act's exclusions affect the DRS commissioner's existing authority to enter into agreements or compromises or to make tax adjustments.

EFFECTIVE DATE: Upon passage and applicable to income years starting on or after January 1, 2003.

CORPORATION TAX SAFE HARBOR (§ 79)

For the 2003 and 2004 income years, the act protects corporation taxpayers affected by its new interest add-back requirements from penalties for underpaying estimated corporation tax, if the underpayment was created or increased by the new requirement.

EFFECTIVE DATE: Upon passage

MAXIMUM SUPPLEMENTAL TAX ON COMBINED RETURNS (§ 80)

The law requires a corporate group that chooses, or that the DRS commissioner requires, to file a combined return to pay a supplemental tax in addition to that calculated using its combined net income or capital base. The additional tax is the difference between the sum of amounts that would be due if each member of the corporate group filed separately and the amount due under the combined return, but no more than a maximum amount.

The act increases this maximum supplemental tax from \$25,000 to \$250,000.

EFFECTIVE DATE: Upon passage and applicable to income years starting on or after January 1, 2003.

CONNECTICUT AND RHODE ISLAND BOUNDARY LINE (§ 82)

The act creates a seven-member commission to work with a similar Rhode Island commission to determine and mark, by suitable monuments and buoys, the boundary line between Connecticut and Rhode Island from the mouth of the Ashaway River north to the Massachusetts border. It authorizes the commission to enter into a memorandum of agreement with the Rhode Island commission, and, if such an agreement is reached, requires the commission to submit it and a report on its findings and recommendations to the House and Senate for ratification. The memorandum of agreement can take effect only upon ratification by both the Connecticut and Rhode Island legislatures.

Commission Membership

The commission must include seven members, one each appointed by the six

legislative leaders and the governor.

Appointing authorities must appoint members within 30 days after the act's passage. The appropriate appointing authority must fill any vacancy. Any member, except for the governor's appointee, may be a legislator. Commission members serve without compensation, except for necessary expenses incurred in the performance of their duties. The commission must choose a chairperson from among its members, who must schedule the commission's first meeting within 60 days of the act's passage. The act requires the Attorney General's Office and the Department of Transportation to provide the commission with administrative and technical assistance on request.

Memorandum of Understanding and Termination of the Commission

The act authorizes, but does not require, the commission to enter into a memorandum of agreement with the Rhode Island commission to establish and settle the location of the boundary line. It requires the commission chairperson to sign the agreement if one is reached, certifying that a majority of commission members have voted to approve it. The commission must submit the agreement and a report on its findings and recommendations to the House and Senate clerks no later than 30 days after the agreement is completed and signed. The legislature may ratify the agreement, which can only take effect upon ratification by both the Connecticut and Rhode Island legislatures. The commission terminates on the date that ratification occurs.

Rhode Island Commission

The act requires the commission to work in conjunction with the Rhode Island commission established by House Resolution 6539 and Senate Resolution 1159 of the Rhode Island General Assembly's January 2003 session.

EFFECTIVE DATE: Upon passage

IMPLEMENTING THE "HELP AMERICA VOTE ACT" (§§ 83-103)

The act establishes voter identification and voting procedures for elections for federal office to comply with the requirements of the federal "Help America Vote Act of 2002" (HAVA). It creates enhanced identification requirements for certain people applying by mail to register to

vote and requires proof of identity when appearing to vote at the polls or voting by absentee ballot or presidential ballot. It establishes a provisional ballot with procedures for using and counting it.

Regular elections for federal office occur in even-numbered years, and the act applies to elections for the offices of president and vice president and elections and primaries for U.S. senator and representative.

Proof of Identity

HAVA allows voters who register by mail, beginning January 1, 2003, to submit supplemental identification and avoid a requirement to show identification when they vote for the first time. The act conforms to this provision for anyone registering to vote by mail for the first time. It specifies the acceptable identification that an applicant may include with a mail-in voter registration. If a person does not submit the identification when registering, he will be required to present either a copy of a current, valid photo ID or a current utility bill, bank statement, government check, paycheck, or government document that shows his name and address when voting in person at the polls or submitting an absentee ballot. The voter registry list must indicate the voters whose failure to show ID when registering requires them to do so when they vote.

A person who fails to produce the identification may cast a provisional ballot in person or his absentee ballot will be treated as a provisional ballot for federal offices only.

The act establishes an identification requirement for anyone applying for a presidential ballot. (The ballot is available to Connecticut residents who are not registered voters or former residents who have moved within 30 days before the election, and it allows them to vote for president and vice president only.) Whether applying in person or by mail, an applicant must present a photo ID or a copy of the same documentation required for mail-in voter registration applicants.

Voter Registration Information

The act adds a question to the mail-in registration form on whether the applicant will be 18 years old by election day and a space for the applicant's driver's license number or the last four digits of his Social Security number, if he has no driver's license. The application must

include notice that the applicant may not complete the form if answers to the questions on age or status as a U.S. citizen indicate that he is ineligible to vote.

Provisional Ballots

Eligibility. The act authorizes provisional ballots for people who appear at the polling place claiming to be eligible to vote there though their names do not appear on the registry list. If they cannot be restored to the list under existing law that applies when their address changed within the town or the omission was due to clerical error, they can request and cast a provisional ballot. People who registered by mail without the necessary identification and appear at a polling place or apply for an absentee ballot for the first time after registering without proper ID may also vote by provisional ballot. Provisional ballots are kept separate and counted only after registrars verify that these voters are eligible to vote. The ballots are cast only for candidates for federal office.

A person who is the subject of a challenge (whose name appears on the registry list, but someone believes the person is not qualified and entitled to vote) and is not permitted to use a challenge ballot may apply for and cast a provisional ballot.

Casting and Counting. The secretary must provide the ballots and envelopes; she may prescribe the same ballot used by overseas voters entitled to vote only for candidates for federal offices. Each moderator must receive necessary provisional ballot materials, including enough ballots and serially-numbered envelopes to equal at least 1% of the number of registered voters in the district or as many as the registrars and town clerk agree will be sufficient to protect voters' rights.

Each applicant must apply before an election official and affirm in writing under penalty of false statement in absentee balloting, a class D felony, that he is eligible to vote in the election or primary at that polling place and has not voted and will not vote otherwise. The moderator provides an applicant with a provisional ballot and serially numbered envelope and records it on an inventory form.

Applicants mark the ballot and receive documentation to use to later verify whether the vote was counted. The registrars must provide free access to a system that verifies, only to the voter, whether the ballot was counted, and, if not, why.

As soon as the polls close, the moderator must seal the depository envelope with all the cast provisional ballots and deliver it to the registrars. The registrars must verify the information for each ballot, determine whether the applicant is eligible to vote, and note their decision on the outer envelope. If they determine the person is eligible, they count the ballot, using the procedures for counting absentee ballots. If they determine the person is ineligible or cannot determine eligibility, they mark the envelope "Rejected," along with the reasons for rejection, and sign it.

The act gives the registrars six days after the election or primary to verify and count all provisional ballots. The head moderator must file a corrected return for the election for federal offices with the town clerk and the secretary.

Absentee Ballots. Absentee voters who registered by mail and did not submit the acceptable ID with the registration application must include ID in the outer envelope with their voted absentee ballot. For voters who fail to do so, absentee ballot counters must mark the envelope "Rejected as an Absentee Ballot" but treat it as a provisional ballot for federal offices.

Polling Places Information

The act requires the secretary to prescribe, and town clerks to provide, instructions at polling places at an election or primary for federal office on the act's identification requirements, provisional ballots, and other election law requirements. The act requires that, at a primary, sample ballots include information on the voting date and hours and information on the use of the voting machines. This information is already required by law for an election.

Polling Place Identification

The act adds to the form voters must sign when they appear at a polling place without identification (1) the person's printed name, address, and date of birth and (2) a statement of the penalty for false statement. An assistant registrar must review the form (a separate one for each voter, rather than a list) and, if it is complete and accurate, allow the person to vote.
EFFECTIVE DATE: January 1, 2004

EXEMPTING WATER COMPANY
INFORMATION FROM DISCLOSURE
UNDER THE FREEDOM OF INFORMATION
ACT (§ 104)

The act broadens (1) the circumstances under which agencies can refuse to disclose under the Freedom of Information Act (FOIA), on safety grounds, records related to water companies and (2) the types of water company records that can be exempted.

By law, the public works commissioner can exempt any record held by an executive branch agency from disclosure if he reasonably believes that its disclosure would result in a safety risk to a person or to a government facility or related property. Government facilities include those owned by municipal utilities and those owned by utilities regulated by the Department of Public Utility Control (DPUC). The act broadens the definition of government facilities to include facilities owned by other water utilities, such as those serving individual subdivisions, which are regulated by the Department of Public Health (DPH) but not by DPUC.

By law, the exemption applies to eight types of safety-sensitive records, such as security manuals and emergency plans. With regards to water utilities, the act additionally exempts: (1) vulnerability assessments and risk management plans; (2) operation plans; (3) water supply plan information submitted to DPH that, if revealed, would pose a security risk to the water utility; (4) inspection reports; (5) technical specifications; and (6) other materials that depict or specifically describe critical water company operating facilities, collection and distribution systems, or sources of supply. Just as with other security-related records, the exemption does not apply to law enforcement agencies.

The act requires public agencies that receive requests for water utility information to promptly notify the water utility and the public works commissioner before complying with the request. It requires the commissioner to consult with the water utility before determining if the information is exempt from disclosure.
EFFECTIVE DATE: Upon passage

SUBLETTING STATE LAND, BUILDINGS, AND FACILITIES (§ 105)

The act permits the public works commissioner, with the State Properties Review Board's approval, to sublet property the state leases to municipalities for municipal use or private parties for private use if (1) the state does not use or need the property and (2) subletting seems desirable to produce income or is in the public interest. The terms of any such subletting agreement are not automatically extended by the

state’s exercise of its option to renew the lease.

The act requires the commissioner to deposit the income from subletting in the General Fund to offset payments made to lease the property.

EFFECTIVE DATE: Upon passage

CONVEYANCES (§ 106)

The act requires DOT to convey two parcels of state property located along the existing right-of-way for the relocated Route 7 in the towns of Norwalk and Wilton to the Connecticut Light and Power Company (CL&P) for constructing and maintaining electrical transmission facilities. CL&P must pay fair market value for the property.

The conveyances are subject to the State Properties Review Board’s approval. The board must complete its review of the conveyance not later than 30 days after it receives the proposal from DOT. The state treasurer must sign and deliver any deed or other necessary conveyance instrument to CL&P, and the DOT commissioner is solely responsible for all other incidents of the conveyance. Any conveyed property reverts back to the state if CL&P does not use it for the stated purpose, does not retain ownership of the entire parcel, or leases any of it.

EFFECTIVE DATE: Upon passage

CORE-CT (§ 107)

The act establishes a CORE-CT policy board consisting of the comptroller, OPM secretary, Supreme Court chief justice, House speaker, and Senate president pro tempore, or their designees. The comptroller chairs the board, which is located in her office for administrative purposes. Core-CT is the project to replace Connecticut state government's core human resources and financial computer systems, including central and agency accounting, purchasing, accounts payable, assets, inventory, payroll, time and attendance, worker’s compensation, personnel, and other business systems.

The board’s primary responsibility is maintaining the constitutional and statutory independence of the legislative, executive, and judicial branches as CORE-CT is implemented and operated. The act specifies that no interagency or interdepartmental policy, procedure, or protocol can authorize the board to limit the constitutional or statutory authority of a constitutional officer or governmental branch.

The act requires the board to:

1. establish, implement, and oversee interagency and interdepartmental policies, procedures, and protocols and enter into written agreements to assure that the CORE-CT system has appropriate controls on data access, sharing, and security;
2. resolve interagency and interdepartmental conflicts and concerns that arise in operating or sharing data in the CORE-CT system; and
3. advise the comptroller on operating and administering the system.

The act makes each board member, member of a permanent or ad hoc committee it establishes, and individual operating or administering the system a state employee or officer for purposes of immunity from personal liability for damages or injuries caused in performing their duties (other than those caused wantonly, recklessly, or maliciously), defense by the attorney general, and indemnification from financial loss when such claims are made.

The act requires the policy board to meet at least quarterly and when the comptroller determines it is needed. Three members constitute a quorum to transact business.

EFFECTIVE DATE: Upon passage

DEP FEE INCREASES (§§ 108-139)

The act increases various Department of Environmental Protection (DEP) fees. Table 1 provides (1) the citation, (2) the fee’s purpose, (3) the former fee amount, and (4) the fee amount under the act. It also removes the DEP commissioner’s discretion to change certain fees by regulation. Some existing regulatory fees are higher than those set but the act; presumably the higher fee will be charged. These fees are noted in Table 1.

Table 1: DEP Fee Increases

<i>Fee Description</i>	<i>Prior Statutory Fee</i>	<i>New Statutory Fee</i>
Additional fee for planning, zoning, wetlands, and coastal management applications (CGS § 22a-27j)	\$10	\$20
Pesticide registration (CGS § 22a-50)	\$500	\$750
Pesticide application by aircraft (CGS § 22a-54 (e) (2) and (f))	\$25	\$50 (\$100 by regulation)
Exam administration for pesticide applicators		

(CGS § 22a-54 (f))			criteria pollutant	day of inspection	than one day of inspection
<ul style="list-style-type: none"> commercial (supervisory) commercial (operational) private 	<ul style="list-style-type: none"> \$150 commercial (supervisory) \$20 commercial (operational) \$25 private 	<ul style="list-style-type: none"> \$225 \$40 \$50 	<ul style="list-style-type: none"> Actual emissions less than 100 tons/year (§ 22a-174a) 	<ul style="list-style-type: none"> \$250 	<ul style="list-style-type: none"> \$375
Golf course greater than 1,000 yards (CGS § 22a-54a)	\$100	\$200	Stream channel encroachment permits		
Pesticide distributor registration (CGS § 22a-56 (c))	\$30	\$60	<ul style="list-style-type: none"> no grade change or above ground structures grade change/no above ground structures grade change/above-ground structures (§ 22a-342) 	<ul style="list-style-type: none"> \$250 \$500 \$2,500 	<ul style="list-style-type: none"> \$375 \$750 \$3,750
Pesticide application business registration (CGS § 22a-66c (c))	\$60	\$120	Dredging and mooring permits		
Pest control applicators using sodium fluoroacetate (CGS § 22a-66y)	\$1	\$2	<ul style="list-style-type: none"> less than 5,500 sq. ft. between 5,500 sq. ft. and five acres More than five acres 	<ul style="list-style-type: none"> 40 cents/sq. ft.; \$350 minimum \$2,200 plus 5 cents/sq ft. in excess of 5,500 sq feet \$12,815 plus \$350/acre in excess of 5 acres \$350 	<ul style="list-style-type: none"> 80 cents/sq. ft.; \$525 minimum \$3,300 plus 10 cents/sq ft. in excess of 5,500 sq ft. \$19,223 plus \$525/acre in excess of five acres \$525
Pesticide use in state waters permit application fee (CGS § 22a-66z)	\$10	\$20 (\$25 by regulation)	Mooring area or facility permit (§ 22a-361(a))		
Hazardous waste remediation license (CGS § 22a-133v (e)-(h))	Examination fee: \$125 Annual Fee: \$225 Temp. license: \$150	Examination fee: \$188 Annual Fee: \$338 Temp. license: \$225	Sand removal fee, use of sand (§ 22a-361(e))	\$2/cu. yd	\$4/cu. yd.
Environmental Condition Assessment form (CGS § 22a-133x)	\$2,000	\$3,000	Certificate of Permission (§22a-363c) application fee for certain types of permitted structures	\$200	\$400
Filing Hazardous Waste Transfer Form I and II (CGS § 22a-134e (b))	Form I: \$200 Form II: \$700	Form I: \$300 Form II: \$1,050	Water diversion permit application fee. For consumptive use in any 24 hour period:		
Filing Hazardous Waste Transfer:			<ul style="list-style-type: none"> 50,000 to 500,000 gallons 500,000 to 2 million gallons more than 2 million gallons. 	<ul style="list-style-type: none"> \$1,200 \$2,500 \$4,000 	<ul style="list-style-type: none"> \$1,800 \$3,750 \$6,000
<ul style="list-style-type: none"> Initial Form III+IV fee Form III total fees, various conditions Form IV, various conditions (CGS § 22a-134e (m)-(o)) 	<ul style="list-style-type: none"> \$2,000 \$23,000; \$20,000; \$14,000; \$4,500; \$3,000; and \$2,000 \$11,500; \$10,000; \$7,000; \$2,250; and \$2,000 	<ul style="list-style-type: none"> \$3,000 \$34,500; \$30,000; \$21,000; \$6,750; \$4,500; and \$3,000 \$17,250; \$15,000; \$10,500; \$3,375; and \$3,000 	For nonconsumptive use:		
<ul style="list-style-type: none"> Nuclear powered commercial electric power generating plants annual fee Nuclear fuels radiation facilities monitoring (CGS § 22a-135) 	<ul style="list-style-type: none"> \$40,000 \$10,000 	<ul style="list-style-type: none"> \$60,000 \$15,000 	<ul style="list-style-type: none"> watershed area less than ½ sq. mile watershed area between ½ and 2 sq. miles greater than 2 sq mi. (§ 22a-372(e)) 	<ul style="list-style-type: none"> \$1,200 \$2,500 \$4,000 	<ul style="list-style-type: none"> \$1,800 \$3,750 \$6,000
Registration for radiation and radioactive materials operations (CGS § 22a-148 (c))	\$100	\$200	Water diversion permit annual fee (§ 22a-379)	\$500	\$750
Registration of devices emitting x-rays (CGS § 22a-150)	\$75	\$150	Dam registration fee		
Air Pollution Individual Permits (CGS § 22a-174(g))	*\$100	*\$200	<ul style="list-style-type: none"> 5 to 15 feet high 15 to 25 feet high more than 25 feet high (§ 22a-409(b)) 	<ul style="list-style-type: none"> \$25 \$50 \$100 	<ul style="list-style-type: none"> \$50 \$100 \$200
<ul style="list-style-type: none"> Air pollution source registration fee (biennial) Registration fee limit (§ 22a-174(j)) 	<ul style="list-style-type: none"> \$75 \$5,000 	<ul style="list-style-type: none"> \$150 \$7,500 	Dam inspection fee (§ 22a-409(c))	\$350	\$525
Annual fee:			Nonresidential underground storage tank installation notification fee (§ 22a-449(d))	\$50	\$100
<ul style="list-style-type: none"> Air pollution source emitting more than 100 tons/year of a 	<ul style="list-style-type: none"> \$500 a year plus \$250/day for more than one 	<ul style="list-style-type: none"> \$750 a year plus \$375 /day for more 	Nonresidential underground storage tank inspection fee (§ 22a-449(e))	\$50	\$100
			Underground storage tank registered contractor		

<ul style="list-style-type: none"> • registration fee • renewal fee (§ 22a-449k) 	<ul style="list-style-type: none"> • \$500 • \$250 	<ul style="list-style-type: none"> • \$750 • \$375
Hazardous waste permit fees <ul style="list-style-type: none"> • landfill or incinerator operation • storage or treatment • transfer to different container • transfer, original container • status change application: treatment, storage, or disposal to generator • status change application: large to small quantity generator (§ 22a-454(d)) 	<ul style="list-style-type: none"> • \$30,000 • \$14,000 • \$7,000 • \$2,500 • \$50 • \$25 	<ul style="list-style-type: none"> • \$45,000 • \$21,000 • \$10,500 • \$3,750 • \$100 • \$50
Hazardous waste facility, closure plan submittal (§ 22a-454a)	\$2,500	\$3,750
Annual fee, hazardous waste facility subject to groundwater monitoring (§ 22a-454b)	\$500	\$750
Annual fee, generator of more than 1,000 kg haz. waste or 1 kg acutely haz. waste at least one month in a calendar year (§ 22a-454c(a))	\$50	\$100
Annual fee, hazardous waste landfill, incinerator, storage, treatment or land treatment facility (§ 22a-454c(b))	\$1,000	\$1,500

* superseded by regulation

EFFECTIVE DATE: Upon passage

WASTEWATER MANAGEMENT DISTRICTS (§§ 140-144)

This act allows municipalities to establish, by ordinance, decentralized wastewater management districts. It establishes conditions that must be met before a town can create such a district, including approval of an engineering plan by the DEP commissioner with concurring approval by the DPH commissioner. It lists standards, regulations, and criteria that a town can apply to such a district. It requires DPH to conduct any oversight or monitoring of these districts within available appropriations.

The act requires a town water pollution control authority to include in its water pollution control plan (1) the designation and boundary of any decentralized wastewater management district it establishes and (2) a description of any programs where the local health director manages subsurface sewage disposal systems. By law, the authority must ensure the effective

management of any community sewerage system that is not owned by the town. The act additionally requires the authority to ensure effective supervisory control, operation, and maintenance of such systems and extends those responsibilities to include decentralized wastewater management districts.

By law, municipalities, through their water pollution control authorities, can establish and revise rules and regulations governing sewerage systems; the act requires the local health director to approve any such rules or regulations regarding decentralized systems before taking effect. Also by law, an authority can order a building owner to connect to an available sewerage system; the act allows it to order an owner to construct an alternative sewage treatment system and connect the building to it.

The act also requires a municipality to include in its ordinance remediation standards to regulate alternative sewage treatment systems.

The act states that any area designated by municipal ordinance as a decentralized wastewater management district is not considered to be a public sewer under the Public Health Code. It also states that its provisions must not be construed to limit the authority of a local health director or the commissioners of DEP or DPH.

The act defines a “decentralized system” as a managed subsurface sewage disposal system, managed alternative sewage treatment system, or community sewerage system that discharges less than 5,000 gallons of sewage per day, is used to collect and treat domestic sewage, and involves discharges from a municipality into the state's ground waters.

The act defines an “alternative sewage treatment system” as one serving one or more buildings, using treatment methods other than a subsurface sewage disposal system, and discharging into the state's ground waters.

It exempts sewer systems that serve a single house from the definition of a “community sewerage system,” and includes a decentralized system in a decentralized wastewater management district established under the act's provisions under the definition of a sewerage system.

Requirements for Municipality to Establish District

Before a municipality can establish a district, the DEP commissioner, with the concurrence of the DPH commissioner, must

approve an engineering report. The engineering report must have determined that existing subsurface sewage disposal systems may be detrimental to public health or the environment and that decentralized systems are required. The municipality also must consult with the local director of health and act in conjunction with its water pollution control authority.

Provisions of the Ordinance

The act requires the ordinance to include remediation standards for the design, construction, and installation of alternative sewage treatment systems and standards for the effective supervision, management, control, operation, and maintenance of alternative sewage treatment systems within a decentralized district that are consistent with any DEP permit, order, or recommendation. It defines "remediation standards" as pollutant limits, performance requirements, design parameters, or technical standards applying to existing sewage discharges in a decentralized wastewater district for improving wastewater treatment to protect public health and the environment.

The act allows the ordinance to include, with the local health director's approval:

1. remediation and technical standards for the design and construction of subsurface disposal systems that are more stringent than those imposed by the state Public Health Code;
2. authority for the local health director to order the upgrade of subsurface sewage treatment systems according to these standards;
3. authority for the director to establish criteria for the abandonment of substandard subsurface sewage disposal systems;
4. authority for the director to order the owner of a substandard subsurface sewage disposal system not complying with the remediation or technical standards or other criteria to abandon the substandard system so the water pollution control authority can order him to connect to a sewerage system;
5. standards established by the director for effective supervision, management, control, operation, and maintenance of managed subsurface sewage disposal systems in a decentralized district; and
6. authority for the water pollution control authority to enact and amend

regulations, following approval by the director, governing the supervision, management, control, operation, and maintenance of the decentralized system.

EFFECTIVE DATE: October 1, 2003

UNDERGROUND STORAGE TANK ACCOUNT (§ 145)

The act bars the Underground Storage Tank Petroleum Clean-Up Account Review Board and the DEP commissioner from accepting applications received between September 1, 2003 and October 1, 2005 for reimbursements and payments from the underground storage tank petroleum clean-up account. Federal law requires most owners of underground storage tanks to demonstrate minimum financial responsibility of at least \$1 million to cover the costs of cleaning up leaking tanks and compensating third parties for injuries and property damage. Tank owners may do this through insurance or other means, such as the clean-up account (42 USC §§ 6991b and 6991c).

EFFECTIVE DATE: Upon passage

DOA/DCP MERGER (§§ 146-148)

The act merges the Department of Consumer Protection and the Department of Agriculture into a new agency, the Department of Agriculture and Consumer Protection, under a single commissioner, whom the governor appoints.

EFFECTIVE DATE: July 1, 2004

ENVIRONMENTAL FEES (§§ 149-153)

This act increases every fee required by regulation under the environmental protection statutes (Title 22a) by (1) 50% for any that are over \$100 and (2) doubling those that are \$100 or less, requiring every fee to be at least \$100, with certain exceptions discussed below (and in sections 108-139 of this act).

The act, as of October 1, 2003, increases the fee that resource recovery facility owners must pay to the revenue services commissioner each calendar quarter, from \$1 to \$1.50 per ton of solid waste processed at the facility.

Under prior law, "air emissions operating fee account" funds could only be used for covering administrative costs directly and indirectly related to Title V of the federal Clean Air Act Amendments of 1990. The act allows the

DEP commissioner, after April 1, 2003, to use funds from air emission permit operating fees in excess of the amount required by federal law to (1) cover general air pollution control costs or (2) be transferred to the Federal Clean Air Act account. It requires the state comptroller to transfer funds from the air emissions permit operating fee account in excess of the amount required to cover the direct and indirect administrative costs of Title V to the federal Clean Air Act account by September 30 of each year.

It adds the costs associated with a Freedom of Information Act request on, and for reviewing and acting on, an application for a permit and for monitoring compliance with it as required under regulations for land use controls in aquifer protection areas, to those that the DEP commissioner may require an applicant to pay.

It also makes conforming changes and a technical change.

Certain Permit Fees

The act increases environmental protection fees as described above, except that:

1. the fees and annual adjustment for Title V emissions must be assessed according to existing regulations;
2. each general permit fee in effect on or before the act's passage is double the amount specified in the permit;
3. each certificate of permission fee is double the amount in effect on or before the act's passage;
4. if a general permit does not specify otherwise, the registration fee for a person intending to engage in a regulated activity is (a) \$1,000 (\$500 under prior law) if the person must register with and obtain DEP approval or (b) \$500 (\$250 under prior law) if the person must only register with DEP before the activity is authorized, so long as no general permit fee is greater than \$5,000;
5. unless regulations specify otherwise, the fee for a permit of a regulated activity on aquifer protection area is \$1,000 and the registration fee for that activity is \$500; and
6. the fee for a consolidated general permit issued under multiple environmental protection statutes must be specified in the permit and cannot exceed the total of the sum of the individual general

permit fees, as doubled under the act.

EFFECTIVE DATE: Upon passage, except that (1) unrestricting excess air emission permit operating fee funds is retroactive to April 1, 2003 and (2) the fee increase for resource recovery facility owners and Clean Air Act account use is effective October 1, 2003.

INMATES OUT-OF-STATE (§§ 156-157)

The act authorizes the Department of Correction (DOC) commissioner to enter contracts with government or private vendors to supervise up to an additional 2,000 inmates out-of-state. The act gives DOC this authority for the next two fiscal years (ending June 30, 2005). The 2,000 inmates are in addition to the 500 inmates that the law already authorizes for transfer to out-of-state supervision under a contract with a government or private vendor. This authority is also in addition to the commissioner's powers under the Interstate Corrections Compact.

The act allows DOC to enter a contract, without following competitive bidding or negotiation requirements, with any government vendor who, on August 20, 2003, had a contract with DOC under its authority to send up to 500 inmates out-of-state. DOC had a contract with the Virginia Department of Corrections on that date. The new contract can be for any number of the additional 2,000 inmates that the vendor is willing to accept. If Virginia does not accept additional inmates or does not accept all 2,000 inmates, the act allows the commissioner to enter contracts with any other government or private vendor to supervise all or some of the remaining inmates.

The act requires a vendor under a new contract to agree to the provisions of the Interstate Corrections Compact and any facility that receives inmates under the contract must be in a state that has adopted the Interstate Corrections Compact. This provision already applies to the contract to send 500 inmates out-of-state.

The act authorizes the Office of Policy and Management (OPM) to transfer funds appropriated to DOC in June 30 Special Session, PA 03-1 as needed without the Finance Advisory Committee's prior approval during the two fiscal years for this purpose.

EFFECTIVE DATE: Upon passage

Background—Interstate Corrections Compact

The Interstate Corrections Compact allows correctional agencies to send inmates to other states for incarceration, but it operates on an informal one-for-one basis and a state sending an inmate must be willing to accept one. The compact specifies what a contract between a sending state and a receiving state must cover, including contract duration, inmate employment, payments, and delivery and retaking of inmates. The sending state must have reasonable access to the inmate and receive reports from the receiving state. Treatment must be reasonable and humane. The compact specifies the rights inmates have to hearings, how escapes are handled, and the authority of a receiving state concerning criminal actions regarding an inmate.

ALTERNATIVES TO INCARCERATION ADVISORY COMMITTEE (§§ 158-159)

The act creates the Alternatives to Incarceration Advisory Committee through June 30, 2005. The committee must meet at least quarterly. DOC must provide administrative support.

Membership

The 18-member committee consists of the co-chairmen and ranking members of the Appropriations; Finance, Revenue, and Bonding; and Judiciary committees and the following officials or their designees:

1. DOC commissioner (who serves as the chair),
2. OPM secretary,
3. chief court administrator,
4. chief state's attorney,
5. chief public defender, and
6. Mental Health and Addiction Services commissioner

Duties

Under the act, the committee must advise the DOC commissioner on spending funds appropriated to DOC for prison overcrowding during the next two fiscal years (ending June 30, 2005). The committee must investigate the feasibility and effectiveness of various alternatives to incarceration and make recommendations that include, but are not limited to:

1. expanding the community justice center for women at the Niantic facility;
2. beginning prison-based and off-site community justice centers for the male population;
3. adding probation and parole officers to encourage diversion from incarceration and early release of inmates from incarceration;
4. improving the probation and parole supervision process;
5. expanding and creating drug and community courts;
6. enhancing drug and community treatment slots for prisoners awaiting release;
7. enhancing community mental health services for prisoners awaiting release;
8. expanding the jail diversion program and related services to divert individuals with behavioral health disorders who are accused of non-violent offenses;
9. enhancing community support services for prisoners leaving incarceration, especially the approximately 1,400 inmates awaiting release who lack adequate support mechanisms to succeed in the community;
10. streamlining the parole process to encourage earlier release of prisoners if the DOC commissioner considers it appropriate;
11. developing innovative pilot programs to reduce the incarceration rate and recidivism among offenders under community supervision; and
12. examining DOC's procedures, policies, and classification of inmates.

The act also requires the committee to advise the DOC commissioner and parole board chairman on integrating their agencies (see §§ 160-161).

The act requires the DOC commissioner to implement alternative to incarceration initiatives to reduce the prison population that can include implementing the committee's recommendations, within appropriations available for this purpose. The commissioner must give great weight and deference to ensuring public safety in assessing and implementing initiatives to reduce the prison population.

Reports

The act requires the committee to report its findings and recommendations by February 1 of

2004 and 2005 to the (1) Appropriations; Finance, Revenue, and Bonding; and Judiciary committees; (2) governor; and (3) Prison and Jail Overcrowding Commission. The DOC commissioner must report on initiatives to reduce the prison population, including committee recommendations, that have or are being implemented.

Prison and Jail Overcrowding Commission

The act requires the Prison and Jail Overcrowding Commission (PJOC) to take into account the Alternatives to Incarceration Advisory Committee's findings and recommendations when it develops its plan.

By law, the PJOC must (1) develop and recommend policies to prevent prison overcrowding, (2) examine the impact of statutes and policies on overcrowding and recommend legislation, and (3) annually prepare a plan to prevent overcrowding. The law requires the commission to take into account state plans in mental health and drug and alcohol abuse in developing its plan.

EFFECTIVE DATE: Upon passage

BOARD OF PARDONS AND BOARD OF PAROLE INTO DOC (§§ 160-161)

The act places the Board of Pardons within DOC. Under prior law, the board was an autonomous body in DOC for administrative purposes only. The act does not otherwise change the statutes governing the board's authority or operation.

The act also places the Board of Parole within DOC, eliminates the chairman's role as the executive and administrative head of the board, and gives the DOC commissioner many of the responsibilities of the board's chairman. The act transfers the following duties of the chairman to the DOC commissioner:

1. directing and supervising the board's administrative affairs;
2. preparing the budget and annual operation plan, in consultation with the board;
3. assigning staff to parole panels, regions, and supervision offices (although the chairman continues to have authority and responsibility to assign members to panels);
4. organizing parole hearing calendars;
5. implementing a uniform case filing and processing system;

6. setting policy in all areas of parole including decision making, release criteria, and supervision standards;
7. creating specialized parole units as needed;
8. entering contracts, in consultation with the board, with service providers, community programs, and consultants;
9. creating programs for staff and board member development, training, and education;
10. creating, developing, and maintaining non-institutional, community-based service programs; and
11. signing and issuing subpoenas to compel witnesses to attend and testify at parole hearings.

The act also removes the requirement that the board's two vice-chairmen devote their entire time to their duties with the board. It changes their pay from an amount set by the Department of Administrative Services to a per diem rate of \$110 plus necessary expenses, the rate paid to members other than the chairman.

EFFECTIVE DATE: Upon passage

SEXUAL ASSAULT FORENSIC EXAMINATIONS (§§ 162-163)

By law, the Commission on the Standardization of the Collection of Evidence in Sexual Assault Investigations was supposed to recommend to the chief state's attorney the Connecticut health care facility protocol for collecting evidence from sexual assault victims. The chief state's attorney was supposed to, but did not, adopt the protocol into regulations by July 31, 1997.

The act adopts as the new state protocol the Technical Guidelines for Health Care Response to Victims of Sexual Assault, including the Interim Sexual Assault Toxicology Screen Protocol, as revised from time to time. It requires the chief state's attorney to adopt the protocol in regulations, but does not specify a deadline for this.

By law, health care facilities cannot bill sexual assault victims for direct or indirect costs related to sexual assault forensic examinations. The act further prohibits them from billing these victims for pregnancy tests, tests for sexually transmitted diseases, prophylactic treatment, or toxicology screening performed during these examinations. Health care facilities must bill the Division of Criminal Justice for testing and treatment costs and the Department of Public

Safety's Division of Scientific Services for toxicology screening costs.

EFFECTIVE DATE: Upon passage

DRUG COURTS (§ 164)

The act requires the chief court administrator to establish, within available appropriations, one or more drug courts for hearing criminal or juvenile cases involving drug-dependent defendants who could benefit from placement in a substance abuse program. By law, "drug dependence" means a "psychoactive substance dependence on drugs" as defined in the most recent edition of the American Psychiatric Association's *Diagnostic and Statistical Manual of Mental Disorders*.

The law already allows the administrator to establish these drug courts in all criminal and juvenile courts. But the act removes a special requirement that the courts be available to defendants aged 16 to 21 who could benefit from placement in a substance abuse program.

EFFECTIVE DATE: Upon passage

COST IMPOSED ON INFRACTIONS (§ 165)

The law imposes a cost in addition to a fine for someone who commits an infraction. Effective October 1, 2003, June 30 Special Session, PA 03-1 raised the cost imposed on infractions from \$20 to \$35 for infractions where the fine is (1) set by the Superior Court judges or (2) set by statute at \$35 (the law sets the fine for an infraction at \$35 if the judges do not set the fine).

This act (1) decreases the cost from \$35 to \$20 if judges set the fine below \$35 and (2) increases the cost from \$20 to \$35 for infractions with fines set by statute at more than \$35.

Thus, the act makes infractions that carry fines of at least \$35 subject to a \$35 additional cost and infractions that carry fines of less than \$35 subject to a \$20 additional cost.

EFFECTIVE DATE: October 1, 2003

CIVIL PREPAREDNESS FORCES (§§ 166-167)

The act defines "civil preparedness forces" to include certain units and their members engaged in authorized civil preparedness duties or assisting or engaging in authorized training. Under these circumstances, it gives the members of the units the same workers' compensation benefits and immunity from liability for death, injury, or property damage that existing law

gives to members of civil preparedness forces and authorized people complying or attempting to comply with civil preparedness laws. The entities are the Connecticut Disaster Medical Assistance Team and Medical Corps, under the Public Health Department; Connecticut Urban Search and Rescue Team, under the Department of Public Safety; and the Connecticut Behavioral Health Regional Crisis Response teams, under the departments of Mental Health and Addiction Services and Children and Families.

The act requires the Office of Emergency Management to prepare and submit a state emergency preparedness plan to the legislature by January 1, 2004. The plan must identify responses for national, regional, and statewide emergencies. (Under existing law, which this act does not change, the office is already required to prepare a state emergency management plan and submit it to the governor.)

By law, auxiliary police and fire department members and members of other civil preparedness forces killed or injured while training for or on emergency management duty are eligible for workers' compensation benefits. State and municipal employees killed or injured under these circumstances are considered to have been acting within the scope of their employment.

EFFECTIVE DATE: Upon passage

EMERGENCY PERSONNEL AUTHORITY TO USE NERVE AGENT ANTIDOTE (§ 168)

The act allows fire fighters, police officers, and emergency medical service personnel who successfully complete training in the use of automatic prefilled cartridge injectors to carry and use injectors containing nerve agent antidote medications for self or unit preservation in case of exposure to any nerve agent. The training must be approved by the Office of Emergency Management director and provided by the Connecticut Fire Academy, Capitol Region Metropolitan Medical Response System, or federal government.

EFFECTIVE DATE: Upon passage

POLICE ACCREDITATION AND SPECIAL POLICE OFFICERS (§ 169)

The act expands the powers of the Police Officer Standards and Training Council by allowing it to (1) develop, adopt, and revise comprehensive accreditation standards for the administration and management of law

enforcement units; (2) grant accreditation to those law enforcement units that comply with the standards; and (3) at the request and expense of any law enforcement unit, conduct any surveys necessary to determine compliance.

The act also allows the council to appoint any "council training instructor" or other person to act as a special police officer throughout the state as the appointee's duties may require. The appointee must be a sworn and certified police officer. He may arrest for any offense committed in his precinct and present the person before a competent authority.

EFFECTIVE DATE: October 1, 2003

POLICE CHIEF REEMPLOYMENT (§ 170)

By law, police officers subject to the Police Officer Standards and Training Council's authority must be initially certified by the council and must be recertified if their certificate lapses. The act exempts from recertification, but not the ban on working as a police officer during any period that a certificate is cancelled or revoked, any municipal police chief (1) who served as a police officer in Connecticut for at least 25 years, (2) who served as a deputy chief in Connecticut, and (3) whose certificate lapsed while he was serving as a police chief in a contiguous state between July 1, 1997 and April 1, 2000.

By law, a certificate lapses if the officer is not employed by a law enforcement unit in Connecticut for more than two years, unless he is on a leave of absence. To be recertified, the applicant must meet the council's entry-level certification requirements and complete a council-approved police basic training program (Conn. Agency Reg. § 7-294e-2). The regulations allow a waiver of the mandatory training in "unusual cases." Historically, waivers have been granted on a case-by-case basis.

EFFECTIVE DATE: Upon passage

REIMBURSEMENT FOR FEDERAL BASE RELOCATION COMMISSION MEETINGS (§ 172)

The act allows the OPM secretary, within available appropriations, to reimburse state residents who are official state advocates before any federal base relocation closure commission for reasonable expenses they incur for travel to commission meetings.

EFFECTIVE DATE: Upon passage

STATE GAMBLING STUDY (§ 173)

The act requires the Division of Special Revenue to conduct its statutorily required gambling impact studies at minimum 10-year, instead of minimum seven-year, intervals, thus potentially reducing the frequency of the studies. By law, the division can conduct the studies more frequently if it thinks it necessary. The studies must look at existing legalized gambling in the state and the desirability of changing or maintaining current levels. The last study was in 1997 and cost \$ 288,846.

EFFECTIVE DATE: Upon passage

STATE POLICE PERSONNEL (§ 174)

The act suspends, until January 1, 2006, the requirement for the State Police to maintain a minimum of 1,248 sworn police officers.

EFFECTIVE DATE: Upon passage

MERGER OF NON-STOCK CORPORATIONS (§ 175)

The act reinstates a provision inadvertently repealed by PA 03-18, by authorizing one or more foreign corporations to merge with one or more domestic corporations. (A foreign corporation is organized under the laws of a jurisdiction other than Connecticut; a domestic corporation is organized under Connecticut law.)

These corporations may merge only if:

1. the merger is permitted by the law of the jurisdiction under whose laws each foreign corporation is organized and each foreign corporation complies with that law when engaging in the merger;
2. the foreign corporation complies with Connecticut's law regarding merger certificates if it is the surviving corporation; and
3. each domestic corporation complies with Connecticut's law regarding merger plans, and if it is the surviving corporation, with Connecticut's merger certificate law.

Under the act, when the merger takes effect, a surviving foreign corporation is deemed to appoint the secretary of the state as agent for service of process in a proceeding to enforce any rights or duties of members of each domestic corporation that merged with it.

EFFECTIVE DATE: Upon passage

CLIENT SECURITY FUND (§ 176)

The act authorizes the Superior Court to establish an attorney assistance program funded by part of the annual fees Connecticut attorneys pay to the Client Security Fund. (Superior Court judges establish these fees, which currently are \$75 per year.) Prior law only allowed use of the fund to reimburse claims for losses incurred in the course of an attorney-client relationship as a result of the attorney's dishonest conduct. The act authorizes the fund to also provide funding for crisis intervention and referral assistance to licensed Connecticut attorneys who (1) suffer from alcohol or other substance abuse problems or gambling problems or (2) have behavioral health problems. Superior Court judges must adopt rules for the program.

The act requires that the crisis intervention and referral assistance be provided with the assistance of an advisory committee the chief court administrator appoints. The committee must include one or more behavioral health professionals. The act specifies that the intervention and assistance does not constitute the practice of medicine or mental health care.

The act exempts from the payment of the annual fee any attorney: (1) whose name has been removed from the roll of attorneys maintained by the clerk of the Superior Court for the judicial district of Hartford; (2) who has retired from the practice of law, if he files written notice of retirement with the clerk of the Superior Court for the judicial district of Hartford; or (3) who served on active duty with the armed forces of the United States for more than six months in such year. It requires attorneys to pay half the fee if they do not engage in the practice of law as an occupation and receive less than \$450 in legal fees or other compensation for services involving the practice of law during the calendar year.

EFFECTIVE DATE: Upon passage

TECHNICAL CHANGE (§ 177)

The act makes a technical change to the pretrial alcohol education system statute to restore language from May 9, 2002 Special Session, PA 02-1, § 117.

EFFECTIVE DATE: October 1, 2003

VALIDATION OF CERTAIN MARRIAGES (§ 178)

The act validates any marriage celebrated during November 2000 if the marriage was otherwise valid except that:

1. it was not solemnized according to the forms and usages of a religious denomination in the state and
2. the person conducting the ceremony represented himself as a clergyman, priest, minister, rabbi, or practitioner of a religious denomination accredited by the religious body he belongs to and the people joined in marriage reasonably relied on the representation.

EFFECTIVE DATE: Upon passage

TESTING RACING DOGS (§§ 179-180)

The act allows the Division of Special Revenue's (DSR) executive director to order random collection of urine specimens from racing dogs for testing after a race or during a meet conducted by an authorized DSR licensee. Prior law required him to order collection within available appropriations, but it did not specify whether the tests should be random or scheduled. The act also allows him to increase test frequency at one or more tracks for a set period of time, if he determines that the integrity of dog racing may be compromised.

The act requires the executive director to (1) determine the laboratory responsible for conducting the tests, (2) set a fee for the tests based on their actual cost, and to (3) determine the basis on which the fee is paid. Each licensee must pay its fees directly to the laboratory.

The act requires the executive director to adopt regulations to implement the provisions. He may implement necessary policies and procedures to carry out the provisions while in the process of adopting regulations, provided he prints notice of his intent to do so in the *Connecticut Law Journal* within 20 days after adopting the policies and procedures, which remain valid until final regulations take effect.

The act also eliminates requirements for (1) the executive director to transfer dog urine specimens to the University of Connecticut microchemistry laboratory for testing, (2) the laboratory to conduct tests within available appropriations, and (3) state auditors to audit the laboratory's accounts and make a separate report of their findings.

The act also makes technical changes.

EFFECTIVE DATE: Upon passage

DISH ANTENNA TECHNICIAN LICENSE (§§ 181-182)

The act eliminates the need for dish antenna installers to complete an apprenticeship program established and approved by the Labor Department with the Connecticut State Apprenticeship Council's advice. It instead authorizes the Department of Consumer Protection (DCP) to issue a limited technician license or limited dealer technician license to applicants who successfully complete a training program established and approved by the Labor Department's state apprentice training division. As under prior law, they also must pass an exam DCP has approved or administered.

The act requires that the content and duration of the training and experience program be relevant to the employee's duties and approved by the division biennially. The division must consider the specialization of the company's employees, the employees' previous training, the company's service record, its experience in training employees, the work performed by the company, and the company's quality assurance measures. The training and experience program apparently applies only to dish antenna installers. By law, the DCP commissioner may issue limited licenses to other electronics technicians who demonstrate their competence but have insufficient training and experiences to service all types of receiving equipment.

EFFECTIVE DATE: October 1, 2003

GRANTS TO MUNICIPALITIES FOR FOREGONE PROPERTY TAX REVENUES (§§ 183-184)

The act requires that state grants to municipalities to offset property exemptions (1) for newly acquired manufacturing equipment and commercial motor vehicles and (2) under the circuit breaker program, be reduced proportionately if the total amount of such grants exceeds the amount appropriated for these purposes.

EFFECTIVE DATE: Upon passage, and applicable to assessment years starting on or after October 1, 2002.

NEIGHBORHOOD YOUTH GRANTS (§ 185)

The act suspends the Neighborhood Youth Grant Program during FYs 2003-04 and 2004-

05. The program provides funds on a competitive basis to municipal, school, and nonprofit agencies in Bridgeport, Hartford, New Haven, New Britain, Norwalk, Stamford, and Waterbury for neighborhood youth centers serving children ages 12 to 17.

EFFECTIVE DATE: Upon passage

NEIGHBORHOOD YOUTH CENTER GRANT PROGRAM (§ 186)

The act waives, for FYs 2003-04 and 2004-05, the requirement that OPM solicit competitive proposals under the neighborhood youth center grant program.

EFFECTIVE DATE: Upon passage

PAYMENT FOR BRANFORD HOSPICE (§ 187)

The act entitles Branford to \$100,000 annually to offset the property tax revenue lost due to the tax-exempt status of Connecticut Hospice. The funding must come from the annual General Fund appropriation for reimbursement to towns for loss of taxes on private tax-exempt property. The town does not have to file the property's assessed value with OPM, as the law requires for towns seeking reimbursement for lost tax revenues from hospitals and colleges.

EFFECTIVE DATE: Upon passage

COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES (§§ 189-195)

The act eliminates the Commission on Human Rights and Opportunities' (CHRO) power and duty to employ a commission counsel who is exempt from the State Personnel Act. Instead, it gives CHRO the power and duty to employ legal staff that would be covered by the personnel act.

It eliminates the CHRO counsel's (1) duty to represent CHRO in any proceeding where any state agency or state office is an adversary party and (2) authority to represent CHRO in any other matter that CHRO and the attorney general jointly prescribe. Instead, it requires CHRO's executive director to assign a CHRO attorney to do so. The act makes several other conforming changes.

The act requires that each CHRO legal counsel be licensed to practice law in Connecticut and report to the executive director on a day-to-day basis.

EFFECTIVE DATE: Upon passage

BANKING DEPARTMENT (§ 196)

The act requires the comptroller, at the OPM secretary's request, to transfer up to \$3.6 million from the Banking Fund to the Department of Banking's (DOB) Other Expenses account to pay for the department's relocation expenses and furniture costs during FYs 2002-03 and 2003-04. It authorizes the banking commissioner to reimburse the Department of Public Works (DPW) from the Other Expenses account for amounts DPW paid for DOB's relocation expenses, furniture costs, and rent during FYs 2002-03 and 2003-04.

EFFECTIVE DATE: Upon passage

HOME HEALTH SERVICES FEE SCHEDULE AND PSYCHIATRIC NURSE VISITS (§ 197-198)

PA 03-2, § 8, which this act modifies, requires the DSS schedule of fees for various home health services in its medical assistance programs to include a fee for a nurse's home visit solely to administer medications. It allows such medication administration to include blood pressure checks, glucometer readings, pulse rate checks, and similar health status indicators. The act requires the fee to include administration of medications while the nurse is present, pre-pouring additional doses for the client to self-administer at a later time, and teaching self-administration. The act prohibits DSS from paying for medication administration when other nursing services are provided at the same visit. It allows DSS to establish prior authorization requirements for this service. It requires the DSS commissioner, before implementing the fee change, to consult with the chairmen of the Public Health and Human Services committees.

This act:

1. specifies that the home health services fee schedule established under PA 03-2's provisions for nurse medication administration visits must include rates for psychiatric nurse visits;
2. requires nurse medication administration visit rates to be established after the DSS commissioner consults with the chairmen of the Appropriations Committee;
3. requires the commissioner to submit the rates to the chairmen for their review and comment by December 15, 2003;

and

4. requires that the rates take effect by January 1, 2004.

EFFECTIVE DATE: Upon passage

TRANSFER OF DECD FUNDS (§ 199)

The act takes a portion of the funds appropriated in the budget act (PA 03-1, June 30 Special Session) to the Department of Economic and Community Development (DECD) for the Subsidized Assisted Living Demonstration (SALD) account and transfers it to the Housing Assistance and Counseling account in FYs 2003-04 and 2004-05. It transfers (1) \$140,986 from a total SALD appropriation of \$970,300 in FY 2003-04 and (2) \$160,000 from a total SALD appropriation of \$2,014,300 in FY 2004-05.

EFFECTIVE DATE: Upon passage

HIGHER EDUCATION GRADUATE ASSISTANTS (§§ 200-201)

The act eliminates state employee health insurance coverage for graduate assistants at the University of Connecticut and the Connecticut State University system. The budget provided a lump sum amount that is now being used to establish a separate health insurance program for state graduate assistants.

EFFECTIVE DATE: Upon passage

ERIP CONTRIBUTION TO EMPLOYEE RETIREMENT FUND (§ 202)

The act requires that the state's contribution to the state employee retirement fund for FYs 2004 and 2005 match the state Retirement Commission's revised certified estimate that accounts for the Early Retirement Incentive Program (ERIP) created by PA 03-2. This means the state must increase payments to the retirement fund for that period to cover the additional retirement credit given to the approximately 4,650 employees who took early retirement, but it exempts the payment increase from the statutory requirement that it be of an equal monthly amount throughout the period.

EFFECTIVE DATE: Upon passage

HOSPICE AUTHORIZATION (§ 204)

The act permanently authorizes a state-licensed or Medicare-certified hospice to operate a residence for terminally ill people; under prior law this authority was scheduled to terminate on

October 1, 2006.

EFFECTIVE DATE: Upon passage

CHILDREN'S HOSPICE (§ 205)

The act extends, from September 30, 2003 to September 30, 2005, the authority of Sunshine House, Inc. to establish a pilot program to create a comfort center for children with a limited life expectancy and their families.

EFFECTIVE DATE: July 1, 2003

EARLY RETIREMENT EMPLOYEE REFILL FORMULA (§ 206)

The act revises the ERIP employee refill formula established by PA 03-2 by eliminating the requirement that (1) at least 70% of the refills be in positions classified as essential and (2) not more than 30% be in positions classified as non-essential. The act does not change the overall 80% refill rate for FYs 2004 and 2005 for approximately 4,650 employees who took early retirement.

EFFECTIVE DATE: Upon passage

PLAN TO LICENSE STATE-OWNED OUTDOOR ADVERTISING LOCATIONS (§ 207)

The act requires the OPM secretary to develop a plan to license existing state-owned outdoor advertising locations. He must do this in cooperation with the Department of Transportation (DOT) and other state agencies that own rights to outdoor advertising locations. The plan must provide that at least 75% of the increased revenues be used for the Transportation Strategy Board's project expenditures. The secretary must submit the plan to the General Assembly by January 1, 2004.

The act transfers \$40,000 carried over for the Transportation Strategy Board to OPM for these purposes.

EFFECTIVE DATE: Upon passage

DPH APPROPRIATIONS (§ 208)

The act appropriates \$7.1 million to DPH in both FYs 2003-04 and 2004-05 for immunization services.

EFFECTIVE DATE: Upon passage

DSS AND DCF FUNDS TRANSFERS (§ 209)

The act transfers \$200 million, which had been appropriated to DSS for FY 2004-05 for Behavioral Health Partnership, to the DSS appropriation for Medicaid for that fiscal year.

It transfers \$92,100,551, which had been appropriated to DCF for FY 2004-05 for Behavioral Health Partnership to other DCF appropriations for that fiscal year as follows:

Short Term Residential Treatment	\$457,462
Day Treatment Centers for Children	\$3,719,099
Substance Abuse Treatment	\$1,128,786
Child Welfare Support Services	\$68,020
Board and Care for Children-Residential	\$82,534,026
Individualized Family Supports	\$337,041
Community KidCare	\$3,856,117

It also reduces the amount appropriated to DSS for Payments to Other than Local Governments for Human Resource Development by \$2,641,956 for FYs 2003-04 and 2004-05 and appropriates that same amount to DSS for a new Human Service Infrastructure Community Action Program account.

EFFECTIVE DATE: Upon passage

TOURISM (§§ 210-239, 241, 243)

The act eliminates the Arts, Historical, and Film commissions; the Tourism Council and Tourism Office; and the Film Office, and replaces them with a new commission that incorporates most of their statutory purposes, duties, and responsibilities. In doing so, the act requires the new commission to perform specific planning, budgeting, financing, and managing functions.

The act also eliminates the 11 regional tourism districts, replaces them with five larger districts, and requires the commission to review and approve their annual budgets.

For FYs 2003-04 and 2004-05 only, the act earmarks \$20 million in lodging tax receipts to fund the commission and supplements this amount in FY 2003-04 with a \$4.48 million appropriation. It creates a separate, nonlapsing General Fund account to receive and disburse the funds from this stream and other revenue sources.

The commission must allocate specific amounts to the tourism districts and other organizations and projects the act names out of the funds it receives in FY 2003-04. The act makes no similar provisions for the subsequent

fiscal years. Starting in FY 2005-06, the commission itself must request general fund appropriations in the same manner as other state agencies.

The act subjects the commission to periodic audits by the Auditors of Public Accounts and requires the new tourism districts, like the former ones, to provide for an annual audit by an independent auditor.

Connecticut Commission on Arts, Tourism, Culture, History, and Film

The act establishes this 29-member commission and charges it with largely the same missions that were assigned to the former Arts, Historical, and Film commissions; the Tourism Council and the Tourism Office; and the Film Office. The act eliminates these organizations, designates the commission as their successor, and makes many conforming technical changes.

The act requires the Connecticut Humanities Council and the Connecticut Trust for Historic Preservation, two nonprofit entities, to operate in conjunction with the commission for strategic planning and financial reporting purposes.

Commission Governance

Membership. The commission consists of 24 voting and five nonvoting ex-officio members. As Table 2 shows, the governor and legislative leaders appoint the voting members based on the act’s criteria. The appointed members’ terms are coterminous with those of their respective appointing authorities. The act bans members of the tourism district boards of directors from serving on the commission.

Table 2: Connecticut Commission on Arts, Tourism, Culture, History and Film’s Membership

Appointing Authority	Total Appointments	Appointment Requirements	Voting Member
Governor	8	• Arts representative	Yes
		• Tourism representative at large	Yes
		• History or humanities representative	Yes
		• History or humanities representative	Yes
		• History or humanities representative	Yes
		• Film representative	Yes
		• At large	Yes
		• At large	Yes
House Speaker	3	• Arts representative	Yes
		• Tourism representative from the Southwestern Tourism District	Yes
		• History or humanities	Yes

		representative	
Senate Pres. Pro Tempore	3	<ul style="list-style-type: none"> • Arts representative • Tourism representative from the Central Tourism District • History or humanities representative 	Yes Yes Yes
House Majority Leader	2	<ul style="list-style-type: none"> • Arts representative • Tourism representative from the South Central Tourism District 	Yes Yes
Senate Majority Leader	2	<ul style="list-style-type: none"> • Arts representative • Tourism representative from the Eastern Tourism District 	Yes Yes
House Minority Leader	3	<ul style="list-style-type: none"> • Arts representative • Tourism representative at large • History or humanities representative 	Yes Yes Yes
Senate Minority Leader	3	<ul style="list-style-type: none"> • Arts representative • Tourism representative from the Northwestern Tourism District • History or humanities representative 	Yes Yes Yes
Statutory, ex officio	5	<ul style="list-style-type: none"> • State Poet Laureate • State Archeologist • State Historian • CT Trust for Historic Preservation exec. director • CT Humanities Council exec. director 	No No No No No

Officers. The voting commissioners must annually elect from among themselves a chairperson, vice-chairperson, and other officers. All commissioners may be reimbursed only for the necessary expenses they incur while performing their duties. They must establish bylaws to govern themselves and must meet quarterly and at other times when the chairperson thinks it is necessary or upon the request of a majority of the commissioners.

Voting Requirement. The commission needs 13 voting members to have a quorum, and a majority of those present at a meeting is needed for the commission to act. Vacancies do not prevent the commission from acting, which it may do by resolutions adopted at regular or special meetings.

Executive Director. The governor appoints the commission’s executive director, subject to approval by the General Assembly, who must run the commission under the commissioners’ supervision. The act specifies his duties and responsibilities.

Commission’s General Duties and Functions

Table 3 shows the planning, financing, and management functions the commission must

perform.

Table 3: Commission's Planning, Financing, and Management Duties

<i>Planning</i>	<i>Budgeting</i>	<i>Management</i>
<ul style="list-style-type: none"> By January 1, 2005 and biennially thereafter, prepare a strategic plan to show how it will promote arts, tourism, and filming; preserve historic resources; and interpret the state's history and culture 	<ul style="list-style-type: none"> Starting in FY 2005-06, annually submit a biennial budget to the legislature and OPM for the following fiscal year and an analysis of the prior year's expenditures Establish uniform financial reporting systems for the tourism districts for preparing the commission's annual budget 	<ul style="list-style-type: none"> Integrate funding and programs whenever possible Review Humanities Council's proposals for bond funds and make recommendations to the Finance Committee

supervisors and assistant supervisors to manage various centers, except for those in Windsor Locks and at Bradley Airport. But it also drops the provision that conditioned this responsibility for centers in Danbury, Darien, North Stonington, and West Willington on whether funds were available for this purpose.

The act eliminates DOT's responsibility to maintain the visitor centers it owns and provide housekeeping services at others. It requires revenues the centers generate from the electronic information systems and no-cost lodging reservation services they are required to have be deposited in the General Fund. Under prior law, they were deposited in a tourism account.

Commission's Tourism Related Duties

The act requires the commission to:

1. develop, annually update, and implement a strategic plan to market Connecticut nationally and internationally as a tourist destination;
2. develop a strategic plan for new tourism products and attractions;
3. provide marketing and other assistance to the tourism industry;
4. ensure cooperation among regional tourism districts (as discussed below, the commission must help the new districts establish themselves and review and approve their budgets);
5. maintain, operate, and manage visitor welcome centers;
6. develop and administer a challenge grant program to encourage innovation and job development, provide incentives for coordinated activities consistent with its strategic marketing plan, and stimulate private tourism promotion funding; and
7. assist towns affected by local tourist attractions or those in nearby towns, subject to available funds.

Commission's Visitors Welcome Center Duties

The act requires the commission to operate and maintain the visitors welcome centers, a responsibility that the DECD Tourism Office previously shared with the Department of Transportation (DOT). In doing so, it makes several changes to that responsibility and eliminates several obsolete requirements.

The act transfers to the commission the responsibility to hire full- and seasonal part-time

Commission's Arts Related Duties

The act shifts to the commission the former Connecticut Commission on the Arts' powers and duties for promoting the arts. These include providing grants and loans to individuals, organizations, and institutions; administering a state art collection; contracting for services; and accepting funds and holding property. The act requires the new commission to deposit any state, federal, or private funds it receives for its activities in the account the act creates. Under prior law, these funds went into the General Fund.

Commission's Historical Preservation Related Duties

The act shifts to the commission, and in some cases specifically to the Historic Preservation Council within the commission, most of the former Connecticut Historical Commission's powers and duties, including operating several historic sites; administering the state and national register of historic places and historic home rehabilitation tax credit programs; maintaining historical, architectural, and archaeological research and development programs; working with state and local officials for a variety of purposes; reviewing and deciding on requests by historic property owners for rehabilitation work on sacred or archaeological sites where the commission holds a preservation easement; requesting the attorney general's assistance to prevent unreasonable destruction of historic properties; placing and maintaining historic markers, memorials, or monuments; and preparing model ballots property owners in a proposed local historic district can use when voting to create the district.

In shifting these responsibilities, the act broadens the range of events the commission can commemorate with the plaques it places to mark the Freedom Trail. Under prior law, the plaques could only commemorate sites of the Underground Railroad. Under the act, they can also commemorate other sites related to minority history. The act shifts from DECD to the commission the responsibility for publicizing the state's Freedom Trail and eliminates the requirement to give DECD data needed to publicize state historic structures and landmarks.

Commission's Historic Preservation Council

The act also creates a 12-member Historic Preservation Council within the commission to advise it about historic preservation matters. The council's appointment, composition, and terms and conditions of office are mostly the same as those of the former Connecticut Historical Commission. As with the former commission, the governor appoints all the members, one of whom must be the State Historian. But the act also requires him to appoint the State Archaeologist. The council must meet monthly.

The act authorizes the council to ask the attorney general for help concerning historic preservation matters. It also authorizes the Connecticut Trust for Historic Preservation to provide technical assistance to the council.

Commission's Film Related Duties

The act shifts the duties of DECD's former Film, Video, and Media Office to the commission, but eliminates those:

1. authorizing the creation of advisory councils;
2. requiring the executive director to report annually on the office's activities and the effects of film, video, audio, and other media production on the state's economy; and
3. requiring DECD to provide staff and resources to support the film office and commission.

Nonlapsing General Fund Commission Account

The act creates a separate, nonlapsing Connecticut Commission on Arts, Tourism, Culture, History, and Film account in the General Fund to deposit the funds dedicated to it from the funding stream the act establishes.

Funding Sources and Required Allocations

The act requires the revenue services commissioner to segregate \$20 million in lodgings tax revenue in FYs 2003-04 and 2004-05 to fund the commission and provides an additional \$4.48 million in FY 2003-04 for this purpose. Prior law required the commissioner to segregate and distribute the lodgings tax revenue to the districts and other entities based on a statutory formula.

The act specifies the amounts the commission must allocate in FY 2003-04 to the districts and several other specified organizations and projects. Table 4 shows organizations and projects the commission must fund and the amounts (it must use the remainder to cover its administrative, operating, and personnel costs).

Table 4: Specific Allocation of Lodgings Tax Revenue for FY 2003-04

<i>Agency or Activity</i>	<i>Amount</i>
Greater Hartford Arts Council	\$150,000
New Haven Coliseum Authority	630,000
Stamford Center for the Arts	1,710,000
Stepping Stone Child Museum (Norwalk)	50,000
Maritime Center Authority (Norwalk)	675,000
Cultural Resources Grants	2,250,000
State Historic Preservation Programs and four state museums (unspecified)	1,100,000
Eastern Regional Tourism District <ul style="list-style-type: none"> • Tourism Promotion • Other Tourism Promotion • Quinnebaug-Schetucket Heritage Area Promotion 	950,000 120,000 120,000
Central Regional Tourism District <ul style="list-style-type: none"> • Tourism Promotion 	950,000 120,000
Northwestern Regional Tourism District <ul style="list-style-type: none"> • District-wide Tourism Promotion • Litchfield Hills Area Tourism Promotion 	950,000 120,000
South Central Regional Tourism District	950,000
Southwestern Regional Tourism District	950,000
Humanities Council	1,000,000
Historical Resources Inventory	30,000
Amistad Committee for the Freedom Trail	50,000
Amistad Vessel	100,000
New Haven Festival of Arts and Ideas	1,260,000
New Haven Arts Council	150,000
Waterbury Palace Theater, for the Palace Theater Group, Inc.	900,000
Beardsley Zoo	410,000
Mark Twain House	62,500
Harriet Beecher Stowe House	62,500
Film projects and related activities	360,000

The act authorizes the OPM secretary to adjust commission allocations to account for intercept allocations and spending already made for the commission's predecessor agencies in FY 2003-04. The act ensures that overall

commission funding will not be less than the total allocated.

Regional Tourism Districts Delineated

The act establishes five regional tourism districts, defines the towns that comprise them (see Table 5), specifies their purpose, frames their governance structure, and outlines their financial responsibilities.

Table 5: Tourism District Consolidation

New Districts and Member Towns	Old Districts and Member Towns
<p><i>Eastern Region:</i> Ashford, Bozrah, Brooklyn, Canterbury, Chaplin, Colchester, Columbia, Coventry, East Lyme, Eastford, Franklin, Griswold, Groton, Hampton, Killingly, Lebanon, Ledyard, Lisbon, Lyme, Mansfield, Montville, New London, North Stonington, Norwich, Old Lyme, Plainfield, Pomfret, Preston, Putnam, Salem, Scotland, Sprague, Sterling, Stonington, Thompson, Union, Voluntown, Waterford, Willington, Windham, and Woodstock</p>	<p><i>Southeastern Connecticut:</i> Bozrah, Colchester, East Lyme, Franklin, Griswold, Groton, Ledyard, Lisbon, Lyme, Montville, New London, Norwich, North Stonington, Old Lyme, Preston, Salem, Sprague, Stonington, Voluntown, and Waterford</p> <p><i>Northeast Connecticut:</i> Ashford, Brooklyn, Canterbury, Chaplin, Columbia, Coventry, Eastford, Hampton, Killingly, Lebanon, Mansfield, Plainfield, Pomfret, Putnam, Scotland, Sterling Thompson, Union, Willington, Woodstock, and Windham</p>
<p><i>Central Regional District:</i> Andover, Avon, Berlin, Bloomfield, Bolton, Canton, Chester, Cromwell, Deep River, East Granby, East Haddam, East Hampton, East Hartford, East Windsor, Ellington, Enfield, Essex, Farmington, Glastonbury, Granby, Haddam, Hartford, Hebron, Manchester, Marlborough, Meriden, Middletown, New Britain, Newington, Old Saybrook, Plainville, Portland, Rocky Hill, Somers, South Windsor, Southington, Simsbury, Stafford, Suffield, Tolland, Vernon, Windsor Locks, West Hartford, Westbrook, Wethersfield, and Windsor</p>	<p><i>Greater Hartford:</i> Andover, Avon, Bolton, Canton, East Hartford, Ellington, Farmington, Glastonbury, Hartford, Hebron, Manchester, Marlborough, Newington, Rocky Hill, Simsbury, South Windsor, Tolland, Vernon, West Hartford, and Wethersfield</p> <p><i>Tobacco Valley:</i> Bloomfield, East Granby, East Windsor, Enfield, Granby, Somers, Stafford, Suffield, Windsor, and Windsor Locks</p> <p><i>Central Connecticut:</i> Berlin, New Britain, Plainville, and Southington</p>
<p><i>Northwestern Regional District:</i> Ansonia, Barkhamsted, Beacon Falls, Bethel, Bethlehem, Bridgewater, Bristol, Brookfield, Burlington, Canaan, Colebrook, Cornwall, Danbury, Derby, Goshen, Hartland, Harwinton, Kent, Litchfield, Middlebury, Morris, Naugatuck, New Fairfield, New Hartford, New Milford, Newtown, Norfolk, North Canaan, Oxford, Plymouth, Prospect, Redding, Ridgefield, Roxbury, Salisbury, Seymour, Sharon, Sherman, Southbury, Thomaston, Torrington, Warren, Washington, Waterbury, Watertown, Winchester, Wolcott, and Woodbury</p>	<p><i>Greater New Haven:</i> Ansonia, Derby, and Prospect</p> <p><i>Litchfield Hills:</i> Barkhamsted, Bethlehem, Bristol, Canaan, Colebrook, Cornwall, Goshen, Harwinton, Hartland, Kent, Litchfield, Morris, New Hartford, New Milford, Norfolk, North Canaan, Plymouth, Roxbury, Salisbury, Sharon, Southbury, Torrington, Warren, Washington, Winchester, and Woodbury</p> <p><i>Greater Waterbury:</i> Beacon Falls, Middlebury, Naugatuck, Oxford, Seymour, Thomaston, Waterbury, Watertown, and Wolcott</p> <p><i>Housatonic Valley:</i> Bethel, Bridgewater, Brookfield, Danbury, New Fairfield, Newtown, Redding, Ridgefield, and Sherman</p> <p><i>Greater Hartford:</i></p>

<p><i>South Central Regional District:</i> Bethany, Branford, Cheshire, Clinton, Durham, East Haven, Guilford, Hamden, Killingworth, Madison, Middlefield, Milford, Orange, New Haven, North Branford, North Haven, Wallingford, West Haven, and Woodbridge</p>	<p>Burlington</p> <p><i>Greater New Haven:</i> Bethany, East Haven, Hamden, Milford, New Haven, North Branford, North Haven, Orange, West Haven, and Woodbridge</p> <p><i>Connecticut Valley:</i> Branford, Chester, Clinton, Cromwell, Deep River, Durham, East Haddam, East Hampton, Essex, Guilford, Haddam, Killingworth, Madison, Meriden, Middlefield, Middletown, Old Saybrook, Portland, Wallingford, and Westbrook</p> <p><i>Central Connecticut:</i> Cheshire</p>
<p><i>Southwestern Regional District:</i> Bridgeport, Darien, Easton, Fairfield, Greenwich, New Canaan, Monroe, Norwalk, Shelton, Stamford, Stratford, Trumbull, Weston, Westport, and Wilton</p>	<p><i>Greater Fairfield:</i> Bridgeport, Darien, Easton, Fairfield, Greenwich, Monroe, New Canaan, Norwalk, Stamford, Stratford, Weston, Westport, and Wilton</p> <p><i>Greater New Haven:</i> Shelton and Trumbull</p>

District Governance. The act requires each district to be overseen by a board of directors consisting of one representative of each municipality in the district and up to 21 additional members representing tourism interests within it. The municipal representatives are appointed by the legislative body of the town (the board of selectmen, where the town meeting is the legislative body) and serve three-year terms. These members appoint the tourism industry representatives. All appointments must be reported to the commission’s executive director. District board members are not state employees.

The commission has until October 1, 2003 to help each district establish a committee of its municipal board members to draft the district’s charter and bylaws and organize its initial board meeting, which must be held no later than October 15, 2003.

The districts must comply with the Freedom of Information laws.

District Budgeting

Beginning in FY 2004-05, each district must prepare and approve a proposed budget for the next fiscal year and submit it to the commission for review and approval by June 1. The commission must complete its review of the budgets, in consultation with the tourism districts, by June 30. If the commission disapproves a budget, it must adopt an interim budget for the new fiscal year, which remains in effect until the commission approves a revised

final budget. Each district must submit its final budget, which must include any changes the commission recommends, to the Appropriations; Finance, Revenue and Bonding; and Commerce committees and OPM by September 15. A district cannot spend funds unless the commission approved its budget or adopted an interim budget.

The districts and the commission must follow these same steps with respect to the districts' FY 2003-2004 budgets, but the dates for submitting and approving them are different. They must prepare and submit their proposed budgets to the commission by October 1, 2003; the commission must act on them by October 10; and the districts must submit the approved or interim budget to OPM and the legislature by November 1.

The districts cannot spend more than 20% of the funds the act allocates to them for administrative costs. The executive director, with the commission's approval, must set guidelines concerning these costs.

District Financial Responsibilities. Each district must (1) comply with uniform accounting and expenditure reporting standards based on those developed by the International Association of Convention and Visitor Bureaus or other tourism organizations and (2) annually submit an independent audit to the commission, OPM, and the Office of Fiscal Analysis. They must solicit and accept private funds and coordinate their activities with nonprofit tourism promotion entities in the district and elsewhere. Any funds a district receives must be deposited in the account the act creates or one the district creates.

Retirement For Tourism District Employees

Under prior law, tourism district employees could participate in the Municipal Employees Retirement System if the district's board of directors voted to do so. The act extends this option to employees of the consolidated regional districts.

Tax-Related Provisions

The act extends to the new regional tourism districts several tax law provisions that applied to the former districts. These are (1) a sales tax exemption on goods and services districts purchase and (2) the revenue services commissioner's authority to disclose to districts the names and addresses of hotel and other

lodging operators who pay the room occupancy tax.

EFFECTIVE DATE: Upon passage

ANIMALS (§ 242)

By law, no person can import or introduce into the state, possess, or liberate in the state any live fish, wild bird, wild quadruped, reptile, or amphibian without a DEP permit. As of October 1, 2003, PA 03-192 expands the law to include invertebrates and all mammals, thereby including such animals as bats and primates (monkeys, apes, and lemurs). This act exempts from the permit requirement any of these animals, including any of those by law required to be permitted, that were imported or introduced into the state or possessed or liberated in the state before October 1, 2003.

EFFECTIVE DATE: October 1, 2003

TRANSFER OF FUNDS (§ 243)

The act gives the OPM secretary authority to transfer \$4.78 million that was previously appropriated for use in FY 2002-03 to be used in FY 2003-04 as follows:

Commission on Arts, Tourism, Culture, History and Film account	\$4,480,000
Institute for Municipal and Regional Policy at Central CT State University	125,000
Council on Environmental Quality	50,000
Washington Center for UConn and CSU students with internships in Washington, D.C.	100,000
OPM	25,000

The act also transfers funds appropriated for use in FY 2003-04 as follows:

1. \$400,000 from Medicaid to OPM's other expenses account for use at the secretary's discretion in FY 2003-04,
2. \$100,000 from DSS's other expenses account to a grant to the Hartford Foundation for Public Giving for the Children's Health Council, and
3. \$70,000 from the Department of Higher Education for the Minority Advancement Program to its other expenses account for an international initiative in Germany.

The act also allows a transfer of up to \$100,000 appropriated to the Reserve for Salary Adjustment to the Department of Higher Education's Personal Services account for one additional position.

EFFECTIVE DATE: Upon passage

TEACHERS' RETIREMENT SYSTEM (§ 247)

The act requires Hartford to pay \$1 million of its FY 2003-04 ECS grant to the Teachers' Retirement System.

EFFECTIVE DATE: Upon passage

REPEALERS (§ 248)

The act repeals provisions:

1. requiring the Connecticut Historical Commission to appoint a director and giving him authority to hire commission staff and make contracts on the commission's behalf;
2. establishing the State Commission on the Arts, providing for its office and staff, and requiring it to make annual reports and adopt regulations;
3. transferring the Connecticut Foundation for the Arts to the State Commission on the Arts;
4. requiring the State Fire Administrator to pay volunteer fire companies for responding to calls on limited access highways, the Berlin Turnpike, and Route 8 in the Naugatuck State Forest;
5. finding that the state needs a permanent office to promote the development of a viable film, video, and media industry;
6. establishing a Connecticut Film, Video and Media Commission, stating its duties, and requiring it to make an annual report and adopt regulations;
7. creating the "Connecticut film, video, and media account," funded by revenues arising from the Connecticut Film, Video and Media Office's activities;
8. requiring state agencies to transmit a copy of their requests for proposals for film, video, or media productions to the Connecticut Film, Video and Media Office;
9. establishing an Office of Tourism within DECD, a Connecticut Tourism Council, and 11 tourism districts, and prescribing their duties;
10. creating a "tourism account" and a "tourism impact account," and requiring all funds the state receives for tourism advertising or products to be deposited in the tourism account;
11. requiring the Department of Public

Utility Control to authorize the disbursement of \$1 million per month, from February 2003 through July 2005, from the Energy Conservation and Loan Management Funds for deposit in the General Fund;

12. limiting the community-technical colleges', Connecticut State University's, and University of Connecticut's expenditures for certain goods and services and requiring the higher education commissioner to monitor and report on their compliance;
13. providing funding to DECD in FYs 2003-04 and 2004-05 for arts, culture, and tourism; and
14. requiring certain taxpayers to file an alternate combined report if their transactions or affiliations meet specific criteria.

EFFECTIVE DATE: Upon passage

**PA 03-1, September 8 Special Session—
SB 2051**

Emergency Certification

**AN ACT CONCERNING ECONOMIC
RECOVERY NOTES AND REVISIONS TO
THE RATE REDUCTION BOND
PROVISIONS OF THE BUDGET
IMPLEMENTATION ACT AND OTHER
PROVISIONS TO IMPLEMENT THE
BUDGET**

SUMMARY: This act:

1. authorizes the treasurer to issue short-term state notes to fund the FY 2002-03 General Fund deficit and the estimated costs of paying remaining medical bills for State Administered General Assistance (SAGA) and General Assistance (GA) recipients incurred prior to changes in medical assistance for such recipients required by legislation implementing the state budget (PA 03-3, June 30 Special Session (JSS));
2. expands the treasurer's powers and makes related changes in connection with issuing bonds (a) to mitigate the effects of temporarily transferring to the state General Fund revenues that were earmarked for electric companies' energy conservation and load management funds and (b) in connection with utilities' stranded costs;
3. allows the transportation commissioner to establish discounted commuter rates for riding the Rocky Hill and Chester-Hadlyme ferries;
4. restores a \$1 million-per-month revenue transfer, repealed by PA 03-6, JSS, from electric companies' energy conservation and load management funds to the state General Fund from July 2003 to July 2005;
5. allows a municipality that meets certain conditions to use Class II watershed land it owns as a sports field without being subject to statutory requirements governing water companies; and
6. reinstates the Department of Social Services (DSS) commissioner's authority to impose cost-sharing on Medicaid recipients as well as copayment requirements for medical services and prescriptions imposed on Medicaid recipients repealed by PA 03-

3, JSS, and increases the copayments as of October 1, 2003.

EFFECTIVE DATE: Upon passage

ECONOMIC RECOVERY NOTES (§ 1)

Authorization and Amounts

The act authorizes the state treasurer to issue state general obligation economic recovery notes, which must mature within five years of issuance. The total amount of notes the act authorizes is the sum of:

1. the amount of the FY 2002-03 General Fund deficit as certified by the comptroller;
2. the estimated cost, as certified by the secretary of the Office of Policy and Management (OPM), of paying remaining bills for medical services rendered to SAGA and GA medical assistance recipients before the program converts from a fee-for-service to a managed care program (PA 03-3, JSS requires medical services for SAGA and GA recipients to be provided through federally qualified health care centers by October 1, 2003); and
3. the cost of issuing the notes.

Note Proceeds

The treasurer must deposit the note proceeds in the General Fund. Under the act, an amount equal to that certified by the OPM secretary must be credited to DSS' SAGA account for FY 2003-04 and be available to pay reimbursement claims received during FY 2003-04 from hospitals and other medical providers for services rendered to SAGA and GA recipients under the old SAGA and GA medical assistance program.

The comptroller must include the note proceeds for funding the FY 2002-03 deficit in any determination of the General Fund's position for FY 2003-04, if the notes have been issued before the comptroller's determination.

Issuance and Maturity

The treasurer must issue the notes when she determines the General Fund's cash requirements necessitate it, according to a schedule that minimizes the need for additional temporary borrowing. Although the notes' principal and interest must be paid off in five years, the state

must pay only interest in the state fiscal year in which they are issued.

The act allows the treasurer to set any terms and conditions she thinks will help sell the notes. To this end, she can determine their principal amounts, interest rates, repayment schedules, and redemption terms as well as any additional security they require. The act also allows her to make reimbursement, remarketing, standby purchase, or any other type of marketing agreement for the notes that serves the state's best interests. Security for the notes can include a credit line or insurance policy from a commercial bank or insurer doing business in Connecticut. The act commits the state to repay amounts drawn on any credit line or other security backing the notes.

Tax Exemption

The act exempts interest paid to note holders from all state taxes other than estate and succession taxes and from any taxes imposed under its authority, but requires the interest to be included in computing any excise or franchise tax. It also requires the treasurer to structure the notes so interest is excluded from federal taxes, if that is appropriate or necessary to improve their marketability.

Investment

The act makes the notes legal investments for banks, insurance companies, fiduciaries, and public bodies and allows public officers to accept them for any purpose for which they may receive or deposit state notes.

ENERGY SECURITIZATION BONDS (§§ 2-7)

Treasurer's Powers

The act expands the treasurer's powers with respect to the bonds the state issues to:

1. mitigate the impact of the transfers to the General Fund of revenues from two charges on consumers' electric bills to fund conservation and renewable energy programs and
2. cover utilities' stranded costs (e.g., the difference between the value of the utilities' power plants for ratemaking purposes and the amount the utilities received for them when they sold the plants pursuant to the electric

deregulation act).

The bonds are backed by another charge on electric bills called the competitive transition assessment (CTA). The bonds are issued through the state but are not state obligations. The entity issuing the bonds (i.e., the "financing entity") can be the state (acting through the treasurer) or a special purpose trust or other entity the state authorizes to issue the bonds.

If the state is the financing entity, the act authorizes the OPM secretary to make any representations and agreements for the bondholders that are necessary or appropriate to make sure that the interest on the bonds is exempt from federal income taxes. If the state is the financing entity, the act also allows the treasurer to enter into a trust indenture with a corporate trustee for the benefit of the bondholders. The trustee can be any trust company or commercial bank authorized to do business in Connecticut or elsewhere. The indenture can include provisions regulating the investment of funds and bondholders' remedies, among other things.

Finally, if the state is the financing entity, the act allows the treasurer to:

1. make representations and agreements for the bondholders' benefit with regard to secondary market disclosures;
2. enter into interest rate swaps and other agreements to moderate interest rate risks, so long as the obligations under these agreements are payable from the "transition property" (the legal right to receive the revenues that are used to back the bonds);
3. enter into other agreements and other instruments to secure the bonds; and
4. take other steps needed or appropriate to issue and distribute the bonds pursuant to the financing order.

By law, the bonds are issued pursuant to a "financing order" approved by the Department of Public Utility Control (DPUC). This act (1) requires rather than allows the utilities to submit an application for a financing order to DPUC and (2) requires the indenture to be consistent with the financing order.

Related Provisions

By law, the legal right to receive the CTA is a form of property ("transition property") that can be transferred or pledged. Under prior law, this right belonged to the utility company that received the CTA. With regard to the CTA used to back the bonds authorized under PA 03-6,

JSS, this act instead vests this property solely in the financing entity (the state or the entity it authorizes to issue the bonds). The vesting takes place immediately once the property right is created. The utility has no right, title, or interest in the property and must merely act as a collection agency with regard to the CTA on behalf of the financing entity. The act also makes several conforming changes.

By law, an enforceable security interest in the transition property is perfected once a financing statement has been filed in accordance with the Uniform Commercial Code. Prior law required the utility to file the financing statement with the DPUC. The act also allows the financing entity to make this filing.

The act makes it clear that DPUC's proceeding to set the CTA, with regard to that part of the CTA that is used to back the bonds authorized under PA 03-6 JSS, is not a contested case.

FERRY FARES (§ 8)

PA 03-3, JSS established the following fares for riding on the Rocky Hill and Chester-Hadlyme ferries: \$5 for a vehicle and driver, \$1.75 for each additional passenger, and \$1.75 for each walk-on passenger and bicycle. This act allows the transportation commissioner to discount these fares for regular ferry commuters.

ENERGY CONSERVATION AND LOAD MANAGEMENT FUND TRANSFERS (§ 9)

The act reinstates a requirement that the DPUC authorize electric distribution companies to send a total of \$1 million per month from their energy conservation and load management funds to the General Fund from July 2003 through July 2005. Each fund's contribution to the \$1 million must be in proportion to its fund receipts.

Both PA 03-2 (the FY 2002-03 "deficit mitigation" act) and PA 03-1, JSS, (the budget act) made similar requirements to run from February 2003 through July 2005, but those provisions were repealed by PA 03-6, JSS (§248).

MUNICIPAL SPORTS FIELD (§ 10)

The act allows a municipality to use Class II watershed land it owns as a sports field if:

1. the municipality's population is between 10,000 and 15,000 according

- to the 2000 Census;
2. the municipality bought the land on or after August 1999;
3. the land was formerly used for agriculture and is not needed for water supply purposes;
4. the municipality owns the sports field;
5. the field is operated using Department of Environmental Protection (DEP)-recommended best management practices; and
6. the field manager files an annual report with any water company drawing water from the watershed, the DEP, and the municipality, describing the best management practices used.

The act requires the manager's annual report to be available to the public.

MEDICAID COPAYMENT REQUIREMENTS (§ 11)

Starting August 20, 2003, the act restores the DSS commissioner's authority to impose cost-sharing requirements, including deductibles, coinsurance, or similar charges, on people receiving Medicaid, up to the maximum allowed under federal regulations. PA 03-3, JSS deleted this authority.

It also reestablishes a requirement that the commissioner impose a \$1 copayment on Medicaid recipients for (1) each outpatient medical service by an enrolled Medicaid provider to a Medicaid recipient enrolled in a fee-for-service plan (low-income elderly and people with disabilities), as permitted under federal law, and (2) each drug prescription at the time it is filled. This requirement was enacted by PA 03-2 and later repealed by PA 03-3, JSS.

But starting October 1, 2003, the act increases the copayment to (1) \$1.50 for each prescription and (2) a maximum of \$3 for each outpatient medical service, as required by federal regulations.

Finally, the act restores the commissioner's authority to modify the prescription copayment requirement for certain people who receive less than a 30-day supply and to exempt institutional residents from the copayment requirement, to the degree permitted under federal law. PA 03-2 gave the commissioner this authority but PA 03-3, JSS eliminated it.

PA 03-2, September 8 Special Session—HB 6901

Emergency Certification

AN ACT CONCERNING SCHOOL CONSTRUCTION

SUMMARY: This act:

1. authorizes and reauthorizes state grant commitments for 132 school building projects,
2. increases the FY 2003-04 bond authorization for school construction projects,
3. authorizes bonding for FY 2003-04 for school construction interest subsidy grants,
4. adds two Hartford magnet schools to the approved project list for 2003 to comply with the *Sheff v. O'Neill* settlement,
5. extends the charter school facility renovation grant program for an additional year, and
6. waives statutory and regulatory requirements to make specified projects in many districts eligible for school construction grants.

EFFECTIVE DATE: Upon passage

SCHOOL CONSTRUCTION PROJECTS (§ 1)

The act authorizes state grant commitments for 98 new school building projects and reauthorizes commitments for 34 previously authorized projects that have increased substantially (more than 10%) in scope or cost. By law, the state reimburses school districts for from 20% to 80% of eligible school construction costs, depending on each district's relative wealth. Certain types of projects are eligible for a 5% or 10% bonus. In addition, the state pays 100% of the costs for vocational agricultural centers, vocational-technical schools, regional special education facilities, and interdistrict magnet schools and 50% of a district's usual reimbursement rate for administrative facilities.

BOND AUTHORIZATIONS (§§ 20, 21)

The act increases the state bond authorization for school construction projects from \$20 million to \$458 million for FY 2003-04. It also authorizes \$27 million for FY 2003-

04 interest subsidy grants for the local share of the cost of school construction projects.

***SHEFF V. O'NEILL* PROJECTS – HARTFORD (§§ 18, 19)**

The act waives a prohibition against the General Assembly adding projects to the annual school construction project authorization list after the State Department of Education (SDE) submits it to the legislature to add two interdistrict magnet schools in Hartford to the act's authorization list for 2003. It authorizes state grant commitments of up to \$32 million for the Greater Hartford Classical Magnet School and up to \$29,681,093 for the Pathways to Technology Magnet School. By law, the state pays for 100% of the eligible construction costs for interdistrict magnet school projects approved in 2003.

The act allows the projects to be added to the list only if Hartford (1) filed applications for the projects with SDE by June 30, 2003 and (2) meets all other regular requirements for the projects. The projects comply with a 2003 settlement agreement between the state and the plaintiffs in the *Sheff v. O'Neill* school desegregation case that requires the state to establish two new magnet schools in Hartford annually between FYs 2003-04 and 2006-07.

CHARTER SCHOOL FACILITY RENOVATION GRANT EXTENSION (§ 24)

The act extends the charter school facility renovation grant program for an additional year, through FY 2003-04, thus allowing schools whose charters were renewed in FY 2002-03 to be eligible. Under prior law, the program operated in FYs 2001-02 and 2002-03 and applied to schools whose charters were renewed in FYs 2000-01 and 2001-02.

The program, within available appropriations, provides eligible schools with one grant of up to \$500,000 for:

1. facility renovation, construction, purchase, extension, replacement or major alteration;
2. (a) replacing windows, doors, boilers, and other heating and ventilation system components, internal communication systems, lockers, and ceilings; (b) upgrading restrooms; (c) replacing and upgrading lighting; and (d) installing security equipment; and

- 3. repaying debt from prior school building projects.

By law, a charter school governing authority must apply for grants when and how the education commissioner prescribes.

STATUTE AND REGULATION WAIVERS

The act waives various school construction statutes and regulations to make specified school districts eligible for school construction grants for particular projects.

Order of Project Bid and Plan Approval – Various Districts

For districts and projects shown in Table 1, the act waives the requirement that districts obtain SDE approval of a project’s plans and specifications before they offer the projects for competitive bid. The waiver allows the districts to begin the projects and later be eligible for grants, if SDE approves their plans and specifications.

Table 1: Bid Order Plan Waivers

District	School	Project	Sec.
Darien	Ox Ridge Elementary School	Remove asbestos floor tiles	2
Derby	Bradley School	Code compliance	7
East Haven	Dominic H. Ferrara Elementary School	Relocatable classrooms	11
Fairfield	Fairfield High School	Extension/alteration & relocatable classrooms	14
Fairfield	Oldfield School	Relocatable classrooms	14
Fairfield	Tomlinson Middle School	Roof replacement	25
Fairfield	Jennings School	Roof replacement	25
Lisbon	Lisbon Central School	Extension/alteration	15
Naugatuck	Naugatuck High School	Science lab alterations & code violations	22
New Fairfield	Meeting House School	Extension/alteration & roof replacement	8
New Haven	“Old” Betsy Ross School	Expansion/alteration & roof replacement	16
North Branford	Stanley T. Williams School	Code compliance	9
North Branford	North Branford High School	Code compliance	9
North Branford	Totoket Valley Elementary School	Code compliance	9
Plainville	Louis Toffolon School	Asbestos abatement	4
South Windsor	Orchard Hill Elementary School	Asbestos abatement	3
Stafford	Staffordville School	Relocatable classroom	17
Stafford	Lordship School	Code violation	12
Wilton	Wilton High School	Roof replacement	6

Other Waivers – Colchester and Trumbull (§§ 10, 13)

The act waives various other provisions for the two projects shown below as long as they meet all other requirements for school construction projects.

Table 2: Other Waivers

District	Project	Provision Waived	Sec.
Colchester	Site acquisition and relocation of baseball and soccer field at Colchester Intermediate School and William J. Johnston Middle School that were used for site of new PreK-2 school	Athletic field costs ineligible as part of PreK-2 school project costs (§ 10-283)	13
Trumbull	Change new Trumbull pre-school at Long Hill Administration Facility project to pre-school extension/ annex project at Middlebrook Elementary School	Project description must be submitted at time of application (§ 10-283)	10

Deadline Extensions – Wallingford (§5)

For projects in 11 Wallingford schools, the act waives requirements that districts obtain local funding approval for school projects within one year of state authorization and start construction within two years. It extends Wallingford’s local funding approval deadline for the projects to June 30, 2004 and the construction start deadline to June 30, 2005. The waiver applies to extension and alteration projects authorized by the General Assembly in 2002 at the schools listed in Table 3.

Table 3: Wallingford Deadline Extensions

Moses Y. Beach Elementary School	Rock Hill Elementary School
Cook Hill Elementary School	Stevens Elementary School
Highland Elementary School	Lyman Hall High School
Parker Farms Elementary School	Mark T. Sheehan High School
Pond Hill Elementary School	James J. Moran Middle School
Dag Hammarskjold Middle School	

Use of Grant Funds – Waterbury (§23)

The act allows Waterbury to use state grant funds authorized in 2001 for construction of the Rotella School to settle claims and litigation arising out of the school’s construction, if the Waterbury Financial Planning and Assistance Board determines the payments are in the state’s and city’s best interests.

PA 03-2 June 30 Special Session

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