

**Summary
of 2009
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 2009 PUBLIC ACTS PART II OF II

Connecticut General Assembly

OFFICE OF LEGISLATIVE RESEARCH
LEGISLATIVE OFFICE BUILDING
ROOM 5300
HARTFORD, CT 06106

E-Mail: olr@cga.ct.gov
Telephone: (860)240-8400
Web Site: <http://www.cga.ct.gov/olr/>

OFFICE OF LEGISLATIVE RESEARCH

Mary M. Janicki, Director
Joseph R. Holstead, Project Manager
Soncia Coleman, Assistant Project Manager
Tracey Jones-Otero, Project Coordinator

Research Staff

Robin Cohen
Soncia Coleman
George Coppolo
Nicole Dube
Daniel J. Duffy
James J. Fazzalaro
Paul Frisman
Joseph R. Holstead
John Kasprak
Janet Kaminski Leduc
Judith S. Lohman
Kevin E. McCarthy
John Moran
Sandra Norman-Eady
Ryan O'Neil
Rute Pinho
Susan Price
John G. Rappa
Meghan Reilly
Christopher Reinhart
Veronica Rose
Saul Spigel
Kristin Sullivan

Library Staff

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Elizabeth Covey
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Susan Southworth

Support Staff

Dawn Frechette
Tangy Stroman

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NOTICE TO USERS

This publication, *Summary of 2009 Public Acts, Part II*, summarizes all public acts passed by the June 2009 Special Session, June 19, 2009 Special Session, September 2009 Special Session, and December 2009 Special Session of the Connecticut General Assembly. Special acts are not summarized.

The acts from the 2009 Regular Session are summarized in a separate publication, Part I.

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 limits listed below. Some crimes have a mandatory minimum sentence or a minimum sentence higher than the minimum term specified in the table. Repeated or persistent 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 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 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. 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 a \$20 or \$35 surcharge and an additional fee based on the amount of the fine. There may be other added charges depending upon the type of infraction. For example, certain motor vehicle infractions trigger a Transportation Fund surcharge of 50% of the fine. With the various additional charges the total amount due can be over \$300 but often is less than \$100.

An infraction is not a crime; and violators 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 \$20,000	Class B felony
Second Degree	Over 10,000	Class C felony
Third Degree	Over 2,000	Class D felony
Fourth Degree misdemeanor	Over 1,000	Class A
Fifth Degree misdemeanor	Over 500	Class B
Sixth Degree misdemeanor	\$500 or less	Class C

PA 09-1, June Special Session—SB 1801 (VETOED)
Emergency Certification

AN ACT CONCERNING THE STATE BUDGET FOR THE BIENNIUM ENDING JUNE 30, 2011, AND MAKING APPROPRIATIONS THEREFORE

SUMMARY: This act appropriates funds for state agencies and programs for FY 10 and FY 11 from the General Fund, the Mashantucket Pequot and Mohegan Fund, and the Criminal Injuries Compensation Fund. It carries forward unspent appropriations from prior years and directs funds to be spent for specific programs and purposes. In addition, among other things, it:

1. requires the Office of Policy and Management (OPM) secretary to recommend a total of \$120 million in annual reductions in personal services, other expenses, and state contracts in FY 10 and FY 11;
2. gives the governor authority to transfer funds among agencies to achieve mandated savings, take advantage of available federal funding, or implement specified programs;
3. specifies each town’s Education Cost Sharing (ECS) grant for FY 10 and FY 11;
4. prohibits the governor from reducing the Judicial Branch’s requested budget;
5. limits the governor’s unilateral authority to reduce allotments of appropriated funds to the legislative and judicial branches; and
6. eliminates the authority of six legislative commissions over their personnel and staffing.

The act also increases taxes and makes other revenue changes affecting FY 09, FY 10, and FY 11. It (1) increases taxes on personal income, cigarettes, and tobacco products; (2) imposes temporary surcharges on corporation and estate taxes; (3) eliminates and restructures business tax credits and exemptions; (4) imposes a \$3 per-tire fee on the sale of tires; and (5) increases the annual fee payable by state marshals. It also:

1. authorizes the state to issue economic recovery notes, payable over seven years, to cover the FY 09 General Fund deficit and two years of interest on the notes;
2. transfers funds from the Budget Reserve Fund to General Fund revenue for FY 10 and FY 11;
3. requires the state treasurer and the OPM secretary to formulate a plan to finance up to \$335 million in net state revenue for FY 11, including possibly by borrowing against (“securitizing”) future state lottery revenue; and

4. requires these two officials to formulate a plan to sell state assets to raise up to \$10 million in net revenue for FY 11 and up to \$102.5 million in FY 12.

Finally, for FY 09 through FY 11, the act exempts Bridgeport from a statutory requirement that it annually contribute the actuarially required amount to a pension plan funded with pension deficit funding bonds; requires the city to propose acceptable funding plans for those years to the OPM secretary and the state treasurer; and if the two officials do not approve the city’s plans, to contribute at least \$4 million per year to the pension plan.

EFFECTIVE DATE: July 1, 2009, unless otherwise noted below.

§§1-6 — FY 10 AND FY 11 APPROPRIATIONS

The act appropriates funds for state agencies and programs from the General Fund, Mashantucket Pequot and Mohegan Fund, and Criminal Injuries Compensation Fund for FY 10 and FY 11. Annual appropriations from each fund are shown in Table 1.

Table 1: FY 10 and FY 11 Appropriations by Fund

§§	Fund	Net Appropriation	
		FY 10	FY 11
1, 4	General Fund	\$17,528,437,382	\$18,047,806,627
2, 5	Mashantucket Pequot and Mohegan Fund	61,779,907	61,779,907
3, 6	Criminal Injuries Compensation Fund	3,407,410	3,683,598

§7 — BIRTH-TO-THREE PROGRAM

For FY 10 and FY 11, the act requires the State Department of Education (SDE) to annually transfer \$1 million of the federal special education funds it receives to the Department of Developmental Services (DDS) for the Birth-to-Three Program to carry out special education-related requirements consistent with the federal special education law.

§ 8 — WACE TECHNICAL TRAINING CENTER

For FY 10 and FY 11, the act exempts WACE Technical Training Center in Waterbury from statutory requirements for adult education grants and allows it to spend up to \$300,000 of its grant in each year for technical training.

§ 9 — PRIORITY SCHOOL DISTRICT GRANTS

The act distributes the priority school district grant appropriation to state education programs as shown below.

Table 2: Priority School District Grant Allocations

<i>Grant</i>	<i>FY 10</i>	<i>FY 11</i>
Priority School Districts	\$41,413,547	\$41,413,547
School Readiness	69,813,190	69,813,190
Extended School Building Hours	2,994,752	2,994,752
School Accountability	3,499,699	3,499,699

§ 10 — PRIVATE OCCUPATIONAL SCHOOL STUDENT PROTECTION ACCOUNT

Despite statutory restrictions on such spending, the act allows the Department of Higher Education (DHE) to spend \$245,000 in FY 10 and \$257,000 in FY 11 from the private occupational school student protection account.

§ 11 — CONNECTICUT INDEPENDENT COLLEGE STUDENT GRANT PROGRAM

The law requires independent colleges and universities to award aid to individual students under the Connecticut Independent College Student Grant (CICSG) Program based on the U.S. Department of Education's need analysis system. For FY 10 and FY 11, the act prohibits any independent college or university from receiving its annual CICSG allocation if it (1) meets students' full financial needs and (2) uses a need analysis system that results in determinations of need for individual students that are greater than the federal system.

The act requires DHE to redistribute two-thirds of the unallocated CICSG funds in FY 10 and FY 11 to all other eligible independent colleges and universities, using the statutory formula. DHE must set aside the remaining one-third and transfer up to \$500,000 per year to Opportunities for Veterinary Medicine in FY 10 and FY 11.

§§ 12-14 & 19-23 — FUNDS CARRIED FORWARD

The act carries forward various unspent balances from prior years' appropriations and requires them to be used for the same purpose in FY 10 or in both FY 10 and FY 11, rather than lapsing at the end of FY 09 (see Table 3).

Table 3: Funds Carried Forward the Same Purpose

<i>\$</i>	<i>Agency</i>	<i>Purpose</i>	<i>Amount</i>	<i>To FY</i>
12	Motor Vehicles	Commercial Vehicle Information Systems and Networks project	Unspent balance	2010 2011
13 (a)	Motor Vehicles	Upgrading registration and drivers' license data processing systems	Unspent balance	2010 2011
13 (b)	Motor Vehicles	Upgrading registration and drivers' license data processing systems	Up to \$7 million	2010 2011
13 (c)	Motor Vehicles	Upgrading registration and drivers' license data processing systems	Up to \$8.5 million	2010 2011
14 (a)	Banking	Improvements associated with the new office lease	Up to \$750,000	2010
14 (b)	Banking	Improvements associated with the new office lease	Up to \$250,000	2010
19 (a)		Collective bargaining and related costs appropriated in the 2008-2009 state budget	Unspent balance as determined by the OPM secretary	2010 2011
19 (b)		Collective bargaining and related costs appropriated for FY 10 in the act	Unspent balance as determined by the OPM secretary	2011
20	OPM	Other expenses – for a health care and pension consulting contract	Unspent balance	2010 2011
21	OPM	Other expenses – to prevent potential base closures	Up to \$50,000	2010
23	OPM	(1) Design and implementation of a comprehensive, state-wide information technology system for sharing criminal justice information and (2) costs related to the Criminal Justice Information System Governing Board	Unspent balance	2010

The act also carries forward to FY 10 the unspent balance of an appropriation to OPM for licensing and permitting fees. It transfers the money to the Department of Information Technology to implement a common licensing and permit issuance service for state agencies (§ 22).

§ 15 — NEIGHBORHOOD YOUTH CENTER GRANTS

The act requires OPM to use amounts from its FY 10 and FY 11 appropriation for Neighborhood Youth Centers as follows: (1) a \$1 million grant to the Boys' and Girls' Clubs of Connecticut contingent on the organization providing a 100% cash match and (2) a \$200,000 grant to Centro San Jose, Hill Cooperative Youth, and Central YMCA in New Haven, contingent on the organizations' matching at least 50%, with a cash match of at least 25%, of the grant amount.

§ 16 — PILOT ASTHMA AWARENESS PROGRAM

The act transfers \$150,000 from the Tobacco and Health Trust Fund for FY 10 to the Department of Public Health (DPH) for a pilot asthma awareness program.

§ 17 — ENERGY ASSISTANCE PROGRAM

The act requires the unspent balance of an \$8.5 million appropriation to OPM that was carried forward to FY 10 in PA 09-2 for an emergency energy assistance program to be available between July 1, 2009 and June 30, 2010. Under PA 09-2 and this act, the program must assist Connecticut households with incomes between 150% and 200% of the applicable federal poverty level that cannot make timely payments on deliverable fuel, electricity, or natural gas bills. The program requires Operation Fuel, a nonprofit organization that serves people who are not eligible for publicly funded energy assistance, to pay assistance directly to fuel vendors, electric or gas companies, or municipal electric or gas utilities.

§ 18 — TRANSFERS TO THE RESERVE FOR SALARY ADJUSTMENTS

The act allows the governor to recommend, and the Finance Advisory Committee (FAC) to approve, transfers of FY 10 and FY 11 General and Mashantucket Pequot and Mohegan 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.

§ 24 — UNEMPLOYMENT TRUST FUND ALLOCATIONS

For FY 10 and FY 11, the act appropriates \$30 million from Connecticut's account in the federal Unemployment Trust Fund to the Labor Department. The money must be spent in accordance with the federal unemployment compensation law. For FY 10, the act allocates up to \$12 million of that amount to the department's administrative infrastructure with a maximum of \$7 million earmarked for improving its information technology systems. For FY 11, the administrative infrastructure allocation is up to \$18 million, with a maximum of \$13 million for improving information technology systems.

§ 25 — NEWBORN SCREENING ACCOUNT

For FY 10 and FY 11, the act allocates \$800,000 annually, rather than the statutorily required \$500,000, to the General Fund's newborn screening account. The funding comes from fees the DPH charges institutions for comprehensive newborn testing, parent counseling, and treatment. DPH must use the money (1) to buy upgraded screening technology and (2) for its testing expenses.

§ 26 — STEM CELL RESEARCH FUND

The act allows the DPH commissioner to use up to \$200,000 per year from the Stem Cell Research Fund in FY 10 and FY 11 for administrative expenses.

§§ 27 & 28 — PRE-TRIAL ALCOHOL SUBSTANCE ABUSE PROGRAM FUNDING

For FY 10 and FY 11, the act earmarks the following annual amounts from the Department of Mental Health and Addiction Services' (DMHAS) appropriations for the Pre-Trial Alcohol Substance Abuse Program: (1) up to \$1.1 million in each year for regional action councils and (2) up to \$510,000 in each year for the Governor's Partnership to Protect Connecticut's Workforce.

§ 29 — DSS DISPROPORTIONATE SHARE (DSH) PAYMENTS TO DMHAS HOSPITALS

The act requires DSS to spend money appropriated to it for FY 10 and FY 11 for 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 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.

§§ 30 & 31 — UCONN HEALTH CENTER AND VETERANS’ AFFAIRS DSH TRANSFERS

The act allows the OPM secretary to transfer all or part of any FY 10 or FY 11 appropriation for the UConn Health Center or the Department of Veterans’ Affairs to DSS’ DSH-Medical Emergency Assistance account in order to maximize federal reimbursement.

§ 32 — INFORMATION TECHNOLOGY REDUCTION

The act requires the OPM secretary to reduce agency allotments for information technology systems and services by \$30,836,354 for FY 10 and \$31,718,598 for FY 11.

§ 33 — NONFORMULARY DRUG APPEAL PROCESS FOR CLIENTS ELIGIBLE FOR BOTH MEDICAID AND MEDICARE PART D

The act requires the DSS commissioner to report to the Appropriations and Human Services committees by September 1, 2009, a description of revisions to its nonformulary exception review and appeals process for clients who are eligible for both Medicaid and Medicare Part D. (Nonformulary drugs are drugs that are not on the list of drugs pre-approved for reimbursement under a Medicaid or Medicare Part D plan. Costs for such drugs may be reimbursed through exceptions after appeals.) In addition, the report must explain DSS’ revised process for (1) determining whether a nonformulary drug is medically necessary before pursuing appeals with private plans and (2) requiring a third appeal through the Center for Medicaid Advocacy before it pays for such a drug.

§ 34 — SUPPORTIVE HOUSING FOR FAMILIES PROGRAM

The act requires the Department of Children and Families (DCF)’s Supportive Housing for Families program to prioritize the families who enroll in the program after July 1, 2009 to maximize the number of such families in the program that have a child in an out-of-home placement and are likely to be reunified. It requires the DCF commissioner to report to the Appropriations and Human Services committees by January 1, 2010, on how the department will use funding for the program to give priority to such families undergoing reunification. The report must include the

number of children the program serves and the number later returned to state care.

§ 35 — GOVERNOR’S AUTHORITY OVER JUDICIAL BRANCH BUDGET

The act prohibits the governor from reducing the Judicial Branch’s proposed budget. It requires the OPM secretary to include in the proposed budget documents that OPM submits to the legislature the estimates of expenditure requirements, together with any recommended adjustments and revisions, that OPM receives from the Judicial Branch’s administrative head. It also bars the governor from reducing the Judicial Branch’s allotment requisitions or allotments in force.

§ 36 — PERSONAL SERVICES, OTHER EXPENSES, AND STATE CONTRACTS

For FY 10 and FY 11, the act requires the OPM secretary to recommend ways to reduce the following types of spending by the following annual amounts:

1. \$14 million for personal services,
2. \$11 million for other expenses, and
3. \$95 million for contracts and personal service agreements.

It exempts the higher education constituent units from the recommended personal services or other expense expenditure reductions and requires recommended reductions in contracting and personal service agreements to exclude those for providing direct programs and health services to consumers.

The secretary must submit a plan detailing the recommended reductions to the Appropriations Committee through the Office of Fiscal Analysis by August 1, 2009. The plan takes effect 30 days after the committee receives it unless the committee rejects or modifies it. If the committee modifies the plan, the secretary must implement it as modified. If the committee rejects the plan, the act requires the secretary to submit a revised plan within 30 days after the rejection. If the committee rejects the revised plan, the secretary must continue to submit new plans every 30 days until approved.

§ 37 — PERSONAL SERVICES SAVINGS

The act allows the governor, with FAC approval, to modify or reduce allotment requisitions from FY 10 and FY 11 appropriations to achieve the reductions in personal services costs required by this act, any other public or special act, or any collective bargaining agreement.

§ 38 — GENERAL SERVICES REVOLVING FUND POSITIONS

The act limits to 124 the number of positions the Department of Administrative Services (DAS) may fill from the General Services Revolving Fund. By law, the fund, whose statutory name is the Department of Administrative Services Revolving Fund, is used to pay agencies' costs for supplies, material, equipment, and contractual services before the comptroller finally determines how to allocate the expenses to particular agency accounts (CGS § 4a-75).

§ 39 — TRANSFERS TO MAXIMIZE FEDERAL MATCHING FUNDS

The act allows the governor, with 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.

§ 40 — TRANSFERS TO ALLOW RECEIPT OF FEDERAL STIMULUS FUNDS

The act allows the governor, with FAC approval, to transfer all or part of an agency's General Fund appropriation, at its request, to another agency in order for the state to receive federal stimulus funds under the 2009 federal American Recovery and Reinvestment Act (ARRA).

The governor must present a plan for transferring the funds to the Appropriations Committee and the legislative committee with jurisdiction over the transferring agency. Both committees must approve, modify, or reject the plan within 15 days after they receive it. If the committees cannot agree or if they fail to act within the required time, the governor's plan is considered approved. If the governor's plan is approved, the Appropriations Committee must ask the FAC to approve the plan.

§ 41 — FUNDING ADJUSTMENTS TO MAXIMIZE FEDERAL FUNDING

The act allows the governor, with FAC approval, to adjust an agency's General Fund appropriation to maximize federal funding to the state. The governor must present a plan for the adjustment to the Appropriations and Finance, Revenue and Bonding committees. The committees must approve, modify, or reject the governor's plan within 30 days after they receive it. If the committees cannot agree or if they fail

to act within the required time, the governor's plan is considered approved. If the governor's plan is approved, the Appropriations Committee must ask the FAC to approve the plan.

§ 42 — FEDERAL REIMBURSEMENT FOR DSS DATA WAREHOUSE PROJECT

In compliance with an advanced planning document for developing a data warehouse approved by the federal Department of Health and Human Services, the act authorizes DSS to establish a "receivable" (presumably, a receivable account) for FY 10 and FY 11 for the anticipated reimbursement from the data warehouse project.

§ 43 — AUTHORITY FOR ADVANCE PAYMENTS TO CERTAIN NURSING HOMES

For FY 10 and FY 11, the act allows the DSS commissioner, after consulting the OPM secretary, to provide payments in advance of normal bill payment processing to nursing homes that provide services eligible for payment under the medical assistance program. The nursing facility must ask for the advance payments. The act limits advances to the estimated amounts due the facility for services to eligible recipients over the most recent two months.

The DSS commissioner must recover the advance either by reducing payments due the facility or through a cash receipt within 90 days after issuing the advance. The act requires the commissioner to take prudent measures to assure that no advances are made to nursing homes in danger of insolvency or bankruptcy and allows her to execute appropriate agreements to secure repayment.

§ 44 — DCF-LICENSED PRIVATE RESIDENTIAL TREATMENT FACILITIES

For FY 10 and FY 11, the act eliminates per diem and other rate increases, as well as cost of living adjustments, for private residential treatment facilities licensed by DCF.

§ 45 — FUND TRANSFERS FOR PRISONER REENTRY PROGRAMS

The act allows the governor, without FAC approval, to transfer Department of Correction (DOC) General Fund appropriations for FY 10 and FY 11 as needed to (1) achieve budgeted savings and (2) provide services and programs to prepare inmates who are or may become eligible to participate in reentry programs. The latter purpose includes providing adequate community supervision for participating inmates. The DOC commissioner must submit a report by August 1,

2009, to the Appropriations and Judiciary committees that (1) outlines the policies needed to achieve the budgeted savings and the projected shift in resources and (2) estimates how many inmates are affected by such programs (presumably reentry programs). Thereafter, the commissioner must submit quarterly reports on her implementation of these policies.

§ 46 — COMMISSION ON ENHANCING AGENCY OUTCOMES

PA 09-2 established the 17-member commission to determine if there are agency duplications or functional overlaps and make other recommendations it considers appropriate. PA 09-2 required the commission to report its findings and recommendations to the governor, House speaker, and Senate president pro tem by July 1, 2009 and terminated the commission when it submits its report or on July 1, 2009, whichever is later. This act extends the commission until December 31, 2011, makes its July 1, 2009 report an interim one, and requires it to submit additional reports periodically.

§ 47 — GOVERNOR'S AUTHORITY TO REDUCE ALLOTMENTS OR ALLOTMENT REQUISITIONS BY LEGISLATIVE AND JUDICIAL BRANCH AGENCIES

The act bars the governor from unilaterally reducing an allotment of appropriated funds currently in force for, or an allotment of appropriated funds requisitioned by, any legislative or judicial branch agency. Instead, it allows the governor to recommend an aggregate allotment reduction for the legislative or judicial branch. It allows the Joint Committee on Legislative Management or the chief court administrator to achieve the reduction in their discretion and as the committee or the administrator determines.

Under prior law, the governor, under certain conditions, could unilaterally reduce allotments and allotment requisitions for legislative and judicial branch appropriations by a maximum of 5% of any appropriation and 3% of the total appropriations from any fund.

§§ 48 & 49 — PAYMENTS IN LIEU OF TAXES TO CERTAIN TOWNS

The act requires the state to make the following payments in lieu of taxes (PILOT) in FY 10:

1. \$100,000 to East Lyme for the U.S. Navy's Dodge Pond Acoustic Measurement Facility and
2. \$400,000 to Mansfield for the Fenton River Watershed for the Mansfield Hollow Dam.

§ 50 — FILLING STATE EMPLOYEE POSITIONS

Unless the governor recommends it and the FAC approves, the act limits the number of positions state agencies may fill to the number recommended by the Appropriations Committee as revised by the General Assembly and set out in the Office of Fiscal Analysis (OFA) report on the state budget.

§ 51 — CHRONIC GAMBLERS TREATMENT AND REHABILITATION

The act temporarily increases, by \$400,000 per year, the annual amount of lottery ticket sales revenue the Connecticut Lottery Corporation must transfer to the chronic gamblers treatment and rehabilitation account. For FY 10 and FY 11, it requires the corporation to transfer \$1.9 million per year rather than \$1.5 million. Starting in FY 12, the act resumes annual transfers at \$1.5 million. The funds in the account are used for preventing chronic gambling and treating and rehabilitating chronic gamblers.

§ 52 — ENHANCED E-9-1-1 TELECOMMUNICATIONS FUND

In FY 10 and FY 11, the act allocates \$541,982 from the fund each year for the regional emergency medical services councils.

§ 53 — EASY BREATHING PROGRAM

The act transfers \$800,000 annually in FY 10 and FY 11 from the Tobacco and Health Trust Fund to DPH for the Easy Breathing Program. Of this amount, it allocates \$300,000 for the adult asthma program and \$500,000 for the children's asthma program. It also requires DSS to require use of the Easy Breathing program model in the HUSKY Program.

§ 54 — TRANSFERS TO IMPLEMENT JUVENILE JUSTICE SERVICES CONSOLIDATION

The act allows the governor, with FAC approval, to transfer positions or funds from DCF to the Court Support Services Division during FY 10 to implement the consolidation of certain juvenile justice services in the division as of January 1, 2010.

§ 55 — STATE CONTRIBUTION FOR RETIRED TEACHERS' HEALTH COVERAGE

For FY 10 and FY 11, the act suspends the statutory requirement that the state appropriate one-third of the cost of premiums for the basic health coverage plan the Teachers' Retirement Board (TRB) must offer to retired teachers participating in Medicare and one-third of the

cost of the state subsidy for local board of education health plans covering retired teachers not participating in Medicare. Instead, for FY 10 and FY 11, it requires the OPEB (Other Post-Employment Benefits) Teacher’s Fund to pay two-thirds of the cost of the basic TRB plan and the full cost of the health subsidy to local boards. The OPEB Teacher’s Fund consists of active teachers’ total annual health contributions in excess of \$500,000 and investment earnings on the fund balance. Active teachers contribute 1.25% their annual salary for retired teachers’ health insurance coverage.

§ 56 — MEDICARE WAIVER OVERSIGHT COMMITTEE

The act establishes a 10-member committee to advise DSS on developing and implementing federal Medicaid waivers. The committee consists of three members each appointed by the DSS, DMHAS, and DPH commissioners, and the healthcare advocate or the advocate’s designee. The commissioners’ appointees must have experience and expertise in matters relating to medical treatment and Medicaid benefits.

The commissioners must make their appointments within 30 days after the act’s passage. Vacancies are filled by appointing authorities. The DSS commissioner selects the chairperson from among the members. The chairperson must schedule the committee’s first meeting, which must be held within 60 days after the act’s passage. DSS administrative staff serves as the committee’s administrative staff.

The act requires the committee to file annual reports, starting by January 1, 2010, on its findings and recommendations. The reports are submitted to the governor and the Public Health and Human Services committees.

§ 57 — FUND TRANSFERS RELATING TO INMATE TRANSPORTATION

The act allows the OPM secretary to transfer DOC appropriations for FY 10 and FY 11 to the Judicial Department as necessary to achieve efficiencies in inmate transportation. The secretary may make the transfers without prior approval from the FAC.

§ 58 — STATE POLICE SUBSISTENCE EXPENSES

The act restores a requirement, eliminated in PA 09-2, that the state pay subsistence for state police personnel and reimburse them for expenses incurred in the performance of their official duties. It repeals a requirement that, beginning April 1, 2009, the state pay meal allowances only for Department of Public Safety employees covered by a collective bargaining agreement requiring the allowance.

§ 59 — CONNECTICUT HEALTH INFORMATION NETWORK

The act transfers \$500,000 each year for FY 10 and FY 11 from the Tobacco and Health Trust Fund to the UConn Health Center for the Connecticut Health Information Network.

§ 60 — AIDS INTERFAITH NETWORK

The act earmarks \$100,000 of the DPH’s FY 10 General Fund appropriation for AIDS Services for a grant to the AIDS Interfaith Network for capacity building and technical assistance.

§§ 61 & 62 — AGRICULTURAL PROGRAM ALLOCATIONS FROM THE COMMUNITY INVESTMENT ACCOUNT

PA 09-229 temporarily increased a fee for each document recorded in municipalities’ land records from \$30 to \$40. This act changes the effective date of the increase from the date of PA 09-229’s passage (June 3, 2009) to July 1, 2009. The fee increase is effective until July 1, 2011.

By law, municipalities retain \$4 of the fee and must send the balance to the state for deposit to the Community Investment account. Money from the account is distributed quarterly to the Commission on Culture and Tourism, the Connecticut Housing Finance Authority, the Department of Environmental Protection, and the Department of Agriculture (DOAg). These agencies must use the funds for purposes specified in the law. PA 09-229 temporarily altered the distribution of fund revenues among these agencies, increasing DOAg’s share from 25% to 40% and reducing those of the other agencies from 25% to 20% each. These shares apply from PA 09-229’s passage date until July 1, 2011.

During the period DOAg is receiving the 40% share of the funding, this act requires it to also make the required distributions to the specified agricultural programs quarterly instead of annually as shown in Table 4. Each year’s total quarterly allocations under the act are the same as the annual amounts for the same program specified under PA 09-229.

Table 4: Agriculture Program Allocations

<i>Program</i>	<i>PA 09-229 - Annually</i>	<i>This Act - Quarterly</i>
Agricultural viability grant program	\$500,000	\$125,000
Farm transition program	500,000	125,000
Encouraging sale of Connecticut-grown food	100,000	25,000
Connecticut farm link program	75,000	18,750

<i>Program</i>	<i>PA 09-229 - Annually</i>	<i>This Act - Quarterly</i>
Agricultural sustainability account (grants to milk producers)	Remaining amount distributed annually	Remaining amount distributed each quarter

§ 63 – BRIDGEPORT PENSION PLAN FUNDING

For FY 09 through FY 11, the act exempts a city (1) with a population greater than 130,000 and (2) that has issued pension deficit funding bonds, from a statutory requirement to appropriate money for, or contribute to, the pension plan funded with the bond proceeds. Only Bridgeport meets these qualifications.

The act requires the city, by May 31, 2009, to submit to the OPM secretary and the state treasurer a plan acceptable to them for funding the pension plan for FY 09. The city must also submit acceptable plans to the secretary and the treasurer for funding the pension plan for FY 10 and FY 11, by August 1, 2010 and August 1, 2011, respectively.

In each year the secretary and the treasurer fail to approve the city's plans, the city must contribute at least \$4 million to the pension plan.

State law allows municipalities to issue pension deficit funding bonds to fund unfunded past pension obligations. If a municipality issues such bonds, it must ordinarily contribute at least the actuarially required amount to its pension plan in each fiscal year that it has outstanding pension deficit funding bonds for the plan (CGS § 7-364c (c) (3)).

§ 64 — FUNDS TO EXPAND CHARTER SCHOOLS

When distributing grants to expand the number of grades at a state charter school that, the education commissioner has determined, will assist the state to meet the goals of the 2008 *Sheff* desegregation stipulation and court order, the act requires the commissioner to use only funds appropriated to SDE for the *Sheff* settlement.

§§ 65-70 — STAFF FOR LEGISLATIVE COMMISSIONS

The act eliminates the authority for six legislative commissions to employ necessary staff as well as their authority over staffing and personnel. Instead, it requires that (1) each commission have an executive director and (2) the director and any necessary commission staff be employed by the Legislative Management Committee. The act applies to the:

1. Latino and Puerto Rican Affairs Commission,
2. African American Affairs Commission,
3. Asian Pacific American Affairs Commission,

4. Permanent Commission on the Status of Women,
5. Commission on Children, and
6. Commission on Aging.

The act also eliminates a requirement that the first three of the above-listed commissions employ their staff in accordance with the State Personnel Act. The State Personnel Act governs the state's classified service and requires agencies to use merit principles in hiring and employment. By law, legislative employees are exempt from the classified service (CGS § 5-198).

§ 71 — EDUCATION COST SHARING (ECS) GRANTS TO TOWNS

The act overrides the statutory formula for calculating ECS grants and specifies each town's ECS grant for FY 10 and FY 11. Under the act, each town's grant is the same for both years.

§ 72 — POLICE OFFICER STANDARDS AND TRAINING (POST) COUNCIL

The act transfers the POST's administrative functions to the Department of Public Safety (DPS) and requires the department to provide the administrative assistance the council requires to maintain independent operations. Under prior law, the council was part of DPS for administrative purposes only. The act specifies that the POST Council remains solely responsible for its own operations and programs.

The POST Council establishes standards and provides training for police officers. It also establishes standards for, and accredits, law enforcement units in the state.

§ 73 — PLAN FOR BORROWING AGAINST FUTURE STATE REVENUE

The act requires the state treasurer and the OPM secretary jointly to develop a financing plan to raise up to \$335 million in net general state revenue for FY 11. The plan can include "securitization" of revenue from the state lottery; issuing bonds and other debt instruments or placing them privately; or the purchase of state debt instruments by public pension and trust funds, such as the state, municipal employees', and teachers' retirement funds. "Securitization" allows the state to borrow against a future revenue stream.

The treasurer and secretary must finish the plan and provide it to the chairpersons of the Appropriations and Finance, Revenue and Bonding committees by February 3, 2010.

§ 74 — MARSHAL FEE INCREASE

Starting October 1, 2009, the act increases the annual fee each state marshal must pay from \$250 to \$750. The fee is payable by October 1 each year to the State Marshal Commission and is deposited in the General Fund.

§ 75 — DEPARTMENT OF SOCIAL SERVICES DEADLINES FOR SERVICE OF PROCESS

The act requires the DSS commissioner to send any subpoena, summons, warrant, or court order related to department-initiated proceedings to a state marshal for service if (1) no action has been taken on it within the preceding 14 days and (2) the underlying proceedings are unresolved. In addition, to resolve any backlog, the act requires that, starting August 1, 2009, the commissioner forward up to 150 such documents per month to state marshals for service, if no action has been taken on them within the preceding 30 days.

§§ 77 & 86 — CORPORATION TAX SURCHARGE

The act imposes a 25% corporation tax surcharge for income years beginning in 2009, 2010, and 2011. Companies must calculate their surcharges based on their tax liability excluding any credits. The surcharge is due, payable, and collectible as part of each company's total tax for the year.

The surcharge applies to all companies that pay the tax, except those owing only the \$250 minimum. It applies both to companies that pay the tax on their net income and those that pay on their capital base.

EFFECTIVE DATE: July 1, 2009 and applicable to income years starting on or after January 1, 2009.

§§ 76, 78 & 79 — CORPORATION TAX PROVISIONS FOR DOMESTIC INTERNATIONAL SERVICE COMPANIES

The act eliminates a corporation tax exemption for companies that qualify under the federal tax code as domestic international service companies (DISCs) as well as a deduction for dividends received from DISCs. It also requires companies to include receipts from sales of tangible personal property to DISCs in their total gross receipts for interstate apportionment purposes.

Under the federal tax code, companies that meet certain conditions (see BACKGROUND) and receive most of their income from qualified export, can elect to be treated as interest charge DISCs (IC-DISCs) for federal tax purposes. Unlike most corporations, IC-DISCs are not generally subject to federal tax on their income. Instead, their shareholders pay taxes on the income when it is actually distributed, but federal law allows the taxes on those distributions to be deferred if

the shareholders pay annual interest on the deferred amounts. The IRS establishes the annual interest rate based on the 12-month Treasury bill interest rate (Internal Revenue Code, §§ 992; 995(f)).

EFFECTIVE DATE: July 1, 2009 and applicable to income years starting on or after January 1, 2009.

§§ 78 & 96 — FEDERAL DOMESTIC PRODUCTION ACTIVITY DEDUCTION

The act bars companies and individuals from using the federal tax deduction for domestic production activity when determining their taxable income for the state's corporation and income taxes.

Federal tax law allows corporations, individuals, and pass-through companies to deduct a percentage of qualifying income they earn from eligible production activities taking place wholly or mostly within the United States. Eligible production activity includes manufacturing, construction, engineering, energy production, computer software, films and videotape, and agricultural products processing. The percentage deduction is 6% for 2008 and 2009 and 9% for 2010 and after (Internal Revenue Code § 199).

The act requires (1) corporations to exclude the domestic production activity deduction when calculating net income for purposes of the state corporation tax and (2) individuals to add back any such deduction included in their federal AGI when calculating Connecticut AGI for state income tax purposes.

EFFECTIVE DATE: July 1, 2009. The corporation tax change applies to income years starting on or after January 1, 2009 and the income tax change applies to tax years starting on or after January 1, 2009.

§ 80 — TAX CREDIT FOR DONATING OPEN SPACE

The law provides a credit against the corporation tax for donations or discounted sales of open space land or interests in land to the state, a political subdivision, or a nonprofit land conservation organization when the land will be permanently preserved as open space. The credit equals 50% of the (1) donated land's market value at its highest and best use or (2) value of the discounted sales price of the land or interest in the land.

The act extends the period for which a company may carry forward unused credits from 15 to 25 years. As under prior law, the carry-forward applies only to credits allowed for any tax year starting on or after January 1, 2000.

EFFECTIVE DATE: July 1, 2009 and applicable to income years starting on or after January 1, 2009.

§§ 81-85 & 110 — FILM AND DIGITAL
ANIMATION PRODUCTION AND
INFRASTRUCTURE INVESTMENT TAX CREDITS

Credit Administration

The law establishes tax credits against the corporation and insurance premium taxes for film and digital animation production and infrastructure investment related to both. The act transfers the administration of the credits from the Connecticut Commission on Culture and Tourism (CCCT) to the Department of Economic and Community Development (DECD). It transfers to DECD the CCCT's powers and duties concerning digital media and motion picture promotion activities. It also requires state agencies and institutions that contract for digital media or film productions to send copies of their requests for proposals to DECD, rather than CCCT.

Interim Film Production Tax Credit. The act eliminates a company's ability to obtain an interim film production tax credit. It does this by eliminating the process that allows a company to apply for a tax credit voucher while a production is in progress, starting three months after submitting its eligibility application, for its expenses up to that time. It continues to allow a production company to apply for and receive credits on an annual basis or after it incurs its last production expense.

Cost Certification. A film production or digital animation company must provide independent certification of the amount of its production expenses and costs when it applies for a tax credit voucher. The act requires the production company to use an audit professional, chosen from a list DECD compiles, to provide the independent certification.

Reporting Requirement. CCCT had to report to the General Assembly every two years on its digital media and movie production promotion activities, the economic impact of all productions, and the impact of each state-assisted production. The act transfers the reporting requirement to DECD; requires that DECD report annually, starting by January 1, 2010; and requires the department to submit the report to the Commerce and Finance, Revenue and Bonding committees instead of the whole General Assembly. It eliminates a requirement that the report include the impact of each state-assisted production and instead requires that it include (1) an analysis of all three credits and (2) for each project or production issued a tax credit, (a) a description of the project, (b) the amount of the credit, and (c) the total production expenses or costs the taxpayer issued the credit incurred in the state.

Eligible and Ineligible Production Expenses

Minimum Qualifying Expenditure. Under prior law, a company was eligible for the film or digital animation production tax credit if it incurred at least \$50,000 in eligible production expenses in the state. For income years starting January 1, 2009, the act increases the minimum expenditure for both credits to \$1 million.

In- and Out-of-State Expenditures. The act requires, for the film production tax credit, that the production company (1) conduct at least 50% of its principal photography days and (2) incur at least 50% of its postproduction costs within the state.

Prior law allowed a company to count 50% of the production expenses it incurs outside the state and 100% of the expenses it incurs in the state towards the film production credit if they are used in the state. This applied from January 1, 2009 to January 1, 2012, after which no out-of-state expenses would count towards the credit. The act moves up the phase-out date, to January 1, 2010, for out-of-state production expenses.

Star Salaries. Under prior law, the first \$15 million paid to a single person, or the person's representative, for services on a film or digital media production counted as a credit-eligible expense. Anything over this amount did not. Starting January 1, 2009, the act limits credit-eligible compensation for all star talent featured in a film or digital media production to \$20 million in the aggregate.

Audit Costs. The act excludes any costs related to an independent audit of film or digital animation production project costs and expenses that DECD requires before certification.

Film and Digital Animation Infrastructure Investment Tax Credit

Under prior law, the credit amounts for infrastructure investments in the film and digital media industry depended on the project's cost. Projects costing at least (1) \$15,001 qualified for a 10% credit, (2) \$150,000 qualified for a 15% credit, and (3) \$1 million qualified for a 20% credit.

Starting January 1, 2009, the act makes the credit a flat 20% and increases the minimum qualifying expenditure to \$5 million. It also requires that the project be 100%, rather than at least 60%, complete before it can receive a tax credit voucher.

EFFECTIVE DATE: July 1, 2009 and applicable to income years starting on or after January 1, 2009. The repeal of statutes to conform to the act's transfer of the film responsibilities from CCCT to DECD takes effect upon passage.

§ 87 — COMBINED REPORTING PREFERENCE TAX

The act increases the maximum preference tax for groups of companies filing combined corporation tax returns from \$250,000 to \$400,000.

By law, any company subject to the Connecticut corporation tax and that is included with one or more affiliated corporations in a consolidated federal income tax return can choose to file a combined Connecticut return as well. The Department of Revenue Services (DRS) commissioner may also require a corporation to file a combined return with its affiliates under certain circumstances. In either a case, a corporate group filing a combined Connecticut corporation tax must pay a supplemental tax in addition to that calculated using the group's combined net income or capital base. This so-called "preference tax" is the difference between the sum of the amounts that would have been 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 amount from \$250,000 to \$400,000.

§§ 88-90 — CIGARETTE TAX

The act increases the cigarette tax by 75 cents, from \$2 to \$2.75 per pack of 20 (from 10 cents to 13.75 cents per cigarette), starting July 1, 2009.

It also imposes a 75-cent "floor tax" on each pack of cigarettes that dealers and distributors have in their inventories at the later of the close of business or 11:59 p.m. on June 30, 2009. By August 15, 2009, each dealer and distributor must report to the DRS the number of cigarettes in inventory as of that time and date and pay the floor tax. If a dealer or distributor does not report by the due date, the DRS commissioner must file the report, estimating the number of cigarettes in the dealer's or distributor's inventory using any information the commissioner has or obtains.

Failure to file the report by the due date is grounds for DRS to revoke a dealer's or distributor's license, and willful failure to file subjects the dealer or distributor to a fine of up to \$1,000, one year in prison, or both. A dealer or distributor who willfully files a false report can be fined up to \$5,000, sentenced to one to five years in prison, or both. Late filers are also subject to the same interest and penalties as apply to other late cigarette tax payments.

EFFECTIVE DATE: The cigarette tax increase is effective July 1, 2009 and applicable to cigarette sales on or after that date. The floor tax is effective on passage.

§§ 91 & 92 — TOBACCO PRODUCTS TAX INCREASE

The act increases the tobacco products tax from 20% to 27.5% of the wholesale price and the tax on snuff tobacco from 40 cents to 55 cents per ounce. The tobacco products tax applies to cigars, cheroots, pipe tobacco, and similar products.

The act imposes the same "floor tax" on inventory as the cigarette floor tax above, except that the rate is 7.5% on the wholesale price of tobacco products and 15 cents per ounce or a proportional share of fractional amounts of snuff that distributors or unclassified importers have in their inventories.

EFFECTIVE DATE: July 1, 2009 and applicable to sales on and after that date. The floor tax is effective on passage.

§ 93 — ESTATE TAX SURCHARGE

The act imposes a 30% estate tax surcharge on the taxable estates of those who die in 2009, 2010, or 2011. The estate tax applies to taxable gifts and estates over \$2 million. Under the act, the surcharge must be added to the Connecticut estate tax due and is payable in the same manner as the underlying tax.

EFFECTIVE DATE: July 1, 2009 and applicable to estates of those who die on or after January 1, 2009.

§ 94 — USE TAX TABLE

The act requires the DRS commissioner to include a use tax table on state income tax forms. The table must show the Connecticut use tax rate (6% for most items) and the total taxes that would be due for various amounts spent.

By law, when someone buys a taxable item or service for use in Connecticut and does not pay sales tax to the retailer at the time of the purchase, the buyer must remit the equivalent use tax directly to DRS. Use tax is generally remitted along with personal income tax payments.

§ 95 — INCOME TAX RATE INCREASE

The act increases income taxes for those with taxable incomes over \$500,000 for joint filers, \$265,000 for single filers, \$400,000 for heads of households, and \$250,000 for married people filing separately. It does so by adding three higher-income brackets and increasing the marginal tax rates for income in those brackets from a flat 5.0% to a range of 6.0% to 7.5%. It increases the flat tax rate for trusts and estates from 5.0% to 7.5%.

Table 5 shows tax rates and brackets under the prior law and the act. (Note: The tax rates shown apply only to the taxable income in the applicable bracket, not to all of a taxpayer's income.)

Table 5: Income Tax Rates and Brackets Under Prior Law and The Act

TAX RATES		CT TAXABLE INCOME			
		<i>Married Filing Jointly</i>		<i>Single</i>	
<i>Prior Law</i>	<i>Act</i>	<i>Over</i>	<i>But Not Over</i>	<i>Over</i>	<i>But Not Over</i>
3.0%	3.0%	\$0	\$20,000	\$0	\$10,000
5.0%	5.0%	20,000	500,000	10,000	265,000
	6.0%	500,000	600,000	265,000	318,000
	6.5%	600,000	750,000	318,000	397,500
	7.5%	Over \$750,000		Over \$397,500	
TAX RATES		<i>Head of Household</i>		<i>Married Filing Separately</i>	
<i>Prior Law</i>	<i>Act</i>	<i>Over</i>	<i>But Not Over</i>	<i>Over</i>	<i>But Not Over</i>
3.0%	3.0%	\$0	\$16,000	\$0	\$10,000
5.0%	5.0%	16,000	400,000	10,000	250,000
	6.0%	400,000	480,000	250,000	300,000
	6.5%	480,000	600,000	300,000	375,000
	7.5%	Over \$600,000		Over \$375,000	

EFFECTIVE DATE: July 1, 2009 and applicable to tax years starting on or after January 1, 2009.

§§ 97 & 98 — DELAY IN SCHEDULED INCOME TAX REDUCTIONS FOR SINGLE FILERS

The act delays scheduled income tax reductions for single filers for three years. It does so by delaying scheduled increases in (1) their adjusted gross income (AGI) exempt from the tax and (2) income thresholds for phasing out their personal exemptions and credits and their property tax credits.

Personal Exemption

The maximum personal exemption for single filers for the 2008 tax year was \$13,000. Under prior law, the maximum exemption was scheduled to increase to \$13,500 on January 1, 2009 and to rise in five more annual steps to \$15,000 on January 1, 2012. The act instead maintains the \$13,000 personal exemption for three more years, through the 2011 tax year, delaying the increase to \$13,500 and each subsequent increase by three years. It also delays scheduled increases in the exemption reduction thresholds to correspond, as shown in Table 6. (The income tax personal exemption is reduced by \$1,000 for each \$1,000 of AGI over a specified threshold, which varies according to filing status.)

Table 6: Personal Exemptions for Single Filers

<i>Tax Year(s)</i>		<i>Maximum Personal Exemption (AGI)</i>	<i>Personal Exemption Reduction Threshold (AGI)</i>
<i>Old Law</i>	<i>The Act</i>		
2008	Through 2011	\$13,000	\$26,000
2009	2012	13,500	27,000
2010	2013	14,000	28,000
2011	2014	14,500	29,000
2012 and after	2015 and after	15,000	30,000

Personal Credit

The act also delays by three years scheduled increases in income ranges that allow single filers to qualify for personal credits against their income tax. Personal credits range from 1% to 75% of tax liability depending on AGI. Filers with AGIs above specified levels, which vary depending on filing status, do not qualify for any credit. Table 7 shows qualifying personal credit income ranges for single filers under prior law and the act.

Table 7: Personal Credits for Single Filers

<i>Tax Year(s)</i>		<i>Qualifies for 1% to 75% Personal Credit (AGI)</i>	
<i>Prior Law</i>	<i>The Act</i>	<i>Over</i>	<i>But Not Over</i>
2008	Through 2011	\$13,000	\$56,500
2009	2012	13,500	58,500
2010	2013	14,000	60,500
2011	2014	14,500	62,500
2012 and after	2015 and after	15,000	64,500

Property Tax Credit

Finally, the act delays by three years scheduled increase in AGI ranges that allow single filers to qualify for property tax credits. By law, the maximum property tax credit is \$500. Certain taxpayers qualify for a reduced credit or no credit depending on their AGI and filing status, with the maximum credit reduced by 10% for each \$10,000 of AGI over the specified threshold. Under prior law, the AGI threshold at which a single filer's maximum property tax credit starts to be reduced was scheduled to increase annually over the four years from 2008 to 2012 from \$56,500 to \$64,500. This act delays each of these scheduled increases by three years as shown in Table 8.

Table 8: Maximum Property Tax Credits for Single Filers

<i>Tax Year (s)</i>		<i>Maximum Property Tax Reduction Threshold (AGI)</i>
<i>Prior Law</i>	<i>The Act</i>	
2008	Through 2011	\$56,500
2009	2012	58,500
2010	2013	60,500
2011	2014	62,500
2012 and after	2015 and after	64,500

EFFECTIVE DATE: July 1, 2009 and applicable to income years starting on or after January 1, 2009.

§ 99 — TIRE FEE

The act requires motor vehicle tire retailers to pay a \$3 fee for each tire they sell. Such retailers must register with the DRS commissioner and submit quarterly returns, starting with the quarter beginning July 1, 2009. Returns are due by the last day of the month following the end of each quarter. Fees not paid when due are subject to a penalty of 10% or \$50, whichever is greater, and interest of 1.25% per month or part of a month until paid. Tire fee revenue must be deposited in the General Fund.

The act requires the DRS commissioner to distribute tire fee return forms widely in the state but specifies that failure to receive a form does not excuse a person from the obligation to pay the fee. The act applies to the tire fee the same administrative, audit, deficiency assessment, and appeal procedures as apply to admissions and dues taxes.

EFFECTIVE DATE: Upon passage

§ 100 — PLAN TO SELL STATE ASSETS

The act requires the state treasurer and the OPM secretary jointly to establish a plan to sell state assets to raise net general revenue of up to \$10 million for FY 11 and \$102.5 million for FY 12. They must finish the plan and provide it to the Appropriations and Finance, Revenue and Bonding committee chairpersons by February 3, 2010.

§ 101 — TRANSFERS FROM THE BUDGET RESERVE (“RAINY DAY”) FUND

The act requires the state treasurer to transfer from the Budget Reserve Fund to General Fund revenue (1) \$461.1 million for FY 10 on July 1, 2009 and (2) \$920.7 million for FY 11 on July 1, 2010.

EFFECTIVE DATE: Upon passage

§ 102 & 103 — ECONOMIC RECOVERY NOTES

The act authorizes the state to issue economic recovery notes to fund (1) the FY 09 General Fund deficit, (2) the interest payable or accrued on the notes through June 30, 2011, and (3) the costs of their issuance. The notes are state general obligations and must mature before July 1, 2016. The act exempts the debt attributable to the notes from the statutory limit on state General Fund-supported debt (see BACKGROUND).

The act requires the comptroller to certify the FY 09 deficit amount to the treasurer “promptly” after the act’s passage based on her most recent monthly report of the state’s fiscal condition. The comptroller’s certification provides conclusive evidence of the amount of economic recovery notes the treasurer can issue under the act. When the comptroller knows the final deficit, she must certify that amount to the treasurer. If the final amount is greater than the initial amount certified, the act authorizes the treasurer to issue additional notes to cover the difference.

The treasurer must issue the notes on or after the act’s passage and deposit the proceeds from their sale in the General Fund. In any determination of the General Fund’s position for FY 10, the comptroller must reflect the amount of the note proceeds funding the FY 09 General Fund deficit, if the notes are issued before the determination.

The act exempts interest on, and gains from the sale of, the notes from all taxes imposed by the state or under its authority, except estate or succession taxes. It also requires the treasurer to structure the notes so their interest is excluded from federal taxes if that is appropriate or necessary to improve the notes’ marketability.

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.

Finally, the act incorporates and applies to the economic recovery notes various statutory provisions relating to issuing state general obligation bonds and notes. These concern, among other things, the treasurer’s authority to make agreements and promises relating to issuing and repaying the notes, and the procedure for, and state defenses in, any bond holder lawsuit under contracts, agreements, and covenants relating to the notes.

EFFECTIVE DATE: Upon passage

§§ 104-109 — REVENUE ESTIMATES

The act adopts revenue estimates for FY 10 and FY 11 for three state funds, as shown in Table 9.

Table 9: Revenue Estimates for FY 10 and FY 11

<i>Fund</i>	<i>FY 10</i>	<i>FY 11</i>
General Fund	\$17,528,700,000	\$18,048,400,000
Mashantucket Pequot & Mohegan Fund	61,800,000	61,800,000
Criminal Injuries Compensation Fund	3,500,000	3,700,000

BACKGROUND

IC-DISCs

To be an IC-DISC, a corporation must be organized under the laws of a state or the District of Columbia and:

1. derive at least 95% of its gross receipts during the tax year from qualified exports;
2. at the end of the tax year, have at least 95% of its assets as qualified export assets;
3. have only one class of stock with a par or stated value of at least \$2,500 on each day of the tax year;
4. maintain separate books and records;
5. not be a member of any controlled group of which a foreign sales corporation (FSC) is also a member (a FSC is an affiliate of a U.S. company that is incorporated in a qualifying foreign country and serves as an agent for the U.S. exporter);
6. have a tax year that conforms to the tax year of its largest shareholder in terms of voting power; and
7. elects to be treated as an IC-DISC for the tax year.

Statutory Debt Limit

State law limits the amount of state General Fund-supported debt to 1.6 times the net General Fund tax receipts the Finance, Revenue and Bonding Committee projects for the fiscal year in which the legislature authorizes the debt. Certain types of debt are excluded from the debt limit calculation, including debts incurred for federally reimbursable public works projects, assets in debt retirement funds, and debt incurred in anticipation of revenue and some other purposes.

PA 09-2, June 2009 Special Session—HB 6801
Emergency Certification

AN ACT AUTHORIZING ECONOMIC
RECOVERY NOTES

SUMMARY: The act authorizes the state to issue economic recovery notes to fund the (1) FY 09 General Fund deficit, (2) interest payable or accrued on the notes through June 30, 2011, and (3) costs of their issuance. The notes are state general obligations and must mature before July 1, 2016. The act exempts the debt attributable to the notes from the statutory limit on state General Fund-supported debt (see BACKGROUND).

The act overrides the statutory requirement that money in the Budget Reserve (“Rainy Day”) Fund be deemed appropriated to cover the FY 09 deficit. In addition, if the comptroller determines there is an unappropriated General Fund surplus at the end of any fiscal year from FY 10 through FY 17, the act requires that surplus to be first used to redeem any outstanding economic recovery notes before they mature.

The act also overrides statutory provisions requiring such surpluses to go first to the Rainy Day Fund and then, once the fund balance reaches 10% of net General Fund appropriations for the current fiscal year, towards (1) the State Employees Retirement Fund’s unfunded liability and (2) paying off outstanding state debt. (PA 09-8, September Special Session, repeals this provision in favor of a later enactment by PA 09-3, June Special Session – see BACKGROUND.)

The act requires the comptroller to certify the projected FY 09 deficit amount to the treasurer “promptly” after the act’s passage (September 1, 2009). She may base the certification on her most recent monthly report of the state’s fiscal condition. The comptroller’s certification provides conclusive evidence of the amount of economic recovery notes the treasurer can issue. When the comptroller knows the final deficit, she must certify that amount to the treasurer. If the final amount is greater than the initial amount certified, the act authorizes the treasurer to issue additional notes to cover the difference.

The act incorporates and applies to the economic recovery notes applicable statutory provisions relating to state bonds and notes; authorizes the treasurer to make contracts, agreements, and promises relating to the notes; and establishes the procedure and venue for, and state defenses in, any note holder lawsuit under contracts, agreements, and covenants relating to the notes.

EFFECTIVE DATE: Upon passage

ECONOMIC RECOVERY NOTE PROCEEDS

The treasurer must issue the notes on or after September 1, 2009 and deposit the proceeds from their sale in the General Fund. In any determination of the General Fund's position for FY 10, the comptroller must reflect the amount of the note proceeds funding the FY 09 General Fund deficit, if the notes are issued before the determination.

Expenses for issuing or renewing the notes must be paid from the note proceeds or, if necessary, by the General Fund.

TREASURER'S POWERS

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 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.

STATE AND FEDERAL TAX BENEFITS

The act exempts interest on, and gains from the sale of, the notes from all taxes imposed by the state or under its authority, except estate or succession taxes. It also requires the treasurer to structure the notes so their interest is excluded from federal taxes if that is appropriate or necessary to improve the notes' marketability.

The act allows the treasurer to make whatever representations and agreements are necessary or appropriate to ensure that note holders receive available federal tax benefits on note interest. The agreements may include (1) promises to provide secondary market disclosure information; (2) arrangements for the information to be provided through an agent or trustee; and (3) remedies, limited to specific performance, for breaching an agreement. (A "secondary market" is any sale after the initial public offering.)

The act indemnifies state elected and appointed officials and employees from financial losses, including legal fees, arising out of claims of negligence in providing secondary market disclosure information or performing other duties under any agreement to do so. The indemnification does not cover willful and wanton fraud.

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.

LEGAL ACTIONS RELATING TO ECONOMIC RECOVERY NOTES

The act allows the Hartford Superior Court to enter a judgment against the state based on (1) an express contract between the state and holders of the economic recovery notes or (2) contracts or agreements the act allows the treasurer to make relating to the notes. Such a judgment must include any claim or set-off the state has against the plaintiffs. The case must be heard without a jury. The act reserves to the state all legal defenses in such a case except governmental immunity and allows either party to move that the action have privilege in its trial assignment.

BACKGROUND

Statutory Debt Limit

State law limits the amount of state General Fund-supported debt to 1.6 times the net General Fund tax receipts the Finance, Revenue and Bonding Committee projects for the fiscal year in which the legislature authorizes the debt. Certain types of debt are excluded from the debt limit calculation, including debts incurred for federally reimbursable public works projects, assets in debt retirement funds, and debt incurred in anticipation of revenue.

Related Act – Use of Any General Fund Surpluses From FY 10 to FY 17

PA 09-8, September Special Session (§ 59) repeals this act's requirement that, if the comptroller determines there is an unappropriated General Fund surplus at the end of any fiscal year from FY 10 through FY 17, that surplus first be used to redeem any outstanding economic recovery notes before they mature. PA 09-3, June Special Session (§ 511), instead requires that any unappropriated General Fund surplus at the end of any fiscal year from FY 10 through FY 17 be used first to redeem any outstanding economic recovery notes before they mature and second, to reduce the state's obligations under a securitization plan required by that act.

PA 09-3, June 2009 Special Session—HB 6802
Emergency Certification

AN ACT CONCERNING EXPENDITURES AND REVENUE FOR THE BIENNIUM ENDING JUNE 30, 2011

SUMMARY: This act appropriates funds for state agencies and programs for FY 10 and FY 11. Among other things, it:

1. carries forward unspent appropriations from prior years, transfers funds among agencies, and directs funds to be spent for specific purposes;
2. requires the Office of Policy and Management (OPM) secretary to reduce state agency spending for information technology services, and submit a plan to reduce expenses for personal services, other expenses, and contracts and personal service agreements by a total of \$120 million in FY 10 and FY 11;
3. extends the requirement to take unpaid furlough days to Superior Court judges and Judicial Branch employees; and
4. limits the governor's unilateral authority to reduce Legislative and Judicial Branch fund allotments.

The act also makes revenue changes affecting FY 09, FY 10, and FY 11. It:

1. increases personal income, corporation, cigarette, and tobacco products taxes and extends the real estate conveyance tax to property foreclosed by sale;
2. reduces estate tax and gift taxes, starting with deaths occurring and gifts given on or after January 1, 2010; and
3. reduces the state's sales and use tax from 6% to 5.5%, starting January 1, 2010, but only if FY 10 General Fund revenue projections do not fall by more than 1% below the projections the act adopts.

The act raises many state fees by (1) increasing fees under \$15 to at least \$15, (2) doubling fees under \$150, (3) increasing fees between \$150 and \$1,000 by 25%, and (4) adding \$250 to fees of \$1,000 or more. It eliminates most of the Department of Environmental Protection's (DEP) special funds and accounts and transfers their revenue to the General Fund.

The act establishes (1) a temporary tax settlement initiative program for those who owe state taxes and (2) "economic" nexus as the basis for subjecting out-of-state business to Connecticut corporation and personal income taxes.

It:

5. transfers funds from the Budget Reserve ("Rainy Day") Fund to General Fund revenue for FY 10 and FY 11;
6. transfers revenue from various special funds and accounts to the General Fund as revenue for FY 10 and FY 11;
7. requires the state treasurer and the OPM secretary to formulate a plan to finance ("securitize") up to \$1.3 billion in net state revenue for FY 11, including possibly by borrowing against future state lottery revenue;
8. requires the two officials to formulate a plan to sell state assets to raise up to \$15 million in net revenue for FY 10 and up to \$45 million in FY 11; and
5. approves settlements between the state and the Mashantucket Pequot and Mohegan tribes concerning slot machine revenue due the state.

The act authorizes state general obligation (GO) bonds for local school construction projects and authorizes the state and municipalities to take advantage of the federal "Build America" Bond program by issuing taxable bonds with federal interest subsidies. It also allows the state to issue special tax obligation bonds to fund the Town Aid Road (TAR) program for local road and bridge projects.

For FY 09 through FY 11, the act exempts Bridgeport from a statutory requirement that it annually contribute the actuarially required amount to a pension plan funded with pension deficit funding bonds.

Finally, the act adopts FY 10 and FY 11 revenue estimates for the General Fund, the Special Transportation Fund, and the eight other appropriated state funds.

EFFECTIVE DATE: Upon passage, unless otherwise noted below.

§§1-20 — FY 10 AND FY 11 APPROPRIATIONS

The act appropriates money from the state's 10 appropriated funds for state agency operations and programs in FY 10 and FY 11. Net total annual appropriations from each fund are shown in Table 1.

Table 1: FY 10 and FY 11 Appropriations by Fund

§§	Fund	Net Appropriation	
		FY 10	FY 11
1, 11	General Fund	\$17,374,582,736	\$17,591,035,710
2, 12	Special Transportation Fund	1,106,420,335	1,172,189,514
3, 13	Mashantucket Pequot and Mohegan Fund	61,779,907	61,779,907
4, 14	Soldiers', Sailors' and Marines' Fund	2,978,468	2,997,543

§§	Fund	Net Appropriation	
		FY 10	FY 11
5, 15	Regional Market Operation Fund	928,942	957,073
6, 16	Banking Fund	19,641,148	20,573,086
7, 17	Insurance Fund	25,652,871	26,617,652
8, 18	Consumer Counsel and Public Utility Control Fund	23,229,776	23,957,386
9, 19	Workers' Compensation Fund	22,614,564	23,072,391
10, 20	Criminal Injuries Compensation Fund	3,132,410	3,408,598

§ 21 — BIRTH-TO-THREE PROGRAM

For FY 10 and FY 11, the act requires the State Department of Education (SDE) to annually transfer \$1 million of the federal special education funds it receives to the Department of Developmental Services (DDS) for the Birth-to-Three Program to carry out special education-related requirements consistent with the federal special education law.

§ 22 — WACE TECHNICAL TRAINING CENTER

For FY 10 and FY 11, the act exempts WACE Technical Training Center in Waterbury from statutory requirements for adult education grants and allows it to spend up to \$300,000 of its grant in each year for technical training.

§ 23 — PRIORITY SCHOOL DISTRICT GRANTS

The act distributes the priority school district grant appropriation to state education programs in the amounts shown in Table 2.

Table 2: Priority School District Grant Allocations

Grant	FY 10	FY 11
Priority School Districts	\$40,929,547	\$40,929,547
School Readiness	69,813,190	69,813,190
Extended School Building Hours	2,994,752	2,994,752
School Accountability	3,499,699	3,499,699

§ 24 — PRIVATE OCCUPATIONAL SCHOOL STUDENT PROTECTION ACCOUNT

Despite statutory restrictions on such spending, the act allows the Department of Higher Education (DHE) to spend \$245,000 in FY 10 and \$257,000 in FY 11 from the private occupational school student protection account.

§ 25 — CONNECTICUT INDEPENDENT COLLEGE STUDENT GRANT PROGRAM

The law requires independent colleges and universities to award aid to individual students under the Connecticut Independent College Student Grant (CICSG) Program based on the U.S. Department of Education's need analysis system. For FY 10 and FY 11, this act prohibits any independent college or university from receiving its annual CICSG allocation if it (1) meets students' full financial needs and (2) uses a need analysis system that results in determinations of need for individual students that are greater than the federal system.

It requires DHE to redistribute two-thirds of the unallocated CICSG funds in FY 10 and FY 11 to all other eligible independent colleges and universities, using the statutory formula. DHE must set aside the remaining one-third and transfer up to \$500,000 per year to Opportunities for Veterinary Medicine in FY 10 and FY 11.

(PA 09-6, September Special Session, (§ 57) eliminates this provision and requires DHE to reduce an independent college or university's CICSG allocation by \$500,000 if it returned at least \$500,000 of its funding for FY 09. It also requires DHE to compute the CICSG allocation based on the unreduced appropriation. DHE must still transfer up to \$500,000 of the set-aside CICSG funds to Opportunities for Veterinary Medicine in FY 10 and FY 11.)

§§ 26-28 & 32-36 — FUNDS CARRIED FORWARD

The act carries forward various unspent balances from prior years' appropriations and requires them to be used for the same purposes in FY 10 or in FY 10 and FY 11, rather than lapsing at the end of FY 09 (see Table 3).

Table 3: Funds Carried Forward for the Same Purpose

<i>§</i>	<i>Agency</i>	<i>Purpose</i>	<i>Amount</i>	<i>To FY</i>
26	Motor Vehicles	Commercial Vehicle Information Systems and Networks project	Unspent balance	2010 2011
27 (a)	Motor Vehicles	Upgrading registration and drivers' license data processing systems	Unspent balance	2010 2011
27 (b)	Motor Vehicles	Upgrading registration and drivers' license data processing systems	Up to \$7 million	2010 2011
27 (c)	Motor Vehicles	Upgrading registration and drivers' license data processing systems	Up to \$8.5 million	2010 2011
28 (a)	Banking	Improvements associated with the new office lease	Up to \$750,000	2010
28 (b)	Banking	Improvements associated with the new office lease	Up to \$250,000	2010
32 (a)		Collective bargaining and related costs appropriated in the 2008-2009 biennial budget	Unspent balance as determined by the OPM secretary	2010 2011
32 (b)		Collective bargaining and related costs appropriated for FY 10 in the act	Unspent balance as determined by the OPM secretary	2011
33	OPM	Other expenses – for a health care and pension consulting contract	Unspent balance	2010 2011
34	OPM	Other expenses – to prevent potential base closures	Up to \$50,000	2010
36	OPM	(1) Design and implementation of a comprehensive, state-wide information technology system for sharing criminal justice information and (2) costs related to the Criminal Justice Information System Governing Board	Unspent balance	2010

The act also carries forward to FY 10 the unspent balance of an appropriation to OPM for licensing and permitting fees. It transfers the money to the Department of Information Technology to implement a common licensing and permit issuance service for state agencies.

§ 29 — NEIGHBORHOOD YOUTH CENTER GRANTS

The act requires OPM to use its FY 10 and FY 11 appropriation for neighborhood youth centers to provide the following grants:

1. \$1.1 million for the Boys and Girls Clubs of Connecticut, with up to \$100,000 to the Boys and Girls Club of Bridgeport, contingent on the organizations providing a 100% cash match for the grants; and
2. \$387,000 for the following organizations, contingent on their matching at least 50%, with a cash match of at least 25%, of the grant amount:

- a. Centro San Jose, Hill Cooperative Youth Services, Inc., and Central YMCA in New Haven;
- b. up to \$87,000 for Trumbull Gardens in Bridgeport;
- c. up to \$50,000 for the Valley Shore YMCA in Westbrook;
- d. up to \$25,000 for the Rivera Memorial Foundation, Inc. of Waterbury; and
- e. up to \$25,000 for the Willow Plaza Neighborhood Revitalization Zone Association in Waterbury.

§ 30 — PILOT ASTHMA AWARENESS PROGRAM

The act transfers \$150,000 from the Tobacco and Heath Trust Fund for FY 10 to the Department of Public Health (DPH) for a pilot asthma awareness program.

§ 31 — ENERGY ASSISTANCE PROGRAM

The act requires the unspent balance of an \$8.5 million appropriation to OPM that was carried forward to FY 10 in PA 09-2 for an emergency energy assistance program to be available between July 1, 2009 and June

30, 2010. Under PA 09-2 and this act, the program must help Connecticut households with incomes between 150% and 200% of the applicable federal poverty level that cannot make timely payments on deliverable fuel, electricity, or natural gas bills. The program requires Operation Fuel, a nonprofit organization that serves people ineligible for publicly funded energy assistance, to pay assistance directly to fuel vendors, electric or gas companies, or municipal electric or gas utilities. (PA 09-5, September Special Session (§ 82) specifies that assistance can be provided regardless of whether these fuels are a household's primary or secondary energy sources.)

§ 37 — UNEMPLOYMENT TRUST FUND ALLOCATIONS

For FY 10 and FY 11, the act appropriates \$30 million from Connecticut's account in the federal Unemployment Trust Fund to the Labor Department. The money must be spent in accordance with the federal unemployment compensation law. For FY 10, the act allocates up to \$12 million of that amount to the department's administrative infrastructure with a maximum of \$7 million earmarked for improving its information technology systems. For FY 11, the administrative infrastructure allocation is up to \$18 million, with a maximum of \$13 million for improving information technology systems.

§ 38 — NEWBORN SCREENING ACCOUNT

For FY 10 and FY 11, the act allocates \$800,000 annually, rather than the statutorily required \$500,000, to the General Fund's newborn screening account. The funding comes from fees the DPH charges institutions for comprehensive newborn testing, parent counseling, and treatment. DPH must use the money (1) to buy upgraded screening technology and (2) for its testing expenses.

§ 39 — STEM CELL RESEARCH FUND

The act allows the DPH commissioner to use up to \$200,000 per year from the Stem Cell Research Fund in FY 10 and FY 11 for administrative expenses.

§ 40 — PRE-TRIAL ALCOHOL SUBSTANCE ABUSE PROGRAM FUNDING

For FY 10 and FY 11, the act earmarks the following annual amounts from the Department of Mental Health and Addiction Services' (DMHAS) appropriations for the Pre-Trial Alcohol Substance Abuse Program:

1. up to \$1.1 million in each year for regional action councils;

2. up to \$510,000 in each year for the Governor's Partnership to Protect Connecticut's Workforce;
3. up to \$100,000 in each year to fund a nonprofit organization with appropriate expertise in building a community-wide, broad-based, and inter-institutional approach to preventing substance abuse;
4. up to \$125,000 in each year for the Regional Youth/Adult Substance Abuse Project in Bridgeport; and
5. up to \$125,000 in each year for the RYASAP Regional Action Council in Bridgeport. (PA 09-7, September Special Session (§ 40) eliminates this earmark.)

§ 41 — DSS DISPROPORTIONATE SHARE (DSH) PAYMENTS TO DMHAS HOSPITALS

The act requires DSS to spend money appropriated to it for FY 10 and FY 11 for 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 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.

§§ 42 & 43 — UCONN HEALTH CENTER AND VETERANS' AFFAIRS DSH TRANSFERS

The act allows the OPM secretary to transfer all or part of any FY 10 or FY 11 appropriation for the UConn Health Center or the Department of Veterans' Affairs to DSS' DSH-Medical Emergency Assistance account in order to maximize federal reimbursement.

§ 44 — INFORMATION TECHNOLOGY REDUCTION

The act requires the OPM secretary to reduce agency allotments for information technology systems and services by \$30,836,354 for FY 10 and \$31,718,598 for FY 11.

§ 45 — NONFORMULARY DRUG APPEAL PROCESS FOR CLIENTS ELIGIBLE FOR BOTH MEDICAID AND MEDICARE PART D

By December 1, 2009, the act requires the DSS commissioner to provide a report to the Appropriations and Human Services committees describing revisions to its nonformulary exception review and appeals process for clients eligible for both Medicaid and Medicare Part D. (Nonformulary drugs are drugs that are not on the list

of drugs pre-approved for reimbursement under a Medicaid or Medicare Part D plan. Costs for such drugs may be reimbursed through exceptions after appeals.) The report must also explain DSS' (1) revised process for determining, before pursuing appeals with private plans, whether a nonformulary drug is medically necessary; (2) conditions for pursuing such appeals; and (3) criteria for making referrals to the Center for Medicaid Advocacy (CMA) for further appeals.

A later act (PA 09-5, September Special Session (§ 83)) requires DSS, within available appropriations, to contract with (1) the CMA to provide assistance with Medicare Part D Plan appeals relating to medically necessary prescription denials and (2) a pharmacy association or pharmacist to help clients choose a Medicare Part D Plan that best meets their needs. In addition, instead of submitting a report, the later act requires the commissioner to provide the committees with a plan concerning its referral process for dually eligible clients. The plan, which must also be submitted by December 1, 2009, must include a means to provide information to clients about appeal rights and assistance available from CMA.

§ 46 — SUPPORTIVE HOUSING FOR FAMILIES PROGRAM

The act requires the Department of Children and Families (DCF) to prioritize enrollment in its Supportive Housing for Families program after October 1, 2009 to maximize (1) the number of families with a child in an out-of-home placement who are likely to be reunified because of their participation in the program or (2) the number of families remaining together. It requires the DCF commissioner to report to the Appropriations and Human Services committees by January 1, 2010, on how the department will use funding for the program. The report must include the number of (1) families the program serves and (2) children expected to be reunited with their families during FY 10 and FY 11 because of efforts to give priority to families with a child placed outside the home that are undergoing reunification.

§ 47 — PERSONAL SERVICES, OTHER EXPENSES, AND STATE CONTRACTS

For FY 10 and FY 11, the act requires the OPM secretary to recommend ways to reduce the following types of spending by the following annual amounts:

1. \$14 million for personal services,
2. \$11 million for other expenses, and
3. \$95 million for contracts and personal service agreements.

It exempts the higher education constituent units from the recommended personal services or other

expense expenditure reductions and requires recommended reductions in contracting and personal service agreements to exclude those for providing direct programs and health services to consumers. The secretary must submit a plan detailing the recommended reductions to the Appropriations Committee through the Office of Fiscal Analysis by October 1, 2009.

§ 48 — PERSONAL SERVICES SAVINGS

The act allows the governor to modify or reduce allotment requisitions from FY 10 and FY 11 appropriations to achieve the reductions in personal services costs required by this act, any other public or special act, or any collective bargaining agreement.

§ 49 — GENERAL SERVICES REVOLVING FUND POSITIONS

The act limits to 124 the number of positions the Department of Administrative Services (DAS) may fill from the General Services Revolving Fund. By law, the fund, whose statutory name is the Department of Administrative Services Revolving Fund, is used to pay agencies' costs for supplies, material, equipment, and contractual services before the comptroller finally determines how to allocate the expenses to particular agency accounts (CGS § 4a-75).

§ 50 — TRANSFERS TO MAXIMIZE FEDERAL MATCHING FUNDS

The act allows the governor, with Finance Advisory Committee (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.

§ 51 — TRANSFERS TO ALLOW RECEIPT OF FEDERAL STIMULUS FUNDS

The act allows the governor, with FAC approval, to transfer all or part of an agency's General Fund appropriation, at its request, to another agency in order for the state to receive federal stimulus funds under the 2009 federal American Recovery and Reinvestment Act (ARRA).

The governor must present a plan for transferring the funds to the Appropriations Committee and the legislative committee with jurisdiction over the transferring agency. Both committees must approve or reject the plan within 15 days after they receive it. If the committees cannot agree or if they fail to act within the

required time, the governor’s plan is considered approved. If the governor’s plan is approved, the Appropriations Committee must ask the FAC to approve the plan.

§ 52 — FUNDING ADJUSTMENTS TO MAXIMIZE FEDERAL FUNDING

The act allows the governor, with FAC approval, to adjust an agency’s General Fund appropriation to maximize federal funding to the state. The governor must present a plan for any adjustment to the Appropriations and Finance, Revenue and Bonding committees.

§ 53 — FEDERAL REIMBURSEMENT FOR DSS DATA WAREHOUSE PROJECT

In compliance with an advanced planning document for developing a data warehouse approved by the federal Department of Health and Human Services, the act authorizes DSS to establish a “receivable” (presumably, a receivable account) for FY 10 and FY 11 for the anticipated reimbursement from the data warehouse project.

§ 54 — AUTHORITY FOR ADVANCE PAYMENTS TO CERTAIN NURSING HOMES

For FY 10 and FY 11, the act allows the DSS commissioner, after consulting the OPM secretary, to provide payments in advance of normal bill payment processing to nursing homes that provide services eligible for payment under the medical assistance program. The nursing facility must ask for the advance payments. The act limits advances to the estimated amounts due the facility for services to eligible recipients over the most recent two months.

The DSS commissioner must recover the advance either by reducing payments due to the facility or through a reimbursement from the facility within 90 days after issuing the advance. The act requires the commissioner to take prudent measures to assure that no advances are made to nursing homes in danger of insolvency or bankruptcy and allows her to execute appropriate agreements to secure repayment.

§ 55 — DCF-LICENSED PRIVATE RESIDENTIAL TREATMENT FACILITIES

For FY 10 and FY 11, the act eliminates per diem and other rate increases, as well as cost of living adjustments, for private residential treatment facilities licensed by DCF.

§ 56 — COMMISSION ON ENHANCING AGENCY OUTCOMES

PA 09-2 established the 17-member commission to determine if there are agency duplications or functional overlaps and make other recommendations it considers appropriate. PA 09-2 required the commission to report its findings and recommendations to the governor, House speaker, and Senate president pro tempore by July 1, 2009 and terminated the commission when it submits its report or on July 1, 2009, whichever is later. This act extends the commission until June 30, 2010, makes its July 1, 2009 report an interim one, and requires it to submit additional reports periodically.

§ 57 — GOVERNOR’S AUTHORITY TO REDUCE LEGISLATIVE AND JUDICIAL ALLOTMENTS

The act bars the governor from unilaterally reducing an allotment of appropriated funds currently in force for, or an allotment of appropriated funds requisitioned by, any Legislative or Judicial Branch agency. Instead, it allows the governor to require an aggregate allotment reduction for the Legislative or Judicial Branch. It requires the Joint Committee on Legislative Management or the chief court administrator to achieve the reduction as the committee or administrator determines and to submit reductions to the governor through the OPM secretary within 15 days after the governor requires the reductions.

Under prior law, the governor, under certain conditions, could unilaterally reduce allotments and allotment requisitions for appropriations to budgeted legislative and judicial branch agencies by a maximum of 5% of any appropriation and 3% of the total appropriations from any fund.

§§ 58 & 59 — PAYMENTS IN LIEU OF TAXES TO CERTAIN TOWNS

The act appropriates money from the General Fund for the following payments to certain towns in FY 10, in addition to statutorily required payments in lieu of taxes (PILOTs) to those towns:

1. \$100,000 to East Lyme for the U.S. Navy’s Dodge Pond Acoustic Measurement Facility and
2. \$400,000 to Mansfield for the Fenton River Watershed for the Mansfield Hollow Dam.

§ 60 — FILLING STATE EMPLOYEE POSITIONS

Unless the governor recommends it and the FAC approves, the act limits the number of positions state agencies may fill to the number recommended by the Appropriations Committee as revised by the General Assembly and set out in the Office of Fiscal Analysis

(OFA) report on the FY 2010-11 biennial budget. (PA 09-7, September Special Session (§ 6) excludes the state's higher education constituent units from this requirement.)

§ 61 — CHRONIC GAMBLERS TREATMENT AND REHABILITATION

The act temporarily increases, by \$400,000 per year, the annual amount of lottery ticket sales revenue the Connecticut Lottery Corporation must transfer to the chronic gamblers treatment and rehabilitation account. For FY 10 and FY 11, it requires the corporation to transfer \$1.9 million per year rather than \$1.5 million. Starting in FY 12, the act resumes annual transfers of \$1.5 million. The funds in the account are used for preventing chronic gambling and treating and rehabilitating chronic gamblers.

§ 62 — TOBACCO AND HEALTH TRUST FUND

The act allocates \$541,982 from the fund in FY 10 and FY 11 for the regional emergency medical services councils.

§ 63 — EASY BREATHING PROGRAM

The act transfers \$800,000 annually in FY 10 and FY 11 from the Tobacco and Health Trust Fund to DPH for the Easy Breathing Program. It allocates \$300,000 of this amount for the adult asthma program and \$500,000 for the children's asthma program.

§ 64 — STATE CONTRIBUTION FOR RETIRED TEACHERS' HEALTH COVERAGE

For FY 10 and FY 11, the act suspends the statutory requirement that the state appropriate (1) one-third of the cost of premiums for the basic health coverage plan the Teachers' Retirement Board (TRB) must offer to retired teachers participating in Medicare and (2) one-third of the cost of the state subsidy for local board of education health plans covering retired teachers not participating in Medicare. Instead, for FY 10 and FY 11, it requires the separate retired teachers' health insurance premium account to pay two-thirds of the cost of the basic TRB plan and the full cost of the health subsidy to local boards. The funds in the account come from active teachers' total annual health contributions in excess of \$500,000 and investment earnings on the account balance. Active teachers contribute 1.25% their annual salary for retired teachers' health insurance coverage.

§ 65 — FUND TRANSFERS RELATING TO INMATE TRANSPORTATION

The act allows the OPM secretary to transfer Department of Corrections' appropriations for FY 10 and FY 11 to the Judicial Branch as necessary to achieve efficiencies in inmate transportation. The secretary may make the transfers without prior FAC approval.

§ 66 — STATE POLICE MEAL ALLOWANCE

The act restores a requirement, eliminated by PA 09-2, that the state pay a meal allowance for state police personnel and repeals a requirement that, beginning April 1, 2009, the state meal allowance be payable only for Department of Public Safety employees covered by a collective bargaining agreement requiring the allowance.

§ 67 — CONNECTICUT HEALTH INFORMATION NETWORK

The act transfers \$500,000 each year for FY 10 and FY 11 from the Tobacco and Health Trust Fund to the UConn Health Center for the Connecticut Health Information Network.

§ 68 — GRANT TO AIDS INTERFAITH NETWORK

The act earmarks \$100,000 of the DPH's FY 10 General Fund appropriation for AIDS Services for a grant to the AIDS Interfaith Network for audit, capacity building, and technical assistance.

§ 69 — AGRICULTURAL PROGRAM ALLOCATIONS FROM THE COMMUNITY INVESTMENT ACCOUNT

PA 09-229 temporarily increased a fee for each document recorded in municipalities' land records from \$30 to \$40. This act changes the effective date of the increase from the date of PA 09-229's passage (June 3, 2009) to July 1, 2009. The fee increase is effective until July 1, 2011.

By law, municipalities retain \$4 of the fee and must send the balance to the state for deposit to the Community Investment account. Money from the account is distributed quarterly to the Commission on Culture and Tourism, Connecticut Housing Finance Authority, Department of Environmental Protection, and Department of Agriculture (DOAg). These agencies must use the funds for purposes specified in the law. PA 09-229 temporarily altered the distribution of fund revenues among these agencies, increasing DOAg's share from 25% to 40% and reducing those of the other

agencies from 25% to 20% each. These shares apply from June 3, 2009 until July 1, 2011.

During the period DOAg is receiving the 40% share of the funding, this act allocates funds to several organizations and also requires DOAg to make the required distributions to the specified agricultural programs quarterly, instead of annually, as shown in Table 4. For the programs already included in PA 09-229, each year’s total quarterly allocations under this act are the same as the annual amounts for the same programs specified under PA 09-229.

Table 4: Agriculture Program Allocations

<i>Program</i>	<i>PA 09-229 - Annually</i>	<i>This Act - Quarterly</i>
Agricultural viability grant program	\$500,000	\$125,000
Farm transition program	500,000	125,000
Encouraging sale of Connecticut-grown food	100,000	25,000
Connecticut farm link program	75,000	18,750
Urban Oaks Organic Farm	0	12,500
Seafood Advisory Council	0	11,875
Connecticut farm Wine Development Council	0	11,875
Connecticut Food Policy Council	0	6,250
Agricultural sustainability account (grants to milk producers)	Remaining amount distributed annually	Remaining amount distributed each quarter

§ 70 — BRIDGEPORT PENSION PLAN FUNDING

For FY 10 and FY 11, the act exempts any municipality (1) with a population greater than 130,000 and (2) that has issued pension deficit funding bonds, from a statutory requirement to appropriate money for, or contribute to, the pension plan funded with the bond proceeds. Only Bridgeport meets these qualifications.

The act requires the city to submit to the OPM secretary and the state treasurer, by August 1, 2010 and August 1, 2011, respectively, a plan acceptable to them for funding the pension plan for FY 10 and FY 11. In each year the secretary and the treasurer fail to approve the city’s plans, the city must contribute at least \$6 million to the pension plan. (PA 09-8, September Special Session (§§ 14 & 59) changes the reporting dates to April 1, 2010 and April 1, 2011 respectively; allows the state officials to approve, reject, or modify the plan; and reduces the minimum amount the city must contribute in any year when the officials fail to approve a plan to \$4 million.)

State law allows municipalities to issue pension deficit funding bonds to fund unfunded past pension obligations. If a municipality issues such bonds, it must ordinarily contribute at least the actuarially required amount to its pension plan in each fiscal year that it has outstanding pension deficit funding bonds for the plan (CGS § 7-364c (c) (3)).

§ 71 — FUNDS TO EXPAND CHARTER SCHOOLS

When distributing grants to expand the number of grades at a state charter school that the education commissioner has determined will assist the state to meet the goals of the 2008 *Sheff* desegregation stipulation and court order, the act requires the commissioner to use only funds appropriated to SDE for the *Sheff* settlement.

§ 72 — EDUCATION COST SHARING (ECS) GRANTS TO TOWNS

The act overrides the statutory formula for calculating ECS grants and specifies each town’s ECS grant for FY 10 and FY 11. Under the act, each town’s grant is the same for both years.

§ 73 — BUDGET RESERVE FUND TRANSFERS TO GENERAL FUND

The act requires the state treasurer to transfer the following amounts from the Budget Reserve (“Rainy Day”) Fund to the General Fund: \$1.062 billion on the September 8, 2009 and \$319.7 million on July 1, 2010. These amounts must be credited to General Fund revenue for FY 10 and FY 11, respectively. The act supersedes statutory requirements that would have allocated the Budget Reserve Fund balance to the General Fund deficit for FY 09. (PA 09-8 September Special Session (§ 42) reduces the FY 10 transfer to \$1.0397 billion and increases the FY 11 transfer to \$342 million.)

§ 74 — TRANSFERS FROM SPECIAL FUNDS

Transfers to the General Fund

The act transfers a total of \$53.275 million and \$45.275 million from various special funds and accounts to General Fund revenue for FY 10 and FY 11, respectively. The funds and transfer amounts are shown in Table 5.

Table 5: Transfers to the General Fund

<i>Transfer From</i>	<i>FY 10</i>	<i>FY 11</i>
University of Connecticut Health Center Medical Malpractice Trust Fund	\$10,000,000	\$10,000,000
Citizen's Election Fund	18,000,000	7,000,000
Tobacco and Health Trust Fund	10,000,000	10,000,000
Biomedical Research Trust Fund	4,500,000	4,500,000
Public, Educational and Governmental Programming and Education Technology Investment account	2,000,000	2,000,000
Criminal Injuries Compensation Fund	2,275,000	1,275,000
Pretrial account	500,000	500,000
Community Investment account, Agricultural Viability subaccount*	500,000*	0
Animal Population Control account	500,000	0
Siting Council Fund	0	500,000
New Automobile Warranties account	0	500,000
University of Connecticut operating reserve account	3,000,000	5,000,000
Connecticut State University operating reserve account	1,000,000	3,000,000
Regional Community—Technical Colleges operating reserve account	1,000,000	1,000,000

(*PA 09—7, September Special Session (§ 103) repeals this transfer.)

Transfers from the Technical Services Revolving Fund

The act transfers \$100,000 from the Technical Services Revolving Fund to the Brain Injury Prevention and Services account for FY 10. On or after May 1, 2010, it transfers \$3.9 million from the Technical Services Revolving Fund to General Fund revenue for FY 11.

§ 75 — TOBACCO AND HEALTH TRUST FUND DISBURSEMENTS

By law, the Tobacco and Health Trust Fund board of trustees may recommend disbursements from the fund up to a specified annual statutory limit. For FY 09 and each subsequent fiscal year, the law allows the board to recommend disbursing (1) up to 50% of the annual disbursement in the previous fiscal year, up to a maximum of \$6 million annually, and (2) the previous year's net earnings from the fund principal.

The act overrides this statutory disbursement limit to allow the board, for FY 11, to recommend disbursing up to the projected unobligated fund balance as of June 30, 2011.

§ 76 — UNPAID FURLOUGH DAYS FOR SUPERIOR COURT JUDGES

The act requires, rather than allows, the Supreme Court chief justice to order Superior Court judges to take unpaid furlough days. Special Act 09-6 required all full-time state employees not included in any prevailing bargaining unit contract to take mandatory unpaid furlough days, but made them optional for Superior Court judges. (PA 09-7, September Special

Session, (§ 39) restores the original special act provision, allowing rather than requiring the chief justice to order furlough days for Superior Court judges.)

§ 77 — UNPAID FURLOUGH DAYS FOR JUDICIAL BRANCH EMPLOYEES

The act extends to Judicial Branch employees the mandatory unpaid furlough day requirement for nonunion state employees. SA 09-6 imposes seven days of mandatory unpaid furloughs on all nonunion full-time state employees and requires part-time employees to take furlough days on a pro rata basis, based on their biweekly work schedules. Employees must take one furlough day before June 30, 2009; three days in FY 10, and three in FY 11.

§ 78 — ADMINISTRATIVE COST LIMITS FOR CERTAIN FUNDS

The act imposes administrative cost limits on probate court expenditures to operate the Kinship Fund, Grandparents and Relatives Respite Fund, and the Guardianship and Assisted Care Program. For FY 10 and FY 11, it allows the probate court to spend no more than 10% of the amounts appropriated for the funds and the program on their operations. The funds and program provide grants to grandparents or other relatives who are court-appointed guardians of a child.

§ 79 — CONNECTICUT SMALL BUSINESS INNOVATION RESEARCH OFFICE

The act requires Connecticut Innovations, Inc. (CII) to provide funding for the Connecticut Small Business Innovation Research Office. The office helps develop small businesses to engage in research and development in conformity with a relevant federal program. (PA 07-7, September Special Session (§ 79) transfers the responsibility to coordinate the development and implementation of state and quasi-public agency strategies on technology-based talent and innovation from the Office of Workforce Competitiveness to CII.)

§ 80 — MAGNET SCHOOL FUNDING CARRYOVER

The act carries over the unspent balance of \$2.6 million appropriated to the State Department of Education to cover a deficiency in the FY 09 appropriation for magnet schools. It allows the funds to be spent for the same purpose during FY 10.

§ 81 — “MEDICALLY NECESSARY” DEFINITION UNDER MEDICAID

Definition

The act requires DSS, by July 1, 2010, to amend the definition of “medically necessary” services in its Medicaid regulations to reflect savings in the current biennial budget from reducing program administration inefficiencies while maintaining the quality of care provided to Medicaid beneficiaries. It allows the DSS commissioner to implement policies and procedures using the amended definition while in the process of adopting the definition in regulation. He must print notice of intent to publish the regulations in the *Connecticut Law Journal* within 45 days of implementing them. The policies and procedures are valid until final regulations are adopted.

Medical Necessity Oversight Committee

The act also establishes a committee to (1) advise DSS on the amended definition and its implementation and (2) provide comment to DSS and the legislature on its impact.

The committee consists of 11 members appointed as follows: three by the governor, two each by the House speaker and Senate president pro tempore, and one each by the House and Senate majority and minority leaders. Appointments must be made by October 8, 2009. Vacancies must be filled by the appointing authority, but those not filled after 60 days may be filled by a joint appointment of the House speaker and Senate president pro tempore.

The House speaker and Senate president pro tempore must select the committee’s chairpersons from among its members. The chairpersons must schedule the first meeting within 60 days of the act’s passage. The Human Services committee staff serves as the oversight committee’s administrative staff.

Reporting Requirements

The act requires the committee to submit annual reports on its findings and recommendations for three years beginning by January 1, 2010. The reports go to the governor and the Public Health, Human Services, and Appropriations committees. The act terminates the committee on the date it submits its third report or January 1, 2012, whichever is later. (PA 09-7, September Special Session (§ 107), enacts the same provisions, but gives the oversight committee a different name.)

§ 82 — SURVEY OF STATE-OWNED AND -LEASED PROPERTY

The act requires the public works commissioner, within existing budgetary resources, to survey all state-owned and -leased properties to determine their available capacity. By January 1, 2010, the commissioner must report on that available capacity to the Appropriations; Finance, Revenue and Bonding; and Government Administration and Elections committees.

§ 83 — MASHANTUCKET PEQUOT AND MOHEGAN SLOT MACHINE REVENUE SETTLEMENTS

The act approves settlements between the state and the Mashantucket Pequot and Mohegan tribes concerning calculations of slot machine revenue due to the state under the state’s agreements with the tribes. For purposes of approving the settlements, it overrides the statutory procedure requiring settlement agreements to be (1) referred to and reported by the legislative committees of cognizance and (2) accepted by a legislative resolution.

The act applies to settlement agreements submitted to the General Assembly for its approval by the governor and the attorney general on August 26, 2009.

§ 84 — TRANSPORTATION GRANTS FOR FORMER WRIGHT TECH STUDENTS

The act establishes a separate state grant to reimburse school districts for the costs of transporting students who previously attended or were accepted for enrollment in the J.M. Wright Technical High School in Stamford so they may attend Henry Abbott Technical High School in Danbury. It allows the education commissioner, within available appropriations, to provide grants of up to \$2,500 per pupil for FY 10 and FY 11. Grant amounts may not exceed actual transportation costs for each student. Districts must submit grant applications when and how the commissioner prescribes. The act’s grant program is in addition to existing statutory grants for public school and vocational—technical school transportation costs.

§ 85 — TERMINATION, REORGANIZATION, OR MODIFICATION OF A PORT DISTRICT OR PORT AUTHORITY

The act eliminates a requirement, enacted in PA 09-186, that a town get the written consent of the transportation commissioner before it:

1. terminates or reorganizes (a) a port district established by its legislative body pursuant to state law or (b) a port authority appointed by

the town's chief elected official pursuant to the law;

2. modifies the duties or powers of a port authority; or
3. modifies the property included in the port district.

§ 86 — CITIZENS' ELECTION FUND ADMINISTRATION

The act eliminates the State Elections Enforcement Commission's (SEEC) authority to deduct up to \$2.3 million annually from the Citizens' Election Fund to administer the state's public campaign financing program. It also repeals a requirement that unused administrative funds not lapse at the end of each fiscal year and remain available for funding the SEEC's administrative costs in subsequent years.

§ 87 — COMMERCIAL RECORDING ACCOUNT

The act eliminates the Commercial Recording account as a separate, nonlapsing General Fund account. It also eliminates requirements that (1) the treasurer deposit in the account enough revenue from the secretary of the state's fees for filing and recording documents and (2) the account pay all administrative costs of the Commercial Recording Division within the secretary of the state's office. Instead, the act requires the treasurer to deposit all fees the secretary receives into the General Fund.

§ 88 — PLAN FOR BORROWING AGAINST FUTURE STATE REVENUE

The act requires the state treasurer and the OPM secretary jointly to develop a financing plan to raise up to \$1.3 billion in net general state revenue for FY 11. (PA 09 -7, September Special Session (§ 179) reduces this amount by \$93 million to \$1.2907 billion.)

The financing plan can include (1) "securitization" of revenue from the state lottery; (2) issuing bonds and other debt instruments or placing them privately; or (3) the purchase of state debt instruments by public pension and trust funds, such as the state, municipal employees', and teachers' retirement funds. "Securitization" allows the state to borrow against a future revenue stream.

The treasurer and secretary must finish the financing plan and provide it to the chairpersons of the Appropriations and Finance, Revenue and Bonding committees by February 3, 2010.

§ 89 — TAX SETTLEMENT INITIATIVE PROGRAM

The act requires the DRS commissioner to establish a tax settlement initiative program for anyone who owes

state taxes (other than motor carrier road tax) for any taxable period for which DRS imposed:

1. interest or penalties for late payment or underreporting of taxes or
2. interest or additional tax because the taxpayer failed to file a return and DRS filed one for him.

The program runs from October 1, 2009 through December 31, 2009.

The act authorizes the commissioner to send written statements to such taxpayers, notifying them of their eligibility for the program. If, within 60 days after receiving the statement, the taxpayer pays all the taxes he or she owes for the applicable tax period, the commissioner must waive (1) civil penalties and (2) 50% of the interest due. By making the required payment, the taxpayer relinquishes all unexpired administrative and judicial appeal rights as of the payment date.

A taxpayer who fails to pay the full taxes due by the deadline is ineligible to participate in the settlement initiative program. The commissioner must retain any partial payments and apply them against any taxes the taxpayer owes, plus the full interest and penalties.

Under the act, a taxpayer is not entitled to any refund or credit of (1) tax settlement payments or (2) amounts he or she paid toward the tax liability before the date of the commissioner's written notice.

The act authorizes the commissioner to take necessary actions to implement the program in a timely manner.

§§ 90 & 91 — ECONOMIC NEXUS FOR CORPORATION AND INCOME TAX

The act establishes "economic nexus" as the basis for determining whether an out-of-state business is subject to (1) the Connecticut corporation tax, if it is a C corporation, or (2) Connecticut income tax on nonresident partners' or members' income from the business, if it is a partnership or S corporation.

C Corporations

Under prior law, an out-of-state corporation that had no physical presence in the state (i.e., no property or payroll here) was not liable for the state corporation tax. To the extent allowed by the U.S. Constitution, this act subjects such a company to the corporation tax if, instead of a physical presence, it has a "substantial economic presence" here or derives income from sources in the state. The act requires such a corporation to use Connecticut law to apportion its gross income between Connecticut and the other states where it does business.

S Corporations and Partnerships

Likewise, under prior law, members and partners in an out-of-state S corporation or partnership were not subject to the Connecticut personal income tax if they derive no income from sources within or connected to Connecticut. This act, to the extent allowed by the U.S. Constitution, subjects such members or partners to the state income tax if their company is doing business here. Under the act, having a “substantial economic presence” in Connecticut is deemed to show that a partnership or S corporation is doing business here.

Substantial Economic Presence

Under the act, a company has “substantial economic presence” in Connecticut if it purposefully directs business towards the state. Its purpose can be determined by such measures as the frequency, quantity, and systematic nature of its economic contact with the state. The act specifies that its description of factors used to indicate substantial economic nexus are examples and do not limit or exclude other indicators. EFFECTIVE DATE: Upon passage and applicable to income and taxable years starting on or after January 1, 2010.

§ 92 — MARSHAL FEE INCREASE

Starting October 1, 2009, the act increases the annual fee each state marshal must pay from \$250 to \$750. The fee is payable by October 1 each year to the State Marshal Commission and is deposited in the General Fund.

§ 93 — DEPARTMENT OF SOCIAL SERVICES DEADLINES FOR SERVICE OF PROCESS

The act requires the DSS commissioner to send any subpoena, summons, warrant, or court order related to department-initiated proceedings to a state marshal for service if (1) no action was taken on it within the preceding 14 days and (2) the underlying proceedings are unresolved. (PA 09-5, September Special Session (§ 46), eliminates this requirement.) In addition, to resolve any backlog, the act requires the commissioner, starting October 1, 2009, to forward up to 150 such documents per month to state marshals for service, if no action was taken on them within the preceding 30 days. (PA 09-5, September Special Session (§ 46) extends the inactivity period to 60 days and also requires the marshals to return the documents to DSS within two business days.)

§§ 94 & 102 — CORPORATION TAX SURCHARGE

The act imposes a 10% corporation tax surcharge for income years beginning in 2009, 2010, and 2011.

The surcharge does not apply to companies (1) with less than \$100 million in annual gross revenue for the year or (2) whose tax liability for the year does not exceed the \$250 minimum tax. Companies that file combined or unitary returns for the income year are not eligible for the gross revenue exemption.

A company must calculate its surcharge based on its tax liability excluding any credits. The surcharge is due, payable, and collectible as part of each company’s total tax for the year and applies both to companies that pay the tax on their net income and those that pay on their capital base.

EFFECTIVE DATE: Upon passage and applicable to income years starting on or after January 1, 2009.

§§ 95, 120 & 121 — FEDERAL QUALIFIED DOMESTIC PRODUCTION ACTIVITIES DEDUCTION

The act bars companies, individuals, and trusts and estates from counting the federal tax deduction for income from qualified domestic production activities when determining their taxable income for the state’s corporation and income taxes.

Under federal tax law, taxpayers may deduct from their gross income a percentage of qualifying income they earn from eligible production activities taking place wholly or mostly within the United States. Eligible production activity includes manufacturing, construction, engineering, energy production, computer software, films and videotape, and agricultural products processing. The deduction is 6% of qualifying income for 2009 and 9% for 2010 and after (Internal Revenue Code § 199).

The act requires (1) corporations to disregard the qualified domestic production activities deduction when calculating net income for purposes of the state corporation tax and (2) individuals and trusts and estates to add back any such deduction included in their federal AGI when calculating Connecticut AGI for state income tax purposes.

EFFECTIVE DATE: Upon passage. The corporation tax change applies to income years starting on or after January 1, 2009 and the income tax change applies to tax years starting on or after January 1, 2009.

§ 96 — TAX CREDIT FOR DONATING OPEN SPACE

The law provides a credit against the corporation tax for donations or discounted sales of open space land or interests in land to the state, a political subdivision, or a nonprofit land conservation organization when the land will be permanently preserved as open space. The credit equals 50% of the (1) donated land’s market value at its highest and best use or (2) value of the

discounted sales price of the land or interest in the land.

The act extends the period for which a company may carry forward unused credits from 15 to 25 years. As under prior law, the carryforward applies only to credits allowed for any tax year starting on or after January 1, 2000.

EFFECTIVE DATE: Upon passage and applicable to income years starting on or after January 1, 2009.

§§ 97-101 & 485 — FILM AND DIGITAL ANIMATION PRODUCTION AND INFRASTRUCTURE INVESTMENT TAX CREDITS

The law establishes tax credits against the corporation and insurance premium taxes for Connecticut expenses and infrastructure investments related to film and digital animation production. The act revises the film tax credit program to, among other things, raise minimum expenditures required to be eligible for credits and limit credit eligibility for out-of-state production expenses and expenses for star compensation. It also transfers the responsibility for administering the credit program from the Commission on Culture and Tourism (CCCT) to the Department of Economic and Community Development (DECD) and makes various changes in how the tax credits are administered.

Film and Digital Animation Production Credits

Prior law gave qualifying companies tax credits against the corporation and insurance premium taxes equal to 30% of the eligible costs of \$50,000 or more for qualifying film and digital animation productions. For income years starting January 1, 2010, the act increases the minimum expenditure needed for credit eligibility to \$100,000 and establishes a variable credit percentage depending on the production's total Connecticut expenses or costs as follows: 10% for expenses between \$100,000 and \$500,000, 15% for expenses over \$500,000 up to \$1 million, and 30% for expenses over \$1 million.

Starting January 1, 2010, the act also:

1. requires a production company to conduct at least 50% of its principal photography days in the state in order to be eligible for a credit (PA 09-8, September Special Session adds the alternative eligibility criterion that a company spend at least 50% of its post-production costs here);
2. bars a company from counting out-of-state expenses used in Connecticut as part of its credit-eligible expenses instead of, as under prior law, between January 1, 2009 and January 1, 2012, allowing a company to count 50% of out-of-state production expenses

towards the credit if the out-of-state expenses were used in Connecticut;

3. changes the limit on credit-eligible compensation from \$15 million paid to a single star to an aggregate of \$20 million for all star talent featured in the production; and
4. requires that, to count towards the credit, compensation to star talent be subject to Connecticut income tax.

Finally, the act (1) makes infomercials ineligible for the film production tax credit and (2) excludes from credit eligibility any costs related to an independent audit of film or digital animation production project costs and expenses that DECD requires before credit certification.

Infrastructure Investment Credits

Starting January 1, 2010, the act changes the film industry infrastructure investment credit from a credit of from 10% to 20% depending on a project's costs to one equal to a flat 20% of the qualifying investment. It also increases the minimum qualifying expenditure from \$15,000 to \$3 million and requires a project be 100%, rather than at least 60%, complete before it can receive a tax credit voucher.

Under prior law, the infrastructure investment credit was 10% for projects costing at least \$15,000, 15% for projects costing at least \$150,000, and 20% for projects costing at least \$1 million.

Credit Administration

The act transfers authority for administering the film tax credits from CCCT to DECD. It (1) transfers to DECD the CCCT's powers and duties concerning digital media and motion picture promotion activities and (2) requires state agencies and institutions that contract for digital media or film productions to send copies of their requests for proposals to DECD, rather than CCCT.

It also requires DECD, rather than CCCT, to prepare an explanatory guide for producers that shows the impact of relevant state and municipal tax statutes, regulations, and administrative opinions on typical production activities, and includes an explanation of the film production tax credit. The act also requires the guide to explain all three credits (production, digital animation, and infrastructure).

Interim Film Production Tax Credit

The act eliminates a process that allows a company to apply for a tax credit voucher while a production is in progress, starting no sooner than three months after submitting its eligibility application, for its expenses up to that time. It continues to allow a production company

to apply for and receive credits on an annual basis on or after the date it incurs its last production expense.

Cost Certification and Administrative Fee

The act requires a film production or digital animation company, when it applies for a tax credit voucher, to use an audit professional chosen from a list DECD compiles to provide the required independent certification of the amount of its production expenses and costs. It also requires the DECD to charge a reasonable administrative fee sufficient to cover its costs to analyze tax credit applications.

Limits on Post—Certification Remedies

Under prior law, once CCCT issued a film production, digital animation, or infrastructure tax credit voucher, CCCT and the DRS commissioner could not recapture, disallow, or recover the credits or impose any other remedy that reduced or limited the credit amounts stated on the voucher. Prior law also limited CCCT's and the DRS commissioner's power to further audit or examine the expenses on which the credits are based unless there is the possibility of material misrepresentation or fraud. If the company made material misrepresentations or committed fraud in its expense report and those actions resulted in inflated or inaccurate tax credits, CCCT's and the DRS commissioner's only remedy was to recover the amount of the credits from the production company itself and not from any other company to which the production company transferred the credits.

The act applies these limits on post—certification remedies and audits to transferred credits, thus allowing DECD and the DRS commissioner to apply a post—certification remedy to credits after they are issued. DECD and the DRS commissioner may only recover the amount of the credits from any entity that committed the fraud or misrepresentation.

Under prior law, a production company was liable for a financial penalty equal to the credit amount, in addition to any other penalties already provided by law, only if it willfully submitted information for purposes of the film production and digital animation credits that it knew was false or fraudulent. The act eliminates the requirement that the submission be willful but retains the requirement that the company know that the information is false or fraudulent.

Reporting Requirement

The act requires DECD, rather than CCCT, to report to the General Assembly on digital media and movie production promotion activities, the economic impact of all productions, and the impact of each state-assisted production. The act also requires that DECD (1)

report each year, instead of every other year, starting by January 1, 2010, and (2) submit the report to the Commerce and Finance, Revenue and Bonding committees only instead of the entire legislature.

It eliminates a requirement that the report include the impact of each state-assisted production and instead requires it to include (1) an analysis of all three credits and (2) for each project or production issued a tax credit, (a) a description, (b) the credit amount, (c) the total production expenses or costs the taxpayer issued the credit incurred in the state, and (d) any other information the Commerce or Finance committee chairpersons request.

Claiming Production Credits

The act specifies that taxpayers may claim film production credits in the year in which the production expenses were incurred or any of the three following years. Prior law required taxpayers to claim the credit in the year expenses were incurred and then allowed them to carry forward unused credits for the following three years. (PA 09-8, September Special Session, makes the same change for digital animation and infrastructure credits.)

EFFECTIVE DATE: Upon passage. Credit changes apply to income years starting on or after January 1, 2010.

§ 103 — CORPORATION COMBINED REPORTING PREFERENCE TAX

The act doubles, from \$250,000 to \$500,000, the maximum preference tax for groups of companies filing combined corporation tax returns.

By law, any company subject to the Connecticut corporation tax and included with one or more affiliated corporations in a consolidated federal income tax return can choose to file a combined Connecticut return as well. The DRS commissioner may also require a corporation to file a combined return with its affiliates under certain circumstances. In either a case, a corporate group filing a combined Connecticut corporation tax must pay a supplemental tax in addition to that calculated using the group's combined net income or capital base. This so-called "preference tax" is the difference between the sum of the amounts that would have been 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 amount from \$250,000 to \$500,000. (PA 09-8, September Special Session (§ 39) applies the increase to income years starting on or after January 1, 2009.)

§§ 104-106 — CIGARETTE TAX INCREASE

The act increases the cigarette tax by \$1, from \$2 to \$3 per pack of 20 (from 10 cents to 15 cents per cigarette), starting October 1, 2009.

It also imposes a \$1 “floor tax” on each pack of cigarettes that dealers and distributors have in their inventories at the later of the close of business or 11:59 p.m. on September 30, 2009. By November 15, 2009, each dealer and distributor must report to DRS the number of cigarettes in inventory as of that time and date and pay the floor tax. If a dealer or distributor does not report by the due date, the DRS commissioner must file the report, estimating the number of cigarettes in the dealer’s or distributor’s inventory using any information the commissioner has or obtains.

Failure to file the report by the due date is grounds for DRS to revoke a dealer’s or distributor’s license, and willful failure to file subjects the dealer or distributor to a fine of up to \$1,000, one year in prison, or both. A dealer or distributor who willfully files a false report can be fined up to \$5,000, sentenced to one to five years in prison, or both. Late filers are also subject to the same interest and penalties that apply to other late cigarette tax payments.

EFFECTIVE DATE: Upon passage. The cigarette tax increase applies to cigarette sales on or after October 1, 2009.

§ 107 — TOBACCO PRODUCTS AND SNUFF TOBACCO TAX INCREASES

The act increases the tobacco products tax from 20% to 27.5% of the wholesale price and the tax on snuff tobacco from 40 cents to 55 cents per ounce. The tobacco products tax applies to cigars, cheroots, pipe tobacco, and similar products.

EFFECTIVE DATE: Upon passage and applicable to sales on and after October 1, 2009.

§§ 108-113 — SALES AND USE TAX RATE REDUCTION

Starting January 1, 2010, the act reduces the sales and use tax rates applicable to most taxable items and services from 6% to 5.5%, if certain conditions are met. The reduction does not take effect if, before January 1, 2010, the comptroller’s monthly statement indicates that estimated General Fund tax revenue for FY 10 is at least 1% less than the FY 10 General Fund estimated gross tax revenue adopted by the Finance, Revenue and Bonding Committee and incorporated in the act. That estimate is \$12.0175 billion (§ 485).

If the reduction takes effect and any of the comptroller’s monthly statements issued between January 1, 2010 and June 30, 2010 show estimated gross General Fund tax revenue for FY 10 falling 1% or

more below \$12.0175 billion, the sales and use tax rate must be restored to 6% on July 1, 2010.

The act does not change rates for items and services taxable at rates other than 6%, such as hotel room rentals (12%), motor vehicle sales to out-of-state residents on full-time active military duty in the state (4.5%), and computer and data processing services (1%).

The act also makes conforming changes.

EFFECTIVE DATE: The provisions setting conditions for a rate reduction on January 1, 2010 are effective on passage. The remaining provisions take effect January 1, 2010. Any sales and use tax rate changes that take effect apply to sales on or after that date.

§ 114 — REAL ESTATE CONVEYANCE TAX ON FORECLOSURES

This act extends the real estate conveyance tax (see BACKGROUND) to property foreclosed by sale through a court order. Prior law exempted such property transfers from the tax.

Under a foreclosure by sale, any party can ask the court to force a sale of the property. The court appoints a committee to sell the property, after which the court grants the deed to the purchaser. The borrower whose home is being foreclosed may stop the sale by paying up his or her mortgage. (A “foreclosure by sale” is distinct from a “strict foreclosure” or bank foreclosure through which a lender asks the court for the deed.)

EFFECTIVE DATE: January 1, 2010 and applicable to conveyances on or after that date.

§ 115 — USE TAX TABLE

The act requires the DRS commissioner to include a use tax table on state income tax forms, showing the Connecticut use tax rate and the total taxes due for various amounts spent.

By law, someone who buys a taxable item or service for use in Connecticut and does not pay sales tax to the retailer at the time of the purchase must remit the equivalent use tax directly to DRS. Use tax is generally remitted along with personal income tax payments.

§ 116-118 — ESTATE AND GIFT TAX

Starting with deaths occurring and gifts made on or after January 1, 2010, this act (1) increases, from \$2 million to \$3.5 million, the minimum value of an estate or gift subject to the estate and gift tax and (2) reduces marginal tax rates on estates and gifts valued at \$3.5 million or more by 25%, as shown in Table 6.

It also eliminates the so-called “cliff” in the tax. Under prior law, an estate or gift valued at \$2 million or less was exempt while the full value of any estate or gift valued at more than \$2 million was taxable. This

structure produced a “cliff” in which a \$1 increase in the value of a gift or estate from \$2,000,000 to \$2,000,001 or more increased its tax liability from zero to \$101,700. The act eliminates the cliff by eliminating the requirement that, once an estate’s or gift’s taxable value

exceeded the taxable threshold, the tax applied to its entire value. Instead, it applies the tax only to the marginal value over the threshold (see Table 6).

Table 6: Old and New Estate and Gift Taxes

VALUE OF TAXABLE ESTATE OR GIFT		OLD TAX RATE Deaths on or before December 31, 2009 (Add cols. C & D)		NEW TAX RATE Deaths on or after January 1, 2010 (Add cols. E & F)	
Col. A: Over	Col. B: But not over	Col. C: Tax on Col. A	Col. D: Tax rate on excess over Col. A	Col. E: Tax on Col. A	Col. F: Tax rate on excess over Col. A
0	\$2,000,000	NO TAX		NO TAX	
\$2,000,000	2,100,000	5.085% of the total over 0			
2,100,000	2,600,000	\$106,800	8.0%		
2,600,000	3,100,000	146,800	8.8%		
3,100,000	3,500,000	190,800	9.6%	0	7.2%
3,500,000	3,600,000	190,800	9.6%	\$7,200	7.8%
3,600,000	4,100,000	238,800	10.4%	46,200	8.4%
4,100,000	5,100,000	290,800	11.2%	130,200	9.0%
5,100,000	6,100,000	402,800	12.0%	220,200	9.6%
6,100,000	7,100,000	522,800	12.8%	316,200	10.2%
7,100,000	8,100,000	650,800	13.6%	418,200	10.8%
8,100,000	9,100,000	786,800	14.4%	526,200	11.4%
9,100,000	10,100,000	930,800	15.2%		
Over \$10,100,000		1,082,800	16.0%	640,200	12.0%

The act also reduces the time an executor has to file an estate tax return by making the filing deadline six, rather than nine, months after the date of death, starting with deaths on or after July 1, 2009.

Finally, the act allows a taxpayer a credit against gift taxes owed for gifts made on or after January 1, 2010, but only for taxes previously paid for other gifts also made on or after that date. (PA 09-8, September Special Session, expands the credit to include gift taxes paid on gifts made between January 1, 2005 and December 31, 2009 but specifies that the credit cannot exceed the gift tax imposed for gifts on or after January 1, 2010.)

EFFECTIVE DATE: The change in the estate tax filing deadline takes effect July 1, 2009 and applies to taxes payable on or after that date. (PA 09-8, September Special Session, changes this to apply the new filing deadline to estates of those who die on or after July 1, 2009.) The other changes take effect January 1, 2010 and apply to estates of those who die, and to gifts made, on or after that date.

§ 119 — INCOME TAX RATE INCREASE

The act increases income taxes on taxable incomes over \$1 million for joint filers, \$800,000 for heads of households, and \$500,000 for single filers and married people filing separately. It does so by adding a third, higher-income tax bracket and increasing the marginal tax rate for income in that bracket from 5.0% to 6.5%. It also increases the flat income tax rate for trusts and estates from 5.0% to 6.5%.

Table 7 shows tax rates and brackets under the prior law and the act. (Note: The tax rates shown apply only to the taxable income in the applicable bracket, not to all of a taxpayer’s income.)

Table 7: Old and New Income Tax Rates and Brackets

TAX RATES		CT TAXABLE INCOME			
		Married Filing Jointly or Surviving Spouse		Single	
Prior Law	The Act	Over	But Not Over	Over	But Not Over
3.0%	3.0%	\$0	\$20,000	\$0	\$10,000
5.0%	5.0%	20,000	1,000,000	10,000	500,000
	6.5%	Over \$1,000,000		Over \$500,000	

TAX RATES		Head of Household		Married Filing Separately	
Prior Law	The Act	Over	But Not Over	Over	But Not Over
3.0%	3.0%	\$0	\$16,000	\$0	\$10,000
5.0%	5.0%	16,000	800,000	10,000	500,000
	6.5%	Over \$800,000		Over \$500,000	

EFFECTIVE DATE: Upon passage and applicable to tax years starting on or after January 1, 2009.

§§ 122-124 — DELAY IN SCHEDULED INCOME TAX REDUCTIONS FOR SINGLE FILERS

The act delays scheduled income tax reductions for single filers for three years. It does so by delaying scheduled increases in (1) their adjusted gross income (AGI) exempt from the tax and (2) income thresholds for phasing out their personal exemptions and credits and their maximum property tax credits.

Personal Exemption

Under prior law, the maximum personal exemption for single filers was scheduled to increase from \$13,000 to \$13,500 on January 1, 2009. It was also scheduled to rise in annual steps to \$15,000 on January 1, 2012. The act instead maintains the \$13,000 personal exemption for three more years, through the 2011 tax year, delaying the increase to \$13,500 and each subsequent increase by three years. It also delays scheduled increases in the exemption reduction thresholds to correspond, as shown in Table 8. (The income tax personal exemption is reduced by \$1,000 for each \$1,000 of AGI over a specified threshold, which varies according to filing status.)

Table 8: Personal Exemptions for Single Filers

Tax Year(s)		Maximum Personal Exemption (AGI)	Personal Exemption Reduction Threshold (AGI)
Prior Law	The Act		
2008	Through 2011	\$13,000	\$26,000
2009	2012	13,500	27,000
2010	2013	14,000	28,000
2011	2014	14,500	29,000
2012 and after	2015 and after	15,000	30,000

Personal Credit

The act also delays by three years scheduled increases in income ranges that allow single filers to qualify for personal credits against their income tax. Personal credits range from 1% to 75% of tax liability depending on AGI. Filers with AGIs above specified levels, which vary depending on filing status, do not qualify for any credit. Table 9 shows qualifying personal credit income ranges for single filers under prior law and the act.

Table 9: Personal Credits for Single Filers

Tax Year(s)		Qualifies for 1% to 75% Personal Credit (AGI)	
Prior Law	The Act	Over	But Not Over
2008	Through 2011	\$13,000	\$56,500
2009	2012	13,500	58,500
2010	2013	14,000	60,500
2011	2014	14,500	62,500
2012 and after	2015 and after	15,000	64,500

Property Tax Credit

Finally, the act delays by three years scheduled increases in AGI ranges that allow single filers to qualify for property tax credits. By law, the maximum property tax credit is \$500. Certain taxpayers qualify for a reduced credit or no credit depending on their AGI and filing status, with the maximum credit reduced by 10% for each \$10,000 of AGI over the specified threshold. Under prior law, the AGI threshold at which a single filer's maximum property tax credit starts to be reduced was scheduled to increase annually over the four years from 2008 to 2012 from \$56,500 to \$64,500. This act delays each of these scheduled increases by three years as shown in Table 10.

Table 10: Maximum Property Tax Credits for Single Filers

Tax Year (s)		Maximum Property Tax Reduction Threshold (AGI)
Prior Law	The Act	
2008	Through 2011	\$56,500
2009	2012	58,500
2010	2013	60,500
2011	2014	62,500
2012 and after	2015 and after	64,500

EFFECTIVE DATE: Upon passage and applicable to tax years starting on or after January 1, 2009.

§ 125 — PLAN TO SELL STATE ASSETS

The act requires the state treasurer and the OPM secretary jointly to establish a plan to sell state assets to raise up to \$15 million of net general revenue for FY 10

and up to \$45 million for FY 11. They must finish the plan and provide it to the Appropriations and Finance, Revenue and Bonding committee chairpersons by February 3, 2010.

§ 126 — TRANSFERS TO SPECIAL TRANSPORTATION FUND

The act requires the comptroller to transfer the following amounts from the General Fund to the Special Transportation Fund: (1) \$72 million for FY 10 and (2) \$117.5 million for FY 11 and each fiscal year thereafter. (PA 09—8, September Special Session (§ 41) changes the transfer amounts to \$81.2 million for FY 10, \$126 million for FY 11 and FY 12, and \$172.8 million for FY 13 and subsequent years.)

§§ 127 & 128 — SCHOOL CONSTRUCTION BOND AUTHORIZATIONS

The act authorizes an additional \$188.35 million in GO bonds for local school construction projects and an additional \$2.6 million in such bonds for school construction interest subsidy grants. (PA 09-2, September Special Session (§§ 3 and 4), increases these authorizations by \$488.5 million and \$9 million, respectively.)

§§ 129-132 — BONDS CONFORMING TO NEW FEDERAL SUBSIDY PROGRAMS

The act authorizes the State Bond Commission or a municipality, as appropriate, to make any agreements and representations needed to ensure that bonds, notes, and other debt obligations they issue are eligible for any applicable federal payments, tax credits, or other desired federal income tax treatment. The law already allowed the commission and municipalities to make whatever agreements and representations are required to ensure that interest on state and local debt obligations is exempt from federal income taxes. The act’s expanded representation authority for the commission applies to both state general obligation and special tax obligation bonds.

Starting July 1, 2009, the act credits to the Special Transportation Fund all money received or collected by the state as the issuer of transportation bonds under the issuer subsidy option.

The act’s changes enable the state and municipalities to take advantage of the federal “Build America Bonds” (BABs) program authorized by the 2009 federal American Recovery and Reinvestment Act (ARRA) (see BACKGROUND).

§§ 133 & 134 — BONDING FOR TOWN AID ROAD (TAR) PROGRAM

The act allows the state to issue special tax obligation bonds to make payments to towns under the TAR Program. Under prior law, the state appropriated money for TAR. The aid must be used for (1) local road and bridge construction and repair; (2) improving dirt and other unimproved roads; and (3) emergency repairs for roads, bridges, and dams damaged by natural disasters.

The act also makes a technical correction to a statutory reference in a provision of PA 09-2 that transfers \$28 million from the Local Bridge Revolving Fund (loan program) to the General Fund as revenue for FY 09.

§§ 135-139 — SUPERIOR COURT FEE INCREASES

The act increases the fees for filing certain actions and motions with the Superior Court, as shown in Table 11.

Table 11: Superior Court Fee Increases

<i>Action or Motion</i>	<i>Prior Law</i>	<i>The Act</i>
Case in which the sole claim for relief is damages and the amount, legal interest, or property in demand is less than \$2,500	\$120	\$175
Summary process, landlord and tenant, and paternity actions	120	175
Small claims case	35	75
Motion to transfer a small claims case to the regular docket	75	125
Motion to open, set aside, modify, or extend any Superior Court civil judgment in a housing matter	35	75
Motion to open, set aside, modify, or extend any Superior Court civil judgment in a small claims matter	25	75
Application from judgment creditor for enforcement of an unsatisfied judgment, including debts due from any financial institution to a judgment debtor	35	75

§§ 140-462 — STATE FEE INCREASES

The act raises many state fees according to the following general pattern. It:

1. increases all fees under \$15 to at least \$15;
2. doubles fees under \$150;
3. increases fees between \$150 and \$1,000 by 25%; and
4. adds \$250 to fees of \$1,000 or more.

It also makes the following changes in DEP fees set by regulation: (1) doubles those set at less than \$150; (2) increases those that were previously set between \$150 and \$1,000 by 25%, rounded up to the nearest \$5;

and (3) increases those of more than \$1,000 by \$250. (PA 09-8, September Special Session, makes additional changes in DEP's regulatory fees.)

Table 12 lists the act's fee increases, by agency.

Agencies are in alphabetical order in the table and fees are listed in numerical order by section under each agency.

Table 12: State Fee Increases

(Note: Subsequent public acts reverse or otherwise change some of the fee increases passed in this act. Please refer to notes at the end of this table for amendments to the fee increases listed below.)

<i>Act §</i>	<i>CGS §</i>	<i>Fee Description</i>	<i>Prior Law</i>	<i>The Act</i>
ALL AGENCIES				
391	NEW	Increases fees that are in effect pursuant to regulations as follows: <ul style="list-style-type: none"> • Fees \$1,000 or more are increased by \$250 • Fees \$150 or more but less than \$1,000 are increased by 25% and rounded up to the nearest \$5 • Fees less than \$150 are doubled 		
140	1-212	Maximum fee to copy public records with hand—held scanner	\$10	\$20
ACCOUNTANCY BOARD				
234	20-281c	CPA – certificate	75	150
234	20-281c	CPA – annual certificate registration	20	40
235	20-281d	CPA — Renewal application fee for failing to earn continuing education credits within three months of deadline	250	315
235	20-281d	CPA — Renewal application fee for failing to earn continuing education credits within six months of deadline	500	625
235	20-281d	CPA — Initial license	75	150
235	20-281d	CPA license renewal	450	565
236	20-281e	CPA – permit renewal	75	150
AGRICULTURE				
291	22-12b	Fur breeder license	8	16
292	22-57	Agricultural, lawn, vegetable seed seller license	50	100
293	22-236	Milk dealer, yogurt manufacturer, subdealer – license, base fee (Note: Fee for dealers with annual sales over 100,000 quarts is increased by 0.21 cents per 100 quarts of milk)	50	100
293	22-236	Cheese manufacturer license	50	100
293	22-236	Dry milk manufacturer license	50	100
293	22-236	Milk retail store	30	60
294	22-277	Livestock commission sales license	150	190
295	22-320c	Swine, garbage feeder registration	5	15
296	22-326f	Poultry, intensive operation permit	10	20
298	22-344	Commercial kennel license	100	200
299	22-384	Livestock dealer or broker (Note: Statute allows agriculture commissioner to raise fee by regulation.)	150	190
300	22-385	License to conduct business of buying, selling, receiving or other business activities with livestock	50	100
301	22-414	Commission sales of horses – license, one auction annually	15	30
301	22-414	Commission sales of horses – license, more than one auction annually	50	100
303	26-212	Shell—fishing boat license, commercial purposes	15	30
304	26-213	License for each person taking shellfish from a commercial boat with above license	10	20
305	26-219	License to take conchs > ½ bushel per day	50	100

<i>Act §</i>	<i>CGS §</i>	<i>Fee Description</i>	<i>Prior Law</i>	<i>The Act</i>
BANKING				
380	36a-491	Mortgage lender/broker — renewal late fee	100	Deletes provision
380	36a-491	Mortgage lender or correspondent lender license or license renewal	800	1,000
380	36a-491	Mortgage broker license or license renewal	400	500
380	36a-491	Renewal fee for mortgage lender or correspondent lender holding license on September 30, 2008	900	1,125
380	36a-491	Renewal fee for mortgage broker holding license on June 30, 2008	450	565
380	36a-491	Mortgage originator license or renewal fee	100	300
380	36a-491	Renewal fee for mortgage lender or correspondent lender holding mortgage originator license on September 30, 2008	125	Deletes provision
380	36a-491	Mortgage originator license fee after January 1, 2010	100	Deletes provision
381	36a-599	Money transmitter investigative fee	500	625
381	36a-599	Money transmitter license	2,000	2,250
381	36a-599	Renewed money transmitter investigative fee paid a year before expiration	500	625
381	36a-599	Money transmitter license renewal fee paid a year before expiration	1,000	1,250
381	36a-599	License renewal	2,000	2,250
381	36a-599	Money transmitter name change	100	200
382	36b-12	Broker—dealer or investment adviser	250	315
382	36b-12	Agent or investment advisor agent	50	100
382	36b-12	Transfer of agent registration	50	100
383	36b-13	Renewal of broker—dealer or investment adviser	150	190
383	36b-13	Renewal of agent or investment advisor agent	50	100
CONSUMER PROTECTION				
160	14-319	License to sell gasoline: station w/one pump	50	100
160	14-319	License to sell gasoline: station with more than 1 pump	50	100
160	14-319	License to sell gasoline: fee for each pump (over 1)	14	28
161	14-327b	Certificate of registration for motor fuel distributors	100	200
162	16a-23m	Certificate of registration to sell home heating oil and propane gas dealers	100	200
237	20-292	Architects — corporation certificate of authorization	175	220
237	20-292	Architects — exam	36	72
237	20-292	Architects — license other than by examination	50	100
238	20-305	Professional engineer — application	40	80
238	20-305	Professional engineer — application for training license	38	76
238	20-305	Professional engineer — initial license	110	220
238	20-305	Land surveyor — application	40	80
238	20-305	Land surveyor — application for training license	32	64
238	20-305	Land surveyor — initial license	110	220
238	20-305	Professional engineer/Land surveyor — combined license fee application	40	80
238	20-305	Professional engineer/Land surveyor — initial combined license fee	110	220
239	20-306a	Professional engineer/Land surveyor – corporation/LLC initial registration	450	565
239	20-306a	Professional engineer/Land surveyor – corporation/LLC renewal	300	375
240	20-306b	Architect/ Professional engineer/Land surveyor — corporation/LLC initial registration	450	565

<i>Act §</i>	<i>CGS §</i>	<i>Fee Description</i>	<i>Prior Law</i>	<i>The Act</i>
240	20-306b	Architect/ Professional engineer/Land surveyor — corporation/LLC renewal	300	375
241	20-308	Professional engineer, land surveyor or combined professional engineer/land surveyor — licensed in other states	150	190
242	20-314	Real estate broker — license application	60	120
242	20-314	Real estate salesperson — license application	40	80
242	20-314	Real estate broker – initial license	450	565
242	20-314	Real estate broker – renewal	300	375
242	20-314	Real estate salesperson – initial license & renewal	225	285
242	20-314	Real estate broker — reinstate license	300	375
242	20-314	Real estate salesperson — reinstate license	225	285
243	20-329f	License to offer or dispose of subdivision lots, 1—50 units — initial	250	315
243	20-329f	Renew above license	100	200
243	20-329f	License to offer or dispose of subdivision lots, 51—100 units — initial	275	345
243	20-329f	Renew above license	125	250
243	20-329f	License to offer or dispose of subdivision lots, 101—150 units — initial	300	375
243	20-329f	Renew above license	150	190
243	20-329f	License to offer or dispose of subdivision lots, 151—200 units — initial	325	410
243	20-329f	Renew above license	175	220
243	20-329f	License to offer or dispose of subdivision lots, 201—250 units — initial	350	440
243	20-329f	Renew above license	200	250
243	20-329f	License to offer or dispose of subdivision lots, 251—300 units — initial	375	470
243	20-329f	Renew above license	225	285
243	20-329f	License to offer or dispose of subdivision lots, 301—350 units — initial	400	500
243	20-329f	Renew above license	250	315
243	20-329f	License to offer or dispose of subdivision lots, 351—400 units — initial	425	535
243	20-329f	Renew above license	275	345
243	20-329f	License to offer or dispose of subdivision lots, 401—450 units — initial	450	565
243	20-329f	Renew above license	300	375
243	20-329f	License to offer or dispose of subdivision lots, 451—500 units — initial	475	595
243	20-329f	Renew above license	325	410
243	20-329f	License to offer or dispose of subdivision lots, > 501 units — initial	500	625
243	20-329f	Renew above license	350	440
244	20-333	Electrician, plumber, solar, heating, piping, & cooling, elevator, fire protection sprinkler, irrigation contractors and journeymen, gas hearth installer contractors and journeymen — unlimited journeyman, elevator craftsman, limited journeyman for large commercial sheet metal work – application fee	45	90
244	20-333	Electrician, plumber, unlimited contractor, solar thermal contractor or journeyman, fire protection sprinkler contractor, limited contractor for large commercial sheet metal work – application fee	75	150
245	20-334a	Medical gas and vacuum certificate	25	50
246	20-335	Electrician; plumber; solar, heating, piping, & cooling; elevator and fire protection sprinkler craftsmen; irrigation contractors and journeymen; and gas hearth installer — contractor license initial and renewal	75	150
246	20-335	Electrician; plumber; solar, heating, piping, & cooling; elevator and fire protection sprinkler craftsmen; irrigation contractors and journeymen; and gas hearth installer — other license initial and renewal	60	120
248	20-341y	Mechanical contractor – registration renewal	55	110
249	20-349	TV, radio, electronics services dealer — application	100	200

<i>Act §</i>	<i>CGS §</i>	<i>Fee Description</i>	<i>Prior Law</i>	<i>The Act</i>
249	20-349	TV, radio, electronics services technician — application	40	80
249	20-349	TV, radio, electronics services apprentice — application	20	40
249	20-349	TV, radio, electronics services dealer & technician – licensed as individual	100	200
249	20-349	TV, radio, electronics services — temporary permit	20	40
250	20-357m	Telecom infrastructure layout technician — application	75	150
250	20-357m	Telecom infrastructure layout technician — initial license & renewal	250	315
252	20-374	Landscape architect — exam	40	80
252	20-374	Landscape architect — initial license	140	280
252	20-374	Landscape architect — duplicate license	5	15
252	20-374	Landscape architect — reinstate suspended license	200	250
252	20-374	Landscape architect —reinstae lapsed license	90	180
253	20-377m	Interior designer – registration application	150	190
254	20-377s	Interior designer — renewal	50	90
258	20-417b	New home contractor – registration & renewal	120	240
259	20-421	Home improvement contractor – registration application	60	120
259	20-421	Home improvement contractor – salesman registration	60	120
260	20-435	Asbestos contractor – license & renewal	500	625
261	20-436	Asbestos consultant – license & renewal	200	250
262	20-437	Asbestos abatement worker — certificate & renewal	25	50
263	20-457	Community association manager – registration renewal	100	200
263	20-457	Community association manager — registration restoration	25	50
267	20-492a	Home inspector license & renewal	200	250
268	20-493a	Home inspector intern license & renewal	100	200
269	20-511	Certified appraisers – initial certificate	300	375
269	20-511	Certified appraisers — renewal	225	285
269	20-511	Licensed and limited licensed appraisers – initial & renewal	225	285
269	20-511	Provisional appraisers – initial & renewal	50	100
270	20-517	Appraiser continuing education document processing fee	8	16
271	20-540	Public service gas technician – registration application fee	45	90
272	20-559h	Athlete agent license – initial & renewal registration application	200	250
272	20-559h	Athlete agent license – initial & renewal based on out-of-state license or registration	200	250
273	20-601	Pharmacist - initial license	100	200
273	20-601	Pharmacist license exam	150	190
273	20-601	Pharmacy - initial license	600	750
273	20-601	Pharmacy license - renewal	150	190
273	20-601	Pharmacy license - notice of change of corporate officers or directors	30	60
273	20-601	Pharmacy license – late fee for failing to give 10 days notice of above change	25	50
273	20-601	Pharmacy license – notice of change of name, ownership, or management	45	90
273	20-601	Pharmacy license – late fee for failing to give 10 days notice of above change	25	50
273	20-601	Pharmacy intern - registration	30	60
273	20-601	Permit to sell non-legend drugs - initial	70	140
273	20-601	Permit to sell non-legend drugs - renewal	50	100
273	20-601	Permit to sell non-legend drugs - late fee for failing to give five days	10	20

<i>Act §</i>	<i>CGS §</i>	<i>Fee Description</i>	<i>Prior Law</i>	<i>The Act</i>
		notice of change of name, ownership, or location		
273	20-601	Nonresident pharmacy certificate - issuance	600	750
273	20-601	Nonresident pharmacy certificate - renewal	150	190
273	20-601	Pharmacy technician – initial registration	50	100
273	20-601	Pharmacy technician - renewal	25	50
273	20-601	Issuance of a temporary permit to practice pharmacy	100	200
274	20-653	Shorthand reporter – application for license	50	100
274	20-653	Shorthand reporter license – initial & renewal	150	190
275	20-660	Hypnotist – application fee & registration renewal	50	100
276	20-672	Homemaker-companion agency – registration	300	375
277	21-28	Itinerant vendor & managing itinerant vendor - License	100	200
277	21-28	Itinerant vendor licensee payment to Itinerant Vendor Guaranty Fund	100	200
278	21-35m	Closing-out sale promoter – registration & renewal	100	200
279	21-67	Mobile manufactured home park operator license & renewal - 29 spaces or less (additional fee of \$3 per space is unchanged)	125	250
279	21-67	Mobile manufactured home park operator license & renewal - 30-50 spaces	688	860
279	21-67	Mobile manufactured home park operator license & renewal - 51-100 spaces	1,063	1,315
279	21-67	Mobile manufactured home park operator license & renewal - >100 spaces	1,250	1,500
279	21-67	Mobile manufactured home seller – license & renewal	300	375
280	21a-36	Operator license, one-cent vending machines - 1-3 machines	10	20
280	21a-36	Operator license, one-cent vending machines - 4-50 machines	20	40
280	21a-36	Operator license, one-cent vending machines - 51-100 machines	40	80
280	21a-36	Operator license, one-cent vending machines - 100+ machines, fee per 100 machines or fraction thereof	40	80
280	21a-36	Operator license, 5+ cents vending machines - 1-3 machines	20	40
280	21a-36	Operator license, 5+ cents vending machines - 4-50 machines	50	100
280	21a-36	Operator license, 5+ cents vending machines - 51-100 machines	100	200
280	21a-36	Operator license, 5+ cents vending machines - 100+ machines, fee per 100 machines or fraction thereof	100	200
281	21a-52	Frozen dessert, retail manufacturer license – per plant	25	50
281	21a-52	Frozen dessert and frozen dessert mix, wholesale manufacturer license – first 25,000 gallons or fraction thereof	50	100
281	21a-52	Frozen dessert and frozen dessert mix, wholesale manufacturer license - per 1,000 gallons or fraction over 25,000 gallons	0.75	1.50
281	21a-52	Frozen dessert and frozen dessert mix, wholesale manufacturer license - Maximum annual fee	2,500	2,750
282	21a-70	Drug wholesaler certificate & renewal	150	190
282	21a-70	Drug manufacturer employing 1-5 chemists/pharmacists – certificate & renewal	225	285
282	21a-70	Drug manufacturer employing 6-10 chemists/pharmacists - certificate & renewal	300	375
282	21a-70	Drug manufacturer employing 10+ chemists/pharmacists – certificate & renewal	750	940
283	21a-79	Item price requirement exemption - application fee, retailer < 20,000 sq ft	250	315
283	21a-79	Item price requirement exemption - application fee, retailer 20,000 + sq ft	500	625
283	21a-79	Item price exemption, accuracy re-inspection	200	250
284	21a-137	Manufacturer, non-alcoholic beverages - license	75	150

<i>Act §</i>	<i>CGS §</i>	<i>Fee Description</i>	<i>Prior Law</i>	<i>The Act</i>
285	21a-146	Manufacturer, apple juice and cider – registration, initial & renewal	10	20
286	21a-152	Bakery license, 0-4 production employees	10	20
286	21a-152	Bakery license, 5-9 production employees	20	40
286	21a-152	Bakery license, 10-24 production employees	50	100
286	21a-152	Bakery license, 25-99 production employees	100	200
286	21a-152	Bakery license, 100+ production employees	200	250
287	21a-223	Health club license – initial and renewal	200	250
288	21a-234	Bedding manufacturer license – issuance or reissuance	50	100
288	21a-234	Bedding supply dealer license – issuance or reissuance	50	100
288	21a-234	Bedding renovator license – issuance or reissuance	25	50
288	21a-234	Bedding second hand dealer license – issuance or reissuance	25	50
289	21a-246	Controlled substance wholesaler license	150	190
289	21a-246	Controlled substance manufacturer, employing < 5 chemists/pharmacists	225	285
289	21a-246	Controlled substance manufacturer, employing 6-10 chemists/pharmacists	300	375
289	21a-246	Controlled substance manufacturer, employing >10 chemists/pharmacists	750	940
289	21a-246	Controlled substance laboratory	40	80
290	21a-321	Practitioner distributing, administering, or dispensing controlled substances - registration	20	40
302	25-129	Well drilling contractor – registration application	44	88
302	25-129	Well drilling contractor – registration renewal	125	250
302	25-129	Well drilling contractor – duplicate registration certificate	3	15
302	25-129	Well casing extension, limited contractor/journeyperson registration - initial & renewal	25	50
327	30-16	Liquor manufacturer – annual	1,600	1,850
327	30-16	Beer manufacturer - annual	800	1,000
327	30-16	Cider manufacturer - annual	160	200
327	30-16	Apple brandy & eau-de-vie manufacturer - annual	320	400
327	30-16	Farm winery manufacturer- annual	240	300
327	30-16	Brew pub manufacturer - annual	240	300
328	30-17	Wholesaler, liquor - annual	2,400	2,650
328	30-17	Wholesaler, beer - annual	800	1,000
329	30-17b	Wholesale salesman certificate - application	25	50
329	30-17b	Wholesale salesman certificate – application on change of employment	25	50
330	30-18	Out-of-state shippers permit, other than beer - CT manufacturer or wholesaler - annual	45	90
330	30-18	Out-of-state shippers permit, other than beer - any other person - annual	1,000	1,250
331	30-18a	Out-of-state winery shipper's permit for wine - annual	250	315
332	30-19	Out-of-state shipper's permit for beer - CT manufacturer or wholesaler - annual	45	90
332	30-19	Out-of-state shipper's permit for beer – any other person - annual	1,000	1,250
333	30-19f	In-state transporter permit, alcoholic liquor - annual	1,000	1,250
334	30-20	Package store permit - annual	400	500
334	30-20	Grocery store beer permit - annual	80	160
335	30-20a	University beer permit - annual	240	300
335	30-20a	University beer and wine permit - annual	560	700

<i>Act §</i>	<i>CGS §</i>	<i>Fee Description</i>	<i>Prior Law</i>	<i>The Act</i>
335	30-20a	University liquor permit - annual	240	300
336	30-21	Hotel liquor permit - in towns with population under 10,000	1,200	1,450
336	30-21	Hotel liquor permit - in towns with population greater than 10K and less than 50K	1,600	1,850
336	30-21	Hotel liquor permit - in towns with population greater than 50K	2,400	2,650
336	30-21	Hotel beer permit	240	300
337	30-21b	Resort liquor permit	1,200	1,450
338	30-22	Restaurant liquor permit	1,200	1,450
338	30-22	Restaurant beer permit	240	300
338	30-22	Restaurant wine and beer permit	560	700
339	30-22a	Café liquor permit	1,750	2,000
340	30-22b	Restaurant liquor permit for catering business	1,200	1,450
341	30-23	Club liquor permit	240	300
341	30-23	Nonprofit club liquor permit	650	815
342	30-24a	Golf country club liquor permit	800	1,000
343	30-25	Special club liquor permit for picnics	25	50
344	30-26	Tavern liquor permit	240	300
345	30-28	Railroad liquor permit	400	500
346	30-28a	Airline liquor permit	400	500
347	30-29	Boat liquor permit	400	500
348	30-30	Brokers' liquor permit	160	200
349	30-33	Liquor concession permit - 1 year	240	300
349	30-33	Liquor concession permit - 6 months	160	200
349	30-33	Liquor concession permit - 1 day	25	50
350	30-33a	Coliseum liquor permit	2,000	2,250
350	30-33a	Coliseum beer permit	1,000	1,250
351	30-33b	Special sporting facilities restaurant liquor permit	1,200	1,450
351	30-33b	Special sporting facilities employee recreational liquor permit	240	300
351	30-33b	Special sporting facilities guest liquor permit	240	300
351	30-33b	Special sporting facilities concession beer and wine permit	240	300
351	30-33b	Special sporting facilities bar liquor permit	300	375
352	30-33c	Special outing facility beer permit	240	300
352	30-33c	Special outing facility liquor permit	1,200	1,450
353	30-34	Military beer permit	15	30
354	30-35	Temporary beer permit for noncommercial outings and social gatherings (per day)	15	30
354	30-35	Temporary liquor permit for noncommercial outings and social gatherings (per day)	25	50
355	30-35a	Nonprofit theater liquor permit	200	250
356	30-36	Druggist liquor permit	400	500
357	30-37a	Nonprofit public museum liquor permit	200	250
358	30-37b	Charitable organization liquor permit	25	50
359	30-37c	Bowling alley liquor permit	2,000	2,250
359	30-37c	Bowling beer and wine permit	350	440
359	30-37c	Racquetball facility liquor permit	2,000	2,250
360	30-37d	Nonprofit public television beer and wine permit	25	50
361	30-37e	Airport restaurant liquor permit	1,200	1,450

<i>Act §</i>	<i>CGS §</i>	<i>Fee Description</i>	<i>Prior Law</i>	<i>The Act</i>
361	30-37e	Airport bar liquor permit	300	375
361	30-37e	Airport airline club liquor permit	650	815
362	30-37g	Nonprofit golf tournament liquor permit	200	250
363	30-37i	Hotel guest bar liquor permit (each room)	50	100
364	30-37j	Catering liquor permit liquor permit	350	440
365	30-37k	Casino liquor permit	2,400	2,650
365	30-37k	Additional casino hotel guest bar liquor permit (each room)	50	100
366	30-62a	Consumer bar liquor permit	150	190
367	30-63	Liquor: Out-of-state shipper registration	100	200
367	30-63	Liquor: CT manufacturer registration of brands	3	15
386	43-3	Weights and measuring devices registration: motor fuel dispenser	25	50
386	43-3	Weights and measuring devices registration: large device	125	250
386	43-3	Weights and measuring devices registration: medium device	50	100
386	43-3	Weights and measuring devices registration: small device	15	30
387	43-16f	Public weigher license	20	40
387	43-16f	Public weigher license renewal	20	40
388	43-47	Weighing and measuring devices: dealer license	25	50
388	43-47	Weighing and measuring devices: dealer license renewal	25	50
388	43-47	Weighing and measuring devices: repairman license	10	20
388	43-47	Weighing and measuring devices: repairman license renewal	10	20
EDUCATION				
152	10-145b	Initial Educator Certificate	100	200
152	10-145b	Provisional Educator Certificate	200	250
152	10-145b	Professional Educator Certificate	300	375
152	10-145b	Certificate for teaching adult education programs	50	100
152	10-145b	Issuance of a subject area endorsement	50	100
152	10-145b	Duplicate copy of certificate or endorsement	25	50
ELECTIONS ENFORCEMENT				
151	9-623	Campaign committee treasurer late filing fee	100	200 ^[1]
ENVIRONMENTAL PROTECTION				
396	22a-27j	Additional fee for municipal planning, zoning, wetlands, and coastal management applications (in addition to any other required fee)	\$30 to Environmental Quality Fund (EQF)	\$60 to General Fund (GF)
397	22a-50 (g)	Pesticide registration and renewal	\$750	\$940 (See below)
398	22a-54 (e)	Fee paid by landowner to apply pesticides by aircraft	\$10	\$20
398	22a-54 (f)	Supervisory certification as a commercial pesticide applicator	\$225	\$285
398	22a-54 (f)	Operational certification as a commercial pesticide applicator	\$40	\$80
398	22a-54 (f)	Certification as a private pesticide applicator	\$50	\$100
399	22a-54a	Fee paid by golf course owner for emergency spill response	\$200	\$250
400	22a-56 (c)	Annual registration fee to sell or distribute a restricted use pesticide	\$60	\$120
401	22a-66c (c)	Registration fee for pesticide application businesses	\$120	\$240
402	22a-66z	Permit for use of pesticide in state waters	\$20 minimum	\$40 minimum
404	22a-133v (e)	Examination fee for licensed environmental professionals (LEPs)	\$188 to EQF	\$235 to GF
404	22a-133v (f)	Annual license fee for LEPs	\$338 to EQF	\$425 to GF
404	22a-133v (h)	LEP registration fee	\$225 to EQF	\$285 to GF

<i>Act §</i>	<i>CGS §</i>	<i>Fee Description</i>	<i>Prior Law</i>	<i>The Act</i>
		(apparently obsolete)		
405	22a-133x (e)	Fee for submitting environmental condition assessment form	\$3,000	\$3,250
406	22a-134e (b) (Transfer Act)	Form I filing fee	\$300	\$375
406	22a-134e (b)	Form II filing fee (Note: Although the fees listed for filing a Form II or Form IV are the usual fees in such cases, the law (§ 22a-134e (p)) permits different fees to be charged in certain instances.)	\$1,050	\$1,300
406	22a-134e (n)	Form III filing fee where remediation costs \$1 million or more	\$34,500	\$34,750
406	22a-134e (n)	Form III filing fee where remediation costs between \$500,000 and \$1 million	\$30,000	\$30,250
406	22a-134e (n)	Form III filing fee where remediation costs between \$100,000 and \$500,000	\$21,000	\$21,250
406	22a-134e (n)	Form III filing fee where remediation costs between \$50,000 and \$100,000	\$6,750	\$7,000
406	22a-134e (n)	Form III filing fee where remediation costs between \$25,000 and \$50,000	\$4,500	\$4,750
406	22a-134e (n)	Form III filing fee where remediation costs less than \$25,000	\$3,000	\$3,250
406	22a-134e (o)	Form IV filing fee where remediation costs \$1 million or more	\$17,250	\$17,500
406	22a-134e (o)	Form IV filing fee where remediation costs between \$500,000 and \$1 million	\$15,000	\$15,250
406	22a-134e (o)	Form IV filing fee where remediation costs between \$100,000 and \$500,000	\$10,500	\$10,750
406	22a-134e (o)	Form IV filing fee where remediation costs between \$50,000 and \$100,000	\$3,375	\$3,625
406	22a-134e (o)	Form IV filing fee where remediation costs less than \$50,000	\$3,000	\$3,250
407	22a-150	Registration of x-ray devices (biennial)	\$150	\$190
416	22a-342	Permit for stream channel encroachment - no grade change or above ground structures	\$375	\$470
416	22a-342	Permit for stream channel encroachment - grade change but no above ground structures	\$750	\$940
416	22a-342	Permit for stream channel encroachment - grade change and above ground structures	\$3,750	\$4,000
417	22a-361 (a)	Dredging permit - less than 5,500 square feet	\$525 (minimum)	\$660 (minimum)
417	22a-361 (a)	Dredging permit - between 5,500 sq. ft. and five acres	\$3,300 plus 10 cents per sq. ft. over 5,500 sq. ft.	\$3,550 plus 10 cents per sq. ft. over 5,500 sq. ft.
417	22a-361 (a)	Dredging permit - 5 or more acres	\$19,223 plus \$525/acre for each acre or part over 5 acres	\$19,475 plus \$525/acre for each acre or part over 5 acres
417	22a-361 (a)	Mooring area permit	\$525	\$660
418	22a-363c	Fee for certificate of permission under the dredging statutes	\$300	\$375
419	22a-372 (e)	Water diversion permit - between 50,000 and 500,00 gallons per day (gpd)	\$1,800	\$2,050
419	22a-372 (e)	Water diversion permit - between 500,000 and 2 million gpd	\$3,750	\$4,000
419	22a-372 (e)	Water diversion permit - more than 2 million gpd	\$6,000	\$6,250
419	22a-372 (e)	Water diversion permit (non-consumptive uses) where tributary watershed is one-half sq. mile or less	\$1,800	\$2,050
419	22a-372 (e)	Water diversion permit (non-consumptive uses) where tributary watershed is between one-half and 2 sq. mile	\$3,750	\$4,000

<i>Act §</i>	<i>CGS §</i>	<i>Fee Description</i>	<i>Prior Law</i>	<i>The Act</i>
419	22a-372 (e)	Water diversion permit (non-consumptive uses) where tributary watershed is at least 2 sq. miles	\$6,000	\$6,250
420	22a-379	Water diversion permit holder, consumptive use, annual fee	\$750	\$940
421	22a-409 (c)	Dam inspection fee	\$525	\$660
427	22a-449k	Registration fee, residential underground heating oil storage tank registered contractor	\$750 to EQF	\$940 to GF
427	22a-449k	Renewal fee, residential underground heating oil storage tank registered contractor	\$375 to EQF	\$470 to GF
433	22a-454 (a)	Annual fee for permit to transport hazardous waste	\$500	\$625
433	22a-454 (a)	Fee for permit to treat waste oil, petroleum, or chemical liquids	\$14,000	\$14,250
433	22a-454 (d)	Permit to operate a hazardous waste landfill or incinerator	\$45,000	\$45,250
433	22a-454 (d)	Permit to store or treat hazardous waste	\$21,000	\$21,250
433	22a-454 (d)	Permit to transfer hazardous waste if the hazardous waste is transferred from its original container	\$10,500	\$10,750
433	22a-454 (d)	Permit to transfer hazardous waste remaining in original container	\$3,750	\$4,000
433	22a-454 (d)	Application fee for hazardous waste facility to change status to generator	\$100	\$200
433	22a-454 (d)	Application fee for large quantity hazardous waste generator to change status to small generator	\$50	\$100
434	22a-454a	Fee for hazardous waste facility to submit closure/post closure plan	\$3,750	\$4,000
435	22a-454b	Annual fee for groundwater monitoring of hazardous waste facility	\$750	\$940
436	22a-454c (a)	Annual fee for hazardous waste generator that generates at least 1,000 kilograms (kg) (about one ton) of hazardous waste or 1 kg (2.2 pounds) of acutely hazardous waste in a calendar month	\$100	\$200
436	22a-454c (b)	Annual fee for hazardous waste landfill, incinerator, storage, treatment or land treatment facility	\$1,500	\$1,750
437	23-61b (a)	Application fee for arboriculture license	\$25	\$50
437	23-61b (d)	Annual renewal fee for arboriculture license	\$150	\$190
440	26-27b	Migratory Bird Conservation Stamp	10	15
443	26-28	Resident firearms hunting license	14	28
443	26-28	Resident inland waters fishing license	20	40
443	26-28	Resident marine waters fishing license	10	30 ⁽²⁾
443	26-28	One-day resident marine waters fishing license	n/a	15
443	26-28	Resident all waters fishing license	n/a	50
443	26-28	Resident combination inland waters and firearms hunting license	28	56
443	26-28	Resident combination marine waters sport fishing and firearms hunting license	n/a	50
443	26-28	Resident combination all-waters sport fishing and firearms hunting license	n/a	60
443	26-28	Resident combination all-waters sport fishing license and bow and arrow permit to hunt deer and small game	n/a	84
443	26-28	Resident firearms super sport license to fish in all waters and firearms hunting, firearms private land shotgun or rifle deer permit, and permit to hunt wild turkey during spring season on private land	n/a	116
443	26-28	Resident archery super sport license to fish in all waters, bow and arrow permit to hunt deer and small game, and permit to hunt wild turkey during spring season on private land	n/a	104
443	26-28	Resident trapping license	25	50
443	26-28	Resident junior trapping license fee for people under age 16	3	15
443	26-28	Junior firearms hunting license	3	15
443	26-28	Nonresident firearms hunting license	67	134
443	26-28	Nonresident inland waters fishing license	40	80

<i>Act §</i>	<i>CGS §</i>	<i>Fee Description</i>	<i>Prior Law</i>	<i>The Act</i>
443	26-28	Nonresident inland waters fishing license for three consecutive days	16	32
443	26-28	Nonresident marine waters fishing license	15	60
443	26-28	Nonresident marine waters fishing license for three consecutive days	n/a	24
443	26-28	Nonresident all-waters fishing license	n/a	100
443	26-28	Nonresident combination license to firearms hunt and inland waters fish	88	176
443	26-28	Nonresident combination license to fish in all waters and firearms hunt	n/a	190
443	26-28	Nonresident combination license to fish in marine waters and firearms hunt	n/a	170
443	26-28	Nonresident trapping license	200	250
445	26-37	Replacement hunting, trapping, fishing, or combination license	7	15
446	26-39	License to use a pack of 10 or more hounds or beagles to hunt foxes or rabbits	35	70
447	26-40	Game breeder's license	21	42
448	26-42	Nonresident and resident license to buy raw fur produced in the state	42	84
448	26-42	License for agent of licensed resident fur buyers	28	56
449	26-45	Bait dealer's license	50	100
450	26-47	Nuisance wildlife control license	200	250
451	26-48	Regulated private shooting preserve permit	50	100
452	26-48a	Turkey permit	14	28
452	26-48a	Migratory game bird stamp	3	15
452	26-48a	Pheasant tags	14	28
452	26-48a	Salmon permit	28	56
452	26-48a	Permit to hunt wild turkey on state-owned or private land	14	28
453	26-49(b)	Regulated hunting dog training area permit	14	28
454	26-51	Permit to hold field dog trials	7	15
455	26-52	Permit to hold field dog trials on state-owned land where liberated game birds, waterfowl, and pigeons may be shot	28	56
455	26-52	Permit to hold field dog trials on private land where liberated game birds, waterfowl, and pigeons may be shot	14	28
456	26-58	Taxidermy license	84	168
457	26-60	Scientific collector's (wildlife) permit	20	40
458	26-86a	Resident firearm deer hunting permit	14	28
458	26-86a	Nonresident firearm deer hunting permit	50	100
459	26-86c	Resident bow and arrow deer and small game hunting permit	30	60
459	26-86c	Nonresident bow and arrow deer and small game hunting permit	100	200
459	26-86c	Permit for 12 to 16-year-olds to bow and arrow hunt deer and small game	13	26
460	26-142a(c)	Resident license to take blue crab for commercial purposes	75	150
460	26-142a	Resident license to take lobsters for personal use (not sale) using no more than 10 lobster pots, traps or similar devices or by skin or scuba diving or by hand	60	120
460	26-142a	Resident license to take lobster, fish, or crabs (other than blue crabs) for personal use or sale using more than 10 lobster pots or similar devices	150	190
460	26-142a	Nonresident license to take lobster, fish, or crabs (other than blue crabs) for personal use or sale using more than 10 lobster pots or similar devices	225	285
460	26-142a	Resident commercial license for taking lobster, crabs (other than blue crabs), squid, sea scallops and finfish for personal use or for sale, using more than 10 lobster pots or any otter trawl, balloon trawl, beam trawl, sea scallop dredge or similar devices	225	285

<i>Act §</i>	<i>CGS §</i>	<i>Fee Description</i>	<i>Prior Law</i>	<i>The Act</i>
460	26-142a	Nonresident commercial license for taking lobster, crabs (other than blue crabs), squid, sea scallops and finfish, for personal use or for sale, using more than 10 lobster pots or an otter, balloon, or beam trawl; sea scallop dredge; or similar devices	1,250	1,500
460	26-142a	License to tend devices used to take American Shad	100	200
460	26-142a	Registration fee for pound net or similar device used to take finfish	225	285
460	26-142a	Resident commercial license to set or tend gill nets or similar devices to take finfish other than American shad or bait species by hook and line or take horseshoe crab by hand	150	190
460	26-142a	Nonresident commercial license to set or tend gill nets or similar devices to take finfish other than American shad or bait species by hook and line or take horseshoe crab by hand	200	250
460	26-142a	Resident license to take any fish species for commercial purposes by hook and line, in excess of any creel limit adopted by law	300	375
460	26-142a	Nonresident license to take any fish species for commercial purposes by hook and line, in excess of any creel limit adopted by law	500	625
460	26-142a	Commercial license to set or tend seines, traps, scaps, scoops, weirs, or similar devices to take bait species in the inland district	50	100
460	26-142a	Commercial license to set or tend seines, traps, scaps, scoops, or similar devices to take bait species in the marine district	50	100
460	26-142a	Commercial license to buy fish, lobster and crabs, scallops, squid, and bait fish from a licensed commercial fisherman for resale regardless of where taken	200	250
460	26-142a	Registration for party, head, or charter boat used for fishing	250	315
460	26-142a	License to land finfish, lobsters, crabs (including blue crabs and horseshoe crabs), sea scallops, squid, or bait species	400	500
460	26-142a	Commercial fishing vessel permit	50	100
460	26-142a	License to take menhaden from marine waters for personal use (not sale) using a single gill net not more than 60 feet long	50	100
460	26-142a	Environmental tourism cruise vessel permit	50	100
461	26-149	Commercial hatchery license	65	130
462	New	Shellfish harvest fee - harvesting shellfish in state waters for wholesale or retail sale	n/a	\$1 per bushel bag or equivalent ⁽³⁾
INSURANCE				
384	38a-11	Domestic insurance company – annual license fee	100	200
384	38a-11	Annual report filing fee	25	50
384	38a-11	Filing documents for insurance company license	175	220
384	38a-11	Filing documents for healthcare center license	1,100	1,350
384	38a-11	File additional paper required by law	15	30
384	38a-11	Certificate of valuation, organization, reciprocity, or compliance	20	40
384	38a-11	Certified copy of license	20	40
384	38a-11	Certified copy of report or certificate of condition	20	40
384	38a-11	Amending certificate of authority	100	200
384	38a-11	Rating organization license	100	200
384	38a-11	Filing fee for initial license as adjuster or appraiser	25	50
384	38a-11	Insurance agent appointments filing fee	25	50
384	38a-11	Domestic company appointment issued	40	80 ⁽⁴⁾
384	38a-11	Foreign company appointments	20	80 ⁽⁵⁾
384	38a-11	Insurance producers exam fee	7	15
384	38a-11	Insurance producers testing service fee	7	15

<i>Act §</i>	<i>CGS §</i>	<i>Fee Description</i>	<i>Prior Law</i>	<i>The Act</i>
384	38a-11	Insurance producers license fee or renewal	40	80
384	38a-11	Insurance producers transitional process license renewal	40	80
384	38a-11	Public adjusters exam fee	7	15
384	38a-11	Public adjusters testing service fee	7	15
384	38a-11	Public adjusters license or renewal	125	250
384	38a-11	Casualty adjusters exam fee	10	20
384	38a-11	Casualty adjusters testing service fee	10	20
384	38a-11	Casualty adjusters license or renewal	40	80
384	38a-11	Casualty adjusters exam administered outside the state	100	200
384	38a-11	Motor vehicle physical damage appraisers exam fee	40	80
384	38a-11	Motor vehicle physical damage appraisers testing service fee	40	80
384	38a-11	Motor vehicle physical damage appraisers license or renewal	40	80
384	38a-11	Motor vehicle physical damage appraisers exam administered outside the state	100	200
384	38a-11	Insurance consultants exam fee	13	26
384	38a-11	Insurance consultants testing service fee	13	26
384	38a-11	Insurance consultants license	200	250
384	38a-11	Insurance consultants renewal	125	250
384	38a-11	Surplus lines brokers exam fee	10	20
384	38a-11	Surplus lines brokers testing service fee	10	20
384	38a-11	Surplus lines brokers license or renewal	500	625
384	38a-11	Fraternal agents license or renewal	40	80
384	38a-11	Fraternal agents license certificate	13	26
384	38a-11	Domestic and foreign benefit societies service of process	25	50
384	38a-11	Domestic and foreign benefit societies certified copies of charter or articles of association	5	15
384	38a-11	Domestic and foreign benefit societies annual report	10	20
384	38a-11	Domestic and foreign benefit societies additional paper	3	15
384	38a-11	Foreign benefit societies certificate of organization or compliance	4	15
384	38a-11	Foreign benefit societies certified copy of permit	2	15
384	38a-11	Foreign benefit societies copy of report or certificate of condition	4	15
384	38a-11	Reinsurance intermediaries license or renewal	500	625
384	38a-11	Life settlement providers filing fee – initial license application	13	26
384	38a-11	Life settlement providers license or renewal	20	40
384	38a-11	Life settlement brokers filing fee – initial license application	13	26
384	38a-11	Life settlement brokers license or renewal	20	40
384	38a-11	Preferred provider network license or renewal	2,500	2,750
384	38a-11	Rental companies permit or renewal	40	80
384	38a-11	Medical discount plan organization license or renewal	500	625
384	38a-11	Pharmacy benefits managers registration or renewal	50	100
384	38a-11	Captive insurers license or renewal	300	375
384	38a-11	Duplicate license	25	50
384	38a-11	Eligible surplus lines insurer – annual fee	63	126
384	38a-11	Service of process	25	50
384	38a-11	Hospital or ambulance lien	25	50
384	38a-11	Small claims notice	5	15
384	38a-11	Annual fee – insurance companies who deposit a security	250	315

<i>Act §</i>	<i>CGS §</i>	<i>Fee Description</i>	<i>Prior Law</i>	<i>The Act</i>
384	38a-11	Examination or appraisal fee on company that deposited security	100	200
LABOR				
368	31-22r	Apprenticeship program registration - individuals	25	50
368	31-22r	Apprenticeship program registration renewal - individuals	25	50
368	31-22r	Apprenticeship program registration - sponsoring company, for each participating apprentice	30	60
PUBLIC HEALTH				
146	7-74	Certified copy of marriage or death certificate	15	30
163	19a-29a	Registration of an environmental laboratory	1,000	1,250
164	19a-30	Registration of a clinical laboratory	100	200
165	19a-36	Review of plans for public swimming pool	600	750
165	19a-36	Review of resubmitted plans - public swimming pool	200	250
165	19a-36	Inspection of each public swimming pool	100	200
165	19a-36	Reinspection of each public swimming pool	75	150
165	19a-36	Review: small flow plan for subsurface sewage disposal	100	200
165	19a-36	Review: large flow plan for subsurface sewage disposal	500	625
166	19a-42	Amendments to birth certificates	25	50
167	19a-55	Newborn infant screening minimum for fee set in regulations	28	56
168	19a-80	Day care center license	400	500
168	19a-80	Group day care home license	200	250
169	19a-87b	Family day care home license	40	80
170	19a-88	Midwife license renewal	5	15
170	19a-88	Dental hygienist license renewal	50	100
170	19a-88	Retired dentist license renewal	45	90
170	19a-88	Physician assistant license renewal	75	150
170	19a-88	Perfusionist license renewal	250	315
171	19a-89b	Copy of pool design guidelines	4	15
171	19a-89b	Copy of food compliance guide	4	15
172	19a-180	Emergency medical services license	100	200
173	19a-310	Approval of plans for a mausoleum/vault	1,000	1,250
174	19a-320	Approval of plans for construction of a crematorium	1,000	1,250
174	19a-320	Application for renewal of inspection certificate for a crematorium	250	315
175	19a-332a	Notification of asbestos abatement: less than 160 sq.ft	50	100
175	19a-332a	Minimum for notification of asbestos abatement: greater than 160 sq. ft.	50	100
175	19a-332a	Asbestos abatement reinspection	50	100
175	19a-332a	Asbestos abatement alternative work practice review	100	200
175	19a-332a	Asbestos abatement: notice of demolition activities	25	50
176	19a-421	Youth camp license	650	815
176	19a-421	Youth camp license renewal	650	815
176	19a-421	Youth camp license - nonprofit, nonstock corporation	250	315
176	19a-421	Youth camp license renewal - nonprofit, nonstock corporation	250	315
177	19a-491	Biennial licensing: nursing homes per site	350	440
177	19a-491	Biennial licensing: rest homes with nursing per site	350	440
177	19a-491	Biennial licensing: Outpatient facilities per site	500	625
177	19a-491	Biennial licensing: mental health residential facilities	300	375
177	19a-491	Biennial licensing: hospitals	750	940

<i>Act §</i>	<i>CGS §</i>	<i>Fee Description</i>	<i>Prior Law</i>	<i>The Act</i>
177	19a-491	Biennial licensing: educational institutions' infirmaries	75	150
177	19a-491	Triennial licensing: residential care homes	450	565
177	19a-491	Technical assistance on design, construction, etc.	450	565
178	19a-512	Nursing home administrator licensure	100	200
179	19a-513	Nursing home administrator licensure by endorsement	100	200
180	19a-515	Nursing home administrator license renewal	100	200
181	20-11	Exam applications for physicians	450	565
181	20-11	Reexamination applications for physicians	450	565
182	20-12	Physician and osteopath, license by endorsement	450	565
182	20-12	Acceptance of license with diploma or certificate	450	565
183	20-12b	Physician assistant license	150	190
183	20-12b	Physician assistant temporary permit	75	150
184	20-27	Chiropractic license	450	565
184	20-27	Chiropractic, license by endorsement	450	565
185	20-37	Natureopathy license	450	565
186	20-55	Examination fee – podiatry	450	565
187	20-57	Podiatrist, license by endorsement	450	565
188	20-65k	Athletic trainer license	150	190
188	20-65k	Athletic trainer license renewal	100	200
188	20-65k	Athletic trainer temporary permit	150	190
189	20-70	Physical therapist license	225	285
189	20-70	Physical therapist assistant license	150	190
190	20-74d	Occupational therapist temporary permit	25	50
191	20-74f	Occupational therapist license	100	200
192	20-74s	Alcohol and drug counselor, substance abuse counselor, license	150	190
192	20-74s	Alcohol and drug counselor, substance abuse counselor, license renewal	150	190
192	20-74s	Alcohol and drug counselor certificate	150	190
192	20-74s	Alcohol and drug counselor certificate renewal	150	190
193	20-74bb	Radiological technician license	100	200
193	20-74bb	Radiological technician license renewal	50	100
194	20-86g	Midwife renewal license	5	15
195	20-93	Registered nurse license	90	180
196	20-94	Registered nurse, license by endorsement	90	180
197	20-94a	Advanced practice registered nurse license	100	200
198	20-96	Licensed practical nurse license	75	150
199	20-97	Licensed practical nurse, license by endorsement	75	150
200	20-109	Dentist examination	450	565
201	20-110	Dentist, license by endorsement	450	565
202	20-123b	Dental surgeon permit	160	200
202	20-123b	Dental surgeon permit renewal	160	200
203	20-126i	Dental hygienist license	75	150
204	20-126k	Dental hygienist, license by endorsement	75	150
205	20-130	Optometrist license	450	565
206	20-149	Optician license	100	200
206	20-149	Optician license renewal	100	200

<i>Act §</i>	<i>CGS §</i>	<i>Fee Description</i>	<i>Prior Law</i>	<i>The Act</i>
207	20-151	Optical shop licensure	250	315
208	20-159	Optical shop apprentice certificate	25	50
209	20-162o	Respiratory care practitioner license	150	190
209	20-162o	Respiratory care practitioner license renewal	50	100
209	20-162o	Respiratory care practitioner temporary permit	150	190
210	20-188	Psychologist examination	450	565
211	20-190	Psychologist license - psychologist from another state	450	565
212	20-195c	Marital and family therapist license	250	315
212	20-195c	Marital and family therapist license renewal	250	315
213	20-195o	Clinical social worker license	250	315
213	20-195o	Clinical social worker license renewal	150	190
214	20-195cc	Professional counselor license	250	315
214	20-195cc	Professional counselor license renewal	150	190
215	20-199	Veterinary license examination and reexamination	450	565
216	20-200	Veterinary license by endorsement- vet from another state	450	565
216	20-200	Veterinary license - license without examination for vet from another state	450	565
217	20-206b	Massage therapist license	300	375
217	20-206b	Massage therapist license renewal	200	250
218	20-206e	Massage therapist temporary permit	300	375
219	20-206n	Dietitian-Nutritionist certificate	150	190
220	20-206o	Dietitian-Nutritionist certificate - from another state	150	190
221	20-206r	Dietitian-Nutritionist certificate renewal	50	100
222	20-206bb	Acupuncturist license	100	200
222	20-206bb	Acupuncturist license renewal	200	250
223	20-206ll	Paramedic license	75	150
223	20-206ll	Paramedic license renewal	75	150
224	20-206mm	Certified EMT as licensed paramedic renewal	75	150
225	20-213	Embalmer- application fee/out-of-state licensees/exam	165	210
226	20-217	Funeral director examination and license	165	210
226	20-217	Funeral director license renewal	115	230
226	20-217	Funeral director out-of-state licensee	165	210
227	20-222	Funeral services business inspection certificate	300	375
227	20-222	Funeral services business inspection certificate renewal	150	190
228	20-222a	Embalmer license renewal	55	110
228	20-222a	Funeral director renewal	115	230
228	20-222a	Funeral services business inspection certificate renewal	150	190
229	20-236	Barber license with and without examination	50	100
230	20-239	Barber license renewal	50	100
231	20-253	Hairdresser and Cosmetician license	50	100
231	20-253	Hairdresser and Cosmetician license renewal	50	100
232	20-270	Electrologist license	75	150
233	20-275	Electrologist license renewal	100	200
247	20-341e	Subsurface sewage disposal installer license	25	50
247	20-341e	Subsurface sewage disposal cleaner license	10	20
251	20-360	Sanitarian - initial license	40	80

<i>Act §</i>	<i>CGS §</i>	<i>Fee Description</i>	<i>Prior Law</i>	<i>The Act</i>
251	20-360	Sanitarian - renewal	20	40
255	20-398	Hearing instrument specialist exam	100	200
255	20-398	Hearing instrument specialist license - initial & renewal	200	250
256	20-400	Hearing instrument specialist temporary permit - initial & renewal	30	60
257	20-412	Speech and language pathologist - initial & renewal	100	200
264	20-475	Lead abatement contractor or lead consultant contractor – license & renewal	500	625
265	20-476	Lead consultant, lead abatement supervisor or lead abatement worker – certificate and renewal	25	50
266	20-477	Lead abatement training course – approval & reapproval	1,000	1,250
266	20-477	Lead abatement refresher training course – approval & reapproval	250	315
297	22-332b	Hospital, educational institution or lab, use live dogs in research/teaching – license & renewal	250	315
369	33-182l	Professional Services: Class A	30	60
369	33-182l	Professional Services: Class B	50	100
369	33-182l	Professional Services: Class C	60	120 ⁽⁶⁾
369	33-182l	Professional Services: Class D	75	150
369	33-182l	Professional Services: Class E	80	160
369	33-182l	Professional Services: Class F	150	190
369	33-182l	Professional Services: Class G	225	285
369	33-182l	Professional Services: Class H	300	375
369	33-182l	Professional Services: Class I	450	565
PUBLIC SAFETY				
306	29-10b	Records search for accident/investigative report, no document produced	8	16
306	29-10b	Copy of an accident or investigative report	8	16
307	29-11	Name search	18	36
307	29-11	Fingerprint search	25	50
307	29-11	Personal record search	25	50
307	29-11	Letters of good conduct search	25	50
307	29-11	Bar association search	25	50
307	29-11	Fingerprinting	5	15
307	29-11	Criminal history record search	25	50
308	29-17a	Additional fee for expedited record search	25	50
309	29-30	Retail sale of pistol and revolvers permit – initial & renewal	100	200
309	29-30	Permit to carry pistol or revolvers – initial (This fee is split equally between the local authority and the state, so the act also increases the amount of revenue to each from \$35 to \$70.)	70	140
309	29-30	Permit to carry pistol or revolvers - renewal	35	70
310	29-130	Amusement park license – annual fee	50	100
311	29-134	Carnival or circus with rides - license to conduct	100	200
312	29-143j	Boxing referee – minimum fee	63	126
312	29-143j	Boxing matchmakers and assistant matchmaker - minimum fee	63	126
312	29-143j	Boxing timekeeper - minimum fee	13	26
312	29-143j	Professional boxer - minimum fee	13	26
312	29-143j	Amateur boxer - minimum fee	3	15
312	29-143j	Boxing manager - minimum fee	63	126
312	29-143j	Boxing trainer - minimum fee	13	26
312	29-143j	Boxing second - minimum fee	13	26

<i>Act §</i>	<i>CGS §</i>	<i>Fee Description</i>	<i>Prior Law</i>	<i>The Act</i>
312	29-143j	Boxing announcer - minimum fee	13	26
312	29-143j	Boxing promoter - minimum fee	250	315
312	29-143j	Organization holding sparring match - registration	50	100
313	29-146	Professional bondsman	100	200
314	29-152g	Bail enforcement agent	100	200
315	29-152m	Bondsman/ bail enforcement agent pistol permit – initial & renewal	31	62
316	29-155c	Private detective - initial license	1,200	1,450
316	29-155c	Private detective - renewal	500	625
316	29-155c	Private detective agency – initial license	1,500	1,750
316	29-155c	Private detective agency – renewal	800	1,000
317	29-156a	Criminal history records check of a private investigator	20	40
318	29-161n	Security service, individual, association, or partnership – initial license	1,200	1,450
318	29-161n	Security service, individual, association, or partnership – renewal	500	625
318	29-161n	Security service, corporation - initial license	1,500	1,750
318	29-161n	Security service, corporation - renewal	800	1,000
319	29-161q	Security officer training course – application for approval	20	40
319	29-161q	Security officer training instructor - renewal	20	40
319	29-161q	Security officer license – initial & renewal	50	100
319	29-161q	Security officer registration	20	40
320	29-161z	Security officer pistol carry permit – initial & renewal	31	62
320	29-161z	Security service pistol training instructor - approval application & renewal	20	40
321	29-193	Elevator/ escalator plans - approval	200	250
322	29-196	Elevator/escalator – initial operating certificate	200	250
322	29-196	Elevator/escalator – operating certificate renewal	120	240
323	29-238	Boiler inspection – fee per operating certificate issued	40	80
324	29-349	Control, handling and transportation of explosives – initial license	100	200
324	29-349	Control, handling and transportation of explosives – renewal	75	150
324	29-349	Permit to store, keep, sell, or deal in explosives	50	100
324	29-349	Transportation of explosives - vehicle inspection fee	50	100
324	29-349	Permit to manufacture, store, sell, or deal in explosives	30	60
325	29-357	Fireworks display competency certificate – initial	100	200
325	29-357	Fireworks display competency certificate – renewal	150	190
325	29-357	Fireworks permit	50	100
326	29-402	Demolition contractor - Class B license	350	440
326	29-402	Demolition contractor - Class B license renewal	200	250
326	29-402	Demolition contractor - Class A license	750	940
326	29-402	Demolition contractor - Class A license renewal	600	750
REVENUE SERVICES				
153	12-285b	Cigarette manufacturer license	5,000	5,250
153	12-285b	Duplicate copy of cigarette manufacturer license	5	15
154	12-287	Cigarette dealer license	25	50
154	12-287	Duplicate copy of cigarette dealer license	5	15
155	12-288	Cigarette distributor license with fewer than 15 stores	250	315
155	12-288	Cigarette distributor license with 15 to 25 stores	500	625
155	12-288	Cigarette distributor license with 25 or more	1,000	1,250

<i>Act §</i>	<i>CGS §</i>	<i>Fee Description</i>	<i>Prior Law</i>	<i>The Act</i>
156	12-330b	Tobacco products distributor and unclassified importer license	100	200
157	12-409	Sales and Use tax permit (five-year permit)	50	100
157	12-409	Reissuance of revoked or suspended Sales and Use tax permit	50	100
390	51-81b	Attorney occupational tax	450	565
SECRETARY OF THE STATE				
141	3-90	State Register and Manual - soft cover	10	20
141	3-90	State Register and Manual - hard cover	19	38
142	3-94b	Notary Public application fee	60	120
143	3-94n	Notary Public change of address fee	5	15
144	3-94o	Notary Public change of name fee	5	15
145	3-99a	Filing and recording document when fee not specified	25	50
145	3-99a	Copy of any document that was filed	20	40
145	3-99a	SOS certification and affixing state seal	5	15
145	3-99a	SOS certification and state seal imprinted	25	50
145	3-99a	SOS certification and seal when no special provision made	25	50
145	3-99a	Certifying the incumbency of a probate judge, notary, or other official	20	40
145	3-99a	Certifying an official in adoption case	5	15
145	3-99a	Additional fee: expedited services	25	50
For Business Corporations:				
370	33-617	Reserve, register, renew, or cancel corporate name	30	60
370	33-617	Transfer of a reserved corporate name	30	60
370	33-617	Certificate of incorporation	50	100
370	33-617	Change name or address of registered agent	25	50
370	33-617	Resignation of registered agent	25	50
370	33-617	Amendment to certificate of incorporation	50	100
370	33-617	Restated certificate of incorporation	50	100
370	33-617	Certificate of merger or share exchange	30	60
370	33-617	Certificate of correction	50	100
370	33-617	Certificate of surrender of special charter and adoption of general certificate of incorporation	50	100
370	33-617	Certificate of dissolution	25	50
370	33-617	Certificate of revocation of dissolution	25	50
370	33-617	Annual report	75	150
370	33-617	Foreign corporation	50	100
370	33-617	Amended foreign corporation	50	100
370	33-617	Withdrawal foreign corporation	50	100
370	33-617	Reinstatement	75	150
370	33-617	Corrected annual report	50	100
370	33-617	Interim notice of change of director	10	20
370	33-617	Service of process	25	50
370	33-617	Furnishing document copies	20	40
370	33-617	Certification of copies	5	15
370	33-617	Certificate of existence	40	80
370	33-617	Certificate of existence effecting fundamental changes	60	120
370	33-617	Foreign corporation license fee to transact business	225	285
For Nonstock Corporations:				

<i>Act §</i>	<i>CGS §</i>	<i>Fee Description</i>	<i>Prior Law</i>	<i>The Act</i>
371	33-1013	Reserve, register, renew, or cancel corporate name	30	60
371	33-1013	Transfer of a reserved corporate name	30	60
371	33-1013	Certificate of incorporation	10	20
371	33-1013	Change name or address of registered agent	10	20
371	33-1013	Resignation of registered agent	10	20
371	33-1013	Amendment to certificate of incorporation	10	20
371	33-1013	Restated certificate of incorporation	10	20
371	33-1013	Certificate of merger	10	20
371	33-1013	Certificate of correction	10	20
371	33-1013	Certificate of surrender of special charter and adoption of general certificate of incorporation	10	20
371	33-1013	Certificate of dissolution	10	20
371	33-1013	Certificate of revocation of dissolution	10	20
371	33-1013	Annual report	25	50
371	33-1013	Foreign corporation	20	40
371	33-1013	Amended foreign corporation	20	40
371	33-1013	Withdrawal foreign corporation	20	40
371	33-1013	Reinstatement	55	110
371	33-1013	Corrected annual report	25	50
371	33-1013	Interim notice of change of director	10	20
371	33-1013	Service of process	25	50
371	33-1013	Furnishing document copies	20	40
371	33-1013	Certification of copies	5	15
371	33-1013	Certificate of existence	40	80
371	33-1013	Certificate of existence effecting fundamental changes	60	120
For Limited Partnerships:				
372	34-38n	Reserve, register, renew, or cancel corporate name	30	60
372	34-38n	Certificate of limited partnership	60	120
372	34-38n	Certificate of amendment	60	120
372	34-38n	Certificate of merger	30	60
372	34-38n	Certificate of cancellation	30	60
372	34-38n	Certificate of registration	60	120
372	34-38n	Change name or address of registered agent	10	20
372	34-38n	Certificate of reinstatement	60	120
372	34-38n	Annual report	10	20
372	34-38n	Service of process	25	50
372	34-38n	Document copies	20	40
372	34-38n	Certification of copies	5	15
372	34-38n	Certificate with changes	25	50
For Limited Liability Companies:				
373	34-112	Reserve limited liability name	30	60
373	34-112	Transfer of name	30	60
373	34-112	Filing articles of organization and agent appointment	60	120
373	34-112	Change of name or address of statutory agent	25	50
373	34-112	Resignation of statutory agent	25	50
373	34-112	Amendment to articles of organization	60	120

<i>Act §</i>	<i>CGS §</i>	<i>Fee Description</i>	<i>Prior Law</i>	<i>The Act</i>
373	34-112	Restated articles of organization	60	120
373	34-112	Articles of merger	30	60
373	34-112	Dissolution	25	50
373	34-112	Dissolution by expiration	25	50
373	34-112	Judicial dissolution	25	50
373	34-112	Reinstatement	60	120
373	34-112	Foreign LLC registration	60	120
373	34-112	Foreign LLC amended registration	60	120
373	34-112	Withdrawal of foreign LLC	60	120
373	34-112	Annual report	10	20
373	34-112	Change of manager or member	10	20
373	34-112	Service of process	25	50
373	34-112	Document copies	20	40
373	34-112	Certification of documents	5	15
373	34-112	Certification of existence	25	50
373	34-112	Certificate of existence with changes	25	50
373	34-112	Certificate of existence - articles of organization	50	100
For Limited Liability Partnerships:				
374	34-413	Reserve name	30	60
374	34-413	Transfer of name	30	60
374	34-413	Change of name or address of statutory agent	25	50
374	34-413	Certificate of LLP	60	120
374	34-413	Amendment to certificate of LLP	60	120
374	34-413	Renunciation	25	50
374	34-413	Certificate of authority to transact business	60	120
374	34-413	Amendment to certificate of authority to transact business	60	120
374	34-413	Withdrawal of certificate of authority to transact business	60	120
374	34-413	Annual report	10	20
374	34-413	Merger	30	60
374	34-413	Document copies	20	40
374	34-413	Certification of documents	5	15
374	34-413	Certification of existence	20	40
374	34-413	Certificate of existence with changes	40	80
374	34-413	Certificate of existence reflecting amendments	60	120
For Statutory Trusts:				
375	34-509	Reservation of name, renewal application, transfer or cancellation notice	30	60
375	34-509	Certificate, amendment, restated certificate, or cancellation certificate	60	120
375	34-509	Copy of statutory trust	20	40
375	34-509	Affixing certification	5	15
375	34-509	Certificate of existence	20	40
375	34-509	Certificate of existence with changes	40	80
375	34-509	Merger	30	60
376	35-11e	Trademark registration renewal	50	100
377	35-11f	Trademark transfer	25	50
377	35-11f	Trademark - change of name	25	50

<i>Act §</i>	<i>CGS §</i>	<i>Fee Description</i>	<i>Prior Law</i>	<i>The Act</i>
377	35-11f	Trademark - recording fee for other instruments	25	50
378	35-11g	Trademark cancellation	25	50
379	35-11l	Trademarks: certificate of registration	25	50
379	35-11l	Trademarks: copy of any service mark	20	40
379	35-11l	Trademarks: certified copy of service mark	25	50
385	42a-9-525	Uniform Commercial Code (UCC) filing an initial financing statement	25	50
385	42a-9-525	UCC - naming a debtor or any amendment to a filing	25	50
385	42a-9-525	UCC - copy of a statement or amendment	20	40
385	42a-9-525	UCC - affixing seal	5	15
389	47-244a	Condominium Unit Owners' Association: filing of statutory agent	45	90
389	47-244a	Condominium Unit Owners' Association: filing a change of agent/address	9	18
SPECIAL REVENUE				
147	7-169d	Bingo product manufacturer or equipment dealer registration application	1,500	1,750
148	7-169e	PTA annual bingo registration	20	40
149	7-169i	Manufacturer or dealer of sealed ticket machine registration	500	625
150	7-178	Bazaar or raffle equipment dealer registration	300	375
158	12-578	Gaming Policy: Stable name registration	50	100
158	12-578	Gaming Policy: Partnership name registration	50	100
158	12-578	Gaming Policy: Color registration	10	20
158	12-578	Gaming Policy: Kennel name registration	50	100
158	12-578	Gaming Policy: Owner license	50	100
158	12-578	Gaming Policy: Trainer license	50	100
158	12-578	Gaming Policy: Assistant trainer license	50	100
158	12-578	Gaming Policy: Jockey license	20	40
158	12-578	Gaming Policy: Jockey agent license	50	100
158	12-578	Gaming Policy: Stable employees license	10	20
158	12-578	Gaming Policy: Veterinarian license	50	100
158	12-578	Gaming Policy: Jockey apprentice license	20	40
158	12-578	Gaming Policy: Driver license	50	100
158	12-578	Gaming Policy: Valet license	10	20
158	12-578	Gaming Policy: Blacksmith license	10	20
158	12-578	Gaming Policy: Plater license	10	20
158	12-578	Gaming Policy: Concessionaire license for each concession	200	250
158	12-578	Gaming Policy: Concessionaire affiliate	200	250
158	12-578	Gaming Policy: Concession employees	10	20
158	12-578	Gaming Policy: Jai alai players	50	100
158	12-578	Gaming Policy: Officials and supervisors	50	100
158	12-578	Gaming Policy: Pari-mutuel employees	20	40
158	12-578	Gaming Policy: Other personnel	10	20
158	12-578	Gaming Policy: Vendor for each contract	200	250
158	12-578	Gaming Policy: Totalizator for each contract	200	250
158	12-578	Gaming Policy: Vendor and totalizator affiliates for each contract	200	250
159	12-815a	Lottery vendor license	200	250
159	12-815a	Lottery affiliate license	200	250
159	12-815a	Lottery: Class I or III occupational license	10	20

<i>Act §</i>	<i>CGS §</i>	<i>Fee Description</i>	<i>Prior Law</i>	<i>The Act</i>
159	12-815a	Lottery: Class II or IV occupational license	50	100
TOWN CLERKS				
144	3-94o	Fee for certificate of notary appointment replacement payable to town clerk	1	15
146	7-74	Birth registration, short form	5	15
146	7-74	Birth registration, long form	10	20
146	7-74	Certified copy of marriage or death certificate	10	20

Notes:

^[1] PA 09-8, September Special Session (§ 43) repeals this increase, keeping the fee at \$100.

^[2] PA 09-8, September Special Session (§§ 22 & 28) repeals this increase, keeping the fee at \$10.

^[3] PA 09-8, September Special Session (§59) repeals this fee.

^[4] PA 09-8, September Special Session (§ 30) increases the new fee from \$80 to \$100.

^[5] PA 09-8, September Special Session (§ 30) sets this fee at \$20 if the appointment is issued by a foreign insurer domiciled in a jurisdiction with a premium tax rate lower than Connecticut's.

^[6] PA 09-8, September Special Session (§ 20) repeals this increase for licensed practical nurses, keeping the fee at \$60.

EFFECTIVE DATE: October 1, 2009, except the provisions on education certificates and endorsements are effective upon passage and on fireworks display permits and renewals are effective January 1, 2011. (PA 09-6, September Special Session, (§ 60) makes education certificate and endorsement fee increases also effective on October 1, 2009. PA 09-8, September Special Session (§ 19), with the exception of several cigarette licenses issued by DRS, makes this act's increases in license renewal fees apply only to renewals of licenses that expire on or after October 1, 2009. That act (§ 40) also makes the increase in the attorney occupational tax noted above apply to calendar years starting on or after January 1, 2009).

DEP FUNDS AND ACCOUNTS ELIMINATED

The act eliminates a number of DEP funds and accounts and transfers the revenue from those accounts and funds to the General Fund. It also makes conforming changes. Table 13 lists the eliminated funds and accounts and their purposes.

Table 13: Eliminated DEP Funds and Accounts

<i>Act §</i>	<i>CGS §</i>	<i>Fund/Account Name</i>	<i>Purpose</i>
394	15-155	Boating account ^[1]	Administering and enforcing boating safety laws
392, 513	22a-27k	Long Island Sound account ^[2]	Used to protect, conserve, restore, and rehabilitate the natural resources of Long Island Sound
410, 412-415, 475	22a-241	Municipal Solid Waste Recycling Trust account	Used for the municipal solid waste recycling program. Located in the Environmental Quality Fund.
423	22a-449c	Underground Storage Tank (UST) Petroleum Clean-up Account	Paying responsible parties for costs associated with investigating and remediating UST leaks
423	22a-449c (b)	Residential Underground Heating Oil Storage Tank System Clean-Up subaccount	Funds used to remediate contamination attributable to residential oil tanks. Eligibility for this program ended on December 31, 2001.
423	22a-449c (c)	Pay for Performance subaccount	Used to reimburse commercial UST owners who achieve certain environmental milestones or results. Located in the Environmental Quality Fund.
432	22a-451 (d)	Emergency Spill Response account	Used for costs associated with: hazardous waste and oil spills; pesticide control; providing potable water; removing hazardous waste; developing and implementing an aquifer protection program; and research on toxic waste contamination. Located in the Environmental Quality Fund.
513, 482	14-21t	Wildlife Conservation account	Used for wildlife conservation, research, management, and acquiring wildlife habitat. Located in the Conservation Fund.
513	22a-27g	Environmental Quality Fund	Receives specified DEP fees
513	22a-27g	Environmental Quality account	Used to administer DEP's central office and environmental programs. Located in the Environmental Quality Fund.
513, 466	22a-27g (c)	Covered Electronic Recycler Reimbursement account	Used to carry out the electronic waste recycling program. Located in the Environmental Quality Fund.
513, 465	22a-27g (d)	Electronic Device Recycling Program account	Used to carry out the electronic waste recycling program. Located in the Environmental Quality Fund.
513	22a-27h	Conservation Fund	Receives funds from various DEP fees and fee increases, including fees for parking, admission, boat launching, camping, and other recreational uses of state parks, forests, and other state facilities.
513	22a-27h	Conservation account	Used to administer DEP's central office and for conservation and preservation programs. Located in the Conservation Fund.
513	22a-27h (c)	Maintenance, repair and improvement account	Receives income from rental of DEP properties to maintain and repair those properties. Located in the Conservation Fund.
513	22a-27m	Air Emissions Permit Operating Fee account ^[3]	To administer Title V of the federal Clean Air Act Amendments of 1990
513	22a-27n	Connecticut Lighthouse Preservation account ^[4]	To preserve, protect and restore publicly accessible lighthouses on Long Island Sound
513, 478	22a-27o	Greenways account	Used for the Greenways capital grant and small grants programs (§ 23-101). Located in the Conservation Fund.
513, 483	22a-27q	Hazard Mitigation and Floodplain Management account	Used for grant program (CGS § 25-68j) to reduce long-term risk to human life and property resulting from flooding, high winds, and wildfires. Located in the Environmental Quality Fund.
513, 473	22a-233	Solid Waste account	Used for pollution prevention, inspection and testing of resources recovery facilities, and emissions testing, operator and inspector training, and staffing. Located in the Environmental Quality Fund.

Notes:

^[1] PA 09-8, September Special Session (§ 21) restores the boating account as a separate nonlapsing General Fund account.

^[2] PA 09-7, September Special Session, (§§ 187-189) restores the Long Island Sound account as a nonlapsing account in the General Fund.

^[3] PA 09-8, September Special Session, (§§ 33 & 34) restores the Air Emissions Permit Operating Fee account as a nonlapsing account in the General Fund.

^[4] PA 09-7, September Special Session, (§§ 187-189) restores the Connecticut Lighthouse Preservation account.

EFFECTIVE DATE: October 1, 2009

CONFORMING AND OTHER CHANGES
REGARDING DEP FUNDS AND ACCOUNTS

§ 393 - Clean Air Account

The act eliminates (1) the Clean Air Act account in the General Fund and (2) a requirement that the DEP commissioner, in consultation with the Department of Motor Vehicles (DMV) commissioner, submit an annual operating budget for the account (CGS § 14-49b).

§ 394 - Fees for Numbering and Registering Vessels

The act requires all vessel (boats and watercraft) numbering and registration fees to be deposited in the General Fund, instead of allocating them for specific purposes, and eliminates a related reporting requirement. Connecticut law requires vessels to be registered and numbered by the DMV before launching (PA 09-8, September Special Session (§§ 21 & 37-38) restored many of the prior law's requirements for allocating boating fee revenue.)

§ 396 - Planning, Zoning, Coastal Management, and Wetlands Fees

The act doubles the additional fee on planning, zoning, coastal management, and wetlands applications (see Table 12). Under prior law, the additional fee was deposited in the Environmental Quality Fund. DEP was required to (1) use \$2 for administrative costs; (2) use \$19 to fund environmental review teams in its Bureau of Water Management, the Council on Soil and Water Conservation, and the eight county soil and water conservation districts; and (3) deposit \$9 in the Hazard Mitigation and Floodplain Management account. The act retains the \$2 for administrative costs and requires the remainder to be deposited in the General Fund, eliminating the other special allocations (CGS § 22a - 27j).

§ 397 - Pesticide Registration and Renewal Fees

This act allocates all revenue from the pesticide registration and renewal fees to the General Fund, eliminating an allocation of \$200 from each fee to the Environmental Quality Fund (CGS § 22a-50 (g)).

§ 403 - Environmental Remediation Costs

The act requires the costs of environmental remediation of sites on the hazardous waste disposal site inventory to be paid from available appropriations instead of the Emergency Spill Response account. As under prior law, such costs can also be paid from

accounts authorized by two special acts (CGS § 22a-133f).

§ 408 - Greenhouse Gas Reduction Fees

Under prior law, the DEP commissioner could use up to 60% of the greenhouse gas reduction fee receipts to implement several programs, including greenhouse gas reduction and air pollution control. The act instead requires that up to 60% of the money generated from these receipts be placed in the General Fund and eliminates references to the specific DEP programs (CGS § 22a-201c).

§ 409 - Activities Eligible for Payment from the Solid Waste Account

The act requires the cost of testing a resources recovery facility, or any other activity eligible for payment from the Solid Waste account, to be paid instead from the General Fund. Under the act, as under prior law, the facility owner is not liable for those costs (CGS § 22a-233a).

§ 411 - Dioxin Testing at Resources Recovery Facilities

The law requires the DEP and public health commissioners to study dioxin levels near existing or proposed resources recovery facilities and to pay for the required tests. This act requires the testing costs to be paid from the General Fund rather than the Solid Waste account. As under prior law, the facility owner must pay any testing costs the state does not pay.

The law also requires the DEP commissioner to reimburse facility owners for preoperational ambient air or ambient environmental monitoring tests the study requires. This act eliminates the requirement that the commissioner pay reimbursements from the Solid Waste account.

§ 422 - Commercial Underground Storage Tank Inspection Fee

Under prior law, the fee to inspect commercial underground storage tanks (USTs) was \$100 per tank, imposed no more than once every five years. The fee was imposed on underground storage facilities that notifies the commissioner according to regulation. Starting October 1, 2009, the act requires UST facilities to notify the commissioner annually on a form she prescribes, including the \$100 fee with the notice, thus making the fee an annual one. (PA 09-8, September Special Session (§ 17) delays the effective date of the change to October 10, 2009 and specifies that the fee is for the notification, not the inspection.)

The act exempts the following from the fee:

1. farm or residential tanks of 1,100 gallons or less used for storing motor fuel for noncommercial purposes;
2. tanks used for storing heating oil for use on the premises where they are stored;
3. septic tanks;
4. pipeline facilities;
5. surface impoundments;
6. storm water or wastewater collection systems;
7. flow - through process tanks;
8. liquid traps or associated gathering lines directly related to oil or gas production and gathering operations;
9. storage tanks located in underground areas, including basements, cellars, mine working drifts, shafts, or tunnels, if the tank is located above the floor surface (CGS § 22a-449 (e)).

§§ 423 & 424 - UST Petroleum Clean-Up Program

The act eliminates the UST Petroleum Clean-Up account, replacing it with a UST Petroleum Clean-Up program, funded with available appropriations. Under the act, money from the program must be used for the same purposes as the account, e.g., to reimburse responsible parties for (1) various costs associated with remediating releases and suspected releases and (2) claims for bodily injury, property damage, and damage to natural resources.

The act eliminates a \$2 million annual allocation from the account to DEP for administrative costs.

The act also eliminates the Residential Underground Heating Oil Storage Tank System Clean-up subaccount. Funds from this account were used to clean up contamination from home heating oil tanks. Eligibility for this program ended on December 31, 2001.

Finally, the act eliminates the Pay for Performance subaccount, which reimbursed commercial UST owners who achieve certain results.

§§ 424 & 426 - UST Petroleum Clean-Up Review Board

The act renames the UST Petroleum Clean-Up Account Review Board as the UST Petroleum Clean-Up Review Board (review board) and requires that it pay registered contractors from available resources rather than from the residential UST subaccount.

By law, the review board pays responsible parties for various costs associated with a release or suspected release from commercial USTs. The act requires (1) the payments to be made from available resources and (2) certain applications to be filed with the review board rather than the clean-up account.

Under prior law, the attorney general could sue in Superior Court to recover money from UST owners in certain circumstances, with the costs of such recovery actions initially paid from the UST Clean-Up account. The act instead requires the initial costs to be paid from available resources.

The act also requires the DEP commissioner to use available resources to prevent or abate pollution resulting from a spill in certain circumstances instead of allowing her to use up to \$1 million from the UST Clean-Up account for such purposes (CGS § 22a-449f).

§ 427 - Residential Underground Heating Oil Storage Tank Contractor Registration

The act expands residential UST contractor registration requirements. Prior law required only those contractors whose work would be reimbursed under the Residential UST Clean-Up subaccount to register. The act eliminates the subaccount and requires all such contractors to register. It increases registration and renewal fees for UST contractors (see Table 12) and requires revenue to go to the General Fund instead of the Environmental Quality Fund.

§ 428 - UST Inspection Costs

The act requires the cost of certain UST inspections and services to be paid from available resources instead of the residential UST subaccount, which it eliminates (CGS § 22a-449l).

§ 430 - Reimbursement for Eligible UST Costs

The act requires owners to submit requests for reimbursement for eligible costs under the residential UST program from available resources, rather than the residential UST subaccount, which it eliminates. Since the reimbursement application deadline was December 31, 2001, this change has no effect (CGS § 22a-449n (e)).

§ 438 - Commercial Forest Products Fees

By law, the commissioner may set fees by regulation to authorize the harvest of commercial forest products from lands other than state-owned land that DEP manages. The act requires these fees to be deposited in the General Fund rather than the Environmental Conservation Fund.

§ 439 - Marine Waters Fishing License - Conforming Changes

The act makes technical changes in the statute dealing with fishing, hunting, and trapping licenses to

conform to new requirements for a marine waters fishing license enacted in PA 09-173.

§§ 440-442 - Connecticut Migratory Bird Conservation Stamp

The act increases, from \$10 to \$15, the maximum price that the DEP commissioner may charge for the mandatory Connecticut Migratory Bird Conservation Stamp. By law, anyone age 16 or older must carry the stamp while hunting or taking waterfowl (and the hunter must have signed the stamp face in ink).

By law, the commissioner may allow the stamp to be reproduced and marketed as prints and other related artwork. Under prior law, the funds generated from the marketing and sale of the stamps had to be deposited in a separate Migratory Bird Conservation account, which was maintained by the treasurer as part of the Conservation Fund. The act eliminates the account and requirement, thus sending stamp revenue to the General Fund.

The act also eliminates a restriction allowing funds credited to the Migratory Bird Conservation account to be used only for the (1) development, management, preservation, conservation, acquisition, purchase, and maintenance of waterfowl habitat and wetlands and purchase or acquisition of recreational rights or interests relating to migratory birds and (2) design, production, promotion, procurement, and sale of the prints and related artwork.

Finally, the act eliminates the responsibility of the Citizens' Advisory Board for the Connecticut Migratory Bird Conservation Stamp Program to advise the DEP commissioner on the use of funds that the stamp and associated art product sales generate. The board retains its role in advising the commissioner on the design, production, and procurement of the stamp.

§§ 443 & 444 - Hunting and Fishing License Renewals

The act requires all hunting and fishing licenses to expire annually on December 31, except for the two nonresident/three-consecutive-day licenses, which expire after three days, and one one-day resident marine fishing license, which expires the same day it is issued. It also requires the free sport fishing and hunting license for eligible people over age 65 to be renewed annually, eliminating lifetime licenses for such people.

§ 462 - Shellfish Harvest Fee

The act creates a shellfish harvest fee for anyone harvesting shellfish in state waters for wholesale or retail sale. The fee is \$1 per bushel bag or equivalent of shellfish that a person, firm, corporation, franchise, or other entity harvests. People must pay the fee to the DEP commissioner for the previous month by the 10th

of each following month. Anyone who does not pay by the 10th must also pay 1% interest per month from the day the payment was due until it is paid, plus the expense of collecting the fee.

In addition to the interest rate penalty, the commissioner must issue a warrant that authorizes any reputable person named in it to seize any vessel, vehicle, equipment, dock, building, structure, or any other asset or property that the delinquent payer owns and uses for shellfish harvest, storage, transport, or sale. The warrant allows this person to sell the items seized, or as much of it as he or she may find necessary, at the time, place, and in the way the commissioner directs.

The person must immediately pay the commissioner the money from the sale. The commissioner must apply these funds to the fee owed and all the expenses associated with it (e.g., interest), including the sale's expenses. The commissioner must return any balance to the owner or owners. All fees, costs, and interest collected must be deposited in the General Fund. (PA 09-8, September Special Session, repeals the fee and its associated requirements.)

§ 463 - Illegal Application of Pesticides

The law imposes civil penalties of between \$1,000 and \$2,000 per day for first-time violations, and up to \$5,000 per day for subsequent violations, on those who illegally apply, advertise, or solicit to apply pesticides. The act eliminates a requirement that the penalties collected be placed in the Environmental Quality Fund.

§ 464 - Air Pollution Testing

The law authorizes the commissioner, by regulation, to charge owners or operators of air pollution sources a fee to cover the cost of visual tests of air pollution control devices, and the monitoring of the tests, as long as the costs do not exceed certain amounts. The act requires all such payments to be made to the General Fund rather than the Environmental Quality Fund.

§ 467 - Pipeline Fees

By law, the agriculture commissioner assesses an annual host payment fee of 40 cents per linear foot for facilities crossing Long Island Sound. The act requires 25% of the fee revenue to be deposited in the General Fund rather than the Environmental Quality Fund. By law, the agriculture commissioner must put the remaining 75% into an account to promote Connecticut agriculture.

§ 469 - Proceeds from State Forest Product Sales

The act eliminates the requirement that any funds over \$600,000 received from the sale of wood, timber, and other products derived from publicly owned woodlands be deposited in the Conversation Fund and used to support forestry programs.

§ 470 - Forest Practitioner Certification

The law allows the commissioner to prescribe fees by regulation to defray the costs of administering examinations to certify commercial forest practitioners. The act eliminates a requirement that these fees be deposited in the Conservation Fund.

§ 471 - Rental of DEP Property

By law, the DEP commissioner may rent houses, other buildings, or property in her custody. The act eliminates a requirement that she deposit these rents into the Maintenance, Repair and Improvement account, which the act eliminates.

§ 472 - Fines for Illegal Hunting

The act requires fines for 3rd and 4th degree negligent hunting to be deposited in the Criminal Injuries Compensation Fund rather than the Conservation Fund.

§ 474 - Dioxin, Mercury, and Metals Testing

The act eliminates a requirement that DEP use funds from the Solid Waste account to pay the costs of testing for dioxin, mercury, and metals at resources recovery facilities (CGS § 22a-191a (a)).

§§ 475 & 476 - Safe Boating and Personal Watercraft Fees

The act eliminates a requirement that fees from boating and watercraft safety courses go to the Conservation Fund's nonlapsing boating account to support various state and local boating expenses and programs. The act eliminates the Conservation Fund, sending these fees to the General Fund.

§ 479 - Marine Dealer Registration Numbers Fees

PA 09-105 allows the DEP commissioner to adopt regulations for marine dealers (including yacht brokers), engine manufacturers, and surveyors and establish fees for each marine dealer registration number issued. This act eliminates PA 09-105's requirement that the fees go to the Conservation Fund's boating account.

§ 480 - UST Petroleum Clean-Up Account Review Board Authority

Under prior law, no determination of fact or law by the UST Petroleum Clean-Up Account Review Board affected the DEP or public health commissioners' authority to (1) issue orders to prevent or abate pollution or potential pollution or (2) provide potable drinking water. The act eliminates the reference to the account review board. It is not clear if this permits the remaining review board, the UST Petroleum Clean-Up Review Board, to make determinations that affect these DEP or public health department decisions (CGS § 22a-449i).

§ 481 - Provision of Potable Drinking Water

The act eliminates the DEP commissioner's authority to pay for short-term provision of potable drinking water to homes and schools affected by groundwater pollution from the Emergency Spill Response account. Instead, it requires the commissioner to pay for the drinking water from available appropriations (CGS § 22a-471 (a)).

By law, the costs of providing a long-term drinking water supply, and of an engineering report substantiating the need for it must be paid from the Emergency Spill Response account or bond proceeds authorized for these purposes. The act eliminates the reference to the account, but continues to require these costs to be paid from the bond proceeds.

The law allows the commissioner to provide grants to towns that provide potable drinking water. Prior law allowed the commissioner to pay for the grants from the Emergency Spill Response account or from bonds authorized for that purpose. The act eliminates the Emergency Spill Response account alternative and instead requires that grants be funded either from available appropriations or authorized bond funds (CGS § 22a-471 (b)).

By law, a water company with fewer than 10,000 customers whose water supply well is rendered unusable for drinking water may apply in certain circumstances to the commissioner for a grant from the Emergency Spill Response account or bond proceeds authorized for the purpose. Under the act the grant must be funded either from available appropriations or the bond proceeds.

§ 482 - Wildlife Conservation License Plates

The act eliminates (1) the Wildlife Conservation account controlled by the OPM secretary and (2) a requirement that the DMV commissioner deposit \$35 of the \$50 charged for wildlife conservation number plates into the account.

§ 483 - Grants to Municipalities from the Hazard Mitigation and Floodplain Management Program

The act requires the DEP commissioner to reimburse municipalities for costs they incur in reducing or eliminating risks to life and property from flooding, high winds, and wildfires from available appropriations instead of from the Hazard Mitigation and Floodplain Management account.

§ 484 - Seedling and Seedling Stock Proceeds

The act requires state proceeds from selling seedling, seedling stock, all reimbursements from state agencies, and federal government subsidies to be deposited in the General Fund rather than the Conservation Fund.

§ 513 - Miscellaneous and Conforming Changes

In addition to the accounts and funds it eliminates, the act also eliminates:

1. a requirement that the revenue services commissioner deposit \$3 million from motor boat fuel sales to the Conservation Fund, with \$250,000 going to the boating account and \$2 million to the fisheries account, of which \$75,000 goes to UConn for the Long Island Sound councils (CGS §12-460a);
2. a requirement that the DEP commissioner submit an annual report on vessel registration fees (CGS §15-155a) (PA 09-8, September Special Session, reenacts this provision (§ 21));
3. a requirement that revenue from the vessel registration fees be distributed according to a specific formula (PA 09-8, September Special Session, reenacts this provision (§21)) (CGS § 15-155b); and
4. a requirement that \$3 million annually be credited to the UST Petroleum Clean-Up account from the petroleum products gross earnings tax (CGS § 22a-44).

§§ 485-504 - REVENUE ESTIMATES

The act adopts revenue estimates for FY 10 and FY 11 for appropriated state funds, as shown in Table 14. (PA 09-8, September Special Session (§§ 55-58) alters the FY 10 estimates for the General Fund and the FY 10 and FY 11 estimates for the Special Transportation Fund. See notes to Table 14.)

Table 14: Revenue Estimates for FY 10 and FY 11

<i>Fund</i>	<i>FY 10</i>	<i>FY 11</i>
General Fund	\$17,375,400,000 ^[1]	\$17,591,900,000 ^[2]
Special Transportation Fund	1,106,500,000 ^[3]	1,173,200,000 ^[4]
Mashantucket Pequot & Mohegan Fund	61,800,000	61,800,000
Soldiers, Sailors and Marines' Fund	3,000,000	3,000,000
Regional Market Operation Fund	1,000,000	1,000,000
Banking Fund	22,100,000	20,600,000
Insurance Fund	25,700,000	26,700,000
Consumer Counsel and Public Utility Control Fund	24,600,000	25,200,000
Workers' Compensation Fund	22,700,000	23,100,000
Criminal Injuries Compensation Fund	3,200,000	3,500,000

Notes:

^[1] PA 09-8, September Special Session (§ 485) increases this estimate to \$17,372,400,000.

^[2] PA 09-8, September Special Session (§ 495) increases this estimate to \$17,596,800,000.

^[3] PA 09-8, September Special Session (§ 486) increases this estimate to \$1,115,700,000.

^[4] PA 09-8, September Special Session (§ 496) increases this estimate to \$1,181,700,000.

§§ 505 & 506 - ADDITIONAL FUNDS CARRIED OVER TO FY 10

Instead of allowing them to lapse on June 30, 2009, the act carries over the following unspent funds from FY 09 and makes them available for the same purpose in FY 10: (1) \$500,000 of the amount appropriated to the Labor Department for the mortgage crisis job training program and (2) the unspent balance of an appropriation to the DECD for Home CT.

§ 507 - FUEL OIL CONSERVATION FUND BALANCE

By law, any balance remaining in the Fuel Oil Conservation account at the end of each fiscal year must be transferred to the General Fund. The act overrides the statute to require that unspent money in the account as of June 30, 2009 remain in the account and continue to be available during FY 10 for the account's purposes. The account pays for heating oil conservation and energy efficiency programs. It is funded from a share of any increase in petroleum products gross earnings tax revenue the state receives compared to its 2006 revenue from that tax.

§ 508 - JUDGE'S RETIREMENT FUND

The act limits the state's annual contributions to the Judge's Retirement Fund in FY 10 and FY 11 to the amounts budgeted in the act. It overrides a law setting the state's required annual contribution at the actuarially determined normal cost for current service plus the amount required for a 40-year amortization of past service unfunded liabilities.

§§ 509 & 510 - FUNDING DIRECTIVES

The act earmarks the following annual amounts for FY 10 and FY 11:

1. up to \$25,000 per year of DECD's annual appropriation for Main Street Initiatives to the Ansonia Nature and Recreation Center and
2. up to \$75,000 per year of DSS' appropriation for Nutrition Assistance to the Manchester Area Conference of Churches Food Pantry.

§ 511 - USE OF FUTURE BUDGET SURPLUSES

If the comptroller determines there is an unappropriated General Fund surplus at the end of any fiscal year from FY 10 through FY 17, the act requires that, after the surplus is first used to redeem any outstanding economic recovery notes before they mature, the remainder be devoted to reducing the state's obligations under the act's securitization plan.

§§ 512 & 513 - REPEALERS

The act repeals statutes:

1. concerning CCCT's powers and duties relating to films and digital media (CGS §§ 10-417 and 418);
2. requiring the DRS commissioner to deposit certain tax revenue in the Conservation Fund (CGS § 12-460a) and the UST Petroleum Clean-up account (CGS § 22a-449b);
3. requiring annual reports on the Emergency Spill Response account and its expenditures (CGS §§ 22a-451a and 22a-451b); and
4. establishing fees for numbering boats and allocating the resulting revenue to the boating account and to municipalities and requiring the DEP commissioner to submit an annual report on the account to the comptroller. (CGS §§ 15-155a and 155b) (PA 09-8, September Special Session, (§ 21) reenacts these provisions.)

The act also repeals statutes establishing the following funds and accounts within DEP:

1. Wildlife Conservation account (CGS § 14-21t),
2. Environment Quality Fund (CGS § 22a-27g),
3. Conservation Fund (CGS § 22a-27h),
4. Long Island Sound account (CGS § 22a-27k),

5. Greenways account (CGS § 22a-27o),
6. Hazard Mitigation and Floodplain Management account (CGS § 22a-27q),
7. Solid Waste account (CGS § 22a-233), and
8. Air Emissions Permit Operating Fee account (CGS § 22a-27m) and the Connecticut Lighthouse Preservation account (CGS § 22a-27n). (PA 09-8 September Special Session (§§ 33 & 34) restores the former and PA 09-7, September Special Session (§§ 187-189) restores the latter as separate General Fund accounts.)

EFFECTIVE DATE: October 1, 2009, except for the repeal of the CCCT's film and digital media powers and duties, which is effective on passage.

BACKGROUND

Related Acts

This act amends the following regular session acts: PA 09-105, PA 09-86, and PA 09-229. It also adopts additional language to conform to changes made by PA 09-173.

This act was subsequently amended by the following public acts passed in the September 2009 Special Session: PA 09-2, PA 09-5, PA 09-6, PA 09-7, and PA 09-8.

Real Estate Conveyance Tax

With some exceptions, Connecticut law requires a person who sells real property for \$2,000 or more to pay a real estate conveyance tax when he or she conveys the property to the buyer. The tax has two parts: a state tax and a municipal tax. The applicable state and municipal rates are added together to get the total tax rate for a particular transaction.

The state tax rate is either 0.5% or 1% of the total sales price, depending on the type of property. The municipal tax rate is 0.25% for all towns until July 1, 2010 and 0.11% thereafter for all towns. In addition, 18 specific towns have the option of levying an additional tax of up to 0.25%. The 18 towns are: Bloomfield, Bridgeport, Bristol, East Hartford, Groton, Hamden, Hartford, Meriden, Middletown, New Britain, New Haven, New London, Norwalk, Norwich, Southington, Stamford, Waterbury, and Windham. Thus, the municipal tax rate can range from 0.25% to 0.5%, depending on where the property is located.

Build America Bonds

Under the program, the federal government subsidizes debt service costs on taxable bonds (known as Build America Bonds or BABs) issued by state and

local governments between February 17, 2009 and December 31, 2010. The federal law allows state and local governments to issue taxable BABs to pay for any capital project for which they may issue tax-exempt bonds.

The federal government subsidizes 35% of the interest costs for such bonds. An issuer can choose to have the interest subsidy paid in either of two ways. The first option gives the bondholder a nonrefundable federal tax credit of 35% of the interest paid on the bond each year. The second gives the subsidy to the issuer rather than the bondholder.

PA 09-1, June 19 Special Session-HB 6901
Emergency Certification

**AN ACT CONCERNING EDUCATOR
 CERTIFICATION AND PROFESSIONAL
 DEVELOPMENT AND OTHER EDUCATION
 ISSUES**

SUMMARY: This act makes several changes in teacher training, qualifications, and professional development. It establishes new teaching certificates and permits and creates waivers from Connecticut’s teacher testing requirements to allow teachers from other states or those whose qualifications do not coincide with Connecticut’s existing teacher training requirements to teach in public schools. It requires local school boards to take the State Board of Education’s (SBE’s) priorities into consideration when developing professional development activities for certified employees.

The act (1) adds to the crimes requiring automatic revocation or denial of teaching credentials; (2) requires student teachers to undergo the same criminal background checks as other school personnel; (3) requires school districts to notify the education commissioner when they dismiss a person with a teaching credential for moral misconduct; and (4) bars anyone whose teaching credential is revoked from working in any public school in any capacity while the revocation remains in force.

The act extends for an additional year, until July 1, 2010, the temporary certification that overrides dual certification requirements for bilingual education teachers. It gives the education commissioner flexibility to join interstate teacher certification agreements, eliminates his authority to waive a requirement that substitute teachers hold at least a bachelor’s degree, and transfers authority to grant extensions of time to complete provisional and professional educator certificate requirements to the commissioner from SBE.

The act allows certain towns to amend adopted local budgets for FY 10 to reduce their education appropriations by up to the amount of funding their local or regional boards of education will receive directly from the federal State Fiscal Stabilization Fund program according to the 2009 federal stimulus act. It also:

1. allows boards of education to establish cooperative arrangements to provide special education and health care services;
2. allows charter schools to participate in cooperative arrangements in the same way as boards of education;
3. requires each interdistrict magnet school operator annually to notify school districts, in writing, of the estimated number of students

- from those districts who have been placed at the magnet school for the following school year;
4. establishes a pilot program to allow students to complete courses at J.M. Wright Technical High School for college credit at Norwalk Community College;
5. requires the attorney general to report to the Education Committee by January 1, 2010 on recommendations arising from his investigation of behavioral analysis services provided to children with autism spectrum disorder; and
6. establishes a five-year pilot program to allow students who live within a half-mile radius of a New Haven charter school to attend the school.

Finally, the act eliminates obsolete language and makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2009, except for the sections allowing towns to amend FY 10 education budgets and the Wright Tech-Norwalk Community College pilot program, which are effective on passage.

**TEACHER TRAINING, QUALIFICATIONS, AND
 PROFESSIONAL DEVELOPMENT**

§ 1 - Additional Teacher Preparation Requirements

The act adds to the training required of candidates seeking certification to teach in Connecticut public schools and who enter teacher preparation programs on or after July 1, 2012. It requires such teacher candidates to complete training in areas established by SBE’s professional teaching standards, including at least:

1. development and characteristics of learners,
2. evidence- and standards-based instruction,
3. evidence-based classroom and behavior management, and
4. assessment and professional behavior and responsibilities.

These requirements are in addition to (1) existing statutory requirements for teacher candidates relating to computers and information technology, literacy skills, and second language learning and (2) training and qualifications SBE specifies in the teaching certification regulations the law allows it to adopt.

§ 2 - Alternate Route to Certification

The act broadens the definition of an alternate route to certification (ARC) program. These programs allow participants to attain teacher certification without completing a regular teacher preparation program.

Under prior law, ARC programs had to be (1) provided under a contract with an institution of higher education that the Department of Higher Education (DHE) designates and (2) approved by SBE. The act eliminates the contract requirement and expands the

types of entities that can offer such programs to include DHE itself, regional education service centers (RESCs), and private teacher or administrator training organizations. As under prior law, programs may also be provided by higher education institutions and must be approved by SBE.

The act also incorporates the term “alternate route to certification program,” eliminating the reference to “a program of classroom management and instructional methodology.”

§ 2 - Provisional Educator Certificates

Coursework Requirements. Starting July 1, 2016, the act requires provisional certificate holders to complete 30 credit hours of graduate coursework, instead of 30 hours of graduate or undergraduate coursework beyond the bachelor’s degree, to qualify for a professional certificate. As under previous law, the credits must be from a regionally accredited higher education institution.

As of July 1, 2009, the act eliminates statutory requirements that the coursework consist of (1) a planned program either (a) directly related to the person’s grade-level or subject endorsement area or (b) in areas related to the person’s ability to provide effective instruction and meet locally determined goals and objectives or (2) an individual program designed to increase student learning that is mutually determined or approved by the teacher and the school board’s or private school supervisory agent.

Teaching Experience. By law, a provisional certificate holder must have from three to eight years of successful teaching experience to gain a professional certificate. Starting July 1, 2012, the act allows only public school teaching experience to be used to qualify for a professional certificate. But it allows provisional certificate holders to use private school teaching experience to renew a provisional certificate.

The act also allows a school superintendent’s designee, as well as the superintendent, to make the required statements and recommendations concerning teaching competency for a provisional certificate holder applying for a professional certificate and makes other clarifying and conforming changes.

§§ 2 & 16 - Professional Development

Choosing Professional Development Activities. By law, local and regional boards of education must make available to their certified employees, without cost to those employees, at least 18 hours of professional development activities per year. They must also consult with teachers in determining which activities to make available. Starting July 1, 2011, the act requires school boards to fully consider priorities relating to student

outcome needs as determined by SBE when establishing professional development activities.

Professional Development Committees. By law, each board of education must develop a comprehensive professional development plan, with the advice and assistance of its teachers and administrators, including their unions, and whatever other resources the board considers appropriate. This act requires each board to establish a professional development committee to, among other things, develop, evaluate, and annually update the professional development plan. As under prior law, each district’s professional development committee must consist of the board’s certified employees, including their union representatives, and other school personnel the board considers appropriate.

By law, district professional development plans must (1) be directly related to the board of education’s educational goals and (2) relate to regular and special student needs. The act also requires that, starting July 1, 2011, the plans be developed with full consideration of priorities relating to student outcome needs as determined by SBE.

NEW TEACHING CERTIFICATES AND CREDENTIALS

§ 3 - Temporary Certificate for Qualified Out-of-State Teachers

The act establishes a new type of temporary certificate that allows a person who holds a valid teaching certificate in another state to be awarded a Connecticut certificate without completing Connecticut’s teacher testing requirements if he or she meets certain standards and teaches successfully in Connecticut for one year. The new certificate is an alternative to an existing one-year nonrenewable interim certificate that allows an out-of-state teacher who meets all other Connecticut certification requirements to teach in Connecticut and defer the testing for one year.

To be eligible for the new temporary certificate, an out-of-state applicant must hold a valid certificate in another state that is (1) at least equivalent, as determined by SBE, to an initial certificate in Connecticut and (2) in the same subject or endorsement area for which the person is seeking Connecticut certification. The applicant must also have either (1) three years of experience in the last 10 teaching the subject for which he or she is seeking Connecticut certification in a public school or state-approved private school in the other state or (2) a Master’s or higher degree in that subject.

After one year of employment under the temporary certificate, the act allows the superintendent of the school district employing the teacher to recommend that SBE waive the required teacher competency and subject

matter examinations for the teacher. Although the superintendent's recommendation is a request, the act requires SBE, once it receives a proper application, to agree and grant the teacher a provisional educator certificate.

§ 11 - Adjunct Instructor Permit For Artists

The act establishes a three-year, renewable adjunct instructor permit allowing a person with specialized training, experience, or expertise in the arts to teach in certain interdistrict arts magnet high schools for up to 15 classroom instructional hours per week. The permit allows holders to work at (1) any part-time arts magnet high school in existence on July 1, 2009 and (2) the Cooperative Arts and Humanities Magnet High School (an arts magnet school in New Haven).

The act allows SBE to issue the permit to qualifying applicants at the request of a local or regional board of education or regional education service center (RESC). SBE may renew the permit every three years, also at the request of the board or RESC and for good cause. The permit authorizes a holder to teach art, dance, music, theater, or any other subject related to his or her artistic specialty. To qualify for a permit, an applicant must:

1. hold at least a bachelor's degree from a higher education institution accredited by the Board of Governors of Higher Education or a regional accreditation agency;
2. have a minimum of either (a) three years' work experience in the arts or (b) one year's work experience and two years of specialized schooling in the artistic specialty; and
3. have at least (a) 180 hours of cumulative experience working with children in a public or private setting or (b) two years' experience as a full-time faculty member at a higher education institution. The 180 hours of experience can include working in after-school programs, group lessons, children's theater, dance studio lessons, and artist-in-residence programs.

The act also requires SBE to issue a permit without further qualification to anyone who, before July 1, 2009, was employed as a teacher of art, music, dance, theater, or any other subject related to his or her artistic specialty for at least one year at a part-time interdistrict arts magnet high school or the Cooperative Arts and Humanities Magnet High School.

While employed at such a school, the act requires the instructor to be supervised by the school superintendent or a school principal, administrator, or other supervisor the superintendent designates. The supervisor must regularly observe, guide, and evaluate the instructor's performance. The board of education or RESC that employs the instructor must provide a

program to assist the instructor that includes academic and classroom support. The board or RESC must develop the program in consultation with the State Department of Education (SDE).

The act bars an adjunct instructor from displacing a certified teacher who is already employed at a covered magnet school. It prohibits an adjunct instructor from being a member of the Teachers' Retirement System based solely on the fact that he or she holds an adjunct instructor permit.

§ 13 - Resident Teacher Certificate

The act establishes a one-year resident teacher certificate allowing a person to teach in Connecticut while enrolled in an ARC program. It allows the education commissioner, for good cause, to extend the certificate for an additional year at the request of the superintendent of schools of the district that employs the certificate holder.

Under the act, once SBE receives a proper application, it must issue a resident teacher certificate in elementary or middle grades education, secondary academic subjects, special subjects or fields, special education, early childhood education, or administration and supervision. To qualify, an applicant must:

1. hold at least a bachelor's degree from a higher education institution accredited by the Board of Governors of Higher Education or a regional accreditation agency,
2. have an undergraduate grade point average of at least 3.0,
3. achieve a qualifying score set by the SBE on the appropriate SBE-approved subject area test, and
4. be enrolled in an ARC program that is approved by SBE and meets "guidelines" established under the federal No Child Left Behind (NCLB) Act. (Federal NCLB requirements for alternate route to certification programs are established in federal regulations, not guidelines.)

Under the act, a resident teacher certificate holder must be the "teacher of record" under the supervision of the school superintendent or a school principal, administrator, or other supervisor the superintendent designates. The supervisor must regularly observe, guide, and evaluate the certificate holder's performance.

Under prior law, a person could qualify for an initial educator certificate only by completing an SBE-defined subject area major and (1) graduating from an SBE-approved four-year baccalaureate teacher preparation program, (2) graduating from another state's accredited four-year baccalaureate program and taking SBE-required equivalent teacher training courses, or (3) completing an approved ARC program and teaching

successfully under a 90-day temporary certificate.

The act adds another option by requiring SBE to issue an initial educator certificate to anyone who:

1. successfully completes a qualifying ARC program,
2. teaches successfully as the teacher of record under a resident teacher certificate, and
3. successfully completes the teacher competency and subject matter testing requirements for certification.

TEACHER TESTING EXEMPTIONS AND WAIVERS

§ 3 - *Teacher Competency Test Waiver*

Before being admitted to an SBE-approved teacher preparation program or receiving a teaching certificate, teacher candidates must either pass a state reading, writing, and math competency test or qualify for a waiver. Prior law required SBE to waive the competency test if a candidate had a combined score of at least 1100 on the Scholastic Aptitude Test (SAT) or an equivalent test designated by SBE. If the SAT or equivalent test was not in English, the candidate also had to demonstrate English proficiency on an SBE-designated test. The act eliminates the statutory requirement for a candidate to achieve a specific SAT score and pass an English competency test to qualify for a waiver. Instead, it requires SBE to establish waiver criteria. It also eliminates a requirement that the competency test be conducted at least twice a year.

§ 3 - *Competency Test Exemption for Out-of-State School Administrators*

The act exempts from the teacher competency testing requirement any person who (1) holds a valid school administrator certificate in another state that SBE determines is equivalent to an initial educator certificate in Connecticut, (2) is applying for a Connecticut certificate in a school administrator endorsement area, and (3) has three years of successful experience as a school administrator in the 10 years before applying for the administrator certificate. The experience may be in a public school or a private school approved by the state board of education in the other state.

§ 10 - *Subject Assessment - Excellent Score Exemption*

Starting July 1, 2010, the act requires SBE to allow a person seeking certification to teach in a subject shortage area to substitute an "excellent" score on the appropriate subject area test for regular subject area certification requirements (i.e., coursework requirements and a college major in the subject or a

closely related one). SBE must establish the excellent score. The waiver applies to applicants for teaching certificates, and to those holding certificates who seek an endorsement, in a shortage subject.

§ 2 & 5 - ISSUING AND REVOKING TEACHING CREDENTIALS

Revocation Based on Criminal Conviction

By law, when a person who holds an SBE-issued certificate, authorization, or permit is convicted of specified crimes, his or her educator credential is considered automatically revoked. SBE is also barred from issuing or re-issuing a certificate, permit, or authorization to anyone who has been convicted of certain crimes, unless he or she completed the sentence for the crime more than five years before applying for the credential.

This act extends the mandatory revocation and the prohibition against issuance or reissuance to those convicted of two additional crimes: (1) criminal attempt to commit a crime (CGS § 53a-49) and (2) enticing a minor under age 16, through an interactive computer service, to engage in prostitution or sexual activity for which the actor may be charged with a crime (CGS § 53a-90a).

Educator Credential Denial Hearings

The act clarifies the deadlines for SBE to hold a requested hearing and issue a written decision when an applicant appeals a denial of his or her application for a certificate, permit, or authorization.

By law, SBE can deny an application for such credentials because (1) the application is based on fraud or misrepresents a material fact, (2) the applicant has been convicted of a crime involving moral turpitude or other crime that might impair the standing of SBE-issued credentials, or (3) other due and sufficient cause. Applicants must receive written notice of the reasons for a denial.

NEW EMPLOYMENT REQUIREMENTS

§ 2 - *Employment Prohibition*

The act bars a person whose teaching credential has been revoked from any employment in a public school during the revocation period.

§ 2 - *Dismissal Notice*

The act requires a school board or approved private special education facility to report to the education commissioner when it dismisses an employee who holds

an SBE credential for moral misconduct under the teacher employment law. That law allows a teacher to be dismissed for (1) inefficiency or incompetence, (2) insubordination against a board of education's reasonable rules, (3) moral misconduct, (4) disability shown by competent medical evidence, (5) elimination of the teacher's position with no other suitable position for the teacher open, or (6) other due and sufficient cause (CGS § 10-151).

§ 8 - Criminal Background Checks For Student Teachers

Starting July 1, 2010, the act requires student teachers working in public schools to undergo the same criminal background checks already required for school employees and certain other people working in public schools. By law, in addition to school board employees, people placed in public schools under public assistance employment programs and supplemental service providers under NCLB must submit to state and national criminal history records checks within 30 days after starting work, if their work involves direct student contact.

Also starting July 1, 2010, the act requires a local or regional board of education to notify SBE if it receives notice that a student teacher has been convicted of a crime. The requirement for boards to notify SBE already covered people who hold SBE-issued certificates, permits, or authorizations or who are employed by an NCLB supplemental services provider. (NCLB requires SDE to approve providers of federally required supplemental services, such as tutoring, for low-income children attending schools that fail to make adequate yearly progress in student achievement as required by the federal law.)

CHANGES IN EXISTING TEACHING CREDENTIALS

§ 4 - Bilingual Educator Certificate

The act extends temporary certification requirements for bilingual education teachers for an additional year, until July 1, 2010. The temporary requirements supersede permanent requirements that bilingual education teachers hold dual certification in both bilingual education and either elementary education, if they wish to teach in elementary grades, or a subject area if they wish to teach a subject in secondary grades. The dual certification requirements have not been implemented because temporary certification requirements for bilingual education teachers are in place.

Instead of dual certification, temporary certification requirements require bilingual education teachers to

either (1) be certified in bilingual education and pass the SBE-approved elementary education or subject area assessment, as appropriate, or (2) be certified in elementary education or the subject they will teach and complete six hours of SBE-approved coursework in English as a second language. Elementary bilingual education certification is valid for grades K-8 and secondary; subject-specific certification is valid for grades 9-12.

Both the temporary and permanent bilingual education certification qualifications require a teacher to demonstrate competence in English and the other language. But under the temporary regulations, bilingual education teachers must demonstrate English competency by passing both an oral English proficiency test and an SBE-approved essential skills test, instead of only the SBE-approved essential skills test.

§ 6 - Authority to Grant Certificate Extensions

The act transfers authority from SBE to the education commissioner for approving time extensions for provisional or professional certificate holders to meet the requirements for obtaining or maintaining a professional certificate. By law, a provisional certificate holder who is unable to meet the requirements for a professional certificate within the required time (eight years) or a professional certificate holder who cannot meet the requirements for maintaining his or her certificate within the required time (five years) may apply for an extension. As under prior law, an extension can be granted for good cause (1) if the person has a hardship or (2) because of an emergency shortage of certified teachers in the district where the person is employed. Extensions can be granted only to teachers with satisfactory teaching records.

The act limits the duration of any extension to 24 months from the date the provisional or professional certificate expired. Under prior law, SBE could approve an extension for any amount of time it considered reasonable. As under prior law, a teacher can receive only one extension.

§ 7 - Interstate Teacher Certification Agreements

The act repeals the statutory Interstate Agreement on Qualification of Educational Personnel adopted in 1969. The agreement authorizes the education commissioner to enter into renewable contracts lasting up to five years with other states having comparable educator certification criteria to allow Connecticut to accept the qualifications of educators from other states to teach here. It requires parties to facilitate and strengthen cooperation in interstate educator certification and establishes a contract committee of officials from the party states to monitor the contracts.

The act instead allows the education commissioner or the commissioner's designee to establish or join interstate agreements to foster certification of qualified candidates from other states. It requires any such out-of-state candidates to hold a bachelor's degree from a regionally accredited college or university, meet Connecticut's assessment requirements, and meet any conditions required by the interstate agreement. These requirements conform to existing practice.

The act eliminates laws designating the education commissioner as the state's agent for concluding contracts under the agreement and requirements that (1) the commissioner keep contracts concluded under it on file in the offices of the commissioner and the secretary of the state and (2) SBE publish the contracts in a convenient form (§ 26).

§ 14 - Durational Shortage Area Permits for National Teacher Corps Graduates

As of July 1, 2011, the act sunsets a program allowing qualified graduates of a national teacher corps training program (such as Teach for America) to work under special durational shortage area permits (DSAPs) issued by SBE in certain school districts.

The special DSAPs for teacher corps graduates allow them to work at the elementary or secondary level in public and charter schools in Bridgeport, Hartford, and New Haven. Until June 30, 2011, the act also allows them to work in state charter schools in Stamford. Under both prior law and the act, when issuing the special DSAPs, SBE must first meet the needs of schools run by the Bridgeport, Hartford, and New Haven boards of education and second, the needs of charter schools in those districts plus Stamford.

A DSAP is a temporary public school teaching credential issued by SBE at the request of a local board of education. It allows an uncertified person to teach in a particular position for which no suitable certified teacher is available. The special DSAPs for national teacher corps graduates are valid for one year and can be renewed once.

§ 15 - Substitute Teachers

The act eliminates the education commissioner's authority to waive the statutory requirement that substitute teachers have at least a bachelor's degree. Under prior law, the commissioner could grant a waiver for good cause at the request of a school superintendent.

§ 26 - Occupational Certificates

The act repeals an obsolete law allowing anyone employed by a local or regional board of education before July 1, 1977 as an occupational instructor and

who held an occupational certificate as of that date to be granted a standard certificate. Occupational and standard certificates are obsolete and are no longer issued.

OTHER EDUCATION PROVISIONS

§ 19 - Authority to Amend Adopted Local Education Budgets

The act allows certain towns to amend adopted local budgets for FY 10 to reduce their education appropriations by up to the amount of funding their local or regional boards of education will receive directly from the federal State Fiscal Stabilization Fund (SFSF) program, according to the 2009 federal stimulus act. It applies to any town whose fiscal authority failed to account for its board of education's direct receipt of SFSF funds when passing its municipal budget before June 30, 2009.

The act overrides any statute, charter, or home rule or other ordinances to allow the following municipal bodies to make such a reduction: (1) the board of finance, for municipalities that have such boards; (2) the board of selectmen, in a town with no board of finance; or (3) any other local authority that makes appropriations for the school district.

§ 24 - Notification of Interdistrict Magnet School Placements

Starting by May 15, 2010, the act requires each interdistrict magnet school operator annually to notify school districts, in writing, of the estimated number of students from those districts who have been placed at the magnet school for the following school year. The notice must also include the student's grade, the magnet school name, and the tuition to be charged the district. The act specifies that the number of students given in the notice is an estimate and that it does not limit the number of students who may enroll in interdistrict magnet schools for the year.

§§ 20-22 - Regionalization of Certain School District Services

This act allows boards of education to establish cooperative arrangements to provide special education and health care services. They could already establish these arrangements to provide school accommodation services, programs, or activities. It also allows state charter schools to enter into cooperative arrangements to the same extent as boards of education, if the education commissioner approves. The act specifies that any charter school participating in cooperative arrangements maintains its status as a state charter

school and must meet the obligations of the charter school laws.

The act allows SDE to give special consideration to grant applications indicating the use of RESC services or joint purchasing agreements among boards to purchase special education and health care services. SDE could already do this with regard to purchasing supplies, testing materials, and food or food services.

§ 23 - Pilot Program for Wright Technical High School And Norwalk Community College

By September 1, 2009, this act requires the Board of Trustees of the Community-Technical Colleges to appoint an oversight board and, by January 1, 2010, requires the oversight board to establish a pilot program to allow students to complete courses at J.M. Wright Technical High School for college credit at Norwalk Community College. The program must coordinate courses between the school and the college and provide students with access to vocational employment or post-secondary education.

The Norwalk Community College president must be the oversight board's chairperson and its members must include one each representing the J. M. Wright and Norwalk Community College faculties, one representing a chamber of commerce, and four representing the trades.

The oversight board must establish the pilot program in consultation with the community-technical colleges' board of trustees and within existing budgetary resources and staffing levels. The program must operate during the school year starting July 1, 2010 and each school year thereafter.

Starting by June 30, 2011, the community-technical college board of trustees and the education commissioner must report annually to the Education and Higher Education and Employment Advancement committees on the pilot program's curriculum and the number of students who have earned course credit under the program.

§ 12 - Behavioral Analysis Services Study

The act requires the attorney general, in consultation with the education and higher education commissioners, to report to the Education Committee by January 1, 2010 on any investigation performed in Connecticut regarding behavioral analysis services for children with autism spectrum disorder. The report must include findings based on the investigation and recommend statutory changes and an appropriate in-state certifying entity for behavioral analysis services.

§ 25 - Pilot Program at New Haven Charter School

The act waives statutory charter school attendance requirements and establishes a five-year pilot program requiring students who live within a half-mile radius to attend a K-8 charter school to be operated in the former Timothy Dwight School building in New Haven. By law, when a charter school has more applicants than spaces available after reserving spaces for siblings of students currently attending the school, the available places must be filled by lottery. The pilot program must run from July 1, 2011, which is the date the charter school at Dwight School is projected to open, to June 30, 2015.

BACKGROUND

State Fiscal Stabilization Fund

Connecticut expects to receive \$541 million over two years from the SFSF. Both the governor's and the Appropriations Committee's proposed budgets use the SFSF money in FY 10 and FY 11 to maintain Education Cost Sharing (ECS) grants at FY 09 levels during those years. However, U.S. Education Department guidelines require states to distribute SFSF funds for education directly to local and regional boards of education and not to treat them as state revenue. ECS grants are sent to towns, not to boards of education. Since the SFSF funds make up about 14% of the amounts needed to fund ECS grants at FY 09 levels in the next two years, ECS grants sent to towns will likely be 14% lower than the FY 09 amounts, although the combination of ECS grants and SFSF funds will equal FY 09 ECS grants.

PA 09-2, June 19 Special Session-SB 2001
Emergency Certification

AN ACT CONCERNING DEFICIENCY APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE 30, 2009, FUNDING FOR EMPLOYMENT AND TRAINING INITIATIVES AND CANCELLATION OF DEBT INCOME

SUMMARY: This act:

1. bars taxpayers from taking advantage of a federal option to temporarily defer income from cancellation of certain business debts when they calculate their Connecticut corporation and personal income taxes,
2. appropriates \$110.8 million to cover deficiencies in FY 09 General Fund appropriations in specified agencies,

3. reduces FY 09 General Fund appropriations for various agencies and programs by \$81.4 million,
4. appropriates \$30.3 million to implement employment and training initiatives, and
5. carries over \$8.5 million in unspent General Fund money from FY 09 to FY 10 for energy assistance for people with incomes between 150% and 200% of the federal poverty level.

EFFECTIVE DATE: Upon passage, except for the energy assistance provision, which takes effect July 1, 2009. The tax provisions apply to tax years starting after December 31, 2008.

§§ 4 & 5 - DECOUPLING FROM FEDERAL CANCELLATION OF DEBT INCOME DEFERRAL

Connecticut law requires taxpayers to use federal gross income as a starting point when calculating taxable income for purposes of state corporation and personal income taxes. This act decouples these Connecticut taxes from a provision of the federal tax law that allows taxpayers to defer certain cancellation of debt income. It prohibits taxpayers from taking advantage of the federal deferral in Connecticut corporation and personal income tax calculations for tax years starting after December 31, 2008.

“Cancellation of debt income” (CODI) is income realized when a debtor is relieved of an obligation to repay all or part a debt. Federal tax law normally requires taxpayers to include (“recognize”) CODI in gross income for tax purposes in the year the debt is discharged.

But the American Recovery and Reinvestment Act of 2009 (ARRA) gives businesses the option of delaying recognition of CODI realized from qualifying reacquisitions of their own debt instruments in the 2009 and 2010 calendar years (see BACKGROUND). The deferral period is five years for CODI realized in 2009 and four years for CODI realized in 2010, i.e., until 2014. Starting in 2014, businesses must recognize the income for federal tax purposes in equal annual installments over the five following tax years. The ARRA’s deferral option is available to C corporations and to other types of businesses, such as partnerships, limited liability companies, S corporations, and sole proprietorships, whose profits are taxed through the personal income taxes on their owners, partners, shareholders, or members.

For Connecticut corporation and income tax purposes, the act requires taxpayers to (1) disregard federally deferred CODI in 2009 and 2010 and (2) deduct any such federally deferred CODI from 2009 and 2010 being recognized for federal tax purposes in 2014 and after.

§ 2 – FY 09 DEFICIENCY APPROPRIATIONS

The act appropriates a total of \$110,788,661 from the General Fund to cover deficiencies in various agencies and programs for FY 09 as shown in Table 1. It carries the appropriations forward and makes them available for the same purposes in FY 10.

Table 1: FY 09 Deficiency Appropriations

<i>Agency</i>	<i>For</i>	<i>Amount</i>
Social Services	Medicaid	\$70,000,000
Education	Magnet schools	2,600,000
UConn Health Center	Operating expenses	22,200,000
Correction	Personal services	14,300,000
Workers' Compensation Claims - Administrative Services	Workers' compensation claims	1,500,000
Teachers' Retirement Board	Retirees' health service cost	188,661

§ 1 - REDUCED FY 09 GENERAL FUND APPROPRIATIONS

The act reduces FY 09 General Fund appropriations for specified agencies and purposes by \$81,390,571 as shown in Table 2.

Table 2: Reduced FY 09 Appropriations

<i>Agency</i>	<i>For</i>	<i>Reduction</i>
Governor's Office	Personal services	\$192,000
	Other expenses	100,000
Secretary of the State	Other expenses	300,000
State Treasurer	Personal services	650,000
	Debt service	10,134,533
Revenue Services	Personal services	200,000
	Other expenses	100,000
Special Revenue	Personal services	850,000
	Other expenses	190,000
Insurance & Risk Management Board	Other expenses	2,500,000
Policy & Management	Other expenses	719,000
	Justice assistance grants	300,000
	Energy audit subsidy	1,000,000
	Tax relief for elderly renters	155,000
	Private providers	1,325,000
	Regional performance incentive program	100,000
	Heating assistance – age 65	200,000
	Distressed municipalities	980,000
	Property tax relief – elderly freeze program	290,000
	PILOT – New manufacturing machinery and equipment	45,730,000

<i>Agency</i>	<i>For</i>	<i>Reduction</i>
Veterans' Affairs	Personal services	200,000
Administrative Services	Personal services	100,000
Public Works	Personal services	160,000
Attorney General	Personal services	300,000
Criminal Justice	Personal services	100,000
Public Safety	Gun Law Enforcement Task Force	250,000
Military	Veterans' service bonuses	100,000
Labor	Workforce Investment Act	660,000
	Unemployment benefits for military spouses	175,000
Commission on Human Rights & Opportunities	Personal services	300,000
Commission on Culture & Tourism	Personal services	100,000
Economic & Community Development	Personal services	100,000
	Congregate facilities' operation costs	150,000
	Housing assistance and counseling program	100,000
Public Health	Nursing student loan forgiveness program	118,750
Public Defender Services Commission	Special public defenders – non-contractual	425,000
State Comptroller – Fringe Benefits	Higher education alternative retirement system	3,000,000
	Retired state employees health service cost	9,036,288

§ 3 – ENERGY ASSISTANCE CARRY FORWARD

The act requires the unspent balance of \$8.5 million appropriated in a 2008 act from the FY 08 General Fund surplus to be carried forward and available in FY 10 for an emergency energy assistance program established in the 2008 act (PA 08-1, August Special Session).

The 2008 act appropriated the funds to the Office of Policy and Management to expand Operation Fuel, Incorporated to provide emergency home heating assistance between November 1, 2008 and April 30, 2009 to Connecticut households with incomes between 150% and 200% of the applicable federal poverty level. The program helps households that cannot make timely payments on deliverable fuel, electricity, or natural gas bills. Under the program, Operation Fuel, Incorporated pays the assistance directly to the fuel vendor, electric or gas company, or municipal electric or gas utility.

Operation Fuel, Incorporated is a nonprofit organization that serves people who are not eligible for publicly funded energy assistance.

§ 6 – WORKFORCE INVESTMENT ACT PROGRAMS

The act appropriates \$30,303,942 from the General Fund for FY 09 to the Labor Department for Workforce Investment Act-ARRA to implement employment and training initiatives.

BACKGROUND

Qualifying Re-acquisitions

To be eligible for the CODI deferral under the ARRA, a business taxpayer itself or a related party must realize the CODI on a qualifying re-acquisition of a debt instrument originally issued by the taxpayer. The following are the qualifying re-acquisitions by a taxpayer:

1. acquiring the debt instrument for cash;
2. exchanging a new debt instrument for the original one, including a “deemed” exchange resulting from a significant modification of the original instrument;
3. exchanging the taxpayer’s equity, including stock or partnership interests, for the instrument;
4. acquiring the taxpayer’s own debt as a capital contribution from an equity holder; and
5. complete forgiveness of the debt.

PA 09-1, September 2009 Special Session-HB 7001
Emergency Certification

**AN ACT CONCERNING THE
 RECOMMENDATIONS OF THE PROBATE
 REDISTRICTING COMMISSION**

SUMMARY: This act replaces the existing 117 probate districts with 54 probate districts. It requires the probate court administrator, by March 31, 2010, to designate a name for each of the probate districts the act establishes. The act authorizes the probate court administrator, before designating the names, to consult with affected probate judges and chief elected officials and members of the General Assembly concerning the districts they represent. By December 31, 2010, the probate court administrator must publish the district names in the Probate Court’s Directory of Judges and Districts. Starting on the date the names are published, the probate districts must be referred to by these names.

Prior law allowed anyone aggrieved by a probate court order, denial, or decree to appeal to the Superior Court in the judicial district in which the probate court was located. Under the act, if the probate court is located in a probate district that is in more than one judicial district, the aggrieved person may appeal in a Superior Court that is located in a judicial district in which any portion of the probate district is located.
EFFECTIVE DATE: January 5, 2011 except for the provision requiring the probate court administrator to name the probate districts, which is effective upon passage.

NEW PROBATE COURT DISTRICTS

Table 1 shows the probate district for each town under prior law and under the act. The table is arranged alphabetically by town.

Table 1: Probate Court Districts under Prior Law and the Act

<i>Probate Court Districts</i>			
<i>Town</i>	<i>Prior Law</i>		<i>Under the Act</i>
	<i>District</i>	<i>Towns Included in the District</i>	<i>Towns Included in the District</i>
Andover	Andover	Andover, Bolton, and Columbia	Andover, Bolton, Columbia, and Manchester
Ansonia	Derby	Ansonia, Derby, and Seymour	Ansonia, Derby, Seymour, and Woodbridge
Ashford	Ashford	Ashford	Ashford, Brooklyn, Eastford, Pomfret, Putnam, Thompson, Union, and Woodstock
Avon	Avon	Avon	Avon, Canton, Granby, and Simsbury
Barkhamsted	New Hartford	Barkhamsted, Hartland, and New Hartford	Barkhamsted, Colebrook, Goshen, Hartland, New Hartford, Torrington, and Winchester
Beacon Falls	Naugatuck	Beacon Falls and Naugatuck	Beacon Falls, Middlebury, Naugatuck, and Prospect
Berlin	Berlin	Berlin and New Britain	Berlin and New Britain
Bethany	Bethany	Bethany	Bethany and Hamden
Bethel	Bethel	Bethel	Bethel, Newtown, Redding, and Ridgefield
Bethlehem	Woodbury	Bethlehem, Watertown, and Woodbury	Bethlehem, Oxford, Roxbury, Southbury, Washington, Watertown, and Woodbury
Bloomfield	Bloomfield	Bloomfield	Bloomfield, East Granby, Suffield, and Windsor Locks
Bolton	Andover	Andover, Bolton, and Columbia	Andover, Bolton, Columbia, and Manchester
Bozrah	Bozrah	Bozrah	Bozrah, Franklin, Griswold, Lisbon, Norwich, Preston, Sprague, and Voluntown
Branford	Branford	Branford	Branford and North Branford
Bridgeport	Bridgeport	Bridgeport	Bridgeport
Bridgewater	New Milford	Bridgewater and New Milford	Bridgewater, Brookfield, New Fairfield, New Milford, and Sherman
Bristol	Bristol	Bristol	Bristol, Plainville, and Plymouth
Brookfield	Brookfield	Brookfield	Bridgewater, Brookfield, New Fairfield, New Milford, and Sherman

<i>Probate Court Districts</i>			
<i>Town</i>	<i>Prior Law</i>		<i>Under the Act</i>
	<i>District</i>	<i>Towns Included in the District</i>	<i>Towns Included in the District</i>
Brooklyn	Brooklyn	Brooklyn	Ashford, Brooklyn, Eastford, Pomfret, Putnam, Thompson, Union, and Woodstock
Burlington	Burlington	Burlington	Burlington and Farmington
Canaan	Northwest Corner	Canaan, Cornwall, Norfolk, North Canaan, Salisbury, and Sharon	Canaan, Cornwall, Harwinton, Kent, Litchfield, Morris, Norfolk, North Canaan, Salisbury, Sharon, Thomaston, and Warren
Canterbury	Plainfield	Canterbury, Plainfield, and Sterling	Canterbury, Killingly, Plainfield, and Sterling
Canton	Canton	Canton	Avon, Canton, Granby, and Simsbury
Chaplin	Eastford	Chaplin and Eastford	Chaplin, Colchester, Hampton, Lebanon, Scotland, and Windham
Cheshire	Cheshire	Cheshire and Prospect	Cheshire and Southington
Chester	Saybrook	Chester	Chester, Clinton, Deep River, Essex, Haddam, Killingworth, Lyme, Old Saybrook, and Westbrook
Clinton	Clinton	Clinton	Chester, Clinton, Deep River, Essex, Haddam, Killingworth, Lyme, Old Saybrook, and Westbrook
Colchester	Colchester	Colchester and Lebanon	Chaplin, Colchester, Hampton, Lebanon, Scotland, and Windham
Colebrook	Winchester	Colebrook and Winchester	Barkhamsted, Colebrook, Goshen, Hartland, New Hartford, Torrington, and Winchester
Columbia	Andover	Andover, Bolton, and Columbia	Andover, Bolton, Columbia, and Manchester
Cornwall	Northwest Corner	Canaan, Cornwall, Norfolk, North Canaan, Salisbury, and Sharon	Canaan, Cornwall, Harwinton, Kent, Litchfield, Morris, Norfolk, North Canaan, Salisbury, Sharon, Thomaston, and Warren
Coventry	Mansfield	Coventry and Mansfield	Coventry, Mansfield, Tolland, and Willington
Cromwell	Middletown	Cromwell, Durham, Middlefield, and Middletown	Cromwell, Durham, Middlefield, and Middletown
Danbury	Danbury	Danbury	Danbury
Darien	Darien	Darien	Darien and New Canaan
Deep River	Deep River	Deep River	Chester, Clinton, Deep River, Essex, Haddam, Killingworth, Lyme, Old Saybrook, and Westbrook
Derby	Derby	Ansonia, Derby, and Seymour	Ansonia, Derby, Seymour, and Woodbridge
Durham	Middletown	Cromwell, Durham, Middlefield, and Middletown	Cromwell, Durham, Middlefield, and Middletown
East Granby	Suffield-East Granby	East Granby and Suffield	Bloomfield, East Granby, Suffield, and Windsor Locks
East Haddam	East Haddam	East Haddam	East Haddam, East Hampton, Marlborough, and Portland
East Hampton	East Hampton	East Hampton	East Haddam, East Hampton, Marlborough, and Portland
East Hartford	East Hartford	East Hartford	East Hartford
East Haven	East Haven	East Haven	East Haven and North Haven
East Lyme	East Lyme	East Lyme	East Lyme, Montville, Old Lyme, and Salem
East Windsor	East Windsor	East Windsor and South Windsor	East Windsor, South Windsor, and Windsor
Eastford	Eastford	Chaplin and Eastford	Ashford, Brooklyn, Eastford, Pomfret, Putnam, Thompson, Union, and Woodstock
Easton	Trumbull	Easton, Monroe, and Trumbull	Easton, Monroe, and Trumbull
Ellington	Ellington	Ellington and Vernon	Ellington and Vernon
Enfield	Enfield	Enfield	Enfield, Somers, and Stafford
Essex	Essex	Essex	Chester, Clinton, Deep River, Essex, Haddam, Killingworth, Lyme, Old Saybrook, and Westbrook
Fairfield	Fairfield	Fairfield	Fairfield
Farmington	Farmington	Farmington	Burlington and Farmington

<i>Probate Court Districts</i>			
<i>Town</i>	<i>Prior Law</i>		<i>Under the Act</i>
	<i>District</i>	<i>Towns Included in the District</i>	<i>Towns Included in the District</i>
Franklin	Norwich	Franklin, Lisbon, Norwich, Preston, Sprague, and Voluntown	Bozrah, Franklin, Griswold, Lisbon, Norwich, Preston, Sprague, and Voluntown
Glastonbury	Glastonbury	Glastonbury	Glastonbury and Hebron
Goshen	Torrington	Goshen and Torrington	Barkhamsted, Colebrook, Goshen, Hartland, New Hartford, Torrington, and Winchester
Granby	Granby	Granby	Avon, Canton, Granby, and Simsbury
Greenwich	Greenwich	Greenwich	Greenwich
Griswold	Griswold	Griswold	Bozrah, Franklin, Griswold, Lisbon, Norwich, Preston, Sprague, and Voluntown
Groton	Groton	Groton	Groton, Ledyard, North Stonington, and Stonington
Guilford	Guilford	Guilford	Guilford and Madison
Haddam	Haddam	Haddam	Chester, Clinton, Deep River, Essex, Haddam, Killingworth, Lyme, Old Saybrook, and Westbrook
Hamden	Hamden	Hamden	Bethany and Hamden
Hampton	Hampton	Hampton	Chaplin, Colchester, Hampton, Lebanon, Scotland, and Windham
Hartford	Hartford	Hartford	Hartford
Hartland	New Hartford	Barkhamsted, Hartland, and New Hartford	Barkhamsted, Colebrook, Goshen, Hartland, New Hartford, Torrington, and Winchester
Harwinton	Harwinton	Harwinton	Canaan, Cornwall, Harwinton, Kent, Litchfield, Morris, Norfolk, North Canaan, Salisbury, Sharon, Thomaston, and Warren
Hebron	Hebron	Hebron	Glastonbury and Hebron
Kent	Litchfield	Kent, Litchfield, Morris, and Warren	Canaan, Cornwall, Harwinton, Kent, Litchfield, Morris, Norfolk, North Canaan, Salisbury, Sharon, Thomaston, and Warren
Killingly	Killingly	Killingly	Canterbury, Killingly, Plainfield, and Sterling
Killingworth	Killingworth	Killingworth	Chester, Clinton, Deep River, Essex, Haddam, Killingworth, Lyme, Old Saybrook, and Westbrook
Lebanon	Colchester	Colchester and Lebanon	Chaplin, Colchester, Hampton, Lebanon, Scotland, and Windham
Ledyard	Ledyard	Ledyard	Groton, Ledyard, North Stonington, and Stonington
Lisbon	Norwich	Franklin, Lisbon, Norwich, Preston, Sprague, and Voluntown	Bozrah, Franklin, Griswold, Lisbon, Norwich, Preston, Sprague, and Voluntown
Litchfield	Litchfield	Kent, Litchfield, Morris, and Warren	Canaan, Cornwall, Harwinton, Kent, Litchfield, Morris, Norfolk, North Canaan, Salisbury, Sharon, Thomaston, and Warren
Lyme	Lyme	Lyme	Chester, Clinton, Deep River, Essex, Haddam, Killingworth, Lyme, Old Saybrook, and Westbrook
Madison	Madison	Madison	Guilford and Madison
Manchester	Manchester	Manchester	Andover, Bolton, Columbia, and Manchester
Mansfield	Mansfield	Coventry and Mansfield	Coventry, Mansfield, Tolland, and Willington
Marlborough	Marlborough	Marlborough	East Haddam, East Hampton, Marlborough, and Portland
Meriden	Meriden	Meriden	Meriden
Middlebury	Waterbury	Middlebury, Waterbury, and Wolcott	Beacon Falls, Middlebury, Naugatuck, and Prospect
Middlefield	Middletown	Cromwell, Durham, Middlefield, and Middletown,	Cromwell, Durham, Middlefield, and Middletown
Middletown	Middletown	Cromwell, Durham, Middlefield, and Middletown	Cromwell, Durham, Middlefield, and Middletown
Milford	Milford	Milford	Milford and Orange
Monroe	Trumbull	Easton, Monroe, and Trumbull	Easton, Monroe, and Trumbull
Montville	Montville	Montville	East Lyme, Montville, Old Lyme, and Salem

<i>Probate Court Districts</i>			
<i>Town</i>	<i>Prior Law</i>		<i>Under the Act</i>
	<i>District</i>	<i>Towns Included in the District</i>	<i>Towns Included in the District</i>
Morris	Litchfield	Kent, Litchfield, Morris, and Warren	Canaan, Cornwall, Harwinton, Kent, Litchfield, Morris, Norfolk, North Canaan, Salisbury, Sharon, Thomaston, and Warren
Naugatuck	Naugatuck	Beacon Falls and Naugatuck	Beacon Falls, Middlebury, Naugatuck, and Prospect
New Britain	Berlin	Berlin and New Britain	Berlin and New Britain
New Canaan	New Canaan	New Canaan	Darien and New Canaan
New Fairfield	New Fairfield	New Fairfield and Sherman	Bridgewater, Brookfield, New Fairfield, New Milford, and Sherman
New Hartford	New Hartford	Barkhamsted, Hartland, and New Hartford	Barkhamsted, Colebrook, Goshen, Hartland, New Hartford, Torrington, and Winchester
New Haven	New Haven	New Haven	New Haven
New London	New London	New London and Waterford	New London and Waterford
New Milford	New Milford	Bridgewater and New Milford	Bridgewater, Brookfield, New Fairfield, New Milford, and Sherman
Newington	Newington	Newington, Rocky Hill, and Wethersfield	Newington, Rocky Hill, and Wethersfield
Newtown	Newtown	Newtown	Bethel, Newtown, Redding, and Ridgefield
Norfolk	Northwest Corner	Canaan, Cornwall, Norfolk, North Canaan, Salisbury, and Sharon	Canaan, Cornwall, Harwinton, Kent, Litchfield, Morris, Norfolk, North Canaan, Salisbury, Sharon, Thomaston, and Warren
North Branford	North Branford	North Branford	Branford and North Branford
North Canaan	Northwest Corner	Canaan, Cornwall, Norfolk, North Canaan, Salisbury, and Sharon	Canaan, Cornwall, Harwinton, Kent, Litchfield, Morris, Norfolk, North Canaan, Salisbury, Sharon, Thomaston, and Warren
North Haven	North Haven	North Haven	East Haven and North Haven
North Stonington	North Stonington	North Stonington	Groton, Ledyard, North Stonington, and Stonington
Norwalk	Norwalk	Norwalk and Wilton	Norwalk and Wilton
Norwich	Norwich	Franklin, Lisbon, Norwich, Preston, Sprague, and Voluntown	Bozrah, Franklin, Griswold, Lisbon, Norwich, Preston, Sprague, and Voluntown
Old Lyme	Old Lyme	Old Lyme	East Lyme, Montville, Old Lyme, and Salem
Old Saybrook	Old Saybrook	Old Saybrook	Chester, Clinton, Deep River, Essex, Haddam, Killingworth, Lyme, Old Saybrook, and Westbrook
Orange	Orange	Orange	Milford and Orange
Oxford	Oxford	Oxford	Bethlehem, Oxford, Roxbury, Southbury, Washington, Watertown, and Woodbury
Plainfield	Plainfield	Canterbury, Plainfield, and Sterling	Canterbury, Killingly, Plainfield, and Sterling
Plainville	Plainville	Plainville	Bristol, Plainville, and Plymouth
Plymouth	Plymouth	Plymouth	Bristol, Plainville, and Plymouth
Pomfret	Pomfret	Pomfret	Ashford, Brooklyn, Eastford, Pomfret, Putnam, Thompson, Union, and Woodstock
Portland	Portland	Portland	East Haddam, East Hampton, Marlborough, and Portland
Preston	Norwich	Franklin, Lisbon, Norwich, Preston, Sprague, and Voluntown	Bozrah, Franklin, Griswold, Lisbon, Norwich, Preston, Sprague, and Voluntown
Prospect	Cheshire	Cheshire and Prospect	Beacon Falls, Middlebury, Naugatuck, and Prospect
Putnam	Putnam	Putnam	Ashford, Brooklyn, Eastford, Pomfret, Putnam, Thompson, Union, and Woodstock
Redding	Redding	Redding	Bethel, Newtown, Redding, and Ridgefield
Ridgefield	Ridgefield	Ridgefield	Bethel, Newtown, Redding, and Ridgefield
Rocky Hill	Newington	Newington, Rocky Hill, and Wethersfield	Newington, Rocky Hill, and Wethersfield

<i>Probate Court Districts</i>			
<i>Town</i>	<i>Prior Law</i>		<i>Under the Act</i>
	<i>District</i>	<i>Towns Included in the District</i>	<i>Towns Included in the District</i>
Roxbury	Roxbury	Roxbury	Bethlehem, Oxford, Roxbury, Southbury, Washington, Watertown, and Woodbury
Salem	Salem	Salem	East Lyme, Montville, Old Lyme, and Salem
Salisbury	Northwest Corner	Canaan, Cornwall, Norfolk, North Canaan, Salisbury, and Sharon	Canaan, Cornwall, Harwinton, Kent, Litchfield, Morris, Norfolk, North Canaan, Salisbury, Sharon, Thomaston, and Warren
Scotland	Windham	Scotland and Windham	Chaplin, Colchester, Hampton, Lebanon, Scotland, and Windham
Seymour	Derby	Ansonia, Derby, and Seymour	Ansonia, Derby, Seymour, and Woodbridge
Sharon	Northwest Corner	Canaan, Cornwall, Norfolk, North Canaan, Salisbury, and Sharon	Canaan, Cornwall, Harwinton, Kent, Litchfield, Morris, Norfolk, North Canaan, Salisbury, Sharon, Thomaston, and Warren
Shelton	Shelton	Shelton	Shelton
Sherman	New Fairfield	New Fairfield and Sherman	Bridgewater, Brookfield, New Fairfield, New Milford, and Sherman
Simsbury	Simsbury	Simsbury	Avon, Canton, Granby, and Simsbury
Somers	Stafford	Somers, Stafford, and Union	Enfield, Somers, and Stafford
South Windsor	East Windsor	East Windsor and South Windsor	East Windsor, South Windsor, and Windsor
Southbury	Southbury	Southbury	Bethlehem, Oxford, Roxbury, Southbury, Washington, Watertown, and Woodbury
Southington	Southington	Southington	Cheshire and Southington
Sprague	Norwich	Franklin, Lisbon, Norwich, Preston, Sprague, and Voluntown	Bozrah, Franklin, Griswold, Lisbon, Norwich, Preston, Sprague, and Voluntown
Stafford	Stafford	Somers, Stafford, and Union	Enfield, Somers, and Stafford
Stamford	Stamford	Stamford	Stamford
Sterling	Plainfield	Canterbury, Plainfield, and Sterling	Canterbury, Killingly, Plainfield, and Sterling
Stonington	Stonington	Stonington	Groton, Ledyard, North Stonington, and Stonington
Stratford	Stratford	Stratford	Stratford
Suffield	Suffield-East Granby	East Granby and Suffield	Bloomfield, East Granby, Suffield, and Windsor Locks
Thomaston	Thomaston	Thomaston	Canaan, Cornwall, Harwinton, Kent, Litchfield, Morris, Norfolk, North Canaan, Salisbury, Sharon, Thomaston, and Warren
Thompson	Thompson	Thompson	Ashford, Brooklyn, Eastford, Pomfret, Putnam, Thompson, Union, and Woodstock
Tolland	Tolland	Tolland and Willington	Coventry, Mansfield, Tolland, and Willington
Torrington	Torrington	Goshen and Torrington	Barkhamsted, Colebrook, Goshen, Hartland, New Hartford, Torrington, and Winchester
Trumbull	Trumbull	Easton, Monroe, and Trumbull	Easton, Monroe, and Trumbull
Union	Stafford	Somers, Stafford, and Union	Ashford, Brooklyn, Eastford, Pomfret, Putnam, Thompson, Union, and Woodstock
Vernon	Ellington	Ellington and Vernon	Ellington and Vernon
Voluntown	Norwich	Franklin, Lisbon, Norwich, Preston, Sprague, and Voluntown	Bozrah, Franklin, Griswold, Lisbon, Norwich, Preston, Sprague, and Voluntown
Wallingford	Wallingford	Wallingford	Wallingford
Warren	Litchfield	Kent, Litchfield, Morris, and Warren	Canaan, Cornwall, Harwinton, Kent, Litchfield, Morris, Norfolk, North Canaan, Salisbury, Sharon, Thomaston, and Warren
Washington	Washington	Washington	Bethlehem, Oxford, Roxbury, Southbury, Washington, Watertown, and Woodbury

<i>Probate Court Districts</i>			
<i>Town</i>	<i>Prior Law</i>		<i>Under the Act</i>
	<i>District</i>	<i>Towns Included in the District</i>	<i>Towns Included in the District</i>
Waterbury	Waterbury	Middlebury, Waterbury, and Wolcott	Waterbury and Wolcott
Waterford	New London	New London and Waterford	New London and Waterford
Watertown	Woodbury	Bethlehem, Watertown, and Woodbury	Bethlehem, Oxford, Roxbury, Southbury, Washington, Watertown, and Woodbury
West Hartford	West Hartford	West Hartford	West Hartford
West Haven	West Haven	West Haven	West Haven
Westbrook	Westbrook	Westbrook	Chester, Clinton, Deep River, Essex, Haddam, Killingworth, Lyme, Old Saybrook, and Westbrook
Weston	Westport	Weston and Westport	Weston and Westport
Westport	Westport	Weston and Westport	Weston and Westport
Wethersfield	Newington	Newington, Rocky Hill, and Wethersfield	Newington, Rocky Hill, and Wethersfield
Willington	Tolland	Tolland and Willington	Coventry, Mansfield, Tolland, and Willington
Wilton	Norwalk	Norwalk and Wilton	Norwalk and Wilton
Winchester	Winchester	Colebrook and Winchester	Barkhamsted, Colebrook, Goshen, Hartland, New Hartford, Torrington, and Winchester
Windham	Windham	Scotland and Windham	Chaplin, Colchester, Hampton, Lebanon, Scotland, and Windham
Windsor	Windsor	Windsor	East Windsor, South Windsor, and Windsor
Windsor Locks	Windsor Locks	Windsor Locks	Bloomfield, East Granby, Suffield, and Windsor Locks
Wolcott	Waterbury	Middlebury, Waterbury, and Wolcott	Waterbury and Wolcott
Woodbridge	Woodbridge	Woodbridge	Ansonia, Derby, Seymour, and Woodbridge
Woodbury	Woodbury	Bethlehem, Watertown, and Woodbury	Bethlehem, Oxford, Roxbury, Southbury, Washington, Watertown, and Woodbury
Woodstock	Woodstock	Woodstock	Ashford, Brooklyn, Eastford, Pomfret, Putnam, Thompson, Union, and Woodstock

Under prior law, 86 of 117 probate districts or around 74%, were single town districts. Under the act, 14 of the 54 districts or around 26%, are single town districts. The single town districts under the act are Bridgeport, Danbury, East Hartford, Fairfield, Greenwich, Hartford, Meriden, New Haven, Shelton, Stamford, Stratford, Wallingford, West Hartford, and West Haven.

In addition to the 14 towns that remained as single town districts, the following districts (comprising 20 towns) did not change:

1. Berlin and New Britain;
2. Cromwell, Durham, Middlefield, and Middletown;
3. Easton, Monroe, and Trumbull;
4. Ellington and Vernon;
5. New London and Waterford;
6. Newington, Rocky Hill, and Wethersfield;
7. Norwalk and Wilton; and
8. Weston and Westport.

BACKGROUND

Probate Redistricting Commission

PA 09-114 established a probate redistricting commission to develop a plan to consolidate probate court districts according to the act's requirements. The act required the plan to be presented to the General Assembly for implementing legislation and approval by the governor under procedures and deadlines the act established. As required by the act, the commission filed its plan on September 15, 2009.

PA 09-2, September 2009 Special Session-HB 7004
Emergency Certification

AN ACT AUTHORIZING AND ADJUSTING BONDS OF THE STATE FOR CAPITAL IMPROVEMENTS, TRANSPORTATION AND OTHER PURPOSES

SUMMARY: This act authorizes state general obligation (GO), special tax obligation (STO), and revenue bonds for FY 10 and FY 11.

It authorizes up to \$713.9 million in GO bonds for FY 10 and \$820.7 million for FY 11. The GO authorizations provide funding for (1) state capital projects and (2) grants for local and regional capital projects, including local school construction projects, economic and community development projects, the Local Capital Improvement Program (LOCIP), and farmland preservation.

The act authorizes up to \$579.2 million in STO bonds for FY 10 and \$265.4 million for FY 11 for transportation-related projects, including the “Fix-It-First” state road and bridge repair programs, Department of Transportation (DOT) capital improvement and highway resurfacing projects, a new rail maintenance facility, and Town Aid Road (TAR) grants for local road and bridge projects.

The act authorizes up to \$80 million per year in revenue bonds for FY 10 and FY 11 for loans to municipalities for clean water projects.

In addition, the act:

1. establishes a nonprofit collaboration incentive grant program to cover infrastructure costs arising when two or more nonprofit organizations consolidate programs and services;
2. overrides local charters and special acts to allow municipalities to sell certain types of bonds by negotiation rather than by public bid and validates any such sales that occurred before the act’s effective date (September 25, 2009);
3. extends, from 15 to 20 years, the maximum allowable term for municipal borrowing to pay court judgments, settlements, or compromised claims;
4. requires two legislative committees to review DOT’s state rail plan prior to its submission to the federal government;
5. requires DOT to give freight railroad companies first refusal before the commissioner sells or otherwise disposes of any rail or track material;

6. requires DOT to report to the legislature every three years on hazardous at-grade rail crossings; and
7. expands an existing grant program for improving and modernizing freight rail lines in the state.

The act also:

1. authorizes up to \$4 million in GO bonds for start-up costs for interdistrict magnet schools needed to meet the requirements of the 2008 settlement in the *Sheff v. O’Neill* school desegregation case;
2. exempts the Rushford Center from certain grant repayment obligations;
3. extends, from 20 to 30 years, the maximum term of a Clean Water Fund loan to Ansonia for sewer plant improvements; and
4. alters previously enacted bond authorizations to change such things as how authorized funds may be used and designated grant recipients.

EFFECTIVE DATE: FY 10 bond authorizations and all other provisions except the following are effective on passage.

1. The STO bond authorization for FY 11 capital road resurfacing projects is effective May 1, 2010.
2. All other bond authorizations for FY 11 are effective July 1, 2010.
3. The following provisions are effective October 1, 2009:
 - a. required legislative review of the state rail plan,
 - b. freight railroad companies’ right of first refusal on surplus state rail or track material,
 - c. the requirement for DOT to study and report to the legislature periodically on hazardous at-grade rail crossings, and
 - d. changes in grants for commercial freight rail lines.

GO BOND AUTHORIZATIONS

Authorizations for Grant and Loan Programs

The act authorizes bonds for grants and loans for FY 10 and FY 11 in the maximum amounts and for the purposes shown in Table 1. It also authorizes up to \$80 million in revenue bonds for Clean Water Fund projects in each of the two years.

Table 1: Bond Authorizations for Grant and Loan Programs

<i>§</i>	<i>Agency</i>	<i>Purpose</i>	<i>FY 10</i>	<i>FY 11</i>
1	Office of Policy & Management (OPM)	Small Town Economic Assistance Program (STEAP) economic and community development project grants	\$20,000,000	\$20,000,000
2	OPM	Local Capital Improvement Program (LOCIP)	30,000,000	30,000,000
3	Education (SDE)	School construction projects	488,350,000	630,400,000
4	SDE	School construction interest subsidy grants	9,000,000	11,200,000
5	Environmental Protection (DEP)	Clean Water Fund grants	65,000,000	40,000,000
6	DEP	Clean Water Fund loans (revenue bonds)	80,000,000	80,000,000
34 (a)	DEP	Grants: <ul style="list-style-type: none"> • To contain, remove, or mitigate identified hazardous waste disposal sites and to municipalities for new water mains to replace supply from contaminated wells • To identify, investigate, contain, remove, or mitigate industrial sites in urban areas • To municipalities to acquire land for public parks; recreational and water quality improvements; and water mains and water pollution control projects, including sewers • To municipalities for providing potable water 	16,000,000	0
34 (b) (1)	Economic and Community Development (DECD)	Brownfield Pilot Program	5,000,000	0
34 (b) (2)	DECD	Loans for installing new vehicle pumps or	2,000,000	0

<i>§</i>	<i>Agency</i>	<i>Purpose</i>	<i>FY 10</i>	<i>FY 11</i>
		converting gas or diesel pumps to alternative fuels		
34 (c)	Social Services	Grants for neighborhood facilities, child daycare projects, elderly centers, multipurpose human resource centers, shelter for domestic violence victims, and food distribution facilities	5,000,000	0
34 (d)	Public Health	<ul style="list-style-type: none"> • Grants for hospital-based emergency service facilities • Grants to community health centers and primary care organizations for equipment purchases and facility improvement and expansion, including land or building acquisition 	7,000,000	0
34 (e)	Education	Grants to SDE-accredited alternative education providers for students aged 14-21 to acquire property, and for facility design, planning, construction, or renovation	2,000,000	0
34 (f), 49 (b)	Transportation	Town Aid Road (TAR) grants	Not specified ^[1]	Not specified ^[1]
34 (g)	Children and Families (DCF)	Grants to private, nonprofit organizations for construction or renovation for recreation or education purposes	20,000,000	0
49 (a)	Agriculture (DOAG)	Farm Reinvestment Program	0	500,000
69	DOAG	Farmland Preservation	2,500,000	10,000,000

^[1] PA 09-7, September Special Session (§§ 130-131) specifies that the GO bond authorizations for TAR grants are up to \$8 million in each year. These GO bond authorizations are in addition to STO bond authorizations of up to \$22 million in each of the two years for TAR grants (see § 24 below).

Authorizations for State Capital Projects

The act authorizes state GO bonds for FY 10 and FY 11 for state capital projects. The maximum authorized amounts and purposes are listed in Table 2.

Table 2: Authorizations for State Capital Projects

<i>§</i>	<i>Agency</i>	<i>For</i>	<i>FY 10</i>	<i>FY 11</i>
27 (a), 42 (b)	Public Works	Remove or encapsulate asbestos in state-owned buildings	\$2,500,000	\$2,500,000
27 (b)	Motor Vehicles	Upgrade motor vehicle information technology systems	3,000,000	0
27 (c), 42 (c)	Military	Matching funds for federally reimbursable projects	1,000,000	1,000,000
22 (b), 42 (d)	Developmental Services	Regional facilities – fire, safety, and environmental improvements for client and staff needs	0	2,500,000
27(d), 42 (e)	Community College System	All facilities - alterations and improvements	0	2,000,000
		New and replacement instructional, lab, or research equipment	0	3,000,000
		System technology initiative	0	5,000,000
	Asnuntuck	Existing buildings - alterations, improvements, and renovations	0	11,442,755
	Capital	Property acquisition	0	4,595,756
	Manchester	Code improvements – Lowe Building	2,229,911	0
		Campus improvements	0	3,413,468
	Middlesex	Founders Hall – alterations, improvements, and renovations	156,038	1,402,422
	Northwestern	Site remediation, design and construction for Joyner Building replacement	0	1,633,611
	Naugatuck Valley	Parking and site improvements	0	6,563,444
		Founders Hall – alterations, improvements, and renovations	0	4,470,446
	Quinebaug Valley	East wing code improvements	980,367	0
	Three Rivers	Building renovations and additional facilities for consolidated campus in accordance with master plan	0	11,606,676
27 (e)	Charter Oak State College	New facility - planning, design, and construction	2,500,000	0
27 (f) (1)	DCF	Connecticut Juvenile Training School – alterations, renovations, and improvements relating to “raise the age” requirements	8,000,000	0
27 (f) (2)	DCF	Construct a secure facility for delinquent girls aged 14-17	4,700,000	0
42 (a) (1)	OPM	Criminal Justice Information System design and implementation	0	8,000,000
42 (a) (2)	OPM	CORE financial system associated with results-based accountability – database development and implementation	0	1,500,000

STO BOND AUTHORIZATIONS

§§ 7-18 - DOT Projects

The act authorizes STO bonds for DOT transportation-related capital projects as shown in Table 3.

Table 3: STO Bond Authorizations for DOT Projects

	FY 10	FY 11
<i>Bureau of Engineering and Highway Operations</i>		
Interstate highway program	\$13,000,000	\$13,000,000
Urban systems projects	8,500,000	8,500,000
Intrastate highway program	42,500,000	44,000,000
Soil, water supply, and groundwater remediation at or near DOT maintenance facilities and former disposal areas	6,000,000	6,000,000
State bridge improvement, rehabilitation, and replacement	32,300,000	33,000,000
Fix-It-First road repair program	30,000,000	0
Fix-It-First bridge repair program	45,000,000	0
Local road and bridge projects for which funds were appropriated but for which the governor reduced allotments during FY 09	30,000,000	0
Projects of local and regional significance	30,000,000	0
<i>Bureau of Aviation and Ports</i>		
Reconstruction and improvements to the warehouse and State Pier in New London, including site and ferry slip improvements	200,000	300,000
Developing and improving general aviation airports, including grants to municipal airports other than Bradley International Airport	2,000,000	2,000,000
<i>Bureau of Public Transportation</i>		
Bus and rail facilities and equipment, including rights-of-way, other property acquisition, and related projects	40,000,000	40,000,000
Construct rail maintenance facilities	250,000,000	0
<i>Bureau of Administration</i>		
DOT facilities	6,400,000	6,400,000
STO bonds, cost of issuance and debt service reserve	21,300,000	21,300,000

§§ 19-23 - Capital Road Resurfacing Projects

The act authorizes up to \$68.9 million in STO bonds for use by the DOT’s Bureau of Engineering and Highway Operations for capital resurfacing and related road reconstruction projects in FY 11.

§ 24 - Town Aid Road (TAR)

The act authorizes up to \$22 million in STO bonds annually for FY 10 and FY 11 to fund TAR grants to municipalities. The law requires the state to allocate specified annual amounts from DOT appropriations to provide grants to towns for highway and bridge improvements and for emergency aid to repair damage to roads, bridges, and dams caused by natural disasters. The authorizations in this act replace these allocations from DOT’s annual budget.

The act also authorizes GO bonds for TAR grants (see Table 1) but does not specify the amount. (PA 09-7, September Special Session, specifies that the GO authorizations for TAR are up to \$8 million per year for FY 10 and FY 11.)

§ 25 - NONPROFIT COLLABORATION INCENTIVE GRANT PROGRAM

The act establishes a nonprofit collaboration incentive grant program and authorizes up to \$5 million in GO bonding to fund it. The OPM secretary must use the bond proceeds for grants to nonprofit organizations to pay infrastructure costs arising when two or more organizations collaborate to consolidate programs and services. Organizations can use the grants to:

1. buy and improve facilities;
2. refinance facility loans;

3. buy equipment;
4. fund energy conservation, transportation, and technology projects;
5. pay planning and administrative costs related to the above activities; and
6. engage in other activities authorized under the program guidelines.

By February 1, 2010, the act requires the secretary to consult with the Human Services Committee chairpersons and representatives of nonprofit organizations receiving state funding to develop guidelines for (1) administering the grant program, (2) grant eligibility criteria, (3) spending grant funds, and (4) prioritizing grant awards.

Starting by March 1, 2010, the secretary must publish an annual notice that the grant is available and solicit proposals. Eligible organizations must submit funding applications when and how the secretary prescribes. The secretary must use the program guidelines to review applications and determine the projects and amounts to be funded.

§ 56 - RUSHFORD CENTER GRANT REPAYMENT

The act relieves the Rushford Center, Inc., and its successor agency, of the obligation to repay grants received under contracts with the Department of Mental Health and Addiction Services dated September 17, 2001, April 22, 2002, May 27, 2003, and June 20, 2005 and funded with state bond proceeds authorized by the General Assembly. To do so, the act overrides provisions of the prior bond legislation. These provisions require that, as a condition of bond authorizations for grants to entities that are not state political subdivisions, each granting agency include repayment provisions in its grant contract in case the facility for which the grant is made ceases to be used for the grant purposes within 10 years after the grant. The required repayment is reduced by 10% for each full year that the facility is used for the grant purpose.

§ 57 - CLEAN WATER FUND LOAN TO ANSONIA

By law, loans funded by Clean Water Fund revenue bonds must mature within 20 years after projects are completed. The act extends the maturity date of such a loan to Ansonia to up to 30 years. The loan was issued to Ansonia to finance improvements to its sewage treatment plant. The act requires the DEP commissioner and the city to amend their project funding agreement to conform to the act's new maturity date.

§ 58 - GRANTS TO HOMEOWNERS IN NEW HAVEN AND WOODBRIDGE

PA 07-7, June Special Session, authorized \$2 million to DEP for grants to homeowners in New Haven and Woodbridge to compensate them for structural damage to homes near the West River because of subsidence. This act specifies that the New Haven homes eligible for the grants are in the Westville, rather than the Beverly Hills, section of the city.

§ 59 - UNITED SERVICES OF DAYVILLE

The act changes the designated recipient of a grant for altering and expanding facilities for United Services of Dayville from the town of Killingly to United Services of Dayville. The grant is funded by a \$750,000 bond authorization to the Department of Social Services.

§§ 60 & 61 - COMMUNITY COLLEGE SYSTEM

The act expands the purposes of two existing authorizations for the community-technical colleges to include property acquisition. The authorizations are:

1. up to \$4 million for alterations, renovations, and improvements to facilities at all colleges, and
2. up to \$15,118,861 for alterations and improvements to buildings and grounds at Tunxis Community College.

§ 62 - GRANT TO THE CHILDREN'S MUSEUM OF WEST HARTFORD

The act designates the Children's Museum of West Hartford, instead of the town of West Hartford for the Science Center of Connecticut, as the recipient of a \$500,000 grant from a bond authorization to DECD. It also expands the purposes for which the grant may be used from site acquisition and improvements only to planning and development, including site acquisition, construction, renovation, capital equipment, improvements, and relocation. (PA 09-6, September Special Session, (§ 34) repeals these changes and restores the original authorization's grant designee and requirements.)

§ 63 - SHEFF MAGNET SCHOOL START-UP GRANTS

The act authorizes up to \$4 million in GO bonds to SDE for capital start-up cost grants for new interdistrict magnet schools needed to help the state meet the goals of the 2008 *Sheff v. O'Neill* school desegregation settlement. It expands allowable uses for the grants to

include purchasing buildings. Grants may already be used for portable classrooms; leased space; and equipment purchases, including computers and classroom furniture, for such schools.

The act subjects any building purchased with the grants to an existing law requiring that, if a building ceases to be used as an interdistrict magnet school, the education commissioner determines whether its title reverts to the state.

§ 64 - CONNECTICUT BIKEWAY GRANT PROGRAM

A 2007 law authorized up to \$6 million per year in GO bonds for FY 08 and FY 09 to DEP to establish a Connecticut bikeway grants program for municipalities. This act expands the program's purposes to include establishing pedestrian walkways and greenways as well as bikeways and multiuse paths.

Under prior law, grants could be used for planning, design, land acquisition, construction, construction administration, and publications for bikeways and multiuse paths. The act expands these uses to also apply to pedestrian walkways and greenways.

§ 65 - LEGISLATIVE REVIEW OF STATE RAIL PLAN

The act requires the Transportation and Finance, Revenue and Bonding committees to review the state rail plan before DOT submits it to the federal government as required by federal law. DOT must submit the proposed plan to the committees at least 60 days before submitting it to the federal government. In its submission, DOT must describe the process it used to prepare the plan, the people and entities it consulted, any recommendations it received from municipalities and regional planning organizations regarding the plan, and how it responded to them.

The committees must hold a joint hearing on the plan within 30 days after receiving it. Within 14 days after the hearing, they must advise DOT of their suggested modifications to the plan.

§ 66 - RIGHT OF FIRST REFUSAL OF RAIL OR TRACK MATERIAL

The act requires that before directly or indirectly selling, transferring, or otherwise disposing of rail or track material, the transportation commissioner offer it to freight railroad companies for upgrading, first, state-owned rights-of-way, and second, other rail lines located in Connecticut.

If a company accepts the commissioner's offer, the commissioner must transfer the rail or track material to company's designated material site and charge the

company for doing so. For property used to upgrade a state-owned right-of-way, the charge cannot exceed the scrap value of the material the transferred material is replacing. For transferred material to be used to upgrade other rights-of-way, the charge cannot exceed the scrap value of the transferred material.

§ 67 - RAILROAD CROSSING STUDY

The act requires the transportation commissioner to report to the Transportation and Finance, Revenue and Bonding committees on at-grade railroad crossings every three years, beginning October 1, 2009. The reports must:

1. list all such crossings in Connecticut,
2. identify those that are hazardous and indicate how much it would cost to upgrade or eliminate them,
3. indentify federal and other funding sources for the upgrade or elimination projects, and
4. rank the projects in priority order.

After the initial report, future reports must also describe the progress made in upgrading or eliminating hazardous at-grade crossings.

§ 68 - GRANTS FOR COMMERCIAL FREIGHT RAIL LINES

A 2007 act authorized up to \$10 million in GO bonds to the DOT for competitive matching grants for commercial freight rail lines operating in Connecticut. Recipients had to use the grants to improve, repair, and modernize existing rails, rail beds, and related facilities.

This act eliminates the requirement that the grants be matching grants. Instead, it requires grants to be for 100% of costs for improving, repairing or modernizing state-owned rights of way and 70% of the cost for modernizing, repairing, or improving privately owned rail lines. The act authorizes the DOT commissioner to waive the 30% grant match for upgrading privately owned rail lines if the work is shown to increase rail freight traffic.

In awarding grants, the commissioner must give preference to freight rail projects that (1) are on DOT's list of projects eligible for funding under the 2009 federal stimulus act, (2) improve at-grade crossings to eliminate hazards or increase safety, and (3) connect to major freight generators.

§ 70 - SALE OF MUNICIPAL BONDS BY NEGOTIATION

The act allows municipalities, with their legislative bodies' approval, to sell certain types of bonds by negotiation rather than by public bid. In doing so, it overrides local charters and special acts to the contrary.

The authority applies to taxable bonds carrying a federal tax credit to subsidize interest (“tax credit bonds”) and to any bond issue containing an “advance refunding issue” (new bonds issued to refinance previously issued bonds before they mature). It also applies to regional school districts and to any town, city, borough, consolidated town and borough, metropolitan district, special taxing district, or other municipal corporation with the power to tax and issue bonds, notes, or other obligations.

For purposes of meeting statutory requirements for repaying municipal bonds, the act allows a municipality to consolidate the maturity schedules of taxable tax-credit and tax-exempt bonds, if they are issued no more than 15 days apart.

Finally, the act validates all municipal tax-credit and advance refunding bond issues that, before the act’s effective date (September 25, 2009), were sold by negotiation or issued with a consolidated maturity schedule that meets the act’s requirements.

§ 71 - MAXIMUM TERM FOR MUNICIPAL BONDS ISSUED TO COVER COURT-ORDERED PAYMENTS

By law, a municipality or regional school district may issue bonds, notes, or other obligations to pay certain court-ordered payments, if the payment amount exceeds 5% of its total annual tax revenue or \$250,000, whichever is less. Such borrowing may also be used to fund a reserve for property or casualty losses. The act extends the maximum term of such borrowing from 15 to 20 years.

PA 09-3, September 2009 Special Session-SB 2051 *Emergency Certification*

AN ACT IMPLEMENTING THE PROVISIONS OF THE BUDGET CONCERNING PUBLIC HEALTH AND MAKING CHANGES TO VARIOUS HEALTH STATUTES

SUMMARY: This act merges Office of Health Care Access into the Department of Public Health and makes numerous changes to public health, developmental disabilities, and mental health and addiction services programs. The changes are described section-by-section below.

EFFECTIVE DATE: Upon passage, except as noted below.

§§ 1-38 - MERGER OF OHCA WITH DPH

The act makes a number of changes, primarily technical, to merge the existing Office of Health Care

Access (OHCA) with the Department of Public Health (DPH). It establishes an OHCA division, in DPH and under the direction of the DPH commissioner, as a successor to the former, independent OHCA. OHCA will no longer have its own commissioner.

The act establishes a deputy commissioner position to oversee the new OHCA division. The act specifies that the commissioner of the former OHCA serves as this new deputy commissioner and exercises independent decision-making authority over all certificate of need (CON)–related matters, including CON determinations, orders, decisions, and agreed settlements. She can designate an executive assistant. By January 1, 2010, this deputy commissioner, in consultation with the DPH commissioner, must report to the governor and the Public Health Committee on recommendations for CON reform.

The act specifies that any order, decision, agreed settlement, or regulation of OHCA in force as of the act’s passage, continues in force and effect as a DPH order or regulation until amended, repealed, or superseded by law.

Hospitals are currently assessed to fund OHCA. Under the act, hospitals must make these payments to DPH instead of OHCA. By law, they are deposited in the General Fund.

OHCA’s current responsibilities, including health care facility utilization and planning, CON review, hospital charges and payments, data filings, and adoption of regulations, continue under the act.

§§ 39-41 - LOCAL HEALTH DEPARTMENT FUNDING

The act changes the requirements that municipal and district departments of health must meet in order to receive state funding. It eliminates funding for part-time health departments, reduces funding for district health departments, and maintains funding (\$1.18 per capita) for full-time municipal health departments.

The act adds a requirement that a municipality with a full-time health department have a population of at least 50,000 in order to receive annual funding from the state. Existing requirements for municipal health departments, unchanged by the act, require the municipality to (1) employ a full-time health director, (2) have a public health program and budget approved by DPH, and (3) appropriate at least \$1 per capita from annual tax receipts for health department services.

Under prior law, district health departments received annual state funding of (1) \$2.43 per capita for each city, town, and borough in the district with a population of 5,000 or less and (2) \$2.08 per capita for each such jurisdiction with a population over 5,000. The act requires a health district to have a total population of at least 50,000 or serve three or more

municipalities regardless of their combined total population in order to receive state funding. It reduces district funding to \$1.85 per capita. As with municipal departments, districts must have DPH-approved programs and budgets and receive at least \$1 per capita in members' tax revenue.

EFFECTIVE DATE: July 1, 2009

§§ 42, 61 - MANAGED RESIDENTIAL COMMUNITIES

The act eliminates (1) the requirement that managed residential communities (MRCs) be subject to DPH oversight and regulation and (2) DPH's responsibility to investigate complaints about MRC violations of the law and review every MRC's operations every two years. But it retains DPH's authority to adopt regulations governing MRCs and the requirement that MRCs comply with them. MRCs are facilities that provide housing and services for people over age 55, including access to assisted living services.

§§ 43, 59 - SUSTINET

Board Membership

The act increases membership on the SustiNet Health Partnership board of directors from nine to 11 by adding (1) an individual with expertise in either the reduction of racial, ethnic, cultural, and linguistic inequities in health care or multi-cultural competency in the health care workforce, appointed by the healthcare advocate, and (2) an individual appointed by the comptroller. These appointments must be made within 30 days of the act's passage. The initial term for these new board members is five years. The act also increases the number of board members necessary for a quorum from five to six.

Funding Sources

Under existing law, the board must offer recommendations to the General Assembly on the structure of the entity best suited to oversee and implement the SustiNet Plan. These recommendations can include the creation of a public authority authorized, among other things, to raise funds from private and public sources outside of the state budget to contribute toward support of its mission and operations. The act specifies that this includes applying for and receiving federal funds.

§§ 44-46 - BIRTH-TO-THREE FEE AND INSURANCE INCREASES

The act increases the fee certain families must pay to participate in the Birth-to-Three Program and

eliminates the two months of free service that, by regulation, are provided following enrollment. It requires the Department of Developmental Services (DDS) to increase the fees by 60%. It also requires DDS to base the fees on the state's, as well as parents', financial resources and periodically to revise its fee schedule.

The law requires DDS to charge a fee for families with gross incomes over \$45,000 and permits it to charge parents with lower incomes. But DDS may not charge any family whose child is eligible for Medicaid. DDS maintains two sliding scale fee schedules, one for families with health insurance and one for uninsured families, based on income and family size. Fees currently range from \$15 a month for a family with three or fewer children and no insurance to \$310 a month for a family with six or more children and insurance whose income is over \$175,000. DDS regulations require the State Interagency Birth to Three Coordinating Council to review and make recommendations to DDS about the fee schedule at least every three years.

The law requires group and individual health insurance policies to cover birth-to-three services. The act doubles the maximum annual coverage to \$6,400 per child and the aggregate, three-year benefit to \$19,200. It applies to individual and group health insurance policies delivered, issued, renewed, amended, or continued in Connecticut that cover (1) basic hospital expenses; (2) basic medical-surgical expenses; (3) major medical expenses; and (4) hospital or medical services, including coverage under an HMO plan. Due to federal law (ERISA), state insurance benefit mandates do not apply to self-insured benefit plans.

§§ 47-49 - SEXUAL ASSAULT FORENSIC EXAMINERS

Sexual Assault Forensic Examiners Program

The act authorizes the Office of Victim Services (OVS) to establish a program to train sexual assault forensic examiners (SAFE) and make them available to adult and adolescent sexual assault victims at participating hospitals. It allows OVS to apply for and use funds from federal, state, and private sources for the program.

The act requires a SAFE to be a physician or a registered or advanced practice registered nurse. Under the act, a SAFE may provide immediate care and treatment to a sexual assault victim in a hospital and collect evidence. In doing so, the SAFE must follow (1) existing state sexual assault evidence collection protocols and (2) the hospital's policies, accreditation standards, and written participation agreement with OVS and DPH.

The act specifies that it is not to be construed to alter the scope of nursing practice established in statute.

Sexual Assault Forensic Examiners Advisory Committee

The act creates a 12-member committee to advise OVS on establishing and implementing the program.

Responsibilities. The committee must make recommendations to OVS on:

1. recruiting nurses and physicians and developing a specialized training course for them;
2. developing agreements between Judicial Branch, DPH, and participating hospitals on the program's scope of services and hospital standards for providing the services;
3. mechanisms for tracking individual cases;
4. using medically accepted best practices; and
5. developing quality assurance mechanisms.

Membership. The committee consists of:

1. the chief court administrator, chief state's attorney, victim advocate, and DPH commissioner, or their designees;
2. one representative each of the Public Safety

Department's Scientific Services and State Police divisions, appointed by the public safety commissioner;

3. the presidents of the Connecticut Hospital Association and Connecticut College of Emergency Physicians, or their designees;
4. a person appointed by the directors of Connecticut Sexual Assault Crisis Services, Inc.; and
5. one appointee each from the Connecticut Chapter of the International Association of Forensic Nurses, the Connecticut Police Chiefs Association, and the Connecticut Emergency Nurses Association.

The committee terminates on June 30, 2012.

§ 50 - BUDGET TRANSFERS

The act revises three DDS appropriations for FYs 10 and 11 adopted in PA 09-3, JSS, as shown in the following table.

Department of Developmental Services Appropriations

<i>Purpose</i>	FY 10		FY 11	
	<i>PA 09-3, JSS</i>	<i>Act</i>	<i>PA 09-3, JSS</i>	<i>Act</i>
Personal Services	\$305,242,900	\$304,742,900	\$305,072,458	\$304,572,458
Voluntary Services	33,692,416	32,692,416	33,692,416	32,692,416
Community Residential Services	377,947,857	379,447,857	388,998,055	390,498,055

§§ 51-52 - PAYMENT FOR TUBERCULOSIS TREATMENT

By law, individuals with tuberculosis (TB) who require medical care provided by a (1) state chronic disease hospital, (2) private hospital or clinic, or (3) physician or other provider, must be seen without regard to the patient's financial condition. The cost of the care and treatment of such patients is computed based on a number of statutory provisions. The state pays these costs if DPH deems them appropriate for TB treatment.

The act specifically authorizes the DPH commissioner to consider available third-party sources for payment of TB treatment when determining whether to pay for it. By law, if the patient is (1) a veteran and the TB or suspected TB for which the veteran has been

hospitalized or treated is a service-connected disability entitling him to medical benefits or (2) eligible for medical benefits under workers' compensation or under any private or public medical insurance or payment plan, then the patient or the patient's obligor is liable for the costs of the care to the extent of such available benefits. The costs of such care must be determined according to the existing statutory process by which the comptroller annually determines the per capita per diem cost for the support of people in humane institutions.

The act authorizes DPH and the Department of Social Services (DSS) to exchange patient information they hold to determine if any patient needing or receiving TB treatment is eligible for Medicaid benefits.

§ 53 - DMHAS ACTING FOR MEDICARE PART D

The act permits the DMHAS commissioner, after consulting with the administrative services commissioner, to (1) bill directly for prescriptions under Medicare Part D or contract with a private entity to do so and (2) enter into agreements and contracts, including negotiated reimbursement rates, for Medicare Part D plans for DMHAS clients. It supersedes existing law that makes the administrative services commissioner responsible for acting and collecting money due to the state for public assistance cases. The law authorizes the DMHAS commissioner or the commissioner's designee to represent a DMHAS client or assistance beneficiary for purposes of (1) enrolling him or her in the Medicare Part D prescription drug program, (2) selecting a Part D drug plan if the person does not select one within a reasonable time after being informed of the opportunity to do so, and (3) applying for the low-income subsidy available under the Medicare drug program.

§§ 54-55 - PRETRIAL ALCOHOL AND DRUG PROGRAMS

The act increases fees for both the pretrial alcohol and drug education programs and makes them more uniform. These programs are available to certain people charged with driving a motor vehicle or operating a boat under the influence of alcohol or possessing drugs or drug paraphernalia. If a person wants to take advantage of the programs, the court seals the case files to the public and refers the individual for assessment and placement in an intervention or treatment program.

Alcohol Education

The act renames the pretrial alcohol education system as the pretrial alcohol education program. It increases the program application fee from \$50 to \$100. It retains the \$100 nonrefundable evaluation fee and requires crediting it to the pretrial account. It requires anyone approved for participation to begin within 90 days after the court orders it, unless the court grants a delay. By law, the court can order a person to participate in either a 10- or 15-session intervention program. The act raises the fee for the 10-session program to \$350 from \$325 and retains the \$500 fee for the 15-session program.

The act establishes procedures for the court to follow when dealing with a person who does not successfully complete an intervention program or is found no longer amenable to treatment. Under prior law, if the program provider certified either of these circumstances, the court unsealed the court record, entered a not guilty plea for the individual, and

scheduled a trial; in practice, the court reinstated people in intervention programs. Under the act, if the program provider certifies either of these circumstances it must, to the extent practicable, (1) recommend to the court whether a 10- or 15-session intervention or placement in a state-licensed alcohol treatment program would best serve the person's needs and (2) indicate whether the person had been in an initial program or had been reinstated. If the person does not pursue reinstatement or if the court denies it, the court must proceed to trial as under prior law.

The act imposes a nonrefundable \$175 dollar reinstatement fee for a 10-session intervention program and \$250 for 15 sessions. It limits a person to two reinstatements; the fees apparently apply for each reinstatement. The act allows the court to waive the fee for good cause, otherwise the person must pay it. The reinstatement fee must be credited to the pretrial account. The act requires the Court Services Support Division (CSSD) to confirm that the person is eligible for reinstatement and the court to order reinstatement. A person reinstated in a treatment program is responsible for paying any costs associated with reinstatement.

The act increases, from seven years to 10, the time the Motor Vehicle and Environmental Protection departments must keep records of people's participation in the program. It retains the seven-year retention requirement for CSSD.

Drug Education Program

The act creates three program options: 10- and 15-hour intervention programs and a drug treatment program. Previously, the program ran for 12 hours over eight sessions. Under the act, once the court allows a person to participate in the program, it must refer him or her to DMHAS for evaluation (presumably to determine which of the three options is most appropriate).

The act establishes a \$100 application fee and a \$100 evaluation fee. It establishes a \$500 fee for the 15-session program; the 10-session fee remains \$350. All fees must be credited to the pretrial account. The act makes people ordered into substance abuse treatment responsible for paying program costs. As under prior law, (1) indigent people cannot be excluded from any program and (2) program fees are not refundable if a person is later found ineligible to participate or fails to complete a program.

The act extends to all components of the drug education program the prohibition against participation for anyone who previously participated in it or the community service labor program.

It requires people placed in the drug education program to receive appropriate intervention or treatment services as recommended in their evaluation. Placement cannot exceed one year. Treatment services must be

provided only at a state-licensed facility that complies with all state standards governing its operations.

Under the act, program participants must agree to (1) complete whichever option the court orders and (2) begin participating within 90 days after the order is entered; the law already requires them to agree to accept placement in a treatment program after completing the education program if a DMHAS provider recommends this. The act increases the time people participating in the drug education program must also participate in the community service labor program. Prior law required them to participate for four days. The act requires those in the 10-session intervention program or the treatment program participate in community service labor for at least five days while those in the 15-session program must participate for at least 10 days.

The act creates the same reinstatement procedures and fees for the substance abuse education program as it does for the alcohol education program (see above). It increases, from seven years to 10, the time CSSD must keep records of people's participation in the program.

EFFECTIVE DATE: January 1, 2010

§ 56 - DMHAS/DSS MEMORANDUM OF UNDERSTANDING

The act requires DMHAS and DSS to enter into a memorandum of understanding under which DMHAS will continue to manage the State Administered General Assistance behavioral health program.

§ 57 - DDS PROVIDER REIMBURSEMENT STUDY

The act establishes a 29-member advisory committee to study the effect of switching the way DDS pays private providers for support services. Currently, DDS enters into a fixed-sum, master contract with each provider; the act contemplates moving to an attendance-based, fee-for-service reimbursement system. The study must include:

1. ways to ensure that providers continue to receive reimbursement under the master contract system while the new system is studied;
2. participation by a large and diverse group of providers based on their reimbursement and attendance rates;
3. a review of the appropriateness of a level-of-need tool and reimbursement rates, the process for completing such tools, ways to link levels of need to funding, and level-of-need scores and ways to appeal them;
4. the identification of the costs of raising low-wage providers to a standard wage rate while holding high-wage providers harmless;
5. an analysis of attendance factors based on clients' health and staff vacation, holidays, and personal and paid time off;
6. the identification of a reasonable attendance factor that would keep providers whole and maintain normalization and integration philosophies;
7. a determination of appropriate models for reimbursing providers for transporting clients;
8. a review of acting and documentation systems to identify information technology and related costs;
9. the identification of ways to maintain cash flow to providers and systematically increase rates to keep pace with increases in service costs; and
10. examination of efficiencies in the service delivery system.

The committee is composed of:

1. the chairpersons and ranking members of the Appropriations, Human Services, and Public Health committees;
2. the chairpersons and ranking members of the Appropriations Committee's Health Subcommittee;
3. a member the governor designates;
4. the DDS commissioner or his designee;
5. a member of the Office of Policy and Management, appointed by the secretary;
6. a member of DSS's Medicaid unit who has oversight of DDS reimbursements, appointed by the DSS commissioner;
7. the Connecticut Community Providers Association's chief executive officer or his or her designee;
8. The Connecticut Association of Nonprofits' executive director, or the director's designee;
9. a chief financial officer of a community provider organization appointed by the community providers association's executive director;
10. an information technology officer of a community provider organization appointed by the Connecticut Association of Nonprofits' executive director;
11. a member appointed by the president of the labor organization that represents the majority of the workers who perform the services in these programs; and
12. three DDS employees, one each in operations, information technology, and audits.

All appointments to the committee must be made within 30 days after the act's passage. The House speaker and Senate president pro tempore select the committee's chairpersons who must schedule its first meeting with 60 days after the act's passage. The

appointing authority fills any vacancies. DDS staff serves as the committee’s administrative staff.

The committee must report its finding and recommendations by January 1, 2011 to the Appropriations, Human Services, and Public Health committees. It terminates on that date or the date it submits its report, whichever is earlier.

§ 58 - HEALTH CARE PROVIDER PEER REVIEW CONFIDENTIALITY

The act specifies that materials or information produced for peer review purposes, in any format or media, are not subject to disclosure under the Freedom of Information Act (FOIA). By law, “peer review” means the procedure for health care professionals to evaluate the quality and effectiveness of services ordered or performed by other health care professionals. This includes practice analysis, inpatient hospital and extended care facility utilization review, medical audit, ambulatory care review, and claims review.

The act specifies that it does not preclude DPH from accessing peer review materials and information in connection with any department review or investigation of a provider’s license. But DPH may not disclose the information to anyone outside of the agency, except as necessary to take disciplinary action against the provider, and the information cannot be disclosed under FOIA. The act also specifies that it does not limit other protections on peer review provided by law.

Background

The Connecticut Supreme Court recently held that records of a public hospital that would be privileged from discovery under Connecticut’s peer review statute are subject to disclosure pursuant to proceedings before the state’s Freedom of Information Commission (*Director of Health Affairs Policy Planning, University of Connecticut Health Center v. Freedom of Information Commission*, Conn., No. SC 18286, August 25, 2009).

§ 60 - UCONN HEALTH CENTER MALPRACTICE FUND

The UConn Health Center Finance Corporation was created to allow the John Dempsey Hospital and the UConn medical and dental schools to operate with greater flexibility by acquiring and disposing of equipment and real property and entering into contracts and joint ventures on their behalf. By law, the corporation administers a separate insurance fund through which it insures the hospital and itself against malpractice claims and associated expenses. It may self-insure and purchase insurance to cover claims and expenses.

Prior law required the UConn Board of Trustees to determine actuarially the amount of funds needed to protect the hospital and which must be transferred to the insurance fund from the hospital’s revolving fund. The act eliminates the requirement that the funding determination be actuarially based.

It also eliminates the requirement that any self-insurance program paid from the insurance fund be operated on an actuarially sound basis. It continues to require the hospital to provide additional money that the corporation determines is needed to meet the fund’s self-insurance obligations. The act gives the UConn Board of Trustees sole authority to determine and approve the funding level needed, rather than have this amount determined on an actuarial basis as under prior law.

§ 61 - REPEALED SECTIONS

The act repeals obsolete OHCA statutes, a section on TB treatment payment for consistency with new language in the act, and provisions related to DPH responsibilities concerning managed residential care communities. PA 09-7, September Special Session, reinstates one of the repealed OHCA statutes, which requires that payments to hospitals based on DSS-established inpatient hospital rates include any inpatient service days provided in a new long-term acute care hospital or satellite facility established as a demonstration project (CGS § 19a-617c).

PA 09-4, September 2009 Special Session-HB 7003
Emergency Certification

AN ACT CONCERNING THE CONVEYANCE OF CERTAIN PARCELS OF STATE LAND

SUMMARY: This act:

1. authorizes conveyances of state property to the towns of Bridgeport, East Lyme, Putnam, South Windsor, and Trumbull;
2. amends prior conveyances in Greenwich, Griswold, Middletown, New Britain, New Haven, Norwalk, and Windham;
3. requires (a) the Department of Transportation (DOT) to convey an easement to Danbury, (b) the Department of Environmental Protection (DEP) to lease property to Ridgefield, and (c) the Department of Public Works (DPW) to grant an easement to Norwich at Three Rivers Community College and transfer and convey an easement for the Department of Developmental Services to Enfield;
4. authorizes DPW to acquire title from Torrington for a portion of Clark Street;

5. allows DEP to lease or authorize occupancy to preserve the Penfield Lighthouse; and
6. exempts the sale of a particular parcel of electric company real property in Rocky Hill from the law that requires the company to use sale proceeds to reduce its stranded costs.

The act authorizes the exchange of maintenance facilities between DOT (a 3.375 acre parcel) and the town of Westbrook (2.087 acres). The transaction is subject to State Properties Review Board (SPRB) approval and the town must pay the administrative costs while DOT is required to pay for any property survey.

The act gives DEP exclusive custody and control of all publicly-owned Connecticut River islands north of East Windsor across to South Windsor and south of King's Island.

EFFECTIVE DATE: Upon passage

NEW CONVEYANCES

The act requires the following conveyances from the agencies to the towns named for the purposes specified where applicable:

1. the Military Department to East Lyme for municipal purposes (0.9 acres);
2. DOT to South Windsor for economic development purposes, provided that proceeds from any subsequent sale or lease of the parcel must be deposited in the state's General Fund (1.96 acres);
3. the Military Department to Putnam for recreational or municipal purposes (3.56 acres);
4. DOT to Trumbull for fair market value plus administrative costs (0.32 unrestricted acres); and
5. DEP to Bridgeport, two parcels (33 acres located in Trumbull) for \$2.8 million plus administrative costs for educational and municipal purposes.

Unless Bridgeport begins construction of a regional magnet high school within 10 years or maintains the property as a public park (with such a restriction recorded in Trumbull land records), the property reverts to the state. The DEP commissioner must use the sale proceeds to purchase property in Bridgeport and may consider a previously identified 10-acre site.

Within 120 days of the act's passage, the act requires DEP to lease to Ridgefield for \$1 per year for a term of 10 years, 2.146 acres for recreational purposes. DEP must give the town at least two years' notice before changing the terms of the lease.

Each of the new conveyances and the lease agreement are subject to the SPRB's approval within 30 days and must be made at a cost equal to the administrative cost of the conveyance, unless otherwise

noted. With the exception of the Trumbull parcel from DOT, the property reverts to the state and the Ridgefield lease terminates if the recipient uses the property for any purpose other than that specified in the act.

CONVEYANCE AMENDMENTS

The act amends a 2007 land conveyance from the DOT to Derek Viel, conveying the 0.06-acre parcel instead to the city of New Britain.

The act adds the improvements on two parcels of land that the Department of Children and Families conveyed to Middletown in 1999 at fair market value. It changes the specified use from redevelopment to open space and amends the price of the property that was to have been reduced by the amount of demolition and disposal costs necessary to redevelop the parcels. Under the act, the price reduction compensates the city for its costs to prepare the parcels for use as open space. It also deletes a provision that required the proceeds from the sale to be deposited in the Connecticut Juvenile Training School's donation fund.

The act substitutes municipal purposes for open space as the required use for 0.49 acres of DPW property conveyed in 1998 to Greenwich. It deletes from the reversion clause a requirement in a 2007 conveyance from DEP to Griswold that it develop recreational fields within five years of the conveyance. It makes a technical correction to a 2008 authorization to convey land from Norwalk to the state.

The act requires DEP to convey to Loretta M. Budkofsky for \$825 land in Windham that the state mistakenly acquired.

It conveys property adjacent to the Air Rights Garage in New Haven to the city of New Haven, rather than transferring it to the Department of Mental Health and Addiction Services (DMHAS) for parking. The city must use the 2.7-acre parcel for economic development; under the 2007 conveyance, DMHAS had to use it for Connecticut Mental Health Center parking. This act's conveyance to the city includes the typical conditions that it be made for administrative costs and subject to the SPRB's approval, and includes the reversion requirement. Under the act, New Haven may convey or lease all or part of the property for economic development and, if it does so, must transfer to the state any proceeds above the cost of improvements. New Haven must get State Traffic Commission and DOT approval to adjust the Route 34 right-of-way.

EASEMENTS

The act requires DOT to convey to Danbury, for the fair market value of a defined trail corridor, an easement over DOT land for the creation of the Ives Trail and Greenway. DPW must grant an easement in favor of

Norwich at Three Rivers Community College along New London Turnpike to provide sidewalks and a snow shelf area and another easement to Enfield on behalf of the Department of Developmental Services.

LIGHTHOUSE

The act authorizes DEP to lease or otherwise authorize control over the submerged lands associated with Penfield Reef Lighthouse with a right of occupancy to preserve it pursuant to provisions of state and federal law. It limits any lease to no more than 10 years, subject to renewal, and allows for reasonable public access, preservation, and education.

UTILITY COMPANY PROPERTY

By law, the net proceeds of all sales and leases of electric company real property received after July 1, 1998 must be used to reduce the company's stranded costs. These are costs that the company had incurred, with the approval of the Department of Public Utility Control (DPUC), whose recovery was jeopardized with the passage of the electric deregulation law. The act exempts the sale of part of a specific parcel in Rocky Hill from this requirement. The exemption applies if DPUC approves the sale, before July 1, 2011, of approximately 26 acres. The exemption applies to approximately 22 acres of this parcel that (1) is no longer used or useful, as determined by DPUC; (2) is not and never was in the company's rate base; and (3) was maintained by the company's shareholders. By law, utility companies are allowed to recover in rates the cost of property in their rate bases, as long as this property is used and useful.

4. moving the Children's Trust Fund and its council from the Department of Children and Families (DCF) (where it exists for administrative purposes only) to DSS and making DSS the lead state agency, in collaboration with the Fund, for community-based, prevention-focused programs and activities;
 5. making numerous changes in the state's Medicare Part D-related programs (ConnPACE and Medicaid for the dually eligible), including (a) requiring clients of these programs to enroll in Part D benchmark plans and (b) increasing the annual registration fee, (c) freezing for two years the income limits, and (d) instituting an enrollment period in the ConnPACE program;
 6. generally freezing for two years the Medicaid rates the state pays to nursing homes and intermediate care facilities for people with mental retardation, eliminating most fair rent increases to nursing home rates, and beginning in FY 11, requiring DSS to delay June Medicaid payments to nursing homes until July;
 7. eliminating mental health drugs' blanket exemption from DSS' preferred drug list;
 8. freezing benefit levels for two years in the Temporary Family Assistance, State Administered General Assistance, and State Supplement programs;
 9. requiring the public health commissioner to ensure that unlicensed residential care home staff who administer medication are certified to do so;
 10. requiring prior authorization for many nonemergency dental services for DSS clients;
 11. requiring DSS, within available appropriations, to establish a fall prevention program;
 12. requiring additional cost sharing in the state-funded Connecticut Home Care Program for Elders;
 13. reducing DSS reimbursements to pharmacies serving DSS program clients; and
 14. delaying the implementation of the Money Follows the Person (MFP) II demonstration program from July 1, 2009 until July 1, 2012.
- EFFECTIVE DATE: Upon passage

PA 09-5, September 2009 Special Session-HB 7005
Emergency Certification

AN ACT IMPLEMENTING THE PROVISIONS OF THE BUDGET CONCERNING HUMAN SERVICES AND MAKING CHANGES TO VARIOUS SOCIAL SERVICES STATUTES

SUMMARY: This act implements sections of the FY 10-11 state budget pertaining to human services. Its major provisions include:

1. creating a state False Claims Act applicable to medical assistance programs the Department of Social Services (DSS) administers;
2. delaying by two years the reestablishment of the Department on Aging;
3. eliminating most state-funded medical assistance for legal alien adults who have lived in the U.S. for less than five years;

§§ 1-18 - FALSE CLAIMS ACT FOR DSS PROGRAMS

The act creates a Connecticut False Claims Act (FCA) applicable to the medical assistance programs that DSS administers (presumably Medicaid, State-Administered General Assistance (SAGA), HUSKY B,

and Charter Oak). The 2005 federal Deficit Reduction Act permits states that adopt their own FCA to keep a greater share of any Medicaid funds they recover under it.

State law already sets up a process for prosecuting someone who commits welfare fraud, including fraud in DSS' medical assistance programs.

§ 2 - Violations

With respect to goods and services rendered through all DSS medical assistance programs, the act prohibits anyone from:

1. knowingly presenting, or causing to be presented to a state employee or officer, a false or fraudulent claim for payment or approval;
2. knowingly making, using, or causing to be made or used, a false record or statement to secure payment or approval of a false or fraudulent claim under these programs;
3. conspiring to defraud the state by securing the allowance or payment of a false or fraudulent claim;
4. having possession, custody, or control of property or money used, or to be used, by the state relative to these programs, and, with intent to defraud the state or willfully conceal the property, deliver or cause to be delivered less property than the amount for which the person receives a receipt or certificate;
5. being authorized to make or deliver a document certifying receipt of property used, or to be used, by the state relative to these programs and, with intent to defraud the state, make or deliver the document without completely knowing that the information on it is true;
6. knowingly buying, or receiving as a pledge of an obligation or debt, public property from a state employee or officer who may not legally sell or pledge the property; and
7. knowingly making, using, or causing to be made or used, a false record or statement to conceal, avoid, or decrease an obligation to pay or transmit money or property to the state.

The act defines the state as the State of Connecticut, any agency or department, and any quasi-public agency defined in law.

Penalties

Anyone who commits any of the above violations is liable for:

1. a civil penalty between \$5,000 and \$10,000;
2. three times the amount of damages to the state due to the violation; and

3. the costs of investigating and prosecuting the violation.

The liability is joint and several (claimant can pursue an obligation against any one party as if the party was jointly liable and it is the defendants' responsibility to sort out their respective degrees of liability) for any violation committed by two or more people.

An individual faces a smaller penalty for damages (#2, above) if a court finds that (1) the person committing the violation provided state investigators with all information he or she knew about it within 30 days after first obtaining that information; (2) the person fully cooperated with state investigators; and (3) when he or she provides the state the information, (a) no criminal, civil, or administrative actions have begun (see below) and (b) the person had no knowledge of an investigation. In these instances the court can assess a penalty of not less than twice the amount of damages. The act exempts any information a person provides under these circumstances from disclosure under the Freedom of Information Act (FOIA).

§ 3 - Attorney General-Initiated Civil Actions

The act authorizes the attorney general to investigate any alleged violations. Information obtained during the investigations is exempt from disclosure under FOIA. If the attorney general finds that a violation has occurred or is occurring, he can bring a civil action in Hartford Superior Court.

§ 4 - Other Civil Actions

The act also authorizes any other person to bring a civil action against a violator on the person's and the state's behalf. These actions subsequently can be withdrawn only if the court and the attorney general give written consent and their reasons for doing so. In these actions or actions under the federal False Claims Act, only the state can intervene or bring a related action based on the facts underlying the pending action.

The person bringing the action must provide a copy of the complaint and written disclosure of substantially all material evidence and information he or she has by serving the attorney general in the same way civil actions are brought against the state. Among other things, this includes leaving a true and attested copy of the process, including the declaration or complaint, at the Attorney General's Office in Hartford.

The complaint must be filed *in camera* (in private), remain sealed for at least 60 days, and cannot be served on the defendant until a court orders it. The motion to seal the complaint can be supported by *in camera* affidavits or other submissions. The court, upon the attorney general's motion, can, for good cause, extend the time during which the complaint is sealed. Before

the sealed period ends, the attorney general must (1) proceed with the action, which he must conduct or (2) notify the court that he has declined to take over the action, in which case the person can proceed to bring the action.

If the court orders that the complaint be unsealed and served, it must issue an appropriate order requiring the same notice that is ordinarily required to bring a civil action. The defendant cannot be required to respond to any complaint until 30 days after service.

§ 5 - Attorney General Proceeds With or Withdraws From Action

If the attorney general decides to proceed with the action, he has the primary responsibility for prosecuting it and is not bound by any act of the person bringing it. But the person can continue as a party to it, subject to limits described below.

The act authorizes the attorney general to withdraw the action regardless of any objections by the person bringing it if the attorney general notifies the person of his motion and the court provides the person the opportunity for a hearing. Likewise, the attorney general can settle with the defendant even if the person bringing the action objects if the court, after a hearing, determines that the proposed settlement is fair, adequate, and reasonable under all the circumstances. These hearings can be held *in camera* for good cause.

§§ 13, 14 - Proving Essential Elements Through Preponderance of Evidence

Under the act, whoever brings the FCA action must prove all its essential elements, including damages, by a preponderance of the evidence.

The act specifies that regardless of any other contrary state law, a final judgment in the state's favor against a defendant in any criminal proceeding charging fraud or false statements, whether after a trial or plea of guilty or no contest, prevents the defendant from denying the essential elements of the offense in a civil action that involves the same transaction as the criminal proceeding.

§ 5(d) - Court Limits on Person's Participation in Action

The act gives the court discretion to limit participation by the person bringing the action when either the attorney general or defendant can show cause. Specifically, the attorney general must show that unrestricted participation would (1) interfere with or unduly delay prosecution of the case or (2) be repetitious, irrelevant, or constitute harassment. The defendant must show that unrestricted participation

would constitute harassment or would cause him or her undue burden or unnecessary expense. The court can limit (1) the number of witnesses the person can call, (2) the length of their testimony, (3) cross-examination, and (4) their participation in other ways it chooses.

§ 5(e)(f) - Rewards for Person Bringing Actions

The act provides that if (1) the court awards civil penalties or damages to the state or (2) the attorney general settles and receives civil penalties or damages, the person bringing the action must receive between 15% and 25 % of the proceeds, based on the extent to which he or she substantially contributed to the prosecution.

The court can award the person less than 15% in certain cases. When it finds that the action is based primarily on disclosures of specific information relating to allegations or transactions (1) in a criminal, civil, or administrative hearing; (2) in a report, hearing, audit, or investigation conducted by the General Assembly or one of its committees, the state auditors, or a state agency or quasi-public agency; or (3) from the news media, the court may award the person an amount it deems appropriate, but no more than 10% of the proceeds, taking into account the significance of the information and the person's role in advancing the case to litigation.

In either instance, the person must also receive an amount for the reasonable expenses that the court finds he or she incurred necessarily, plus reasonable attorney fees and costs. The defendant must pay all of these expenses, fees, and costs.

§ 6 - Stays of Discovery

The act provides that whether or not the attorney general proceeds with an action, if he requests and can show that certain motions or requests for discovery by the person bringing the action would interfere with the state's investigation or prosecution of a criminal or civil matter arising from the same facts, the court can stay the discovery for up to 60 days. This showing must be done *in camera*. The court can extend the stay for an additional 60 days upon further *in camera* showing that the state has pursued its investigation or proceedings with reasonable diligence and any proposed discovery in the individual's civil action will interfere with the state's case. The act allows the chief state's attorney or state's attorney for the appropriate judicial district to explain to the court the potential impact of the discovery on a pending criminal investigation or prosecution.

§ 6 - When Attorney General Declines to Proceed

The act empowers the person bringing the action to conduct it when the attorney general declines to

proceed. If the attorney general makes this decision and asks, the court must order that copies of all pleadings filed in the action and of any deposition transcripts be provided to the state. When the person proceeds with the action, the court, without limiting the person's status or rights, can permit the attorney general to intervene at a later date if he can show good cause.

When Individual Prevails. The act provides rewards for people bringing or settling these actions that the court decides are reasonable. The reward is between 25% and 30% of the proceeds. As with the actions the attorney general brings, the person must also be reimbursed for expenses and legal fees and costs.

When Defendant Prevails. Under the act, if the defendant prevails in these actions and the court finds that the claim was clearly frivolous or vexatious or brought primarily to harass, the court can require the person bringing the action to pay the defendant's attorney fees and expenses.

§ 7 - Alternate Means to Pursue State's Claim

The act authorizes the attorney general to pursue the state's claim through any alternate remedy available to the state, including an administrative proceeding to determine a civil penalty. If he pursues an alternate remedy, the person bringing the action has the same rights as he or she would have had if the action had continued in court. Any final fact finding or conclusion of law made in an alternate proceeding is conclusive on all parties to the court action. A finding or conclusion is final if it has been finally determined on appeal to the appropriate state court, if the time for filing an appeal has expired, or if it is not subject to judicial review.

§ 8 - When the Person Bringing the Action Planned or Initiated the Violation

The act provides that if the court finds that the action was brought by someone who planned and initiated the violation upon which the action is brought, the court can reduce the share of the proceeds the person would otherwise receive (10-30%), taking into account the person's role in advancing the case to litigation and any relevant circumstances relating to the violation.

If the person bringing the action is convicted of criminal conduct arising from his or her role in the violation, he or she must be dismissed from the civil action and may not receive any share of the proceeds. A dismissal does not prejudice the attorney general's right to continue the action.

§ 9 - Court Jurisdiction Limited

Unless the attorney general brings the action or the person bringing it is an original source of the

information, the act provides that the court does not have jurisdiction over an action:

1. against a member of the General Assembly or the judiciary, an elected state officer or a state department head if the action is based on evidence or information known to the state when the action was brought;
2. that is based on allegations or transactions that are the subject of a civil suit or an administrative civil penalty proceeding in which the state is already a party; or
3. that is based on the public disclosure of allegations or transactions (a) in a criminal, civil, or administrative hearing; (b) in a report, hearing, audit, or investigation conducted by the General Assembly or one of its committees, the state auditors, a state agency, or quasi-public agency; or (c) from the news media.

An "original source" means an individual who has direct and independent knowledge of the information on which the allegations are based and has voluntarily provided it to the state before filing the action based on the information.

The court likewise has no jurisdiction over actions brought by a person who knew or had reason to know that the attorney general or another state law enforcement official knew of the allegations or transactions before the person filed the action or disclosed the material evidence to the attorney general.

§ 10 - No State Liability for Expenses Incurred by Individuals Bringing Actions

The act provides that the state is not liable for expenses that a person bringing an action incurs.

§ 11 - Whistle-Blower Protections

The act provides that any employee who is discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against by his or her employer because the employee lawfully acts on his, her, or others' behalf in furthering one of the act's actions, including investigating, initiating, or testifying or assisting in, an action filed or to be filed under the act, is entitled to all relief necessary to make the employee whole.

This relief, which the employee can request through Superior Court, must include (1) reinstatement with the same seniority status that the employee would have had except for the discrimination and (2) twice the amount of any back pay, plus interest on it, and compensation for any special damages that the discrimination caused, including litigation costs and reasonable attorneys' fees.

§ 12 - Statute of Limitations

The act specifies that any FCA action it permits cannot be brought (1) more than six years after the date the violation occurs or (2) more than three years after the date when material facts are known or reasonably should have been known by the state official charged with acting on them, whichever occurs later, but in no event can an action be brought more than 10 years after the date the violation is committed.

§ 15 - Non-Exclusivity of Remedies

The act provides that its FCA provisions and the state Whistleblower Law are not exclusive and its remedies are in addition to any others provided in state, federal, or common law.

§§ 16-17 - Authority for Attorney General to Act; Confidentiality of Records

By law, the attorney general has the power to summon witnesses and take other steps when investigating whistleblowing complaints brought to the state auditors against state or quasi-public agencies or involving large state contracts. The act extends this authority to enable him to begin investigating suspected FCA violations before he files a civil action under the act.

The act also provides that neither the state auditors nor the attorney general may disclose the identity of the person who provided information under these FCA provisions without his or her consent unless they determine that disclosure is unavoidable. By law they may withhold records of an ongoing investigation.

The act also exempts from disclosure under the FOIA records of an investigation or the name of an employee providing information under the FCA.

§ 18 - False Claims Report

The act requires the attorney general to report to the General Assembly and the governor beginning on the 30th day after the act's passage and annually thereafter on:

1. the number of civil actions he and private individuals filed under the FCA during the previous calendar year;
2. with respect to civil actions filed by private individuals during that period, the number that remain under seal, the number of actions filed by court location, the state agency or program involved in the action, and the number of actions filed by people who previously filed actions under the federal FCA or another state's FCA;

3. any known amount the state recovered from these actions in settlements, damages, penalties, and litigation costs; and
4. for all recoveries, the case number and parties; a breakdown of damages, penalties, and litigation costs; and the amount and percentage paid by the state to the person who brought the civil action.

The act requires the attorney general to include in his first report information on false claim actions brought under the state FCA during the previous calendar year. However, the FCA provisions are effective upon passage and were not in existence during the previous year; thus, it does not appear that the attorney general can provide any information in the first report.

§ 19 - DELAY START OF DEPARTMENT ON AGING

The act postpones the reestablishment of the state Department on Aging by two years, from July 1, 2008 to July 1, 2010.

Connecticut disbanded its Department on Aging in 1993 and merged most of its functions and personnel into DSS as the Division of Elderly Services. (This division was renamed the Aging Services Division several years ago.) In 2005, the legislature reestablished the department effective January 1, 2007, but PA 07-2, JSS postponed the reestablishment date to July 1, 2008.

§§ 20, 55, 64, 78 - MEDICAL ASSISTANCE FOR QUALIFIED ALIENS

Termination of Medical Benefits (§64)

The act eliminates most state-funded medical assistance coverage for legal immigrant adults and certain others who have lived in the U.S. for less than five years. (After five years they generally qualify for federally funded assistance.)

Specifically, it eliminates coverage under two state-funded medical assistance (State-Funded Medical Assistance for Non-Citizens (SMANC) and HUSKY B), programs to assist legal immigrants and certain other residents who are ineligible for Medicaid and the federal State Children's Health Insurance Program (SCHIP, HUSKY B in Connecticut) because they have lived in the U.S. for less than five years.

But those immigrants who were receiving home care services or nursing home care under the SMANC program on September 8, 2009 continue to receive coverage for these services or care as long as they meet Medicaid eligibility criteria other than their immigrant status. Likewise, assistance continues for individuals who are receiving nursing home care, applied for SMANC before September 8, 2009, and would

otherwise be eligible for it. For these individuals, the assistance continues for as long as an individual meets Medicaid eligibility requirements for nursing home care other than immigrant status.

Under the act, children and pregnant women who have been admitted legally less than five years before the date they receive services must continue to receive coverage until the state plan amendment concerning federal funding to cover them is approved (see below).

The act allows the DSS commissioner to implement policies and procedures needed to carry out these provisions while in the process of adopting them in regulation. He must print notice of intent to publish the regulations in the *Connecticut Law Journal* within 20 days of implementing them. The policies and procedures are valid until final regulations are adopted.

Notice of Termination (§ 78). At least 10 days before terminating assistance, the commissioner must notify recipients of the intended action. The notice must include (1) the reason for the termination and (2) information concerning the person's eligibility for other state or federal medical assistance programs including instructions on applying for them.

Continued Assistance for Children and Pregnant Women (§ 20)

The act requires the DSS commissioner, by January 1, 2010, to seek federal funds to provide medical assistance to qualified alien children and pregnant women who were admitted into the U.S. less than five years before the date services are provided.

The recently passed federal Children's Health Insurance Program Reauthorization Act (CHIPRA, PL 111-3) permits states to claim federal Medicaid (HUSKY A in Connecticut) and SCHIP (HUSKY B) funds to provide health care coverage to pregnant women and children who are recent (within five years) immigrants.

The 1996 federal welfare reform law generally bars legal immigrants who have been in the U.S. for fewer than five years from receiving federally funded assistance. States can provide this assistance with state-only funds, which Connecticut has done since 1997.

SAGA Ban for Immigrants Losing Coverage (§ 55)

The act prevents people losing eligibility for the state-funded program from moving into the State-Administered General Assistance (SAGA) medical assistance program. Under prior law, people ineligible for Medicaid could qualify for SAGA medical assistance if they meet the program's financial eligibility criteria, regardless of their country of origin. Under the act, only those individuals who do not qualify for Medicaid because they do not meet its categorical

eligibility requirements (i.e., aged, blind, disabled, child under age 21, someone screened under the federal breast and cervical cancer initiative and found to need treatment) can receive SAGA.

Background-Attorney General Opinion

In 2004, the attorney general opined that the state could not deny a state-funded program to one group of otherwise eligible individuals and not another. To do so would violate the equal protection clause of the U.S. Constitution. He asserted that denying the other programs (e.g., SMANC) would not be a violation as they serve only legal immigrants.

Background-Court Case

On November 30, 2009, Greater Hartford Legal Aid filed a class action lawsuit alleging that the termination of SMANC violated the Equal Protection clauses of the state and federal constitutions and asked the court to stop the new law from being implemented. On December 18, 2009, the Superior Court agreed, ruling that the state may not constitutionally terminate SMANC benefits, and enjoined DSS from implementing the termination. DSS subsequently reinstated benefits and re-opened SMANC to new applicants, retroactive to December 1, 2009, the date on which the program had been closed.

§§ 21-29 - CHILDREN'S TRUST FUND

The act moves the Children's Trust Fund and its 16-member council from the Department of Children and Families (DCF), where it currently exists for administrative purposes, to DSS. It provides that any Children's Trust Fund order, regulation, or contract in force on September 1, 2009 remains in force as a DSS order, regulation, or contract until it is amended, repealed, or superseded.

The act makes DSS the lead state agency, in collaboration with the Children's Trust Fund Council, for community-based, prevention-focused programs and activities to strengthen and support families to prevent child abuse and neglect. Its responsibilities include:

1. initiating programs to support families at risk of child abuse or neglect,
2. helping organizations to recognize abuse and neglect,
3. encouraging community safety,
4. increasing broad-based efforts to prevent abuse and neglect,
5. creating a network of agencies to advance abuse and neglect prevention, and
6. increasing public awareness of abuse and neglect issues.

In carrying out these responsibilities, DSS must, with the guidance of the Trust Fund Council, collaborate with state agencies, hospitals, clinics, schools, and community service organizations.

With the council's advice, the act requires the DSS commissioner to fund programs aimed at preventing child abuse and neglect and family resource programs. It removes the council's authority to hire an executive director and staff. The act makes DSS, with the council's guidance, and subject to available funding, responsible for implementing and maintaining programs and services, including:

1. the Nurturing Families Network (NFN),
2. the Family Empowerment Initiative,
3. Family School Connection,
4. The Kinship and Grandparent's Respite funds,
5. support services for residents of a respite group home for girls,
6. legal services on behalf of indigent children,
7. volunteer services,
8. family development training,
9. shaken baby syndrome prevention, and
10. child sexual abuse prevention.

Not later than 60 days after the act's passage, the DSS commissioner must report to the Appropriations and Human Services committees on the integration of the department's new duties.

Under the act, the DSS commissioner may apply for and accept private and federal funds on behalf of the department and Trust Fund that are used for child abuse and neglect prevention and family resource programs. Currently, this can only be done by the Children's Trust Fund. The act substitutes the DSS commissioner for the DCF commissioner as the state official who can accept gifts on behalf of the Children's Trust Fund.

The act revises the duties of the advisory commission that monitors the Trust Fund Council's NFN. It requires the commission to ensure that NFN is implemented statewide. (NFN is a no-cost, voluntary program that provides information, guidance, and assistance to first-time parents through home visits; parenting groups; and connections between parents, volunteers, and the community.) Under prior law, NFN was composed of several pilot programs operating in different areas of the state.

Along with the Children's Trust Fund, the act adds DSS as an administrator of the Kinship Fund and the Grandparents and Relatives Respite funds. Someone who is appointed guardian of a child through Superior Court and who does not receive foster care payments or subsidized guardianship benefits from DCF, can apply for grants from these funds through the Probate Court.

The act requires the DSS commissioner to jointly author the council's annual report to the legislative committees on the trust fund's administration and expenditures, including those of the Parent Trust Fund,

which the council also administers, beginning with its July 1, 2010 report. Under the act, the governor must also get a copy of the report.

§§ 30, 31, 33, 47, 89 - MEDICARE PART D

Benchmark Plans

Connecticut's Medicare Part D recipients can choose one of several dozen prescription drug plans to pay for their drugs. People who are eligible for both Medicare and Medicaid (dually eligible) can get help paying for their Part D premiums and co-payments from the federal Low-Income Subsidy (LIS) Program. The annual federal premium payment is limited-it only covers premiums for a "benchmark" prescription plan (\$31.74 per month in 2009). Previously, in practice, if the dually eligible person picked a plan with a higher premium, DSS paid the difference between the federal benchmark payment and the actual premium cost. The act requires all full-benefit dually eligible (those for whom DSS provides Medicaid coverage for services that Medicare does not) individuals to enroll only in one of the benchmark plans (currently 12). Benchmark plans offer basic Part D coverage with premiums equal to or lower than the regional low-income premium subsidy amount calculated annually. The act also requires ConnPACE applicants and recipients eligible for Medicare Part D to enroll in a benchmark plan.

The law permits the DSS commissioner to be the authorized representative to enroll dually eligible and ConnPACE recipients in a Part D plan. Under the act, he can enroll these individuals in a benchmark plan.

By law, DSS pays the Part D premiums for ConnPACE recipients. (Under PA 09-2, most ConnPACE recipients who are Medicare-eligible will become eligible for the Medicare Savings Program, which makes them automatically eligible for the federal LIS.)

Co-Pays for Dually Eligible

Under prior law, in addition to paying the premiums for the fully dually eligible, DSS also paid all their Part D prescription co-payments. (These co-pays range from \$1.10 to \$6 per prescription in 2009 and are subsidized by the LIS program.) The act instead requires these individuals to pay up to \$15 per month in co-payments, with DSS paying anything above that.

ConnPACE-COLA Freeze, Increased Annual Fee, and Enrollment Period

The act freezes the ConnPACE income limit (currently \$25,100 annually for a single person and \$33,800 for married couples) until January 1, 2012. (These limits are tied to increases in Social Security

benefits which, when they occur, take effect on January 1. There is no Social Security COLA for 2010.). It also increases the ConnPACE annual registration fee from \$30 to \$45.

Beginning October 1, 2009, the act limits new applications for ConnPACE to the period between November 15 and December 30 of each year. This is the same enrollment period that the Medicare Part D program uses. But people can apply at other times of the year, provided it is within 31 days of either (1) turning age 65 or (2) becoming eligible for federal Social Security Disability Income (SSDI) or Supplemental Security Income (SSI) benefits.

Repealer

The act repeals a provision establishing a council to advise DSS on the implementation of Medicare Part D.

§§ 32, 40 - NURSING HOME AND ICF-MR RATE FREEZES

The act freezes at FY 09 levels, the Medicaid rates the state pays in FY 10 and FY 11 to nursing homes and intermediate care facilities for people with mental retardation (ICF-MR). But facilities that would have received a lower rate on July 1, 2009 because of their interim rate status or agreement with DSS will receive that lower rate.

The act also eliminates fair rent increases to nursing home rates in FY 10 and FY 11 except for homes that have an approved certificate of need (CON). Existing law requires DSS to add a fair rent increase to nursing home rates for homes that have undergone a material change in circumstances related to fair rent.

§§ 34, 38-DSS PHARMACY PROGRAMS-PRIOR AUTHORIZATION AND PREFERRED DRUG LIST

Under prior law, the DSS commissioner could require prior authorization (PA) for any prescription for a drug, including those for which a chemically equivalent generic was available and early refills, covered by the Medicaid, SAGA, and ConnPACE programs. The act codifies practice by (1) specifying that this authority applies to drugs prescribed under any medical assistance programs DSS administers, which could also include the HUSKY B, Charter Oak Health Plan, and the Connecticut AIDS Drug Assistance Program and (2) applying the PA authority to over-the-counter drugs. It makes a parallel change in the law related to maximum oral dosages of drugs dispensed for program clients.

The act also requires pharmacists to provide a one-time 14-day supply of drugs requiring prior authorization (PA) when a pharmacist is unable to

obtain the prescribing physician's authorization when the prescription is presented for filling. In prior practice, when a DSS drug assistance program client went to the pharmacy with a prescription requiring PA, the pharmacist could immediately dispense a 30-day supply pending receipt of PA. This provision applies both to nonpreferred drugs in the classes of drugs included on DSS' preferred drug list (PDL) and drugs in classes not on the PDL.

By law, if PA is not granted or is denied within two hours of its request from DSS, it is deemed approved. The act requires the commissioner to process PA requests within two hours of receiving them.

The act also eliminates mental health-related drugs' blanket exemption from the PDL. Instead, it specifies that PA is not required for such a drug when it has been filled or refilled, in any dosage, at least once in the one-year period before the client presents a prescription for it at the pharmacy.

The act also removes obsolete language related to pharmacy suppliers.

§ 36 - BENEFIT LEVEL FREEZES IN TFA AND SAGA

The act freezes at FY 09 levels, the benefit levels in the TFA and SAGA cash assistance programs in FY 10 and FY 11.

§ 37 - STATE SUPPLEMENT PROGRAM BENEFIT LEVEL FREEZE

The act freezes the need standards in the State Supplement Program (SSP) at FY 09 levels for FY 10 and FY 11. The SSP provides supplemental cash assistance to aged, blind, and disabled people receiving Social Security or SSI benefits.

§ 39 - DEFERRAL OF JUNE MEDICAID PAYMENTS TO NURSING HOMES

Beginning in FY 11, the act requires DSS to pay nursing homes half of their June Medicaid payment in July. Existing law required this arrangement for fiscal years 1992 through 2007.

§§ 35, 41, 42 - RATE FREEZES FOR RESIDENTIAL CARE HOMES AND FACILITIES AND NEW HORIZONS, INC.

The act freezes at FY 09 levels, the rate the state pays in FY 10 and FY 11 to residential care homes, private residential facilities, and New Horizons, Inc. (a state-subsidized, independent living facility in Farmington for people with severe physical disabilities). But facilities that would have received a lower rate on

July 1, 2009 because of their interim rate status or agreement with DSS will receive that lower rate. The act allows the commissioner to increase a facility's rate for reasonable costs associated with the facility's compliance with its provisions (§44) regarding certification of unlicensed personnel who administer medication to residents. Existing law requires DSS to determine rates for these facilities annually.

§ 43 - SMALL HOUSE NURSING HOMES

By law, the DSS commissioner must establish a Small House Nursing Home pilot program, within existing appropriations, to help develop up to 10 such homes in the state. The act prohibits him from approving more than one project under the pilot through June 30, 2011 and limits the project to 280 beds.

The act requires the commissioner, before approving proposals, to consult with and receive approval from the Office of Policy and Management (OPM) secretary. Previously, he had to consult only with the Long-Term Care Planning Committee. The act also allows, rather than requires, him to approve up to 10 proposals. And it removes the requirement that two of the 10 proposals selected must develop a small house nursing home in a distressed municipality with more than 100,000 people. It instead allows the commissioner to give preference to such proposals.

§ 44 - MEDICATION ADMINISTRATION BY UNLICENSED PERSONNEL IN RESIDENTIAL CARE HOMES (RCH)

The act requires the Department of Public Health (DPH) commissioner to revise regulations governing medication administration by unlicensed personnel in RCHs that admit residents requiring medication administration assistance to include the following:

1. the requirement that each RCH designate unlicensed personnel to obtain certification and ensure that they do;
2. criteria homes must use to determine the appropriate number of unlicensed personnel who will obtain certification; and
3. required training in identifying the types of medication that unlicensed personnel can administer.

It also requires that by January 1, 2010, each RCH ensure that the number of unlicensed personnel it determined appropriate actually obtain certification to administer medication. Once certified, they can administer medication, except by injection, to RCH residents unless a resident's physician specifies that a medication be administered only by licensed personnel.

The act permits the DPH commissioner to implement policies and procedures to administer the

provisions of this section while in the process of adopting them in regulation, provided notice is published in the *Connecticut Law Journal* no later than 20 days after they are implemented. The policies and procedures are valid until final regulations are adopted.

Existing law requires the commissioner to establish regulations allowing unlicensed personnel in RCHs to obtain certification to administer medication. The regulations must establish on-going training requirements, including initial orientation, residents' rights, behavioral management, personal care, nutrition and food safety, and general health and safety.

§§ 45, 46 - CAPIAS OFFICERS FOR CHILD SUPPORT ENFORCEMENT

The act increases, from four to six, the number of capias officers the commissioner of public safety may appoint as special policemen in the DSS Bureau of Child Support Enforcement to bring people into court in child support matters.

PA 09-3 requires the DSS commissioner to forward to a state marshal for service any subpoena, summons, warrant, or court order related to proceedings that he initiated, provided none of these documents has had action taken on it within the past 14 days and the underlying proceedings remain unresolved. The act eliminates this requirement.

To reduce any backlog, PA 09-3 also requires the commissioner, beginning October 1, 2009 and monthly thereafter, to forward to the marshals no more than 150 of these legal documents when no action has been taken within 30 days. This act (1) increases the time frame to 60 days and (2) requires the marshals to return the documents to DSS within two business days.

The act also makes a technical change.

§§ 48, 49 - PRIOR AUTHORIZATION FOR NONEMERGENCY DENTAL SERVICES FOR DSS CLIENTS

The act subjects certain nonemergency dental services provided under DSS' dental program (the Connecticut Dental Health Partnership) to PA. It also requires the DSS commissioner, at least quarterly, to retrospectively review payments for emergency dental services and restoration procedures for appropriateness of payment and allows him to recoup payments for services determined not to be for an emergency condition or that otherwise exceed what is medically necessary.

The act defines an "emergency condition" as a dental condition that manifests itself in acute symptoms, including severe pain, that leads a prudent layperson with an average knowledge of health and medicine to reasonably expect that not getting immediate dental

attention would result in (1) placing the health of the individual, or the health of a pregnant woman's unborn fetus, in serious jeopardy; (2) cause serious impairment to body functions; or (3) cause serious dysfunction of any body organ or part.

The act removes a provision requiring the DSS commissioner to review eliminating PA for basic and routine dental services before implementing a statewide dental plan. Instead, it specifies that nonemergency services, including diagnoses, prevention, basic restoration, and nonsurgical extractions that are consistent with standard and reasonable dental practices must be exempt from PA.

The act allows the DSS commissioner to implement policies and procedures needed to carry out these provisions while in the process of adopting them in regulation. He must print notice of intent to publish the regulations in the *Connecticut Law Journal* within 20 days of implementing them. The policies and procedures are valid until final regulations are adopted.

Since late 2008, all DSS-funded dental services have been provided through the Partnership. Previously, dental services were provided either on a fee-for-service basis or through the HUSKY managed care contracts.

§ 50 - LEGISLATIVE OVERSIGHT OF MEDICAID STATE PLAN AMENDMENTS

The act requires the DSS commissioner to submit notice of any proposed amendment to the Medicaid State Plan to the Human Services and Appropriations committees before submitting it to the federal government.

§ 51 - CARE 4 KIDS PROGRAM REPORTING REQUIREMENTS

Federal law requires the DSS commissioner to submit a Child Care and Development Fund Plan to the federal Administration for Children and Families (ACF). The act requires the commissioner to submit a copy of the plan to the Human Services and Appropriations committees within 30 days after submission to ACF.

§§ 52-54 - DSS FALL PREVENTION PROGRAM ESTABLISHED

The act requires DSS, within available appropriations, to establish a fall prevention program targeted at older adults. The program must promote and support fall prevention research; oversee research and demonstration projects; and establish, in consultation with the DPH commissioner, a professional education program on fall prevention for healthcare providers.

Research Promotion and Support

The fall prevention program must promote and support research to:

1. improve the identification, diagnosis, treatment, and rehabilitation of older adults and others with a high risk of falling;
2. improve data collection and analysis to identify fall risk factors and factors that reduce the likelihood of falls;
3. design, implement, and evaluate the most effective fall prevention interventions;
4. improve intervention strategies proven effective in reducing falls by tailoring them to specific older adult populations;
5. maximize the dissemination of proven, effective fall prevention interventions;
6. assess the risk of falls in various settings;
7. identify barriers to adopting proven fall prevention interventions for older adults;
8. develop, implement, and evaluate the most effective approaches to reducing falls among high-risk older adults living in communities and long-term care and assisted living facilities; and
9. evaluate the effectiveness of community fall prevention programs.

Research and Demonstration Projects

Under the fall prevention program, DSS must oversee and support research and demonstration projects carried out by qualified organizations, institutions, or consortia of such entities in the following areas:

1. targeted fall risk screening and referral programs;
2. programs designed for older adults living in the community that use fall intervention approaches including physical activity, medication assessment, medication reduction when possible, vision enhancement, and home-modification strategies;
3. programs targeting new fall victims at risk for second falls and designed to maximize independence and quality of life for older adults, especially those with functional limitations; and
4. private sector and public-private partnerships to develop technology to prevent falls among older adults and prevent or reduce injuries after falls.

Grants, Contracts, and Cooperative Agreements

The act requires DSS to award grants, contracts, or cooperative agreements to qualified organizations,

institutions, or consortia of qualified entities to design, implement, and evaluate fall prevention programs using proven intervention strategies in residential and institutional settings.

Professional Education Program

The act requires DSS, in consultation with the DPH commissioner, to establish an education program in fall prevention, evaluation, and management for physicians, allied health professionals, and other healthcare providers serving the elderly. The DSS commissioner may contract to establish the program through (1) a request for proposal process, (2) a competitive grant program, or (3) cooperative agreements with qualified entities.

Insurance Fund

Connecticut insurance companies and hospital and medical service corporations annually pay the insurance commissioner the actual expenditures, including fringe benefits and capital equipment purchases, of the Insurance Department and the Office of Health Care Advocate. The commissioner deposits these payments in the Insurance Fund.

The act requires the Insurance Fund to pay for the DSS fall prevention program and adds the program's appropriation to the annual operating assessment these insurers pay. It requires the insurance commissioner and the Office of Health Care Advocate to include the program's appropriation in the annual written statement of the fund's assessments and expenditures they provide to insurers.

If the fall prevention program's expenditures are less than the amount allocated, the DSS commissioner must notify the insurance commissioner and the healthcare advocate. By law, these officials must annually recalculate their assessment after the close of the fiscal year and send each insurer a written statement by July 31st showing the difference between the recalculated amount and what the insurer already paid. By August 31st, the commissioner and healthcare advocate must make any necessary adjustments and render an adjusted assessment to the affected insurers.

§ 55 - MEDICAID COVERAGE FOR SAGA AND CHARTER OAK HEALTH PLAN; FEDERALLY QUALIFIED HEALTH CENTERS SERVICE DELIVERY

By law, DSS was supposed to apply for a federal waiver, by January 1, 2008, to get Medicaid to pay for the state-funded SAGA medical assistance program (essentially making this population a Medicaid coverage group). It never did.

Under the act, if the commissioner fails to submit the waiver application to the Human Services and Appropriations committees by February 1, 2010, he must submit a written report to them by the next day that includes (1) an explanation why he has not sought the waiver and (2) an estimate of the fiscal impact in one calendar year that would result from the waiver's approval.

In the SAGA medical assistance program, health care is generally provided by the state's network of federally qualified health centers (FQHC) with which DSS contracts. The act specifies that once the waiver is approved, the DSS commissioner may provide, or may require a contractor, FQHC, or other provider to provide coverage for home care, school-based, or other outpatient community-based services when he has determined that this would be cost effective.

The commissioner must contract with FQHCs or other primary care providers as needed, to provide these services to "eligible" SAGA recipients. The act further provides that DSS, within available appropriations, must pay FQHCs for these services when the FQHC provides them. This conforms statute to current practice.

The act also eliminates a provision that would have extended medical assistance eligibility to anyone with income up to 100% of the federal poverty level (FPL) if the waiver was granted. Currently, income eligibility for SAGA is just under 60% of the FPL but when a disregard of earned income is included, that income limit rises to a little over 70% of the FPL.

§ 56 - INTERPRETER SERVICES UNDER MEDICAID

Medicaid State Plan Amendment

The act establishes a February 1, 2011 deadline for the DSS commissioner to amend the Medicaid state plan to include as a Medicaid "covered service" foreign language interpreter services provided to any beneficiary with limited English proficiency. PA 07-185 directed the commissioner to amend the state plan; PA 08-1 required him to expedite amending the plan by June 30, 2009. The commissioner has not amended the plan.

Medical Billing Codes for Medicaid Interpreter Services

The act also requires the commissioner, by February 1, 2011, to develop and implement the use of medical billing codes for foreign language interpreter services for the HUSKY Part A and B and fee-for-service Medicaid programs. It requires each managed care organization that contracts with DSS to provide interpreter services under HUSKY Part A to submit semiannual reports to DSS (by June 1st and December

31st) on the interpreter services they provided. Within 30 days of receiving the report, DSS must submit a copy to the Medicaid Managed Care Council.

Medicaid Coverage of Interpreter Services

Federal Medicaid law allows states to receive federal matching funds for limited English proficiency (LEP) interpreters either by designating them as (1) a covered state plan service or (2) an administrative cost. In Connecticut, the matching rate is 50% of the state's cost for providing the interpreters.

As a covered service, it would be reimbursed as part of another service provided. For example, if a physician bills for a service and also provides interpreter services, the state would reimburse him or her more than if just medical service had been provided. And the federal government would reimburse the state for half of these costs.

As an administrative expense, the state could either pay translators directly or contract with medical providers and bill the federal government for the match along with any other administrative costs for which it would normally bill.

Currently, DSS does not pay for medical interpreter services for Medicaid fee-for-service clients. Managed care plans serving HUSKY clients have a contractual obligation (based on federal requirements) to provide interpreters, and their capitation payments include the costs of doing so. DSS receives a 50% federal match for the capitation payments, but the interpreter services are not separated.

Making interpreters a state plan service entitles any Medicaid recipient to it if it is deemed necessary, as with any other service DSS includes in its Medicaid state plan.

§§ 57, 58 - HUSKY PERFORMANCE; MEDICAID MANAGED CARE COUNCIL

The act requires the DSS commissioner, within available appropriations and in collaboration with the Medicaid Managed Care Council, to prepare annually a report about "health care choices" under the HUSKY A program. The report, at a minimum, must compare the performance of each managed care organization (presumably those serving HUSKY A clients), the primary care case management (PCCM) pilot program, and other service delivery choices. The commissioner must provide a copy of each report to all HUSKY A recipients.

The act also requires the council to make recommendations regarding the HUSKY A PCCM pilot program, in addition to its existing charge.

It allows the commissioner or the council, in consultation with an educational institution, to apply for available funding, including federal funds, to support Medicaid managed care programs.

And it changes the council's composition. Previously, two community providers of health care appointed by the Senate president pro tempore sat on the council. Under the act, the Senate president pro tempore must appoint a representative of each HUSKY managed care organization (MCO) and a representative of a PCCM provider. Currently, three MCOs serve HUSKY recipients.

§ 59 - SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) EMPLOYMENT AND TRAINING PROGRAM

The act allows any regional community-technical college participating in the SNAP (formerly known as Food Stamps) Employment and Training program through a memorandum of understanding (MOU) with DSS entered into before October 1, 2008 to retain all federal matching funds provided for in the MOU until it expires.

By law, DSS may use part of the optional federal matching funds it receives through the program to pay for its operational and administrative costs. The remaining funds must be used for poverty reduction strategies and distributed as follows:

1. 75%, on a pro rata basis, to SNAP Employment and Training providers whose expenditures generated the funds; and
2. 25% to SNAP Employment and Training community collaboratives (local consortiums of public and private providers) to implement poverty reduction strategies.

The federal SNAP Employment and Training program provides employment and training activities, support services, and other programs and services to food stamp participants. It has two components: (1) 100% federal administrative grants and (2) optional 50% federal matching funds.

§ 60 - ADMINISTRATIVE SERVICES FOR ELDERLY AND DISABLED MEDICAID RECIPIENTS

The act requires the DSS commissioner to contract with one or more entities, either on a risk or non-risk basis, to provide administrative services to elderly and disabled Medicaid recipients, including those (1) dually eligible for Medicare or (2) enrolled in dually eligible special needs plans. The entities may provide care coordination, utilization management, disease management, provider network management, quality management, customer, and other services.

The act allows the DSS commissioner to implement policies and procedures needed to carry out these provisions while in the process of adopting them in regulation. He must print notice of intent to adopt the regulations in the *Connecticut Law Journal* within 20 days of implementing them. The policies and procedures are valid until final regulations are adopted.

The commissioner must report to the Medicaid Managed Care Council within 30 days of making any policy change concerning this initiative.

§ 61 - SCHOOL-BASED CHILD HEALTH PROGRAM

Federal law requires local education agencies (LEA) to identify all children with disabilities who are in need of special education and "related" services. The LEAs must provide the related services, and Medicaid provides federal reimbursement (DSS, through the School-Based Child Health Program, bills Medicaid for 100% of what the LEA spends, keeps one half of the reimbursement, and passes the other half to the LEA).

The act requires the DSS commissioner, beginning with FY 09, to exclude any enhanced federal medical assistance percentages (FMAP) in calculating the federal portion of the Medicaid claims for this program. Before the federal stimulus legislation passed in 2009, the federal match or FMAP was 50%, which meant for every \$1 the state (or in this program the LEA) spent on Medicaid services the federal government reimbursed the state \$.50. The stimulus temporarily increased the FMAP by 12%, which raised Connecticut's match from 50% to 62%.

§ 62 - FAMILY PLANNING MEDICAID WAIVER

PA 05-120 directed the DSS commissioner to apply for a family planning waiver for adults in households with income up to 185% of the FPL who are not otherwise eligible for Medicaid. The act requires the commissioner, if he does not apply by February 1, 2010, to submit a written report to the Human Services and Appropriations committees by the next day (1) explaining why he did not seek the waiver and (2) estimating the fiscal impact that would result in one calendar year from the waiver approval.

§ 63 - HIV AND AIDS MEDICAID WAIVER

The act requires the DSS commissioner, by February 1, 2010, to apply for a 1915(c) home- and community-based services Medicaid waiver to develop and implement a program providing such services to up to 100 Medicaid beneficiaries who (1) have tested positive for human immunodeficiency virus (HIV) or have acquired immune deficiency syndrome (AIDS) and

(2) would remain Medicaid-eligible if admitted to a hospital, nursing home, or ICF-MR or would require Medicaid-covered care in these facilities without the waiver. The act provides that an individual who meets these requirements is eligible to receive services deemed necessary by the commissioner to meet his or her needs in order to avoid institutionalization.

If the commissioner does not apply by the deadline, he must submit a written report to the Human Services and Appropriations committees by February 2, 2010 (1) explaining why he did not seek the waiver and (2) estimating the fiscal impact in one calendar year that would result from the waiver approval.

§ 65 - DEFERRAL OF JUNE PAYMENTS HUSKY MCOS

The act allows the DSS commissioner to pay certain managed care plan Medicaid bills due in June 2011 no later than July 31, 2011.

§ 66 - COST SHARING UNDER CHCPE

The act establishes new cost-sharing requirements for participants in the state-funded portion of the Connecticut Homecare Programs for Elders (CHCPE). Under prior law, a state-funded participant had to contribute to the cost of care only if his or her income exceeded 200% of the FPL. Cost-sharing amounts were determined individually based on DSS's cost-sharing methodology for medical assistance recipients. Generally, DSS considers a participant's income, medical insurance premiums paid, and other allowable deductions; any remaining income must be paid toward the cost of care.

The act requires any state-funded participant with income up to 200% of the FPL to contribute 15% of the cost of his or her care. A participant whose income exceeds 200% FPL must contribute 15% of the cost of care plus the applied income contributed under DSS's existing methodology.

The act exempts from these cost-sharing requirements certain people living in affordable housing under the state's assisted living demonstration program. For these people, cost-sharing is required only if their income exceeds 200% of the FPL. Cost-sharing amounts are determined by DSS's existing cost-sharing methodology.

Under the act, anyone who is required to contribute to the cost of care and does not do so is ineligible to receive program services. For participants living in affordable housing, this provision applies only to those whose income exceeds 200% FPL. The act further provides that DSS is not required to provide an administrative hearing to a person determined ineligible for services because of failure to contribute to the cost

of care.

§ 67 - BACKGROUND CHECKS FOR DISABILITY DETERMINATION SERVICES NEW HIRES

The act requires the DSS commissioner to ask about the criminal history of any applicant (except current DSS employees) for a position with its Disability Determination Services Unit. The inquiry process must follow the state law restricting an employer's right to ask an applicant to disclose information about erased criminal records.

Under the act, the commissioner must require each applicant to state (1) whether he or she has ever been convicted of a crime, (2) if there are any pending criminal charges against him or her at the time of application, and (3) if applicable, to identify any such charges and the court in which they are pending. If the applicant is offered a position in the unit, he or she must submit to fingerprinting and a state and national criminal history records check through the State Police Bureau of Identification.

In October 2008, the federal Social Security Administration amended its Program Operations Manual System (POMS) to include the minimum requirement that states conduct a statewide criminal background check for new hires in disability determination services units.

§ 68 - EMERGENCY PLACEMENT BACKGROUND CHECKS

The act conforms law to current practice by authorizing DCF to request an instant federal name-based criminal history search from a criminal justice agency for anyone living in the home where a child has been placed as a result of the sudden unavailability of his or her primary caretaker. These emergency placements include private homes of the child's neighbors, friends, or relatives.

Within 15 calendar days after the name-based search is performed, DCF must ask the State Police Bureau of Identification to perform a state and national criminal history records check of anyone living in the home. If a person refuses to provide fingerprints or other identifying information, DCF must immediately remove the child from the home.

If DCF denies emergency placement or removes a child from a home based on the results of the federal name-based criminal history search, the subject has the right to contest the denial or removal by requesting a full criminal history records check.

§ 69 - SUBSIDIZED GUARDIANSHIP PROGRAM

The act gives DCF greater flexibility to alter its subsidized relative guardianship program by eliminating

most statutory requirements and generalizing the department's authority to issue and modify regulations. This change streamlines the process for altering program requirements by regulation rather than by statutory amendment when federal reimbursement requirements change. Under the act, the DCF commissioner must seek all federal reimbursements necessary and appropriate, and DCF's regulations must include all federal requirements necessary to maximize federal reimbursement available to the state.

It also:

1. requires the DCF commissioner to consider, in determining whether taking care of a related child qualifies the caretaker for subsidies, the child's suitability for adoption, rather than only that reunification with his or her parent is not a viable option;
2. alters how long a relative must care for a child before becoming eligible for subsidies;
3. changes how subsidy amounts and benefit levels are set; and
4. establishes a method for transferring subsidies to another relative when the original caretaker dies or becomes too infirm to continue taking care of the child.

It eliminates a provision that required the DCF commissioner to counsel a relative caregiver who might be able to adopt the child about the advantages of adoption and subsidized guardianship.

Regulatory Changes

Under prior law, DCF regulations had to set criteria for (1) qualifying relative caregivers for subsidies on behalf of children who are not related to them but are siblings, half-siblings, or step-siblings of a child on behalf of whom they are receiving subsidies; (2) home studies and subsidy amounts and types; and (3) appeal procedures. Under the act, they must, instead, cover (1) program eligibility criteria, (2) the maximum age at which a child is no longer eligible for subsidies and for claiming federal reimbursement, and (3) a procedure for determining subsidy types and amounts.

Statutory Changes

Previously, DCF had two different guardianship programs – one for those who had taken care of a related child for at least 18 months, and one that, within appropriations, was for those who had taken care of a related child for between six and 18 months. The act eliminates the second program and modifies the first by requiring that care be given for at least six consecutive months and that the guardian be a licensed foster parent.

By law, DCF provides three types of subsidies for relatives taking care of children who otherwise would

be in non-relative foster homes: (1) lump sum payments for one-time expenses resulting from the assumption of care for children whose medical conditions, ages, or other characteristics make them unlikely to be adopted; (2) medical subsidies comparable to the subsidy provided to adoptive parents of uninsured children who had been in DCF's care; and (3) monthly subsidies equivalent to the prevailing foster care rate.

The act (1) caps lump sum payments at \$2,000 and (2) requires that the amount of the monthly subsidy be based on the caregiver's circumstances and the child's needs. Nothing in the act prohibits the commissioner from continuing to pay guardianship subsidies to caregivers according to the terms of subsidy agreements written before the act's passage.

The act requires that, at a minimum, those qualified for subsidies remain eligible until they turn age 18 (or age 21 if they are full-time students). The latter change allows DCF to continue subsidy payments beyond those ages.

Replacing Guardians

When a relative caregiver who is receiving a guardianship subsidy dies or becomes too infirm to continue taking care of a child, the act permits the DCF commissioner to transfer the subsidy to a new relative caregiver. The new caregiver must meet DCF's foster care safety requirements and be the child's court-appointed legal guardian.

§ 70 - MEDICARE SAVINGS PROGRAM, CONNPACE, AND MEDICARE PART D LOW-INCOME SUBSIDY

PA 09-2 enables more individuals to qualify for the federal Medicare Part D low-income subsidy (LIS) by loosening the financial eligibility criteria for the federal/state Medicare Savings Program (MSP). MSP eligibility automatically makes someone eligible for the LIS. It essentially makes the eligibility criteria the same as for the ConnPACE program.

This act explicitly provides that, like ConnPACE, there is no asset test for the MSP. And it delays the start of the change from July 1, 2008 to the fiscal year ending October 1, 2009. (The state fiscal year ends on June 30.) PA 09-7, SSS, requires (1) this change to occur beginning October 1, 2009 and (2) that it occur annually instead of each fiscal year. By law, the MSP income disregard increases only when the ConnPACE income limits increase.

§§ 71, 72 - PHARMACY REIMBURSEMENTS AND DISPENSING FEES

The act reduces, from \$3.15 to \$2.65, the dispensing fee DSS pays pharmacies for filling prescriptions for Medicaid, ConnPACE, and Connecticut AIDS Drug Assistance Program clients. It extends this dispensing fee to prescriptions filled by SAGA clients. (Starting February 1, 2008, DSS "carved out" pharmacy benefits from the SAGA medical assistance program. The FQHCs and other providers with which DSS contracted to run these programs had previously negotiated the pharmacy dispensing fee in a separate contract.)

The act also requires DSS, in consultation with the Connecticut Pharmacists Association, to review the impact of potential or actual changes in the methodologies used in calculating the average wholesale price for brand name and generic drugs. This review must include the financial impact of any required changes in DSS pharmacy reimbursement payments. DSS must report on the results of this review by January 1, 2010. (The act does not direct the report to a specific body.)

Based on the outcome of the review, starting January 1, 2010 DSS may, in FY 10, with approval from OPM, (1) adjust pharmacy dispensing fees for generic and brand named drugs and (2) within available appropriations, increase pharmacy dispensing fees or reimbursements in order to help participating pharmacies experiencing financial hardship due to the changes in the methodologies used to calculate Average Wholesale Price (AWP).

§ 73 - PENDING MEDICAID ELIGIBILITY FOR NURSING HOME CARE

The act requires DSS to (1) allocate \$300,000 to process pending eligibility applications for Medicaid recipients residing in nursing homes and (2) report on these applications to the Public Health and Human Services committees by January 1, 2011.

§ 74 - PER DIEM RATES FOR INTERMEDIATE CARE BEDS IN GENERAL HOSPITALS

The act allows DSS to amend the Medicaid state plan to create a per diem rate for intermediate care beds for mentally ill patients in general hospitals.

§ 75 - EASY BREATHING MODEL IN HUSKY

The act allows the DSS commissioner to require use of the Easy Breathing model in the HUSKY program. This model helps primary care physicians diagnose asthma and prescribe treatment based on the severity of the patient's condition. It has been shown to

reduce hospitalizations and urgent care visits.

§ 76 - PILOT PROGRAM OF MANAGED CARE FOR OAK HILL CLIENTS

The act permits DSS, to the extent federal law allows, to amend the Medicaid state plan to establish a voluntary managed care pilot program for 500 people served by Oak Hill-The Connecticut Institute for the Blind, Inc. who are also eligible for Medicare (dually eligible). The pilot must be designed to demonstrate the feasibility and cost effectiveness of delivering comprehensive health care coverage in a managed care setting. (Currently, these individuals receive their Medicaid services on a fee-for-service basis.) The act allows the commissioner to (1) include optional Medicaid services that the state is not covering on the date the act passes and (2) make other modifications to

the “state medical assistance program” (presumably Medicaid) to encourage participation in the pilot.

§ 77 - ADULT DAY CENTERS

Effective July 1, 2009, the act requires DSS, subject to available appropriations, to increase the reimbursement rate paid to adult day care service providers under the CHCPE by an annualized rate equal to \$700,000.

§ 79 - MODIFIED APPROPRIATIONS FOR MEDICAID, HUSKY AND OTHER EXPENSES

The act revises the budget adopted in PA 09-3, JSS by appropriating the following amounts to DSS:

Table 1: Modified Appropriations for Husky, Medicaid, and Other Expenses

	FY 10		FY 11	
	<i>PA 09-3</i>	<i>Modified Appropriation</i>	<i>PA 09-3</i>	<i>Modified Appropriation</i>
Other Expenses	\$88,148,799	\$89,148,799	\$89,398,799	\$89,398,799
HUSKY Program	\$46,061,200	\$34,761,200	\$48,213,900	\$36,463,900
Medicaid	\$3,837,084,700	\$3,847,384,700	\$3,684,069,974	\$3,694,819,974

§§ 80-81 - LOW-INCOME ENERGY ADVISORY BOARD

By law, DSS must submit an annual plan and two annual reports regarding the federal Low-Income Home Energy Assistance Program block grant to the Appropriations, Energy and Technology, and Human Services committees by specified deadlines. The act requires DSS to submit these documents to the Low-Income Energy Advisory Board at least seven days before submitting them to the committees. The plan sets eligibility criteria for energy and weatherization assistance and describes program outreach efforts, among other things. The reports describe such things as (1) the number of households who apply for and receive assistance, (2) expenditures by type of assistance, and (3) the types of weatherization provided.

The act expands the board’s responsibilities to include making recommendations to the legislature on administering the block grant program.

§ 82 - ENERGY ASSISTANCE

PA 09-3, JSS carries forward funds appropriated to OPM in 2008 to provide money to Operation Fuel, Incorporated to expand its emergency energy assistance program. Under that act, Operation Fuel must use the money during FY 10 to help households with incomes between 150% and 200% of the FPL that cannot pay their electric, gas, or deliverable fuels (e.g., heating oil) bills on time. This act specifies that this assistance can be provided regardless of whether these are the household’s primary or secondary energy sources, e.g., the assistance can be used to help pay electric bills for a household that uses electric space heaters to supplement its oil or gas furnace.

§ 83 - MEDICARE PART D REFERRAL PROCESS FOR DUALY ELIGIBLES

The act requires DSS, within available appropriations, to contract with (1) the Center for Medicare Advocacy (CMA) to provide assistance with Medicare Part D Plan appeals relating to medically

necessary prescription denials and (2) a pharmacy association or pharmacist to help clients choose a Medicare Part D Plan that best meets their needs.

Prior law required the DSS commissioner to report, by December 1, 2009, to the Appropriations and Human Services committees on its nonformulary exception review and appeal process for dually eligible Medicaid clients. The report had to include an explanation of (1) the department's revised process for determining the medical necessity of a nonformulary drug before it pays for it, (2) the conditions under which DSS pursues an appeal with private plans, and (3) the criteria for making a referral to CMA for further appeals.

Instead of submitting this report, the act requires the commissioner to provide these committees with a plan concerning its referral process for dually eligible clients. The plan, which must be submitted by December 1, 2009, must include providing information to clients about appeal rights and assistance available from CMA.

§§ 84, 85 - LONG-TERM CARE REINVESTMENT ACCOUNT

To the extent federal law permits, the act postpones, from July 1, 2009 to July 1, 2011, the establishment of a nonlapsing, long-term care reinvestment General Fund account to hold the enhanced federal matching funds the state receives for the federal Money Follows the Person (MFP) demonstration program. Consequently, MFP funds will go into the General Fund for use without restriction.

The act also postpones, from January 1, 2010 to January 1, 2012, the date by which the DSS commissioner must begin reporting annually on expenditures from the MFP account to the Human Services and Appropriations committees.

§ 86 - NURSING HOME FINANCIAL ADVISORY COMMITTEE

The act removes the director of the Office of Fiscal Analysis from the Nursing Home Financial Advisory Committee's membership. It also designates as the representatives of the nonprofit and for-profit nursing home industries: the executive director of the Connecticut Association of Not-for-Profit Providers for the Aging and the executive director of the Connecticut Association of Health Care Facilities, or their designees. The DSS and DPH commissioners, the OPM secretary, and the executive director of the Connecticut Health and Educational Facilities Authority, or their designees, remain committee members. The bill also removes the current requirement that vacancies be filled by the appointing authority.

The act requires the committee to recommend appropriate action to the DPH commissioner, as it must currently do for the DSS commissioner, when it receives a report relating to nursing homes' financial solvency and quality of care. It requires the DSS commissioner to submit quarterly reports to the committee concerning any nursing home's pending interim rate request. These reports must (without identifying a facility by name) list the amount of each requested increase, the reason for the request, and the resulting rate if the request is granted.

Starting January 1, 2010, the act requires the committee to report annually on its activities to the Appropriations Committee, as well as the Human Services, Public Health, and Aging committees. And starting January 1, 2010, the committee must also meet quarterly with the chairpersons and ranking members of the Appropriations, Human Services, and Public Health Committees and the long-term care ombudsman to discuss its activities.

§ 87 - MONEY FOLLOWS THE PERSON

The act postpones, from January 1, 2009 to January 1, 2012 the date by which the DSS commissioner must submit a plan to implement the MFP II demonstration program to the Human Services and Appropriations committees. It also delays the program's implementation date from July 1, 2009 to July 1, 2012.

The federal MFP demonstration program is a five-year program that permits states to move individuals out of nursing homes and other institutional settings into less-restrictive, community-based settings. PA 08-180 required DSS to develop and implement a demonstration program similar to MFP. This program, referred to as "MFP II," must provide home- and community-based long-term care services to adults (age 18 and older) who (1) are institutionalized or at risk of institutionalization and (2) meet the CHCPE financial and level of care eligibility criteria established in regulations. MFP II was created to allow adults who do not meet MFP's federally mandated six-month institutionalization requirement to receive similar services.

§ 88 - ASSISTED LIVING SERVICES

By law, the Department of Economic and Community Development commissioner established an assisted living demonstration program for low- and moderate-income seniors living in four government subsidized elderly housing locations.

Notwithstanding this program, the act allows the commissioner, in consultation with the DSS commissioner and the OPM secretary, to designate an additional federal Department of Housing and Urban

Development Section 202 or Section 236 elderly housing development that is licensed to provide assisted living services to individuals otherwise eligible to receive these services under the CHCPE.

PA 09-6, September 2009 Special Session-SB 2053
Emergency Certification

AN ACT IMPLEMENTING THE PROVISIONS OF THE BUDGET CONCERNING EDUCATION, AUTHORIZING STATE GRANT COMMITMENTS FOR SCHOOL BUILDING PROJECTS, AND MAKING CHANGES TO THE STATUTES CONCERNING SCHOOL BUILDING PROJECTS AND OTHER EDUCATION STATUTES

SUMMARY: This act approves grant commitments for local school construction projects and makes various changes in statutes relating to school construction projects. It also adopts provisions to implement the FY 10-11 state budget relating to education and education grants. Finally, it makes changes in education statutes dealing with, among other things:

1. interdistrict magnet schools;
2. early childhood education and school readiness programs;
3. an education and mentoring program for beginning teachers;
4. substitute teachers;
5. school dropouts;
6. in-school suspension; and
7. the Connecticut Independent College Student grant.
8. A section-by-section analysis appears below.

EFFECTIVE DATE: Upon passage

§ 1 - SCHOOL CONSTRUCTION PROJECT GRANT COMMITMENTS

The act authorizes \$398.5 million in state grant commitments for school construction projects, including increased grants for reauthorized projects that have changed in cost or scope by at least 10%.

It approves state grant commitments for school construction projects on the education commissioner's 2009 project priority list. It authorizes new grants for 18 school projects and grant increases for 21 previously authorized projects that have changed by more than 10% in cost or scope. Grant commitments for new projects total \$247.3 million. The net increase in grant commitments for reauthorized projects is \$151.2 million.

§ 2 - MAGNET SCHOOL CONSTRUCTION MORATORIUM

Starting July 1, 2009, the act bars the education commissioner from accepting applications for state school construction grants for new interdistrict magnet schools. The moratorium does not apply to magnet schools that help the state meet the goals of the 2008 *Sheff v. O'Neill* settlement, as determined by the commissioner. The moratorium lasts until the commissioner develops a comprehensive statewide magnet school plan. The commissioner must submit the plan to the Education Committee by January 1, 2011.

§ 3 - LIMIT ON CONSTRUCTION CHANGE ORDERS

For school projects authorized after July 1, 2009 and costing more than \$10 million, the act bars state reimbursement for construction change orders and other change directives that exceed 5% of the project's total authorized cost. Under prior law, change orders exceeding 5% of the authorized cost of such projects were reimbursed at 50% of the otherwise eligible amount.

A change order is an amendment to a school construction project that does not have to be publicly bid but must be approved in advance by the State Department of Education (SDE). SDE guidelines state that districts should use change orders only for unforeseen or emergency conditions and that such changes should total no more than 10% of the original project price. Changes that exceed 10% require legislative reauthorization.

§ 4 - DUPLICATIVE SCHOOL PROJECTS

The act allows the education commissioner to reject an application for a local school construction project if the project's proposed educational specifications or theme duplicates a program offered at a vocational-technical school or interdistrict magnet school in the same region.

§ 5 - REIMBURSEMENT FOR DELAYED SCHOOL CONSTRUCTION GRANT PAYMENTS

The act requires the state to reimburse school districts for their costs for short-term borrowing to cover state school construction grant payments that were delayed because state bond funds for the payments were unavailable. To be eligible for reimbursement, a district must have submitted a grant payment request that was approved by the SDE between July 1 and December 31, 2009.

Reimbursement must equal 100% of a district's reasonable fees, interest, and other costs or lost income

related to district borrowing to cover school construction project costs otherwise payable by the state. These include costs attributable to shifting money previously budgeted for, or allocated to, another purpose or diverted from a reserve fund to cover school construction project expenses. The act sets the interest rate for costs attributable to such shifting at the state Short Term Investment Fund's interest rate payable for the period during FY 10 that bond funds to pay state grants were unavailable.

Towns must apply to the SDE for reimbursement by March 31, 2010. The education commissioner prescribes how districts apply and determines whether costs are reasonable.

The act requires the commissioner to pay reimbursement grants from the bond authorization for school construction project grants. As required by IRS regulations, to ensure that the bonds funding the reimbursement grants qualify as tax-exempt, the act establishes as the state's official intent that (1) the state reasonably expects to use the bond proceeds to reimburse the costs and expenses the act describes and (2) the aggregate reimbursements are not expected to

exceed the total amount of funds the act allows the state to spend for the reimbursements. It authorizes the Office of Policy and Management (OPM) secretary and the state treasurer to amend the act's declaration of official intent on the state's behalf.

The state generally reimburses school districts for 20% to 80% of the eligible costs for local school construction projects (reimbursement rates for certain types of projects are higher). State school construction grants are funded by state general obligation (GO) bonds. Grants are disbursed to school districts in "progress payments" that cover ongoing project construction expenses.

§§ 6-17 & 19-21 - WAIVERS FOR SPECIFIC SCHOOL CONSTRUCTION PROJECTS ("NOTWITHSTANDING" PROVISIONS)

The act waives certain statutory and regulatory requirements to make specified school construction projects eligible for state grants under certain conditions, as described in Table 1 below. These waivers are referred to as "notwithstanding" provisions.

Table 1: Notwithstanding Provisions for Local School Projects

<i>§</i>	<i>District</i>	<i>School</i>	<i>Project</i>	<i>Requirement(s) Waived</i>	<i>Conditions</i>
6	West Hartford	Braeburn Elementary School	Portable classrooms	Timing of bid and plan approval by SDE's Bureau of School Facilities	Bureau approval of plans and specifications
7	West Hartford	Hall High School	Interior modification for restroom accessibility not included in athletic field accessibility improvements	Timing of bid and plan approval by SDE's Bureau of School Facilities	Bureau approval of plans and specifications
8	Manchester	New Bentley Head Start Center School	Purchase playground equipment	Timing of bid and plan approval by SDE's Bureau of School Facilities	Bureau approval of plans and specifications
9	Manchester	Bennet Middle School	Bennet Middle School project	Six-month deadline for submitting change orders or change directives	District may submit only change orders executed after July 1, 2008 and before July 1, 2009
10	Groton	Fitch High School	Extension and alterations	Timing of bid and plan approval by SDE's Bureau of School Facilities	Bureau approval of plans and specifications
11	Greenwich	Hamilton Avenue School	Demolition and abatement	Timing of bid and plan approval by SDE's Bureau of	Bureau approval of plans and specifications

<i>§</i>	<i>District</i>	<i>School</i>	<i>Project</i>	<i>Requirement(s) Waived</i>	<i>Conditions</i>
				School Facilities	
12	Waterbury	Enlightenment and Special Education Program Center	Alteration	Requirement that project scope be established at time of application	Expand scope to include an elevator and exit stair
13	Franklin	Franklin Elementary School	Alteration, energy conservation, roof replacement	Projected enrollment calculation formula and standard space specifications	Use 225 as projected enrollment in grades K-8 to increase eligible square footage
14	Killingly	Killingly Regional Vocational Agriculture Center	New center	Limits on amount of land acquisition costs eligible for state reimbursement	Purchase an additional 25 acres
15	Region 19	Not specified	Vocational agriculture equipment and building modifications	<ul style="list-style-type: none"> Requirement that project scope be established at time of application Timing of bid and plan approval by SDE's Bureau of School Facilities 	<ul style="list-style-type: none"> Expand project scope to include an air handling system Bureau approval of plans and specifications
16	Mansfield	Mansfield Middle School	Alteration	Timing of bid and plan approval by SDE's Bureau of School Facilities	Bureau approval of plans and specifications
17	New Haven	Metropolitan Business Academy High School	New construction	Timing of bid and plan approval by SDE's Bureau of School Facilities	Bureau approval of plans and specifications
19	Ledyard	Ledyard Middle School	Replace floor covering	Timing of bid and plan approval by SDE's Bureau of School Facilities	None
20	Ledyard	Ledyard High School	Costs associated with building a pump station	Ineligible costs	None
21	Suffield	Suffield High School and Suffield Vocational Agriculture facility	New high school and vo-ag facility	Site acquisition	Exclude donated land from eligible site acquisition cost and maximum acreage determinations

§ 18 - GRANT TRANSFERS TO MAGNET SCHOOLS AT GOODWIN COLLEGE

Transfer Pathways Magnet School Authorization

The act transfers the previously authorized grant commitment for the new Pathways Magnet School from Hartford to Goodwin College in East Hartford. The following conditions and limitations apply to the transfer:

1. the school must be located on the Goodwin College campus;
2. 100% of the total estimated project costs up to \$38,830,000 plus increases allowed in the act (see below) are eligible for reimbursement, minus reimbursements to Hartford for its reasonable and necessary costs already spent and that the education commissioner considers eligible;
3. reimbursable architectural costs for Goodwin College are limited to costs needed to place the previously designed building on the Goodwin campus; and
4. the education commissioner may disapprove the project if construction has not started within two years after the act's passage.

Goodwin College Magnet School Grant Authorization Transfer to Pathways Magnet School

PA 08-169 authorized a grant commitment to Goodwin College for the Goodwin College-Connecticut River Academy for Earth and Space Science Magnet School with a total project cost of up to \$80 million.

This act authorizes the transfer of up to \$7 million of the PA 08-169 authorization to the Pathways Magnet School project. It waives a requirement that previously authorized projects with significant changes in cost or scope be resubmitted to the legislature and allows the transfer without additional legislative authorization, contingent on a commensurate reduction in the total authorized cost for the Earth and Space Science Magnet School project.

Early Childhood Magnet Facility at Goodwin College

The act adds a new early childhood education magnet facility project at Goodwin College to the 2009 priority list. It makes the project eligible for a school construction reimbursement grant if Goodwin College files a grant application before June 30, 2010 and meets all other school construction grant requirements.

The act (1) limits the total cost for the early childhood education project to \$16 million and (2) reduces the 2008 authorization for the Goodwin College-Connecticut River Academy for Earth and

Space Science Magnet School by the same amount.

§§ 22 & 24 - MAGNET SCHOOL GRANTS AND TUITION

Magnet Moratorium

Starting July 1, 2009, the act prohibits the education commissioner from accepting interdistrict magnet school operating grant applications for new magnet schools unless the school will help the state meet the goals of the 2008 *Sheff v. O'Neill* stipulation and order. Applications for other new magnet schools can be accepted once the commissioner develops a comprehensive state-wide interdistrict magnet school plan, which the act requires him to submit to the Education Committee by January 1, 2011.

Operating Budgets

By law, when approving magnet school operating grant applications, the commissioner must consider, among other things, the proposed operating budget and the sources of funding for the school. For magnet schools operated by entities other than boards of education, the act permits the commissioner to only approve a budget if it does not exceed, on a per pupil basis, the "maximum allowable threshold" the act establishes. This amount is found by dividing the "net current expenditures" by the "average daily membership," using data from two fiscal years before the fiscal year for which the grant is sought. The maximum allowable threshold is 120% of the state average of this amount. SDE must establish the maximum allowable threshold by December 15 of the fiscal year before the fiscal year for which the grant is sought. If requested by an applicant, the act allows the commissioner to waive the "maximum allowable threshold" requirement if he determines there are extraordinary program needs.

Grant Amounts

Host Magnets-Generally. Under prior law, the per-pupil amount each interdistrict magnet school could receive for enrolled students who were not residents of the town operating the school was set at \$6,730 for FY 09, \$7,440 for FY 10, and \$8,158 for FY 11. The act freezes the per-pupil grant amount at the FY 09 level through FY 11.

Hartford Sheff Magnets. The act sets the non-resident per-pupil grant for interdistrict magnet schools operated by the Hartford school district pursuant to *Sheff v. O'Neill* at \$12,000 for FY 10 and \$13,054 for FY 11. For the 2009-10 and 2010-11 school years, the act prohibits Hartford from charging tuition for any

student enrolled in an interdistrict magnet school it operates.

In addition to these grants, for FY 10, the act allows the commissioner to provide supplemental grants of up to \$1,054 to the district for each nonresident student attending one of its magnet schools. The grants are subject to the approval of the OPM secretary and the Finance Advisory Committee.

Supplemental Grants-Generally. By law, the commissioner can provide supplemental grants to interdistrict magnet schools after he reviews and approves the total operating budget for the schools, including all revenue and expenditure estimates. The act specifies that this must be a comprehensive financial review.

Regional Education Service Center (RESC) Magnets. For RESC-operated magnets that enroll less than 55% of their students from a single town, the act freezes the per-pupil grant at the FY 09 level of \$7,620. The amount was scheduled to increase to \$8,180 for FY 10 and \$8,741 for FY 11. For RESC-operated magnets enrolling 55% or more of their students from a single district, the act freezes the per-pupil grant at the FY 09 level of \$6,730. Under prior law, the grant was scheduled to increase to \$7,440 in FY 10 and \$8,158 in FY 11. The act eliminates a provision that would have provided that same per-pupil grant to RESC-operated magnets that enroll at least 60% of their students from Hartford pursuant to *Sheff v. O'Neill* as is provided to magnets enrolling at least 55% of their students from a single district.

The act sets a separate per-pupil grant for RESC-operated magnets that (1) began operations for the 1998-99 school year and (2) for the 2008-09 school year, enrolled at least 55%, but no more than 70% of the school's students from a single town. For FY 10, and each fiscal year thereafter, the act sets the per pupil grant at \$4,894 for each student that resides in a district enrolling between 55% and 70% of the school's students and at \$6,730 for the rest of the school's students.

The act sets a separate per-pupil grant for RESC-operated magnets that began operations for the 2001-02 school year and that, for the 2008-09 school year, enrolled at least 55%, but no more than 80% of the school's students from a single town. For FY 10, and each fiscal year thereafter, the act sets the per pupil grant at \$4,250 for each student that resides in a district enrolling between 55% and 80% of the school's students and at \$6,730 for the rest of the school's students.

Sheff Magnets. The act sets the per-pupil grant for each magnet school that enrolls less than 60% of its students from Hartford pursuant to *Sheff v. O'Neill* at \$9,695 for FY 10 and \$10,443 for FY 11. The magnet school must be operated by a RESC; the board of

trustees of the community-technical colleges, the Connecticut State University system, or UCONN; the board of governors for an independent college or university; a cooperative arrangement; or any other third-party commissioner-approved non-profit. Under prior law, RESC-operated magnets that enrolled less than 60% of their students from Hartford were treated like RESC-operated magnets enrolling less than 55% of the school's students from a single town.

RESC Magnet Tuition. By law, for FY 09, any tuition a RESC-operated magnet school charges a board of education must be equal to 75% of the difference between the average per pupil expenditure of the magnet school for the prior fiscal year and the amount of any per pupil state subsidy, plus any revenue from other sources calculated on a per pupil basis. The act raises that percentage to 90% in FY 10 and 100% in FY 11. The act eliminates a provision for FY 09 that prohibits a tuition increase, on a per pupil basis, that is more than 10% of that charged for the previous fiscal year.

The act prohibits RESCs from charging tuition in excess of the difference between the total expenditures of the magnet school for the prior fiscal year and the total per pupil state subsidy, plus any revenue from other sources. It allows the commissioner to conduct a comprehensive financial review of the magnet school's operating budget to verify the tuition rate.

§§ 23 & 25 - TRANSPORTATION GRANTS

By law, through FY 09, grants to boards of education for transporting public school students must be proportionately reduced if the total exceeds the amount appropriated for that year. The act extends this provision through FY 11.

By law, magnet school operators that transport students to interdistrict magnet school programs in a town other than the town in which the child resides are eligible to receive a grant for the cost of transporting the students. The law caps the grant amount at \$1,300 per student. The act raises that amount to \$1,400 for FY 10 and \$2,000 for FY 11 for districts helping to meet the goals of *Sheff v. O'Neill*, as determined by the commissioner.

For FY 09, it also allows the education commissioner, within available appropriations, to provide supplemental transportation grants to RESCs for interdistrict magnet school transportation. In order to provide the grant, the commissioner must review and approve the RESCs total interdistrict magnet school transportation budget, including all revenue and expenditure estimates.

§ 23 - TECHNICAL HIGH SCHOOL TRANSPORTATION

By law, the education commissioner can provide grants of up to \$2,000 per pupil, within available appropriations, to boards of education and RESCs that transport Hartford students out-of-district to technical high schools or regional agricultural science and technology education centers to help the state meet the goals of *Sheff v. O'Neill*. The act expands the provision to allow the commissioner to also provide grants for out-of-district students to attend Hartford technical schools to meet the *Sheff* goals.

§ 24 - SHEFF MAGNET PARTICIPATION AGREEMENTS

The act allows interdistrict magnet schools that started operating on or after July 1, 2008 pursuant to the *Sheff v. O'Neill* stipulation and order, to operate without participation agreements indefinitely. Prior law only allowed them to do so until July 1, 2009. The act specifies that the schools must enroll students through a commissioner-designated lottery, rather than “directly.”

§ 26 - ECS MAGNET SCHOOL REDUCTION

The act eliminates a provision, applicable only for FY 09, reducing each town’s student count for purposes of Education Cost Sharing (ECS) grants by 25% of the number of the town’s students attending full-time interdistrict magnet schools for whom the state paid a magnet school operating grant.

§ 27 - FUND TRANSFERS

The act authorizes the education commissioner to transfer funds appropriated for FY 10 and FY 11 for the *Sheff* settlement in the state budget (PA 09-3, June Special Session) to the following programs to help meet *Sheff* goals:

1. grants for interdistrict cooperative programs,
2. per-student grants for state charter schools,
3. grants for the Open Choice interdistrict school attendance program,
4. interdistrict magnet school grants, and
5. technical high schools.

§ 28 - ECS FUNDS TRANSFERRED FOR EDUCATIONAL IMPROVEMENT

For FY 08 and FY 09, any town whose school district is in the third year or more of failing to make adequate yearly progress in math or reading had to add 20 percentage points to the share of its ECS increase that it had to spend on education pursuant to the minimum budget requirement (MBR) (the minimum

amount towns must appropriate for education). The comptroller had to withhold these funds and transfer them to SDE. The education commissioner had to spend the money on the school district’s behalf to implement any of the educational improvement measures that the State Board of Education required and to offset any other local education costs that the education commissioner deemed appropriate to achieve school improvement. The commissioner was required to award the funds to the board of education for the identified school district on the condition that it spend the funds in accordance with the commissioner’s directives.

Instead of lapsing, the act requires any funds transferred to SDE under this requirement that remain unspent on June 30, 2009 to carry forward to, and remain available for spending in, FY 10 for the same purposes.

§ 29 - BLOOMFIELD MAGNET SCHOOL

For FYs 08 and 09, PA 08-170 exempted the Bloomfield interdistrict magnet school from statutory provisions (1) limiting the number of students from a participating town to 75% and (2) requiring racial minorities to comprise between 25% and 75% of the student body. The act limits the exemption to a school that began operations before July 1, 2008 and extends this waiver through FY 11.

It requires the program, by July 1, 2010, to submit a plan to the education commissioner on how it can meet the racial composition requirements. By January 1, 2011, the commissioner can approve the plan, and he must report on it to the Education Committee.

§ 30 - ECS MINIMUM BUDGET REQUIREMENT

By law, to receive an ECS grant, towns must set an MBR. The act establishes an MBR for FY 10 and FY 11. It requires each town receiving an ECS grant to budget at least the same amount for education as it budgeted in FY 09. However, if the town reduced its local budget for education to offset federal money its local or regional board of education received directly from the 2009 federal stimulus act, that amount must be subtracted from its MBR.

PA 09-1, June 19 Special Session, allows certain towns to amend adopted local budgets for FY 10 to reduce their education appropriations by up to the amount of funding their local or regional boards of education received directly from the State Fiscal Stabilization Fund (SFSF) in the 2009 federal stimulus act. It applies to any town whose fiscal authority failed to account for its board of education’s direct receipt of SFSF funds when passing its municipal budget before June 30, 2009.

The act also makes technical changes.

§ 31 - FORMULA FOR DISTRIBUTING SCHOOL READINESS GRANTS TO PRIORITY SCHOOL DISTRICTS

Distribution Formula

The act makes permanent the existing temporary formula for distributing school readiness grants to priority school districts (PSDs). It requires grants to be determined by adding (1) the product of (a) the number of school readiness program slots each district contracted for as of March 30 and (b) the per-child cost of each slot for FY 09, reduced for less-than-year-round slots, and (2) the product of (a) the addition of or decrease in slots the district requested for FY 09 and (b) the FY 09 per-child cost, reduced for less-than-year-round slots. (The prior law's formula did not account for a district requesting a decrease in slots.) If the result is greater than the available appropriation, the education commissioner must reduce the number of additional slots the district requested to stay within the appropriated amount.

SDE Administrative Set-Aside

The act extends, through FY 11, SDE's ability to retain \$198,200 of the PSD school readiness appropriation for coordination, program evaluation, and administration. Under prior law, it could do this through FY 09.

§ 32 - LOCAL EARLY CHILDHOOD COORDINATION, PROGRAM EVALUATION, AND ADMINISTRATION

By law, competitive and noncompetitive school readiness grant funds that a town receives cannot be used to supplant federal, state, or local funding a town receives for early childhood education. However, prior law allowed a town to use the greater of \$25,000 or up to 5%, but no more than \$50,000, of the amount received for coordination, program evaluation, and administration. If a town provided \$25,000 for these activities, it could use up to 10%, but no more than \$75,000, for these activities.

The act instead allows SDE, in consultation with the Department of Social Services, to determine the amount, which must be at least \$25,000 and less than \$75,000, based on the school readiness grant award and the number of operating sites. This amount can be increased by the amount of local funding provided for coordination, program evaluation, and administration, up to \$25,000.

§ 33 - SCHOOL READINESS PER CHILD GRANT

The act freezes the maximum per-child cost of the SDE's school readiness program at the FY 09 level of \$8,346.

§ 34 - GRANT FOR THE CHILDREN'S MUSEUM OF WEST HARTFORD

The act reverses changes made in the bond act (PA 09-2, September Special Session) to the language of an existing bond authorization for a \$500,000 grant for the Children's Museum of West Hartford.

The act designates the town of West Hartford, rather than the Children's Museum of West Hartford, as the grant recipient. It also limits the grant's purposes to site acquisition and improvements for the Science Center of Connecticut, instead of also allowing funds to be used for planning and development, including site acquisition, construction, renovation, capital equipment, improvements, and relocation.

§ 35 - SUPPLEMENTAL PRIORITY SCHOOL DISTRICT FUNDS DISTRIBUTION

The act extends the FY 09 allocation of \$2,610,798 in PSD grants to the three largest school districts (Bridgeport, Hartford, and New Haven) for two additional years, through FY 11.

It also reduces the total annual funding for a supplemental PSD grant to all priority districts by \$419,549, from \$4,160,122 to \$3,740,573 per fiscal year. By law, the State Board of Education must allocate a share of these supplemental funds to each priority district in proportion to its regular PSD grant. The money is in addition to all other PSD grants each district receives.

§ 36 - CHARTER SCHOOL GRANTS

The act freezes the state grant for students attending charter schools at \$9,300 per student per year. This is the same per-pupil grant the state provided in FY 09.

§§ 37-39 - TEACHER EDUCATION AND MENTORING (TEAM) PROGRAM

Requirements for New Teachers

By law, teachers holding initial (first-level) certificates must successfully complete a beginning educator program in order to receive a provisional (second-level) certificate. The beginning educator program was called the Beginning Educator Support and Training (BEST) Program but under a 2008 act, the BEST program was eliminated as of July 1, 2009.

The act requires SDE to establish and administer a new teacher education and mentoring (TEAM) program for beginning teachers that is aligned with teaching principles approved by the State Board of Education. The program must include guided teacher support and coaching by teacher mentors and require beginning teachers to complete five instructional modules to help them develop particular teaching skills. Local and regional school districts, RESCs, unions representing certified employees, and public colleges and universities must cooperate with the department in developing and administering the program, recruiting and training mentor teachers, and evaluating and assessing beginning teachers.

Under the act, the TEAM Program replaces the BEST program as the beginning educator program required for provisional certification.

State Responsibilities

SDE must establish and administer the TEAM program. The act requires SDE to:

1. develop goals for teacher training, mentoring, professional development, and evaluation;
2. distribute state funding to school districts to help them implement district teacher education and mentoring plans;
3. manage and make available data systems for school districts to establish that teachers and mentors have satisfactorily completed the instructional modules;
4. monitor districts' program implementation, including through random district audits and observation by state personnel;
5. issue provisional certificates to teachers who complete the program;
6. with input from "stakeholder groups," develop guidelines for creating and approving districts' teacher education and mentoring plans; and
7. oversee an outside evaluation of the program every three to five years.

The act also requires SDE to collaborate with EASTCONN (the RESC for Eastern Connecticut), the RESC Alliance (an organization of all six RESCs), higher education institutions, and other stakeholders to:

1. develop instructional modules for beginning teachers;
2. provide training and professional development for regional mentors working at the district level;
3. provide training and professional development for district teams and principals in how to design, manage, and administer teacher education and mentoring plans; and
4. provide technical assistance to districts according to their size and needs.

The act requires SDE and public higher education institutions to work with RESCs to align the modules for beginning teachers with pre-service teacher preparation programs approved by the National Council for Accreditation of Teacher Education. SDE and the institutions must also develop and deliver regional strategies to support mentor assistance programs and train cooperating teachers to work with teacher preparation candidates during their student teaching and internships.

Finally, the act requires SDE, with EASTCONN, to create a data system through which school districts may access resources and record-keeping tools to manage the TEAM Program at the local level. The system must include templates for (1) districts to write and update district plans and record teacher completion of learning modules and (2) teachers to record completion of module activities and submit written reflection papers or projects. The system must also include links to on-line programs or workshops that are part of the modules.

The act requires SDE to adopt guidelines by July 1, 2010 for transition to and implementation of the TEAM Program according to the act and the December 29, 2008 report by the BEST/Mentor Assistance Program (MAP) Task Force.

School District Responsibilities

Local Program Administration. Under the act, each school district must develop a three-year plan for its participation in the TEAM program that meets the act's requirements (see below) and form, with teachers' union representatives, a local or regional coordinating committee or committees to guide its activities under the plan. The committee's composition must be based on the district's size. Each district must develop an annual budget based on its plan and submit it to SDE to receive state assistance for its TEAM Program activities.

The act also requires each district to:

1. recruit mentors from within and outside the district and assign them to work with the district's beginning teachers;
2. ensure coverage by substitute teachers to allow mentors and beginning teachers to participate in the TEAM Program;
3. communicate regularly with beginning teachers about training opportunities, workshops, and support groups;
4. coordinate the TEAM Program with the district's teacher evaluation and supervision program, but keep the two separate; and
5. through the coordinating committee, verify that beginning teachers have completed the TEAM Program requirements for a provisional certificate and attest to that fact and that the

teacher is eligible for the provisional certificate.

The act also requires districts to ensure that schools (1) administer the state's online needs assessment to establish beginning teachers' goals and priorities for their individualized mentoring plans; (2) review and approve teachers' plans; (3) organize mentoring opportunities by grade, department, or specialty; (4) make time available for teachers to achieve their mentoring plan goals; (5) coordinate mentors' and teachers' activities and schedules to ensure proper implementation of the district plan; and (6) submit an annual report on mentor and teacher activities to the district's coordinating committee for review and approval.

Local Program Plan. The act requires local and regional school districts to develop three-year plans that incorporate SDE's goals and instructional priorities along with local community and student needs. District plans must include:

1. district information, including profiles of the community, district, students, faculty, mentors, and beginning teachers;
2. a statement of three-year objectives related to state goals for the TEAM program;
3. a general timeline for district coordinating teams to meet with the district's central office personnel, principals, mentors, or district facilitators;
4. the mentor selection and assignment process that is based on subject areas, levels, and needs;
5. the process for training and updating mentors in best practices and essential knowledge;
6. a timeline of district-wide mentoring days for observations, individual discussion, small group meetings, professional development, RESC training sessions, and beginning teachers' completion of module-related tasks;
7. the process for collecting, reviewing, and coordinating teachers' mentoring plans;
8. the process for resolving internal disputes over district recommendations to the state about which teachers have completed learning modules satisfactorily; and
9. the resources and budget for the planned activities.

Once a teacher completes the learning modules and successfully passes the district coordinating committee's final review, the school superintendent must submit to SBE the names of the teachers eligible for provisional certificates. The act bars districts from considering a teacher's completion of the TEAM Program as a factor in any decision to continue the teacher's employment.

Beginning Teacher Responsibilities

The act requires each beginning teacher to develop a two-year individualized mentoring plan and complete instructional modules in the following five areas: (1) classroom management and climate, (2) lesson planning and unit design, (3) delivering instruction, (4) assessing student learning, and (5) professional practice. Unless the education commissioner provides otherwise, teachers must complete two modules in the program's first year and three in the second.

The act requires beginning teachers to work with their mentors to develop planned activities to complete each module. The activities must be reflected in the beginning teacher needs assessment. The activities can be presented (1) by mentors in person, (2) in workshops, (3) through online courses, or (4) by completing a set of readings. For each module, teachers must apply the knowledge gained through such activities in a lesson, project, or demonstration of how the activity affected students' learning. Teachers must also submit a reflection paper for each module that summarizes, describes, or analyzes what they and their students learned throughout the module and how it contributed to the teacher's development. The paper or project must be signed by the mentor and sent to the district's coordinating committee for approval.

Mentors

The act requires local and regional boards of education to recruit mentors for their TEAM programs. SDE, higher education institutions, and RESCs must cooperate in the recruiting.

TEAM Program mentors must have a provisional or professional educator certificate and at least three years of teaching experience in Connecticut, including at least one year in the district where they are employed. Retired certified teachers who complete a RESC mentor training program may also serve as mentors. Each mentor is assigned two beginning teachers, although in certain circumstances, which the act does not describe, they can have three. Mentors must provide 50 contact hours with each of their beginning teachers during the program, with an expectation of approximately 10 hours per module.

Mentors must receive a minimum stipend of \$500 annually for each beginning teacher assigned to them. The stipend must be included in their total earnings for retirement purposes. (Presumably, this requirement does not apply to mentors who are retired teachers.)

TEAM Program Participation Requirements

Under the act, teachers who began the BEST Program, but had not finished it as of July 1, 2009 and

who teach during the 2009-2010 school year will have their initial educator certificates extended for one year. Such teachers must participate in, and exit, the TEAM Program if they complete two modules during the 2010-2011 school year.

Starting July 1, 2010, teachers who hold initial certificates and who have not participated in any beginning educator program as of July 1, 2009 must complete the TEAM program as follows:

1. Beginning teachers with subject areas or endorsements in elementary education, English and language arts, mathematics, science, social studies, special education, bilingual education, music, physical education, visual arts, world languages, and English as a second language must successfully complete the full TEAM program, i.e., two years of mentorship and five modules.
2. Beginning teachers working in other endorsement areas but whose primary function is providing direct instruction to students must successfully complete one year of mentorship and two modules.

Credit towards a Master's Degree

The act requires the Connecticut State University (CSU) chancellor to develop a plan for beginning teachers participating in TEAM to receive credit towards a Master's Degree from one of the Connecticut state universities for successfully completing the five TEAM instructional modules. The plan must include a process for awarding credits, costs for administering the program, and potential funding sources. In developing the plan, the chancellor must consult with the SDE, Department of Higher Education (DHE), the appropriate CSU faculty bargaining unit, and other stakeholders.

The chancellor must submit the plan to the Education and Higher Education committees by January 1, 2011. The plan takes effect on July 1, 2011.

§§ 40-47 - EDUCATION GRANT CAPS

The act caps several state education formula grants to school districts and RESCs through June 30, 2011. It sets the limits at the amounts appropriated for the grants in the 2010-11 state budget (PA 09-3, June Special Session). Under the act, if the appropriated amounts are not sufficient to fully fund the grants, amounts must be proportionately reduced. The caps apply to grants for:

1. health services for private school students;
2. transportation for private school students;
3. adult education;
4. bilingual education programs;
5. RESC operating grants; and
6. special education excess costs, other than costs

for state-placed children receiving special education from a local board of education and for whom no home district can be identified ("no-nexus children).

§ 48 - SUBSTITUTE TEACHERS WITHOUT BACHELOR'S DEGREES

PA 09-1, June 19 Special Session, eliminated the education commissioner's authority to waive the statutory requirement that substitute teachers have at least a bachelor's degree. For the 2009-2010 school year, this act allows school districts to employ substitute teachers without bachelor's degrees, but only in assignments lasting 10 or fewer school days.

§ 49 - OFFICE OF EARLY CHILDHOOD PLANNING

The act creates an Office of Early Childhood Planning, Outreach, and Coordination within SDE.

It gives the office the following duties:

1. planning, developing, and coordinating, with other agencies, the delivery of services to children from birth to nine years old;
2. coordinating the enhancement and implementation of the Early Childhood Information System, in consultation with the Early Childhood Education Cabinet, as reorganized under this act (see §§ 50 & 51);
3. developing and reporting on an early childhood accountability plan, in consultation with the cabinet;
4. implementing an outreach communications strategy to families, service providers, and policymakers;
5. beginning a state-wide longitudinal evaluation of the school readiness program, by January 1, 2010, in consultation with the Department of Social Services (DSS), that examines the educational progress of children from pre-kindergarten programs to grade four, including a reliability and validity study of the kindergarten assessment tool required by law to measure the preparedness level of kindergarten children; and
6. developing, coordinating, and supporting public and private partnerships to aid early childhood initiatives.

Early Childhood Information System

The act requires the planning office to enhance the Early Childhood Information System so it is capable of tracking:

1. the health, safety, and school readiness of all children receiving early care and education from a board of education or any program receiving public funding, in a manner similar to the standardized public school information system the law requires all school districts to join;
2. the characteristics of the existing and potential workforce serving children receiving early care and education in any school district or in a program receiving any public funding; and
3. the characteristics of the programs in which these children are served.

Under the act, the SDE is responsible for assigning a unique identifier to (1) each child, (2) each staff member, and (3) the programs tracked by the Early Childhood Information System. Any local or regional board of education, school readiness program receiving any public funding, or any Department of Public Health-licensed child day care center, including any centers participating in any DSS program pursuant to the general statutes, must ensure that all children and all staff in such center or program are entered into the Early Childhood Information System.

§§ 50 & 51 - EARLY CHILDHOOD EDUCATION CABINET

The act reconstitutes the existing Early Childhood Education Cabinet and changes its membership and duties. Some of its duties under prior law are given to the Early Childhood Planning Office, some are eliminated, and some remain with the cabinet.

The new 17-member cabinet includes the following commissioners, or their respective designees: (1) education, (2) social services, (3) public health, (4) developmental services, and (5) mental health and addiction services.

The cabinet also includes:

1. the Office of Policy and Management secretary or his representative,
2. an SDE representative who is responsible for special education programs,
3. a representative from an institution of higher education appointed by the higher education commissioner,
4. the Commission on Children executive director or her designee,
5. the Connecticut Head Start State Collaboration Office project director,
6. a Head Start Program representative appointed by the House minority leader,
7. a local provider of early childhood education appointed by the Senate minority leader,
8. a member of the House appointed by the House speaker,

9. a parent who has a child attending school in a priority school district who is appointed by the House speaker,
10. a member of the Senate appointed by the Senate president pro tempore,
11. a representative of a public elementary school with a pre-kindergarten program appointed by the Senate president pro tempore, and
12. a representative of the business or philanthropic community appointed by the governor.

The chairperson of the new cabinet must be appointed by the governor from among the members.

Under prior law, the existing cabinet was comprised of many of the same members, or their representatives, but the following are not part of the cabinet under the act:

1. the governor or her representative;
2. the higher education commissioner or his representative;
3. the children and families commissioner or her representative,
4. the co-chairs of the education and human services committees;
5. a representative of a local or regional school readiness council appointed by the Senate president pro tempore; and
6. a representative of the Connecticut Head Start Association appointed by the House speaker.

Although the higher education commissioner is not a member of the cabinet, under the act he appoints the member who represents higher education on the cabinet. Also, while the co-chairs of the two legislative committees are not named, the leaders of the house and senate each appoint a member of their respective chambers to the cabinet.

Duties

Under the act, the cabinet must:

1. coordinate, among state agencies and public and private partnerships, the development of services that enhance the health, safety, and learning of children from birth to nine;
2. annually, starting by December 1, 2009, develop a plan of action that assigns the appropriate state agency to complete the tasks specified in the federal Head Start Act (P.L. 110-134); and
3. annually, starting by March 1, 2010, submit a state-wide strategic report, pursuant to the federal Head Start Act to the General Assembly and the governor addressing the progress the agencies have made toward the completion of (1) the tasks outlined under the Head Start Act and (2) the aforementioned

duties under this act.

The cabinet must operate within available appropriations and any private funding that may be available. It will be located within the SDE for administrative purposes.

Under the act, the cabinet will no longer be charged with the following duties:

1. performing a statewide longitudinal evaluation of school readiness programs (the act designates this to the early childhood planning office);
2. developing and implementing an annual accountability plan (the act designates this to the early childhood planning office);
3. advising the education commissioner on policies to meet the school readiness goals;
4. developing budget requests for the early childhood programs;
5. promoting the consistency of quality and comprehensiveness of early childhood services;
6. developing minimum quality standards and a range of higher quality standards for all early care and education programs receiving state funding and annually reporting to the General Assembly on such standards; and
7. developing, with the Office of Workforce Competitiveness, a school readiness workforce development plan, and reporting annually to the General Assembly on the plan.

Also, the act eliminates the requirement that early childhood education providers that receive state funding report annually to the cabinet on the effectiveness of the provider's services.

School Readiness Program Agreement

By law, the education and social service commissioners must develop an agreement to define the duties and responsibilities of their departments concerning school readiness programs. The act requires the agreement to be submitted on or before January 1, 2010, and annually thereafter, to the cabinet and the Education and Human Services committees. Under prior law the commissioners had to consult the cabinet in developing the agreement. The act removes this requirement.

§ 52 - STATE LIBRARY OPERATING GRANTS

For FY 10 and FY 11, the act suspends a requirement that, for a public library to receive a state library operating grant, its annual tax levy or appropriation must not be reduced below the average amount for the three fiscal years immediately

proceeding the grant year.

§§ 53-55 - REQUIREMENTS REGARDING SCHOOL DROPOUTS AND READMISSION TO SCHOOL

Withdrawal from School

By law, parents or guardians of a child between the ages of five and 17 must cause the child to go to the public school in their district, unless they can show that the child has graduated from high school or is elsewhere receiving an equivalent education.

Under prior law, they could consent to the withdrawal of 16- and 17-year-olds from school, if they personally appeared and signed a withdrawal form. Starting July 1, 2011, the act prohibits a parent from signing a withdrawal form for a 16-year-old.

When parents or guardians withdraw a student under this provision, the school district must provide information on educational options for the student. The act also requires the withdrawal form to include an attestation from a school administrator or guidance counselor that the information on educational options was provided.

The act also requires boards of education to include in their strategic school profile the number of students enrolled in a board of education- or RESC-operated adult high school credit diploma program.

Readmission of Students

By law, if a student aged 16 or older drops out and later seeks readmission, the board can deny the student school accommodations for up to 90 days from the date of the termination. Starting July 1, 2010 for 16-year-olds and July 1, 2011 for 17-year-olds, the act requires school districts to provide school accommodations to students no later than three days after they ask for it, as long as they seek readmission no later than 10 days after the student terminated enrollment.

§ 56 - IN-SCHOOL SUSPENSION

The act delays, from July 1, 2009 to July 1, 2010, the implementation date of the 2007 law limiting out-of-school suspensions and its definition of "in-school suspension." The law requires suspensions to be in-school unless the school administration determines, after the required informal suspension hearing, that the student (1) poses such a danger to people or property or (2) is so disruptive of the educational process that the suspension must be served outside of school. Prior law defined in-school suspension as exclusion from classroom activity, but not from school, for up to five consecutive days. The 2007 law extended this to a maximum of 10 consecutive school days. The law's

original effective date was July 1, 2008, but it was delayed until July 1, 2009 in 2008.

§ 57 - CONNECTICUT INDEPENDENT COLLEGE STUDENT GRANT PROGRAM

PA 09-3, June Special Session, prohibits any independent college or university from receiving its annual Connecticut Independent College Student Grant (CICSG) Program allocation if it (1) meets students' full financial need and (2) uses a need analysis system that results in determinations of need for individual students that are greater than the federal system. It requires that the Department of Higher Education (DHE) (1) redistribute two-thirds of the unallocated CICSG funds in FY 10 and FY 11 to all other eligible independent colleges and universities and (2) set-aside the remaining one-third for Opportunities for Veterinary Medicine (a grant program for state residents pursuing veterinary medicine degrees).

The act repeals this provision and requires DHE to reduce an independent college or university's CICSG allocation by \$500,000 if it returned at least \$500,000 of its funding for FY 09. It requires DHE to compute the CICSG allocation based on the unreduced appropriation.

As under PA 09-3, June Special Session, DHE must transfer up to \$500,000 of the set-aside CICSG funds to Opportunities for Veterinary Medicine in FY 10 and FY 11.

§ 58 - DHE ALTERNATE ROUTE TO CERTIFICATION FUNDS TRANSFERS

The act transfers funds from DHE's FY 10 and FY 11 appropriations for the Alternate Route to Certification (ARC) program (ARC prepares highly qualified mid-career adults to become teachers, particularly in teacher shortage subjects). In each fiscal year, it redirects \$40,000 to DHE's Minority Teacher Incentive program and \$266,754 for FY 10 and \$313,181 for FY 11 to the SDE for regional education services.

The funds transferred to SDE must be used for the regional education services center Minority Recruiting Alliance's study and pilot programs concerning minority teacher recruitment and retention.

§ 59 - SDE SHEFF FUNDS TRANSFERS

The act transfers a \$5 million appropriation to SDE for FY 10 from the *Sheff* Settlement line item to the Magnet Schools line item in the budget.

§ 60 - TEACHING CERTIFICATE FEE INCREASE EFFECTIVE DATE

PA 09-3, June Special Session, increased fees for teaching certificates issued by SDE, effective upon passage. The act makes those increases effective October 1, 2009, the same effective date as other fee increases in that act.

§ 61 - RESC LEASE GRANTS

The act eliminates a state grant program to help RESCs lease facilities to provide educational programs and services.

PA 09-7, September 2009 Special Session-HB 7007 *Emergency Certification*

AN ACT IMPLEMENTING THE PROVISIONS OF THE BUDGET CONCERNING GENERAL GOVERNMENT AND MAKING CHANGES TO VARIOUS PROGRAMS

SUMMARY: This act appropriates funds for state agencies and programs to the General Fund and Special Transportation Fund for FY 10 and FY 11, notwithstanding the budget act (PA 09-3, June Special Session (JSS)). It also makes numerous changes as described below.

EFFECTIVE DATE: Various, see below.

§ 5 - DEPARTMENT OF INFORMATION TECHNOLOGY (DOIT) REPORTING REQUIREMENT

The act requires DOIT's chief information officer to report to the Appropriations and Government Administration and Elections committees, by February 15 annually, on its current and future technology projects.

EFFECTIVE DATE: Upon passage

§ 6 - NUMBER OF FILLED POSITIONS AT HIGHER EDUCATION CONSTITUENT UNITS

PA 09-3, JSS prohibits any state agency from exceeding the number of positions as published in the Office of Fiscal Analysis Budget (OFA) Book for the current biennium, unless the governor recommends it and the Finance Advisory Committee approves. The budget book reflects the number of positions recommended by the Appropriations Committee, including the General Assembly's revisions to the recommendation. This act excludes the state's higher education constituent units from this prohibition.

EFFECTIVE DATE: Upon passage

§ 7 - QUASI-PUBLIC AGENCY QUARTERLY REPORTS

The act requires the board of directors of each quasi-public agency to file a quarterly report with OFA on the money it received or held during the quarter. The report must, at a minimum, account for all the agency's revenue and expenditures. Under the act, (1) "revenue" means any addition to cash or other current assets that is neither an increase in a liability nor the recovery of an expenditure and (2) "expenditures" are amounts paid for any purpose, including expenses, debt retirement, and capital outlays.

The agencies must start reporting with the quarter beginning July 1, 2009. The act does not specify when the reports are due.

The quasi-public agencies are the Connecticut Development Authority, Connecticut Innovations, Inc., Connecticut Health and Educational Facilities Authority, Connecticut Higher Education Supplemental Loan Authority, Connecticut Housing Finance Authority (CHFA), Connecticut Housing Authority, Connecticut Resources Recovery Authority, Capital City Economic Development Authority, and Connecticut Lottery Corporation. (The Connecticut Housing Authority has been succeeded by the State Housing Authority, a subsidiary of CHFA.)

The quarterly reports the act requires are in addition to the annual reports each agency must already submit to the governor, the Auditors of Public Accounts, and the Program Review and Investigations Committee. The annual reports must include information about each agency's bond issues, projects, financial assistance over \$5,000 to individuals, balance sheet, affirmative action policies and efforts, and planned activities for the year.
EFFECTIVE DATE: Upon passage

§ 8 - OPM REPORTS ON GENERAL OBLIGATION BOND FUNDS

The act requires the Office of Policy and Management (OPM), in consultation with the state treasurer, to report on General Obligation (GO) bond funds to the Bond Commission, the Finance, Revenue and Bonding Committee, and OFA by January 1 annually. The report must identify all fully issued GO bond funds and (1) describe the projects that may be eligible for funding under each fund, (2) identify which funds are encumbered, and (3) account for expenditures from each fund for the last five years or since the fund's inception if it is less than five years old.

The law allows the treasurer, with the Bond Commission's approval, to transfer to the General Fund unexpended GO bond proceeds that are no longer needed for any of the purposes or projects for which the bonds were issued. The act requires the annual report to

identify any fully issued and unencumbered GO bond funds from which no expenditures have been made for at least five years that the treasurer has identified as being fully eligible for this transfer.

EFFECTIVE DATE: Upon passage

§ 9 - NONAPPROPRIATED AGENCY FUNDS

The act requires the OPM secretary, annually beginning by November 15, 2010, to submit to the Appropriations and Finance, Revenue and Bonding committees a summary, in electronic database format, of all nonappropriated moneys held by each budgeted agency (e.g., federal grants received by an agency) for the biennium commencing July 1, 2011 and each biennium thereafter. The summary must be an accounting of moneys received or held by the agency at the end of the last-completed fiscal year that are authorized or received in any way other than as an appropriation. The summary must be in a form consistent with accepted accounting practices.

EFFECTIVE DATE: Upon passage

§ 10 - AGENCY REPORTS TO OFA

The act expands the information that the administrative heads of budgeted agencies must transmit to OFA. By law, they must submit the agency's monthly financial status and personnel status reports. The act additionally requires them to transmit a non-appropriated moneys status report that accounts for money received or held by the agency that was received or authorized by means other than appropriations. The accounting must include an assessment of any agency fund or account receiving or holding such money. The assessment must at a minimum account for all expenditures, encumbrances, reimbursements, and revenues.

By law, budgeted agencies must transmit revenue and expenditure estimates to OFA in addition to the requirements described above. If they do not, the OPM secretary must cause the estimates to be prepared for them. The act extends the OPM requirement to the status reports.

EFFECTIVE DATE: Upon passage

§ 11 - TREASURER'S APPOINTMENT OF INVESTMENT OFFICERS

The act authorizes the state treasurer to appoint a deputy chief investment officer and principal investment officers. The treasurer already has the authority to appoint a chief investment officer along with investment officers and other personnel to assist him or her.

The act exempts the deputy chief investment officer's compensation from the requirement that salaries of Executive Branch employees not set by law

be determined by the administrative services commissioner and approved by the OPM secretary. Instead, it gives the treasurer authority to set the person's compensation, in consultation with the Investment Advisory Council (IAC). Under prior law, the exemption applied only to the chief investment officer's compensation.

Finally, the act requires the IAC to approve the treasurer's appointment of all principal investment officers, investment officers, and other personnel to assist the chief investment officer. Under prior law, the IAC's approval was required only for the chief investment officer's appointment.

EFFECTIVE DATE: Upon passage

§§ 12-14 - TOURISM DISTRICT CONSOLIDATION

The state markets and promotes its tourism attractions through the Connecticut Commission on Culture and Tourism (CCCT) and state-designated regional tourism districts, which are governed by municipal and tourism industry representatives. Prior law designated five districts. The act consolidates them into three by eliminating the South Central and Southwestern districts and expanding the remaining two districts to include the towns from the eliminated districts. It also renames one of the districts to reflect its expanded region and makes conforming technical changes. As Table 1 shows, the act reassigns 34 towns to the expanded districts.

Table 1: Makeup of Current and Consolidated Districts.

<i>District</i>	<i>Member Towns Under Prior Law</i>	<i>Towns Added under the Act</i>
Eastern	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	No Additions
Central	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.	Bethany, Branford, Cheshire, Clinton, Durham, East Haven, Guilford, Hamden, Killingworth, Madison, Middlefield, Milford, New Haven, North Branford, North Haven, Orange, Wallingford, West Haven, and Woodbridge
Western (formerly, Northwestern)	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	Bridgeport, Darien, Easton, Fairfield, Greenwich, Monroe, New Canaan, Norwalk, Shelton, Stamford, Stratford, Trumbull, Weston, Westport, and Wilton
South Central	Bethany, Branford, Cheshire, Clinton, Durham, East Haven, Guilford, Hamden, Killingworth, Madison, Middlefield, Milford, New Haven, Orange, North Branford, North Haven, Wallingford, West Haven, and Woodbridge.	None-District Eliminated
Southwestern:	Bridgeport, Darien, Easton, Fairfield, Greenwich, New Canaan, Monroe, Norwalk, Shelton, Stamford, Stratford, Trumbull, Weston, Westport, and Wilton	None-District Eliminated

The act requires CCCT to help the consolidated Central and Western districts establish committees to draft charters and bylaws and organize the initial meeting of their respective boards of directors. CCCT must do this by February 1, 2010, and the districts' boards must hold their initial meetings by February 15, 2010. The act requires the central regional district's office to be located in CCCT's Hartford office.
EFFECTIVE DATE: January 1, 2010

§§ 15-17 - LIMITS ON STATE PILOT PAYMENTS FOR CERTAIN MACHINERY AND EQUIPMENT

The act caps annual state payments in lieu of taxes (PILOTs) to municipalities for manufacturing machinery and equipment eligible for mandatory exemptions from local property taxes.

By law, depending on when it was acquired, eligible equipment and machinery used in manufacturing, biotechnology, or recycling is either already fully exempt from local property taxes or partially exempt until July 1, 2013 and fully exempt thereafter. The law also requires the state to make PILOT payments to municipalities to compensate them for lost tax revenue on such property. The act requires these payments to be proportionately reduced in any year in which the total amount payable exceeds the state's budgeted appropriation for such payments.
EFFECTIVE DATE: Upon passage

§ 18 - CONVERT STATE EMPLOYEE HEALTH PLAN TO SELF-INSURED

By law, the comptroller solicits bids and contracts with insurance carriers to provide health insurance for state employees and retirees. The act requires the comptroller to begin the process of converting the state employee health insurance plans, including pharmacy benefits but excluding dental benefits, to a self-insured arrangement for benefit periods beginning July 1, 2010 and later. (Under an agreement between the state and a coalition of state employee unions, the state began self-insuring pharmacy benefits July 1, 2008.)

The act authorizes the comptroller to contract with companies to provide administrative services for the self-insured state plan. Under the act, the state's contract for administrative services must require the insurer to charge the state its lowest available rate.
EFFECTIVE DATE: Upon passage

§ 19 - DOIT'S TECHNICAL SERVICES REVOLVING FUND

The Technical Services Revolving Fund is located in DOIT for purchasing, installing, and utilizing information systems. PA 09-3, JSS (§ 74), requires that the following sums be transferred from the fund in FY

10 beginning on or after May 1, 2010: (1) \$3.9 million to the General Fund and (2) \$100,000 to the brain injury prevention and services account. To effect these provisions, the act eliminates the requirement that the Technical Services Revolving Fund maintain a working capital balance of \$1.1 million, thus freeing this amount for the transfers.

EFFECTIVE DATE: Upon passage

§ 20 - NEXT STEPS INITIATIVE

The act authorizes funds to (1) provide rental assistance and services for the Next Steps Initiative's Round 3 development projects and (2) pay for debt service on the bonds issued to finance the projects. Specifically, for Round 3 development projects the act authorizes up to:

1. \$264,000 of the funds appropriated to the Department of Social Services (DSS) during the current biennium under PA 09-3, JSS, for Homeless/Housing Services;
2. \$510,000 in FY 10 and \$1 million in FY 11 of the funds appropriated to the Department of Mental Health and Addiction Services (DMHAS) under PA 09-3, JSS, for Housing Supports and Services; and
3. \$1 million of the funds appropriated to the treasurer to pay debt service under PA 09-3, JSS, during the current biennium.

The act requires any of these authorized funds that are not used for Round 3 to be used for other rental assistance and services for new scattered site supportive housing.

By law, the Next Step Initiative provides affordable housing and support services for people and families affected by psychiatric disabilities and chemical dependency who are homeless or at risk of being homeless and for supervised ex-offenders with serious mental health needs, among others. The law allows the state to provide state funds to CHFA to pay debt service on bonds it issued for mortgage loans under the Next Step Initiative. Round 3 was authorized under PA 08-123.

EFFECTIVE DATE: Upon passage

§ 21 - BRADLEY ENTERPRISE FUND

By December 1, 2009, the act requires the Transportation and Public Safety departments to enter into a memorandum of understanding to use the Bradley Enterprise Fund to pay all associated costs incurred by state police officers to provide security at Bradley Airport.

EFFECTIVE DATE: Upon passage

§ 22 - JUDICIAL BRANCH ELECTRONIC FILINGS, DOCUMENTS, AND PAYMENTS

Documents and Data

Prior law authorized the Judicial Branch to permit anyone to file, by computer, fax, or newly developed technology, documents the law required to be filed with the Superior Court. The act:

1. specifies that this applies to documents in any civil, criminal, family, juvenile, or other matter;
2. expands the provision to apply to data required to be filed with the Superior Court and any documents or data the law requires to be filed with a judge or judge trial referee;
3. specifies that the documents include a summons for an infraction or certain violations with a fine payable by mail to the Centralized Infractions Bureau, a complaint or summons for a misdemeanor issued by an arresting officer, and an information filed by a prosecutor charging someone with a crime; and
4. allows filing by other technologies rather than new technologies as they develop.

By law, Superior Court judges can set alternative methods of signing, subscribing, or verifying documents so that they have the same validity and status as signed, subscribed, or verified documents. The act applies this to the additional documents and data described above.

Payments

Prior law authorized the chief court administrator to allow the payment of any fee legally required to be paid to the Superior Court using existing or new technology. The act allows the use of technology to make any payment, not just fees.

Judicial Orders and Decisions

The act allows a notice, order, judgment, decision, decree, memorandum, ruling, opinion, mittimus, or similar document issued by the Superior Court or a judge, judge trial referee, family support magistrate, or magistrate to be signed or verified by computer, fax, or other technology according to procedures and technical standards set by the Office of the Chief Court Administrator. It gives these documents the same validity and status as paper documents signed or verified by the court or official.

EFFECTIVE DATE: Upon passage

§ 23 - COMPUTERIZED IMAGES OF JUDICIAL BRANCH RECORDS

The law authorizes the chief court administrator to microfilm court records, papers, or documents that must be retained indefinitely or for a period of time according to court rules, Office of the Chief Court Administrator directives, or statute. The act expands this to apply to all types of Judicial Branch records, papers, and documents and allows any of these documents to be reproduced as a computerized image. It defines a "computerized image" as any electronic reproduction of the original by a computer-based imaging system or process.

The act requires that the device used to create the computerized image accurately reproduce the original in detail. The law imposes the same requirement on microfilm devices.

Under prior law, microfilm was considered and treated the same as the original if it had a certificate of authenticity on each roll. The act instead requires that it be considered the same as the original in accordance with directives from the Office of the Chief Court Administrator. It also applies this to computerized images.

By law, a transcript, exemplification, or certified copy of the microfilm is deemed to be a transcript, exemplification, or certified copy of the original. The act applies this to computerized images.

EFFECTIVE DATE: Upon passage

§ 24 - STATE INSURANCE AND RISK MANAGEMENT BOARD

The act transfers the State Insurance and Risk Management Board to the Department of Administrative Services (DAS), but specifies that it has independent decision-making authority. Under prior law, the board was located in the Comptroller's Office for administrative purposes only. The act requires DAS to provide the board with support staff. The board determines how the state insures itself against losses by purchasing insurance to obtain the broadest coverage at the most reasonable cost.

EFFECTIVE DATE: Upon passage

§§ 25-30 & 173-175 - CLAIMS COMMISSIONER

The act moves the Office of the Claims Commissioner from the Comptroller's Office for administrative purposes only to DAS, and specifies that the office has independent decision-making authority. It eliminates the claims commissioner's authority to (1) appoint and remove a clerk and (2) employ assistants as necessary. Instead, DAS must provide support staff. Under prior law, the clerk and assistants were in the unclassified service and compensated as determined by the DAS commissioner and approved by the OPM

secretary.

The act also makes conforming changes.

EFFECTIVE DATE: Upon passage

BACKGROUND - Claims Commissioner

By law, the claims commissioner hears and determines all claims against the state except (1) claims for the periodic payment of disability, pension, retirement, or other employment benefits; (2) claims the law authorizes to be brought as lawsuits; (3) claims for which an administrative hearing procedure is established by law; (4) requests by political subdivisions of the state for the payment of grants in lieu of taxes; and (5) claims for tax refunds (CGS § 4-142).

The law authorizes the claims commissioner to (1) order that a claim be denied or dismissed, (2) order immediate payment of a just claim in an amount up to \$7,500, (3) recommend to the General Assembly payment of a just claim in an amount exceeding \$7,500, or (4) authorize a claimant to sue the state.

§§ 31 & 138 - STATE MARSHAL COMMISSION

The act makes the State Marshal Commission part of DAS, but it allows the commission to retain independent decision-making authority. Previously, it was within DAS for administrative purposes only. The act allocates \$50,000 from the DAS Other Expenses account in FY 10 and FY 11 for state marshal functions.

By law, the State Marshal Commission fills vacancies in state marshal positions, establishes professional standards for marshals in consultation with the State Marshals Advisory Board, and reviews and audits State Marshals' records and accounts. The commission can remove a state marshal for cause, after notice and a hearing. State marshals are independent contractors who serve legal papers on a fee for service basis.

EFFECTIVE DATE: Upon passage

§ 32 - POLICE OFFICER STANDARDS AND TRAINING (POST) COUNCIL STAFF

The law allows POST to employ an executive director and other personnel. The act requires POST personnel, other than the executive director, to be employed within available appropriations. It eliminates the council's specific authority to employ an unclassified executive secretary.

EFFECTIVE DATE: Upon passage

§ 33 - CONNECTICUT CAREER CHOICES FUNDING

The act requires the Office of Workforce Competitiveness (OWC) to fund Connecticut Career

Choices within available appropriations. Connecticut Career Choices is an OWC initiative to stimulate and develop high school students' interest and skills in science, technology, engineering, and math.

EFFECTIVE DATE: Upon passage

§ 34 - DRY CLEANING ESTABLISHMENT REMEDIATION ACCOUNT

This account provides grants to owners or operators of dry cleaning businesses to contain, remove, mitigate, or prevent pollution. By law, the economic and community development commissioner must establish grant distribution procedures and criteria. The act requires that the criteria specify a method to ensure timely payment to grant recipients.

EFFECTIVE DATE: Upon passage

§ 35 - INMATE FURLOUGHS

Under prior law, the Department of Correction (DOC) commissioner could allow an inmate to visit a specifically designated place, in or outside the state, under specified conditions for up to 30 days to (1) visit a dying relative, (2) attend a relative's funeral, (3) obtain medical services not otherwise available, or (4) contact prospective employers if the commissioner confirmed that an employment opportunity existed or an employment interview was scheduled.

The act increases, from 30 to 45 days, the length of these furloughs. It allows the commissioner to grant a furlough for any compelling reason consistent with rehabilitation. It also eliminates the requirement that the commissioner confirm that an employment opportunity exists or an employment interview is scheduled when granting a furlough to contact prospective employers.

By law, the commissioner can renew furloughs. An inmate who does not return from a furlough commits 1st degree escape.

EFFECTIVE DATE: Upon passage

§ 36 - PAROLE PANELS

By law, 12 of the 18 members of the Board of Pardons and Paroles are appointed to serve on parole release panels and the chairman can serve on parole release and pardon panels. Of the 12 members appointed to serve on parole panels, five are full-time members paid by DAS and seven are paid \$100 per day of service and necessary expenses.

Prior law required a parole panel to consist of two members, with at least one being a full-time member, and the board chairman or a full-time member designated to serve temporarily as chairman. Beginning on the act's effective date, the act no longer requires one of the two members to be a full-time member.

EFFECTIVE DATE: Upon passage

§ 37 - HEALTH INSURANCE PREMIUMS FOR PROBATE JUDGES AND EMPLOYEES

The act specifies that of PA 09-114 (§ 6), which deals with (i.e., premiums for group hospitalization and the medical and surgical portion of the insurance plan for the probate judges and employees retirement system) takes effect July 1, 2011, instead of January 1, 2011 and applies to premiums paid on or after July 1, 2011, instead of January 1, 2011.

Under prior law, the premium had to be paid from the retirement fund, which consisted of amounts transferred from the Probate Court Administration Fund and contributions from probate court employees and judges. The retirement fund paid 20% of the dental portion of the premium and the participant paid 80%. PA 09-114 instead requires that (1) the premiums be paid from appropriations to the state comptroller for Fringe Benefits for Retired State Employees Health Service Cost and (2) 20% of the premium for the group dental coverage be paid from these appropriated funds with the remainder paid by the participant.

PA 09-114 also requires that on July 1, 2011, and monthly thereafter, the state treasurer transfer from the General Fund to the comptroller the amount of premium due for the month as certified by the comptroller.

EFFECTIVE DATE: Upon passage

§ 38 - EXTENDED CARE GUARDIANSHIP AND ASSISTED CARE PILOT PROGRAM

The law requires the probate court administrator to establish, within available appropriations, an extended family guardianship and assisted care pilot program in the regional children's probate court for the district of New Haven to reduce the number of children who are placed out of their communities and in foster care due to abuse and neglect. Prior law required the program to be designed to: (1) provide outreach to extended family members in the community and appoint such family members as guardians, and (2) seek volunteers to act as assisted care providers to help guardians care for children.

The act also requires it to: (1) provide outreach to non-relative caregivers in the community and appoint them as guardians, and (2) provide and pay for needed services to assist guardians in meeting the needs of the children.

The act makes each guardian appointed by the court eligible to receive a maximum grant of \$1,000 instead of \$500 per child.

The act eliminates an obsolete provision.

Regulations

The law requires the probate court administrator to adopt regulations to establish the eligibility criteria for

(1) becoming a guardian or an assisted care provider under the program, and (2) awarding grants. The act requires the regulations to establish the criteria for:

1. providing services to assist guardians to meet the children's needs, and
2. obtaining and paying for studies from private child-placing agencies in connection with guardianship proceedings.

The act eliminates the requirement that the probate court administrator adopt these regulations through the regulations review process. Instead, he must follow the law that sets the procedures that apply when he adopts certain other regulations. Under these procedures:

1. the regulation is submitted to the Connecticut Probate Assembly's executive committee for approval;
2. if the executive committee fails to approve it, the regulation may be submitted to a panel of three Superior Court judges appointed by the Supreme Court chief justice;
3. the panel of judges must approve or reject the regulation after considering the positions of the probate court administrator and the executive committee;
4. a proposed new regulation and any change in an existing one is submitted to the Judiciary Committee for approval or disapproval in its entirety, but if more than one new regulation or change is submitted at the same time the committee must approve or disapprove all of the new regulations and changes together in their entirety;
5. unless the committee disapproves within 90 days after submission, each regulation is effective on the date specified in the regulation, but in no event until 90 days after promulgation.

EFFECTIVE DATE: Upon passage

§§ 39 & 106 - SCHEDULE REDUCTION DAYS FOR SUPERIOR COURT JUDGES

The act authorizes, instead of requires, the Supreme Court chief justice to order Superior Court Judges to take scheduled reduction days. Special Act 09-6 requires all full-time state employees not included in any prevailing bargaining unit contract to take scheduled reduction days. It requires (1) one scheduled reduction day before June 30, 2009; (2) three between July 1, 2009, and June 30, 2010; and (3) three between July 1, 2010, and June 30, 2011.

The act lapses \$316,207 in the Judicial Department's Personal Services account in FY 2010 and FY 2011.

EFFECTIVE DATE: Upon passage

§ 40 - POLICE OFFICER STANDARDS AND TRAINING COSTS

The act allows POST to recover from any municipality that stopped operating its police training school on or after January 1, 2007, the cost of training the municipality's recruits at the Connecticut Police Academy.

EFFECTIVE DATE: Upon passage

§§ 41 & 57 - COMMUNITY INVESTMENT ACCOUNT

The act transfers \$170,000 from the General Fund to the Community Investment Account (CIA). It requires \$500,000 of CIA funds that four agencies receive for various purposes to go to the General Fund in FY 10 (\$125,000 from each agency). It requires that the funds be transferred once all of the required distributions from the account to those agencies are made. The agencies are the Department of Agriculture (DOAG), the Department of Environmental Protection (DEP), CCCT, and CHFA. The CIA is funded by the fee people pay town clerks for each document recorded in municipalities' land records.

BACKGROUND - CIA

The law requires that CIA funds be distributed as follows:

1. 20% to CCCT, \$200,000 of which must be used annually to supplement the Connecticut Trust for Historic Preservation's technical assistance and preservation activities and the remainder to supplement historic preservation activities;
2. 20% to CHFA to supplement new or existing affordable housing programs;
3. 20% to DEP for municipal open space grants; and
4. 40% to DOAG for a variety of uses, including:
 - (a) \$125,000 quarterly for the agricultural viability grant program; and
 - (b) \$125,000 quarterly for the farm transition program.

Under PA 09-229 and PA 09-3, JSS, the CIA distribution for grants to milk producers expires on July 1, 2011, at which time the recording fee is to decrease from the current \$40 to the original \$30 and the fund distribution returns to an equal 25% for each of the four agencies. (The temporary fee increase and fund redistribution, from July 1, 2009 to July 1, 2011, is intended to fund grants for milk producers.)

EFFECTIVE DATE: Upon passage

§ 42 - CONSOLIDATING PRISONER TRANSPORTATION

The act requires the DOC commissioner and chief court administrator, in consultation with the OPM secretary, to develop a plan to consolidate inmate transportation services provided by DOC and the Judicial Branch. The commissioner and chief court administrator must report to the Appropriations and Judiciary committees by January 1, 2010 on the level of transportation services provided and their cost before and after the proposed consolidation.

EFFECTIVE DATE: Upon passage

§ 43 - ONLINE LEARNING PROGRAM FOR INMATES

The act requires the DOC commissioner and Charter Oak State College Board of Trustees, within available appropriations, to enter a memorandum of understanding by November 1, 2009, to implement an online learning program for inmates focused on (1) completing high school credit requirements, (2) preparing for the general educational development (GED) test, and (3) adult high school credit diploma program courses. The commissioner and board must submit progress and statistical reports on the program to the Appropriations and Judiciary committees by January 1, 2010, and quarterly until June 30, 2011. The reports must include recommendations to expand the program to additional correctional facilities as appropriate.

EFFECTIVE DATE: Upon passage

§§ 44-48 - AUDITS OF RECIPIENTS OF STATE FINANCIAL ASSISTANCE

Revised Threshold and Scope of Audit Requirements

By law, municipalities and other nonstate entities that receive substantial amounts of state funding must undergo a single audit. The act defines a "single audit" as an audit that covers an entity's financial statements and state financial assistance. It increases, from \$100,000 to \$300,000, the amount of fiscal assistance a nonstate entity can receive from the state before it becomes subject to the state single audit and related laws. It increases, from \$200,000 to \$1 million, the total amount of annual revenue certain entities must have before they become subject to the law. It expands the definition of a political subdivision for this purpose to include all types of special districts, rather than just fire districts, fire and sewer districts, and municipal utilities. By law, political subdivisions also include such entities as the Metropolitan District Commission, regional school boards, and regional planning agencies.

Prior law allowed a nonstate entity to choose to have a program-specific audit instead of a single audit if all of the state financial assistance that it expended in the audit year was for a single program. The act specifies that this option is not available if a grant agreement or statutory or regulatory provision governing the state financial assistance program requires a financial statement audit.

Auditor and OPM Discretion

The act gives auditors and OPM Secretary greater discretion in determining which programs to audit. It requires the secretary periodically to issue a state single audit compliance supplement containing information to help independent auditors conduct state single audits. This information must, at least, identify state financial assistance programs and their significant compliance requirements and include suggested audit procedures for determining compliance, programs that are exempt from auditing requirements, and information relevant to the risk-based approach for use in determining major state programs that are subject to auditing requirements.

In addition to provisions that apply to all state programs, the law has a number of provisions that apply to major state programs. For example, the auditor must perform procedures to obtain an understanding of internal controls sufficient to plan the audit and the testing of internal controls to support a low assessed level of control risk for such programs.

The act redefines “major state program.” Prior law defined it as any non-exempt program for which total expenditures of state financial assistance by a nonstate entity during the applicable year exceeded the larger of (1) \$100,000 or (2) 1% of the total amount of state financial assistance expended, excluding expenditures of an exempt program by the nonstate entity during the audited year. The act eliminated the definition and instead allows the auditor to use a risk-based approach to determine which programs are major. The auditor’s determination must include (1) factors consistent with requirements established by the U.S. Office of Management and Budget and (2) current and prior audit experience, oversight by state agencies and pass-through entities, and the risk inherent in state programs. (An example of a pass-through entity is a grantee who passes state funding on to a sub-grantee.)

Prior law defined “exempt programs” as education cost sharing and various other educational grant programs. The act eliminates the definition and instead allows the OPM secretary to designate programs as exempt after consulting with the Auditors of Public Accounts and the commissioner of the state agency that awarded the financial assistance.

Related Changes

By law, if a nonstate entity subject to the auditing requirements fails to designate an auditor to conduct its audit, the cognizant agency must do so. The act makes the nonstate entity responsible for paying the costs of any audit conducted by an agency-designated auditor.

By law, the cognizant agency may extend, by up to 30 days, the deadline for a nonstate entity to file copies of its audit with the relevant state agencies if the auditor and the entity’s chief executive officer submit a joint request to the cognizant agency stating the reasons for the extension. The act additionally requires that the request include an estimate of the time needed to complete the audit. It requires the auditor or chief executive officer to promptly provide any additional information the cognizant agency requires. Prior law allowed the cognizant agency to hold a hearing on the request. The act instead allows it to require the auditor and officials of the nonstate entity to meet with its representatives. It also modifies the requirement that a nonstate entity file a copy of the audit report with state grantor agencies by requiring that this be done, if it is applicable to the grantor agencies, rather than in every case.

By law, the audit must determine whether a nonstate entity has complied with the laws, regulations, and grant provisions of major state programs, and the auditor must select and test a representative number of transactions from each such program. The act specifies that the auditor must do this to provide him or her with sufficient evidence of compliance.

By law, when the total expenditures of a nonstate entity’s major state programs are less than 50% of its total expenditures of state financial assistance, excluding exempt program expenditures, the auditor must select and test additional programs to cover at least 50% of this total. The act eliminates, in such cases, requirements that (1) the selection be carried out in accordance with relevant OPM regulations and (2) no more than two programs each of which has total state financial assistance expenditures between \$25,000 and \$100,000 be tested if needed to achieve the audit coverage.

EFFECTIVE DATE: Upon passage

§ 49 - COMMISSION ON ENHANCING AGENCY OUTCOMES

The act expands the membership of the Commission on Enhancing Agency Outcomes created by PA 09-2 by adding the chairpersons of the Legislative Program Review and Investigations Committee, or their designees. Under existing law, the chairpersons and ranking members of the Appropriations and GAE committees serve on the

commission. The act permits the committee chairpersons to be represented by designees, but not the ranking members.

Previously, the commission's charge included consideration of the merging of state agencies including, specifically, (1) DMHAS and DSS and (2) CCCT, portions of OWC, and the Department of Economic and Community Development (DECD). The act (1) eliminates these references to specific agencies for possible merging and (2) adds consideration of streamlining state operations to the commission's charge.

The act also (1) requires the Program Review Committee, as it determines and within existing budgetary resources, to assist the commission and (2) extends and revises the commission's reporting requirements. Previously, the commission had to submit a report of its findings and recommendations to the governor, the House speaker, and the Senate president Pro Tempore by July 1, 2009 after which date the commission terminated. The act, instead, gives the commission until February 1, 2010 to submit an initial report identifying subjects for further study and until December 31, 2010 to submit a full report on its findings and recommendations. It allows the commission to continue in existence until December 31, 2011.

EFFECTIVE DATE: Upon passage

§ 50 - DECD STUDY OF AGENCY PROGRAMS

Special Act 09-14 requires the DECD commissioner to conduct a three-year study of the programs the agency initiated, conducted, or coordinated that promote and assist Connecticut businesses with international trade with African nations with whom the United States has diplomatic relations. Reports on each phase of the three-year study must be submitted to the Commerce Committee by July 1, 2010, July 1, 2011, and July 1, 2012. The act (1) specifies that the study must be conducted within available appropriations and (2) makes a technical change to the statutory reference under which the report must be submitted.

EFFECTIVE DATE: Upon passage

§§ 51 - TOURISM DISTRICT ANNUAL BUDGET SUBMISSIONS

The act suspends for one year CCCT's authority to review and approve the regional tourism districts' proposed budgets and the requirement that districts submit copies of those budgets to OPM and the Appropriations, Commerce, and Finance, Revenue and Bonding committees. The act also requires the districts to submit annually their budgets to the committees by

March 15 rather than September 15 beginning in 2011. Prior law required the districts to submit their proposed annual budgets to CCCT by June 1 annually.

By law, CCCT has until June 30 to review, comment, and recommend changes to them. If CCCT rejects a proposed budget, it must prepare an interim one, which remains in effect until it approves a revised budget. The act continues to require the districts to submit their proposed plans to CCCT for review by June 1, but suspends, until June 1, 2011, CCCT's authority to annually approve or reject them.

Lastly, the act suspends for one year, from January 1 to December 31, 2010, the requirement that districts spend no more than 20% of their state grant for administrative costs.

EFFECTIVE DATE: January 1, 2010

§ 52 - MUNICIPAL VIDEO COMPETITION TRUST ACCOUNT

The act makes minor changes in how the Municipal Video Competition Trust Account is allocated. This account is funded by a tax on competitive video services and is distributed as property tax relief to municipalities. The act specifies that the amount to be distributed each fiscal year is the amount in the account at the end of the preceding fiscal year.

By law, each municipality's share of the account is based on its share of the number of competitive video services subscribers in the state. The act specifies that this calculation is based on its share of the number of subscribers in the fiscal year proceeding the fiscal year during which the money is distributed.

By law, unconsolidated cities and boroughs are entitled to part of their town's share of the account. The split between the city and borough and the town in which it is located is based on their respective property tax levies. The act specifies that the levies are those for the most recent fiscal year for which OPM has received a certified copy of the audit report required by law. It also allows an affected town to keep any city or borough's allocation that is less than \$5.

The act requires OPM to certify to the comptroller the amount to be paid each municipality, rather than each municipality's percentage of the money in the account.

EFFECTIVE DATE: Upon passage

§ 53 - HOUSING INCENTIVE GRANTS

The law authorizes grants to municipalities that designate housing incentive zones and issue building permits for housing units to be built in these zones. Under prior law, the grant for designating zones was \$2,000 for each unit that could be built on developable land in the zone. The building permit grant was \$5,000

for each single-family detached unit and \$2,000 for each multifamily, duplex, and townhouse unit. The act changes these flat per-unit amounts to maximum per-unit grants and authorizes the OPM secretary to determine the amounts up to the authorized maximums. The law specifies the criteria for designating zones and the process for obtaining the grants.

EFFECTIVE DATE: Upon passage and applicable to grant payments beginning with those issued in FY 09.

§ 54 - PROPERTY TAX ON CAPITOL DISTRICT HEATING AND COOLING SYSTEM

The act specifies that the personal property tax paid on August 7, 2009 for property the Department of Public Works (DPW) acquired in its purchase of a system that heats and cools state and nonstate buildings in the Capitol District constitutes full payment for system property for the October 1, 2008 assessment year.

PA 09-15 authorized DPW to purchase the system, including all assets and property related to or needed for its operation, from the TEN Companies, Inc. Among the state buildings the system serves are the State Capitol, Legislative Office Building, Supreme Court building, and various Executive Branch office buildings.

EFFECTIVE DATE: Upon passage

§ 55 - STATE AUTHORITY TO ACCEPT CREDIT CARD AND ELECTRONIC PAYMENTS

The act expands the OPM secretary's authority to allow any state agency to accept payments by credit, charge, or debit card to cover payments by an electronic payment service, such as Paypal. It also expands the types of costs for which the secretary can allow such payments to any fee, cost, or fine payable to the agency, not just license fees.

Finally, it extends agencies' existing authority to charge a service fee for accepting card payments to allow a fee for payment by an electronic payment service. However, it does not apply the statutory requirements for card service fees to electronic payment service fees, namely that fees must be (1) related to the cost of the service, (2) uniform for all cards accepted, and (3) applied only when allowed or authorized in writing by the card issuer or processor.

EFFECTIVE DATE: Upon passage

§ 56 - GRANTS FOR MILK PRODUCERS

The act authorizes using the \$10 million appropriated to DOAG for "dairy farmers" under PA 09-3, JSS to pay for grants to milk producers (i.e., people, firms, or corporations registered as producers of milk for pasteurization). The grants are to be used to pay milk producers the difference between the federal

pay price and the minimum sustainable monthly cost of milk production, as the law defines. The law (PA 09-229) defines the "federal pay price" as the Northeast monthly uniform price for milk in the Hartford zone pursuant to the U.S. Department of Agriculture's (USDA) Northeast Federal Milk Marketing Order. It sets the minimum sustainable monthly cost of production at 82% of the baseline determined by USDA's Economic Research Service for the monthly average cost of production for a New England state. (Federal law governs the price that processors pay to dairy farmers for milk. This amount is often less than the milk producers' costs.)

The act specifies that the grants to milk producers from the \$10 million appropriation are for the period between January 1, 2009 and June 30, 2009; the commissioner must distribute the grants by November 1, 2009. The act specifies that the DOAG commissioner must calculate grant payments based on the amount of milk each milk producer generated between January 1 and June 30, 2009.

Under PA 09-229, for each month that the federal pay price is below the minimum sustainable monthly cost of production, a milk producer is entitled to an amount equal to the difference between the federal pay price and the minimum sustainable monthly cost of production, multiplied by the amount of milk the producer produced during the month. But, a milk producer is eligible for that grant beginning on the date of the first deposit into the Agriculture Sustainability Account (which PA 09-229 established). This act provides its grants retroactively.

The act allows the commissioner to use up to \$100,000 of the appropriated funds for grant administration.

EFFECTIVE DATE: Upon passage

§ 58 - REPEAL TRANSFER OF DMHAS FUNDS

The act eliminates a provision in the budget act (PA 09-3, JSS) making up to \$125,000 appropriated to DMHAS for the Pre-Trial Substance Abuse Program available for the RYASAP Regional Access Council in Bridgeport in both FY 10 and 11. The budget makes a similar allocation to the Regional Youth/Adult Substance Abuse Project in Bridgeport.

EFFECTIVE DATE: Upon passage

§ 59 - DANBURY TRUCK WEIGHING FACILITY STAFFING

The law establishes minimum staffing levels for the truck weighing facilities in Greenwich, Danbury, and Union as well as for the use of portable scales at other than the permanent locations. Previously, the Department of Public Safety (DPS) was primarily

responsible for operations in Danbury. The act increases the minimum number of work shifts at the Danbury facility from three to six per week and makes the Department of Motor Vehicles (DMV) responsible for providing the three additional shifts. By law, DPS is primarily responsible for operations in Greenwich, and DMV is primarily responsible for operations in Union.
EFFECTIVE DATE: September 1, 2010

§§ 60-61 – CCCT MEMBERSHIP AND DECD COMMISSIONER'S POWERS AND DUTIES CONCERNING DIGITAL MEDIA AND MOTION PICTURE INDUSTRIES

The act reduces the CCCT's membership from 35 to 28 by removing the seven members with experience relating directly to the production of digital media or motion pictures. Under prior law, the governor and top six legislative leaders each appointed one such member.

The act also authorizes the DECD commissioner to enhance and promote digital media and motion picture industries in the state.

These changes conform to PA 09-3, JSS, which transferred to DECD the CCCT's (1) administration of the film and digital media production and infrastructure tax credits and (2) powers and duties concerning digital media and motion picture promotion activities.

EFFECTIVE DATE: Upon passage

§ 62 – REGIONAL PLANNING AGENCY MEMBERSHIP

Regional planning agencies (RPAs), which operate in five of the state's 15 planning regions, are governed by boards consisting entirely of municipal representatives. Under prior law, each municipality belonging to an RPA was entitled to at least two board representatives. PA 09-80 increased that number to three by making each municipality's chief elected official (CEO), or his or her designee, a board member.

This act reduces the minimum number of representatives per municipalities to two, but requires one of them to be the municipality's CEO, or his or her designee. By law, municipalities with over 25,000 people are entitled to one additional representative for each additional 50,000 people or fraction thereof.

EFFECTIVE DATE: Upon passage

§ 63 – TESTING ENERGY TECHNOLOGIES IN STATE AGENCIES

The act allows the OPM secretary, under his energy-related powers, to direct a state agency to test technologies, products, or processes that he finds would promote energy conservation or efficiency or renewable energy in order to validate their effectiveness. Agencies cannot undertake this testing unless the business

manufacturing or marketing the technology, product, or process demonstrates (1) the testing will be safe, (2) a certified independent third-party or accredited laboratory has found it reduces energy consumption and cost, and (3) it is either commercially available or will be within two years after the testing is completed.

If the secretary finds that using the technology, product, or process is feasible and will not harm the agency's operations, he can direct an agency to undertake the testing program without going through state purchasing law. The act specifies that acquisitions under the testing program are not purchases under this law. The manufacturer or marketer, or an investor or participant in the business must (1) pay the cost of acquiring and testing the technology, product, or process and (2) maintain records as required by OPM. Proprietary information derived from the testing is exempt from the Freedom of Information Act.

If the secretary determines that the testing sufficiently demonstrates that the technology reduces energy use, fossil fuel dependence, or greenhouse gas emissions, the agency may ask DAS to waive competitive bidding or negotiation requirements to procure the technology for any or all state agencies.

EFFECTIVE DATE: Upon passage

§ 64 – POLICE OFFICER STANDARDS AND TRAINING COUNCIL AND FAMILY VIOLENCE ISSUES

By July 1, 2010, the act requires POST to establish uniform protocols for treating family violence victims whose immigration status is questionable and make them available to law enforcement agencies. The agencies must adopt and use the protocols, and peace officers at family violence scenes must help victims in accordance with them.

The act requires each law enforcement agency to designate at least one supervisor to expeditiously process specified federal documentation when asked to do so by a victim of family violence or other crime applying for U.S. nonimmigrant status. The official must process (1) a certificate of helpfulness on Form I-918, Supplement B or any subsequent corresponding form designated by the U.S. Department of Homeland Security, confirming that the victim has been, is being, or is likely to be helpful in investigating or prosecuting the criminal activity and (2) any subsequent certification the victim requires.

By law, POST training for law enforcement officers handling family violence matters must include legal duties of police officers to make arrests and offer help and protection. The act specifies that the training must include applicable probable cause standards. Starting July 1, 2010, it requires that the training include, within available appropriations, information on:

1. the impact of arrests of multiple parties in a family violence case on the parties' immigration status;
2. crime scene investigation and evaluation practices in family violence cases designed by POST to reduce the number of multiple arrests in such cases;
3. practical considerations in the application of state statutes related to family violence and other crimes; and
4. eligibility for federal T visas for victims of human trafficking and federal U visas for unauthorized immigrants who are victims of family violence and other crimes.

EFFECTIVE DATE: July 1, 2010

§ 65 – PRETRIAL FAMILY EDUCATION PROGRAM

The act requires that the pretrial family violence education program for people charged with family violence crimes inform participants of the basic elements of family violence law and applicable penalties.

Pretrial Family Violence Program

The pretrial family violence education program is for people who are charged with family violence crimes. A defendant can ask the court to place him or her in the program. A defendant is ineligible if he or she:

1. is charged with a class A, B, or C felony, an unclassified felony that carries more than a 10-year sentence, or, unless good cause is shown, a class D felony, or an unclassified felony carrying a penalty of at least five years;
2. has previously participated in the program; or
3. has been convicted of, or accepted accelerated rehabilitation for, a family violence crime committed after October 1, 1986.

A defendant who satisfactorily completes the program and complies with all conditions can apply to have the charges dismissed and erased.

EFFECTIVE DATE: July 1, 2010

§ 66 – FAMILY VIOLENCE LAW TRAINING AND DISPARITY OF CASES AMONG GEOGRAPHIC AREAS

Within available appropriations, the act requires the Judicial Department to provide training to its staff, including court personnel, on family violence issues and law, including those related to family violence in immigrant communities. The training must address arrest policies and eligibility for federal T Visas for victims of human trafficking and federal U Visas for unauthorized immigrants who are victims of family

violence and other crimes.

The act also requires the Judicial Department, on an ongoing basis, within available appropriations, to study and implement methods to reduce disparities in the disposition of family violence cases among geographic areas.

Federal U and T Visas

The U Visa allows certain immigrant victims of crime to live and work lawfully in the United States. Immigrants who receive a U Visa can apply for a green card after three years. The government plans to issue up to 10,000 U Visas each year.

U Visas are available to immigrants who are either victims of or who possess information concerning one of the following forms of criminal activity: rape; torture; trafficking; incest; domestic violence; sexual assault; abusive sexual contact; prostitution; sexual exploitation; female genital mutilation; hostage holding; peonage; involuntary servitude; slave trade; kidnapping; abduction; unlawful criminal restraint; false imprisonment; blackmail; extortion; manslaughter; murder; felonious assault; witness tampering; obstruction of justice; perjury; or attempt; conspiracy; or solicitation to commit one of these offenses. A federal, state, or local official must certify that an investigation or prosecution would be harmed without the immigrant's assistance or, in the case of an immigrant child, the parent's assistance.

T Visas are available to individuals who are victims of "a severe form of trafficking in persons." Severe forms of trafficking include sex trafficking of people under 18 years of age, or recruiting or obtaining people for labor or services by force, fraud, or coercion for the purpose of subjecting them to involuntary servitude, peonage, debt bondage, or slavery.

EFFECTIVE DATE: July 1, 2010

§§ 67-68 & 132-134 – BUILDING CONSTRUCTION PROJECTS

By law, the Department of Public Works (DPW) commissioner has charge and supervision, including the authority to contract for alterations and repairs, over most state building construction projects that will cost the state over \$2 million for higher education projects and \$500,000 for other projects. The act gives the Judicial Branch more independence over building projects by increasing the threshold requiring DPW supervision from \$500,000 to \$1.25 million.

The act also increases the threshold of construction projects requiring the DPW commissioner's prior approval. It requires prior approval on alterations or repairs to buildings (1) rented or occupied by the Judicial Branch that cost up to \$1.25 million or (2)

under the supervision of the Office of the Chief Court Administrator or a constituent unit of higher education that cost up to \$500,000. Under prior law, these agencies had to obtain the commissioner’s prior approval for alterations and repairs that cost over \$100,000.

The act expressly authorizes the staff of the Office of the Chief Court Administrator to plan and execute contracts, other than consultant services, and exercise oversight and supervision over the construction of buildings or premises under the office’s supervision. By law, the DPW commissioner negotiates contracts for consultant services with the firm most qualified to perform the services at the price the commissioner determines is fair and reasonable to the state. When choosing a consultant for a construction project on a building the Judicial Department supervises or in which it is the primary occupant, the act allows the commissioner to bypass the open bidding and negotiation process and instead select a consultant from a list of at least three people that he determines is most qualified to perform the services at the price he determines is fair and reasonable to the state.

The act eliminates a requirement for the State Properties Review Board (SPRB) to approve Judicial Department consultant contracts that are estimated to exceed \$300,000. By law, SPRB must approve most consultant service contracts over \$100,000.

EFFECTIVE DATE: Upon passage

§§ 69-93, 104 & 113 – RAISING THE AGE OF JUVENILE COURT JURISDICTION

This act:

1. delays raising the maximum age for juvenile court jurisdiction to 17 from January 1, 2010 to July 1, 2012;
2. consistent with the phase-in of the raise-the-age provisions, delays the repeal of the Youth in Crisis law from January 1, 2010 to January 1, 2012 and restricts eligibility to youths age 17 beginning in 2010, rather than those age 16 and 17;
3. revises the definition of delinquent act;
4. expressly eliminates juvenile court jurisdiction over matters involving emancipated minors;
5. allows police officers to release an arrested child into the child’s own custody and makes it a delinquent act for a child who has been released in this manner to willfully fail to appear in court;
6. modifies rules for the admissibility of children’s confessions in delinquency proceedings;
7. limits the use of pretrial detention, but adds violating conditions of a suspended detention

- order as a basis for detaining a child;
8. modifies and expands vocational probation options;
9. authorizes Superior Court judges to obtain a child’s educational records;
10. changes the ages of children and older teens about whom the education commissioner must provide information;
11. transfers some functions expressly assigned to the Judicial Branch’s Court Support Services Division (CSSD) to the entire Judicial Branch and authorizes the chief court administrator to issue bids to contract for space or services for juveniles;
12. expands the availability of record erasure for children (a) convicted as delinquent or (b) adjudicated as a child in a family with service needs (FWSN – truants, runaways, or children beyond control of parents or school officials) but delays, from 16 to 17, and then from 17 to 18, the age children must reach before becoming entitled to court consideration of an erasure petition;
13. revives the Juvenile Jurisdiction Policy and Operations Coordinating Council; and
14. transfers funds from the Judicial Branch to the Department of Children and Families (DCF) for residential board and care services.

EFFECTIVE DATE: January 1, 2010, except the provisions extending juvenile court jurisdiction to 17-year-olds and the repeal of the Youth in Crisis law are effective July 1, 2012, and the provisions concerning the expansion of Judicial Branch responsibilities, contract bidding, fund transfers, and the coordinating council are effective on passage.

§§ 69 & 82 – *Delinquency*

Children under Age 16. Existing delinquency law covers federal, state, court order, and municipal or local ordinance violations by children under age 16, other than ordinances regulating the conduct of FWSN children. It also covers older children who committed a delinquent act when they were under age 16 and remain under juvenile court supervision. Beginning January 1, 2010 the act allows children under age 16 to be convicted as delinquent if they:

1. violate any federal or state law or municipal or local ordinance other than an ordinance regulating the behavior of a FWSN child;
2. willfully fail to appear in court in response to a summons or at any other court hearing of which they had notice;
3. violate a court order, except an order directed at a FWSN child; or

4. violate court-ordered conditions of probation.

Children Age 16 and 17. Under the act, beginning January 1, 2010, 16-year-olds may be convicted as delinquent for any of the above reasons, except for (1) infractions, (2) violations, (3) motor vehicle offenses or violations, or (4) municipal or local ordinance violations. The act also makes 16-year-olds eligible to participate in the FWSN program. Currently the program is open to children under age 16.

Beginning July 1, 2012, 17-year-olds will also qualify for the FWSN program. Until July 1, 2012 they will continue to be tried on the adult docket and qualify for the Youth in Crisis program, which offers fewer services and court dispositional options than the FWSN program.

§ 72 – *Releasing Children into Their Own Custody*

Until January 1, 2010, police officers can either release children who have been arrested into the custody of a parent, guardian, suitable person, or agency or turn them over to a juvenile detention center. If the arrest is for a delinquent act, and the child is not placed in detention or referred to a diversionary program, the police must serve the child and his or her parents, guardians, or other people with control over the child with a summons to appear in court at a later date. Beginning on January 1, 2010, the act also allows the police to release a child into the child's own custody. When the police do so, the act requires that they make reasonable efforts to notify and provide a copy of the written complaint and summons to the parent, guardian, suitable person, or agency before the court date listed on the child's summons.

The act makes it a delinquent act for a child to willfully fail to appear in court in response to the summons and authorizes the court to order that the child be taken into custody. Until July 1, 2012 the act applies to children 16 years old or younger; after that date, it applies to those 17 years old or younger.

§ 75 & 87– *Juvenile Confessions*

By law, confessions, statements, and admissions made by children (1) under age 16 or (2) age 16 or older if the delinquent act occurred when they were under age 16 are not admissible as evidence in delinquency proceedings unless the child and a parent or guardian had been advised or his or her constitutional (Miranda) rights and a parent was present when the confession, statement, or admission was made. Under the act, they may be used against children age 16 if: (1) the police or Juvenile Court official made reasonable efforts to contact a parent or guardian and (2) the child has been advised of his or her Miranda rights and the right to have a parent present during any interview.

Under the act, admissibility of statements, confessions, and admissions of 16- and, after July 1, 2012, 17-year-olds must be determined by taking into consideration the totality of circumstances at the time they were made. The court must consider:

1. the child's age, experience, education, background, and intelligence;
2. whether he or she had the capacity to understand (a) the advice concerning rights and warnings he or she was given, (b) the nature of the constitutional privilege against self-incrimination, and (c) the consequences of waiving his or her rights or privileges;
3. whether the child had the opportunity to speak with a parent, guardian, or other suitable person before making the admission, confession, or statement; and
4. the circumstances surrounding the making of the admission, confession, or statement, including (a) when and where it was made, (b) the reasonableness of proceeding, or the need to proceed, without a parent or guardian present, and (c) the reasonableness of efforts by the police or juvenile court official to attempt to contact a parent or guardian.

§ 72 – *Pretrial Detention*

By law, a court may order pretrial detention when it finds probable cause to believe that an arrested child committed the offense he or she is charged with and there is:

1. a strong probability that he or she will run away or commit or attempt to commit other offenses before the court hearing or disposition,
2. probable cause to believe that the child's continued residence at home will not safeguard the child's or community's best interest because of the serious and dangerous nature of the acts he or she is accused of committing,
3. a need to hold the child to assure his or her appearance before the court in view of previous failure to respond to court process, or
4. a need to hold the child for another jurisdiction.

The act specifies that placement in pretrial detention is permissible only when it is the least restrictive placement option available.

The act makes violating a condition of a suspended detention order a new ground for ordering pretrial detention. And it requires courts to find that those held because of the serious nature of the charges pose a risk to themselves or the community, rather than that release will not safeguard the best interests of the child or community.

By law, detention supervisors can release children to a parent, guardian, or other suitable person's custody unless the child has been arrested for a serious juvenile offense. The act also permits the release to a suitable agency. It precludes pretrial release when an order not to release is noted on the take-into-custody order, arrest warrant, or order to detain.

§§ 78 & 89 – Education Commissioner’s Annual Legislative Report

For the next two years, the act increases the age of the children and older teens about whom the education commissioner must furnish annual statistics and demographic information. Under prior law, he was required to report on referrals or court diversions of those under age 18. The act requires the 2010 and 2011 reports to include 18-year-olds. For the 2012 report, the age reverts to those under age 18.

§ 70 – Furnishing Educational Records to Juvenile Court Judges

The act authorizes Superior Court judges to order boards of education to furnish them with a court-involved child's educational records. Judges can use the records only to assist in determining how to dispose of the child's case.

If the child is charged with a delinquent act or is from a FWSN family, the records must be kept under court seal and cannot be released unless the (1) child consents or (2) court holds a hearing.

§ 76 - Expanding Conditions of Vocational Probation

Prior law allowed juvenile court judges to place a delinquent or FWSN child age 14 or older on vocational probation when they determined that a child would not benefit from continued school attendance. The act allows judges to order work-study or employment with or without continued school attendance as a condition of probation or supervision for any delinquent or FWSN child age 16 or under, and age 17 or under beginning July 1, 2012.

§§ 77 & 88 - Erasing Juvenile Court Records

The act accelerates the grounds for Superior Court judges to grant petitions to erase police and court records, including the authority to hold hearings and grant record erasure petitions earlier for good cause. Under prior law, Superior Court judges had to grant petitions to erase police and court records concerning delinquent or FWSN children who:

1. were at least 16 years old;
2. had been discharged from court supervision, DCF custody, or the care of any other court-

ordered institution or agency for at least two years (four years if convicted of a serious juvenile offense);

3. had no pending juvenile proceeding; and
4. since discharge, had not been found guilty of a crime.

The act restricts erasure provisions to children at least 17 years old, and beginning July 1, 2012, at least 18 years old, and makes children ineligible if convicted of an offense as an adult or, if convicted in juvenile court, of an offense that would be a felony or misdemeanor if committed by and adult.

§ 92 - Transferring Functions from the CSSD to the Entire Judicial Branch

Under prior law, CSSD was responsible for developing programs to prevent and reduce the frequency of delinquency and crime. The act makes this the responsibility of the entire Judicial Branch. It makes the same change for (1) collaborating with private residential facilities providing residential programs and community-based, non-residential post-release programs and (2) consulting with the Commission on Racial and Ethnic Disparity about the needs of minorities in the juvenile justice system.

§§ 92 & 93 - Expanded Court Contracting Authority

By law, the chief court administrator represents the state in contracting for space for CSSD personnel at alternative incarceration facilities. As part of a publicly bid contract for an alternative incarceration facility, the act permits her to require that the contractor provide space needed by juvenile probation officers and CSSD personnel.

The act also extends the Judicial Branch's contracting authority to juvenile justice programs and services.

§ 104 - Fund Transfers Associated with the Raise the Age Provisions

The act transfers funds appropriated to the Judicial Branch for Youthful Offender Services to DCF for Residential Board and Care for children. For FYs 2010 and 2011, the act transfers \$2,555,012 and \$5,299,000, respectively.

§ 113 - Reviving Juvenile Jurisdiction Policy and Operations Coordinating Council

The Juvenile Jurisdiction Policy and Operations Coordinating Council is composed of state officials, legislators, and others with expertise in juvenile justice issues. Its sole responsibilities are monitoring the Juvenile Jurisdiction Planning and Implementation

Committee's plan concerning changes required in the juvenile justice system to expand jurisdiction to include 16- and 17-year-olds and reporting its findings and recommendations. On January 1, 2009 it submitted its final report and recommendations to the governor and Appropriations, Children's, Human Services, and Judiciary committees.

The act gives the council new responsibilities, consisting of monitoring the implementation of any changes required to expand the juvenile justice system's jurisdiction to include the new age groups and reporting its recommendations to the governor and the same committees by January 1, 2011.

§ 94 - ALIENS CONVICTED OF CRIMES

The act authorizes the DOC commissioner to release to the U.S. Immigration and Customs Enforcement (ICE) any alien convicted of a crime who (1) is sentenced to a prison term of five years or less and (2) has served at least 50% of the sentence. The act specifies the commissioner may do so under the provisions of existing law that authorize the commissioner to transfer any person from one correctional institution to another or to any public or private nonprofit halfway house, group home, or mental health facility or, after satisfactory participation in a residential program, to any approved community or private residence. Under this law, any transferred inmate remains under the commissioner's jurisdiction.

Under existing law, inmates can be released for deportation by the Board of Pardons and Parole after serving 50% of their sentence unless their crimes (such as murder) make them ineligible for parole. Inmates must be sentenced to a prison term of at least two years to be eligible for parole consideration.

EFFECTIVE DATE: Upon passage

§ 95- FORECLOSURE MEDIATION

Under prior law, courts had to issue a foreclosure mediation notice within three days of the mortgagee returning the foreclosure writ to the court. The act specifies that it must be within three business days.

By law, the court's mediation date notice must be issued to all appearing parties within five business days after the return date. The act requires the court to issue the date notice three business days after it receives the mortgagor's appearance and foreclosure mediation certificate forms, if this is later. As under prior law, the court cannot schedule mediation if it has not received these forms by 15 days after the return date.

By law, the court may refer a foreclosure action brought by a mortgagee to the mediation program at any time as long as the mortgagor has filed an appearance. The act requires the court to follow the same timeline as

would be applicable if the mediation had been formally requested. Specifically, no more than three business days after making the referral, the court must send notice to the appearing parties scheduling the first mediation session within 15 days of the referral.

EFFECTIVE DATE: Upon passage

§ 96 - MORTGAGE LAW PROHIBITED ACTIONS

PA 09-209 prohibits anyone subject to the mortgage licensing law from taking a number of actions relating to fraud, deceptive practices, false statements, and acting without a license. This act specifies that these prohibitions apply to people who are subject to the laws and required to be licensed under them.

EFFECTIVE DATE: Upon passage

§§ 97-99 - NONPRIME LOAN PROHIBITED PROVISIONS

Public Act 09-207 sets out new prohibited provisions in nonprime loans and renders any such provision in such a loan void and unenforceable. This act specifies that such provisions are void only if the lender received the application on or after October 1, 2009. It specifies that the nonprime loan definition and prohibited provisions in effect as of January 1, 2009 (i.e., the law in effect before PA 09-207's passage) apply to loans for which a lender receives an application before October 1, 2009.

Prior law generally prohibited lenders from making nonprime loans originated on or after January 1, 2010 unless the lender collected a monthly escrow payment. The act instead specifies that this provision applies to nonprime loans for which the lender receives an application on or after April 1, 2010.

EFFECTIVE DATE: Upon passage

§ 100- PROVISIONS PROHIBITED IN ALL MORTGAGE LOANS

PA 09-207 prohibits mortgage lenders from including provisions in mortgage loans that increase the interest rate as a result of default, except for increases resulting from failure to comply with an automatic electronic payment feature, if the feature was provided in return for an interest rate reduction, and the increase is no greater than the reduction. The act specifies that this prohibition applies only when the lender receives the application on or after October 1, 2009.

EFFECTIVE DATE: Upon passage

§ 101 - CONSUMER COLLECTION AGENCIES BOND REQUIREMENT

Under prior law, a consumer collection agency licensee or license applicant seeking more than one

license could either file the normal bond for each place of business or a single bond, naming each place of business, in an amount of \$5,000 per place of business. The act increases this amount to \$25,000 per place of business.

EFFECTIVE DATE: Upon passage

§ 102 - RECOMMENDATIONS FOR CONSOLIDATING TOURISM DISTRICTS

The act requires CCCT to recommend how the five regional tourism districts can be consolidated into three. At a minimum, the recommendations must address the districts' composition, the number of members that should serve on the districts' boards of directors, and the process for creating and approving district budgets. CCCT must report its recommendations to the Appropriations and Commerce Committees by December 1, 2009. (But other provisions of the act effect this reduction, see §§ 12-14, above).

EFFECTIVE DATE: Upon passage

§ 103 - AGRICULTURE VIABILITY ACCOUNT

Under PA 09-3, JSS, \$500,000 was transferred in FY 10 from the agriculture viability subaccount of the CIA to the General Fund. The act eliminates this transfer. By law, money from the CIA funds the farm viability matching grant. The grant may be used for (1) local capital projects that foster agricultural viability, including processing facilities and farmers' markets; (2) the development and implementation of agriculturally friendly land use regulations and local farmland protection strategies that sustain and promote local agriculture; and (3) the development of new marketing programs and venues through or in which a majority of products sold are state grown.

EFFECTIVE DATE: Upon passage

§ 105 - CERTIFICATION OF DISABILITY FOR HANDICAPPED PARKING CREDENTIALS

The act rescinds a change made by PA 09-187 that eliminated authority for physician's assistants or advanced practice registered nurses to certify someone's disability for purposes of getting a handicapped parking credential issued by the Department of Motor Vehicles. It thus restores the prior law, which authorized certification by a properly licensed physician, physician's assistant, or advanced practice registered nurse.

EFFECTIVE DATE: Upon passage

§ 107 - MEDICALLY NECESSARY DEFINITION UNDER MEDICAID

Definition

The act requires DSS, by July 1, 2010, to amend the definition of "medically necessary" services in its Medicaid regulations to reflect savings in the current biennial budget by reducing program administration inefficiencies while maintaining the quality of care provided to Medicaid beneficiaries. (PA 09-3, JSS already requires DSS to do this.)

The act allows the DSS commissioner to implement policies and procedures using this amended definition while in the process of adopting the definition in regulation. He must print a notice of intent to publish the regulations in the *Connecticut Law Journal* within 45 days of implementing them. The policies and procedures are valid until final regulations are adopted. (PA 09-3, JSS already allows DSS to do this.)

Medical Inefficiency Committee

The act also establishes a committee identical in composition and responsibilities to that created under PA 09-3, JSS with a different name: the Medical Inefficiency Committee. This new committee must (1) advise DSS on the amended definition and its implementation and (2) provide comment to DSS and the legislature on its impact.

Committee Membership and Administration

The committee consists of 11 members appointed as follows: three by the governor, two each by the House speaker and Senate president pro tempore, and one each appointed by the House and Senate majority and minority leaders. Appointments must be made no later than 30 days after the act takes effect. Vacancies must be filled by the appointing authority, but those unfilled longer than 60 days may be filled by a joint appointment of the House speaker and Senate president pro tempore.

The act requires the House speaker and Senate president pro tempore to select the committee chairpersons from among its members and requires the chairpersons to schedule the first committee meeting within 60 days after the act takes effect.

The Human Services Committee staff serve as the committee's administrative staff.

Reporting Requirements

The act requires the committee to submit annual reports on its findings and recommendations for three years beginning by January 1, 2010. The reports go to the governor and the Public Health, Human Services,

and Appropriations committees. The act terminates the committee on the date it submits its third report or January 1, 2012, whichever is later.

§ 108 - APPRENTICESHIP REGISTRATION FEES

Under PA 09-3, JSS, effective October 1, 2009, the money the Labor Department collects from apprenticeship registration fees is deposited in the General Fund. This act instead requires that 50% of the money collected be credited to the department as a separate nonlapsing appropriation to administer the apprenticeship training program.

EFFECTIVE DATE: October 1, 2009

§§ 109-112 - TRANSFER OF TECHNOLOGY PROGRAMS

The act transfers, from OWC to Connecticut Innovations, Inc. (CII), the responsibility to coordinate the development and implementation of state and quasi-public agency strategies on technology-based talent and innovation. By law, this responsibility includes creating a state clearinghouse and technical assistance function to help applicants develop small business innovation research programs in conformity with a relevant federal program and other proposals.

By law, CII must provide funding for the Connecticut Small Business Innovation Research Office. The act specifies that CII must provide funding for the office's operations and that it do so as part of its coordination role described above.

EFFECTIVE DATE: Upon passage

§§ 114-116 - CONGRESSIONAL REDISTRICTING

The act:

1. requires the street map showing voting district lines that town clerks provide to the secretary of the state be in a printed or electronic format that the secretary prescribes;
2. accelerates the time within which town clerks must report election returns by voting district to the secretary for regular state elections;
3. requires town clerks in multi-district towns to certify that they have examined the results of any election or recount to determine whether there are discrepancies between total town votes and district-by-district votes, and if so, that they have notified the head moderators and corrected any such discrepancy; and
4. adopts the 1992 procedure for amending state and local political party rules, when necessitated by redistricting, during the second year after the census.

Voting District Maps

The law requires the town clerk in a town (1) divided between two or more General Assembly or congressional districts or (2) with two or more voting districts for legislative elections (state or congressional) to send the secretary of the state a street map showing the voting district boundaries. Previously, it did not specify a format for these maps. The act requires that they be in a printed or electronic format that the secretary prescribes.

By law, town clerks must submit new maps within 30 days of the effective day of any voting district boundary change. Pursuant to the state constitution and federal law, the secretary must provide the maps to the General Assembly for its use in reapportionment.

Election Returns

The act reduces, from 60 to 21 days after any regular state election, the deadline by which town clerks in towns with multiple voting districts must submit election returns showing district-by-district results. By law, head moderators report "election night returns" (i.e., returns showing total town votes for each candidate) between midnight on Election Day and 6:00 p.m. the following day, depending on the manner of filing.

The act requires town clerks to prepare the district-by-district returns on a form that the secretary of the state prescribes, which must present the data in tabular format. Under prior law, the secretary did not prescribe a format, but the returns had to be in tabular or summary form.

Additionally, the act requires town clerks to certify that they have examined the district-by-district returns to determine whether they conflict with the total town votes cast during the election, or in the case of a recount, the recount results. If they conflict, the town clerk must also certify that he or she has contacted the head moderator and corrected the discrepancy.

Amending Party Rules Following Census

The act adopts the 1992 procedure for passing amendments to state and local political party rules necessitated by redistricting and made during the second year following a U. S. decennial census (e.g., 2012, 2022). Under that procedure, state rules can be amended by a majority vote of the state central committee; local rules can be amended by majority vote of town committee members. Amendments made during these years become effective when the chairperson or vice chairperson files them with the secretary of the state. Previously, these amendments were not effective until 60 days after filing with the secretary of the state.

EFFECTIVE DATE: Upon passage

§ 117 - TOURISM DISTRICT FUNDING

The act sets deadlines by which the \$1.8 million the budget appropriates to CCCT for the current five regional tourism districts must be distributed. The act requires \$900,000 to be distributed equally among the five districts by December 31, 2009 and the remaining \$900,000 to be distributed equally among the three consolidated districts by June 30, 2010. Table 1, above, identifies the towns comprising the districts.

EFFECTIVE DATE: Upon passage

§ 118 - SEX OFFENDERS IN HOMELESS SHELTERS

The act requires state-funded homeless shelters that house offenders listed on the sex offender registry to verify that offenders are residing there upon the request of law enforcement officers. It requires shelter operating policies to establish a procedure for releasing this information to these officers. Lastly, it prohibits shelters serving homeless families from providing residence to sex offenders.

By law, the sex offender registry maintains and disseminates information on people convicted or found not guilty by reason of mental disease or defect of (1) criminal offenses against minors, (2) nonviolent sexual offenses, (3) sexually violent offenses, and (4) felonies committed for a sexual purpose. The registry includes information on these offenders regardless of whether they are registered.

EFFECTIVE DATE: Upon passage

§§ 119-120 - TWEED-NEW HAVEN AIRPORT AUTHORITY

The act increases the membership of the Tweed-New Haven Airport Authority from 14 to 15 and revises the number of members appointed by each of the three appointing authorities.

Previously, the authority's 14 members consisted of nine appointed by the mayor of New Haven, two appointed by the mayor of East Haven, and three appointed by the South Central Regional Council of Governments. The act decreases the New Haven mayor's appointments from nine to eight, increases the East Haven mayor's appointments from two to five, and decreases the regional council's appointments from three to two. The act also designates the 13 mayoral appointees as special directors vested with the additional powers contained in the authority's bylaws.

The act also prohibits the airport authority from extending the paved runway length of Runway 2-20 past its existing 5,600 feet.

EFFECTIVE DATE: Upon passage

§§ 121-129 - JUVENILE PROSECUTORIAL OFFICIALS

The act provides that, within available appropriations, juvenile prosecutors employed by the Division of Criminal Justice on October 5, 2009 (1) are deemed to have been appointed by the Criminal Justice Commission and (2) have and must exercise all the powers and perform all the duties of an assistant state's attorney. It also provides that starting October 5, 2009 any "prosecutorial official" assigned to handle juvenile matters in the criminal session of the Superior Court will have been appointed by the Criminal Justice Commission.

Apparently the term "prosecutorial official" refers to the chief state's attorney, each deputy chief state's attorney, and each state's attorney, assistant state's attorney, and deputy assistant state's attorney (CGS §§ 51-278a & 51-287a).

The act makes numerous conforming changes.
EFFECTIVE DATE: Upon Passage

§§ 130-131 - GENERAL OBLIGATION (GO) BONDS FOR TOWN-AID ROAD PROGRAM

The act amends the bond act (PA 09-2 September Special Session) to specify that up to \$8 million in GO bonds may be issued in FY 10 and in FY 11 for distribution under the town-aid road grant program. PA 09-2, SSS authorizes issuance of GO bonds for the program, but does not specify any amount. It also authorizes up to \$22 million in special tax obligation bonds for this program in each of the two fiscal years.

EFFECTIVE DATE: Upon passage

§§ 135-136 - SENTENCING TRANSCRIPT

Prior law required the prosecutor to request that a transcript be prepared of any sentencing hearing at which a defendant is sentenced to a definite, non-suspended sentence of more than two years imprisonment and have a copy of it delivered to the Board of Pardons and Paroles.

The act instead:

1. requires the prosecutor to ask for the transcript on the record,
2. eliminates the prosecutor's duty to have a copy delivered to the board, and
3. requires the chief court administrator to provide a copy to the board, in a format the chief court administrator prescribes.

The act requires that during FYs 10 and 11, \$50,000 of the Other Expenses account of the Division of Criminal Justice be transferred to the Judicial Department's Other Expenses account to carry out these requirements.

EFFECTIVE DATE: Upon passage

§ 137 - FAMILY SUPPORT COUNCIL

The act removes the four-year term of members appointed to the Department of Developmental Services' Family Support Council. It instead limits appointees' terms to the term of their appointing authority or until the member's successor is appointed and qualified, whichever is longer. It also specifies that appointing authorities may remove members at any time. The act applies these changes to currently serving, as well as future, appointees. It continues to limit appointees to a maximum of eight consecutive years on the council.

The council's appointed members consist of family members of, or individuals who advocate for, children with disabilities. They are appointed by the governor and legislative leaders.

EFFECTIVE DATE: Upon passage

§§ 139 & 141 - STATE PROPERTIES REVIEW BOARD (SPRB)

The act transfers the SPRB to DAS, but specifies that it has independent decision-making authority. Under prior law, the SPRB was an independent Executive Branch body.

The act eliminates SPRB's authority to employ personnel, including a secretary or clerk, and requires DAS to pay its reasonable expenses.

By law, the SPRB reviews (1) real estate acquisitions, sales, leases, and subleases proposed by the DPW commissioner; (2) the Department of Transportation commissioner's acquisition (other than by condemnation), sale, or lease of property; and (3) for approval or rejection, contracts for projects the DPW commissioner awards outside of the competitive bidding process (i.e., fast-track projects).

EFFECTIVE DATE: Upon passage

§ 140 - STATEMENTS OF FINANCIAL INTERESTS

The act requires SPRB members and non-clerical employees of the DPW unit responsible for acquiring, leasing, and selling real property to complete the same statement of financial interests as other state officials and employees and file it at the same time, on May 1 of each year. Under prior law, these board members and employees filed a less detailed statement annually on April 15 if they held a position during the preceding calendar year. The law, unchanged by the act, requires them to file the statements with the Office of State Ethics (OSE) and the SPRB or DPW, respectively. The act also makes a conforming change by eliminating the requirement that SPRB employees file this financial information since § 139 removes the board's authority to have its own employees.

Statement of Financial Interests

By law, certain officials must annually file with OSE, by May 1, a statement of financial interests for the preceding calendar year. Generally, statements of financial interests must include:

1. the names of associated businesses;
2. all sources of income, including the name of each employer, with a description of each source over \$1,000, without specifying the income amounts;
3. the names of securities over \$5,000 owned by the individual, his or her spouse and children, or held in a corporation, partnership, or trust for them;
4. a list of all real property and its location and whether it is owned by the individual, his or her spouse or children, or held in a corporation, partnership, or trust for them;
5. the existence of any known blind trusts and trustees' names;
6. the names and addresses of creditors owed more than \$10,000;
7. any state leases or contracts entered into by the individual or an associated business; and
8. a description of any partnership, joint ownership, or similar business affiliation between an associated business and a registered lobbyist, person doing or seeking to do business with the state, business engaged in activities regulated by the filer's agency, or business associated with the lobbyist or person.

EFFECTIVE DATE: Upon passage

§§ 142-152 & 190 - LEGISLATIVE COMMISSIONS

The act makes several changes affecting the six legislative commissions: the Latino and Puerto Rican Affairs Commission (LPRAC), African-American Affairs Commission (AAAC), Asian Pacific American Affairs Commission (APAAC), Commission on Aging, Permanent Commission on the Status of Women (PCSW), and Commission on Children.

The act eliminates the commissions' staffing and personnel authority and transfers it to the Joint Committee on Legislative Management (JCLM). It requires each commission to have an executive director, which, together with any other necessary staff, JCLM must employ. Under prior law, the commissions made staffing and personnel decisions.

The act expands the number of voting members on each commission and changes their duties and reporting requirements, among other things, making them uniform. Under the act, the six commissions generally have the same structure and must meet the same requirements.

The act makes conforming and technical changes, including repealing provisions that establish the membership of PCSW and the Commission on Children, and their terms of office (CGS §§ 46a-2 and 46a-127). It repeals a provision authorizing PCSW to request and receive information from state agencies and accept funding for its purposes (CGS § 46a-6). However, another provision gives the reconstituted PCSW these authorities. The act also repeals obsolete provisions concerning a PCSW reporting requirement and the appointment of Commission on Children members.

Duties

The act revises the commission’s duties and makes them uniform with respect to their target population. As under prior law, they must comment on legislation, policies, programs, and services. However, the act generally eliminates requirements that applied only to certain commissions. For example, it removes the requirement that the:

1. LPRAA, AAAC, and APAAC encourage representation by members of their target population at all levels of state government, including state boards and commissions, and secure appropriate recognition for their accomplishments and contributions;
2. Commission on Aging review and comment on the budget of DSS’ unit on aging and meet with state officials as needed to discuss issues affecting the elderly; and
3. Commission on Children receive requests from the Executive, Legislative, and Judicial branches for review and recommendation on any matter related to children.

Instead, the act requires each commission to focus its efforts on specified quality of life issues, with the following desired results for its target population:

1. health;
2. safety;
3. educational success;
4. economic self-sufficiency, or, freedom from poverty in the case of the Commission on Children; and
5. freedom from discrimination.

In addition, each must:

1. develop (a) appropriate population-level indicators of the state’s progress in achieving the desired results and (b) strategies to improve progress on the indicators through a process involving all relevant partners, including state and local government agencies, the faith community, the business sector, nonprofit organizations, advocacy groups, and philanthropic organizations;

2. recommend to the General Assembly and governor new or enhanced policies, programs, and services to foster progress in achieving the desired results;
3. review and comment on any proposed state legislation or recommendations affecting their target population and provide copies to legislators;
4. advise the General Assembly and governor on coordinating and administering state programs affecting their target population;
5. gather and maintain current information concerning their target population statewide to better understand its status, condition, and contributions;
6. maintain a liaison between their target population and government agencies, including the General Assembly; and
7. conduct educational and outreach activities to raise awareness.

As under prior law, PCSW also had to promote the consideration of qualified women for leadership positions at all levels.

Powers

Under the act, each commission has the authority to:

1. use volunteer services that individuals, state or federal agencies, or organizations offer;
2. hold public hearings;
3. establish task forces, as necessary;
4. recommend policies concerning its target population to federal agencies or state political subdivisions;
5. inform leaders in business, education, government, and the media of the nature and scope of the problems its target population faces to try to enlist their support in working toward solutions; and
6. adopt regulations in accordance with the Uniform Administrative Procedures Act.

By law, they may also receive public or private funds and enter into contracts.

Under prior law, PCSW and the Commission on Children could already hold public hearings and establish task forces. The act extends to the five other commissions PCSW’s existing authority to request and receive information or assistance from any state agency. It retains PCSW’s authority to (1) hold fact finding hearings, issue subpoenas, administer oaths, compel testimony, or require the production of evidence and (2) receive and refer sex discrimination complaints to the Commission on Human Rights and Opportunities.

The act authorizes each commission to enter into an agreement with a state agency to maximize receipt of federal funds. Under such an agreement, a commission may accept a portion of the funding permitted by federal law.

Membership

The act increases to 21 the number of voting members on each commission. The Commission on Aging loses its nonvoting, ex-officio members while the Commission on Children retains them. The act shortens all new members' terms to two years. (Previously, most served three years, some served four, and some five.)

The legislative leaders appoint successors to their current appointments. The Senate president pro tempore and House speaker together appoint successors to any gubernatorial appointments currently serving. By law, appointing authorities fills vacancies and the commission elects a chairperson and vice-chairperson from among its members who serve for two years. Members are not compensated but they are reimbursed for expenses, including the performance of their duties, within available appropriations.

Qualifications for Appointment. Under prior law, most commission members had to be an expert in a

specified field or a member of the public. The act eliminates these qualification requirements. Instead, for each commission, new members, their successors, and current members' successors must have experience with their target population as an advocate, academic, civic, or cultural leader. For every commission except PCSW, the act requires new members and their successors to reside in specified geographic regions. However, successors to current members are not subject to this requirement and may reside in any region.

The act eliminates a requirement that the Judiciary Committee co-chairpersons and ranking members serve as PCSW members. It replaces it with an appointment plan in which the Senate and House majority and minority leaders appoint (1) one new member each, regardless of geographic region and (2) successors, by region, to General Assembly members currently serving. For the latter appointments, the Senate majority leader must appoint from the southeastern region, the Senate minority leader from the southwestern region, the House majority leader from the northeastern region, and the House minority leader from the northwestern region.

Table 2 lists the commissions and shows the change in membership under the act, including their terms.

Table 2: Commission Membership

<i>Commission</i>	<i>Membership (Prior Law → The Act)</i>	<i>New Member Terms</i>
Latino and Puerto Rican Affairs Commission	13 → 21	Two years, beginning February 1
African-American Affairs Commission	13 → 21	Two years, beginning July 1
Asian Pacific American Affairs Commission	13 → 21	Two years, beginning July 1
Commission on Aging	17 voting members and 16 nonvoting, ex-officio members → 21	Two years, beginning August 15
Permanent Commission on the Status of Women	17 → 21	Two years, beginning July 1
Commission on Children	16 voting members and nine nonvoting, ex-officio members → 21 voting members and nine nonvoting members	Two years, beginning July 1

Tables 3 through 5 list the appointing authorities and new appointments according to geographic location for each commission except PCSW since, under the act, its new members may come from any region.

Table 3: New Appointments: LPRAC, AAAC, and APAAC

<i>Appointing Authority</i>	<i>Member</i>
Senate president pro tempore	Windham County
Senate majority leader	New Haven County
Senate majority leader	Litchfield County
Senate minority leader	Fairfield County
House Speaker	Middlesex County
House majority leader	Tolland County
House majority leader	Hartford County
House minority leader	New London County

Table 4: New Appointments: Aging

<i>Appointing Authority</i>	<i>Member</i>
Senate president pro tempore	Southeastern region
Senate minority leader	Southwestern region
House Speaker	Northeastern region
House minority leader	Northwestern region

Table 5: New Appointments: Children

<i>Appointing Authority</i>	<i>Member</i>
Senate and House majority leaders	Central region
Senate president pro tempore	Northeastern region
House Speaker	Southeastern region
Senate minority leader	Northwestern region
House minority leader	Southwestern region

Meetings and Attendance

Each commission must meet regularly to review matters pertaining to achieving the desired results. By law, a member is considered to have resigned if during any calendar year he or she misses (1) three consecutive meetings or (2) 50% of all meetings.

Under the act, a majority of the commission's members are needed to approve any (1) recommendations it makes to the governor or General Assembly or (2) specific advocacy before a state agency or the General Assembly.

Reporting

The act expands the commissions' reporting requirement. By January 1 annually, each commission must submit two separate reports: one to the Appropriations Committee and another to the General Assembly. They previously prepared one annual report, generally for the governor and General Assembly, on their activities and recommendations concerning the target population. (The Commission on Aging also had to submit its annual report to each municipality's legislative body.)

The report to the Appropriations Committee is a status report that must include information the commission has gathered concerning the target population's status, condition, and contributions.

The report to the General Assembly must:

1. identify desired quality of life results;
2. display current trend data for the indicators related to each result;
3. identify barriers to progress on the indicators;
4. identify the strategies intended to improve progress on the indicators; and
5. describe performance measures for the commission, including those for research, education, outreach, and partnership development.

EFFECTIVE DATE: Upon passage

§ 153 - COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES TRAINING

The act requires each member of the Commission on Human Rights and Opportunities (CHRO) to receive at least 10 hours of introductory training within two months of his or her appointment and before voting on any CHRO matter. A member who does not comply

with this requirement within six months of appointment is considered to have resigned from the commission. Each year thereafter, the member must receive five hours of follow-up training. Both types of training must cover the laws governing employment, housing, public accommodation, and credit discrimination; affirmative action; and CHRO procedures. The managing director of CHRO's legal division must organize the training.

The act eliminates the CHRO's executive director's authority to appoint up to two hearing adjudicators to conduct hearing conferences, decide preliminary matters, and supervise settlement negotiations. There are currently no hearing adjudicators in CHRO. PA 98-245 changed the title of the employees charged with hearing discrimination cases from "hearing adjudicators" to "human rights referees."

EFFECTIVE DATE: Upon passage

§ 154 - HUMAN RIGHTS REFEREES

The act reduces the number of human rights referees over the next two years. On October 5, 2009, the number is reduced from seven to five. They serve until (1) the term they were appointed to fill expires or July 1, 2011, whichever is earlier, and (2) a successor is appointed and qualified. The governor fills any vacancies with the advice and consent of the General Assembly to serve until July 1, 2011.

Beginning July 1, 2011, the number of referees is reduced from five to three. As under current law, the governor appoints them with the advice and consent of the General Assembly to serve a three-year term.

The governor may remove any referee for cause.

EFFECTIVE DATE: Upon passage

§ 155 - TASK FORCE ON DIVISION OF ADMINISTRATIVE HEARINGS

The act establishes a 24-member task force to develop recommendations for establishing a Division of Administrative Hearings in CHRO to conduct impartial hearings on contested cases brought by or before the departments of Children and Families, Transportation, and Motor Vehicles; CHRO; and the Board of Firearms Permit Examiners.

The task force members are:

1. the chairpersons and ranking members of the Government Administration and Elections, Human Services, Judiciary, and Transportation committees, or their designees;
2. the commissioners of Children and Families, Transportation, and Motor Vehicles, or their designees;
3. the CHRO executive director or his designee;
4. a Board of Firearms Permit Examiners' member;

5. a member of the Connecticut Bar Association designated by its president;
6. a member of the PCSW appointed by the Senate president pro tempore; and
7. a legislator, appointed by the House speaker, with recognized leadership on issues of particular concern to racial minorities in the state, or the legislator's designee.

The taskforce has three chairpersons; two selected jointly by the House speaker and Senate president pro tempore from among the task force members and the OPM secretary or his designee.

The task force must make recommendations to the General Assembly by February 1, 2010 on:

1. the viability of placing the division in CHRO;
2. the scope of matters it will hear;
3. any federal considerations or restrictions, including funding issues related to hearing cases from the departments of Motor Vehicles, Transportation, and Children and Families;
4. the need to train administrative law adjudicators (ALA) in all matters and areas of the law to be heard by the division;
5. the requisite number of ALAs necessary to hear matters assigned to the division and the concomitant level of support staff;
6. procedures for appointing a chief ALA;
7. the transfer of state agency affirmative action plan responsibilities from the CHRO to DAS; and
8. the transfer of contractor affirmative action plan compliance responsibilities from CHRO to the Office of the Attorney General.

EFFECTIVE DATE: Upon passage

§§ 156, 163, & 187 - ELIMINATION OF OFFICE OF OMBUDSMAN FOR PROPERTY RIGHTS

The act eliminates the Office of Ombudsman for Property Rights, which under prior law was within OPM for administrative purposes only and required to:

1. develop expertise in the law regarding taking private property;
2. assist, on request, public agencies in applying eminent domain law and analyzing actions with potential eminent domain implications;
3. assist property owners, on request, concerning eminent domain procedures;
4. identify government actions with potential eminent domain implications and advise agencies, as appropriate;
5. inform the public about eminent domain laws and their rights;
6. mediate disputes between private property owners and public agencies concerning eminent domain or relocation assistance and

hire an independent real estate appraiser to assist in mediation, within available appropriations; and

7. recommend changes in eminent domain laws to the legislature.

The act eliminates:

1. the position of ombudsman for property rights, a department head appointed by the governor with the consent of either house of the General Assembly;
2. the office's separate nonlapsing account in the General Fund;
3. requirements that public agencies (a) comply with the office's reasonable requests for information and assistance and (b) participate in mediation if requested to do so by the office;
4. restrictions governing office employees, including prohibiting them from knowingly accepting employment with a public agency with eminent domain powers or entities authorized to use eminent domain on their behalf for one year after leaving the office; and
5. requirements that public agencies seeking to acquire property by eminent domain (a) make a reasonable effort to negotiate with the property owner to buy the property before starting an eminent domain action and (b) provide the property owner with information about the ombudsman.

Statement of Compensation

The act eliminates provisions concerning the property rights ombudsman reviewing a statement of compensation for a taking under the redevelopment statutes or other takings that follow the procedures in the redevelopment statutes. The statement of compensation describes the property and the amount the agency offers to pay for it. It goes to the property's owner, who can appeal the agency's description and offer to Superior Court.

The act eliminates the option for the court to refer the statement to the ombudsman if the parties to the appeal file a motion to that effect. It eliminates the provisions that make the ombudsman's duties the same as those of the trial judge referee reviewing a statement.

§§ 157-162 - DAS AUTHORITY AND DUTIES CONCERNING SMALL ESTATES AND CONTRACTS

The act:

1. allows DAS to serve as the legal representative of more small estates for the purpose of collecting debts owed to the state;
2. requires the DAS commissioner to revoke or

deny the prequalification of a contractor or substantial subcontractor based on the acts of his or her principal or key personnel;

3. requires that notice of most state public works contracts be posted on the state contracting portal on the Internet and eliminates a requirement that they be advertised in newspapers;
4. eliminates a requirement that DAS notify the public of examinations for positions in classified service by advertising in at least one newspaper in each congressional district and instead requires that notice be provided via the Internet;
5. extends to state agencies the authority to complete evaluations of subcontractors and substantial subcontractors by relying on evaluations completed by general contractors;
6. eliminates a requirement that contractors include a copy of their prequalification certificate with their bids on all public works contracts, other than Department of Transportation (DOT) contracts, and instead requires them to provide the certificate when the public agency soliciting the bids requests it;
7. specifies that subcontractors do not have to prequalify with DAS before performing work on highway, bridge, or construction projects administered by DOT;
8. clarifies that subcontractors must be prequalified by DAS before they perform work on any non-DOT-administered public works projects, instead of just building projects, if the total contract is valued at \$500,000 or more; and
9. makes technical and conforming changes.

EFFECTIVE DATE: Upon passage

Small Estate Administration

The act doubles, from \$20,000 to \$40,000, the aggregate value of estates for which DAS may petition the probate court for appointment as legal representative. This is the threshold for filing an affidavit in lieu of administration in probate court. By law, DAS files these petitions when the (1) state has a claim against the estate for support or care provided to the decedent; (2) amount of the claim, together with other specified claims, equals or exceeds the value of the estate; and (3) value of the assets does not exceed \$20,000.

Contractor Prequalification

The act allows the DAS commissioner to refuse to issue or renew a prequalification certificate if a

contractor's or substantial subcontractor's principal or key staff member is convicted of, or admits to, acts or omissions that could have reasonably resulted in the contractor's or substantial subcontractor's disqualification.

It requires the commissioner to deny or revoke a contractor's or substantial subcontractor's prequalification if she finds that a principal or key staff member, within the past five years, (1) included a materially false statement in a prequalification application, update statement (i.e., statement submitted when renewing or upgrading a prequalification certificate), or update bid statement; (2) was convicted of a crime, entered a plea of guilty or nolo contendere (no contest) for, or admitted to, a crime related to getting or performing a construction contract; or (3) engaged in some other fraud to get or stay prequalified. By law, the commissioner can deny or revoke the prequalification if the contractor or substantial contractor committed these acts.

The act also requires the commissioner to deny or revoke the prequalification of a contractor or substantial subcontractor who pleads guilty or no contest to a crime related to getting or performing a construction contract.

Notices of Public Works Construction Contracts

The act eliminates a requirement for (1) the DAS commissioner to place notices of bid solicitation for contracts over \$50,000 in two publications, including one state newspaper, and on the Internet and (2) state public works contracts valued at \$500,000, other than those administered by DOT, to be published in newspapers. It instead requires that the notices be posted on the state contracting portal.

It requires public agencies that receive state funds for all or part of public work projects valued at \$500,000 or more to post notices of the contracts, other than DOT-administered contracts, on the state contracting portal. These public agencies must include the qualifications necessary for the contract in the notice. By law, DOT has its own prequalification program.

Under the act, "public agency" means all state and local governmental agencies, departments, institutions, bureaus, boards, and commissions, including executive, administrative, and legislative offices, and the administrative functions of the Judicial Branch and the Division of Criminal Justice.

Subcontractor Evaluations

By law, public agencies must evaluate the performance of contractors and subcontractors working on public projects. Any agency that fails to file a completed evaluation with the DAS commissioner

within 70 days after a project is completed is ineligible for future state funds to complete such projects.

The act permits all public agencies, instead of just political subdivisions, to evaluate a subcontractor's or substantial subcontractor's performance by relying on the general contractor's evaluation of them. It absolves general contractors of liability for any harm an evaluation causes a subcontractor or substantial subcontractor. However, the general contractor may be liable for willful, wanton, or reckless actions related to the evaluations.

§§ 164 & 169 - GAMING POLICY BOARD

The act transfers the Gaming Policy Board to the Division of Special Revenue (DSR). Under prior law, it was located in the Department of Revenue Services for administrative purposes only. It requires DSR to provide the board with support staff. By law, the board works with DSR to implement and administer gaming laws.

EFFECTIVE DATE: Upon passage

§§ 165 & 166 – CAPITAL CITY ECONOMIC DEVELOPMENT AUTHORITY (CCEDA)

Executive Director

The act requires CCEDA's executive director to be an OPM staff member and eliminates the CCEDA board's authority to appoint the director. Prior law exempted the director from the classified civil service; the act eliminates this exemption.

The act also designates the executive director as (1) CCEDA's chief administrative officer and (2) project comptroller for the Adriaen's Landing project. By law, the OPM secretary must designate the project comptroller from his senior staff.

OPM Administrative Support and Services

The act allows OPM to provide a range of services to CCEDA through a memorandum of understanding (MOU) between the secretary and the authority. It authorizes both parties to enter into the MOU and specifies the services to be covered. Under the MOU, OPM must provide all administrative support and services, including support staff, needed to run CCEDA beginning or after July 1, 2010. The MOU must also allow CCEDA employees hired by OPM to carry over their years of service with CCEDA to the state employee retirement system.

The MOU may authorize OPM to administer CCEDA's contracts and accounts and specify how the management and operations of Rentschler Field and the convention center facilities will be coordinated. The latter include the convention center; related parking

facilities; CCEDA-developed, owned, or operated on-site private developments; and the supporting central heating and cooling plant. The provisions for coordinating stadium and convention center facilities include joint procurement and contracting; sharing services and resources; coordinating promotional and booking activities; and other arrangements to boost attendance, increase revenues, lower costs, or operate more efficiently. The secretary and CCEDA must determine the appropriate terms and conditions for completing these tasks, including how CCEDA will reimburse OPM for the administrative support and services it provides.

EFFECTIVE DATE: July 1, 2010

§ 167 - INSURING CONVENTION CENTER FACILITIES

The act designates the convention center facilities as state-owned property for state insurance and self-insurance and authorizes the State Insurance and Risk Management Board to determine, purchase, and arrange insurance or self-insurance for them the same way it does for state-owned property.

EFFECTIVE DATE: July 1, 2010

§ 168 - CRIMINAL JUSTICE COMMISSION

The act transfers the Criminal Justice Commission from the Executive Branch for fiscal and budgetary purposes only to the Division of Criminal Justice. It requires the division to provide the commission support staff.

By law, the Criminal Justice Commission appoints the chief state's attorney, a state's attorney for each judicial district, and other prosecutorial positions. It may remove the chief state's attorney from office for misconduct, material neglect of duty, or incompetence and discipline or remove other prosecutors for just cause. The Division of Criminal Justice is charged with investigating and prosecuting crimes. It includes the state's attorney for each judicial district and the chief state's attorney as the administrative head.

EFFECTIVE DATE: Upon passage

§ 170 - DIVERSION OF WATER TO POWDER RIDGE SKI AREA

The act transfers to the town of Middlefield, regardless of the law imposing certain conditions on license transfer, the Department of Environmental Protection (DEP) permit issued on September 23, 2004 to Whitewater Mountain Resorts of Connecticut, Inc. (DIV-200102314, Revised) authorizing the diversion of water from Lake Beseck to the Powder Ridge ski area. It makes Middlefield the licensee of record, authorizes it to maintain the water diversion according to the permit

terms, and makes it responsible for complying with all permit terms and conditions.

EFFECTIVE DATE: Upon passage

§ 171 - DEFINITION OF HEALTH INSURANCE POLICY

The act expands the definition of "health insurance policy" to include (a) travel health coverage and (b) single service ancillary health coverage, including dental, vision, or prescription drug coverage. By doing so, it subjects such insurance coverage to state insurance laws and regulations.

EFFECTIVE DATE: October 1, 2009

§ 172 - COLLINSVILLE DAMS

The act requires the DEP commissioner to execute an agreement with Canton, Avon, and Burlington that allows the towns to:

1. enter the upper and lower Collinsville dams on the Farmington River and associated structures, such as power houses or gate houses, and conduct physical examinations and studies of them to determine their feasibility for hydroelectric generation and
2. install, operate, and maintain hydroelectric generating facilities and associated appurtenances, including fish ladders, at the dams without adjusting river flows.

The commissioner can enter the agreement with some or all of the towns, under terms and conditions acceptable to her.

EFFECTIVE DATE: Upon passage

§ 176 - PAYMENT FOR SERVICES PROVIDED IN LONG-TERM ACUTE CARE HOSPITALS OR SATELLITE FACILITIES

The act reinstates a provision of law repealed by PA 09-3, SSS that requires that payments to hospitals based on DSS-established inpatient hospital rates include any inpatient service days provided in a new long-term acute care hospital or satellite facility established as a demonstration project.

EFFECTIVE DATE: Upon passage

§ 177 - FOOD DISTRIBUTION AT NONCOMMERCIAL FUNCTIONS

Existing law allows the sale of food at a noncommercial function such as an educational, religious, political, or charitable organization's bake sale or potluck supper if the food seller maintains it under the temperature, pH level, and water activity level conditions that will inhibit the rapid and progressive growth of infectious or toxigenic microorganisms. A

“noncommercial function” is one where food is sold by a person not regularly engaged in the food selling business.

The act additionally allows for the distribution, as well as the sale, of food at such noncommercial functions. It redefines “noncommercial function” as one where (1) food is distributed or sold and (2) the seller or distributor is not regularly engaged in the for-profit food business.

EFFECTIVE DATE: Upon passage

§ 178 - FORENSIC SEX EVIDENCE EXAMS

The bill appropriates \$1,021,060 to the Judicial Department in both FY 10 and FY 11 for forensic sex evidence exams. It requires the Office of Victim Services to administer the appropriations.

EFFECTIVE DATE: Upon passage

§ 179 - FINANCING PLAN TO RAISE GENERAL FUND REVENUE FOR FY 11

The act reduces the maximum amount of net General Fund revenue for FY 11 to be raised through a financing plan the state treasurer and the OPM secretary must jointly develop and submit to the chairpersons of the Appropriations and Finance, Revenue and Bonding committees by February 3, 2010. The budget act (PA 09-3, JSS) requires the plan to yield up to \$1.3 billion in net proceeds. This act reduces that total by \$9.3 million to \$1.2907 billion.

Under the budget act, the financing plan can include (1) “securitizing” revenue from the state lottery; (2) issuing bonds and other debt instruments or placing them privately; or (3) Connecticut’s public pension and trust funds, such as the state, municipal employees’, and teachers’ retirement funds, purchasing state debt instruments. (“Securitization” allows the state to borrow against a future revenue stream.)

EFFECTIVE DATE: Upon passage

§ 180 - MEMORANDUM OF UNDERSTANDING TO REUNIFY INCARCERATED WOMEN WITH THEIR CHILDREN

The act requires the DCF and DOC commissioners to enter a MOU to develop a program to reunify incarcerated women with their children in the community when appropriate. The commissioners must submit a report to the Appropriations and Human Services committees by January 1, 2010 describing the program developed under the MOU and estimate the number of eligible individuals and the savings to be achieved. DCF and DOC can transfer funds between the agencies without the Finance Advisory Committee’s consent to achieve savings related to the program.

EFFECTIVE DATE: Upon passage

§ 181 - FALSE CLAIMS ACT FOR DSS PROGRAMS

The act makes technical revisions to the provisions in PA 09-5, SSS pertaining to the False Claims Act for DSS Programs.

§ 182 - MEDICARE SAVINGS PROGRAM

The act makes technical revisions to the provisions in PA 09-5, SSS pertaining to the Medicare Savings Program.

§§ 183-186 - CONNECTICUT TELEVISION NETWORK

The act eliminates requirements that companies providing cable TV service under two types of certificates transmit the Connecticut Television Network (CTN) to all of their subscribers, including real-time transmission as technically feasible. These certificates have superseded traditional cable TV franchises.

Under prior law, the money in the public, educational and governmental programming and educational technology account was used for various purposes including supporting community (public, educational, and governmental) access TV and educational technology. The act requires that, when the balance of this account exceeds \$150,000, the Department of Public Utility Control make a one-time transfer of \$150,000 from the account to the Office of Legislative Management. Legislative Management must use this money for expenses related to connecting CTN with competitive video service providers in order to make CTN available to their subscribers (these providers include AT&T and certain cable TV companies).

The act specifies that CTN is the General Assembly’s statewide 24-hour public affairs programming service, separate and distinct from community access channels. The latter phrase appears to mean that CTN does not count as an access channel under the statutes. Thus, it appears that the act excludes CTN from the law (CGS § 16-331a) that requires cable TV companies to carry all of their community access channels in their basic service package.

Cable TV Certificates

PA 07-253 allowed new entrants to the video services market to be certified as competitive video service providers. It allowed existing cable TV companies to obtain these certificates under certain circumstances. Alternatively it allowed cable TV companies to obtain certificates of cable franchise authority. The act imposed similar requirements with regard to community access on companies operating

under both types of certificates.
EFFECTIVE DATE: Upon passage

**§§ 187-189 - LONG ISLAND SOUND
COMMEMORATIVE LICENSE PLATES**

PA 09-3, JSS eliminated the Long Island Sound account (§ 22a-27k) and the Environmental Quality Fund in which it was placed (§ 22a-27g). The act (§ 392) required that fees collected from the sale of Long Island Sound commemorative license plates be deposited in the General Fund rather than the account.

This act re-establishes the Long Island Sound account as a separate, non-lapsing General Fund account and requires that all fees collected from the sale of the commemorative plates and any other funds designated for the account be deposited in the account. This apparently includes donations made to the Connecticut lighthouse preservation account, which PA 09-3, JSS, eliminated. It requires that all license plate fees transferred from the Long Island Sound account to the General Fund before October 5, 2009 be put in the Long Island Sound account the act creates.

EFFECTIVE DATE: Upon passage

Attorney General Opinion

Attorney General Richard Blumenthal advised Governor Rell, in an October 1, 2009 letter on the effect of PA 09-3, JSS, that the governor and legislature could transfer funds deposited in the Long Island Sound account to the General Fund on or after October 1, 2009, the date PA 09-3, JSS, § 392 took effect. But he advised the governor that Article Second of the Connecticut Constitution prohibited them from transferring to the General Fund those funds that were deposited in the account before that date.

**PA 09-8, September 2009 Special Session-SB 2052
Emergency Certification**

**AN ACT IMPLEMENTING THE PROVISIONS
OF THE BUDGET CONCERNING REVENUE**

SUMMARY: This act makes various statutory changes to implement the revenue provisions of the state budget and tax package for FY 10 and FY 11 (PA 09-3, June Special Session (JSS)). Among other things, it:

1. establishes an optional corporation tax credit, beginning in income years starting on or after January 1, 2012, for constructing buildings that meet specified energy and environmental standards (“green buildings”);
2. temporarily exempts Bridgeport from certain pension funding requirements for FY 09 through FY 11, if the state treasurer and the

Office of Policy and Management (OPM) secretary approve the city’s alternative pension funding plans for those years;

3. requires taxpayers when making their estimated payments, and employers when calculating withholding taxes, for the remainder of the 2009 income year, to include catch-up payments to cover increases in personal income and the corporation taxes effective January 1, 2009 and adopted in PA 09-3, JSS; and
4. approves up to \$40 million in economic development assistance from existing programs over the next two years for the Steel Point project in Bridgeport.

The act increases various Department of Public Health (DPH) fees. It reverses some fee increases made in PA 09-3, JSS including those for licensed practical nurses and resident marine waters fishing licenses. It eliminates a \$1-per-bushel shellfish harvesting fee that act imposed and restores certain nonlapsing accounts, including the boating and air emissions permit operating fee accounts, that the budget act eliminated.

The act changes amounts PA 09-3, JSS transferred from the Budget Reserve Fund to the General Fund and from the General Fund to the Special Transportation Fund for FY 10 and FY 11. Finally, it alters the revenue estimates for the General and Special Transportation funds for FY 10 and FY 11 adopted in PA 09-3, JSS.

EFFECTIVE DATE: Various, see below.

**§§ 1-5 - FILM PRODUCTION AND DIGITAL
ANIMATION TAX CREDITS**

Production Company Credit Eligibility Requirements

Starting January 1, 2010, PA 09-3, JSS makes a film production company eligible for a film production tax credit only if it conducts at least 50% of its principal photography days in the state. This act provides an alternative standard by also making a company eligible if it spends at least 50% of a film’s post-production costs in Connecticut.

Minor and Technical Changes

Starting January 1, 2010, PA 09-3, JSS replaces the state’s flat 30% tax credit for qualifying film production and digital animation expenditures over \$50,000 with tiered credits of 10% for expenditures between \$100,000 and \$500,000; 15% for expenditures over \$500,000 and up to \$1 million; and 30% for expenditures over \$1 million. Credits can be claimed in the year the eligible expenditures are made, or carried forward for up to the three following income years.

This act (1) makes a technical change in the expenditure range for the 15% credits and (2) specifies

that a statutory provision allowing taxpayers to carry forward their available credits for the three years following the year in which the eligible expenditures are made applies to all or part of the credits.

EFFECTIVE DATE: Upon passage

§ 6 - ESTIMATED CORPORATION TAX PAYMENTS FOR 2009

PA 09-3, JSS imposes a 10% corporation tax surcharge for the 2009, 2010, and 2011 income years on companies that have (1) \$100 million or more in annual gross income in those years and (2) tax liability that exceeds the \$250 minimum tax.

This act requires affected corporation taxpayers making estimated tax payments to adjust their payments for the 2009 income year to reflect any additional tax liability from the surcharge. It overrides a safe-harbor law excusing corporation taxpayers from interest and penalties on estimated taxes if they pay in four quarterly installments totaling at least (1) 90% of their liability for the current income year without credits or (2) 100% of their liability for the previous year without credits, whichever is less.

EFFECTIVE DATE: Upon passage

§ 7 - GREEN BUILDINGS TAX CREDIT

Credits

Starting with income years beginning on or after January 1, 2012, this act allows the state to give corporation taxpayers a credit if they build buildings that meet certain energy and environmental standards ("green buildings"). It gives the OPM secretary discretion on whether to issue vouchers allowing taxpayers to claim the credits. It limits the credits for all building projects to \$25 million.

Under the act, eligible projects would receive a base credit that increases with the project's green rating. It allows additional credits for mixed-use projects and those located in certain areas. Taxpayers could claim only 25% of the credit in any tax year, but could carry forward the remainder for up to five years. The credits are transferrable and assignable.

Eligible Projects and Allowable Costs

Projects eligible for credits are real estate developments in the state designed to meet or exceed the applicable Leadership in Energy and Environmental Design (LEED) Green Building Rating System gold certification or an equivalent standard as determined by the environmental protection (DEP) commissioner. Eligible projects must use no more than (1) 70% of the energy use permitted by the State Building Code for new construction or (2) 80% of the energy use permitted

by the state energy code for a building renovation or rehabilitation. In addition, the project must use equipment and appliances that meet Energy Star standards, if applicable. If a development has more than one building, only the buildings that meet these standards would be eligible for the credit. For newly constructed buildings, the credits apply only to those that receive a certificate of occupancy on or after January 1, 2010.

To count towards the credit, a development cost must be chargeable to the project's capital account. These allowable costs include:

1. construction or rehabilitation costs;
2. commissioning costs;
3. architectural and engineering fees that can be allocated to construction or rehabilitation, including energy modeling;
4. such site costs as temporary electric wiring, scaffolding, demolition, and fencing and security facilities; and
5. costs of carpeting, partitions, walls and wall coverings, ceilings, lighting, plumbing, electrical wiring, mechanical, heating, cooling, and ventilation.

The purchase of land, remediation costs, and the cost of telephone systems or computers are not allowable. The act limits allowable costs to \$250 per square foot for new construction and \$150 per square foot for building renovations or rehabilitation.

Base and Supplemental Credits

The LEED rating system has four levels: certified, silver, gold, and platinum, with a building's rating depending on its number of green features (see BACKGROUND).

Under the act, the base credit for new construction or major renovation of a building (but not other site improvements) is 8% of allowable costs for a gold rating and 10.5% for a platinum rating. For core and shell or commercial interior projects, the credit is 5% of allowable costs for a gold rating and 7% for a platinum rating. In all cases, the credit is the same for the equivalent rating under an alternative rating system, as determined by the DEP commissioner.

A project would receive an additional credit of 0.5% of allowable costs if it:

1. is a "mixed use" development consisting of one or more buildings that include residential use and in which no more than 75% of the interior square footage has at least one of the following uses: (a) commercial; (b) office; (c) retail; or (d) any other nonresidential use that the OPM secretary determines poses no public health threat or nuisance to nearby residential areas;

2. is located in an enterprise zone or brownfield;
3. does not require a sewer line extension of more than one-eighth of a mile; or
4. is within walking distance of a public bus service or one-half mile of adequate rail, light rail, streetcar, or ferry service. (In the case of multi-building projects, at least one of the buildings must meet this criterion.)

Credit Issuance

The OPM secretary may issue an initial credit certificate if he determines that the applicant is likely, within a reasonable time, to place in service property that would be eligible for a credit. The certificate must state (1) the first income year for which the credit may be claimed; (2) the maximum credit allowable; and (3) an expiration date by which the property must be placed in service, which the secretary may extend at his discretion. The certificate must reserve the credit allowable for the applicant named in the application until the expiration date. The secretary may extend the reservation at his discretion, if he extends the expiration date. The secretary may not issue initial credit certificates for more than \$25 million in the aggregate.

The taxpayer must obtain an eligibility certificate for each taxable year for which he or she claims a credit. The taxpayer must obtain this certificate from an architect or licensed professional engineer accredited through the LEED Accredited Professional Program or a program the DEP commissioner determines to be equivalent. The document must certify, under the architect's or engineer's seal, that the building, base building, or tenant space for which the credit is claimed meets or exceeds the applicable green building rating system gold certification (or other certification the commissioner considers equivalent) in effect when the building was certified. The certification must include the specific findings on which it is based and state that the architect or engineer is accredited through the accredited professional program.

To obtain the credit, the applicant must file with the revenue services (DRS) commissioner (1) the initial credit voucher, (2) the eligibility certificate, and (3) an application to claim the credit. The applicant must send a copy of the documents to the OPM secretary.

Credit Transfers

The act allows credits to be assigned or otherwise transferred. A project owner may transfer a credit to a pass-through partner in return for a lump sum payment. (This approach can be used if the project owner is a nonprofit organization, among other situations.)

Any subsequent successor in interest to the property eligible for a credit may claim it if the deed transferring

the property assigns the successor this right, unless the deed specifies that the seller retains the right to claim the credit. Any subsequent tenant of a building for which a credit was granted may claim it. Such a claim applies to any period after the termination of the previous tenancy for which the previous tenant would have been allowed to take the credit.

Regulations and Reporting

The act (1) requires the OPM secretary, in consultation with the DRS commissioner, to adopt implementing regulations by January 1, 2011; (2) requires the secretary to establish a uniform application fee of up to \$10,000 to cover all direct costs of administering the tax credit program; and (3) allows the secretary to hire a private consultant or outside firm to administer and review program applications.

The secretary, in consultation with the commissioner, must report to the governor and Planning and Development and Finance, Revenue and Bonding committees by July 1, 2013 on (1) the number of taxpayers applying for the credits, (2) the amount and geographical distribution of the credits granted, and (3) any other information the secretary considers appropriate. The secretary must submit a preliminary draft report to the governor and the committees by July 1, 2012.

EFFECTIVE DATE: Upon passage

§§ 8-12 - ESTATE AND GIFT TAX

Starting with deaths occurring, and gifts made, on or after January 1, 2010, PA 09-3, JSS (1) increased, from \$2 million to \$3.5 million, the threshold value of an estate or gift subject to the estate and gift tax; (2) reduced marginal tax rates on taxable estates and gifts by 25%; and (3) eliminated the tax "cliff." (Under the pre-January 1, 2010 tax, an estate or gift valued at \$2 million or less was fully exempt, while the full value of an estate or gift of more than \$2 million was taxed. Thus, a \$1 increase in the value from \$2,000,000 to \$2,000,001 increased the tax liability for a gift or estate over \$2 million by \$101,700 (the "cliff").

§ 8 - Connecticut Taxable Estate and Gift Taxes Paid Between January 1, 2005 and December 31, 2009

For those who die on or after January 1, 2010, this act includes in the Connecticut taxable estate the aggregate value of all Connecticut taxable gifts the decedent made on or after January 1, 2005.

Under the act, for a person who dies on or after January 1, 2010, gifts subject to the higher tax rates in effect between January 1, 2005 and December 31, 2009 count towards the combined lifetime total exclusion for estate tax purposes, but the estate is not entitled to any

refund for gift taxes paid under those higher rates. Instead, the act gives such estates a credit for any gift taxes paid on gifts made on or after January 1, 2005, as long as the credit does not exceed the estate tax due.

EFFECTIVE DATE: Upon passage and applicable to estates of those dying on or after January 1, 2010.

§ 9 - Estate Tax Filing Deadline

PA 09-3, JSS reduced the time an executor has to file an estate tax return from nine to six months after the date of death. This act specifies that the new filing deadline applies to estates of those who die on or after July 1, 2009 rather than to taxes due on or after that date.

EFFECTIVE DATE: Upon passage and applicable to estates of those dying on or after July 1, 2009.

§ 10 - Tax Returns Filed with Probate Court

By law, all estates, regardless of their gross value, must file an estate tax return. If the estate's value is more than the taxable threshold, the executor must file the return with DRS, with a copy to the probate court for the district where the decedent lived or, if the decedent was not a Connecticut resident, where his or her Connecticut property is located. If the estate's value is below the tax threshold, the return must be filed only with the appropriate probate court. The probate judge must review the return and issue a written opinion to the estate's representative if the judge determines it is not subject to the estate tax.

For deaths on or after January 1, 2010, this act increases the threshold for filing an estate tax return only with the probate court from \$2 million to \$3.5 million. This change conforms to the increase in the taxable estate threshold under PA 09-3, JSS.

EFFECTIVE DATE: Upon passage and applicable to estates of those dying on or after January 1, 2010.

§ 11 - Release of Estate Tax Liens

By law, a person who does not owe, or who has paid, the estate tax receives a certificate releasing the lien on his or her interest in real property in the estate. The probate court is required to issue all lien release certificates for estates below the estate tax threshold. For deaths on or after January 1, 2010, the act requires probate courts to issue all lien release certificates for estates of \$3.5 million or less. This change conforms to the increase in the taxable estate threshold under PA 09-3, JSS.

EFFECTIVE DATE: Upon passage and applicable to estates of those dying on or after January 1, 2010.

§ 12 - Gift Tax Credits

PA 09-3, JSS gives a taxpayer a credit against taxes owed for gifts made on or after January 1, 2010, but only for gift taxes previously paid on post-January 1, 2010 gifts. This act also gives the credit for taxes previously paid on gifts made between January 1, 2005 and December 31, 2009. But it limits the total credits to no more than the gift tax imposed. This means taxpayers are not entitled to any refunds of gift taxes paid at the higher rates in effect between January 1, 2005 and December 31, 2009.

EFFECTIVE DATE: Upon passage and applicable to gifts made on or after January 1, 2010.

§ 13 - BRIDGEPORT PENSION PLAN FUNDING

For FY 09, the act exempts a municipality (1) with a population greater than 130,000 and (2) that has issued pension deficit funding bonds, from a statutory requirement to appropriate money for, or contribute more than \$6 million to, a pension plan funded with the bond proceeds. Only Bridgeport qualifies.

The act also exempts the city from the statutory funding requirements for FY 10 and FY 11, if it submits plans for funding the pension plan in those years to the OPM secretary and the state treasurer and obtains their approval. The plans for FY 10 and FY 11 are due by April 1, 2010 and April 1, 2011, respectively.

The secretary and the treasurer may accept, reject, or modify the city's funding plans. In any year they fail to approve the plans, the city must contribute at least \$4 million to the pension plan.

State law allows municipalities to issue pension deficit funding bonds to fund unfunded past pension obligations. If a municipality issues such bonds, it must ordinarily contribute at least the actuarially required amount to its pension plan in each fiscal year that it has outstanding pension deficit funding bonds for the plan (CGS § 7-364c (c) (3)).

EFFECTIVE DATE: Upon passage

§§ 14 & 15 - CATCH-UP INCOME TAX PAYMENTS FOR 2009

PA 09-3, JSS increased income taxes for those with taxable incomes over \$1 million for joint filers, \$800,000 for heads of households, and \$500,000 for single filers and married people filing separately. The increase is effective for the tax year beginning January 1, 2009.

This act requires taxpayers who must make quarterly estimated tax payments for 2009 to adjust their January 15, 2010 payment to reflect the income tax rate changes applicable to the 2009 tax year. It also requires the DRS commissioner to issue new withholding tax rules for the 2009 tax year by October 1, 2009 and

publish them on DRS' web site.

By law, taxpayers who expect to have \$1,000 or more in income tax liability and who do not have sufficient Connecticut income tax withheld by payers or employers must make quarterly estimated tax payments, generally by April 15, June 15, October 15, and January 15. The act's requirement to adjust the January 15, 2010 payment to include applicable 2009 tax increases overrides the statutory "safe harbor" provision that taxpayers are not liable for interest or penalties for underpaying estimated taxes if their quarterly payments total (1) 90% of their estimated tax liability for the current year or (2) 100% of their liability for the preceding tax year, whichever is less.

EFFECTIVE DATE: Upon passage

§ 16 - FINANCIAL ASSISTANCE TO THE STEEL POINT PROJECT IN BRIDGEPORT

The act allows the Department of Economic and Community Development, the Connecticut Development Authority (CDA), and Connecticut Innovations, Inc. (CII) to provide up to \$40 million in financial assistance from existing programs to the Steel Point project in Bridgeport between January 1, 2010 and June 30, 2012. The assistance must be used for developing and improving property in Bridgeport.

The assistance may be in the form of grants, loans, loan guarantees, insurance contracts, investments, or a combination of these and may be provided from proceeds from sales of bonds, notes, or other debt issued by the state, CDA, or CII. By law, any such financial assistance exceeding \$10 million over a two-year period for any applicant or business project must be expressly authorized by the General Assembly.

EFFECTIVE DATE: Upon passage

§§ 17-35, 37-38 & 43 - FEE PROVISIONS

PA 09-3, JSS increased various state fees effective October 1, 2009. This act makes additional changes in fees, establishes new fees, increases additional fees, and reduces and repeals certain of the prior act's fee increases.

§ 17 - Nonresidential Underground Storage Tank Notification Fee

Under PA 09-3, JSS, starting October 1, 2009, the fee to inspect certain nonresidential underground storage facilities is \$100 per tank for each facility that submits notification to the DEP commissioner. This act (1) requires the fee to be for the notification instead of the inspection and (2) delays the start of the change to October 10, 2009. By law, the notification must be submitted annually along with the fee.

EFFECTIVE DATE: Upon passage

§ 18 - License Fee Increase for Certain Cigarette Distributors

The act increases the annual fee for a DRS license as a "non-exclusive" cigarette distributor (a distributor who does not sell cigarettes exclusively to retail stores that the distributor operates) from \$1,000 to \$1,250. This matches the license fee increase in PA 09-3, JSS for a cigarette distributor who sells to more than 25 retail stores that the distributor operates.

EFFECTIVE DATE: Upon passage and applicable to renewal of licenses expiring on or after September 30, 2009.

§ 19 - Applicability of Increased License Renewal Fees

With the exception of several cigarette licenses issued by DRS, the act makes the increases in license renewal fees enacted in PA 09-3, JSS apply only to the renewal of licenses that expire on or after October 1, 2009.

The act does not apply to increased fees for (1) cigarette manufacturers' licenses and duplicate copies, (2) cigarette dealers' licenses and duplicate copies, and (3) cigarette distributors' licenses.

EFFECTIVE DATE: Upon passage

§ 20 - Licensed Practical Nurse License Fee

The act reverses an increase in the annual license fee for licensed practical nurses. PA 09-3, JSS doubled the fee from \$60 to \$120, effective October 1, 2009. This act restores the \$60 fee.

EFFECTIVE DATE: Upon passage

§§ 21 & 37-38 - Boating Account and Boating Fee Revenue

PA 09-3, JSS eliminated the Conservation Fund and the separate boating account within that fund and transferred all revenue from boat and watercraft numbering and registration fees to the General Fund. This act reestablishes (1) the boating account as a separate, nonlapsing General Fund account and (2) the account's purposes under the law prior to PA 09-3, JSS. But the act also modifies the distribution of boating fee revenue from the way it existed before PA 09-3, JSS.

Under the law prior to PA 09-3, JSS, the first \$1 million of the revenue received from the boating fees each year went into the boating account, along with any excess after towns received their share. This act eliminates the requirement to save the first \$1 million in the account. It instead allocates annual boating fee revenue received in the 12 months between November 1 and the following October 31 to the towns first. As under the law prior to PA 09-3, JSS, the act requires that (1) if annual fee revenue is not enough to pay all the

towns their full allotment, any additional amount necessary be taken from unallocated funds in the account and (2) the towns receive amounts according to their proportionate share of the total property taxes paid on vessels in these towns based on October 1, 1978 assessment.

Under the act, as under the law prior to PA 09-3, JSS the boating account must be used for the various purposes, including to cover all expenses the DMV and DEP commissioners incur in administering and enforcing state laws and regulations on boating safety and water pollution from vessels and any payments the law requires (e.g., payments to towns that apply to DEP for reimbursement for enforcing boating laws).

The act modifies the annual reporting requirement for the account from that required prior to PA 09-3, JSS. It requires the report to:

1. be from the DEP commissioner alone, rather than both the DEP and DMV commissioners each separately;
2. be made to the comptroller, rather than the Finance, Revenue and Bonding Committee;
3. be submitted by December 1 instead of December 31 each year;
4. cover the preceding fiscal year instead of the 12 months ending the preceding October 31; and
5. include all revenue deposited in and expenditures from the account rather than reporting on the account's operation, giving a detailed statement of expenditures for each of its required purposes, and making any recommendations for operating the account and for boating safety and enforcement programs.

EFFECTIVE DATE: Upon passage

§§ 22 & 28 - Resident Marine Waters Fishing License Fee

PA 09-3, JSS imposed a \$30 fee for a resident marine waters fishing license, effective October 1, 2009. This act reduces the fee to \$10. It also makes a conforming change.

EFFECTIVE DATE: Upon passage and applicable to renewal of licenses expiring on or after October 1, 2009.

§§ 23-27 - Department of Public Health Fees

The act increases the DPH fees shown in Table 1.

Table 1: DPH Fee Increases

<i>Act §</i>	<i>CGS §</i>	<i>Fee Description</i>	<i>Prior Law</i>	<i>The Act</i>
23	20-341g	Subsurface sewage disposal system installer license – annual renewal	\$25	\$50
23	20-341g	Subsurface sewage disposal system cleaner license – annual renewal	10	20
24	20-438	Asbestos abatement site supervisor's certificate - application	50	100
24	20-438	Asbestos abatement site supervisor's certificate – annual renewal	50	100
25	20-162bb (b)	Perfusionist license – application fee	250	315
26	20-162bb (g)	Perfusionist license – annual renewal	250	315
27	PA 09-232, § 56 (a)	Audiologist – initial license fee and annual renewal	100	200

EFFECTIVE DATE: Upon passage and applicable to renewal of licenses expiring on or after October 1, 2009.

§ 29 - Liquor Permit Administrative Fee

By law, retailers holding permits to sell liquor for off-premises consumption must pay the Department of Consumer Protection (DCP) an additional fee equal to 6.25% of their permit fee to cover DCP's costs for administering the liquor control laws. This act requires DCP to round the administrative fee up to the nearest \$5. Revenue from the administrative fee goes to the General Fund.

EFFECTIVE DATE: Upon passage

§ 30 - Insurance Agent Fees

The act increases, from \$80 to \$100, the fee for each appointment issued to or continued for an agent of a domestic insurance company. It exempts from the fee an appointment issued to or continued for an agent of a nondomestic insurance company. Under prior law and this act, there is no fee for a nondomestic insurer to appoint an agent in Connecticut if the insurer's domiciliary (home) jurisdiction does not charge a fee for appointments. The act also sets a lower \$20 fee for an appointment issued by a nondomestic insurer whose domiciliary jurisdiction has a premium tax rate lower than Connecticut's.

EFFECTIVE DATE: Upon passage and applicable to appointments issued or continued on or after October 1, 2009.

§§ 31 & 32 - Solar Thermal Work Certificate

This act requires the DCP commissioner, after consulting with the Plumbing and Piping Work Board or the Heating, Piping, Cooling, and Sheet Metal Work Board as appropriate, to issue a solar thermal work certificate authorizing its holder to perform solar thermal work. To qualify for the certificate, a person must (1) hold a P-1, P-2, P-3, P-4, S-1, S-2, S-3 or S-4 license issued by DCP; (2) complete a commissioner-approved solar thermal installation training course; and (3) pass a commissioner-approved solar thermal work examination. The certificate must be renewed in the same way that its holder's trade license is renewed. The certificate fee is \$50.

EFFECTIVE DATE: Upon passage

§§ 33 & 34 - Air Emissions Permit Operating Fee Account

The act restores the air emissions permit operating fee account and makes it a separate account within the General Fund instead of within the Environmental Quality Fund. PA 09-3, JSS eliminated the latter fund and the account. This act once again requires revenue from fees the DEP commissioner charges owners or operators of air pollution sources to go into the account.

EFFECTIVE DATE: Upon passage

§ 35 - Department of Environmental Protection Fees

The act raises to at least \$100 any fee that the DEP commissioner charges by regulation for activities the department regulates, such as those of solid waste facilities. PA 09-3, JSS doubled any of these fees that were less than \$150. This act increases any of the fees that were formerly less than \$100 to at least \$100.

It also increases the fee for a general permit:

1. from \$1,000 to \$1,250, for people intending to engage in a regulated activity that requires registration with, and approval from, DEP before it can begin and
2. from \$500 to \$625, for people intending to engage in a regulated activity that only requires them to register with DEP before the activity can begin.

By law, this fee structure applies unless a different fee is specified in the general permit.

Finally, the act increases the maximum general permit fee from \$5,000 to \$6,250.

EFFECTIVE DATE: Upon passage

§ 36 - REGIONAL GREENHOUSE GAS ACCOUNT

By law, the DEP commissioner, in consultation with the Department of Public Utility Control, must auction emission allowances and invest the proceeds. This act (1) creates a regional greenhouse gas account as a separate, nonlapsing General Fund account and (2) requires the auction emission allowance proceeds to be deposited in the account. By law, the proceeds are invested in energy conservation, load management, and certain renewable energy programs on behalf of electric ratepayers.

EFFECTIVE DATE: Upon passage

§ 39 - PREFERENCE TAX INCREASE

PA 09-3, JSS doubled, from \$250,000 to \$500,000, the maximum preference tax for groups of companies filing combined corporation tax returns. The increase was effective on passage. This act applies the increase to income years starting on or after January 1, 2009.

EFFECTIVE DATE: Upon passage

§ 40 - ATTORNEY OCCUPATIONAL TAX

PA 09-3, JSS increased the annual attorney occupational tax from \$450 to \$565, effective October 1, 2009. This act applies the increased tax to calendar years starting on or after January 1, 2009.

EFFECTIVE DATE: Upon passage

§ 41 - TRANSFERS TO THE SPECIAL TRANSPORTATION FUND

PA 09-3, JSS requires the comptroller to transfer from the General Fund to the Special Transportation Fund the following amounts: \$72.0 million in FY 10 and \$117.5 million in FY 11 and each fiscal year thereafter. This act instead requires the comptroller to transfer (1) \$81.2 million in FY 10, (2) \$126 million in FY 11 and FY 12 and (3) \$172.8 million in FY 13 and each subsequent year.

EFFECTIVE DATE: Upon passage

§ 42 - REVISED BUDGET RESERVE FUND TRANSFERS TO GENERAL FUND

PA 09-3, JSS requires the treasurer to transfer from the Budget Reserve Fund to the General Fund \$1.062 billion in FY 10 and \$319.7 million in FY 11. This act (1) reduces the FY 10 transfer amount by \$22.3 million to \$1,039.7 million and (2) increases the FY 11 transfer amount by \$22.3 million to \$342 million.

EFFECTIVE DATE: Upon passage

§ 43 - LATE FILING FEE FOR CAMPAIGN TREASURERS

The act reverses an increase in the State Elections Enforcement Commission's late filing fee for campaign treasurers. PA 09-3, JSS doubled the fee, from \$100 to \$200, effective October 1, 2009. This act restores the \$100 late fee that was in effect before that date.

EFFECTIVE DATE: Upon passage

§§ 44-54 - PROPERTY TAX EXEMPTION DEADLINE WAIVERS

The act allows certain taxpayers to receive the following property tax exemptions for particular grand list years even though they missed the filing deadlines for the exemption:

1. machinery and equipment used for manufacturing, biotechnology, or recycling (CGS § 12-81 (72)) and
2. manufacturing and service facilities located in targeted investment communities or enterprise zones (CGS § 12-81 (59)).

By law, property owners must apply to local assessors for these exemptions by November 1 annually. The act waives this filing deadline for property owners in the towns and for one or more of the above property categories and the grand lists shown in Table 2, if the property owners apply within 30 days of the act's passage and pay the statutory late fee.

In each case, the act requires the local assessor to (1) verify eligibility for the exemption and approve the exemption, (2) refund any taxes paid on the property, and (3) submit the request for a tax loss reimbursement to the OPM secretary. Subject to the secretary's review and approval, the act requires the state to reimburse the town for the tax loss under the applicable statute.

Table 2: Exemption Application Deadline Waivers

§	Town	Grand List	Type of Property	CGS §
44	Newtown	2007	Machinery and equipment	12-81 (72)
45	Watertown	2007	Machinery and equipment	12-81 (72)
46	Suffield	2007	Machinery and equipment	12-81 (72)
47	Windsor	2007	Machinery and equipment	12-81 (72)
48	West Hartford	2008	Machinery and equipment	12-81 (72)
49	New Britain	2006	Machinery and equipment	12-81 (72)
50	Hartford	2007	Machinery and equipment	12-81 (72)
51	New Haven	2007	Manufacturing or service facility	12-81 (59)
52	Torrington	2008	Manufacturing or service facility	12-81 (59)
53	Stonington	2008	Machinery and equipment	12-81 (72)
54	Bridgeport	2007	Manufacturing or service facility	12-81 (59)

EFFECTIVE DATE: Upon passage

§§ 55-58 - REVISED REVENUE ESTIMATES

The act amends the General Fund and Special Transportation Fund revenue estimates for FY 10 and FY 11 adopted by PA 09-3, JSS. It reduces the total General Fund estimate for FY 10 by \$3 million from \$17,375.4 million to \$17,372.4 million and increases the estimate for FY 11 by \$4.9 million, from \$17,591.9 million to \$17,596.8 million.

For the Special Transportation Fund, the act increases the revenue estimate (1) for FY 10 by \$9.2 million, from \$1,106.5 million to \$1,115.7 million and (2) for FY 11 by \$8.5 million, from \$1,173.2 million to \$1,181.7 million.

EFFECTIVE DATE: Upon passage

§ 59 - REPEALERS

Economic Recovery Notes

PA 09-2, JSS authorized the state to issue economic recovery notes (ERNs) to fund the FY 09 General Fund deficit. This act repeals a requirement that, if the comptroller determines there is an unappropriated General Fund surplus at the end of any fiscal year from FY 10 through FY 17, that surplus first be used to redeem any outstanding ERNs before they mature.

The repealed provision conflicts with a similar provision of PA 09-3, JSS requiring that any General Fund surpluses for those years first be used to redeem ERNs before they mature and second to reduce the state's obligations under any plan to borrow against future state revenue ("securitization").

Bridgeport Pension Financing

The act repeals a provision of PA 09-3, JSS concerning financing Bridgeport's pension contributions. The repealed provision conflicts with a similar provision in this act.

Shellfish Harvesting Fee

The act eliminates a fee of \$1 per bushel bag or equivalent for harvesting shellfish in state waters for wholesale or retail sale. PA 09-3, JSS imposed the fee, effective October 1, 2009.

EFFECTIVE DATE: Upon passage

BACKGROUND

LEED Rating System

The U.S. Green Building Council has established rating systems for a variety of developments. There are separate rating systems for new, and major renovations of, commercial, institutional, and government buildings; commercial building interiors; the core and shell of commercial buildings, which covers such elements as the building envelope and heating, ventilation, air conditioning systems; retail establishments; and health care facilities. LEED addresses a building's performance in five areas: sustainable site development, water savings, energy efficiency, material selection, and indoor environmental quality. Participating buildings can be rated as certified, silver, gold, or platinum.

PA 09-9, September 2009 Special Session-HB 7002 (VETOED)

Emergency Certification

AN ACT IMPLEMENTING THE PROVISIONS OF THE BUDGET CONCERNING REVENUE

SUMMARY: This act makes various statutory changes to implement the revenue provisions of the state budget and revenue act for FY 10 and FY 11 (PA 09-3, June Special Session (JSS)). Among other things, it:

1. establishes a corporation tax credit, beginning in income years starting on or after January 1, 2012, for constructing buildings that meet specified energy and environmental standards ("green buildings");

2. temporarily exempts Bridgeport from certain pension funding requirements for FY 09 through FY 11, if the state treasurer and the Office of Policy and Management (OPM) secretary approve the city's alternative pension funding plans for those years;
3. requires taxpayers when making their estimated payments, and employers when calculating withholding taxes, for the remainder of the 2009 income year, to include catch-up payments to cover increases in personal income and corporation taxes effective January 1, 2009 and adopted in PA 09-3, JSS; and
4. approves up to \$40 million in economic development assistance from existing programs over the next two years for the Steel Point project in Bridgeport.

The act increases various Department of Motor Vehicle (DMV) and Department of Public Health (DPH) fees. It reverses some fee increases made in PA 09-3, JSS, including those for licensed practical nurses and resident marine waters fishing licenses. It (1) eliminates a \$1-per-bushel shellfish harvesting fee that act imposed and (2) restores certain nonlapsing accounts, including the boating and air emissions permit operating fee accounts, that the budget act eliminated.

The act changes amounts PA 09-3, JSS transferred from the Budget Reserve Fund to the General Fund and from the General Fund to the Special Transportation Fund for FY 10 and FY 11. Finally, it alters the revenue estimates for the General and Special Transportation funds FY 10 and FY 11 adopted in PA 09-3, JSS.

EFFECTIVE DATE: Various, see below.

§§ 1-6 - FILM PRODUCTION AND DIGITAL ANIMATION TAX CREDITS

Production Company Credit Eligibility Requirements

Starting January 1, 2010, PA 09-3, JSS, makes a film production company eligible for a film production tax credit only if it conducts at least 50% of its principal photography days in the state. This act provides an alternative standard by also making a company eligible if it spends at least 50% of a film's post-production costs in Connecticut.

Digital Animation Company Credit Eligibility Requirement

On or after January 1, 2010, this act requires that, to be eligible for a digital animation production tax credit, a digital animation company must spend at least 50% of post-production costs in Connecticut.

Minor and Technical Changes

Starting January 1, 2010, PA 09-3, JSS, replaces the state's flat 30% tax credit for qualifying film production and digital animation expenditures over \$50,000 with tiered credits of 10% for expenditures between \$100,000 and \$500,000; 15% for expenditures over \$500,000 and up to \$1 million; and 30% for expenditures over \$1 million. Credits can be claimed in the year the eligible expenditures are made, or carried forward for up to the three following income years.

This act (1) makes a technical change in the expenditure range for the 15% credit and (2) specifies that a statutory provision allowing taxpayers to carry forward their available credits for the three years following the year in which the eligible expenditures are made applies to all or part of the credits.

EFFECTIVE DATE: Upon passage

§ 7 - ESTIMATED CORPORATION TAX PAYMENTS FOR 2009

PA 09-3, JSS, imposes a 10% corporation tax surcharge for the 2009, 2010, and 2011 income years on companies that have (1) \$100 million or more in annual gross income in those years and (2) tax liability that exceeds the \$250 minimum tax.

This act requires affected corporation taxpayers making estimated tax payments to adjust their payments for the 2009 income year to reflect any additional tax liability from the surcharge. It overrides a safe-harbor law excusing corporation taxpayers from interest and penalties on estimated taxes if they pay in four quarterly installments totaling at least (1) 90% of their liability for the current income year without credits or (2) 100% of their liability for the previous year without credits, whichever is less.

EFFECTIVE DATE: Upon passage

§ 8 - GREEN BUILDINGS TAX CREDIT

Credits

This act establishes a corporation tax credit for taxpayers who build buildings that meet certain energy and environmental standards ("green buildings"). It limits the credits for all building projects to \$25 million. The credit is available for income years beginning on or after January 1, 2012.

The act entitles eligible projects to a base credit that increases with the project's green rating. It allows additional credits for mixed-use projects and those located in certain areas. Taxpayers can claim only 25% of the credit in any tax year. The remainder may be carried forward for up to five years. The credits are transferrable and assignable.

Eligible Projects and Allowable Costs

Projects eligible for the credits are real estate developments in the state designed to meet or exceed the applicable Leadership in Energy and Environmental Design (LEED) Green Building Rating System gold certification or an equivalent standard as determined by the environmental protection (DEP) commissioner. Eligible projects must use no more than (1) 70% of the energy use permitted by the State Building Code for new construction or (2) 80% of the energy use permitted by the state energy code for a building renovation or rehabilitation. In addition, the project must use equipment and appliances that meet Energy Star standards, if applicable. If a development has more than one building, only the buildings that meet these standards are eligible for the credit. For newly constructed buildings, the credits apply only to those that receive a certificate of occupancy on or after January 1, 2010.

To count towards the credit, a development cost must be chargeable to the project's capital account. These allowable costs include:

1. construction or rehabilitation costs;
2. commissioning costs;
3. architectural and engineering fees that can be allocated to construction or rehabilitation, including energy modeling;
4. such site costs as temporary electric wiring, scaffolding, demolition, and fencing and security facilities; and
5. costs of carpeting, partitions, walls and wall coverings, ceilings, lighting, plumbing, electrical wiring, mechanical, heating, cooling, and ventilation.

The purchase of land, remediation costs, and the cost of telephone systems or computers are not allowable. The act limits allowable costs to \$250 per square foot for new construction and \$150 (presumably per square foot) for building renovations or rehabilitation.

Base and Supplemental Credits

The LEED rating system has four levels: certified, silver, gold, and platinum, with a building's rating depending on its number of green features (see BACKGROUND).

Under the act, the base credit for new construction or major renovation of a building (but not other site improvements) is 8% of allowable costs for a gold rating and 10.5% for a platinum rating. For core and shell or commercial interior projects, the credit is 5% of allowable costs for a gold rating and 7% for a platinum rating. In all cases, the credit is the same for the equivalent rating under an alternative rating system, as

determined by the DEP commissioner.

A project receives an additional credit of 0.5% of allowable costs if it:

1. is a "mixed use" development, consisting of one or more buildings that include residential use and in which no more than 75% of the interior square footage has at least one of the following uses: (a) commercial; (b) office; (c) retail; or (d) any other nonresidential use that the OPM secretary determines poses no public health threat or nuisance to nearby residential areas;
2. is located in an enterprise zone or brownfield;
3. does not require a sewer line extension of more than one-eighth of a mile; or
4. is within walking distance of a public bus service or one-half mile of adequate rail, light rail, streetcar, or ferry service. (In the case of multi-building projects, at least one of the buildings must meet this criterion.)

Credit Issuance

The OPM secretary may issue an initial credit certificate if he determines that the applicant is likely, within a reasonable time, to place in service property that would be eligible for a credit. The certificate must state (1) the first income year for which the credit may be claimed; (2) the maximum credit allowable; and (3) an expiration date by which the property must be placed in service, which the secretary may extend at his discretion. The certificate must reserve the allowable credit for the applicant named in the application until the expiration date. The secretary may extend the reservation at his discretion, if he extends the expiration date. The secretary may not issue initial credit certificates for more than \$25 million in the aggregate.

Taxpayers must obtain an eligibility certificate for each taxable year for which they claim a credit. They must obtain this certificate from an architect or licensed professional engineer accredited through the LEED Accredited Professional Program or a program the DEP commissioner determines to be equivalent. The document must certify, under the architect's or engineer's seal, that the building, base building, or tenant space for which the credit is claimed meets or exceeds the applicable green building rating system gold certification (or other certification the commissioner considers equivalent) that was in effect when the building was certified. The certification must include the specific findings on which it is based. It must state that the architect or engineer is accredited through the accredited professional program.

To obtain the credit, the applicant must file with the revenue services (DRS) commissioner (1) the initial credit voucher, (2) the eligibility certificate, and (3) an

application to claim the credit. The applicant must send a copy of the documents to the OPM secretary.

Credit Transfers

The act allows credits to be assigned or otherwise transferred. A project owner may transfer a credit to a pass-through partner in return for a lump sum payment. (This approach can be used if the project owner is a nonprofit organization, among other situations.)

Any subsequent successor in interest to the property eligible for a credit may claim it if the deed transferring the property assigns the successor this right, unless the deed specifies that the seller retains the right to claim the credit. Any subsequent tenant of a building for which a credit was granted may claim it. Such a claim applies to any period after the termination of the previous tenancy for which the previous tenant could have taken the credit.

Regulations and Reporting

The act (1) requires the OPM secretary, in consultation with the DRS commissioner, to adopt implementing regulations by January 1, 2011; (2) requires the secretary to establish a uniform application fee of up to \$10,000 to cover all direct costs of administering the tax credit program; and (3) allows the secretary to hire a private consultant or outside firm to administer and review program applications.

The secretary, in consultation with the commissioner, must report to the governor and Planning and Development and Finance, Revenue and Bonding committees by July 1, 2013 on (1) the number of taxpayers applying for the credits, (2) the amount and geographical distribution of the credits granted, and (3) any other information the secretary considers appropriate. The secretary must submit a preliminary draft report to the governor and the committees by July 1, 2012.

EFFECTIVE DATE: Upon passage

§§ 9-13 - ESTATE AND GIFT TAX

Starting with deaths occurring, and gifts made, on or after January 1, 2010, PA 09-3, JSS, (1) increased, from \$2 million to \$3.5 million, the threshold value of an estate or gift subject to the estate and gift tax; (2) reduced marginal tax rates on estates and gifts by 25%; and (3) eliminated the tax "cliff." (Under the pre-January 1, 2010 tax, an estate or gift valued at \$2 million or less was tax-exempt, while the full value of an estate or gift of more than \$2 million was taxed. Thus, a \$1 increase in the value from \$2,000,000 to \$2,000,001 increased the tax liability for a gift or estate over \$2 million by \$101,700 (the "cliff")).

§ 9 - Connecticut Taxable Estate and Gift Taxes Paid Between January 1, 2005 and December 31, 2009

For those who die on or after January 1, 2010, this act includes in the Connecticut taxable estate the aggregate value of all Connecticut taxable gifts the decedent made on or after January 1, 2005.

Under the act, for a person who dies on or after January 1, 2010, gifts subject to the higher tax rates in effect between January 1, 2005 and December 31, 2009 count towards the combined lifetime total exclusion for estate tax purposes, but the estate is not entitled to any refund for gift taxes paid at the higher rates. Instead, the act gives such estates a credit for any gift taxes paid on gifts made on or after January 1, 2005, as long as the credit does not exceed the estate tax due.

EFFECTIVE DATE: January 1, 2010 and applicable to estates of those who die on or after that date.

§ 10 - Estate Tax Filing Deadline

PA 09-3, JSS reduced the time an executor has to file an estate tax return from nine to six months after the date of death. This act specifies that the new filing deadline applies to estates of those who die on or after July 1, 2009 rather than to taxes due on or after that date.

EFFECTIVE DATE: Upon passage and applicable to estates of those who die on or after July 1, 2009.

§ 11 - Tax Returns Filed with Probate Court

By law, all estates, regardless of their gross value, must file an estate tax return. If the estate's value is more than the taxable threshold, the executor must file the return with DRS, with a copy to the probate court for the district where the decedent lived or, if the decedent was not a Connecticut resident, where his or her Connecticut property is located. If the estate's value is below the tax threshold, the return must be filed only with the appropriate probate court. The probate judge must review the return and issue a written opinion to the estate's representative if the judge determines it is not subject to the estate tax.

For deaths on or after January 1, 2010, this act increases the threshold for filing an estate tax return only with the probate court from \$2 million to \$3.5 million. This change conforms to the increase in the taxable estate threshold under PA 09-3, JSS.

EFFECTIVE DATE: Upon passage and applicable to estates of those who die on or after January 1, 2010.

§ 12 - Release of Estate Tax Liens

By law, a person who does not owe, or who has paid, the estate tax receives a certificate releasing the lien on his or her interest in real property in the estate. The probate court is required to issue all lien release certificates for estates below the estate tax threshold. For deaths on or after January 1, 2010, the act requires probate courts to issue all lien release certificates for estates of \$3.5 million or less. This change conforms to the increase in the taxable estate threshold under PA 09-3, JSS.

EFFECTIVE DATE: Upon passage and applicable to estates of those who die on or after January 1, 2010.

§ 13 - Gift Tax Credits

PA 09-3, JSS gives a taxpayer a credit against taxes owed for gifts made on or after January 1, 2010, but only for gift taxes previously paid on post-January 1, 2010 gifts. This act also gives the credit for taxes previously paid on gifts made between January 1, 2005 and December 31, 2009. But it limits the total credits to no more than the gift tax imposed. This means taxpayers are not entitled to any refunds of gift taxes paid at the higher rates in effect between January 1, 2005 and December 31, 2009.

EFFECTIVE DATE: Upon passage and applicable to gifts made on or after January 1, 2010.

§ 14 - BRIDGEPORT PENSION PLAN FUNDING

For FY 09, the act exempts a municipality (1) with a population greater than 130,000 and (2) that has issued pension deficit funding bonds, from a statutory requirement to appropriate money for, or contribute more than \$6 million to, a pension plan funded with the bond proceeds. Only Bridgeport qualifies.

The act also exempts the city from the statutory funding requirements for FY 10 and FY 11, if it submits plans for funding the pension plan in those years to the OPM secretary and the state treasurer and obtains their approval. The plans for FY 10 and FY 11 are due by April 1, 2010 and April 1, 2011, respectively.

The secretary and the treasurer may accept, reject, or modify the city's funding plans. In each year the secretary and the treasurer fail to approve the plans, the city must contribute at least \$4 million to the pension plan.

State law allows municipalities to issue pension deficit funding bonds to fund unfunded past pension obligations. If a municipality issues such bonds, it must ordinarily contribute at least the actuarially required amount to its pension plan in each fiscal year that it has pension deficit funding bonds for the plan outstanding (CGS § 7-364c (c) (3)).

EFFECTIVE DATE: Upon passage

§§ 15 & 16 - CATCH-UP INCOME TAX PAYMENTS FOR 2009

PA 09-3, JSS increased income taxes for those with taxable incomes over \$1 million for joint filers, \$800,000 for heads of households, and \$500,000 for single filers and married people filing separately. The increase is effective for the tax year beginning January 1, 2009.

This act requires taxpayers who must make quarterly estimated tax payments for 2009 to adjust their January 15, 2010 payment to reflect the income tax rate changes applicable to the 2009 tax year. It also requires the DRS commissioner to issue new withholding tax rules for the 2009 tax year by October 1, 2009 and publish them on DRS' web site.

By law, taxpayers who expect to have \$1,000 or more in income tax liability and who do not have sufficient Connecticut income tax withheld by payers or employers must make quarterly estimated tax payments, generally by April 15, June 15, October 15, and January 15. The act's requirement to adjust the January 15, 2010 payment to include applicable 2009 tax increases overrides the statutory "safe harbor" provision that taxpayers are not liable for interest or penalties for underpaying estimated taxes if their quarterly payments total (1) 90% of their estimated tax liability for the current year or (2) 100% of their liability for the preceding tax year, whichever is less.

EFFECTIVE DATE: Upon passage

§ 17 - FINANCIAL ASSISTANCE TO THE STEEL POINT PROJECT IN BRIDGEPORT

The act allows the Department of Economic and Community Development, the Connecticut Development Authority (CDA), and Connecticut Innovations, Inc. (CII) to provide up to \$40 million in financial assistance from existing programs to the Steel Point project in Bridgeport between January 1, 2010 and June 30, 2012. The assistance must be used for developing and improving property in Bridgeport.

The assistance may be in the form of grants, loans, loan guarantees, insurance contracts, investments, or a combination of these and may be provided from proceeds from sales of bonds, notes, or other debt issued by the state, CDA, or CII. By law, any such financial assistance exceeding \$10 million over a two-year period for any applicant or business project must be expressly authorized by the General Assembly.

EFFECTIVE DATE: Upon passage

§ 19 - TRANSFERS TO THE SPECIAL TRANSPORTATION FUND

PA 09-3, JSS requires the comptroller to transfer from the General Fund to the Special Transportation Fund the following amounts: \$72.0 million in FY 10 and \$117.5 million in FY 11 and each fiscal year thereafter. This act instead requires the comptroller to transfer (1) \$77.3 million in FY 10, (2) \$104 million in FY 11 and FY 12, and (3) \$127 million in FY 13 and each subsequent fiscal year.

EFFECTIVE DATE: Upon passage

§§ 23 & 53 - BOATING ACCOUNT AND BOATING FEE REVENUE

PA 09-3, JSS eliminated the Conservation Fund and the separate boating account within that fund and transferred all revenue from boat and watercraft numbering and registration fees to the General Fund. This act reestablishes (1) the boating account as a separate, nonlapsing General Fund account and (2) the account's purposes and reporting requirements as they were under the law prior to PA 09-3, JSS. The act also modifies how boating fee revenue is distributed.

Under the law prior to PA 09-3, JSS, the first \$1 million of the revenue received from the boating fees each year went into the boating account, along with any excess after towns received their share. This act eliminates the requirement to save the first \$1 million in the account. It instead allocates annual boating fee revenue received in the 12 months between November 1 and the following October 31 to the towns first. As under the law prior to PA 09-3, JSS, the act requires that (1) if annual fee revenue is not enough to pay all the towns their full allotments, any additional amount necessary be taken from unallocated funds in the account and (2) the towns receive amounts according to their proportionate share of the total property taxes paid on vessels based on October 1, 1978 assessment.

Under the act, as under the law prior to PA 09-3, JSS, the boating account must be used for the various purposes, including to (1) cover all expenses the DMV and the DEP commissioners incur in administering and enforcing state laws and regulations respecting boating safety and water pollution from vessels and (2) make any payments the law requires (e.g., payments to towns that apply to DEP for reimbursement for enforcing boating laws).

EFFECTIVE DATE: October 1, 2009

§§ 18, 20-22, 24-32 & 34-50 - FEE PROVISIONS

PA 09-3, JSS increased various state fees effective October 1, 2009. This act makes additional changes in fees, establishes new fees, increases additional fees, and reduces and repeals certain of the prior act's fee increases.

§ 18 - Nonresidential Underground Storage Tank Notification Fee

Under PA 09-3, JSS starting October 1, 2009, the fee to inspect certain nonresidential underground storage facilities is \$100 per tank for each facility that submits notification to the DEP commissioner. This act imposes the fee for the notification instead of the inspection. By law, the notification must be submitted annually along with the fee.

EFFECTIVE DATE: October 1, 2009

§ 20 - License Fee Increase for Certain Cigarette Distributors

The act increases, from \$1,000 to \$1,250, the annual fee for a DRS license as a "non-exclusive" cigarette distributor (a distributor who does not sell cigarettes exclusively to retail stores that the distributor operates). This matches the license fee increase in PA 09-3, JSS for a cigarette distributor who sells to more than 25 retail stores that the distributor operates.

EFFECTIVE DATE: October 1, 2009

§ 21 - Applicability of Increased License Renewal Fees

With the exception of several cigarette licenses

issued by the DRS, the act makes the increases in license renewal fees enacted in PA 09-3, JSS apply only to the renewal of licenses that expire on or after October 1, 2009.

The act does not apply to increased fees for (1) cigarette manufacturers' licenses and duplicate copies, (2) cigarette dealers' licenses and duplicate copies, and (3) cigarette distributors' licenses.

EFFECTIVE DATE: Upon passage

§ 22 - Licensed Practical Nurse License Fee

The act reverses an increase in the annual license fee for licensed practical nurses. PA 09-3, JSS doubled the fee from \$60 to \$120, effective October 1, 2009. This act restores the \$60 fee.

EFFECTIVE DATE: Upon passage

§§ 24 & 30 - Resident Marine Waters Fishing License Fee

PA 09-3, JSS imposed a \$30 fee for a resident marine waters fishing license, effective October 1, 2009. This act reduces the fee to \$10. It also makes a conforming change.

EFFECTIVE DATE: The conforming change is effective on passage. The fee change is effective October 1, 2009 and applies to renewal of licenses expiring on or after that date.

§§ 25-29 - Department of Public Health Fees

The act increases the DPH fees shown in Table 1.

Table 1: DPH Fee Increases

§	CGS §	Fee Description	Prior Law	The Act
25	20-341g	Subsurface sewage disposal system installer license – annual renewal	\$25	\$50
25	20-341g	Subsurface sewage disposal system cleaner license – annual renewal	10	20
26	20-438	Asbestos abatement site supervisor's certificate -application	50	100
26	20-438	Asbestos abatement site supervisor's certificate – annual renewal	50	100
27	20-162bb (b)	Perfusionist license – application fee	250	315
28	20-162bb (g)	Perfusionist license – annual renewal	250	315
29	PA 09-232, § 56 (a)	Audiologist – initial license fee and annual renewal	100	200

EFFECTIVE DATE: October 1, 2009 and applicable to renewal of licenses expiring on or after that date.

§ 31 - Liquor Permit Administrative Fee

By law, retailers holding permits to sell liquor for

off-premises consumption must pay the Department of Consumer Protection (DCP) an additional fee equal to 6.25% of their permit fee to cover DCP's costs for administering the liquor control laws. This act requires DCP to round the administrative fee up to the nearest \$5. Revenue from the administrative fee goes to the General Fund.

EFFECTIVE DATE: October 1, 2009

§ 32 - Insurance Agent Fees

The act increases, from \$80 to \$100, the fee for each appointment issued to or continued for an agent of a domestic insurance company. It also exempts from the fee an appointment issued to or continued for an agent of a nondomestic insurance company. Under prior law and this act, there is no fee for a nondomestic insurer to appoint an agent in Connecticut if the insurer's domiciliary (home) jurisdiction does not charge a fee for appointments. The act also sets a lower \$20 fee for an appointment issued by a nondomestic insurer whose domiciliary jurisdiction has a premium tax rate lower than Connecticut's.

EFFECTIVE DATE: October 1, 2009

§ 33 - Solar Thermal Work Certificate

This act requires the DCP commissioner, after consulting with the Plumbing and Piping Work Board or the Heating, Piping, Cooling, and Sheet Metal Work Board as appropriate, to issue a solar thermal work certificate authorizing its holder to perform solar thermal work. To qualify for the certificate, a person must (1) hold a P-1, P-2, P-3, P-4, S-1, S-2, S-3 or S-4 license issued by DCP; (2) complete a commissioner-approved solar thermal installation training course; and (3) pass a commissioner-approved solar thermal work examination. The certificate must be renewed in the same way as its holder's trade license. The certificate fee is \$50.

EFFECTIVE DATE: October 1, 2009

§§ 34-46 - Department of Motor Vehicle Fee Increases

The act increases DMV fees as shown in Table 2.

Table 2: DMV Fee Increases

§	CGS §	Fee Description	Prior Law	The Act
34	1-1h	Non-driver ID issuance	\$22.50	\$29
		Non-driver ID renewal	22.50	29
36	14-12s	Vehicle registration – additional administrative fee	10	15
37	14-16	Transfer of vehicle registration to a family member when owner dies	20	25
		Transfer of vehicle registration in connection with business reorganization or dissolution	20	25
		Transfer of registration between vehicles (minimum fee)	20	25
38	14-41	Original driver's license issuance		
		• Four-year	44	52
		• Six-year	66	78
		• Part-year	11	13
39	14-44h	Commercial driver's license – original (per year or part thereof)	15	19
40	14-47	Vehicles with commercial registration – additional fee	10	30
		Vehicles with commercial registration with pneumatic tires (minimum fee)	44	64
		Annual registration fee – well drilling equipment	46	66
		Annual registration fee for saw rigs and spray rigs	25	45
		Minimum registration fee – all other commercial vehicles	56	76
41	14-49	Passenger vehicle registration		
		• One-year (seniors option)	38	43
		• Two-year	75	85
		Motorcycle registration (biennial)	40	50
		• With commercial sidecar	56	66
		• Owned by manufacturer, dealer, or repairer (annual)	35	45
		Taxicab/livery vehicle registration (biennial)	250	270
		Registration of antique, rare, or special interest motor vehicle	75	85
		Motorbus registration (other than multistate carrier)	53	73
		Biennial combination vehicle registration	83	93
		Type I school bus registration	100	110
Vehicles seating more than 10 not used for hire – additional biennial fee	13	23		

§	CGS §	Fee Description	Prior Law	The Act
		Noncommercial pick up weighing under 12,500 pounds – additional biennial fee	13	23
		Electric vehicle registration (per year or part thereof)	18	28
		Minimum registration for vehicles without pneumatic tires	56	66
		Registration transfer for vehicles other than between vehicles or under laws concerning special plates for people with disabilities	20	25
		Hearse registration	35	45
		Industrial truck registration		
		• First 200 feet of highway use	28	38
		• Each additional 200 feet	12	13
		Biennial camping or recreational trailer registration fee	18	28
		Annual heavy duty trailer or other construction equipment registration fee	306	316
		Temporary registration (per 10-day period):		
		• Noncommercial vehicles	20	25
		• Commercial vehicles – up to 6,000 lbs	25	30
		• Commercial vehicles – over 6,000 lbs	46	51
		Service bus registration – owned by other than nonprofit organization		
		• Up to 16 passengers	200	210
		• More than 16 passengers	700	710
		Service bus registration – owned by nonprofit organization		
		• Up to 16 passengers	150	160
		• More than 16 passengers	500	510
		Biennial farm vehicle registration	28	38
		Additional fee for vanity plate other than plate with amateur radio call letters	65	75
		Biennial camper registration	70	80
		Learner's permit	18	28
		Motorcycle learner's permit	15	25
		Reflectorized plate – additional fee	5	10
		High-mileage vehicle registration	44	54
		Special use registration – 30 days or less	20	30
		Late fee for failure to register	10	25
42	14-50	Driver's license exam	40	50
		Driver's license renewal		
		• Four-year	43	52
		• Six-year	65	78
		Each passenger endorsement – additional fee	12	13
43	14-50a	Fee for duplicates of registrations, replacement plates, accident reports, etc.	20	25
		Duplicate driver's licenses	30	35
		Minimum charge for transcripts of DMV hearings	20	25
44	14-50b	Driver's license or vehicle registration restoration fee	125	150
45	14-164c	Emissions inspection – late fee	20	25
46	14-192	Application for certificate of title	25	30
		Each security interest noted on title	10	15
		Record copy search	20	25
		Each assignment of security interest on title	10	15
		Application for duplicate title	25	30
		Ordinary title in lieu of distinctive certificate	10	15
		Filing notice of security interest	10	15
		Certificate of DMV records search – per name	20	25
		Filing an assignment of security interest	10	15
		Search of certificate of title record requested by nonowner	20	25
		Filing bond for certificate of title	25	30

In addition, the act increases, from \$200 to \$250, the civil penalty the DMV commissioner must collect when someone fails to maintain insurance on a passenger motor vehicle and enters into a consent agreement with the commissioner (§ 35).

EFFECTIVE DATE: January 1, 2010

§ 49 - Department of Environmental Protection Fees

The act raises to at least \$100 any fee that the DEP commissioner charges by regulation for activities the department regulates, such as those of solid waste facilities. PA 09-3, JSS doubled any of these fees that were less than \$150. This act increases any of the fees that were formerly less than \$100 to at least \$100.

It also increases the fee for a general permit:

1. from \$1,000 to \$1,250, for people intending to engage in a regulated activity that requires registration with, and approval from, DEP before it can begin and
2. from \$500 to \$625, for people intending to engage in a regulated activity that only requires them to register with DEP before the activity can begin.

By law, this fee structure applies unless a different fee is specified in the general permit.

Finally, the act increases the maximum general permit fee from \$5,000 to \$6,250.

EFFECTIVE DATE: October 1, 2009

§§ 47, 48, & 53 —AIR EMISSIONS PERMIT OPERATING FEE ACCOUNT

The act restores the air emissions permit operating fee account and makes it a separate account within the General Fund instead of within the Environmental Quality Fund. PA 09-3, JSS eliminated the latter fund and the account. This act once again requires revenue from fees the DEP commissioner charges owners or operators of air pollution sources to go into the account.

EFFECTIVE DATE: October 1, 2009

§ 50 - REGIONAL GREENHOUSE GAS ACCOUNT

By law, the DEP commissioner, in consultation with the Department of Public Utility Control, must auction emission allowances and invest the proceeds. This act (1) creates a regional greenhouse gas account as a separate, nonlapsing General Fund account and (2) requires the auction emission allowance proceeds to be deposited in the account. By law, the proceeds are invested in energy conservation, load management, and certain renewable energy programs on behalf of electric ratepayers.

EFFECTIVE DATE: October 1, 2009

§ 51 - PREFERENCE TAX INCREASE

PA 09-3, JSS doubled, from \$250,000 to \$500,000, the maximum preference tax for groups of companies filing combined corporation tax returns. The increase is effective on passage. This act applies the increase to income years starting on or after January 1, 2009.

EFFECTIVE DATE: Upon passage

§ 52 - ATTORNEY OCCUPATIONAL TAX

PA 09-3, JSS increased the annual attorney occupational tax from \$450 to \$565, effective October 1, 2009. This act applies the increased tax to calendar years starting on or after January 1, 2009.

EFFECTIVE DATE: Upon passage

§ 54 - REVISED BUDGET RESERVE FUND TRANSFERS TO GENERAL FUND

PA 09-3, JSS requires the treasurer to transfer specified amounts from the Budget Reserve Fund to the General Fund. This act changes the transfer amounts from \$1.062 billion to \$1.068 billion in FY 10 and from \$319.7 million to \$313.7 million in FY 11.

EFFECTIVE DATE: Upon passage

§§ 55-58 - REVISED REVENUE ESTIMATES

The act amends the General Fund and Special Transportation Fund revenue estimates for FY 10 and FY 11 in PA 09-3, JSS. It reduces the General Fund estimate for FY 10 by \$500,000 from \$17,375.4 million to \$17,374.9 million and increases the estimate for FY 11 by \$7.9 million, from \$17,591.9 million to \$17,599.8 million.

For the Special Transportation Fund, the act increases the revenue estimate (1) for FY 10 by \$25.4 million, from \$1,106.5 million to \$1,131.9 million and (2) for FY 11 by \$26.7 million, from \$1,173.2 million to \$1,199.9 million.

EFFECTIVE DATE: Upon passage

§ 59 - REPEALERS

Economic Recovery Notes

PA 09-2, JSS authorized the state to issue economic recovery notes (ERNs) to fund the FY 09 General Fund deficit. This act repeals a requirement that, if the comptroller determines there is an unappropriated General Fund surplus at the end of any fiscal year from FY 10 through FY 17, that surplus first be used to redeem any outstanding ERNs before they mature.

The repealed provision conflicts with a broader provision in PA 09-3, JSS requiring that any General Fund surpluses for those years first be used to redeem

ERNs before they mature and second to reduce the state's obligations under any plan to borrow against future state revenue.

Bridgeport Pension Financing

The act repeals a provision in PA 09-3, JSS that largely duplicates §14 of this act concerning financing Bridgeport's pension contributions.

Shellfish Harvesting Fee

This act eliminates a fee of \$1 per bushel bag or equivalent for harvesting shellfish in state waters for wholesale or retail sale. PA 09-3, JSS imposed the fee, effective October 1, 2009.

EFFECTIVE DATE: Upon passage

BACKGROUND

LEED Rating System

The U.S. Green Building Council has established rating systems for a variety of developments. There are separate rating systems for new, and major renovations of, commercial, institutional, and government buildings; commercial building interiors; commercial building cores and shells, which cover such elements as the building envelope and heating, ventilation, air conditioning systems; retail establishments; and health care facilities. LEED addresses a building's performance in five areas: sustainable site development, water savings, energy efficiency, material selection, and indoor environmental quality. Participating buildings can be rated as certified, silver, gold, or platinum.

PA 09-10, September 2009 Special Session-HB 7006 (VETOED)

Emergency Certification

AN ACT IMPLEMENTING CERTAIN PROVISIONS OF THE BUDGET CONCERNING GENERAL GOVERNMENT

SUMMARY: This act:

1. prohibits certain reductions required by the budget act from the Judicial Department's Other Expenses account;
2. re-distributes \$700,000 in the budget act in each of the next two fiscal years from the Department of Correction (DOC) for Children of Incarcerated Parents to the (a) Judicial Branch for a memorandum of understanding (MOU) the act requires it to enter into with Central Connecticut State University for research and programs regarding children with

incarcerated parents (\$650,000) and (b) Connecticut Pardon Team, Inc. to help individuals apply for pardons (\$50,000) (§ 2);

3. extends for two years, through June 30, 2011, the moratorium on the sale, lease, or transfer of state-operated, community-based residential facilities, boarding houses, group homes, and halfway houses occupied by people with mental retardation, psychiatric disabilities, or alcohol or drug dependency;
4. creates a 23-member Connecticut Sentencing Commission to review the existing criminal sentencing structure and any proposed changes; and
5. requires the public works commissioner to sell the former Seaside Regional Center in Waterford at fair market value, regardless of any other law.

EFFECTIVE DATE: Upon passage

§ 1 - NO REDUCTIONS IN JUDICIAL DEPARTMENT'S OTHER EXPENSES ACCOUNT

The budget act (PA 09-3, June Special Session) requires reductions of other expenses of \$28,000,000 in FY 10 and \$32,000,000 in FY 11. The act prohibits any of these reductions from the Judicial Department's Other Expenses account.

§ 3 - MEMORANDUM OF UNDERSTANDING FOR RESEARCH AND PROGRAMS REGARDING CHILDREN WITH INCARCERATED PARENTS

The act requires the Judicial Branch and Connecticut Central State University to enter into a MOU by December 1, 2009, for the Institute for Municipal and Regional Policy to (1) conduct research, evaluation, outreach, and public policy development regarding children with incarcerated parents and (2) create and implement programs for such children, which can include programs to reunify incarcerated women with their children in the community.

§ 4 - SALE OF GROUP HOMES AND TREATMENT FACILITIES

The act extends for two years, through June 30, 2011, the moratorium on the sale, lease, or transfer of state-operated, community-based residential facilities, boarding houses, group homes, and halfway houses occupied by people with mental retardation, psychiatric disabilities, or alcohol or drug dependency. Under prior law, the moratorium ended on June 30, 2009.

The act exempts from the moratorium any state-operated residential property the Department of Developmental Services transferred to private providers

before the act’s passage. It continues to exempt state-owned property that was sold, leased, or transferred under an agreement entered into before June 2, 2005.

§ 5 - CONNECTICUT SENTENCING COMMISSION

The act creates, within existing budgetary resources, a 23-member Connecticut Sentencing Commission to review the existing criminal sentencing structure and any proposed changes, including existing statutes, proposed legislation, and existing and proposed sentencing policies and practices. It puts the commission within the Office of Policy and Management (OPM) for administrative purposes only.

The act sets out a guiding principle for the commission’s work and the purposes of sentencing, lists specific duties for the commission, and authorizes the commission to access information held by state and municipal agencies.

The act requires the commission to meet at least once each quarter and at other times the chairperson deems necessary. It must make recommendations to the governor, legislature, and criminal justice agencies and begin submitting annual reports to the governor, legislature, and Supreme Court chief justice by January 15, 2010.

The act authorizes the commission to accept federal grants or private funds for purposes consistent with its duties.

Ex-Officio Members

The act makes the following officials members of the commission with terms coterminous with their terms of office:

1. Board of Pardons and Paroles chairperson;
2. chief public defender;
3. chief state’s attorney;
4. correction, mental health and addiction services, and public safety commissioners;
5. OPM’s Criminal Justice Policy and Planning Division undersecretary; and
6. victim advocate.

Appointed Members

The act requires various authorities to appoint additional members. Table 1 displays the appointing authority, criteria for the member to be appointed, and the term for each member.

Table 1: Members Appointed to the Commission

<i>Appointing Authority</i>	<i>Criteria for Member</i>	<i>Term</i>
Supreme Court chief justice	Judge	One year
	Judge	Three years
	Representative of the Judicial Branch’s Court Support Services Division	Two years
	Active or retired judge	Four years
	None specified	Four years
Governor	None specified	Four years
Senate president pro tempore	None specified	Four years
Senate majority leader	None specified	Four years
Senate minority leader	None specified	Four years
House speaker	None specified	Four years
House majority leader	None specified	Four years
House minority leader	None specified	Four years
Chief State’s Attorney	State’s attorney	Three years
Connecticut Criminal Defense Lawyers Association president	Member of the criminal defense bar	Three years
Connecticut Police Chiefs Association president	Municipal police chief	Two years

Reappointments and Vacancies

Under the act, appointed members may be reappointed and any vacancy is filled by the appointing authority for the unexpired portion of the term.

Chairperson and Vice-Chairperson

The act makes the active or retired judge appointed by the Supreme Court chief justice the commission’s chairperson. The commission must elect a vice-chairperson from its members.

Guiding Principle and Purpose of Sentencing

The act sets a general principle that the commission must consider in its work: sentencing’s primary purpose is to enhance public safety while holding the offender accountable to the community. In addition, it states that sentencing should:

1. reflect the seriousness of the offense;
2. be proportional to the harm to victims and the community;
3. use the most appropriate sanctions available, including prison, community punishment, and supervision;
4. have an overriding goal of reducing criminal activity, imposing just punishment, and providing meaningful and effective rehabilitation and reintegration of the offender; and
5. be fair, just, and equitable while promoting respect for the law.

Commission's Duties

The act requires the commission to:

1. facilitate development and maintenance of a statewide sentencing database in collaboration with existing state and local agencies, use existing state databases or resources where appropriate, and, when the database is completed, review criminal justice legislation on request, within resources;
2. evaluate current sentencing statutes, policies, and practices, and conduct a cost-benefit analysis;
3. analyze and study sentencing trends and prepare offender profiles;
4. provide training on sentencing and related issues, policies, and practices;
5. act as a sentencing policy resource for the state;
6. preserve judicial discretion and provide for individualized sentencing;
7. evaluate the impact of pre-trial, sentencing diversion, incarceration, and post-release supervision programs;
8. perform fiscal impact analyses on selected proposed criminal justice legislation;
9. identify potential areas of sentencing disparity relevant to racial, ethnic, gender, and socioeconomic status; and
10. recommend criminal justice legislation to the Judiciary Committee, which must hold a hearing on it.

Information

The act requires the commission to have access to confidential information received by sentencing courts and the Board of Pardons and Paroles that includes arrest data, criminal history records, medical records, and other non-conviction information.

It requires the commission to obtain full and complete information on state programs, activities, and operations relating to the state's criminal sentencing structure. The act allows the commission to ask any state or municipal subdivision office, department, board, commission, or agency to provide records, information, and assistance needed or appropriate to carry out the commission's duties. The act authorizes and directs the officers and employees of those entities to cooperate with the commission and to furnish requested records, information, and assistance.

The act provides that any statutorily confidential record or information given to the commission remains confidential while in the commission's custody and cannot be disclosed. Any penalty that applies to the officials, employees, and authorized representatives that give the records to the commission also applies in the same way to the commission's members, staff, and authorized representatives.

The act makes the commission a "criminal justice agency" for purposes of access to criminal history record information of state agencies and subjects the commission to the same security and privacy provisions as the other criminal justice agencies.

§ 6 - SALE OF SEASIDE REGIONAL CENTER

The act requires the public works commissioner to sell the former Seaside Regional Center in Waterford, regardless of any other law. The selling price must be its fair market value, as determined by the average of two independent appraisals selected by the commissioner.

The sale is subject to State Properties Review Board approval. The act requires the board to complete its review of the proposed sale within 30 days after it receives a proposed agreement from the public works commissioner, whose department must care for and control the property until the sale is final. The state treasurer must execute the sale agreement and the public works commissioner is responsible for all other aspects of the sale.

The act requires sale proceeds to be deposited into the General Fund, notwithstanding the law requiring such proceeds be deposited into a special nonlapsing fund for site acquisition, capital development, and infrastructure costs needed to provide services to people with mental retardation or psychiatric disabilities.

BACKGROUND

Sentencing Task Force

PA 06-193 created a Connecticut Sentencing Task Force to review the state's criminal justice and sentencing policies and laws to create a more just, effective, and efficient system of sentencing. PA 08-143

required the task force to recommend whether to establish a permanent sentencing commission and, if so, the permanent commission's mission, duties, membership, and procedures. The task force's January 7, 2009 report recommended creation of a permanent sentencing commission.

PA 09-1, December 2009 Special Session-SB 2101 (VETOED)
Emergency Certification

AN ACT CONCERNING A DEFICIT MITIGATION PLAN FOR THE FISCAL YEAR ENDING JUNE 30, 2010

SUMMARY: Among other things, this act:

1. adjusts and reduces various General Fund appropriations for FY 10;
2. transfers money from special funds and accounts to the General Fund for FY 10;
3. reestablishes the nonlapsing Department of Environmental Protection (DEP) repair, maintenance, and improvement account eliminated in the 2009 budget act;
4. increases maximum monthly HUSKY B premiums for families with incomes between 235% and 300% of the federal poverty level;
5. transfers the Board of Firearms Permit Examiners from the Department of Public Safety to the Department of Administrative Services (DAS);
6. requires the Teachers' Retirement System health insurance premium account to pay professional services costs for administering state teacher health insurance benefits; and
7. makes an authorization of special tax obligation bonds for capital road resurfacing projects effective January 1, 2010 instead of May 1, 2010.

EFFECTIVE DATE: Upon passage

§ 1 - REDUCED APPROPRIATIONS FOR FY 10

The act reduces General Fund appropriations to various agencies for FY 10 by a total of \$9,078,172.

§ 2 - FY 10 APPROPRIATIONS FOR HOSPITALS

The act reduces FY 10 appropriations to the Department of Social Services (DSS) for payments to hospitals by a total of \$47,147,500 (see Table 1). It increases the FY 10 Medicaid appropriation by the same amount and requires DSS to proportionately increase each hospital's Medicaid rate to offset the reduced appropriations.

Table 1: Reductions FY 10 Appropriations to DSS for Hospitals

<i>For</i>	<i>Reduction</i>
Disproportionate Share (DSH) – Medical Emergency Assistance	\$25,862,500
DSH – Urban Hospitals in Distressed Municipalities	15,775,000
Connecticut Children's Medical Center	5,510,000
TOTAL	\$47,147,500

§§ 3, 4 (B) & 5-7 - TRANSFERS TO THE GENERAL FUND

The act transfers money from various special funds and accounts to the General Fund as revenue for FY 10 (see Table 2).

Table 2: Transfers to the General Fund for FY 10

<i>§</i>	<i>Transfer From</i>	<i>Transfer Amount</i>
3	Citizen's Election Fund	\$5,000,000
4(b)	Conservation Fund, Environmental Quality Fund, and Clean Air Act account	Any balances remaining after completing transfers required in the budget and this act (see § 4(a) below)
5	Public, Educational, and Governmental Programming and Education Technology Investment account	2,300,000*
6	Tobacco and Health Trust Fund	5,000,000*
7	Emissions Enterprise Fund	1,000,000

*These transfers must occur on or after May 1, 2010.

§§ 4 (A) & 16 - ENVIRONMENTAL PROTECTION REPAIR, MAINTENANCE, AND IMPROVEMENT ACCOUNT

The 2009 budget act eliminated the separate nonlapsing maintenance, repair and improvement account within the DEP's Conservation Fund (PA 09-3, June Special Session, § 513). This act reestablishes the account as a separate, nonlapsing General Fund account and reenacts the former statutory provisions governing its use (CGS § 22a-27h (c)). Under the prior law and this act, unless the DEP commissioner makes a written agreement, signs an instrument, or issues a license stating otherwise, all rents the commissioner receives from users and occupants of DEP-owned property, houses, or other buildings must be deposited in the account. The act specifically covers any such amounts received for use of property at Harkness Memorial Park in Waterford. The prior law and the act also allow the account to receive other private and public funds, including federal and municipal funds.

As under the previous statute, the DEP commissioner must use funds in the account to maintain, repair, and improve DEP-owned property, houses, and other buildings, including those at the Harkness Memorial State Park property in Waterford. The commissioner can also use the money to build new structures.

The act transfers \$2,315,365 for FY 10 from the DEP's Conservation Fund to the new account. As under the previous statute, the act does not prevent the commissioner from obtaining and using money from sources outside the account to maintain and improve DEP-owned property and buildings.

§ 8 - DEPARTMENT OF ADMINISTRATIVE SERVICES' PURCHASING AUTHORITY

The act authorizes the DAS commissioner to buy equipment, supplies, material, and services from someone who has a contract to sell such things to other state governments, Connecticut political subdivisions, nonprofit organizations, or public purchasing consortia. The purchases must be made according to the terms and conditions of that contract.

The law already allowed the commissioner to join cooperative purchasing plans with other states and federal agencies, political subdivisions, or nonprofit organizations when doing so is in the state's best interest.

§ 9 - NEXT STEPS INITIATIVE FUNDING DELAY

The act delays until FY 11 funding for (1) rental assistance and services for the Next Steps Initiative's Round 3 development projects and (2) debt service on the bonds issued to finance the projects.

Specifically, the act eliminates allocations of:

1. up to \$264,000 from funds appropriated to DSS for Homeless/Housing Services for FY 10 (the act retains the \$264,000 allocation for FY 11);
2. up to \$510,000 from the funds appropriated to the Department of Mental Health and Addiction Services (DMHAS) for Housing Supports and Services for FY 10 (the act retains the \$1 million allocation for FY 11); and
3. up to \$1 million appropriated to the treasurer to pay debt service for FY 10 (the act retains the \$1 million allocation for FY 11).

The act also eliminates a requirement that any of the authorized funds not used for Round 3 be used for other rental assistance and services for new scattered site supportive housing.

By law, the Next Steps Initiative provides affordable housing and support services for, among others, (1) people and families affected by psychiatric disabilities and chemical dependency who are homeless or risk homelessness and (2) supervised ex-offenders with serious mental health needs. The law allows the state to provide funds to the Connecticut Housing Finance Authority to pay debt service on bonds it issued for mortgage loans under the Next Steps Initiative. Round 3 was authorized under PA 08-123.

§ 10 -HUSKY B PROGRAM PREMIUMS

The act increases the maximum monthly premium for a family whose children are enrolled in the HUSKY B program and whose family income is between 235%

and 300% of the federal poverty level (FPL). It increases the maximum premium for such families from \$30 per child with a \$50 family cap to \$40 per child with a \$62.50 family cap.

HUSKY B is the state's version of the federal State Children's Health Insurance Program. It provides comprehensive managed health care to children in families with incomes above 185% of the FPL. The state subsidizes coverage for children in families with incomes under 300% of the FPL; higher-income families can buy into the program. The HUSKY A program provides Medicaid coverage to children and their caretaker relatives with incomes under 185% of the FPL.

§ 11 - ENERGY ASSISTANCE

The act reduces, by \$2 million, an appropriation to the Office of Policy and Management (OPM) for an emergency energy assistance program. The program helps Connecticut households with incomes between 150% and 200% of FPL that cannot make timely payments on deliverable fuel, electricity, or natural gas bills. Under the program, Operation Fuel, Incorporated pays the assistance directly to the fuel vendor, electric or gas company, or municipal electric or gas utility.

A 2008 act appropriated \$8.5 million from the FY 08 General Fund surplus to provide the assistance between November 1, 2008 and April 30, 2009. PA 09-2, June 19 Special Session, carried the unspent balance forward and made it available in FY 10.

Operation Fuel is a nonprofit organization that serves people who are not eligible for publicly funded energy assistance.

§§ 12 & 13 - BOARD OF FIREARMS PERMIT EXAMINERS

The act transfers the Board of Firearms Permit Examiners from the Department of Public Safety for administrative purposes only to DAS. It also transfers \$8,971 of the board's FY 10 appropriation for other expenses to DAS for the board's administration.

§ 14 - HOUSING INCENTIVE ZONE PROGRAM FUNDS

The act bars expenditure of the following amounts earmarked in the state budget act for the housing incentive zone program: (1) \$60,800 appropriated to the Department of Economic and Community Development for Home CT and (2) \$319,200 in a separate account held by OPM.

The housing incentive zone program provides grants to towns that choose to zone land for developing housing mainly where transit facilities, infrastructure, and complementary uses already exist or have been

planned or proposed. Towns receive the incentives only after establishing an incentive housing zone and approving incentive housing developments in the zone.

§ 15 - COMMUNITY INVESTMENT ACCOUNT TRANSFER

The act transfers to the General Fund as revenue for FY 10, \$119,725 from the Community Investment account funds paid to the following agencies: (1) the departments of Agriculture and Environmental Protection, (2) the Commission on Culture and Tourism, and (3) the Connecticut Housing Finance Authority. The transfer must occur only after those agencies make all statutorily required distributions.

The Community Investment account is funded by a fee for each document recorded in municipal land records. In 2009, the legislature temporarily increased the fee from \$30 to \$40 effective from July 1, 2009 to July 1, 2011 (PA 09-229, as amended by PA 09-3, June Special Session).

By law, municipalities retain \$4 of the fee and send the balance to the state for deposit in the account. Money from the account is distributed quarterly to the four agencies listed above. They must use the funds for purposes specified in the law. PA 09-229 temporarily altered the distribution of fund revenues among these agencies, increasing the agriculture department's share from 25% to 40% and reducing the other agencies' shares from 25% to 20% each. These shares apply from PA 09-229's passage date until July 1, 2011.

§§ 17 & 18 - TEACHERS' RETIREMENT SYSTEM HEALTH INSURANCE PREMIUM ACCOUNT

The act requires the Teachers' Retirement System's (TRS) health insurance premium account to pay for the professional services costs associated with administering the health benefit plans the Teachers' Retirement Board (TRB) must offer to retirees participating in Medicare. Under prior law, all costs of administering the TRS and its health benefit plans were paid from General Fund appropriations.

The act also requires TRB to submit any contract or contract renewal for such professional services to OPM.

The money in the health insurance premium account comes from aggregate annual health contributions by active teachers that exceed \$500,000, plus investment earnings on the account balance. Active teachers contribute 1.25% of annual salary in addition to a 6% pension contribution to help pay for retired teachers' health insurance coverage.

§ 19 - BOND AUTHORIZATION FOR CAPITAL ROAD RESURFACING PROJECTS

The act advances the effective date of an authorization of up to \$68.9 million in special tax obligation bonds for use by the Department of Transportation's Bureau of Engineering and Highway Operations for capital projects involving road resurfacing and related road reconstruction in FY 11. The act makes the authorization effective January 1, 2010 instead of May 1, 2010.

PA 09-2, December 2009 Special Session-HB 7101 (VETOED)

Emergency Certification

AN ACT CONCERNING THE ESTATE AND GIFT TAX

SUMMARY: This act delays scheduled reductions in the estate and gift tax from January 1, 2010 to January 1, 2012 and makes conforming changes. It also revises the amounts to be transferred from the Budget Reserve ("Rainy Day") Fund to General Fund revenue for FY 10 and FY 11.

EFFECTIVE DATE: Various, see below.

ESTATE AND GIFT TAX CHANGES

§§ 1 & 2 - Tax Threshold, Rates, and "Cliff"

Under prior law, the following changes were scheduled to take effect starting with deaths occurring and gifts made on or after January 1, 2010: (1) an increase, from \$2 million to \$3.5 million, in the threshold value of an estate or gift subject to the estate and gift tax and (2) a 25% reduction in marginal tax rates on estates and gifts valued at \$3.5 million or more. This act delays these changes for two years, making them effective for deaths occurring and gifts made on or after January 1, 2012.

Under the law in effect from January 1, 2005 to January 1, 2010, the estate and gift tax contained a so-called "cliff." The cliff was produced because, under the pre-January 1, 2010 tax, an estate or gift valued at \$2 million or less was not taxed at all, while the full value of an estate or gift of more than \$2 million was taxed. Thus, a \$1 increase in value from \$2,000,000 to \$2,000,001 increased the tax liability for a gift or estate over \$2 million by \$101,700 (the "cliff"). Prior law eliminated the cliff by applying the tax only to the portion of the estate or gift that exceeded the tax threshold. This change was scheduled to take effect with deaths occurring and gifts made on or after January 1, 2010.

This act eliminates the cliff as scheduled, but to offset the resulting tax reduction on taxable estates and gifts, it temporarily increases the tax rates to a range of between 8% and 18% from 5.085% to 16%. These higher rates affect estates of those who die, and gifts

made on or after January 1, 2010 and before January 1, 2012. As of January 1, 2012, rates drop back to the post-January 1, 2010 rates established under prior law (see Table 1).

Table 1: Estate & Gift Tax Rates Under Prior Law and The Act

VALUE OF TAXABLE ESTATE OR GIFT		DEATHS AND GIFTS BEFORE JANUARY 1, 2010		DEATHS AND GIFTS ON OR AFTER JANUARY 1, 2010					
		PRIOR LAW & THE ACT		PRIOR LAW		THE ACT			
		On or after January 1, 2005 and before January 1, 2010 (Add cols. C & D)		On or after January 1, 2010 (Add cols. E & F)		On or after January 1, 2010 and before January 1, 2012 (Add cols. G & H)		On or after January 1, 2012 (Add cols. I & J)	
Col. A: Over	Col. B: But not over	Col. C: Tax on Col. A	Col. D: Tax rate on excess over Col. A	Col. E: Tax on Col. A	Col. F: Tax rate on excess over Col. A	Col. G: Tax on Col. A	Col. H: Tax rate on excess over Col. A	Col. I: Tax on Col. A	Col. J: Tax rate on excess over Col. A
0	\$2,000,000	NO TAX		NO TAX		NO TAX		NO TAX	
\$2,000,000	2,100,000	5.085% of the total over 0		NO TAX		0	8.0%	NO TAX	
2,100,000	2,600,000	\$106,800	8.0%	NO TAX		\$8,000	9.6%	NO TAX	
2,600,000	3,100,000	146,800	8.8%	NO TAX		56,000	11.2%	NO TAX	
3,100,000	3,500,000	190,800	9.6%	NO TAX		112,000	12.8%	NO TAX	
3,500,000	3,600,000	190,800	9.6%	0	7.2%	112,000	12.8%	0	7.2%
3,600,000	4,100,000	238,800	10.4%	\$7,200	7.8%	176,000	13.6%	\$7,200	7.8%
4,100,000	5,100,000	290,800	11.2%	46,200	8.4%	244,000	14.4%	46,200	8.4%
5,100,000	6,100,000	402,800	12.0%	130,200	9.0%	388,000	15.2%	130,200	9.0%
6,100,000	7,100,000	522,800	12.8%	220,200	9.6%	540,000	16.0%	220,200	9.6%
7,100,000	8,100,000	650,800	13.6%	316,200	10.2%	700,000	16.8%	316,200	10.2%
8,100,000	9,100,000	786,800	14.4%	418,200	10.8%	868,000	17.2%	418,200	10.8%
9,100,000	10,100,000	930,800	15.2%	526,200	11.4%	1,040,000	17.6%	526,200	11.4%
Over \$10,100,000		1,082,800	16.0%	640,200	12.0%	1,216,000	18.0%	640,200	12.0%

EFFECTIVE DATE: January 1, 2010. The estate tax changes apply to estates of those dying on or after that date.

§ 3 - Tax Returns Filed with Probate Court

By law, all estates, regardless of their gross value, must file an estate tax return. If the estate's value is more than the taxable threshold, the executor must file the return with the Department of Revenue Services, with a copy to the probate court for the district where the decedent lived or, if the decedent was not a Connecticut resident, where the Connecticut property is located. If the estate's value is below the tax threshold, the return must be filed only with the appropriate probate court. The probate judge must review the return and issue a written opinion to the estate's representative if the judge determines it is not subject to the estate tax.

Under prior law, the threshold for filing an estate tax return only with the probate court was scheduled to increase from \$2 million to \$3.5 million starting with

deaths on or after January 1, 2010. This act makes the threshold increase apply to deaths occurring on or after January 1, 2012, but does not specify what threshold applies for deaths occurring between January 1, 2010 and December 31, 2011.

EFFECTIVE DATE: Upon passage and applicable to estates of those dying on or after January 1, 2010.

§ 4 - Release of Estate Tax Liens

By law, a person who does not owe, or who has paid, the estate tax receives a certificate releasing the lien on his or her interest in real property in the estate. The probate court is required to issue all lien release certificates for estates below the estate tax threshold. Prior law required probate courts to issue all lien release certificates for estates of \$3.5 million or less, starting

with deaths on or after January 1, 2010. This act makes the threshold increase apply to deaths occurring on or after January 1, 2012, but does not specify what threshold applies for deaths occurring between January 1, 2010 and December 31, 2011.

EFFECTIVE DATE: Upon passage and applicable to estates of those dying on or after January 1, 2010.

§ 5 - BUDGET RESERVE FUND TRANSFERS

PA 09-8, September Special Session, required the treasurer to transfer from the Budget Reserve Fund to the General Fund, \$1,039.7 million in FY 10 and \$342 million in FY 11. This act (1) requires the treasurer to transfer an additional \$70.3 million for FY 10, increasing the total FY 10 transfer amount to \$1,110 million and (2) reduces the FY 11 transfer amount by \$70.3 million to \$271.7 million.

EFFECTIVE DATE: Upon passage

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09-5 September SS 95

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09-10 September SS (VETOED) 170

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Autism spectrum disorder behavioral analysis
services recommendations
09-1 June 19 SS 65

BOARDS AND COMMISSIONS

Children's Trust Fund, moved to DSS
09-5 September SS 95
Culture and Tourism, film/digital animation
credits, responsibilities transferred to DECD
09-1 June SS (VETOED) 1
Enhancing Agency Outcomes, extended
09-1 June SS (VETOED) 1
09-7 September SS 124
Firearms Permit Examiners, transferred to DAS
09-1 December SS (VETOED) 175
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09-7 September SS 124
Probate Redistricting, recommendations
09-1 September SS 75
Sentencing, created
09-10 September SS (VETOED) 170
SustiNet Health Partnership Board of Directors,
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09-3 September SS 88

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"Build America" program, taxable bond
issuance authorized
09-3 June SS 16
Economic recovery notes, authorized
09-1 June SS (VETOED) 1
09-2 June SS 14
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09-2 September SS 81
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Special tax obligation, road resurfacing
projects authorized
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09-5 September SS 95
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09-2 June 19 SS 71
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09-8 September SS 153
09-9 September SS (VETOED) 161
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09-1 June SS (VETOED) 1
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09-3 June SS 16

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Courts*
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09-7 September SS 124

CRIMINAL PROCEDURE

- Sentencing Commission, created
09-10 September SS (VETOED) 170

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- DSS clients, nonemergency approval
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09-5 September SS 95

DEVELOPMENTAL SERVICES, DEPT. OF

- Enfield, easement conveyance
09-4 September SS 93
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09-3 September SS 88

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- See also Developmental Services, Dept. of*
State-operated community-based facilities,
sale/lease/transfer moratorium extended
09-10 September SS (VETOED) 170

DRUGS AND MEDICINE

- See also Alcohol and Drug Abuse*
ConnPACE, modifications
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- DEVELOPMENT, DEPT. OF**
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09-1 June SS (VETOED) 1

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- See also Higher Education; School Construction;
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