

SUMMARY OF 2012 PUBLIC ACTS

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

Sandra Norman-Eady, Director
Nicole Dube, Project Manager
James Orlando, Assistant Project Manager
Tracey Jones-Otero, Project Coordinator

Research Staff

Terrance Adams
Duke Chen
Robin Cohen
Katherine Dwyer
Nicole Dube
Paul Frisman
Lee Hansen
Joseph Holstead
Mary Janicki
Janet Kaminski Leduc
Judith Lohman
Kevin McCarthy
Kristen Miller
John Moran
James Orlando
Rute Pinho
Susan Price
John Rappa
Christopher Reinhart
Veronica Rose
Kristin Sullivan

Library Staff

Christine Graesser
Jennifer Bernier
Elizabeth Covey
Carrie Rose

Support Staff

Ryan O'Neil
Tangy Stroman

Notice to Users	ii
Vetoed Public Acts	iii
Table on Penalties.....	v
Aging Committee.....	1
Appropriations Committee	3
Banks Committee.....	9
Select Committee on Children.....	19
Commerce Committee	27
Education Committee	43
Energy and Technology Committee	81
Environment Committee.....	87
Finance, Revenue and Bonding Committee.....	101
General Law Committee.....	111
Government Administration and Elections Committee	127
Higher Education and Employment Advancement Committee	149
Housing Committee	161
Human Services Committee	163
Insurance and Real Estate Committee	169
Judiciary Committee.....	187
Labor and Public Employees Committee.....	245
Planning and Development Committee	253
Program Review and Investigations Committee.....	261
Public Health Committee.....	263
Public Safety and Security Committee	283
Transportation Committee.....	295
Select Committee on Veterans' Affairs.....	309
June 12, 2012 Special Session	315
Index by Subject	373
Index by Public Act Number	415

NOTICE TO USERS

This publication, *Summary of 2012 Public Acts*, summarizes all public acts passed during the 2012 Regular Session and the June 12, 2012 Special Session of the Connecticut General Assembly. Special acts are not summarized.

Use of this Book

The Office of Legislative Research encourages dissemination of this material by photocopying, reprinting in newspapers (either verbatim or edited), or by other means. Please credit the Office of Legislative Research when republishing the summaries.

The office strongly discourages using the summaries as a substitute for the public acts. The summaries are meant to be handy reference tools, not substitutes for the text. The public acts are available in public libraries and can be purchased from the secretary of the state. They are also available online from The Connecticut General Assembly's website (<http://www.cga.ct.gov>).

Organization of the Book

The summaries are organized in chapters based on the committee that sponsored the bill. Bills sent directly to the floor without committee action (emergency certification) are placed in chapters according to subject matter. The acts from the June 12, 2012 Special Session appear in a separate chapter. Within each chapter, summaries are arranged in order by public act number. Please note, Special Session acts may affect provisions in acts passed during the Regular Session.

2012 VETOED ACTS

1. SA 12-2, An Act Concerning Delays in Revaluation for Certain Towns (Finance, Revenue and Bonding Committee)
2. PA 12-34, An Act Concerning the Revision of Municipal Charters (Planning and Development Committee)
3. PA 12-73, An Act Concerning Polling Places for Primaries, Registrars of Voters, Voting District Maps, Election Returns and Supervised Absentee Voting at Institutions (Government Administration and Elections Committee)
4. PA 12-117, An Act Concerning Changes to Campaign Finance Laws and Other Election Laws (Emergency Certification)
5. PA 12-164, An Act Concerning Foamed-In-Place Insulating Material (Public Safety and Security Committee)
6. PA 12-175, An Act Concerning the Applicability of the Sales and Use Tax to Vessel Storage, Maintenance or Repair (Finance, Revenue and Bonding Committee)
7. PA 12-180, An Act Concerning the Budget, Special Assessment and Assignment of Future Income Approval Process in Common Interest Ownership Communities (Judiciary Committee)
8. PA 12-181, An Act Concerning the Training and Authority of Certain Constables Appointed for Fish and Game Protection (Environment Committee)

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. A judge may suspend all or part of a sentence unless the statute specifies it is a mandatory minimum sentence. The judge also sets the exact amount of a fine, up to the limits listed below. 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
Class D misdemeanor	up to 30 days	up to 250

* Under PA 12-5, a person can be convicted of (1) capital felony for crimes committed before April 25, 2012 and (2) murder with special circumstances, which replaces the crime of capital felony, for crimes committed on or after that date, punishable with life imprisonment.

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	Over 1,000	Class A misdemeanor
Fifth Degree	Over 500	Class B misdemeanor
Sixth Degree	\$500 or less	Class C misdemeanor

PA 12-6—SB 139

*Aging Committee
Public Health Committee*

AN ACT CONCERNING NOTIFICATION OF FINANCIAL STABILITY OF NURSING HOME FACILITIES AND MANAGED RESIDENTIAL COMMUNITIES TO PATIENTS AND RESIDENTS

SUMMARY: This act requires (1) nursing homes, residential care homes, rest homes with nursing supervision, and chronic and convalescent nursing homes and (2) managed residential communities (facilities in which assisted living services are provided) to notify prospective and current residents about certain financial conditions the facilities are experiencing. It requires the former to provide notice if a facility is placed in receivership or files for bankruptcy. It requires the latter to provide notice if it files for bankruptcy.

EFFECTIVE DATE: October 1, 2012

PA 12-137—HB 5440

*Aging Committee
Judiciary Committee*

AN ACT CONCERNING VISITATION RIGHTS FOR GRANDPARENTS AND OTHER PERSONS

SUMMARY: Prior law allowed grandparents and other third parties to petition for the right to visit a minor; and the court could grant the request, subject to conditions and limitations it deemed equitable. State case law requires a petitioner to show (1) a parent-like relationship with the minor exists and (2) the minor will suffer real and substantial harm if the visitation is denied. (This means a degree of harm analogous to a claim that the minor is neglected or uncared-for as defined under state child abuse statutes.) The act requires the petitioner to include in his or her visitation request, specific and good-faith allegations of those two conditions and, unlike with most petitions, to swear that its allegations are true.

The court must hold a hearing and grant the request if it finds, by clear and convincing evidence, that these conditions have been met. Establishing the conditions by “clear and convincing evidence” complies with the standard required by a recent Connecticut Supreme Court decision (see BACKGROUND).

The act also:

1. establishes factors the court may consider when determining whether a parent-like relationship exists between the petitioner and the minor;
2. specifies visitation terms and conditions the

court may set;

3. specifies that any visitation rights granted to a third party do not prevent a custodial parent from relocating; and
4. allows the court to order one party to pay the other’s fees, including those charged by the minor’s attorney, guardian ad litem, or expert, based on the individual’s ability to pay.

EFFECTIVE DATE: October 1, 2012

PARENT-LIKE RELATIONSHIP DETERMINATIONS

Under the act, when determining the existence of a parent-like relationship between the petitioner and minor, the court may consider:

1. the existence and length of the relationship before the court petition was filed,
2. the length of time that relationship has been disrupted,
3. the petitioner’s specific parent-like activities toward the minor,
4. any evidence that the petitioner unreasonably undermined the custodial parent’s authority and discretion,
5. the significant absence of a parent from the minor’s life,
6. the death or physical separation of the minor’s parents, and
7. the petitioner’s and the custodial parent’s fitness.

If the petitioner is a grandparent, the court may also consider the history of regular contact and proof of a substantial relationship between the grandparent and minor. The act defines “grandparent” as a grandparent or great-grandparent related to a minor child by blood, marriage, or adoption.

VISITATION

By law, the court may set the terms and conditions of any visitation it grants, provided they are not contingent on any court order of financial support. The act specifies that such terms and conditions may include (1) the visitation’s dates, days, time, and location; (2) whether overnight visits are allowed; and (3) any other conditions it determines are in the minor’s best interest. The law requires the court to consider the minor’s wishes if he or she is old enough and capable of forming an intelligent opinion.

When determining the visitation terms and conditions, the act allows the court to consider the effect of (1) the visitation on the minor’s relationship with his or her parents or guardians and (2) any domestic violence that has occurred between or among parents, grandparents, petitioners, and the minor.

BACKGROUND

State Supreme Court Case on Visitation

In *Roth v. Weston*, a maternal grandmother and aunt petitioned for visitation with children whose father had terminated it after the children's mother committed suicide (*Roth v. Weston*, 259 Conn. 202 (2002)). The relatives claimed that visitation was in the children's best interest, although they did not contend that the father was an unfit parent. In his response, the father presented reasons why he believed visitation was not in the children's best interest.

The trial court granted the petition. But the Connecticut Supreme Court reversed, ruling that the constitution requires a third party, including a grandparent or a great-grandparent, seeking visitation to make specific and good-faith allegations that (1) a parent-like relationship exists between the child and the person seeking visitation and (2) denial of the visitation will cause real and significant harm to the child as defined under Connecticut's child abuse statutes.

Once these high jurisdictional hurdles are overcome, the petitioner must prove the allegations by clear and convincing evidence. Only if that enhanced burden of persuasion has been met may the court enter an order of visitation.

PA 12-104—HB 5557
Emergency Certification

AN ACT MAKING ADJUSTMENTS TO STATE EXPENDITURES FOR THE FISCAL YEAR ENDING JUNE 30, 2013

SUMMARY:

This act modifies appropriations for FY 13 in seven appropriated funds. The previous appropriations were adopted in 2011 as part of the 2012-13 biennial state budget. Among other things, it:

1. increases net General Fund appropriations for FY 13 by \$187.5 million;
2. transfers a total of \$101.1 million among FY 12 appropriations to cover deficiencies;
3. appropriates money for a 1% funding increase for private entities that contract to provide services for various state agencies;
4. allocates \$2 million to low-income energy assistance from funds collected through an existing charge on electric bills;
5. prohibits fare increases in 2013 for buses or paratransit services for the disabled;
6. for FY 13, redirects \$222.4 million saved from the FY 11 General Fund surplus to the Budget Reserve Fund (BRF) instead of to debt retirement; and
7. allocates \$15 million from the BRF to General Fund revenue for FY 13 to implement any change in the Indian gaming compact.

The act also makes a technical change (§ 25).

EFFECTIVE DATE: July 1, 2012, except for (1) the 1% rate increase for Department of Children and Families (DCF)-licensed facilities, which takes effect January 1, 2013, and (2) the following provisions, which take effect on passage:

1. changes in manufacturing transition grants (§ 10),
2. carry forward funding for the (a) Criminal Justice Information System (§ 24) and (b) Voluntary Regional Consolidation Bonus Pool (§ 36),
3. grants to various entities from the Probate Court Administration Fund surplus (§ 17),
4. the temporary ban on bus and paratransit fare increases (§ 18),
5. the temporary reduction in the state’s contribution toward premiums for retired teachers’ health insurance offered by the Teachers’ Retirement Board (§ 21),
6. redirection of funds reserved from the FY 11 General Fund surplus to the BRF and from the BRF to General Fund revenue for FY 13 (§§ 28 & 29),

7. changes in FY 12 appropriations (§§ 31 & 32),
8. a requirement that an unspent appropriation for collective bargaining agreements carried forward from FY 09 lapse at the end of FY 12 (§ 33), and
9. the technical change (§ 25).

§§ 1-7 — FY 13 APPROPRIATION ADJUSTMENTS

The act modifies FY 13 appropriations for state agency operations and programs in seven of the state’s 10 appropriated funds as shown in Table 1.

Table 1: Changes in FY 13 Net Appropriations, by Fund

§	Fund	FY 13 Net Appropriation		
		Prior Law	The Act	Increase/Reduction
1	General Fund	\$18,952,488,239	\$19,140,013,620	\$187,525,381
2	Special Transportation Fund	1,277,832,928	1,232,670,120	(45,162,808)
3	Soldiers', Sailors' and Marines' Fund	3,051,536	3,039,412	(12,124)
4	Banking Fund	26,113,149	25,542,055	(571,094)
5	Insurance Fund	26,131,750	28,740,096	2,608,346
6	Consumer Counsel and Public Utility Control Fund	25,986,745	25,351,390	(635,355)
7	Workers' Compensation Fund	22,037,360	21,332,611	(704,749)

§§ 8 & 27 – RATE INCREASE FOR PRIVATE PROVIDERS

Rate Increase for DCF-Licensed Private Residential Facilities (§ 8)

The act increases allowable per diem and other rates by 1% for private residential treatment centers licensed by DCF, effective January 1, 2013. To implement the increase, it overrides the single cost accounting system used by the DCF and education commissioners to determine reasonable expenses for room, board, and education at DCF-licensed private residential treatment facilities.

Cost of Living Increase for Private Providers (§ 27)

The act also requires the departments of Developmental Services, Mental Health and Addiction Services, Children and Families, Social Services, Public Health, and Correction and the Judicial Department to provide a 1% cost-of-living adjustment to the private providers with whom they contract for services. The additional funds must be used to increase provider or

subcontractor employees' wages and benefits, unless a provider applies for, and the Office of Policy and Management (OPM) secretary approves, an exception for good cause. The increase is effective January 1, 2013.

§ 9 – SCHOOL READINESS ALLOCATION FROM PRIORITY SCHOOL DISTRICT GRANT

The act increases FY 13 funding from the priority school district grant for school readiness by \$5.8 million, from \$69.8 million to \$75.6 million.

§ 10 – MANUFACTURING TRANSITION GRANT CHANGES

By law, the OPM secretary must provide municipalities with manufacturing transition grants equal to the amount each received in FY 11 as a payment in lieu of taxes (PILOT) reimbursement for revenue losses from required property tax exemptions for eligible commercial vehicles and manufacturing machinery and equipment. PA 11-61 eliminated these PILOTs for assessment years starting on or after October 1, 2011.

The act corrects a grant calculation error in Franklin's manufacturing transition grant, reducing it by \$395,228, from \$413,545 to \$18,317. It makes a corresponding reduction, from \$50.3 million to \$49.9 million, in aggregate grants for all municipalities.

The act also gives additional one-time grants of \$39,411 to Ledyard and \$62,954 to Montville. The payments must be made by August 15, 2012.

§§ 11, 12, 14, 15, 22, 24, 26, 30, 35, & 36 - FUNDS CARRIED FORWARD

The act carries forward funds from FY 12 to FY 13 for the purposes shown in Table 2.

Table 2: Funds Carried Forward to FY 13

FROM FY 12		TO FY 13		Amount
Agency	For	Agency	For	
Office of Financial & Academic Affairs for Higher Education	Other Expenses – Develop a strategic master plan for higher education in CT	Legislative Management	\$28,854 for the CT Academy of Science and Engineering (CASE) study to evaluate the effectiveness of state programs to provide a skilled workforce Balance to Other Expenses to develop a strategic master plan for higher education in Connecticut	Unspent balance
Legislative Management	Other Expenses - CASE	CASE	A study to evaluate the effectiveness of state programs to	\$52,050

FROM FY 12		TO FY 13		Amount
Agency	For	Agency	For	
			provide a skilled workforce	
Commission on Human Rights & Opportunities	Other Expenses – Disparity study	Legislative Management	CASE disparity study	500,000
Economic and Community Development (DECD)	Main Street Initiatives	DECD	Grant to the West Indian Foundation, Inc. for the Hartford West Indian Parade	20,000
Motor Vehicles (DMV)	Equipment	DMV	Other Expenses – Organ and tissue donation awareness	50,000
Legislative Management	Personal Services	Legislative Management	Same	270,000
Legislative Management	Other Expenses	Legislative Management	Same	158,000
OPM	Connecticut Impaired Driving Records Information System	OPM	Criminal Justice Information System	Unspent balance
DMV	Personal services	DMV	Supporting staff cost related to information technology upgrades	350,000
Labor	Workforce Investment Act	Labor	Personal services	2,000,000
Education (SDE)	Magnet schools	SDE	Talent development	4,000,000
OPM	Regional planning agencies – Voluntary Regional Consolidation Bonus Pool	OPM	Same	Unspent balance

§ 13 – ENERGY ASSISTANCE

For FY 13, the act transfers \$2 million of the funds collected through the systems benefit charge (SBC) on electric utility customers to the Department of Energy and Environmental Protection to provide energy assistance through Operation Fuel. By law, the SBC covers the cost of implementing various public policies affecting electric companies. Its primary uses are paying electric company costs associated with hardship customers and for a program that matches payments made by customers with arrearages that further reduce the amount they owe.

§ 16 – YOUTH VIOLENCE INITIATIVE GRANTS

The act appropriates \$750,000 for FY 13 to the Judicial Department for Youth Violence Initiative grants. It requires the grants for Bridgeport, Hartford, and New Haven to be used to plan and implement programs to reduce violence among young people in those cities. Funded programs must use principles of other youth development programs, the settlement house model, and other evidence-based models that reduce gang affiliation and youth violence. Each

municipality must match 25% of the grant, with a maximum of 10% allowed to be in the form of in-kind services. Municipal legislative bodies must approve grant distributions.

§ 17 - PROBATE COURT ADMINISTRATION FUND SURPLUS

The act increases, by \$2.3 million, the amount of surplus funds that must be transferred from the Probate Court Administration Fund on June 30, 2012 to various agencies for specified purposes instead of to the General Fund. It distributes the additional funds as shown in Table 3.

Table 3: Transfers from Probate Court Administration Fund Surplus

<i>Agency</i>	<i>For</i>	<i>Amount</i>
Judicial	Children of Incarcerated Parents - Grant to the Greater Hartford Male Youth Leadership Program. Director must report to the Judicial Department on the director's expenses and programs for FY 12.	\$100,000
Judicial	Forensic Sex Evidence Exams	300,000
Judicial	Other Expenses – Grant to the Justice Education Center, Inc. for the ECHO Program	250,000
DCF	Other Expenses – Grant to African Caribbean American Parents of Children with Disabilities, Inc.	50,000
SDE	Neighborhood Youth Centers – Grant to Arte, Inc. in New Haven	25,000
DECD	Other Expenses – Grant to Norwich for the Norwich Freedom Bell	100,000
SDE	Other Expenses – Grant to Boys and Girls Club of Southeastern Connecticut	75,000
Energy & Environmental Protection	Other Expenses – Grant to Connecticut Greenways Council	65,000
DECD	Other Expenses – Grant to Nutmeg State Games	15,000
Judicial	Other Expenses – Grant to Justice Policy Division, Institute for Municipal and Regional Policy	100,000
SDE	Other Expenses – Grants for technology improvements or initiatives in education reform districts	500,000
SDE	Neighborhood Youth Centers – Grant to Neighborhood Music School in New Haven to provide scholarships	50,000
Social Services (DSS)	Other Expenses – Grant to Perlas Hispanas Center, New Britain	25,000
Judicial	Children of Incarcerated Parents - Grant to Connecticut Pardon Team, Inc.	35,000
DCF	Other Expenses – Grant to the Saint Joseph Parenting Center, Stamford	20,000
DSS	Community Services for the John S. Martinez Fatherhood Initiative	250,000
SDE	Regional Vocational-Technical System – Grant to Prince Tech,	125,000

<i>Agency</i>	<i>For</i>	<i>Amount</i>
	Hartford, for an adult education training program in carpentry, manufacturing, and information systems	
Public Health	Other Expenses – Grant to Yale University to study pediatric autoimmune neuropsychiatric disorder associated with streptococcal infections	36,000
DECD	Other Expenses – Grant to the Windsor Arts Center in Windsor	150,000

§ 18 – BUS AND PARATRANSIT FARES

The act bars the transportation commissioner from increasing fares for buses or Americans with Disabilities Act (ADA) paratransit services between January 1 and December 31, 2013.

§ 19 – SECURITIES FEE REVENUE

By law, before selling or offering to sell securities in Connecticut, a broker-dealer must (1) register the security with the Banking Department; (2) get an exemption from the registration requirement from the department; or (3) if the security is required to be registered under federal law, file a notice with the department. Starting with FY 13, the act requires the department to deposit the filing fees it collects for such registrations, exemptions, and notices in the General Fund instead of the Banking Fund.

§ 20 – TRANSFER TO SPECIAL TRANSPORTATION FUND

The act reduces the required funds transfer from the General Fund to the Special Transportation Fund for FY 13 by \$70.1 million, from \$172.8 million to \$102.7 million.

§ 21 – HEALTH INSURANCE FOR RETIRED TEACHERS PARTICIPATING IN MEDICARE

By law, the Teachers' Retirement Board (TRB) must offer one or more health plans to retired teachers and their spouses or surviving spouses, if they are participating in Medicare. Annual premiums for the basic TRB plan are split equally among (1) the General Fund, (2) the retired teacher, and (3) the retired teachers' health insurance premium account, which is funded by active teachers, who contribute 1.25% of their salaries to it.

For FY 13, this act reduces the premium share payable by the General Fund to the amount it appropriates for this purpose, which is 25% of the cost of the basic plan's premium. To compensate for the reduction in the state's payment, the act increases the share paid by the retired teachers' health insurance

premium account to 42%. The retired teacher's share remains unchanged at one-third.

§ 23 – JUDICIAL DEPARTMENT OFFENDER TRACKING SYSTEM

The act requires the chief court administrator to use money from the Judicial Data Processing Revolving Fund to pay for updating the Judicial Department's data processing system to allow for tracking offenders who receive "certificates of relief" from Superior Court judges. These certificates appear to be similar to the provisional pardons granted by the Board of Pardons and Paroles in that they would remove certain barriers to employment or obtaining a credential (such as an occupational license) resulting from a criminal conviction. However, no legislation allowing Superior Court judges to issue the certificates has been enacted.

The Judicial Data Processing Revolving Fund is a separate fund operated by the Judicial Department. It is dedicated to maintaining and improving the combined motor vehicle, criminal, and civil informational systems on pending and disposed cases.

§ 28 – REALLOCATION OF FY 11 GENERAL FUND SURPLUS

By law, 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 surplus funds must first be used to redeem any outstanding economic recovery notes (ERNs) before they mature. The ERNs were issued to cover the state's General Fund deficit for FY 09. The act overrides this requirement to instead allocate \$222.4 million reserved from the FY 11 surplus to the Budget Reserve Fund (BRF).

§ 29 – TRANSFER FROM BUDGET RESERVE FUND TO GENERAL FUND

The act requires the state treasurer, at the OPM secretary's request, to transfer up to \$15 million from the BRF to the General Fund as FY 13 revenue. It thus overrides a statute requiring that BRF funds be used only to cover General Fund deficits. Under the act, the money must be used to implement any agreement regarding the state's Indian gaming compact.

§§ 31 & 32 – ADJUSTMENTS IN FY 12 GENERAL FUND APPROPRIATIONS

The act appropriates a total of \$101.1 million in additional funds to cover deficiencies in specified General Fund appropriations for FY 12. It offsets these increased appropriations by reducing other FY 12 appropriations by the same aggregate amount as shown in Table 4.

Table 4: Adjustments in FY 12 Appropriations

<i>Agency</i>	<i>For</i>	<i>Increase/(Reduction) in millions</i>
Teachers' Retirement Board	Retirees Health Service Cost	\$2.6
Department of Social Services	Medicaid	93.2
State Comptroller – Miscellaneous	Adjudicated Claims	5.3
Department of Mental Health and Addiction Services	Personal Services	(31.0)
	General Assistance Managed Care	(13.0)
Department of Children and Families	Personal Services	(34.0)
	Differential Response System	(1.1)
	Board and Care for Children - Foster	(8.0)
	Board and Care for Children - Residential	(14.0)

§ 33 – UNSPENT BALANCE OF FY 09 APPROPRIATION FOR COLLECTIVE BARGAINING AGREEMENTS

The act allows the unspent balance of funds appropriated for FY 09 for collective bargaining agreements and related costs and carried forward since, to lapse at the end of FY 12. The original 2012-13 biennial budget carried the unspent balance forward to FY 13 for the same purpose. As in the original budget, the OPM secretary must determine the amount of the unspent balance for each year.

§ 34 – UNALLOCATED SPENDING REDUCTIONS

The act requires the OPM secretary to recommend aggregate spending reductions of \$14.2 million for FY 13. The reductions do not apply to the higher education constituent units.

PA 12-107—HB 5443

Appropriations Committee

AN ACT CONCERNING BENEFITS FOR SURVIVING SPOUSES UNDER THE TEACHERS' RETIREMENT SYSTEM

SUMMARY: This act expands the benefit options available to the surviving spouse of a teacher in the Teachers' Retirement System (TRS) who did not name his or her spouse as the sole designated beneficiary. It allows the surviving spouse of a TRS member to choose the following options in settlement of the retirement account if the member (1) at the time of death was eligible for a retirement benefit but had not retired and (2) had not filed a waiver of the co-participant option:

1. monthly 100% co-participant benefit (this provides an actuarially reduced monthly benefit to a retired teacher for life with the

- same amount continuing after the teacher's death to his or her designated co-participant) or
2. lump sum refund of the member's accumulated contributions plus credited interest.

Under prior law, the spouse could choose the 100% co-participant benefit or the refund of contributions if a teacher died after meeting the age and service requirements for a retirement benefit, but was not retired at the time of death, and (1) his or her spouse was the sole designated beneficiary or (2) all other designated beneficiaries relinquished their claim to any amounts due them. However, if the teacher had not named his or her surviving spouse as the sole designated beneficiary, the spouse was limited to the survivorship benefit (see BACKGROUND).

The act allows the surviving spouse of a teacher who failed to name his or her spouse as the sole designated beneficiary the same benefit options available to those surviving spouses who were named sole designated beneficiary, whether or not all other designated beneficiaries (if any) have relinquished their claims.

EFFECTIVE DATE: Upon passage and applicable with respect to members who died on or after January 1, 2008.

BACKGROUND

Statutory Survivorship Benefits

TRS survivorship benefits are:

1. for each minor child under age 18, \$300 monthly;
2. for each disabled child, \$300 monthly;
3. for a surviving spouse, \$300 to \$600 monthly;
4. a maximum family survivorship benefit of \$1,500 monthly; and
5. a lump-sum death benefit payment paid to the surviving spouse, of up to \$2,000 (CGS § 10-183h(a)).

future investments in these companies. It also eliminates a requirement that she limit any future investments, including funds withdrawn from noncomplying companies, in companies doing business in Northern Ireland to those that are following the principles.

Existing law also requires the treasurer to take appropriate steps, including urging support for shareholder initiatives, to encourage noncomplying companies to adopt and implement the MacBride principles. The act requires her to do so whenever feasible and consistent with her fiduciary duties.

The act requires the treasurer, at least once per fiscal year, to report to the Investment Advisory Council on her actions under these provisions. It sunsets the divestment and reporting requirements on December 31, 2019.

The act also makes technical changes.
EFFECTIVE DATE: July 1, 2012

BACKGROUND

MacBride Principles

The MacBride principles are a corporate code of conduct for U.S. companies doing business in Northern Ireland. The principles were initiated, proposed, and launched by the Irish National Caucus in November 1984 and designed to address religious discrimination in the workplace. They consist of nine fair employment and affirmative action principles, including the requirement that companies (1) increase the employment of underrepresented religious groups in all levels of the workforce, (2) ban provocative religious or political emblems from the workplace, (3) make special efforts to recruit job applicants from underrepresented religious groups, and (4) establish procedures to identify and recruit minority employees for job advancement.

PA 12-203—SB 285

Appropriations Committee

AN ACT CONCERNING THE MACBRIDE PRINCIPLES

SUMMARY: This act gives the state treasurer greater discretion in divesting state funds invested in companies doing business in Northern Ireland that have not implemented the MacBride principles (see BACKGROUND). By law, the state treasurer must review the state's investments to determine how much money is invested in such companies. The act allows, rather than requires, her to divest state funds and cease

PA 12-23—sHB 5182

Banks Committee

Public Safety and Security Committee

**AN ACT CONCERNING A CHANGE
REGARDING THE FINANCIAL SECURITY OF
LOTTERY SALES AGENTS**

SUMMARY: This act expands the types of security the Connecticut Lottery Corporation (CLC) president may require lottery sales agents to provide in order to ensure that the agents perform their duties to the corporation. Under prior law, the CLC president could only require them to provide surety bonds as proof of financial security. The act authorizes the CLC president to require surety bonds, letters of credit, or other forms of security she deems acceptable.

The agents' duties include selling lottery tickets and depositing the revenue, minus their compensation and the prize money, in a special account for lottery proceeds.

EFFECTIVE DATE: July 1, 2012

PA 12-32—sHB 5073

Banks Committee

**AN ACT CONCERNING REVISIONS TO
CONNECTICUT'S MODEL ENTITY
TRANSACTIONS ACT AND THE
CONNECTICUT BUSINESS CORPORATION
ACT**

SUMMARY: This act broadens the list of transactions exempted from Connecticut's Model Entity Transaction Act (META) (PA 11-241) (see BACKGROUND). It reinstates exemptions to the Transfer Act that were removed by PA 11-241 and makes minor, technical, and conforming changes. PA 11-241 is scheduled to take effect on January 1, 2014.

The act also makes changes to the business corporation statutes pertaining to allowable bylaw provisions, indemnification rules, voting group requirements, and appraisal rights.

EFFECTIVE DATE: January 1, 2014, except for the changes to the corporation statutes, which are effective October 1, 2012.

§§ 1, 3-6 — MODEL ENTITY TRANSACTIONS ACT

PA 11-241 provides a mechanism through which specified business entities can change their entity type through mergers, conversions, interest exchanges, and domestications. The mechanism can be used for transactions between different types of entities, not transactions between and among entities of the same

type. The act also prohibits several types of entities, including cooperative associations, business corporations, credit unions, public service companies, and cooperatives among others, from using the mechanism to complete those transactions.

The act broadens the list of transactions exempted under PA 11-241 to include conversions, mergers, consolidations, interest exchanges, divisions, or other transactions involving a domestic entity organized to render professional services and a different type of entity. Transactions involving two or more domestic entities organized to render the same professional service remain subject to the act.

§ 7 — TRANSFER ACT

The Transfer Act regulates conveyances of businesses or properties that handle hazardous waste. The act reinstates the following exemptions removed by PA 11-241:

1. conversions of a general or limited partnership to a limited liability corporation (LLC),
2. transfers of titles from a municipality or bankruptcy court to a nonprofit organization, and
3. acquisition of brownfields that are remediated or undergoing remediation through the Department of Economic Development's (DECD) Abandoned Brownfield Cleanup (ABC) Program or the Brownfield Remediation and Revitalization Program (see BACKGROUND).

A property in either brownfield program is eligible for the Transfer Act exemption if it complies with its investigation plan and remediation schedule. A property that was remediated under the Brownfield Remediation and Revitalization Program is exempted from the Transfer Act if:

1. the Department of Energy and Environmental Protection (DEEP) commissioner (a) receives a verification or interim verification letter regarding remediation and (b) issues a no audit letter or successful audit closure letter or
2. 180 days have passed since the verification or interim verification was submitted without the DEEP commissioner issuing an audit decision.

§ 2 — LLC MERGER AND CONSOLIDATION

Under prior law, an LLC organized to render professional services could merge or consolidate only with another domestic LLC. Under the act, they may do so only if both LLCs are organized to render the same professional service. The law prohibits the merger or consolidation of an LLC organized to render professional services with any other foreign LLC or

foreign entity.

§§ 8–13 — BUSINESS CORPORATIONS

Allowable Bylaw Provisions (§§ 8-9)

The law authorizes a corporation's incorporators or board of directors to adopt initial bylaws and the board or shareholders to amend or repeal bylaws. The act allows bylaws to include any provisions, not just those related to managing the business and regulating the corporation's affairs as under prior law, that are not inconsistent with the law or the certificate of incorporation. It allows the bylaws to require the corporation to:

1. include in its proxy statements and forms one or more individuals nominated by a shareholder in addition to individuals nominated by the board of directors, to the extent the bylaws allow the corporation to do so when it solicits proxies or consents regarding a director's election; and
2. reimburse the expenses a shareholder incurs from soliciting proxies or consents in connection with an election of directors, to the extent allowed in the bylaws.

The bylaws authorizing the reimbursement requirement cannot apply to any election with a record date (i.e., the date for determining shareholders' eligibility to vote) prior to the bylaws' adoption.

The act limits the extent to which shareholders can amend, repeal, or adopt a bylaw regarding a director's election. Prior law prohibited the board of directors from amending or repealing a bylaw adopted by shareholders that expressly prohibited the board from amending, repealing, or reinstating it.

The act prohibits shareholders, when amending, repealing, or adopting a bylaw relating to the act's provisions on directors' elections, from limiting the board's authority to amend or repeal any condition or procedure in or add any procedure or condition to a bylaw in order to provide for a reasonable, practicable, and orderly process.

Variation of Indemnification Rules by Corporate Action (§ 10)

By law, a corporation can obligate itself by its certificate of incorporation, bylaws, resolution, or contract to indemnify directors, officers, employees, and agents or advance them funds to pay for or reimburse lawsuit expenses.

The act prohibits shareholders or directors from amending the certificate of incorporation or bylaws or passing a resolution that eliminates these obligations for an act or omission that has already taken place, unless the provision in effect at the time of the act or omission

explicitly authorizes the right's elimination or impairment after such an act or omission has occurred.

Voting Groups Requirements (§§ 11-12)

By law, if a proposed amendment to a certificate of incorporation allowing the shareholders of two or more classes or series to vote as separate voting groups would affect those classes or series in the same or a substantially similar way, all the affected shareholders must vote together as a single voting group on the proposed amendment, unless otherwise specified by the certificate of incorporation or required by the board of directors. The act extends this voting requirement to all provisions for voting of classes or series as separate groups.

By law, holders of the outstanding shares of a class of stock are entitled to vote as a separate voting group on a proposed amendment to the certificate of incorporation if the amendment would do certain things. The act eliminates this right to vote as a separate group when the amendment would:

1. create a new class of shares having rights or preferences with respect to dissolutions that are prior or superior to the shares of the class or
2. increase the rights, preferences, or number of authorized shares of any class that, after giving effect to the amendment, have rights or preferences with respect to dissolutions that are prior or superior to the shares of the class.

Appraisal Rights (§ 13)

By law, a shareholder is entitled to appraisal rights, and to obtain payment of the shares' fair value, if (1) the corporation disposes its assets, leaving no significant continuing business activity and (2) the shareholder is entitled to vote on the disposition. The act prohibits the shareholder from having appraisal rights in this situation if:

1. under the terms of the corporate action approved by the shareholders, they will receive the corporation's net assets in cash, in excess of a reasonable amount reserved for legal claims against the dissolved corporation, (a) within one year after the shareholders' approval of the action and (b) according to their respective interests determined at the time of the distribution and
2. the disposition of assets is not an interested transaction (such as a transaction where a director will gain a benefit not available to other shareholders.)

By law, a shareholder is not entitled to appraisal rights for shares that are covered securities (see BACKGROUND), traded in organized markets, or

issued by open-end management companies unless the shareholder accepts something other than cash or shares meeting the same criteria at the time the disposition becomes effective.

The act prohibits shareholders from having appraisal rights in a corporate disposition of assets if, under the terms of the corporate action approved by the shareholders, cash, shares, or proprietary interests are to be distributed to the shareholders as part of a distribution of the corporation's net assets in excess of a reasonable amount reserved for legal claims against the dissolved corporation (1) within one year after the shareholders' approval of the action and (2) according to their respective interests determined at the time of the distribution.

BACKGROUND

META

META, effective January 1, 2014, establishes the procedures necessary for four kinds of transactions: (1) the merger of one entity with another, (2) the conversion of an entity to another kind of entity, (3) an interest exchange between two entities so that one controls the other without the two merging, and (4) the domestication of an entity originally formed in one state into another state (PA 11-241).

Abandoned Brownfield Cleanup (ABC) Program

The Abandoned Brownfield Cleanup Program protects developers from liability for investigating and remediating pollution that emanated from a property before they acquired it. The DECD commissioner determines program eligibility, in consultation with the DEEP commissioner (CGS § 32-91l).

Brownfield Remediation and Revitalization Program

The DECD's Brownfield Remediation and Revitalization Program protects brownfield owners and their successors from liability to the state and third parties for any contamination that others caused at the property. But this protection does not prevent the DEEP commissioner from requiring remedial action if:

1. the owner provided false information about the property or failed to implement the remediation plan,
2. additional contamination was uncovered at the property after DECD's Office of Brownfield Remediation and Development accepted it into the program, or
3. exposure levels increased to a point threatening human health or the environment (PA 11-141, § 17).

Covered Securities

A security is a "covered security" if it is:

1. listed, or authorized for listing, on the New York Stock Exchange (NYSE), the American Stock Exchange (ASE), or Nasdaq or
2. listed, or authorized for listing, on a national securities exchange that has listing standards that the Securities and Exchange Commission determined are substantially similar to NYSE, ASE, or Nasdaq (15 USC § 77r).

PA 12-96—sSB 67

Banks Committee

Government Administration and Elections Committee

AN ACT CONCERNING REVISIONS TO THE BANKING STATUTES

SUMMARY: This act broadens the banking commissioner's investigatory powers, and enables him to order restitution and disgorgement for banking law violations without seeking a court order.

It makes several changes to mortgage licensing provisions. For example, it modifies the existing licensing exemption for "quasi-governmental agencies" to instead apply to "housing finance agencies." It also exempts bona fide nonprofit organizations that promote affordable housing or provide home ownership education or similar services.

The act (1) requires qualified individuals and branch managers working for lenders or brokers to be licensed as mortgage loan originators and to complete any applicable continuing education requirements by November 1, 2012, (2) changes loan processor or underwriter licensing requirements, and (3) prohibits the commissioner from denying a mortgage licensing application on the basis of an expunged criminal conviction.

It requires each bank to (1) review a mortgage loan before excusing the borrower from amortization of the loan principal and (2) consider an obligor's credit exposure arising from a derivative transaction when determining the obligor's liability limitations.

The act removes a loan production office from the definition of "limited branch," thereby exempting it from certain requirements.

The act prohibits non-bank entities, not just corporations, from acting as trustees without a license. It also eliminates the reciprocity requirement for an out-of-state bank, other than a foreign bank, to establish a de novo branch in Connecticut.

The act eliminates the requirement that public depositories provide collateral for deposits that are insured by the Federal Deposit Insurance Corporation

(FDIC) or National Credit Union Administration (NCUA). It also makes changes to required collateral amounts, including the amount required for an institution that has received a memorandum of understanding, a cease and desist order, or other similar letter or order from a supervisory agency.

The act allows state chartered banks to satisfy certain notice requirements by providing the banking commissioner with a copy of the same notice the bank must provide to the FDIC under federal law. It also enables banks to use regional federal home loan banks other than the Federal Home Loan Bank of Boston to issue letters of credit.

Lastly, the act redefines the meaning of “influencing real estate appraisals” for residential property; makes a clarifying change regarding interest on residential security deposits; and adds and modifies several definitions and makes minor, technical, and conforming changes.

EFFECTIVE DATE: October 1, 2012, unless otherwise noted below.

BANKING ADMINISTRATION AND ENFORCEMENT

§ 4 — Investigations, Examinations, and Subpoena Power

By law, the banking commissioner may make public or private investigations or examinations in or outside of Connecticut, concerning any person subject to his jurisdiction, as he deems necessary to carry out his duties.

Additionally, the act authorizes the banking commissioner to:

1. require or permit a person to testify, produce a record, or file a statement in writing, under oath, or otherwise as he determines, about a matter relevant to an investigation or a pending proceeding and
2. publish information concerning statutory violations within his jurisdiction or any regulation or order adopted or issued under such statutes.

The act subjects the commissioner’s investigations and examinations to FOIA and the confidentiality requirements for state banking records.

The law already authorizes the commissioner to administer oaths and affirmations, subpoena witnesses, compel attendance of witnesses, take evidence, require written statements, and require the production of records which he deems relevant or material for an investigation.

The act also authorizes the commissioner to issue subpoenas in Connecticut at the request of another state, as long as the (1) same actions would serve as a basis

for an investigation or other proceeding if they had occurred in Connecticut and (2) other state has reciprocal legal authority to issue subpoenas in that state on behalf of the commissioner.

§ 5 — Enforcement Action

The act expands the commissioner’s authority over a person found, as the result of an investigation, in violation of a banking law, regulation, rule, or order.

Existing law authorizes the commissioner to apply to the Hartford Superior Court for an order of restitution, plus interest, for money illegally obtained. The act gives him the option of ordering the person, without a court order, to make restitution plus interest for money illegally obtained. The act also allows him to order the person to disgorge any such money, or both. The person may request a hearing, in accordance with the Uniform Administrative Procedure Act, within 14 days of receiving the order. The commissioner already has this authority regarding securities violations.

MORTGAGE LICENSING

§§ 7-8 — Mortgage Loan Originator Definition and Exemptions

Existing law defines a mortgage loan originator, subject to certain exemptions, as someone who, for compensation or gain or the expectation of such, (1) takes a residential mortgage loan application or (2) offers or negotiates residential mortgage loan terms. The act specifies that this includes someone either acting for personal compensation or gain or for the compensation or gain of his or her employer or retainer.

The act also specifies that, for licensing purposes, an individual is acting as a mortgage loan originator, unless exempt, if he or she:

1. does so in connection with any residential mortgage loan on behalf of a licensee or person exempt from licensing as a mortgage lender, correspondent lender, or broker or
2. makes any representation to the public through advertising or other means of communication that he or she can or will act as a mortgage loan originator on behalf of a licensee or a person exempt from licensure.

The act exempts from mortgage loan originator licensing requirements:

1. an individual who takes residential mortgage applications or offers or negotiates residential mortgage terms while acting in his or her official capacity as an employee of a (a) federal, state, or local government agency; (b) housing finance agency exempt from licensure; or (c) bona fide nonprofit organization exempt

- from licensure (see § 9) and
2. an individual who offers or negotiates the terms of a residential mortgage loan secured by a dwelling that he or she owns but does not live in, unless he or she habitually or repetitively makes such offers or negotiations.

Existing law exempts from originator licensing requirements an individual who offered or negotiated the terms of a residential mortgage loan secured by a dwelling where the person lived. Under the act, this exemption does not apply if he or she habitually or repetitively makes such offers or negotiations.

§ 7 — Mortgage Broker Definition

The act modifies exclusions from the definition of a mortgage broker. Existing law defines a mortgage broker as a person who, for compensation or gain or the expectation of such, takes a residential mortgage loan application or offers or negotiates a residential mortgage loan's terms. The act adds the condition that the person not be the prospective source of the funds for the loan.

Prior law excluded from the definition someone who is sponsored by another mortgage lender, correspondent lender, or broker. The act instead excludes an individual (1) who is licensed and acting as a mortgage loan originator on behalf of his or her sponsoring mortgage lender, correspondent lender, broker, or exempt registrant or (2) exempt from mortgage loan originator licensure when acting within the scope of the exemption.

§ 9 — Mortgage Lender and Correspondent Lender Licensing Exemption

The act modifies the existing exemption from mortgage lender and mortgage correspondent lender licensure for "quasi-governmental agencies" to instead apply to "housing finance agencies." By law, these agencies are exempt when making residential loans under the specific authority of federal or any state's law.

The act defines a housing finance agency as any authority (1) chartered by a state to help meet the affordable housing needs of the state's residents, (2) supervised directly or indirectly by the state government, (3) subject to audit and review by the state in which it operates, and (4) whose activities make it eligible to be a National Council of State Housing Agencies (NCSHA) member (The NCSHA is a nonprofit, nonpartisan organization created by the nation's state housing finance agencies to coordinate and leverage their federal advocacy efforts for affordable housing.)

Prior law exempted a person making a secondary mortgage loan to a person related to him or her by blood

or marriage. The act narrows this exemption to a person making a secondary mortgage loan to an immediate family member.

§ 9 — Bona Fide Nonprofit Organizations Licensure Exemption

The act exempts a bona fide nonprofit organization from licensure as a mortgage broker when the organization brokers residential loans exclusively made by any (1) corporation or affiliate that makes residential mortgage loans exclusively for the benefit of its employees or agents or (2) insurance company or health care center, or its affiliate or subsidiary, that makes residential mortgage loans to promote home ownership in urban areas. (By law, these same organizations are also exempt from licensure as mortgage lenders or correspondent lenders.)

Prior law exempted from mortgage lender or correspondent lender licensing requirements any bona fide nonprofit corporation that makes residential mortgages promoting home ownership for the economically disadvantaged. The act extends this exemption to bona fide nonprofit organizations, not just corporations, meeting this standard.

The act defines a bona fide nonprofit organization as an organization that has filed with the commissioner a written, certified submission in a form prescribed by the commissioner, along with other required documentation, demonstrating that the organization:

1. is a tax-exempt organization under IRS Code § 501(c)(3);
2. promotes affordable housing or provides home ownership education or similar services;
3. acts in a way that serves public or charitable, rather than commercial, purposes;
4. receives funding and revenue, charges fees, and compensates its employees in a way that does not incentivize it or its employees to act other than in the best interests of its clients;
5. provides or identifies for the borrower residential mortgage loans (a) with favorable terms to the borrower (i.e., terms consistent with loan origination in a public or charitable, and not commercial, context) and (b) comparable to mortgage loans and housing assistance provided under government housing assistance programs; and
6. meets any other standards the commissioner may by regulation require.

The act requires each bona fide nonprofit organization to submit, no later than December 31 of each year, a renewed certification and documentation with any updated information to the commissioner.

§ 8 — *Loan Processors or Underwriters*

Prior law required a loan processor or underwriter to be licensed if he or she was (1) an independent contractor or (2) employed by any person other than a licensed mortgage lender, correspondent lender, or broker or specified financial institution exempt from such licensure.

The act instead requires any individual engaged in loan processing or underwriting to be licensed, but provides an exemption for:

1. an employee of a licensed mortgage lender, correspondent lender, or broker who processes or underwrites residential mortgage loans originated or made by the licensee at the direction, and subject to the supervision, of a licensed mortgage loan originator;
2. an employee of a specified financial institution exempt from mortgage lender, correspondent lender, or broker licensing who processes or underwrites loans at the direction, and subject to the supervision, of either a licensed mortgage loan originator or a registered mortgage loan originator of the exempt entity; or
3. any individual engaged in loan processing or underwriting in connection with a residential mortgage loan originated by an individual not required to be licensed or registered as a mortgage loan originator.

Prior law required loan processors to register, and maintain a valid unique identifier, with the Nationwide Mortgage Licensing System and Registry (NMLSR) (see BACKGROUND). The act specifies that this requirement applies to licensed loan processors.

The act prohibits loan processor or underwriter licensees from being sponsored by more than one person at a time.

§ 7 — *Employee and Independent Contractor Definitions*

Existing mortgage licensing laws refer in various places to licensees or exempt registrants sponsoring someone, and define “sponsored” for this purpose as employed or retained as an independent contractor.

The act defines an “independent contractor” as an individual (1) retained on a basis where he or she is not the employee of anyone in connection with the services provided and (2) whose compensation is reported on an IRS Form 1099 (used by businesses to document non-employee payments larger than \$600 made to individuals or other businesses during the year) issued by the retaining person.

Various provisions in the mortgage licensing laws also refer to employees. The act defines an “employee”

as an individual whose (1) work performance is subject to the right of control of, or is controlled by, a person and (2) compensation is reported on a W-2 form issued by the controlling person. For purposes of defining a “registered mortgage loan originator,” the term “employee” retains this meaning or any meaning the federal banking agencies issue in connection with the Secure and Fair Enforcement for Mortgage Licensing Act of 2008 (S.A.F.E. Act).

By law, a “registered mortgage loan originator” is any individual who (1) meets the definition of mortgage loan originator and is an employee of (a) a depository institution, (b) a subsidiary owned and controlled by a depository institution and regulated by a federal banking agency, or (c) an institution regulated by the Farm Credit Administration and (2) is registered with, and maintains a unique identifier through, NMLSR.

§§ 10 – 11 & 13 — *Qualified Individual and Branch Manager Licensing Requirements*

Existing law requires mortgage lenders, correspondent lenders, or brokers seeking licensure to have qualified individuals at the main office and branch managers at each branch office who meet certain experience, education, and testing requirements. The act requires that, effective November 1, 2012, qualified individuals and branch managers must also (1) be licensed as mortgage loan originators and (2) if seeking initial licensure as mortgage loan originators, have completed any continuing education requirements associated with their positions.

Under the act, a qualified individual or branch manager who held the position at a time prior to the implementation of the mortgage loan originator licensing requirements cannot hold such a position again before completing all continuing education requirements for the year in which he or she last held the position and, effective November 1, 2012, he or she must also obtain the required license before holding such a position again.

§§ 11 - 12 — *Expunged Criminal Convictions and License Eligibility*

The act prohibits the banking commissioner from denying a mortgage lender, correspondent lender, broker, loan originator, or loan processor or underwriter license on the basis of an expunged criminal conviction. The law already prohibits the banking commissioner from denying such licenses on the basis of a pardoned criminal conviction.

The act also specifies that the level of criminal offense and the status of any conviction, pardon, or expungement will be determined based on the law of the jurisdiction where the case was prosecuted.

§ 13 – Testing Requirements

By law, an applicant for a mortgage lender, originator, or broker license must, among other requirements, pass a written test developed by NMLSR and administered by an NMLSR-approved test provider. The act decreases, from four to three, the number of consecutive times an applicant may retake the written test, with each consecutive test occurring at least 30 days after the previous test, before he or she must wait at least six months to retake the test.

The act makes other minor and conforming changes related to education and testing requirements.

§§ 8 & 14 — Banking Commissioner Enforcement Action

The act allows the commissioner to bring an enforcement action or issue a cease and desist order if it appears to him that someone is violating or would violate the mortgage licensing statutes or regulations due to an act or omission the person knew or should have known would contribute to the violation.

The law already allows the commissioner to bring an enforcement action or issue a cease and desist order if it appears to him that (1) someone has violated, is violating, or is about to violate the mortgage licensing statutes or regulations or (2) a licensee has failed to perform an agreement with a borrower, committed any fraud, misappropriated funds, or misrepresented, concealed, suppressed, intentionally omitted, or otherwise intentionally failed to disclose any material particulars of any residential mortgage loan transaction to anyone entitled to such information.

Existing law also allows the commissioner to suspend, revoke, or refuse to renew any mortgage lender, correspondent lender, or broker license for any reason that would be sufficient to deny a license application, or if he finds that a licensee, the licensee's control person, the qualified individual or branch manager with supervisory authority, trustee, employee, or agent of the licensee has:

1. made any material misstatement in the license application;
2. committed any fraud; misappropriated funds; or misrepresented, concealed, suppressed, intentionally omitted, or otherwise intentionally failed to disclose any of the material particulars of any residential mortgage loan transaction;
3. violated any of the licensing provisions or laws or regulations applicable to the conduct of its business; or
4. failed to perform any agreement with a licensee or a borrower.

The act specifies that the term “agent,” when used in reference to individuals under the banking commissioner's jurisdiction, includes any settlement agent used by the licensee. The act also defines a “settlement agent” as a person specified in a HUD-1 settlement statement (a statement of actual settlement costs which the U.S. Department of Housing and Urban Development (HUD) furnishes to the homeowner) who was selected by the licensee. Any settlement agent appearing on the licensee's list of approved settlement agents is deemed selected by the licensee even if the borrower selects the name from the list.

By law, each residential mortgage loan negotiated, solicited, arranged, placed, found, or made without a license constitutes a separate violation for purposes of the commissioner's general enforcement authority. Under the act, this also applies to each such loan taken, offered, processed, or underwritten without a license.

§ 16 — Reporting Requirements

By law, each licensed mortgage lender, correspondent lender, broker, loan originator, and loan processor or underwriter must submit reports of condition (including financial data and residential mortgage loan activity data) to the NMLSR. The act extends this requirement to entities registered with NMLSR but exempt from licensure, and requires the reports to be accurate and submitted in a timely manner. A licensee's or exempt registrant's failure to submit a timely and accurate report of condition constitutes a violation of this provision.

Additionally, the act makes an exempt registrant's failure to submit a report of condition timely and accurately a basis to inactivate the licenses of all mortgage loan originators, loan processors, or underwriters it sponsors. To the extent NMLSR does not require individual mortgage loan originators or loan processors or underwriter licensees to submit reports of condition, the act requires licensees to timely and accurately report all required information in their possession to their sponsor for the sponsor's reporting obligation. Failure to do so constitutes a violation of this provision.

§§ 18 – 21 & 31 — LOAN PRODUCTION OFFICE

The act defines a “loan production office” as an office of a Connecticut bank or out-of-state bank, other than a foreign bank, whose activities are limited to loan production and solicitation. The act enables Connecticut banks and out-of-state banks other than foreign banks, with the approval of the banking commissioner, to establish loan production offices in the state.

Existing law defines a “limited branch” to mean any office at a fixed location of a Connecticut bank at

which banking business is conducted other than the main office, branch, or mobile branch. The act excludes loan production offices from the definition of limited branch, thus exempting loan production offices from certain requirements that apply to limited branches (e.g., notice requirements for branch closures).

The act imposes a \$1,000 application fee to establish a loan production office. By law, the fee to establish a limited branch is \$1,500.

EFFECTIVE DATE: Upon passage

LOANS

§ 22 — *Mortgage Amortization*

Prior law allowed a Connecticut bank, at its discretion, to excuse a mortgage loan borrower from amortization of the loan principal. The act requires the bank's governing board, or a management committee or board committee it designates, to first review the mortgage loan and determine that excusing the borrower from amortization would be prudent under the circumstances.

EFFECTIVE DATE: Upon passage

§ 23 — *Derivative Transactions*

The act requires a bank to consider an obligor's credit exposure arising from a derivative transaction when determining the obligor's liability limitations. It gives the commissioner the authority to establish a method for determining credit exposure and the extent to which the credit exposure will be taken into account and allows him to adopt regulations for this purpose.

"Derivative transaction" includes any transaction that is (1) a contract, agreement, swap, warrant, note, or option and (2) based, in whole or part, on the value of any interest in, or any quantitative measure of, or the occurrence of any event leading to, one or more commodities, securities, currencies, interest, or other rates, indices, or other assets.

§§ 24 - 29 — FIDUCIARY POWERS OF CORPORATIONS OTHER THAN BANKING INSTITUTIONS

Existing law generally prohibits corporations, other than banks, from receiving any money, securities, or other personal property or real estate in trust, to manage on someone else's behalf, unless the corporation is specifically allowed to do so by state statute or a special act of the General Assembly. If the law allows the corporation to act as trustee, it must first obtain a license from the banking commissioner.

The act broadens the prohibition to apply to other nonbank entities instead of just corporations. It defines an "entity" as a corporation, joint stock company,

association, partnership, limited partnership, unincorporated organization, limited liability company, or similar organization, excluding those of which the majority of shares are owned by the United States or any state. The act also expands the trustee licensing requirements and exemptions to apply to all such nonbank entities instead of only to corporations, and makes other conforming changes.

§ 30 — DE NOVO BRANCHES OF OUT-OF-STATE BANKS

Under existing law, an out-of-state bank, other than a foreign bank, may, with the banking commissioner's approval, establish a de novo (new) branch in Connecticut as long as the bank's state allows Connecticut-based institutions to do the same there, among other requirements. Prior law allowed the commissioner to waive this reciprocity requirement in limited circumstances. The act eliminates this reciprocity requirement altogether.

EFFECTIVE DATE: Upon passage

§ 32 — RENTAL SECURITY DEPOSITS

PA 11-94 eliminated the requirement that landlords pay a minimum 1.5% interest rate on residential security deposits. The act clarifies that this change does not affect security deposits before January 1, 2012 (PA 11-94's effective date).

EFFECTIVE DATE: Upon passage

§§ 35 – 42 – UNINSURED PUBLIC DEPOSITS

Collateral Requirements for Public Deposits (§§ 36 – 39 & 41 – 42)

The act decreases collateral requirements for banking institutions allowed to hold public funds (i.e., qualified public depositories).

By law, public deposits are funds:

1. received or held in a qualified public depository from (a) the state or any of its political subdivisions; (b) a commission, committee, board, or officer of the state or its political subdivisions; (c) a housing authority; or (d) a Connecticut court or
2. held by the Judicial Department in a fiduciary capacity.

Prior law required qualified public depositories that received or held public deposits to maintain collateral equal to a specified percentage of their public deposits. The act instead ties the collateral amount to the institution's percentage of uninsured public deposits, thus decreasing the amount of collateral that it must maintain. The act defines an "uninsured public deposit" as the portion of a public deposit not insured or

guaranteed by FDIC or NCUA.

As under prior law, an institution's collateral requirement depends on its risk-based capital ratio, which is a measure of its financial strength.

Prior law also required public depositories to determine the minimum market value of eligible collateral (see BACKGROUND) by applying a collateral ratio, calculated as the market value of the eligible collateral pledged divided by the public deposit plus accrued interest. The act changes the calculation of the collateral ratio to equal the value of the eligible collateral pledged divided by the uninsured public deposit plus accrued interest.

The act also makes conforming changes.

Depositories Subject to Certain Orders (§§ 37 & 39)

Prior law required a public depository that was subject to a cease and desist order, or that entered into a stipulation and agreement or letter of understanding and agreement with a bank or credit union supervisor, to maintain as collateral, apart from its other assets, 120% of all public deposits it held, unless the depository and the public depositor agreed on a greater percentage.

The act changes the collateral requirement to 120% of the public depository's uninsured public deposits. The public depository may have a collateral requirement of 100% of all its uninsured public deposits if the depository has a risk-based capital ratio of 12% or greater and it satisfies the following conditions, to the extent applicable:

1. the depository may not pledge mortgage pass-through or participation certificates or similar securities as eligible collateral unless they have been issued or guaranteed by the Federal National Mortgage Association or Federal Home Loan Mortgage Corporation and for which prices are quoted;
2. the depository may not pledge as eligible collateral issues of Government National Mortgage Association pass-through or participation certificates or similar securities for which prices are not quoted;
3. if the depository pledges one- to four-family residential mortgages as eligible collateral, the mortgage collateral ratio must be 150%; and
4. if the depository pledges state and municipal bonds as eligible collateral, the bonds must be rated in the three highest rating categories by a rating service recognized by the commissioners.

The depository may pledge any other eligible collateral not limited above.

EFFECTIVE DATE: Upon passage

Letters of Credit (§ 40)

Under prior law, a public depository could secure a public deposit with an irrevocable letter of credit, in lieu of eligible collateral, from the Federal Home Loan Bank of Boston.

The act expands the public depository's options by allowing it to supply a letter of credit as collateral support for its uninsured public deposits from a federal home loan bank that:

1. has the highest rating from a rating service recognized by the banking commissioner or
2. the banking commissioner deems acceptable for such purposes, provided the letter of credit amount, when combined with any eligible collateral pledged by the depository, as a percentage of uninsured public deposit, meets the depository's minimum eligible collateral requirement.

EFFECTIVE DATE: Upon passage

Reporting Requirement (§ 42)

Prior law required a public depository to regularly report to the banking commissioner, among other things, the total amount of public deposits it held.

The act modifies the reporting requirement to apply to the depository's public deposits other than those that have been redeposited into the depository by another insured depository institution according to a reciprocal deposit arrangement that makes such funds eligible for FDIC or NCUA insurance coverage.

EFFECTIVE DATE: Upon passage

§ 34 – INFLUENCING REAL ESTATE APPRAISALS

The law prohibits any person from influencing real estate appraisals of residential property. The act redefines the meaning of such influence.

Prior law defined "influencing residential real estate appraisals" as to directly or indirectly coerce, influence, or otherwise encourage an appraiser to misstate or misrepresent the value of residential property including refusing, or intentionally failing, to (1) pay an appraiser for an appraisal that reflects a fair market value estimate that is less than the sale contract price or (2) use, or encourage other mortgage brokers not to use, an appraiser based solely on the fact that the appraiser provided an appraisal reflecting a fair market value estimate that was less than the contract price.

The act defines "influencing real estate appraisals" as directly or indirectly causing or attempting to cause, through coercion, extortion, inducement, bribery, intimidation, compensation, instruction, or collusion, the value assigned to the residential property to be based on any factor other than the appraiser's independent judgment.

EFFECTIVE DATE: Upon passage

BACKGROUND

Eligible Collateral for Public Depositories

The law defines eligible collateral as:

1. U.S. Treasury bills, notes, and bonds,
2. U.S. government agency securities,
3. U.S. agency variable rate securities,
4. mortgage pass-through or participation certificates or similar securities,
5. one-to-four family residential mortgages that meet certain criteria, and
6. state and municipal bonds (CGS § 36a-330).

Nationwide Mortgage Licensing System and Registry (NMLSR)

NMLSR was implemented pursuant to a uniform mortgage licensing project under the auspices of the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators for the licensing and registration of mortgage lenders, correspondent lenders, brokers, and loan originators.

PA 12-106—HB 5414

Banks Committee

AN ACT CONCERNING THE ELIMINATION OF THE INTEREST RATE FLOOR FOR TAX AND INSURANCE ESCROW ACCOUNTS

SUMMARY: Prior law required the interest rate on tax and insurance escrow accounts to be at least the average savings deposit interest rate paid by insured commercial banks published in the Federal Reserve Board Bulletin in November of the previous year (i.e., deposit index) but not less than 1.5%. This act retains the deposit index method for calculating the interest rate but eliminates the minimum 1.5% interest rate. (The 2012 deposit index is 0.16%.)

By law, state banks and trust companies, national banking associations, state or federally chartered savings and loan associations, savings banks, insurance companies, and other mortgagee or mortgage servicing companies must pay interest on these accounts.

EFFECTIVE DATE: October 1, 2012

PA 12-35—sHB 5346

*Select Committee on Children
Human Services Committee*

**AN ACT CONCERNING MINOR AND
TECHNICAL REVISIONS TO STATUTES
AFFECTING CHILDREN AND YOUTH**

SUMMARY: This act restricts the Department of Children and Families' (DCF) duty to disclose records in certain situations. Prior law required DCF to disclose a record, subject to applicable law and without the consent of the person who is the subject of the record, to a DCF employee for any purpose reasonably related to DCF business. Under the act, DCF may make such a disclosure only if it is reasonably related to the performance of the employee's duties.

The act also makes minor, technical, and conforming changes in certain statutes affecting children and youth.

EFFECTIVE DATE: October 1, 2012

PA 12-51—SB 194

*Select Committee on Children
Judiciary Committee*

**AN ACT CONCERNING JURY DUTY FOR
BREASTFEEDING MOTHERS**

SUMMARY: This act requires the Judicial Branch to provide information on its website for prospective jurors regarding jury service, including (1) the ability of breastfeeding women to postpone such service and (2) the jury administrator's contact information so that prospective jurors who need reasonable accommodations may request them.

The act also requires the jury administrator to provide training for his or her staff and court staff on discrete issues and policy for breastfeeding women who have been summoned for jury service, including reasonable accommodations for them.

EFFECTIVE DATE: October 1, 2012

PA 12-53—sSB 293

*Select Committee on Children
Human Services Committee*

**AN ACT CONCERNING PERMANENCY AND
TRANSITION PLANS**

SUMMARY: This act requires the Department of Children and Families (DCF) to document a child's eligibility for Social Security benefits, including Supplemental Security Income (SSI), survivor, and

disabled adult child benefits, in the permanency plan for each child in its care and custody. The act also establishes additional permanency plan requirements.

The act requires DCF to (1) complete and submit an SSI application for each eligible child in its care and custody and (2) maintain and respond to any correspondence regarding the application and benefits. It also requires DCF to determine if a 17-year-old Social Security recipient will need a representative payee when he or she ages out of DCF care, and plan accordingly.

EFFECTIVE DATE: October 1, 2012

PERMANENCY PLAN REQUIREMENTS

The act requires any DCF permanency plan document and hearing that addresses a plan to include:

1. for a child age five or younger, the steps DCF has taken to make the necessary referrals for early intervention, preschool, or special education services being provided or scheduled in accordance with the law;
2. for a child age 16 or older, the steps DCF has taken to help the child learn independent living skills and complete a secondary education or vocation program; and
3. for a child age 16 or 17, (a) the steps DCF has taken to develop a personalized transition plan, including options for housing, health insurance, education, local opportunities for mentors and continuing support services, workforce support, and employment services; (b) a review of the child's current benefits, including Social Security; and (c) the steps DCF will take to ensure the child is screened for eligible benefits.

REPRESENTATIVE PAYEE

For any 17-year-old Social Security recipient in DCF custody, DCF must determine if the child will require a representative payee to assist in managing the child's Social Security benefits when the child ages out of DCF care and custody. If a representative payee is needed, DCF must identify one who must comply with responsibilities set forth in federal law. If a representative payee is not needed, DCF must provide the child with assistance including education on maintaining (a) Social Security eligibility and (b) a bank account for electronically depositing Social Security payments.

BACKGROUND

Representative Payee Responsibilities

Under federal law, a representative payee is responsible for:

1. using the benefits received on the beneficiary's behalf only in a manner that would be in the beneficiary's best interest;
2. keeping the beneficiary's benefits separate from the payee's own funds and showing the beneficiary's ownership of these benefits unless the payee is a spouse or parent living with the beneficiary or state or local government agency for whom the Social Security Administration (SSA) has granted an exception to this requirement;
3. treating any interest earned on the benefits as the beneficiary's property;
4. notifying SSA of any event or change in the beneficiary's circumstances that affects the amount of benefits the beneficiary receives, the beneficiary's right to receive benefits, or how the beneficiary receives them;
5. submitting to SSA, upon the beneficiary's request, a written report accounting for the benefits received on the beneficiary's behalf, and making all supporting records available for review if SSA requests; and
6. notifying SSA of any change in his or her circumstances that affect performance of his or her payee responsibilities (20 CFR § 404.2035).

PA 12-58—sSB 294

Select Committee on Children
Human Services Committee

AN ACT CONCERNING CHILDREN AND THE DEPARTMENT OF CHILDREN AND FAMILIES

SUMMARY: By law, the Department of Children and Families (DCF) commissioner or any agent she appoints must carefully supervise children under her guardianship or care. The commissioner or agent must maintain contact with the child and the child's foster family to promote the child's safety and his or her physical, educational, moral, and emotional development. This act requires the commissioner or agent to visit each foster home at least once every 60 days.

The act also requires the commissioner, within 60 days after a child or youth with behavioral health needs is placed in DCF care and custody, to visit the family home or homes of such child or youth. The purpose of the visit is, at a minimum, to (1) assess the potential causes of the child's behavioral health needs, including genetic and familial factors and (2) determine the resources needed to best treat the child.

The act requires DCF to prescribe a form for foster families to use when submitting special requests to DCF

on the child's behalf. It must respond to these requests within five business days of receiving them or the requests are deemed approved. Special requests include asking that a foster child be allowed to travel overnight or out-of-state with his or her foster family.

EFFECTIVE DATE: October 1, 2012

PA 12-71—sSB 156

Select Committee on Children
Human Services Committee
Appropriations Committee

AN ACT CONCERNING SIBLING VISITATION FOR CHILDREN IN THE CARE AND CUSTODY OF THE COMMISSIONER OF CHILDREN AND FAMILIES

SUMMARY: This act establishes minimum visitation requirements for separated siblings of children placed in Department of Children and Families' (DCF) care and custody, including children in foster homes. Specifically, it requires the DCF commissioner, within available appropriations and provided the siblings live in the state and within 50 miles of each other, to ensure that visits occur, on average, at least once a week, unless the commissioner determines that allowing such frequent visits would not be in the siblings' best interests. When the commissioner makes such a determination, she must state her reasons in the child's treatment plan.

The act requires the commissioner to report by October 1 annually to the Select Committee on Children data sufficient to demonstrate DCF has complied with the visitation law.

The act also requires the DCF commissioner to meet with members of each Youth Advisory Board to get recommendations for creating a "Sibling Bill of Rights." DCF must incorporate the final version of this document into department policy and share it with children placed in its care and custody.

EFFECTIVE DATE: October 1, 2014 for the sibling visitation provisions and upon passage for the Sibling Bill of Rights provisions.

WEEKLY VISITS FOR SEPARATED SIBLINGS

By law, DCF must ensure that a child placed in its care and custody either through an order of temporary custody or commitment is provided visits with his or her parents and siblings, unless the court orders otherwise. If the child has an existing relationship with a sibling and is separated from that sibling as a result of DCF intervening, including placing the child in a foster home or the home of a relative, DCF must ensure that the child has access to, and visitation rights with, that

sibling, based on a consideration of the child's and sibling's best interests given their age, developmental level, and continuation of the sibling relationship.

The act requires the commissioner to ensure that the child's visits with the siblings occur at least once a week if (1) a child and his or her sibling are residing in Connecticut and live within 50 miles of each other, (2) the commissioner finds that such frequent visits are in the siblings' best interests, and (3) visits are possible within available appropriations.

If the DCF commissioner determines that weekly visits are not in either sibling's best interest, the act requires her to include the reasons for this determination in the child's treatment plan. The law already requires the child's treatment plan to record (1) information relating to the factors the commissioner considers in making visitation determinations and (2) when the commissioner determines that any visits, or the number, frequency, or duration of visits that the child's attorney or guardian ad litem has requested, are not in the child's best interest.

SIBLING BILL OF RIGHTS

The act requires the DCF commissioner to meet with the members of each Youth Advisory Board (YAB) to gather recommendations for, and draft, a "Sibling Bill of Rights." This document can include (1) ways to protect relationships of siblings who are separated as a result of DCF's intervention and (2) DCF's commitment to preserve these relationships.

DCF must incorporate the final version of the bill of rights into departmental policy and share it with each child who is placed in the commissioner's care and custody. The DCF commissioner and the YAB members must also submit the bill of rights to the Select Committee on Children by October 1, 2013, for its consideration on possible legislative action.

BACKGROUND

Youth Advisory Boards

The YABs are composed of youth in DCF care. The boards address DCF policies and procedures that affect them. Youth on the boards also establish civic connections within their communities as they transition from out-of-home care.

PA 12-82—sHB 5217

Select Committee on Children

Human Services Committee

Government Administration and Elections Committee

Judiciary Committee

AN ACT CONCERNING REVISIONS TO STATUTES CONCERNING THE DEPARTMENT OF CHILDREN AND FAMILIES

SUMMARY: This act permits the Department of Children and Families (DCF) to file adoption petitions in the Superior Court, instead of the probate court, when the child's biological parents' rights have been terminated by that court. However, the law, unchanged by the act, still requires these petitions to be filed in probate court. (§ 143 of PA 12-1, June 12 Special Session makes an exception to this requirement.)

The act sets up a parallel process for Superior Court adoption proceedings. It requires that all of the studies and other court documents filed in the termination proceedings be made available to the court and requires DCF to prepare a social study similar to what it currently prepares for the probate court. The study is admissible in evidence, and the person preparing it is subject to examination in court.

The act requires the Superior Court to (1) set times and dates for hearings on these petitions and (2) provide notice to the parties to the agreement and certain others. It entitles the adoptive parents to access records and other information relating to the child's history, provided these records are disclosed in accordance with confidentiality laws. The act also eliminates a requirement relative to probate court adoptions.

The act also makes several changes in other laws governing DCF. It:

1. changes the appointing authority and composition of the State Advisory Council on Children and Families and increases the number of consecutive terms members may serve;
2. directs the DCF commissioner, instead of the council, to appoint certain members of the Children's Behavioral Health Advisory Committee;
3. allows additional DCF records to be disclosed without the consent of the person who is the subject of the record;
4. places additional limits on how DCF records that are legally disclosable can be further disclosed;
5. requires individuals who falsely report child abuse or neglect to be referred to the chief state's attorney for criminal investigation; and

6. exempts DCF attorneys from having to pay certain court fees.

The act renames:

1. Riverview Hospital for Children and Youth (which is on the campus of Connecticut Valley Hospital in Middletown) the Albert J. Solnit Children's Center—South Campus and
2. Connecticut Children's Place in East Windsor the Albert J. Solnit Children's Center—North Campus (§§ 6-7).

Finally, the act makes technical changes.

EFFECTIVE DATE: October 1, 2012, except that a technical change related to DCF regulations for reports of child abuse and neglect is effective upon passage.

SUPERIOR COURT AUTHORIZED TO FINALIZE ADOPTIONS (§§ 16-19)

The act permits the DCF commissioner to file an adoption petition along with a written adoption agreement in the Superior Court when (1) that court has granted a petition to terminate the parental rights, (2) the court has appointed DCF as statutory parent, and (3) the appeal or period to appeal the termination has expired. The petition must be filed in the same court that terminated the parental rights. Under prior law, these adoption agreements could be filed only in the probate court. Under the act, they can be filed in Superior Court, but still must be filed in probate court. (§ 143 of PA 12-1, June 12 Special Session makes an exception to this requirement.)

Studies

The act requires all social studies, psychological reports, and court documents previously filed in the termination proceeding to be available to the court, subject to the rules of evidence, for the court's review and consideration in acting on the adoption petition. The court must protect the biological relatives' confidentiality, to the extent possible, unless the information was previously disclosed.

The act requires DCF to prepare and submit with its petition a social study regarding the proposed adoption. This study must include at least enough information as required in reports currently filed with the probate court in adoptions under its jurisdiction. This includes enough information about the child and the parties to the adoption agreement, including their physical and mental status, to enable the court to determine whether the adoption is in the child's best interest. Any studies and reports filed with the petition or afterwards must be available to the adoptive parents.

Any study or report is admissible in evidence subject to the right of any interested party to require that the person making it appear as a witness, if available,

and be subject to examination. Here again, the court must protect the biological relatives' confidentiality, to the extent possible, unless the information was previously disclosed.

Hearings and Court Actions

The act requires the Superior Court, once it receives such petitions and social studies, to set a time and date for a hearing and give reasonable notice to (1) DCF and all other parties of the agreement; (2) the child, if he or she is over age 12; (3) the child's attorney; and (4) any other parties that the court requires.

Before acting on the petition, the court can continue the matter for further investigation and report, issue orders of notice, or take other action. At the hearing, the court can deny the petition or, if it is satisfied that the adoption is in the child's best interest, enter a decree approving the adoption.

Records

Under the act, adoptive parents are entitled to receive copies of the records and other information relating to the child's history that the DCF commissioner maintains. Such records must be edited, if required by law, to protect the identity of the biological parents and any other person whose identity is confidential.

The act provides that records of juvenile matter cases involving adoption proceedings, or any part of these records, are confidential and can be disclosed only in accordance with the law governing the availability and confidentiality of adoption records.

Elimination of Requirement that Probate Court Adoption Applications Be Signed

The act eliminates (1) a requirement that probate court adoption applications be signed by one or more of the parties to the adoption agreement and (2) the authority these parties have to waive notice of the hearing on the agreement.

ADVISORY COUNCIL ON CHILDREN AND FAMILIES (§ 2)

By law, this council is composed of 19 members. The act decreases the number of gubernatorial appointments and gives these appointments to DCF Regional Advisory Councils (which advise the DCF commissioner on service development and delivery in those areas). It also makes changes to the council's composition, as shown in Table 1.

Table 1: State Advisory Council on Children and Families

<i>Composition</i>	<i>Prior Law</i>	<i>The Act</i>
Gubernatorial appointments	19	13
Representatives of young people, parents, and others interested in service delivery to children and youth	Balance of council after at least nine designated appointments	7
Child care professionals	At least 5	At least 2 (in fact, it cannot be more than two)
Parents, foster parents, or family members of children receiving DCF behavioral health, child welfare, or juvenile services	At least 10	At least 4
Regional Advisory Council appointments		
Members representing the councils	0	6

The act also increases from two to three the number of consecutive two-year terms council members may serve.

Under prior law, no more than half of the council members could receive income from (1) the private practice of or (2) any public agency that delivered mental health, substance abuse, child abuse prevention and treatment, or child welfare or juvenile services. Under the act, this limitation does not apply between October 1, 2012 and October 1, 2014.

CHILDREN'S BEHAVIORAL HEALTH ADVISORY COMMITTEE (§ 3)

The Children's Behavioral Health Advisory Committee promotes and enhances the provision of children's behavioral health services in the state. Its members include state agency heads and public members appointed by the governor and legislative leaders. Previously, the State Advisory Council on Children and Families appointed 16 members. The act directs the DCF commissioner to make these appointments instead.

The act also requires the council to submit its (1) annual report on local systems of care and practice standards for state-funded behavioral health programs and (2) biennial recommendations (in odd-numbered years) concerning children's behavioral health to the DCF commissioner as well as the State Advisory Council on Children and Families.

DCF RECORDS (§§ 4 & 5)

Additional Disclosures

DCF records are generally confidential but can be disclosed (1) with the consent of the person who is the subject of them or (2) without consent under certain circumstances. By law, when records are legally disclosed, they cannot be further disclosed without consent except (1) when the disclosure pertains to the licensure of a child care facility and is otherwise permitted by DCF law or (2) by a court order. The act allows further disclosure when the law otherwise provides for it.

Disclosures Allowed Without Consent

The law requires disclosure without the person's consent to the chief public defender (CPD) or her designee. The act provides that such disclosures are allowed for purposes of competent representation by the attorneys with whom the CPD contracts (1) to provide legal and guardian ad litem services to the records' subjects and (2) for ensuring accurate payments for services these attorneys provide. (Currently, the office of the CPD is consolidating the operations of the former Commission on Child Protection, whose duties included hiring attorneys to represent families in these proceedings and which was eliminated with the passage of PA 11-51 and merged into that agency.)

The act also requires DCF to disclose records to school superintendents for the purpose of determining a potential employee's suitability for a job in a public school. By law, applicants for public school positions must submit to both criminal history record and, in most cases, DCF child abuse registry, checks. The act also requires record disclosures to (1) public school superintendents, (2) the executive director or other head of a public or private institution for children providing their care, or (3) a private school with respect to the laws governing alleged child abuse or neglect involving school personnel (see BACKGROUND).

By law, DCF can disclose information without consent to DMV for the purpose of conducting criminal history background checks (which include checks of the DCF abuse registry) for prospective school bus drivers. Under prior law, the information DCF could disclose included that related to abuse or neglect investigations and information in the child abuse and neglect registry. The act permits DCF to disclose information in the registry only, provided the disclosure is made in accordance with the law, which generally prohibits disclosure until an alleged perpetrator of abuse or neglect has exhausted appeals of a child abuse or neglect substantiation.

FALSE REPORTS OF ABUSE OR NEGLECT (§ 10)

By law, anyone who knowingly makes a false report of child abuse or neglect can be fined up to \$2,000, imprisoned for up to one year, or both. The act requires that anyone who is alleged to have made such a false report be referred to the office of the chief state's attorney for purposes of a criminal investigation. Reports of child abuse and neglect typically go to either DCF's hotline or the local police.

DCF EXEMPTION FROM COURT FILING FEES (§ 14)

The act exempts DCF attorneys acting in their official capacity from having to pay a variety of court filing fees. Prior law already exempted other enumerated state agencies' attorneys from paying these fees.

BACKGROUND*Related Law*

PA 11-93 expanded the law governing the reporting and investigation of suspected child abuse and neglect, with particular focus on school employees who are the alleged perpetrators and the response of local or regional school districts and private schools and facilities.

PA 12-88—sHB 5347

Select Committee on Children

Education Committee

Appropriations Committee

AN ACT CONCERNING THE REPORTING OF CHILDREN PLACED IN SECLUSION

SUMMARY: This act requires local school boards and other entities providing special education to children, when recording instances in which a child was physically restrained or placed in seclusion, to indicate whether the seclusion was in accordance with the child's individualized education program (IEP) or either action was an emergency. The act provides that this reporting requirement does not apply to instances of in-school suspensions, as defined in the state's education law.

The act also requires, rather than allows, the State Board of Education (SBE) to review and summarize the information the entities provided on seclusion and restraints, including whether such actions resulted in physical injuries to the child. The SBE must provide these summaries annually to the Select Committee on

Children for inclusion in the children's report card. By law, the committee maintains an annual report card on the progress of state policies and programs promoting the well being of children.

EFFECTIVE DATE: July 1, 2012

USE OF RESTRAINTS AND SECLUSION WITH CHILDREN RECEIVING SPECIAL EDUCATION SERVICES*Local Compilation of Data*

By law, each local or regional school board, institution, and facility that provides special education to a child must record (1) each instance when a child is placed in seclusion or physical restraints are used on him or her and (2) the nature of the emergency that necessitated the action. The entities must include the information in an annual compilation for the state. Under the act, they must also specify whether (1) placing the child in seclusion was in accordance with the child's IEP or (2) the seclusion or use of restraints was an emergency.

The act requires, rather than allows, the entities to report to the SBE any instance in which placing a child in restraints or seclusion results in the child's physical injury.

SBE to Issue Summary Report

The act requires, rather than allows, the SBE to review the compilations the entities submit and annually summarize the frequency with which children were physically restrained or placed in seclusion. It requires the board to include in the summaries (1) the instances in which such actions resulted in physical injuries to children and (2) whether (a) either action was an emergency or (b) seclusion was part of an IEP.

The SBE must submit the summary report, by February 15, 2013, and by December 15 of each year thereafter, to the Select Committee on Children for inclusion in the committee's annual report card on children's well-being.

BACKGROUND*Use of Seclusion or Restraints on Children*

By law, special education children generally may not be involuntarily placed in seclusion except (1) as an emergency to prevent immediate or imminent injury to the child or others or (2) their IEP provides for such placement. The special education providers listed above must notify the child's parents or guardians of each incident in which a child is placed in seclusion or physical restraints (CGS § 46a-152(b)).

In-School Suspension

The law defines an in-school suspension as exclusion from regular classroom activity for no more than 10 consecutive days, but not exclusion from school, provided such exclusion does not extend beyond the end of the school year in which the suspension is imposed (CGS §10-233a(c)).

PA 12-201—SB 157

Select Committee on Children

Human Services Committee

**AN ACT REVISING THE DEFINITION OF A
CHILD CARE FACILITY TO CONFORM WITH
THE DEFINITION OF A CHILD**

SUMMARY: This act raises the maximum age at which a child committed to the Department of Children and Families (DCF) can be placed for the first time in a child care facility from age 17 to age 20. By law, child care facilities are DCF-licensed congregate residential settings. The DCF commissioner can petition a court for permission to place a child committed to her custody in such a facility if the child cannot be satisfactorily cared for in a foster home because he or she has developmental or physical disabilities, mental illness, emotional issues, or behavioral disorders.

The commitment statute defines a child to include young adults 18 to 20 years old who attend a secondary school, technical school, college, or state accredited job training program full-time (CGS § 46b-129(j)). The act makes the definition of child care facility consistent with this definition of a child.

EFFECTIVE DATE: October 1, 2012

PA 12-65—SB 227
Commerce Committee

AN ACT CONCERNING CORRECTIONS TO CERTAIN CENSUS DESIGNATIONS

SUMMARY: This act reconfigures Bristol’s portion of the multi-town Bioscience Enterprise Corridor Zone by removing two residential census tracts and designating two commercial and industrial ones instead. Consequently, bioscience businesses in these commercial and industrial tracts now qualify for the zone’s incentives, which are property tax exemptions and corporation business tax credits for improving property and creating jobs. The zone consists of statutorily designated census tracts, blocks, and groups in Hartford, Farmington, New Britain, Bristol, and Plainville.

EFFECTIVE DATE: Upon passage

PA 12-75—sSB 78
Commerce Committee
Higher Education and Employment Advancement Committee
Appropriations Committee
Finance, Revenue and Bonding Committee

AN ACT CONCERNING THE LEARN HERE, LIVE HERE PROGRAM

SUMMARY: This act allows more students to participate in the Live Here, Learn Here Program. PA 11-140 authorized the Department of Economic and Community Development (DECD) commissioner to establish the program, which, when operational, would help graduating students save money toward a down payment on their first home in Connecticut. Prior law limited the program to students graduating from regional-technical schools and in-state students graduating from state colleges and universities after January 1, 2014.

The act opens the program to any student graduating from a public or private college in Connecticut or a health care training school located here. The latter includes medical or dental schools, chiropractic colleges, optometry schools or colleges, chiropody or podiatry schools or colleges, occupational therapy schools, hospital-based occupational schools, naturopathy schools or colleges, dental hygiene schools, physical therapy schools, and any other healing arts school or institution.

The act requires the DECD commissioner to include recent graduates from these institutions in any public education program she develops to explain the Learn Here, Live Here Program.

EFFECTIVE DATE: Upon passage

BACKGROUND

Live Here, Learn Here Assistance

The Live Here, Learn Here Program helps students save towards a down payment on their first home in Connecticut by segregating a portion of their state income tax payments for up to 10 years after they graduate. The law limits the amount that may be segregated for each student to \$2,500 per year and the amount that may be segregated for all students to \$1 million per year.

To receive the down payment assistance, a student must apply to the DECD commissioner within 10 years after graduation. The payment equals the segregated amount, up to the amount needed for the down payment. Any balance remaining in a student’s account must be deposited in the General Fund.

Students who receive the assistance and subsequently leave Connecticut may have to repay all or part of the assistance, depending on when they leave. Those who leave within the first year after receiving assistance must repay the entire amount. Those who leave in any of the four subsequent years repay smaller amounts as follows: 80% in the second, 60% in the third, 40% in the fourth, and 20% in the fifth.

PA 12-97—sSB 80
Commerce Committee
Higher Education and Employment Advancement Committee
Government Administration and Elections Committee

AN ACT EXPANDING TEST BED AUTHORITY AT THE CONSTITUENT UNITS OF THE STATE SYSTEM OF HIGHER EDUCATION

SUMMARY: This act makes it easier for constituent units of higher education to purchase a technology, product, or process they develop or spend money related to its development by specifying conditions under which a unit’s chief executive officer (CEO) may do these things without competitive bidding or negotiation. The CEO can make the purchase or the expenditure if the technology, product, or process:

1. will be tested in his or her unit on a trial basis;
2. is part of or related to one of the unit’s research programs;
3. has potential commercial applications and benefit to the state’s economy;
4. has no adverse effect on individual safety; and
5. has been recommended by a committee of the unit that includes its chief purchasing official, chief academic officer, and chief economic development officer or their designees.

The CEO must report to the Commerce and Higher

Education and Employment Advancement committees on the technology, products, or processes the constituent unit tested or plans to test. The report is due on January 1 of the year following the date when the unit made the purchase or expenditure and, if applicable, must indicate the number of times tests were done.

By law, constituent unit CEOs may use competitive bidding or negotiation for specific procurement actions without the approval of the comptroller, Office of Policy and Management secretary, or administrative services commissioner if they (1) do so under policies adopted by their respective unit's trustees and (2) consult with the administrative services commissioner.
EFFECTIVE DATE: July 1, 2012

PA 12-138—sHB 5467
Commerce Committee
Appropriations Committee
Transportation Committee
Environment Committee

AN ACT CREATING A WORKFORCE TO MAKE IMPROVEMENTS AROUND CONNECTICUT'S PUBLIC AIRPORTS

SUMMARY: This act provides another way for the state to preserve state-licensed, privately owned airports with paved runways and at least 5,000 take offs and landings per year. It specifically (1) authorizes the state to establish noise mitigation programs in neighborhoods surrounding these airports where noise levels exceed applicable Federal Aviation Administration (FAA) standards and (2) requires the Department of Transportation (DOT) to have war veterans perform some of the noise mitigation work.

Existing law already allows the state to preserve privately owned airports by:

1. exercising its right of first refusal to purchase, for fair market value, any airport solely to preserve it if threatened with sale or closure;
2. acquiring, through the DOT, an airport's development rights for fair market value as long as the airport remains open to the public;
3. funding 90% of eligible capital improvements at private airports, as determined by the transportation commissioner; and
4. establishing an airport zoning category for FAA-defined "imaginary surfaces," which are areas that extend upward and outward from runways where obstructions deemed hazardous to navigation are prohibited.

Proposed developments within these imaginary surface areas must comply with FAA notice requirements and obstruction standards (14 CFR Part 77). The act eliminates a redundant provision stating the

federal requirement.

EFFECTIVE DATE: July 1, 2012

NOISE MITIGATION PROGRAMS

The act allows the state to undertake noise mitigation programs as part of its efforts to preserve privately owned airports. It (1) authorizes the state to establish such programs in neighborhoods surrounding the airports where noise levels exceed applicable FAA standards, (2) requires the programs to be funded with available federal dollars, and (3) allows them to be combined with existing energy conservation programs.

VETERANS SET-ASIDES

As part of the noise mitigation initiative, the act requires DOT to contract with veterans who served during wars to perform a portion of the work. It specifically requires DOT to set aside, in consultation with the Labor and Veterans Affairs departments, at least 30% of the noise mitigation program's projects or contracts for such veterans.

DOT can award the contracts to the veterans directly or to businesses that employ them. In either case, a veteran must have served in a time of war for (1) at least 90 days or (2) the entire war if it lasted less than 90 days. Veterans who served for shorter time periods qualify only if they were separated from service because of a service-connected disability. They also must have been certified in weatherization and insulation techniques through a training program funded under the federal American Recovery and Reinvestment Act of 2009.

PA 12-147—sSB 22
Commerce Committee
Government Administration and Elections Committee

AN ACT CONCERNING THE CAPITAL REGION DEVELOPMENT AUTHORITY

SUMMARY: This act redesignates the quasi-public Capital City Economic Development Authority (CCEDA) as the Capital Region Development Authority (CRDA), preserving many of CCEDA's powers, duties, and functions, including the authority to issue bonds. CCEDA oversaw several completed and ongoing development projects in the statutorily designated Capital City Economic Development District, which is located entirely in Hartford. Its duties included advising state agencies on development projects proposed in the district.

The act expands the district and the range of eligible projects and allows CRDA to plan and

implement some of these projects outside the district. Specifically, it authorizes CRDA to (1) develop and redevelop property anywhere in Hartford, (2) develop riverfront improvements anywhere in Hartford and East Hartford, (3) demolish and redevelop vacant buildings in East Hartford, and (4) develop more housing units than were previously permitted. To plan and implement these projects, the act gives CRDA the same powers prior law gave CCEDA to plan and implement specified capital district projects.

In redesignating CCEDA as CRDA, the act:

1. replaces CCEDA’s seven-member board with a 13-member board that includes municipal representatives;
2. designates Hartford and its seven contiguous towns as the capital region;
3. expands the project planning, monitoring, and evaluation duties transferred from CCEDA to CRDA;
4. assigns additional duties to CRDA that differ from those assigned to CCEDA, including managing facilities and promoting tourism;
5. shifts specified administrative duties from the Office of Policy and Management (OPM) secretary to the Department of Economic and Community Development (DECD) commissioner;
6. eliminates an obsolete reporting requirement; and
7. makes many technical and conforming changes.

Lastly, the act extends by four years, from June 30, 2013, to June 30, 2017, the deadline for the State Bond Commission to issue up to \$115 million in state general obligation bonds for DECD to fund specified projects (§22). The projects are the civic center and coliseum complex reconstruction, riverfront infrastructure development, housing rehabilitation and new construction, demolition and redevelopment, and parking. (PA 12-189 authorized additional bonding for CRDA (see BACKGROUND)).

EFFECTIVE DATE: Upon passage

§ 9 — BOARD

Appointment

The act creates a new, larger board to oversee CRDA. The CCEDA board consisted of seven members appointed jointly by the governor and legislative leaders, one of whom was recommended by Hartford’s mayor. Under the act, the terms of all the CCEDA board members expire on the act’s effective date, which is also the date when CCEDA becomes CRDA.

Under the act, CRDA’s 13-member board consists of the Hartford and East Hartford mayors, eight

appointed members, and three ex-officio members. The appointed members serve four-year terms except the initial members, who serve staggered terms. After the initial terms, all members serve four-year terms and may be reappointed.

Table 1 lists the appointed members, their appointing authority, and their initial terms. As the table shows, the House speaker and Senate president pro tempore jointly appoint one member, as do the House and Senate minority leaders.

Table 1: CRDA Appointed Members

<i>Appointing Authority</i>	<i>Number of Appointments</i>	<i>Initial Terms</i>
Governor	Four	Four years
Hartford Mayor	Two: 1. One Hartford resident 2. One City of Hartford nonelected employee	Three years
House Speaker and Senate President Pro Tempore (jointly)	One	Two years
House and Senate minority leader (jointly)	One	Two years

The appointing authorities must make their initial appointments within 15 days after the act’s effective date.

In addition to the appointed members, the board includes the Hartford and East Hartford mayors, the OPM secretary and the DECD and Department of Transportation commissioners. The secretary and the commissioners serve as ex-officio members.

The CRDA board must generally adhere to the same procedural rules that governed CCEDA’s board.

The act applies and expands the conflict of interest prohibition that previously applied to CCEDA’s board. As under prior law, the act prohibits CRDA board members from having or acquiring a financial interest in any CRDA project in the Capital City Economic Development District or in any contract for materials and services to be used in these projects.

The act expands this prohibition to include any CRDA project in the eight-town capital region (see below), not just the Capital City Economic Development District, or in any contract for materials and services to be used in these projects.

§ 8 — GEOGRAPHIC JURISDICTION

The act designates two overlapping areas where CRDA can undertake development activities. It designates Hartford and its adjacent municipalities (i.e., Bloomfield, East Hartford, Newington, South Windsor, West Hartford, Wethersfield, and Windsor) as the “Capital Region” and, as discussed below, specifies the activities CRDA must undertake in this region.

The act also enlarges the Capital City Economic Development District, where prior law required CCEDA to plan and implement specific projects described below. The district previously covered the area between the Connecticut River from the Bulkeley Bridge south to, but not including, Dillon Stadium and Colt Park, and west to the State Capitol and the railroad right-of-way intersection. The act expands the district westward to cover an area bounded by Park Street to the south, Laurel and Forrest streets to the west, Farmington and Asylum avenues to the north, and the State Capitol area to the east.

§ 10 — PURPOSES

CRDA's mission is narrower than CCEDA's, but its duties are broader. Under prior law, CCEDA had to:

1. stimulate new investment in Connecticut and encourage the diversification of its economy;
2. attract and service large conventions, tradeshows, exhibitions, conferences, and local consumer shows, exhibitions, and events;
3. strengthen Hartford's role as a regional employment and government center;
4. encourage residential development in downtown Hartford; and
5. construct, operate, maintain, and market the convention center to further the region's economic development.

Under the act, CRDA must:

1. stimulate economic development and new investment in the capital region, not statewide, as prior law required of CCEDA;
2. develop and redevelop property in Hartford;
3. help the region's municipalities, upon request of their legislative bodies, stimulate the region's economy and increase tourism by developing and redeveloping property;
4. market the Capital City Economic Development District as a multicultural destination, create a vibrant multidimensional downtown, and support others in achieving these goals;
5. work with DECD to attract large conventions, tradeshows, exhibitions, conferences, consumer shows, and events through a sales and marketing effort coordinated with the capital region's major sports, convention, and exhibition venues;
6. encourage residential development throughout the expanded district, not just in downtown Hartford, as prior law required CCEDA to do;
7. operate, maintain and market the convention center;

8. stimulate family-oriented tourism, art, culture, history, education, and entertainment by cooperating and coordinating with Hartford and regional organizations;
9. manage facilities through a contractual agreement or other legal instrument; and
10. enter into an agreement with the OPM secretary if he requests its assistance to relocate state offices in the capital city district.

§ 8 — CAPITAL CITY PROJECTS

The act broadens the definition of a capital city project, which under existing law consists of:

1. a convention center project (completed),
2. a downtown higher education center (completed),
3. the renovation and rejuvenation of the civic center and coliseum complex (completed),
4. the development of riverfront infrastructure and improvements (ongoing),
5. the construction or rehabilitation of up to 1,000 downtown housing units and the demolition or redevelopment of vacant buildings (ongoing), and
6. the addition of downtown parking (ongoing).

Under prior law, all of these projects had to be located in the Capital City Economic Development District, except those demolishing or redeveloping vacant buildings, which could be anywhere in Hartford.

The act expands the range of projects and the areas where CRDA can develop certain projects. Specifically, it allows CRDA to (1) construct new buildings and redevelop occupied ones anywhere in Hartford; (2) develop or improve riverfront infrastructure anywhere in Hartford or East Hartford, not just in the Capital City Economic Development District, as prior law allowed; and (3) demolish or redevelop vacant buildings in East Hartford, not just in Hartford, as prior law allowed.

The act increases the number of downtown housing units to be constructed or rehabilitated in the Capital City Economic Development District from 1,000 to 3,000 units.

§ 10 — EXTENDED POWERS

The act gives CRDA mostly the same general and development-specific powers prior law gave CCEDA, including powers to plan and implement different types of capital city projects. The general powers allow CRDA to function as a quasi-public agency and include:

1. entering into contracts;
2. issuing bonds and other obligations;
3. borrowing money;
4. acquiring, leasing, and disposing of personal property;

5. employing staff; and
6. investing funds that are not immediately needed.

The act expands these powers to include, upon the OPM secretary's request, entering into a funding agreement to facilitate the relocation of state offices within the Capital City Economic Development District.

Under prior law, CCEDA possessed certain development-specific powers related to planning and implementing the convention center project and facilities. The act transfers these powers to CRDA and generally extends them to all capital city projects within the Capital City Economic Development District. With respect to such capital city projects, these powers include:

1. acquiring and disposing of property;
2. acquiring property by eminent domain, in consultation with Hartford's mayor and according to the procedures redevelopment agencies use when taking property;
3. owning and operating facilities;
4. entering into contracts;
5. marketing and promoting the region to attract national, regional, and local conventions, trade shows, and other events to increase the use of CRDA's exhibition, sporting, and entertainment facilities;
6. planning for, acquiring, financing, constructing, developing, operating, marketing, promoting, and maintaining facilities;
7. borrowing money, issuing bonds, and entering into credit and other agreements to make the bonds more marketable;
8. collecting fees and rents from the facilities it develops and adopting procedures for operating and occupying them;
9. engaging independent professionals, such as lawyers, accountants, and architects;
10. adopting and amending procurement procedures; and
11. receiving money, property, and labor from any source, including government sources.

§ 15 — PROJECT REVIEWS

Scope

The act transfers to CRDA CCEDA's authority to advise state agencies about projects requesting state funds and extends that authority to more types of projects. Prior law limited this authority to capital city projects located in the Capital City Economic Development District or the rest of Hartford. The act extends the authority to any economic development project in the region in which CRDA has been involved.

The act transfers to CRDA CCEDA's authority to coordinate all state and municipal planning and financial resources for capital city projects and broadens it to include all economic development projects in the capital region.

Prior law terminated CCEDA's authority to perform this function on July 1, 2013, but the act eliminates this sunset date, thus requiring CRDA to perform the function indefinitely.

By law, a person, business, nonprofit organization, or state or local agency applying to a state agency or authority for funds must submit a copy of its application, along with supporting documents, to OPM. The act requires that a copy of the application also go to CRDA, which like OPM, has up to 90 days to provide written recommendations to the funding entity.

The agency cannot spend funds until it receives these recommendations or after 90 days from the application date, whichever is sooner. It does not have to implement the recommendations, but must explain to CRDA in writing why a spending decision is inconsistent with them.

§§ 13 & 14— PROJECT ANALYSIS

Feasibility Study

The act requires CDRA to determine the financial feasibility of proposed development and redevelopment projects, which under the act can be implemented anywhere in Hartford. In determining a project's feasibility, CRDA must consider proper planning, engineering, siting, construction and operational costs, and revenue and expense projections.

Monitoring and Evaluation

The act transfers CCEDA's monitoring duties to CRDA, but also expands them to include all projects in the capital region, regardless of whether CRDA funded them.

The act also transfers CCEDA's contract compliance duties to CRDA and extends them to more facilities. Prior law required CCEDA to designate a contract compliance officer to monitor the operations of the convention center, the convention center hotel, and their related parking facilities. The act extends these duties to any facility CRDA controls or manages.

CRDA must also review and evaluate capital city projects and any other project in the capital region that it financed. Like CCEDA under prior law, CRDA must determine (1) how many jobs each project created or expects to create, (2) the cost per job, (3) the value of private investment, (4) the number of new businesses stimulated and the jobs they created, and (5) the effects on tourism. The act also requires CRDA to measure increases in downtown Hartford's housing supply.

§ 14 — REPORTING

The act similarly transfers CCEDA's reporting duties to CDRA, but expands them to include any project in the capital region in which CRDA has been involved. Consequently, CRDA must report annually by September 28 (90 days after the fiscal year begins), to the governor; Finance, Revenue and Bonding Committee; and state auditors on its finances, procurements, and employment. Among other things, the report must describe each project, its location, and the amount CRDA spent on construction.

CRDA must also report annually on the status of the Adriaen's Landing project.

§§ 10 & 11 — ADMINISTRATIVE SUPPORT AND SERVICES

The act reassigns the responsibility for providing various administrative and support services. Prior law allowed the OPM secretary to provide a range of administrative and support services to CCEDA through a memorandum of understanding (MOU) between the secretary and the authority. The act transfers this authority to the DECD commissioner.

Under prior law, an MOU could specify the administrative and support services that OPM would provide to CCEDA and how CCEDA would reimburse OPM. The MOU could also address contracts and accounts and specify how the management of the convention center and stadium facility (i.e., Rentschler Field) would be coordinated. The act expands the range of facilities to include other sports, exhibition, and coliseum facilities.

Prior law allowed the OPM secretary and CCEDA to provide financial management and construction services to the Connecticut Center for Science and Exploration. The act transfers this duty to CRDA only.

BACKGROUND

Related Act

PA 12-189, An Act Authorizing Bonds of the State for Capital Improvements, Transportation, and Other Purposes, authorizes up to \$60 million in bonds for CRDA to encourage new housing in downtown Hartford.

PA 12-161—sHB 5106

Commerce Committee
Housing Committee

AN ACT CONCERNING THE PRIVATE RENTAL INVESTMENT MORTGAGE AND EQUITY PROGRAM

SUMMARY: This act makes programmatic and administrative changes to the Private Rental Investment Mortgage and Equity Program (PRIME), under which the Department of Economic and Community Development (DECD) commissioner subsidizes multifamily housing projects financed by the quasi-public Connecticut Housing Finance Authority (CHFA). The projects must include units that low-income people can afford and may include offices, health care centers, and other specified types of non-housing uses.

The act expands the range of such uses to include retail uses incidental to the housing. It also caps the proportion of low-income units a project can have to qualify for PRIME subsidies. The act also (1) requires the state to receive equity in all PRIME-subsidized projects rather than allowing it to do so for some projects, (2) allows the commissioner to provide subsidies directly to a project's developer or mortgagor instead of only through CHFA, and (3) changes the account for depositing PRIME funds.

The act (1) requires DECD approval for dissolving municipal redevelopment agencies that planned and implemented state-assisted projects, and (2) limits the statutory conflict of interest prohibition that applied to all housing authority commissioners and employees to only commissioners and executive and managerial employees.

EFFECTIVE DATE: July 1, 2012, except the redevelopment agency and housing authority changes take effect upon passage

PRIME

Eligible Non-Housing Uses

By law, PRIME subsidizes CHFA-financed multifamily housing projects to make them more affordable to low-income people. It does this by subsidizing (1) the construction of new projects or the substantial rehabilitation of existing ones, (2) rents in new or existing projects, and (3) improvements to existing projects. The projects may include commercial, office, health, administrative, recreational, and community and service facilities incidental to the housing. The act opens PRIME to projects that include shops, stores, and other retail uses incidental to the housing.

Low-Income Unit Requirement

The act changes the proportion of low-income units projects may have to qualify for PRIME subsidies. Under prior law, the requirement varied depending on when a project was financed or when the bonds that financed it were issued.

For projects financed before October 1, 1995, or financed with bonds authorized before July 1, 1995, a project qualified for PRIME if the total number of low-income units did not exceed 40% of the total. For projects financed after October 1, 1995, or financed with bonds authorized after July 1, 1995, a project qualified for PRIME if the total number of low-income units was at least 20% of the total. The act combines these two parameters. Consequently, a project qualifies for PRIME if at least 20%, but not more than 40%, of the units are low-income.

Equity Requirement

The act requires, rather than allows, the state to receive an equity interest in all PRIME-subsidized projects in proportion to a project's share of low-income units. Prior law allowed the state to require an equity interest only in projects that were funded before October 1, 1995, or with the proceeds of bonds authorized before July 1, 1995. Under prior law and the act, the state realizes its equity interest when a project is sold. By law, the commissioner must approve the sale of any PRIME-subsidized project and the sales terms and conditions.

Administering the Subsidies

The act gives the commissioner more administrative options for providing grants or deferred loans and second mortgages to CHFA-financed projects. Under prior law, she could provide these subsidies only through CHFA. The act allows her to provide them through CHFA or directly to the project's developer or mortgagor. These options are already available to her for subsidizing rents in CHFA-financed projects.

Setting Interest Rates on Second Mortgages

The act allows the commissioner or CHFA to set the interest rate on second mortgages. Under prior law, only CHFA could set the rate.

Program Account

The act changes the account for depositing PRIME funds. Under prior law, unused proceeds from the bonds and notes authorized, allocated, or approved before July 1, 1990 and the service charges DECD collects from the projects subsidized with these bonds had to be deposited

in a fund established exclusively for PRIME. The act redirects these funds to the Housing Repayment and Revolving Loan Fund, which was established in 1990 to consolidate the repayments of several bond-funded revolving loan programs. It also requires funds for PRIME's grants, deferred loans, and second mortgages to be drawn from this account.

DISSOLVING REDEVELOPMENT AGENCIES

The act requires DECD approval before dissolving a redevelopment agency that undertook a state-assisted project. Under prior law, a municipality's legislative body could dissolve a redevelopment agency if doing so would make it easier to obtain and process federal funds and promote the agency's statutory goals.

Under the act, the legislative body may still dissolve the agency for these reasons, but must first request DECD approval. Upon receiving the request, DECD must notify the Commerce Committee, stating:

1. the nature and the amount of state assistance the agency received,
2. DECD's preliminary decision regarding the request, and
3. any conditions DECD would impose on the agency if it were to approve the request.

Within 30 days after receiving DECD's notification, the committee must decide whether it agrees with DECD's decision and so inform DECD. In doing so, the committee must state the reasons for its decision. If the committee does not advise DECD within 30 days, DECD may act on its own and notify the legislative body about its final decision.

If DECD approves the agency's dissolution, the legislative body, as under prior law, may designate an existing agency as the redevelopment agency or create a new one. If it chooses to do either, it must follow the statutory procedures for designating or creating such agencies.

PUBLIC HOUSING AUTHORITY CONFLICT OF INTEREST

The act excludes housing authority employees except executives and managers from the law's conflict of interest prohibitions. Prior law prohibited all housing authority employees from acquiring direct or indirect interest in any (1) housing authority construction or procurement contract or (2) proposed or existing housing authority project, including property that was part of the project. Under the act, this prohibition still applies to housing authority commissioners.

As under prior law, commissioners, executives, and managers must immediately disclose in writing to the authority if they have an interest in a property that is part of an existing or proposed project. Those that fail to do so commit misconduct in office.

PA 12-172—sHB 5344
Commerce Committee

AN ACT CONCERNING STREAMLINING THE STATE'S STORMWATER GENERAL PERMITTING PROCESS

SUMMARY: This act provides a framework under which the Department of Energy and Environmental Protection (DEEP) commissioner can allow qualified professionals to certify compliance with stormwater and waste water discharge general permits where those certifications would not violate the federal Water Pollution Control and the Safe Drinking Water acts.

By law, the commissioner issues general and individual permits for activities that cause (1) polluted rain water and melted snow to run off into rivers, lakes, and other water bodies and (2) waste water to discharge into them. He issues general permits for activities that affect the environment in similar ways, basing his approval on whether they comply with specified requirements. He also issues individual permits for activities that potentially affect the environment in unique ways, thus requiring more in-depth reviews (see BACKGROUND).

The act permits the commissioner to require a certification by a qualified professional when issuing a general permit. When he does, the act:

1. requires the permit to specify the professional's qualifications;
2. specifies the grounds for rejecting a certification;
3. requires professionals to notify DEEP and the permittee of any information that could affect a certification;
4. sets the goal for the commissioner to audit at least 10% of the certifications;
5. specifies the actions he can take when a certification fails to meet the permit's requirements; and
6. based on the audit findings, requires the commissioner to assess the extent to which professionally certified permits meet permit requirements and report his findings to the legislature.

Several provisions under existing law governing general permits extend to qualified professionals. Qualified professionals who violate the act's provisions are subject to existing law's civil penalties, which are set by the court, but cannot exceed \$25,000 for each offense. Further, the commissioner may adopt implementing regulations to have qualified professional certify general permits.

EFFECTIVE DATE: Upon passage

CONDITIONS FOR USING PROFESSIONALS

Professional Qualifications

If the DEEP commissioner allows a professional to certify compliance with a stormwater or waste water discharge general permit, the permit must specify the conditions and criteria the professional must meet. These include:

1. the professional's qualifications, including relevant education, training, experience, credentials, and licenses;
2. the information that the professional must review or the inspections he or she must make to certify compliance; and
3. the certification-related documents he or she must retain.

If the permit does not require the professional to be licensed, the commissioner must explain the reasons for not doing so in a publicly available fact sheet or similar document. He must produce this document when he first proposes to allow a professional to certify the permit.

Although the act allows the commissioner to have professionals without appropriate licenses certify general permits, it does not exempt them from other laws requiring professional or occupational licenses.

Impartiality

The permit must also specify the criteria for ensuring that a professional has no connection with the permitted activity or project and no financial stake in it beyond compensation for his or her services.

Certification

The permit must specify the standards or requirements a project or activity must meet for a professional to affirm that it complies with the permit. It must also specify the terms of a statement the professional must sign when certifying an activity's compliance. The terms must include any conditions that must be met before the professional can sign the statement.

Other Information

The permit must specify any other information or conditions the commissioner deems necessary to certify the activity's compliance with the permit. Lastly, it may indicate if certification is needed when the permittee is a government agency.

PROFESSIONALS' OBLIGATIONS

The act expressly requires professionals to ensure that each certification meets the general permit's requirements.

It also obligates professionals to notify the commissioner and the permittee in writing if they learn of certain information significantly affecting a permit's certification. The information could be something a professional (1) learns, (2) should have learned during the normal course of his or her practice, or (3) obtains before or after certifying the permit. The professional must notify the commissioner and the permittee within 15 days after learning the information and provide his or her reasons for providing the notice.

ENFORCEMENT

Grounds for Rejection

The act requires the commissioner to accept the certification unless he (1) is auditing the certification process (see below) or (2) has reason to believe the professional did not satisfy the act's requirements.

Enforcement Powers

The act specifies the steps the commissioner may take if a professional fails to (1) comply with the permit, including its professional qualification requirements; (2) cooperate with DEEP; or (3) provide the information requested by the commissioner during an audit of the certification process. In such cases, the commissioner may (1) deny the permit's registration or (2) revoke, suspend, or modify the actions it authorizes, including suspending or modifying an approved registration or requiring the permittee to obtain an individual permit.

The commissioner can do these things even if the permittee was (1) unaware that the certification did not comply with the permit's requirements or (2) not involved in developing, preparing, or reviewing the certification or any information on which it was based.

The act allows the commissioner to take any disciplinary action against the professional, in addition to any penalty or sanction the law imposes, for not complying with the permit's requirements. If the law requires the professional to maintain a license, the commissioner can refer the professional to the appropriate licensing board or department for

disciplinary action, issue a reprimand or warning to the professional, or temporarily or permanently prohibit him or her from submitting certifications for stormwater or waste water general permits.

AUDITING

Scope

The act allows the commissioner to audit completed certifications. When doing so, he can request in writing any information he needs to conduct the audit from the professional or the permittee, including information supporting the certification and documenting the professional's qualifications.

As part of the audit, the commissioner can have another qualified professional independently verify the information supporting the certification. This professional must also meet the professional qualifications specified in the permit and have no financial stake in the activity or project other than being compensated for his or her services. Further, the professional must have played no role in certifying the permit or be employed by the professional who initially certified it. The commissioner must charge the permittee for this independent certification.

The commissioner can also charge the permittee for the reasonable costs of conducting the audit if the professional certified an activity that violates any general permit requirement, including the professional qualifications.

Compliance Report

The act requires the commissioner to set a goal of auditing at least 10% of the certifications. It also requires him to report specific information based on these audits by January 1, 2014. The report, which must be submitted electronically to the Commerce and Environment committees, must indicate the number of certifications that were submitted, number that were partially or fully audited, number found out of compliance, and steps taken to bring about or maintain compliance.

The report must present DEEP's conclusions about the extent to which the audited certifications complied with the permit's requirements and any recommendations regarding the use of professionals to certify general permits.

BACKGROUND

General and Individual Permits

The difference between general and individual permits reflects differences in how permitted activities affect the environment. Some activities are very

common and occur frequently, such as paving parking lots and driveways, and their environmental effects are known and predictable. Other activities, such as discharging water used to clean machine parts into a stream, occur less frequently, and their environmental effects vary depending on unique factors and circumstances.

Although both types of activities require regulatory permits, it takes less time to approve general permits because they can be reviewed based on predetermined criteria and standards. The opposite is true for individual permits because they involve activities whose impacts are not readily apparent. In these cases, the permitting agency must review the activity to identify the potential impacts before it can issue the permit.

PA 12-183—sHB 5342

Commerce Committee

Appropriations Committee

AN ACT CONCERNING REVISIONS TO THE STATE'S BROWNFIELD REMEDIATION AND DEVELOPMENT STATUTES

SUMMARY: This act makes changes to existing brownfield remediation programs, establishes a pilot program for conducting environmental reviews of eligible redevelopment projects, expands the Office of Brownfield Remediation and Development's (OBRD) mission, and extends the term of the Brownfields Working Group.

The act makes programmatic and administrative changes to the Department of Economic and Community Development's (DECD) program providing financial assistance to clean up and redevelop brownfields. The program consists of separate grant and loan components. The act narrows the range of entities eligible for assistance under both components, allows loan proceeds to be used to develop housing meeting a broader range of needs, and allows the DECD commissioner to use a portion of the program's funds to cover staffing and marketing costs.

The act makes many procedural changes to DECD's Brownfield Liability Protection Program, which protects eligible property owners from liability to the state and third parties for cleaning up brownfields according to the program's requirements. It makes changes to the process for accepting brownfields into the program, gives developers more time to pay program application fees, and resets the deadlines for completing specified tasks.

The act authorizes, on a limited basis, an expedited process for determining the environmental effects of eligible redevelopment projects. It also exempts property to be redeveloped under the pilot program from

the Hazardous Waste Transfer Act (i.e., Transfer Act) if it was remediated under the Department of Energy and Environmental Protection's (DEEP) Voluntary Site Remediation Program.

The act requires OBRD, in consultation with the State Historic Preservation Office, municipal officials, and regional planning organizations, to identify abandoned and underutilized mills that are important assets to their municipalities and regions (§ 13). It also requires the DECD commissioner to appoint a director to manage OBRD, specifically requiring her to do so in accordance with the statute listing the types of positions exempted from civil service (CGS § 5-198). (The statute lists these positions, but not the process for exempting them.)

The act extends the Brownfields Working Group's reporting deadline by one year, from January 15, 2012 to January 15, 2013 (§ 12). PA 10-135 established the group to study and report to the Commerce Committee on how the state's brownfields are being cleaned up and remediated.

EFFECTIVE DATE: July 1, 2012, except the authorization for the pilot program and the extension of the Brownfields Working Group's reporting deadline take effect upon passage.

§§ 1-4, 10, & 11 — BROWNFIELD FINANCING PROGRAM

The act makes programmatic and administrative changes to DECD's Brownfield Financing Program, which consists of separate grant and loan components.

Municipal Grant Program

Eligible Entities. The act narrows the range of municipal entities eligible for grants (i.e., eligible grant recipients). Under prior law, grants were available to municipalities, economic development authorities, regional economic development authorities, or qualified nonprofit community and economic development corporations.

The act limits the grants to municipalities and three types of "economic development agencies:"

1. municipal economic development agencies or entities created or designated to implement a redevelopment project (operating under CGS Chapter 130) or municipal development project (operating under CGS Chapter 132);
2. municipally-funded or -supported nonprofit economic development corporations; and
3. nonstock corporations or limited liability companies established or controlled by a municipality, municipal economic development agency, or entity operating under CGS Chapter 130 or CGS Chapter 132.

Funding. The act allows the commissioner to use previously authorized bonds to make the grants. PA 11-57 authorized \$25 million in bonds in FY 12 and \$25 million in FY 13 for loans. The act allows the commissioner to use the proceeds from these bonds to make loans or grants (§§ 10 and 11).

Loan Program

Eligible Entities. The act limits the types of economic development agencies that qualify for loans. Under prior law, local and regional nonprofit organizations were eligible for loans if they acted on a municipality's behalf. The act limits eligibility to the same types of local economic development agencies that qualify, under the act, for grants. The loan program remains open to municipalities and for-profit and nonprofit organizations or entities.

Affordable Housing. Under existing law, eligible loan applicants can use the loan proceeds to redevelop a remediated brownfield for different uses, including housing. The act expands the range of eligible housing uses and requires applicants proposing uses to comply with the law's loan terms and conditions.

Prior law allowed the proceeds to be used only for housing that serves the needs of first-time homebuyers, regardless of income. The act allows the proceeds to be used for developing affordable housing units that are suitable for first-time homebuyers, but does not specify criteria for determining if a unit is affordable to this group. (Under the housing statutes, a unit is affordable if a family earning no more than the median income of the municipality pays no more than 30% of its income for housing (CGS § 8-39a)).

The act also allows the proceeds to be used for:

1. developing housing incentive zones (locally designated zones where a mix of affordable and market-rate units can be built near transit facilities and other amenities),
2. developing workforce housing, and
3. for any other residential purpose the DECD commissioner approves.

For developers proposing to develop affordable units, the act requires the loan agreement to specify the number of units they propose to develop.

Developers receiving loans over \$50,000 must also submit a plan describing the residential use and how it will create jobs and private investment for the community. This requirement already applies to developers receiving loans for commercial, industrial, or mixed-use developments.

The act also extends the law's planning requirements to proposed residential developments. The requirements apply to projects receiving loans over \$50,000. Under existing law, developers proposing commercial, industrial, or mixed-use projects must

submit a plan describing how the property will be used or reused and show how its reuse will create jobs and increase private investment in the community. The act extends this requirement to any residential development receiving over \$50,000 in loan proceeds.

The act changes a condition housing developers must meet to receive a loan. Under prior law, they had to agree that the proposed development would meet the reasonable and appropriate needs of (1) first-time homebuyers or (2) recent college graduates looking to remain in Connecticut. Under the act, they must agree to meet the reasonable and appropriate affordable housing needs of (1) first-time homebuyers, (2) workforce housing, and (3) recent college graduates looking to remain in Connecticut. The act does not extend this requirement to developers proposing incentive housing zone projects.

Forgivable Loans. The act specifies that municipalities and economic development agencies qualify for loans and allows the commissioner to forgive them or defer their repayment if it is in the state's best interest to do so.

Administrative Support

The act allows the DECD commissioner to tap the \$25 million in bonds PA 11-57 authorized in FYs 12 and 13 for the program to cover the program's staffing and marketing costs. It specifically allows her to use up to 4% of the funds to staff and market the grant and loan programs, including developing their websites, and fund OBRD.

Brownfield Remediation and Development Account

The act requires money the attorney general recovers from parties that polluted property being cleaned up and developed under the Brownfield Financing Program to be deposited in the Brownfield Remediation and Development Account. By law, revenue from the following sources must already be deposited there:

1. loan repayments,
2. the proceeds of bonds issued for the program,
3. principal and interest payments on loans made to assess and demolish contaminated property (i.e., Special Contaminated Property Remediation and Insurance Fund),
4. the account's interest and investment earnings,
5. security for the loans, and
6. any other funds the law requires to be deposited in the account.

§ 9 — LIABILITY PROTECTION PROGRAM

The act makes procedural and administrative changes to the Liability Protection Program, which protects eligible property owners from liability to the state and third parties for cleaning up brownfields according to the program's requirements. The law requires the DECD commissioner to operate the program within available appropriations, but divides the administrative duties between her and the DEEP commissioner: the DECD commissioner accepts brownfields into the program and the DEEP commissioner monitors and audits their remediation.

Acceptance in the Program

The law provides two methods for a brownfield to be accepted into the program: (1) a developer applies to the DECD commissioner to have the brownfield accepted into the program or (2) a municipality or an economic development agency nominates a brownfield for acceptance into the program. The act changes the procedures for accepting brownfields into the program under both methods.

Acceptance by Application. By law, parties applying to have a brownfield accepted into the program must submit with their application an assessment of the property's current and historical uses and the activities conducted there. The act requires the assessment to be prepared according to the prevailing standards and guidelines for conducting a Phase I Environmental Assessment, instead of DEEP's Site Characterization Guidance Document, as prior law required.

The act also requires this assessment to be prepared by or for applicants who own property contiguous to a brownfield (i.e., contiguous property owners) as well as by or for applicants who intended to purchase a brownfield (i.e., bona fide prospective purchasers), as the law requires.

Besides changing some of the application requirements, the act changes how the DECD commissioner must decide whether to accept a property into the program. It requires her to consider the statutory factors for creating a diverse portfolio of brownfield projects (i.e., statewide portfolio factors) instead of basing her decision on these factors, as prior law required.

Acceptance by Nomination. The act bars municipalities and their economic development agencies from nominating brownfields for acceptance into the program if an eligible applicant has already applied to have it accepted into the program.

The act provides a two-step process for municipalities, but not their economic development agencies, to nominate brownfields for acceptance in the

program. The steps require the nominated brownfields to meet the same criteria as those submitted by application.

The first step requires a municipality to certify on a DECD form that the property:

1. is a brownfield and that the contamination exceeds DEEP's remediation standards;
2. is not subject to federal or state enforcement action or on the state or national list of contaminated sites; and
3. meets any other relevant factors, including the statewide portfolio factors, as the commissioner determines.

The second step occurs if the commissioner approves the nomination and an eligible applicant applies to have the property admitted into the program. The applicant must show that the brownfield still meets the above criteria and that he or she:

1. qualifies as an innocent landowner, bona fide prospective purchaser, or contiguous property owner;
2. did not contaminate the property and is not affiliated with the party that did; and
3. did nothing to pollute the state's waters.

Brownfields Participating in Other Remediation Programs

The act makes brownfields being remediated under the Transfer Act eligible for acceptance in the Liability Protection Program if they meet its criteria. By law, properties in the voluntary remediation and covenant not to sue programs can already participate in this program.

Fee Installment Payments

Timeframes. The act gives applicants more time to pay the program's application fee, which they must pay in two installments. By law, applicants accepted into the program must pay a fee equal to 5% of the brownfield's assessed value as of the municipality's most recently completed grand list. They pay the fee to the DEEP commissioner.

Under prior law, an applicant had to pay the first installment within 180 days after being notified that the DECD commissioner accepted the brownfield into the program. The act gives the applicant 180 days from that date or the date he or she takes title to the property, whichever is later.

The act changes the timeframe for paying the second installment. Under prior law, the applicant had to pay the second installment to the DEEP commissioner within four years after being notified that the DECD commissioner accepted the application. Under the act, the applicant must pay the installment

within four years after the date the commissioner accepts the application.

The act allows the DECD commissioner to extend the deadlines for paying either installment upon the applicant’s request.

Fee Revenue. By law, the DEEP commissioner must deposit the fee revenue in the Special Contaminated Property Remediation and Insurance Fund. The act specifies that he may use the revenue for the fund’s statutory purposes, which include removing or mitigating spills into the state’s waters and making low-interest loans for investigating and remediating brownfields.

Municipal Exemptions. The act allows municipalities and economic development agencies to ask the DEEP commissioner to waive the fee on any brownfield located within their respective jurisdictions that has been accepted into the program. Prior law allowed them to request fee waivers only for brownfields within their respective jurisdictions that others own. The DEEP commissioner may grant the waiver based on statutory criteria.

The law exempts municipalities and economic development agencies whose brownfields have been accepted into the program from paying the fee. But, if they transfer the property to another party for development, prior law required them to collect the fee from that party and remit it to DEEP. The act instead requires the party to whom the brownfield is being transferred to pay the fee directly to the DEEP commissioner.

Property Transfers. The act changes a condition for keeping a brownfield in the program when it is transferred before it is investigated and remediated. By law, both parties to the transaction must meet specific criteria. The party transferring the property must be in compliance with the program’s requirements and the brownfield investigation plan and remediation schedule. The party receiving the brownfield also receives the program’s benefits under existing law if it:

1. is eligible to participate in the program,
2. pays “the fee,” and
3. submits the remedial action report and verification or interim verification the law requires.

The act specifically requires this party to pay the acceptance fee, which is in addition to the \$10,000 fee all parties must, by law, pay when they finish remediating the brownfield and other specified conditions are met.

Timeframe for Investigating and Remediating Brownfield

The act resets the statutory deadlines for investigating and remediating brownfields. Under prior

law, applicants accepted into the program had to submit a plan and schedule showing:

1. the investigation being completed within two years of the application’s approval date,
2. remediation being started within three years of that date, and
3. remediation being completed within eight years of the approval date.

The act bases the deadlines on the due date for paying the first installment of the application fee, including any extensions. Prior law set the deadlines from when the DECD commissioner approves an application. Table 1 compares the deadlines under prior law and the act.

Table 1: Deadline for Investigating and Remediating Brownfields under Prior Law and the Act

Task	Deadlines	
	Prior Law	Act
Submit investigation plan and remediation schedule	Plan and schedule due within 180 days after brownfield accepted into program (i.e., acceptance date)	Plan and schedule due within 180 days after the first installment payment due date, including extensions
Plan and schedule shows when investigation and remediation will be started and completed	Investigation completed within two years after acceptance date and remediation started and completed within three and eight years, respectively, after acceptance date	Investigation completed within two years after first installment payment due date, including extensions, and remediation started and completed within three and eight years, respectively, after first installment due date, including extensions
Complete investigation	Investigation completed within two years after the acceptance date	Investigation completed within two years after first installment payment due date, including extensions
Submit licensed environmental professional-approved remediation plan and begin remediation	Plan submitted and remediation begun within three years after acceptance date	Plan submitted and remediation begun within three years after first installment payment due date, including extensions
Complete remediation and	Remediation completed and remedial action	Remediation completed and

Task	Deadlines	
	Prior Law	Act
submit remedial action report and verification or interim verification	report and verification or interim verification submitted within eight years after acceptance date	remedial action report and verification or interim verification submitted within eight years after first installment payment due date, including extensions

§§ 5-8 — PROPERTY REDEVELOPMENT PILOT PROGRAM

Eligible Projects

The act authorizes the Office of Policy and Management (OPM) secretary and the DECD, DEEP, and Department of Transportation commissioners to establish pilot programs promoting redevelopment projects. By February 1, 2013, the DECD commissioner must certify to the governor up to three proposed projects for his approval.

The projects must provide significant regional or statewide benefits in a way that simultaneously promotes economic competitiveness and conserves natural resources by steering new development away from forests, farms, open spaces, and other underdeveloped areas toward those where supporting infrastructure and amenities already exist (i.e., smart growth). The projects must also be located in state-designated enterprise zones, targeted investment communities, or distressed municipalities.

After the governor approves a project, the DECD commissioner must publish a notice of the approval in the *Environmental Monitor* that describes the project and the affected municipalities. She must also report to the governor and the Commerce Committee on the projects by February 1, 2013.

Expedited Environmental Impact Reviews

The Connecticut Environmental Policy Act (CEPA) requires state agencies to determine how proposed state funded projects could affect land, water, and other environmental resources and prescribes the procedure they must follow to determine a project's potential environmental effects. The act requires DECD to follow a different procedure for redevelopment projects chosen for the pilot program (i.e., pilot projects). The procedure has fewer steps than CEPA's.

Under CEPA, each agency must prepare guidelines to determine if a proposed project could affect the environment. Before implementing the project, the

agency must:

1. determine if the project could significantly affect the environment based on the guidelines,
2. solicit comments from the public and other agencies before preparing an environmental impact evaluation (i.e., scoping process),
3. provide the evaluation to specified agencies and the public for comment, and
4. review all comments and respond to any substantive issues they raise.

When the agency completes the process, the OPM secretary must determine if it adequately identified and addressed the project's environmental effects. The agency cannot start the project until the secretary notifies it about his determination.

The act assumes that the pilot projects affect the environment and requires DECD to evaluate their environmental effects. Under CEPA, DECD would decide whether to prepare an evaluation based on its guidelines and the information it received through public scoping process. Under the act, DECD must prepare a detail written evaluation of each pilot project's environmental effects and, as part of the evaluation, identify each DEEP-required permit, license, and other approval.

The act requires DECD commissioner to consider all public comments when preparing the evaluation, presumably the ones she receives after publishing the notice that the governor approved the project. The commissioner must summarize the evaluation and submit it and the summary to the DEEP commissioner and OPM secretary and, at the same time, allow the public to inspect these documents and comment on them.

The commissioner must also hold a public hearing on the evaluation and publish a notice about it at least 14 days before the hearing in the *Environmental Monitor* and a newspaper serving the affected municipalities. The notice must also inform the public that the evaluation and summary are available for inspection.

Anyone can speak at the hearing or provide written comments no later than the second day after DECD closes the hearing. The DECD commissioner must forward all comments to the DEEP commissioner and the OPM secretary and allow the public to inspect them.

After the hearing, the act requires the OPM secretary to review the evaluation and the comments and decide if (1) DECD followed the act's process, (2) the evaluation was adequate, and (3) DECD addressed all comments. In making his decision, the secretary must consider all the comments made by state agencies and the public. He must notify the public and the DECD commissioner about his decision within 10 days after the hearing's close. He may revise the evaluation or require DECD to do so if he decides it was inadequate.

Transfer Act Exemption

The act exempts from the Transfer Act property acquired to undertake or complete a certified redevelopment project if it was investigated and remediated under DEEP's Voluntary Site Remediation Program, which (1) allows property owners to investigate and remediate a site before they decide to convey or transfer it and (2) requires the DEEP commissioner to expedite the process for issuing any permits needed to investigate and remediate it. If the property is subsequently transferred or conveyed, the parties to the transaction must comply with the Transfer Act, which requires the party transferring a contaminated property to assess its condition and identify who will clean it up before transferring it to another party.

PA 12-196—sHB 5343

Commerce Committee
Environment Committee

AN ACT CONCERNING ECONOMIC DEVELOPMENT THROUGH STREAMLINED AND IMPROVED BROWNFIELD REMEDIATION PROGRAMS, EXEMPTING CERTAIN AIRPORT CONVEYANCES FROM THE DEPARTMENT OF TRANSPORTATION TO THE CONNECTICUT AIRPORT AUTHORITY FROM THE HAZARDOUS WASTE ESTABLISHMENT TRANSFER ACT, AND HOLDING HARMLESS AND INDEMNIFYING THE CONNECTICUT AIRPORT AUTHORITY AND ITS EMPLOYEES AND DIRECTORS

SUMMARY: This act exempts from the Hazardous Waste Establishment Transfer Act (i.e., the Transfer Act) airport property the Department of Transportation (DOT) conveys to the Connecticut Airport Authority (CAA), which the legislature created to develop, improve, and operate Bradley International Airport, the state's five general aviation airports, and any other general aviation airports. The Transfer Act requires the parties to a real estate transaction involving contaminated property to notify the Department of Energy and Environmental Protection (DEEP) commissioner about the contamination and the party that will investigate and remediate it.

The act requires the state to hold harmless and indemnify CAA and its directors and employees from liability related to title defects and contamination that existed on airport property before it was conveyed to CAA. It also allows CAA and its directors and employees to bring an action in Superior Court to compel the state to enforce the act's protections, which

do not extend to title defects or environmental issues that arise after a property was leased, assigned, transferred, sold, or disposed of to CAA.

The act requires the DEEP commissioner to report, by January 1, 2013, to the governor and the Commerce and Environment committees on (1) the results of his on-going review of brownfield remediation and development laws and regulations and (2) his recommendations for statutory and regulatory changes and new programs for responding to hazardous waste spills.

EFFECTIVE DATE: Upon passage, except for a technical change, which takes effect January 1, 2014.

DOT AIRPORT-RELATED CONVEYANCES

Transfer Act Exemptions

PA 11-148 authorized DOT, which exercises most airport related powers, duties, and functions, to transfer them and airport property to CAA through a memorandum of understanding with CAA. This act exempts from the Transfer Act the following airport related property DOT conveys to CAA:

1. Bradley International Airport and all related improvements and facilities;
2. state-owned and -operated general aviation airports, including Danielson, Groton/New London, Hartford Brainard, Waterbury-Oxford, and Windham airports, and any other airport conveyed to CAA for it to own, operate, and manage as a general aviation airport;
3. other airports conveyed to CAA for it to own, operate, and manage; and
4. any airport site or part of one, including restricted landing areas and air navigation facilities, conveyed to CAA.

The Bradley property includes property DOT owns and conveys to CAA and property it subsequently acquires, adds, extends, improves, and equips and conveys to CAA.

Indemnity

Besides exempting DOT-conveyed property and facilities from the Transfer Act, the act indemnifies and holds harmless CAA and its directors from liability, financial losses, and legal and other expenses resulting from certain defects in a conveyed property's or facility's title. This protection applies to any claim, demand, order, penalty, lien, assessment, suit, or judgment arising from defects relating to specific environmental conditions existing at a conveyed site or originating or emanating from it. Such conditions include pollution, contamination, hazardous waste, hazardous substances, or hazardous building materials.

The act's protection does not extend to title defects and environmental issues that arise after these transactions occur and are unrelated to any preexisting defects for conditions.

DEEP REPORT

The act requires the DEEP commissioner to report on the status of his ongoing review of the state's brownfield laws and regulations to the governor and Commerce and Environment committees. The report, which is due January 1, 2013, must include any recommendations for changing laws and regulations or creating new programs for responding to releases of hazardous materials.

In developing the recommendations, the act requires the commissioner to consider DEEP's 2011 evaluation of the state's brownfield remediation programs plus three sets of factors. First, he must consider how the recommendations could affect:

1. federally delegated programs, municipalities, and small businesses;
2. the protection of human health and the environment; and
3. improvements in how the state responds to hazardous material releases, including the greater use of licensed environmental professionals (LEPs) in overseeing the investigation and remediation of brownfields.

The commissioner must also consider how the recommendations would facilitate the clean up and redevelopment of brownfields, including those that are currently required to be remediated.

In preparing the report, the commissioner must also consider new and expanded measures for periodically evaluating and auditing the effectiveness and efficiency of the report's recommended changes and proposed new programs. The measures must ensure that (1) LEPs have the authority needed to certify investigations and cleanups and (2) parties responsible for a hazardous waste release address it in a timely and effective manner.

Lastly, the commissioner must consider the most effective way to implement a recommended new program, including how it affects (1) programs DEEP administers under federal law and (2) brownfields being investigated and remediated under existing law.

PA 12-59—sSB 302
Education Committee

AN ACT CONCERNING TECHNICAL REVISIONS TO THE EDUCATION STATUTES

SUMMARY: This act makes technical corrections in statutes dealing with education.
EFFECTIVE DATE: Upon passage

PA 12-116—SB 458
Emergency Certification

AN ACT CONCERNING EDUCATIONAL REFORM

SUMMARY: This act makes major changes in education laws to, among other things:

1. address the state’s academic achievement gap;
2. identify and intervene in school districts and schools with low academic performance;
3. increase state education funding to towns;
4. provide more financial support for school choice programs;
5. improve teacher training, qualifications, practice, and evaluation systems; and
6. establish a separate governing board for the state’s technical high school system.

A section-by-section analysis appears below.

EFFECTIVE DATE: July 1, 2012, unless otherwise noted.

§ 1—NEW SCHOOL READINESS PROGRAM SPACES

For FY 13, the act requires the State Department of Education (SDE) to provide funds to appropriate school districts to create the following new spaces in state-funded school readiness programs in those districts:

1. 500 in the 10 districts with the lowest district performance indices (“educational reform districts”—see § 34),
2. 250 in priority and former priority districts that are not educational reform districts, and
3. 250 in school districts receiving competitive funding under SDE’s school readiness program (“competitive districts”).

A “competitive school district” is one that (1) has a priority school or former priority school (i.e., a school where at least 40% of the school lunches served are free or reduced-price) or (2) is not a priority school district but whose town is among the 50 poorest in the state based on adjusted equalized grand net list, student population, and population.

EFFECTIVE DATE: Upon passage

§ 2—EARLY CHILDHOOD EDUCATION FACILITY STUDY

The act allocates up to \$80,000 of any unspent funds appropriated for 1,000 new school readiness spaces required in § 1 to the Connecticut Health and Educational Facilities Authority (CHEFA) to update its 2008 study of the space and facilities needed to provide universal early childhood education for all three- and four-year-olds in the state. If CHEFA receives the funding, it must report the updated study results and any recommendations to the Education Committee by April 1, 2013.

EFFECTIVE DATE: Upon passage

§ 3—EARLY CHILDHOOD QUALITY RATING AND IMPROVEMENT SYSTEM

By law, the state must create a coordinated system of early care and education and child development by July 1, 2013. PA 11-181 required it to make progress toward creating the system under a planning director in the Office of Policy and Management (OPM) appointed by the governor. The act makes SDE, rather than the early childhood system, responsible for developing a quality rating and improvement system for home-, center-, and school-based early child care and learning. It requires the early childhood system to incorporate SDE’s rating system.

§ 4—EARLY LITERACY PILOT EXTENSION

PA 11-85 authorized the education commissioner to (1) conduct a pilot study to promote best practices in early literacy and closing academic achievement gaps and (2) identify schools to participate in the study. The act extends the pilot through the school year starting July 1, 2013. It also delays the deadline for the commissioner to report on the pilot to the Education Committee from October 1, 2013 to October 1, 2014.

By law and unchanged by the act, “achievement gaps” mean a significant disparity in the academic performance of students among and between (1) racial groups, (2) ethnic groups, (3) socioeconomic groups, (4) genders, and (5) English language learners and students whose primary language is English.

§ 5—NEW STATEWIDE READING ASSESSMENTS

The act requires SDE, by January 1, 2013, to develop or approve reading assessments that districts must use, beginning with the school year starting July 1, 2013, to identify kindergarten through third grade (K-3) students who are reading at a level below proficient.

It requires the assessments to:

1. include frequent student screening and progress monitoring;
2. measure phonics, phonemic awareness, fluency, vocabulary, and comprehension;
3. allow for periodic formative assessments during the school year;
4. produce data that is useful for developing individual and classroom instruction; and
5. be compatible with best practices in reading instruction and research.

By February 1, 2013, the commissioner must submit the reading assessments to the Education Committee.

§ 6—TEACHER READING EXAM

Beginning July 1, 2014, and each following school year, the act requires all local and regional boards of education to require their K-3 teachers to take a practice version of the reading instruction exam approved by the State Board of Education (SBE) on April 1, 2009. Each board must annually report the practice exam results to SDE. It is not clear if each affected teacher must take the exam once or each year.

§ 7—PROFESSIONAL DEVELOPMENT IN READING

By July 1, 2013, the act requires the education commissioner to establish a professional development program in reading research and instruction for teachers and principals.

The program must:

1. count towards professional development requirements established under the act (§ 39),
2. be based on student reading assessment data,
3. provide differentiated and intensified training in teacher reading instruction,
4. outline how mentor teachers will train teachers in reading instruction,
5. outline how model classrooms will be established in schools for reading instruction,
6. inform principals on how to evaluate classrooms and teacher performance in scientifically based reading research and instruction, and
7. be job-embedded and local when possible.

The act also requires the education commissioner to annually review the professional development required under the act for teachers holding professional certificates with early childhood nursery through third grade or elementary school endorsements and holding jobs requiring such endorsements. The commissioner must assess whether the professional development meets state goals for student academic achievement

through implementation of (1) SBE-adopted common core standards, (2) research based interventions, and (3) the federal special education law (IDEA, 20 U.S.C. § 1400 et seq.). He must submit his review to the Education Committee. (The act does not specify a deadline for this submission.)

§ 8—FAMILY RESOURCE CENTERS AND SCHOOL-BASED HEALTH CLINICS

For the 2012-13 school year, the act requires the (1) education commissioner to establish at least 10 new family resource centers and (2) public health commissioner to establish or expand at least 20 school-based health clinics, in alliance districts. The alliance districts are the 30 lowest-performing districts identified by the education commissioner under the act (see § 34).

By law, family resource centers are located in elementary schools and provide services including (1) child care and school readiness for children age three and older who are not otherwise enrolled in school and (2) various services to parents of newborns, including parenting skills and educational services to parents who are interested in obtaining a high school or general education diploma (GED).

§ 9—PHYSICAL EXERCISE REQUIREMENT FOR GRADES K-5

The act requires public schools to include a total of 20 minutes of physical exercise in each regular school day for students in kindergarten through grade five. Under prior law, public schools that enroll K-5 students had to provide each such student with a physical exercise period of unspecified length as part of the regular school day.

As under prior law, the requirement does not apply to a student receiving special education if his or her individualized education plan provides a different exercise schedule.

§ 10—MUNICIPAL AID FOR NEW TEACHERS PROGRAM

Starting with FY 14, the act requires SDE to establish a program, within available appropriations, to provide grants of up to \$200,000 each to the 10 educational reform districts by March 1, annually (presumably beginning March 1, 2014). The districts must use the grants to hire up to five seniors per year who are graduating in the top 10% of their classes from teacher preparation programs at Connecticut colleges and universities.

§ 11—SCHOOL DISTRICT COST-SAVING GRANTS

The act allows the education commissioner, within available appropriations, to provide grants to help school districts develop plans to implement significant cost savings while maintaining or improving educational quality. The grants must be for technical assistance and regional cooperation.

§ 12—OPEN CHOICE PROGRAM INCENTIVE FOR LARGER DISTRICTS

The act provides an additional incentive for larger school districts to increase their enrollment of out-of-district students under the Open Choice interdistrict public school attendance program. It does so by giving districts with more than 4,000 students the highest state Open Choice grant (\$6,000 for each out-of-district student enrolled) if the education commissioner determines they have increased their Open Choice enrollment by at least 50% on October 1, 2012. Under prior law, receiving districts qualified for the \$6,000-per-student grant only if the number of out-of-district students they enroll equaled or exceeded 3% of their total enrollment.

§ 13—EXEMPLARY SCHOOLS

The act allows SDE to publicly recognize exemplary schools and promote their best practices.

§ 14—DISSEMINATING INFORMATION ON SCHOOL OPTIONS

By law, each local or regional board of education must (1) allow full access so technical high schools, regional agriculture science and technology (vo-ag) centers, interdistrict magnet schools, charter schools, and the Open Choice program may recruit students to attend those schools or programs, for reasons other than for interscholastic athletic competition and (2) inform parents of students attending its middle and high schools that technical high schools and vo-ag programs are available. The act also requires each board of education to post information about these school options, as well as about alternative high schools, on its website.

§§ 15 & 16—UNIFORM SYSTEM OF ACCOUNTING AND CHART OF ACCOUNTS

The act requires SDE to develop and implement a uniform system of accounting for school revenues and expenditures that includes a chart of accounts for use at the school and school district level. The chart of accounts must include (1) all amounts and sources of revenue that a board of education, regional education service center (RESC), charter school, or charter

management organization receives and (2) cash or real property donations to a school district or school totaling an aggregate of \$500 or more. The act also requires SDE to impose “select measures,” which it may define, on individual schools.

Starting with FY 15, the act requires each board of education, RESC, and state charter school to implement the system by filing annual financial reports using a chart of accounts that meets the requirements of an existing statute requiring boards of education to (1) annually submit receipts, expenditures, and statistics to the education commissioner and (2) have the information certified by an independent public accountant selected to audit municipal accounts. The existing law imposes penalties of between \$1,000 and \$10,000 for failing to submit the information on time (CGS § 10-227).

The act permits OPM to audit the annual financial reports for any board of education, RESC, or state charter school. It also requires SDE to (1) make the chart of accounts available on its website and (2) submit the chart of accounts to the Education and Appropriations committees by July 1, 2013.

It also makes a conforming change by deleting a provision that requires the education commissioner to develop a financial information system for boards of education to provide the state with budget and year-end expenditure data (CGS § 10-222(b)).

EFFECTIVE DATE: Upon passage

§ 17—STUDY OF SMALL DISTRICT ISSUES

The act requires SDE to study issues related to districts with fewer than 1,000 students (“small districts”). The department must consider:

1. financial disincentives, such as a small district reduction percentage (see below), for small districts whose per-pupil costs exceed the state average for the prior year;
2. financial incentives for such districts to consolidate;
3. the \$100-per-student Education Cost Sharing (ECS) grant regional bonus as well as the effect of other state reimbursement bonuses for regional districts and cooperative arrangements; and
4. the ECS minimum budget requirement.

The act defines per-student cost as a district’s net current expenditures divided by its average student membership (student count) as of October 1. Likewise, the state per-student average cost is the sum of the net current expenditures of all local and regional school districts divided by the sum of their average student memberships as of October 1.

It defines a “small district reduction percentage” as a reduction in state education funding starting at 10% for the first year a district’s expenses are 10% or more above the state per-student average cost. This reduction increases by an additional 10 percentage points each year for up to five years for a maximum reduction of 50% if the district continues to spend at least 10% more than the state per-pupil average cost.

SDE must report the findings and recommendations of its study to the Education Committee by January 1, 2013.

EFFECTIVE DATE: Upon passage

§ 18—EDUCATION ACCOUNTABILITY LAW AND SCHOOL PERFORMANCE INDEX

The state’s education accountability law empowers SDE to (1) identify school districts in need of improvement and (2) take any of a number of specified actions to improve student performance in these districts. The act revamps the accountability law in several ways, including by creating a new system that uses a school performance index (SPI) to separate schools into the five categories based on student performance on statewide mastery tests and other factors.

The act also modifies the law regarding reconstitution of boards of education in low-performing school districts, including establishing a method of notifying local officials of the start and conclusion of reconstitutions.

Performance Management and Support Plan Replaces Accountability Plan

Under the prior education accountability law, the education commissioner identified school districts and individual schools “in need of improvement” in the statewide education accountability plan. The designation “in need of improvement” was based on federal No Child Left Behind (NCLB) Act provisions that require school districts and schools to make adequate yearly progress toward 100% proficient student performance on required tests.

Under the act, the accountability plan is instead called the “performance management and support plan.” It must be consistent with federal law and regulation. As part of the plan, the act requires SDE to:

1. continue to identify districts in need of improvement;
2. classify schools in five performance categories with category one representing the highest and category five the lowest based on SPI and other factors; and
3. designate as focus schools those with identifiable low-performing student subgroups

using measures of student academic achievement and growth for subgroups in the aggregate or over time, but not after June 30, 2014. (NCLB defines subgroups as groups who have historically underperformed academically when compared to all students. They may include racial groups, English language learners, those eligible for free or reduced lunch, or students with disabilities.)

Transition to New Plan

The act creates a transition period for the SBE to switch the identified schools and districts from the prior law’s accountability plan, which the act continues until June 30, 2012, to the act’s new statewide management and support plan.

The schools and districts identified as in need of improvement under the accountability plan:

1. continue under that plan through June 30, 2012;
2. are monitored by SDE, beginning in July 2012, to determine if student achievement for the schools and districts is at an acceptable level, as defined in the act’s new statewide performance management and support plan;
3. are evaluated by their local or regional boards of education by July 1, 2012 to determine whether they are making adequate yearly progress;
4. are subject to the statewide performance management and support plan if they fail to make adequate yearly progress;
5. are subject to rewards and consequences as defined in the management and support plan; and
6. continue to be eligible for available federal or state aid.

School Performance Index

The act creates a measurement called the SPI to gauge how schools perform on statewide mastery tests in math, reading, writing, and science. It also allows the SBE to authorize an alternative version of the index for grade levels above elementary, but does not specify how this alternative version varies from the SPI in the act. It prescribes how SPIs are calculated (1) for each school and (2) each subject such as math or science. The school SPI is used to place each school in one of five categories, each of which leads to specific state responses and interventions.

A school’s SPI is its students’ weighted performance on the statewide mastery tests in reading, writing, and mathematics given in grades three through eight and 10, and science in grades five, eight, and 10.

By law, public school students are required to take the tests in these grades. It divides students into five groups based on the five levels of mastery test scores: below basic (the lowest score), basic, proficient, goal, and advanced. But it does not indicate how much weight applies to each level.

Under the act, the test score data used for the index is either (1) the data of record on the December 31st following the tests or (2) that data as adjusted by the SDE according to a board of education’s request for an adjustment filed with SDE by the November 30th following the tests.

School Categories

Categories One Through Five. The act establishes five categories of schools based on performance factors that must be stated in the performance management and support plan. The factors may include:

1. the SPI,
2. change in SPI over time,
3. student achievement growth measured by standardized assessments, and
4. high school graduation and dropout rates overall and for subgroups of students.

The five categories are described in Table 1.

Table 1: School Categories Under the Performance Management and Support Plan

Category	School Description	Consequences/ State Action
5	Ranked having the lowest performance as indicated by factors that may include SPI, change in SPI over time, student achievement growth, and high school graduation and dropout rates overall and for subgroups of students	<ul style="list-style-type: none"> • Designated as low-achieving, • requires intensive SBE supervision and direction, • may be subject to any requirement or intervention included in prior accountability law or added under the act (see below for full list).
4	Ranked having the lowest performance other than category 5 schools based on factors that may include the four factors listed above for category 5	<ul style="list-style-type: none"> • Same as for category 5
3	Ranked having performance higher than category 4 and 5 but lower than 1 and 2 based on the same factors listed above	<p>SDE may require:</p> <ul style="list-style-type: none"> • school to implement plans consistent with the act; • school to take any action included in the new management and support plan; and • board of education for school to collaborate with RESC to develop plans to address specific areas named in act (see list below).
2	Ranked having performance higher than category 3, 4, and 5 but lower than 1 based on the same factors listed above	No specific state action.
1	Ranked having the highest performance of any schools based on the same factors listed above	No specific state action. (Another provision in the act allows SDE to publicly commend exemplary schools (§ 13).)

Category Three Schools. The act allows SDE to impose certain requirements on category three schools. The department may (1) require the schools to develop and implement plans consistent with the act and federal law to elevate them from a low-achieving status and (2) impose on them any of the actions contained in the statewide performance management and support plan.

SDE may also require the local or regional board of education for a category three school to collaborate with the appropriate RESC to develop plans to ensure the school provides:

1. early education opportunities;
2. summer school;
3. extended school day or year programming;
4. weekend classes;
5. tutors; or
6. professional development for its administrators, principals, teachers, and paraprofessional aides.

The commissioner can limit such programs to (1) the student subgroup that has failed to reach performance benchmarks or (2) those in transitional or milestone grades or who are otherwise at substantial risk of educational failure.

Category Four and Five Schools. By law, districts in need of improvement are one group and low-achieving school districts are a subset of that group. By law and unchanged by the act, a school or district in need of improvement requiring corrective action under NCLB is designated a low-achieving school or district, and thus is subject to intensified SBE supervision and direction.

The act also designates category four and five schools and focus schools as low-achieving schools and requires SBE to intensively supervise and direct them. Consequently, it extends an existing statutory list of required SBE actions for low-achieving schools or districts to such schools. By law, for low-achieving schools and districts, and under the act for category four and five schools and focus schools, the SBE must take any of the actions listed below to improve the student performance of a school, district, or student subgroup to remove the school or district from the low-achieving list.

SBE may:

1. require operational and instructional audits;
2. direct the district to implement an achievement plan that addresses the deficits found in the instructional audit;
3. require the school board to use state and federal funds for critical needs as directed by SBE;
4. provide incentives to attract high-quality teachers and principals;
5. direct the transfer and assignment of teachers and principals;

6. require the local board to implement a model curriculum;
7. identify schools (a) to be reconstituted as state or local charter or innovation schools, or other models for school improvement or (b) for management by an entity other than its existing local or regional board of education;
8. establish learning academies within the schools that require continuous monitoring of student achievement, and crafting of achievement plans; and
9. provide funding for students in the low-achieving district to attend school in a neighboring district with higher achievement levels.

By law, many of the possible SBE actions (including numbers 2, 4, 5, 7, and 8 from the list above) must be carried out according to the Teacher Negotiation Act (CGS §§ 10-153a to 153n).

The act gives SBE additional options to require the appointment of:

1. a superintendent approved by the education commissioner or
2. a special master selected by the commissioner, with the same authority as the Windham special master and whose term must be for one fiscal year, unless SBE extends it.

By law, the Windham special master's authority includes:

1. a requirement that SBE require the school board to ask the union representing a school district bargaining unit to reopen an existing contract for the sole purpose of revising employment conditions to implement the district's improvement plan and
2. an expedited arbitration process if the parties fail to agree on one or more issues related to implementing the improvement plan.

Comptroller's Authority to Withhold ECS Grant Funds Repealed

The act eliminates a requirement that the comptroller withhold ECS grant money from a town that otherwise is required to appropriate the funds to its board of education because of the school district's low academic achievement. But it gives the comptroller similar authority to withhold funds from towns designated as alliance districts (§ 34).

School Governance Councils

The act removes the law regarding school governance councils from CGS § 10-223e and moves it, with some changes, to a new section (§ 23).

Reconstituted School Boards

The act makes several changes to the law regarding reconstituting local boards of education for low-achieving school districts. The changes involve notice to local officials regarding the electoral process when a reconstitution starts and when it concludes. By law, SBE may authorize the commissioner to reconstitute a local board of education in a low-achieving district. The act requires the electoral process for the board to be suspended for the reconstitution period (by law, an initial three years with the option to extend for an additional two). The act defines the electoral process to include (1) candidate nominations by political parties, (2) nominating petitions, (3) write-in candidacies, and (4) filling board vacancies.

Upon terminating a local or regional board under the law, the act requires the commissioner to notify the:

1. town clerk of the school district town, or clerk of each member town in the case of a regional board of education and
2. secretary of the state (SOTS).

The termination notice must include the termination date and the positions terminated.

The act requires the commissioner to decide whether he will extend the life of a reconstituted board by two years at least 180 days before the initial three-year term ends. By law, he may do so if the district fails to show improvement.

The act requires the commissioner to notify the town clerk or clerks, as appropriate, and the SOTS at least 175 days before the reconstituted board's term ends. When the SOTS receives the notice, the electoral process begins according to municipal election law. If the notice is delivered before the time specified in law for party nominations for municipal offices, the office can be placed, with the approval of the local legislative body, on the ballot of a regular fall election. Under the act, the legislative bodies of the towns involved must determine the terms of office of the new members to be elected and are not bound by the existing law governing terms for regional boards of education (CGS § 10-46).

EFFECTIVE DATE: Upon passage

§ 19—COMMISSIONER'S NETWORK SCHOOLS

The act (1) requires the education commissioner to establish a network of schools to improve student academic achievement in low-performing schools and (2) establishes steps the commissioner, school district turnaround committees, and local and regional boards of education must take regarding the network. By July 1, 2014, the commissioner must select up to 25 schools that have been classified as category four or five schools under § 18 to participate in the network. It also requires one school to be selected to participate starting in the

school year beginning July 1, 2012.

The commissioner must also follow criteria the act establishes to:

1. give preference in selecting as network schools those (a) that volunteer, provided the board of education for the school and the school district's unions mutually agree to participate, or (b) whose existing union agreements for teachers and administrators will expire in the school year in which a turnaround plan will be implemented and
2. select no more than (a) two schools from a single school district in one school year or (b) a total of four schools from any district.

Schools must remain in the network for between three and five years. The act details steps that must be taken before a school can leave the network.

The commissioner must provide funding, technical assistance, and operational support to schools participating in the commissioner's network and may provide financial support to teachers and administrators working at a participating school. SBE must pay any costs for developing and implementing a turnaround plan that exceed the school's ordinary operating expenses.

Each school selected for the network must begin to implement a turnaround plan, as described in the act, no later than the school year commencing July 1, 2014.

The act details (1) the steps to establish a committee for each district to develop turnaround plans for network schools, (2) how those plans must be approved and implemented, (3) limits on the number of nonprofit private entities that may be authorized to manage network schools, (4) how schools transition out of the network, and (5) reporting requirements for the commissioner regarding the network. It also creates special rules for teachers and administrators related to turnaround plans (§ 20).

§ 19 (b) – Turnaround Committee

Once the commissioner selects a school for the network, its local or regional board of education must establish a turnaround committee for the school district.

The turnaround committee must consist of:

1. two members appointed by the board, an administrator employed by the board and a parent or guardian of a student enrolled in the school district;
2. three members appointed by the teachers' union, at least two of whom must be teachers employed by the board and at least one of whom must be the parent or guardian of a student enrolled in the school district; and

3. the education commissioner, or his designee.

The district superintendent, or his or her designee, is a nonvoting ex-officio member and serves as the chairperson of the turnaround committee.

The turnaround committee, in consultation with the school governance council (see § 23) for a selected network school, must:

1. help SDE conduct a required operations and instructional audit (see below),
2. develop a turnaround plan for the school in accordance with the act (see below) and guidelines issued by the commissioner, and
3. monitor implementation of the turnaround plan.

The commissioner's guidelines must include annual deadlines for submission and approval or rejection of turnaround plans.

§ 19 (c) – Network School Audit and Inventory

The act requires SDE to conduct an operations and instructional audit of each school selected to participate in the network. SDE must conduct the audit following the establishment of a turnaround committee in consultation with the school's (1) local or regional board of education, (2) governance council, and (3) turnaround committee. The audit must be conducted pursuant to SDE guidelines and determine the extent to which the school:

1. has established a strong family and community connection;
2. has a positive environment, evidenced by (a) a culture of high expectations, (b) a safe and orderly workplace, and (c) other nonacademic factors that affect student achievement, such as students' social, emotional, arts, cultural, recreational, and health needs;
3. has effective leadership, evidenced by the principal's (a) performance appraisals, (b) track record in improving student achievement, (c) ability to lead turnaround efforts, and (d) managerial skills and authority in scheduling, staff management, curriculum implementation, and budgeting;
4. has effective teachers and support staff, evidenced by (a) performance evaluations, (b) policies to (i) retain effective staff and those who have the ability to be successful in the turnaround effort and (ii) prevent ineffective teachers from transferring to the schools, and (c) job-embedded, ongoing professional development informed by teacher evaluations and support programs tied to teacher and student needs;

5. uses time effectively, evidenced by redesigning the school day, week, or year to include additional time for student learning and teacher collaboration;
6. has a curriculum and instructional program that (a) is based on student needs and research, (b) is rigorous, (c) aligns with state academic content standards, and (d) serves all children and achievement levels; and
7. uses evidence for continuous improvement and informed decision-making, including time for collaboration on the use of data.

The audit must be informed by an inventory of:

1. before- and after- school programs;
2. school-based health centers, family resource centers, or other community services offered at the school, including social services, mental health services, and parenting support programs;
3. the implementation of scientific, research-based interventions and resources for such interventions during the school year and in summer school programs;
4. resources for gifted and talented students;
5. the length of the school day and year and summer school programs;
6. alternative high schools, if any;
7. the number of teachers employed and the number who have left in each of the previous three school years;
8. student mobility, including the number of enrolled students who have left the school;
9. several student-related statistics, including the number of students (a) whose primary language is not English, (b) receiving special education services, (c) who are truants, (d) eligible for free or reduced price lunches, and (e) eligible for HUSKY Part A;
10. the school's curricula, including (a) the reading curricula and programs, if any, for grades K-3, (b) arts and music programs, and (c) physical education programs and periods for recess and physical activity;
11. the number of school psychologists and social workers and their respective ratios to the number of students;
12. teacher and administrator performance evaluation programs, including (a) frequency, (b) how conducted and by whom, (c) the standards for performance ratings and follow-up and remediation plans, (d) aggregate results of teacher performance evaluation ratings, and (e) any other available measures of teacher effectiveness;

13. professional development activities and programs;
14. teacher and student access to technology inside and outside the classroom;
15. student access to and enrollment in mastery test preparation programs;
16. availability of textbooks, learning materials, and other supplies;
17. student demographics, including race, gender, and ethnicity;
18. students' chronic absenteeism; and
19. an examination of the existing school improvement plan to (a) determine why those efforts did not result in significant improvement of student achievement and (b) identify the governance, legal, operational, staffing, or resource constraints that should be addressed, modified, or removed to allow the school to succeed.

§ 19 (d) — Turnaround Plan

After the operations and instructional audit is completed, the act requires the turnaround committee to develop a turnaround plan for the network school. The plan must:

1. describe how the turnaround plan will improve student academic achievement in the school,
2. address deficiencies identified in the audit, and
3. use one of the act's turnaround model options.

The model options are:

1. a CommPACT school (CGS § 10-74g);
2. a social development model;
3. RESC management or governance;
4. a school reorganization model with themed academies, required block scheduling for math and literacy, and frequent student assessments (CGS § 10-74f);
5. a model developed by the turnaround committee that uses best practices with a proven record used at public schools, interdistrict magnet schools, and charter schools or collected by the commissioner according to the act; and
6. within certain limits, a model adopted in consultation with or by the commissioner using a private nonprofit educational management organization.

The turnaround plan may include proposals changing the (1) hours and schedules of the school's teachers and administrators, (2) length and schedule of the school day, (3) length and calendar of the school year, (4) amount of time teachers must be present in the school beyond the regular school day, and (5) how teachers or administrators at the school are hired or reassigned.

The school governance council for each network school may recommend a turnaround model to the turnaround committee for the school (low-achieving schools must, by law, have councils). The council can choose from models 1 through 5 on the list above (i.e., any but the one using a private nonprofit educational management organization). The turnaround committee may accept the council's recommendation or choose a different turnaround model to include in its plan.

If a turnaround committee does not develop a turnaround plan, or if the commissioner determines that the committee's plan developed is deficient, the commissioner may develop the school's plan. When the commissioner develops a plan, he may appoint a special master to implement it.

The turnaround plan must (1) direct all resources and funding to programs and services delivered at the school for the educational benefit of the students enrolled there and (2) be transparent and accountable to the local community. SBE must approve the turnaround plan developed by a turnaround committee before a school may implement it.

For the school year beginning July 1, 2012, the commissioner must develop one turnaround plan for a school selected for the network. The plan must (1) be implemented for the school year beginning July 1, 2012; (2) may assign the school's management, administration, or governance to an approved nonprofit educational management organization (see below); and (3) negotiate matters relating to it according to the act's requirements for circumstances in which a turnaround committee fails to reach consensus or the commissioner develops the plan (§ 20).

§ 19 (e) – Limits on Assigning Control to Non-Profit Management

The act defines an "approved not-for-profit educational management organization" and limits how many network schools these organizations can operate.

It defines an approved not-for-profit educational management organization as a nonprofit organization exempt from federal taxation that (1) operates a state charter school located in Connecticut that has a record of student academic success for its students or (2) is located out-of-state and has experience and a record of success in reconstituting schools or improving student achievement for low-income or low-performing students without changing the enrollment practices and student population demographics of a school while respecting existing contracts of school employees. (PA 12-2, June 12 Special Session, removes the out-of-state requirement on this provision, thus allowing any nonprofit education management organization that has experience and a record of success for improving student achievement without changing enrollment

practices and student demographics to be eligible.)

The commissioner cannot permit more than one turnaround committee to choose a management organization to manage, administer, or govern a network school for the school year beginning July 1, 2012. Furthermore, he cannot permit (1) more than five committees in total to select management organizations for school years beginning July 1, 2013 and July 1, 2014 nor (2) more than three such organizations to be chosen for a single year. (PA 12-2, June 12 Special Session, allows the commissioner to approve a second turnaround plan that includes a management organization for the school year beginning July 1, 2012. If he does this, he cannot permit more than four committees in total to select management organizations for the school years beginning July 1, 2013 or July 1, 2014.)

A turnaround plan may not assign the management, administration, or governance of a network school to a (1) for-profit corporation or (2) a private not-for-profit organization unless it is a college or university or an approved not-for-profit education management organization, as defined and approved under the act.

§ 19 (f) – Partnering to Compile Best Practices

The act permits the commissioner to partner with any public or private college or university in the state for up to a year to assist SDE in collecting, compiling, and replicating strategies, methods, and best practices proven to be effective in improving student academic performance in public schools, interdistrict magnet schools, and charter schools. The commissioner must make these strategies, methods, and best practices available to local and regional boards of education and turnaround committees for use in developing turnaround models and in implementing school turnaround plans.

§ 19 (g) – Collective Bargaining, Contract Modifications, and Election-to-Work Agreements

Nothing in the act can alter the union agreements applicable to the administrators and teachers employed by the local board of education, subject to the Teacher Negotiation Act (TNA). The agreements must be considered to be in operation at schools participating in the commissioner's network, except to the extent modified by (1) any memorandum of understanding between the board of education and the administrators' or teachers' union or (2) a turnaround plan, including an election-to-work agreement under a turnaround plan for the school and negotiated in accordance with the act (see § 20).

§ 19 (h) — *Transition Out of the Network*

Each school participates in the network for at least three years with the option of up to two one-year extensions. The commissioner must evaluate schools prior to the end of the third year to determine whether they are ready to leave the network. In determining whether a school may leave, the commissioner must consider whether its local or regional board of education has the capacity to ensure the school will maintain or improve its student academic performance.

If the commissioner determines that a school is ready to leave, its school board, in consultation with the commissioner, must develop and the SBE must approve a plan for the transition back to local control. If the school is not ready, it must participate in the network for an additional year, and the commissioner must evaluate the school. Before the end of the fifth year, the commissioner must develop, in consultation with the board of education for the school, a plan, subject to SBE approval, for the school's transition back to the board's full control.

§ 19 (i) — *Audit Due from Commissioner*

The act requires the education commissioner to submit a network school's operations and instructional audit and turnaround plan to the Education Committee no later than 30 days after SBE approves the school's turnaround plan.

§ 19 (j) — *Reporting Requirements*

The act imposes numerous reporting requirements, including that the commissioner submit annual academic performance reports on each school to the Education Committee. At a minimum, the reports must include:

1. each school's SPI;
2. SPI score trends during the period the school is in the network;
3. adjustments for student subgroups at the school, including students (a) whose primary language is not English, (b) receiving special education services, and (c) who are eligible for free or reduced price lunches; and
4. aggregate performance evaluation results for the school's teachers and administrators.

He must also compare and analyze the academic performance of all network schools and submit to the Education Committee a final report for each school when it leaves the network.

By January 1, 2020, the commissioner must submit to the Education Committee a report on the network schools' effect on student achievement and recommend whether the network should continue.

EFFECTIVE DATE: Upon passage

§ 20—COLLECTIVE BARGAINING AND TURNAROUND PLANS

The act requires a network school's school board and its teachers' or administrators' union to negotiate on any matters in an approved turnaround plan or a plan developed by the commissioner that conflict with provisions of an existing union contract. It sets out two tracks for these negotiations, one for turnaround plans agreed to at the local level and approved by SBE ("consensus plans") and a second to be used when (1) there is no consensus on the local plan, (2) the commissioner deems the local plan deficient, or (3) no local plan is developed. For the second track, a bargaining referee must determine whether the matters that conflict with the existing agreement are to be negotiated under existing bargaining parameters or through impact bargaining.

Under either track, if negotiations reach an impasse, the act requires an expedited arbitration process and makes any arbitration decision final and binding.

Consensus Plan Track

When the members of the turnaround committee reach consensus on a plan and SBE approves it, the affected unions and the school board for the network school must negotiate issues of salary, hours, and other conditions of employment regarding any matter in the turnaround plan that conflicts with an existing union agreement. The negotiations must be completed within 30 days from the date the turnaround committee reaches consensus. (PA 12-2, June 12 Special Session, instead starts the 30-day period when the turnaround plan is presented to the board and the union.) By a majority vote of their members, unions must ratify any agreement reached by the parties through negotiations. Upon ratification, the consensus plan must be implemented at such school.

If the (1) parties reach an impasse on one or more issues or (2) members of the union fail to ratify the proposed agreement, the parties must proceed to the expedited arbitration process (see below). The decision resulting from the expedited arbitration is final and binding and included in the turnaround plan, which must be implemented at the school.

Non-Consensus, No Plan, or Deficient Plan Track

When there is no consensus on a local plan, the commissioner deems the plan deficient, or no local plan is developed, the commissioner, in consultation with the school's teachers and parents, must develop a plan. The act establishes a process for these plans when the school board and the unions agree on all components of the

commissioner's plan or they disagree on all or certain components of it.

If the board of education and the union agree on all or certain components of the turnaround plan, they must negotiate only the financial impact of the agreed upon components that conflict with an existing union contract. The negotiations must be completed no later than 30 days from the date the turnaround committee reaches consensus. By a majority vote of their members, unions must ratify any agreement reached by the parties through negotiations. Upon ratification, the turnaround plan components must be implemented at the school.

If the parties reach an impasse or the proposed agreement is not ratified, the parties proceed to the expedited arbitration process. The decision resulting from expedited arbitration is final and binding and included in the turnaround plan. The components of the turnaround plan must then be implemented at such school.

If the board of education and the union do not agree on all or certain components of the turnaround plan, the parties must jointly select a turnaround plan referee from the list created under the act (see § 21). The referee must determine the type of negotiations that apply to the components about which there is no agreement. If the components are deemed to be significantly different from comparable conditions in a public school with a record of academic success, the components will be subject to full bargaining that includes salaries, hours, and conditions of employment. If the components are deemed to be comparable to conditions in a public school with a record of academic success, the components are subject to financial impact bargaining only.

Under either full or impact bargaining, the negotiations must be completed no later than 30 days from the date the turnaround committee reaches an agreement. (PA 12-2, June 12 Special Session, instead starts the 30-day period when the referee determines the type of negotiations that apply.)

Any agreement reached by the parties through negotiations must be submitted for approval by the union members and ratified by a majority vote. Upon ratification, the turnaround plan components must be implemented at the school. If the parties reach an impasse or the proposed agreement is not ratified, they must proceed to the expedited arbitration process. The decision resulting from the expedited arbitration is final and binding and included in the turnaround plan. The components of the turnaround plan must then be implemented at such school.

Expedited Arbitration

No later than five days after the date the parties reach an impasse on one or more issues or the union

fails to ratify an agreement, the parties must select a single impartial arbitrator in accordance with the provisions of the TNA. No later than 10 days after the arbitrator's selection, he or she must hold a hearing in the town where the school is located. At the hearing, the parties must submit their last best offers on each issue in dispute to the arbitrator. The commissioner or his designee must have an opportunity to make a presentation at the hearing. Not later than 20 days after the hearing, the arbitrator must render a signed, written decision that states in detail the nature of the decision and the disposition of the issues.

In making decisions, the arbitrator must (1) give the highest priority to the educational interests of the state, pursuant to state law, as they relate to the children enrolled in the school and (2) consider other decision criteria described in the TNA in light of those interests. The decision is final and binding and included in the turnaround plan. The turnaround plan must then be implemented at the school.

EFFECTIVE DATE: Upon passage

§ 21—TURNAROUND PLAN REFEREES

The act requires the education commissioner, by July 1, 2012, to create a list of five turnaround plan referees that boards of education and their unions may use when negotiating elements of network school turnaround plans that conflict with existing collective bargaining agreements. The referees must (1) have expertise in education policy and school operations and administration and (2) be agreed on by the education commissioner and the unions representing teachers and administrators.

EFFECTIVE DATE: Upon passage

§ 22—NONPROFIT EDUCATIONAL MANAGEMENT ORGANIZATION REQUIREMENTS

The act requires a nonprofit educational management organization that manages, administers, or governs a commissioner's network school implementing a turnaround plan to annually submit to the education commissioner a report on the school's operations. The organization must make the report publicly available, and it must include:

1. students' educational progress;
2. the financial relationship between the management organization and the school, including a certified audit statement of all revenues from public and private sources and expenditures;
3. the time devoted to the school by the management organization's employees and consultants;

4. best practices used by the organization at the school that contribute significantly to students' academic success;
5. student and teacher attrition rates; and
6. the organization's annual revenues and expenditures for the school.

The reporting requirement must be included in each contract between the organization and the school's local or regional board of education. The contract must also state the organization's services and fees and outline the circumstances in which the board may terminate the contract.

The act requires the management organization to continue the enrollment policies and practices in effect at the school before it entered the commissioner's network. It specifies that the organization is not the employer of the school's principal, administrators, or teachers. (PA 12-2, June 12 Special Session, expands the prohibition on those who can work for the management organization to cover any person who works at the school.)

§ 23—SCHOOL GOVERNANCE COUNCILS

The act makes changes to the law regarding school governance councils.

The law (1) requires boards of education that have jurisdiction over schools designated as low-achieving to establish a school governance council for each such school and (2) allows boards with schools designated as "in need of improvement" to create them. The law makes exceptions for (1) schools with only one grade and (2) governance councils that were already in place when the governance council law was enacted, if they involve teachers, parents, and others.

After July 1, 2012, the act requires all school boards that have category four and five schools to establish councils for each of those schools. By law, the councils must consist of seven parents or guardians of students, two community leaders within the school district, five teachers in the school, and one nonvoting member who is the principal or his or her designee. Councils for high schools must also have two nonvoting student members.

The councils have a number of responsibilities, including analyzing school achievement data, participating in hiring the principal and other administrators, and developing and approving a written parent involvement policy. A council may also recommend that a school be reconstituted and this recommendation sets off a series of statutorily required steps.

The act repeals the school governance council law (§ 18) and enacts it as a separate section with the modification described above.

§§ 24-28—ACCOUNTABILITY LAW, SCHOOL GOVERNANCE COUNCILS

These sections make conforming and technical changes.

§§ 29-31—STATE AND LOCAL CHARTER SCHOOL FUNDING

Grant to State Charter Schools

The act increases the state's annual per-student grant to state charter schools from \$9,400 to \$11,500 over three years. It increases the grant from \$9,400 to \$10,500 for FY 13, to \$11,000 for FY 14, and to \$11,500 for FY 15 and subsequent fiscal years.

Local Charter Schools

State Grants. For local charter schools established on or after July 1, 2012, the act allows SBE, starting in FY 14 and within available appropriations, to approve (1) annual operating grants of up to \$3,000 per student and (2) one-time grants of up to \$500,000 for startup costs. The grants are payable only if the board of education for the charter school and the union representing the board's certified employees agree on staffing flexibility in the school and the SBE approves the agreement.

To be eligible for an operating or startup grant, SBE must determine that the applicant has:

1. high-quality, feasible strategies for, or a record of success in, serving educationally needy students, i.e., those who (a) have a history of low academic performance or behavioral or social difficulties, (b) receive free or reduced-price school lunches, (c) are eligible for special education, or (d) are English language learners (ELLs); or
2. a high-quality, feasible plan for, or a record of success in, turning around existing schools that have consistently substandard student performance.

An eligible charter school must (1) apply to SBE for a startup grant as the board prescribes and (2) if it receives a grant, file reports and financial statements the education commissioner requires. SBE can require a school to repay any grants not spent according to the act. SBE may (1) redistribute unspent funds appropriated for startup grants for the same purposes in the next fiscal year and (2) develop any needed criteria and guidelines to administer the grants.

District Contribution. By law, the school board of a local charter school student's home district must pay the school's fiscal authority the per-student amount specified in the school's charter. The payment must include reasonable special education costs for a student

requiring special education. The act, in addition, requires the board's support to at least equal its per-pupil cost for the prior fiscal year, minus any per-pupil special education costs paid by a student's home district, multiplied by the number of students attending the school in the current fiscal year.

The act defines the district's per-pupil cost as its net current expenditures for education divided by the number of public school students enrolled at the board's expense as of October 1st or the immediately preceding full school day, plus the number of students who attended full-time summer school sessions at district expense in the preceding summer.

A district's net current expenditures are its total education expenditures excluding (1) student transportation, (2) capital costs supported by school construction grants and debt service, (3) adult education, (4) health services for private school students, (5) tuition, (6) income from federal- and state-aided school meal programs, and (7) fees for student activities.

State Grants to Charter Schools to Be Paid Through Towns

The act requires the state to pay grants for state and local charter schools to the town where each school is located as an addition to the town's ECS grant. It requires towns to pay the amounts the education commissioner must designate to each charter school's fiscal authority. These payment provisions cover:

1. annual per-student grants to state and local charter schools and
2. startup grants of up to (a) \$75,000 for new state charter schools that help the state meet the desegregation goals of the 2008 *Sheff* settlement agreement and (b) \$500,000 for qualifying new local charter schools. (PA 12-2, June 12 Special Session, changes this to require the state to pay *Sheff* charter school startup grants directly to schools.)

The act requires the state to pay the charter school per-student amounts to towns according to the following schedule: (1) 25% by July 1 and September 1 based on estimated charter school student enrollment on May 1, and (2) 25% by January 1 and the remainder by April 15th based on the school's actual enrollment as of October 1. Towns must in turn pay the charter schools (1) 25% of the required amounts by July 15 and September 15, (2) 25% by January 15, and (3) the remainder by April 15. (PA 12-2, June 12 Special Session, extends the deadlines for the initial state payment to towns from July 1 to July 15, and for the town payments to schools from July 15 to July 20.)

The act also requires towns to pay \$500,000 startup grants to local charter schools by July 15th.

§ 32—APPROVAL OF NEW CHARTER SCHOOLS

New Charter Schools

By law, SBE must review and approve all applications for local and state charter schools. The local school district where the school will be located must also approve the charter for a local charter school.

Starting July 1, 2012, the act allows SBE to grant new state and local charters only to schools located in towns that, at the time of the application, have (1) at least one school participating in the commissioner's network or (2) a school district designated as low-achieving. Prior law did not limit charter school locations. It also requires charter school applicants, in describing their student admission procedures that ensure open access on a space available basis, to also ensure that they allow students to enroll in the school during the school year if spaces are available.

In addition, under the act, two of the first four new state charter schools the SBE approves between July 1, 2012 and July 1, 2017 must be specifically focused on providing a dual language or other program models focusing on language acquisition by ELLs. A dual language program is a two-way bilingual program that integrates language minority and language majority (English-speaking) students and provides instruction in both the minority language (such as Spanish) and English.

Charter School Preferences

The act adds to the types of schools to which SBE must give preference when reviewing charter school applications. The law already requires the board to give a preference to certain charter applications, such as those for schools located in priority districts or districts where student populations are at least 75% minority. The act requires SBE to also give preference to applicants whose primary purpose is to:

1. serve students (a) with a history of low academic performance or behavioral and social difficulties, (b) receiving free or reduced priced lunches, (c) requiring special education, (d) who are ELLs, or (e) who are all boys or all girls; or
2. improve the academic performance of an existing school that has consistently demonstrated substandard academic performance, as determined by the education commissioner.

In addition to providing the preference for serving one or more of the educationally needy populations mentioned above, the act requires SBE to give preference to applications that demonstrate highly credible and specific strategies to attract, enroll, and

retain such students. It requires charter applications to include student recruitment and retention plans that clearly describe (1) the school's capacity to recruit and retain such students and (2) how it plans to do so.

Charter Renewals

The act gives SBE an additional reason to deny a charter school's renewal application, by allowing it to do so based on a school's insufficient efforts to effectively attract, enroll, and retain all of the educationally needy types of students mentioned above, except students of only one gender.

Waiver of Enrollment Lottery

By law, if a charter school has more students applying for enrollment than it has spaces, it must, with a few exceptions, hold an enrollment lottery of those applicants to determine admissions. The act allows the SBE, upon application, to waive the lottery requirement for schools with a primary purpose of serving at least one of the following: (1) students with a history of behavioral and social difficulties; (2) special education students; (3) ELLs; or (4) students of only one gender.

The act bars enrollment lotteries for any local charter school that takes over management of a public school that has an SPI that places it in the lowest-performing 5% of schools.

§ 33—CHARTER SCHOOL OPT-OUT LOTTERY STUDY

The act requires SDE to study "opt-out lotteries" for determining enrollment in state and local charter schools. Such lotteries automatically include all students who (1) live in the district where the school is located and (2) are enrolled in any grade the school serves, unless a student chooses not to participate. The study must cover (1) the feasibility of charter school governing authorities and boards of education for districts where they are located conducting such lotteries for state charter schools, (2) the methods by which they may be conducted, and (3) the costs of doing so.

The education commissioner must submit the study and any recommendations to the Education Committee by February 1, 2014.

§ 34—ALLIANCE DISTRICTS

The act requires the education commissioner to hold back ECS grant increases for FY 13 and subsequent years to towns with the lowest-performing school districts and establishes conditions for releasing the funds. It designates the school districts subject to the conditional funding as "alliance districts."

Designating the Districts

An alliance district is a town whose school district is among those with the lowest academic performance as measured by a district performance index (DPI) the act establishes. For FY 13, the act requires the education commissioner to designate 30 alliance districts and to determine, by June 30, 2016, whether to designate additional ones. Districts keep the designation for five years.

The act also establishes a subcategory of alliance districts called "educational reform districts," which are the 10 districts with the lowest DPIs. It requires the education commissioner to fund additional school readiness spaces in those districts (see § 1).

District Performance Index

A town's DPI is its students' weighted performance on the statewide mastery tests in reading, writing, and mathematics given in grades three through eight and 10, and science in grades five, eight, and 10. The index is calculated by:

1. weighting student scores in each of these subjects as follows: zero for below basic (the lowest score), 25% for basic, 50% for proficient, 75% for goal, and 100% for advanced;
2. adding up the weighted student scores for each subject;
3. multiplying the aggregate student results in each subject by 30% for math, reading, and writing and 10% for science; and
4. adding up the weighted subject scores.

The weightings produce the lowest indexes for districts with the lowest test scores.

Under the act, the test score data used for the index is either (1) the data of record on the December 31st following the tests, or (2) that data as adjusted by SDE according to a board of education's request for an adjustment filed by the November 30th following the test.

Conditional Funding

The act requires the state comptroller to hold back any ECS grant increase over the prior year's grant that is payable to an alliance district town in FY 13 or any subsequent fiscal year. The comptroller must transfer the money to the education commissioner. An alliance district board of education may apply for the funds when and how the education commissioner prescribes. The commissioner may pay the funds to the district on condition that they are spent according to the approved district plan (see below) and guidelines the act allows SBE to adopt. (PA 12-2, June 12 Special Session, specifies that the commissioner must pay the funds to

the town and the town must transfer them to the board of education to implement the plan.)

The act requires that, if there is any balance of the conditional ECS funds allocated to each alliance district town remaining at the end of any fiscal year, it be carried over and remain available to the town for the following fiscal year.

District Improvement Plan

Alliance districts must use their conditional ECS funding to improve local achievement and offset other local education costs the commissioner approves. To be eligible to receive the funds, a district must apply to the commissioner. The application must contain objectives and performance targets as well as an improvement plan that may include:

1. a tiered intervention system for the district's schools based on their needs;
2. ways to strengthen reading programs to ensure reading mastery in grades K-3 and that focus on (a) standards and instruction, (b) proper data use, (c) intervention strategies, (d) current information for teachers, (e) parental engagement, and (f) teacher professional development;
3. additional learning time, including extended school day or year programs run by school personnel or external partners;
4. a talent strategy that includes teacher and school leader recruitment and assignment and career ladder policies that (a) draw on SBE-adopted model teacher evaluation guidelines and evaluation programs adopted by school districts and (b) may include provisions demonstrating increased ability to attract, retain, promote, and bolster staff performance according to performance evaluation findings and, for new personnel, other indicators of effectiveness;
5. training for school leaders and other staff on new teacher evaluation models;
6. provisions for cooperating and coordinating with early childhood education providers to ensure alignment between those programs and district expectations for students entering kindergarten, including funding for an existing local Head Start program;
7. provisions for cooperating and coordinating with other government and community programs to ensure students receive adequate support and "wraparound services," including community school models (schools that provide social services for eligible families in addition to regular instruction for students); and

8. any additional categories or goals the commissioner determines.

The plan must also demonstrate collaboration with "key stakeholders" the commissioner identifies to achieve efficiencies and align the intent and practice of existing programs with those of the conditional programs identified in the act. The act allows the commissioner to require changes in a district's plan before approving it.

State Oversight

The act allows the commissioner to (1) withhold conditional funding if an alliance district fails to comply with the act's requirements and (2) renew the funding if a district's school board provides evidence that the district is meeting the objectives and performance targets of its plan. It also allows SBE to adopt guidelines and criteria for administering conditional funding.

Districts receiving conditional funding must submit annual expenditure reports in a form and manner the commissioner prescribes. The commissioner must determine whether to (1) require a district to repay amounts not spent in accordance with its approved application or (2) reduce the district's grant by that amount in a subsequent year.

§ 35 – EXPANDED CLASSROOM EXPERIENCE REQUIREMENTS FOR TEACHER PREPARATION PROGRAMS

Starting July 1, 2015, the act requires teacher preparation programs to require, as part of their curricula, that students have classroom clinical, field, or student teaching experience during four semesters of the program.

§ 36—PROFESSIONAL EDUCATOR CERTIFICATES

Initial Issuance

Connecticut has a three-level certification system for public school teachers and administrators: initial, provisional, and professional.

Starting July 1, 2016, the act raises the qualifications for a professional certificate by requiring applicants for the certificate to hold a master's degree rather than to complete 30 hours of graduate credit at a regionally accredited higher education institution. The act does not change the existing requirement that, before July 1, 2016, applicants have 30 hours of graduate or undergraduate credit beyond a bachelor's degree. The master's degree must be in a subject appropriate to the person's certification endorsement, as determined by SBE.

For nationally board-certified teachers who have taught in another state, U.S. possession or territory, the District of Columbia, or Puerto Rico for at least three years in the past 10 and who apply for a Connecticut professional certificate, the act imposes the same masters' degree requirement starting on July 1, 2012. It eliminates the SBE's authority to award a provisional certificate to a nationally board-certified out-of-state teacher who meets the experience but not the graduate coursework requirements.

Renewal

As of July 1, 2012, the act eliminates the requirement that a professional certificate holder complete 90 continuing education units (CEUs) or document completion of a national board certification assessment in the appropriate endorsement area every five years in order to renew his or her certificate. Instead, it makes the certificate valid for five years and requires that it be continued every five years thereafter. It requires all certificate holders to participate in the professional development activities required under the act and which replace the CEU requirements starting July 1, 2013 (see § 39).

Exemption from TEAM Program

The act makes two exceptions to the requirement that each certificate holder successfully complete the Teacher Education and Mentoring (TEAM) program in his or her endorsement area. The exceptions apply to any applicant who has taught for at least three of the last 10 years (1) under an appropriate certificate from another U.S. state, territory, or possession, the District of Columbia, or Puerto Rico or (2) in an SBE-approved nonpublic school in Connecticut.

§§ 37 & 38—DISTINGUISHED EDUCATOR DESIGNATION

The act establishes a new distinguished educator designation for a person who:

1. holds a professional educator certificate,
2. has taught successfully for at least five years in a public school or SBE-approved private special education facility,
3. has advanced education in addition to a master's degree from a degree- or nondegree-granting institution that can include training in mentorship or coaching teachers, and
4. meets SDE-established performance requirements.

SDE's performance standards for the designation must consider demonstrated distinguished practice as validated by SDE or its approved validator. SBE must renew the designation every five years if the person

continues to meet the performance standards as validated by SBE or an SBE-approved entity. The act also makes teachers with distinguished educator designations eligible to serve as mentors in the TEAM program.

The act establishes fees of \$200 for a distinguished educator designation application and \$50 for a duplicate copy of the designation. The education commissioner can waive the fees if he determines an applicant cannot pay because of extenuating circumstances.

§ 39—PROFESSIONAL DEVELOPMENT FOR EDUCATORS

As already mentioned, the act eliminates, as of July 1, 2012, the requirement that professional certificate holders who work for local or regional boards of education successfully complete 90 CEUs every five years as a condition of certificate renewal (see § 36). Instead, starting July 1, 2013, it requires all certified employees, including initial and provisional certificate holders, to participate in professional development programs. Under prior law, initial and provisional certificate holders did not need CEUs.

The act revises professional development to emphasize improved practice and individual and small-group coaching sessions. It continues existing requirements that districts (1) offer professional development according to plans developed in consultation with professional development committees consisting of the districts' certified personnel and other appropriate members; (2) determine specific professional development activities with the advice and help of their teachers, including their union representatives; and (3) offer activities that give full consideration to SBE's priorities related to student achievement.

New Design for Professional Development

By law, school districts must make available, at no cost, at least 18 hours of professional development in each school year for certified employees. The act requires that a preponderance of the 18 hours be in small-group or individual instructional settings. It also requires the professional development to:

1. improve integration into teacher practice of (a) reading instruction, (b) literacy and numeracy enhancement, and (c) cultural awareness, including strategies to improve ELL instruction;
2. use teacher evaluation results and findings to improve teacher and administrator practice and provide professional growth;
3. foster collective responsibility for improved student performance;

4. be comprehensive, sustained, and intensive enough to improve teacher and administrator effectiveness in raising student achievement;
5. focus on refining and improving effective teaching methods shared among educators;
6. be (a) aligned with state student academic achievement standards, (b) conducted among educators at the school, and (c) facilitated by principals, coaches, mentors, distinguished educators, or other appropriate teachers;
7. occur frequently for teachers individually or in groups, within their jobs, and as part of a continuous improvement process; and
8. include a repository of teaching best practices developed by each school's educators that is continuously available to them for comments and updates.

It also requires the education commissioner, rather than SBE, to approve continuing education providers other than boards of education or RESCs.

Professional Development Content

The act maintains an existing requirement that school superintendents and other administrators complete at least 15 hours of professional development every five years in teacher evaluation and support. It eliminates the following professional development requirements:

1. for those with childhood nursery through grade three or elementary endorsements, at least 15 hours of training in teaching reading, reading readiness, and reading assessment;
2. for those with elementary, middle, or secondary academic endorsements, at least 15 hours in how to use computers in the classroom unless they can demonstrate competency; and
3. for those with bilingual endorsements, training in language arts, reading, or math for elementary school teachers and in the subject they teach, for middle and secondary school teachers.

It eliminates (1) professional development completion deadline extensions for certificate holders who were unemployed or members of the General Assembly during the five-year period, (2) a requirement that professional certificate holders attest that they have successfully completed the 90 CEUs at the end of each five-year period, and (3) a requirement that the state and local school districts share the cost of required professional development activities not borne by educators.

SDE Audits and Penalties

By law, SDE must notify a school board of its failure to meet the professional development requirements. The act also requires SDE to audit district professional development programs and allows SBE to assess financial penalties against districts it finds out of compliance based on such audits.

Under the act, SBE can require a school board to forfeit an SBE-determined amount from its state grants, to be withheld from a grant payment in the fiscal year after the determination of noncompliance. SBE can waive the penalty if it determines the noncompliance was due to circumstances beyond the school board's control.

§§ 40-50 – CONFORMING SECTIONS

These sections make technical changes to conform to the certification changes described above.

§ 51—TEACHER EVALUATION PROGRAMS

The act (1) requires superintendents to evaluate teachers and other certified personnel, or have them evaluated, annually rather than “continuously” and (2) expands the required components of (a) state guidelines for a model teacher evaluation program and (b) local school districts' teacher and school administrator evaluation programs. By law, SBE, in consultation with the Performance Evaluation Advisory Council (PEAC), had to adopt guidelines for the model program by July 1, 2012. Teacher evaluation programs used by local school districts must be consistent with the state's model.

The act requires SBE to validate the model guidelines after completion and study of a pilot program in eight to 10 school districts during the 2012-13 school year. (PA 12-2, June 12 Special Session, allows groups of districts to participate in the pilot program as consortia.)

State Model Teacher Evaluation Program Guidelines

The act expands the requirements for the guidelines for the state model evaluation program for teachers and school administrators that SBE must adopt by July 1, 2012.

Existing Requirements. Existing law already required the model to provide guidance on using multiple indicators of student academic growth in evaluations and to include:

1. ways to measure student academic growth;
2. consideration of “control” factors tracked by the public school data system that could influence teacher performance, such as student characteristics, attendance, and mobility; and
3. minimum requirements for evaluation instruments and procedures.

New Requirements. The act also requires the guidelines to provide for:

1. four ratings to evaluate teacher performance: (a) exemplary, (b) proficient, (c) developing, and (d) below standard;
2. scoring systems to determine the ratings;
3. periodic training on the evaluation program both for teachers being evaluated and for administrators performing evaluations, offered by the school district or its RESC;
4. professional development based on individual or group needs identified through evaluations;
5. opportunities for career development and professional growth; and
6. a validation procedure for SDE or an SDE-approved third party entity to audit ratings of below standard or exemplary.

Remediation Plans. For teachers whose performance is rated below standard or developing, the act requires the guidelines to call for individual improvement and remediation plans that:

1. are developed in consultation with the affected employee and his or her union representative;
2. identify resources, support, and other methods to address documented deficiencies;
3. show a timeline for implementing such measures in the same school year as the plan is issued; and
4. provide success indicators, including a minimum overall rating of proficient at the end of the improvement and remediation plan.

School District Teacher Evaluation Programs

Local Plan Requirements. Prior law required a school superintendent to “continuously” evaluate his or her school district’s teachers or cause them to be evaluated. (“Teachers” include all certified professional employees below superintendent.) School boards had to develop the evaluation programs with the advice and assistance of the teachers’ and school administrators’ collective bargaining representatives (unions). Programs had to be consistent with SBE guidelines and with any other guidelines established by mutual agreement between the board and the unions. Evaluations had to address, at least, a teacher’s strengths, areas needing improvement, improvement strategies, and multiple indicators of student academic growth.

The act makes several changes in the evaluation requirements. It requires district evaluations to (1) be carried out annually rather than continuously, (2) include support as well as evaluation, and (3) be consistent with new guidelines for a model program adopted by SBE. (PA 12-2, June 12 Special Session, §§ 23 & 24, also requires school boards to implement such programs by September 1, 2013.) It allows district programs to include periodic (“formative”) evaluations during the year leading up to the final, overall (“summative”) annual evaluation. Under the act, any teacher or administrator who does not receive a summative evaluation during the school year must receive a rating of “not rated” for that year.

Waivers. The act allows SBE to waive consistency with its guidelines for any district that, before the model guidelines are validated, developed a teacher evaluation program that SBE determines substantially complies with the guidelines.

Status Reports on Local Evaluations. By law, each superintendent must report to his or her board of education by June 1 annually on the status of the evaluations. The act also requires superintendents to report annually, by June 30, to the education commissioner on the implementation of evaluations, including their frequency, aggregate evaluation ratings, the numbers of teacher and administrators not evaluated, and other requirements as determined by SDE.

EFFECTIVE DATE: Upon passage

§ 52—TEACHER EVALUATION AND SUPPORT PILOT PROGRAM

The act requires the education commissioner to administer a teacher evaluation pilot program for the 2012-13 school year. He must select at least eight but no more than 10 districts to participate in the pilot. (PA 12-2, June 12 Special Session, §§ 23 & 24, expands the pilot to include groups of districts acting as consortia.) For purposes of the pilot evaluation programs, the act defines “teacher” to include school administrators.

The pilot program must:

1. assess implementation of evaluation programs developed by school boards that comply with SBE model guidelines,
2. identify needed technical assistance and support for districts implementing such programs,
3. train administrators to conduct evaluations,
4. train teachers being evaluated (PA 12-2, June 12 Special Session, §§ 23 & 24, requires pilot districts to provide orientation instead of training for such teachers),
5. include a process for SDE or its designee to validate evaluations, and

6. provide funds to districts for program administration.

Districts had to apply to participate by May 25, 2012 in a form and manner the commissioner prescribes. The commissioner must select a diverse group of rural, suburban, and urban districts with varying student academic performance levels to participate in the pilot. If there are not enough applicants to meet these requirements, the act requires the commissioner to select districts to participate.

EFFECTIVE DATE: Upon passage

§ 53 – NEAG STUDY OF PILOT PROGRAM

The act requires UConn’s Neag School of Education to:

1. analyze and evaluate the pilot program’s implementation for each participating district;
2. compare each district’s evaluation program to the SBE guidelines; and
3. compare and evaluate performance data from mastery and progress monitoring tests as indicators of, and methods of assessing, student academic growth and development.

When it completes the study, but no later than January 1, 2014, Neag must submit (1) the study to SBE and the Education Committee and (2) any recommendations on validating the guidelines to SBE.

EFFECTIVE DATE: Upon passage

§ 54 – EVALUATION TRAINING

Before implementing the teacher evaluation and support program, but no later than July 1, 2014, the act requires school boards to provide training for all evaluators and orientation to all teachers they employ regarding the evaluation and support program. Evaluators must be trained on how to conduct proper evaluations before they perform any under the new program, and each teacher must complete the orientation before being evaluated.

§ 55 – ANNUAL AUDITS OF EVALUATION PROGRAMS

Each year, starting July 1, 2014, the act requires the education commissioner, within available appropriations, to randomly select at least 10 district evaluation programs for a comprehensive SDE audit. SDE must submit audit results to the Education Committee.

§ 56 – ONGOING EVALUATION TRAINING

The act requires each board of education, as part of its regular in-service training for certified teachers, administrators, and pupil personnel, to provide information on its teacher evaluation and support program.

§ 57—TEACHER TENURE AND TERMINATION

The act requires school superintendents to incorporate evaluations into decisions about granting tenure and gives local and regional boards of education additional grounds to terminate a teacher for cause. It streamlines and shortens teacher termination notice and hearing requirements and specifies that most deadlines in the process must be counted in calendar days. As under prior law, the act’s tenure and termination provisions apply to all certified professional school board employees below the rank of school superintendent, who are defined collectively as “teachers.”

Granting Tenure

By law, to attain tenure in a particular school district, a certified employee must (1) have completed a specified period of continuous service with the school district (see BACKGROUND) and (2) be offered a contract to return the following year. Under the act, the school superintendent must base the decision on whether to offer a contract to return on effective practice as informed by the teacher’s performance evaluations.

Grounds for Teacher Termination

By law, a teacher may be dismissed only for specified reasons. In addition, a board of education may notify a nontenured teacher, in writing, by May 1st of any school year that his or her contract will not be renewed for the following year.

On or after July 1, 2014, the act explicitly allows a district to terminate a teacher on the grounds that he or she is ineffective, if that determination is based on evaluations that comply with SBE guidelines for evaluating teachers.

As under prior law, a teacher may also be terminated for:

1. inefficiency or incompetence, as determined by an evaluation that complies with the SBE’s evaluation guidelines;
2. insubordination against reasonable board of education rules;

3. moral misconduct;
4. disability proven by medical evidence;
5. elimination of the position to which the teacher was appointed or loss of a position to another teacher, if there is no other position for which the teacher is qualified and subject to the applicable provisions of a collective bargaining agreement or school board policy; or
6. other due and sufficient cause.

7. requires a board subcommittee or hearing officer to submit findings and recommendations on the case to the board of education within 45, rather than 75, days after the hearing request, unless the parties agree to a maximum 15-day extension.

Table 2 compares the teacher termination process deadline under the prior law and the act. The act specifies that all the days in the process are calendar days.

Termination Hearing Requirements and Procedures

By law, tenured and nontenured teachers are entitled to a hearing before being terminated for cause. Nontenured teachers are also entitled to a hearing when their contracts are not renewed for a reason other than elimination of the teacher's position or loss of the position to another teacher ("bumping").

The act makes several changes in the hearing process. It:

1. eliminates the maximum 14-day period allowed for a tenured teacher who receives a termination notice to file a written request for the reasons and the board to provide written reasons and requires the board instead to state the reasons in the written termination notice;
2. for a nontenured teacher, establishes a three-day deadline after receiving notice of termination or nonrenewal to request the reasons and reduces the deadline for the board to supply written reasons from seven to four days after receiving the teacher's request;
3. shortens the deadline for a teacher to request a hearing from 20 to 10 days after he or she receives a termination or nonrenewal notice;
4. eliminates the teacher's or board's option to choose a hearing before a three-member impartial hearing panel while retaining existing options for a hearing before (a) an impartial hearing officer chosen by the teacher and the school superintendent, or (b) the full board of education or a three-member subcommittee;
5. requires hearings on terminations for incompetence or ineffectiveness to address whether the teacher's performance ratings were (a) determined in good faith according to the required evaluation procedures and (b) reasonable in light of the evidence presented;
6. limits termination hearings for incompetence and ineffectiveness to a total of 12 hours of evidence and testimony, six for each side, while allowing the board, board subcommittee, or hearing officer to extend the time for good cause shown; and

Table 2: Teacher Termination Process

<i>Action</i>	<i>Deadlines Under Prior Law</i>	<i>Deadlines Under the Act</i>
School board notifies a (1) teacher in writing that it is considering termination or (2) nontenured teacher that his or her contract will not be renewed	Termination notice: Anytime	No change
	Nonrenewal notice: By May 1 annually	
Teacher files written request asking the board to state its reasons for the action	Tenured teacher: 7 days after receiving notice	Termination: Not applicable (act requires termination notice to state reasons)
	Nontenured teacher: No time limit	Nonrenewal: Within three days after receiving the notice
Board notifies teacher in writing of reasons	7 days after board receives request	Termination: Not applicable
		Nonrenewal: Within four days after the board receives the request
Teacher files written request for a hearing	Within 20 days after teacher receives termination or nonrenewal notice	Within 10 days after the teacher receives the notice
Hearing begins	Within 15 days after the board receives the hearing request; parties may agree to extend this deadline for a maximum of 15 days	Must be calendar days
Time limits on testimony and evidence	None	Six hours for each side; 12 hours total
		Board, board subcommittee, or hearing officer may extend the time for good cause
Board subcommittee or hearing officer submits written findings and recommendations to the full board concerning the case and sends a copy to the teacher	Within 75 days after the hearing request unless the parties agree to extend for a maximum of 15 days	Within 45 calendar days after the hearing request unless the parties agree to extend for a maximum of 15 calendar days
Board gives teacher its written decision	Within 15 days of receiving the recommendations or, if the hearing takes place before the full board, within 15 days after the close of the hearing	Must be calendar days.
Maximum time from notice to termination	125 Days	85 Days

Once the board issues its written decision, a tenured teacher, or a nontenured teacher dismissed for moral misconduct or disability, has 30 days to appeal that decision to Superior Court. The act specifies that this 30-day period is counted in calendar days.

Other Calendar-Day Provisions

In addition to the deadlines described above, the act specifies that the following periods must be counted in calendar days:

1. the minimum 90-day period of required work for a board of education before a teacher is covered by the law's tenure and for-cause termination provisions and
2. the maximum 35-day period within which a school board that has not delegated final hiring authority to the school superintendent must accept or reject a school superintendent's candidates for teaching positions in schools under the board's jurisdiction.

EFFECTIVE DATE: July 1, 2014

§ 58—SCHOOL SUPERINTENDENT CERTIFICATION WAIVERS

Appointment as Acting Superintendent

The law requires a person serving as a school superintendent to have a Connecticut superintendent certificate. But it also allows a board of education, with the education commissioner's approval, to appoint as acting school superintendent someone who does not have this certificate.

The act extends the maximum duration of an acting superintendent's appointment from a specified period of up to 90 days, with commissioner-approved good cause extensions, to up to one school year. It also:

1. makes the acting superintendent's term a probationary period;
2. requires the acting superintendent, during the probationary period, to successfully complete an SBE-approved educational leadership program offered by a Connecticut higher education institution; and
3. eliminates any option to extend an acting superintendent's employment beyond the probationary period.

Instead of allowing for an acting superintendent's employment beyond the probationary period, the act allows an employing school board, at the end of a probationary period, to ask the commissioner to waive certification, thus allowing the board to appoint the acting superintendent as the district's permanent superintendent.

Superintendent Certification Waiver

The law allows the education commissioner to waive the certification requirement for a school superintendent who (1) has at least three years of successful experience in the past 10 in another state as a certified administrator in a public school with a superintendent certificate issued by that state or (2) the commissioner considers to be exceptionally qualified.

In the latter case, in addition to being exceptionally qualified, the act requires the waiver candidate to successfully complete the probationary period as an acting superintendent. It eliminates requirements that, to be exceptionally qualified, the candidate also (1) have worked as a school superintendent in another state for at least 15 years and (2) be or have been certified as a superintendent by the other state.

§§ 59-61—EDUCATION COST SHARING (ECS) GRANT INCREASES FOR FY 13

The act increases FY 13 ECS grants to 136 towns by various amounts. Under prior law, each town's ECS grant for FY 13 was the same as its FY 12 ECS grant. The grant increases for FY 13 total \$50 million.

As already mentioned (§§ 29-31), the act also requires the state to add each state or local charter school's state grant amounts for FY 13 to the ECS grants paid to the towns where the schools are located. It requires each town to pay the amount designated by the education commissioner to the fiscal authority for the charter school.

§ 62—MINIMUM BUDGET REQUIREMENT (MBR)

MBR for FY 13

By law, towns receiving ECS grants must budget minimum annual amounts for education. This requirement is known as the minimum budget requirement (MBR). Each town's base MBR for FY 13 is the amount it budgeted for education in FY 12.

Allowable MBR Reductions

For both FY 12 and FY 13, the act allows a district with no high school and that is paying for fewer students to attend high school outside the district to reduce its budgeted appropriation for education by the full amount of its lowered tuition payments. Under prior law, the reduction was limited to 0.5% of the district's budgeted appropriation for education for the prior fiscal year.

For FY 13, it also allows a town to reduce its MBR to reflect half of any new savings from (a) a regional collaboration or cooperative arrangement with one or more other districts or (b) increased efficiencies within

its school district, as long as the savings can be documented and the education commissioner approves. The overall reduction for these cost savings is limited to a maximum of 0.5% of the town's FY 12 budgeted appropriation for education.

Finally, the act limits an eligible town to only one of the allowable MBR reduction options for FY 13.

§ 63—GRANT INCREASES FOR NON-SHEFF MAGNET SCHOOLS

Starting in FY 13, the act increases annual state per-pupil operating grants for non-*Sheff* interdistrict magnet schools as shown in Table 3. Non-*Sheff* magnets are schools that do not help the state meet the goals of the 2008 settlement in the *Sheff v. O'Neill* school desegregation case relating to Hartford and its surrounding towns.

Table 3: Increases for Non-*Sheff* Magnet Grants

Type of Interdistrict Magnet School	Per-Student Grant	
	Prior Law	The Act
Operated by local school district ("host magnet")	\$6,730	\$7,085
Operated by RESC ("RESC magnet") with less than 55% of its students from a single town	\$7,620	\$7,900
RESC magnet with 55% or more of its students from a single town ("dominant town") – with one exception (see below)	For each student from outside the dominant town: \$6,730 For each student from the dominant town: \$3,000	For each student from outside the dominant town: \$7,085 For each student from the dominant town: \$3,000
RESC magnet with between 55% and 80% of students from a dominant town	For each student from outside the dominant town: \$6,730 For each student from the dominant town: \$3,833	For each student regardless of originating town: \$8,180

The act also eliminates obsolete language.

§ 64—PER-STUDENT GRANT FOR VO-AG CENTERS

The act increases the annual state grant for each student attending a regional agricultural science and technology ("vo-ag") center from \$1,355 to \$1,750. It also prohibits local and regional boards of education that operate centers from using any increase in state funding to supplant local education funding for FY 13 or any subsequent fiscal year. (For FY 13, PA 12-1, June 12 Special Session, allows a board of education

that operates a vo-ag center to spend the increased state grant even if it exceeds the total amount budgeted for education by its town or regional district.)

§§ 65 & 66 — SUMMER SCHOOL AND EXTENDED DAY GRANT PHASE-OUTS FOR FORMER PRIORITY SCHOOL DISTRICTS

Among other things, priority school districts receive state grants for (1) summer school and weekend programs and (2) extending school hours to provide academic enrichment and support and recreational programs for students in the districts. Starting with FY 14, the act requires these grants to phase out over three years once a district is no longer designated as a priority district rather than ending all at once. Under the act, a former priority district receives grants of 75%, 50%, and 25% of its final grant as a priority district in the three years following loss of eligibility.

Towns qualify as priority districts based on high populations or concentrations of students on welfare and students performing poorly on state mastery exams. SDE designates the districts in the first year of each biennium. The priority districts for FY 12 and FY 13 are Ansonia, Bridgeport, Danbury, East Hartford, Hartford, Meriden, New Britain, New Haven, New London, Norwalk, Norwich, Putnam, Stamford, Waterbury, and Windham.

§ 67—SPECIAL EDUCATION PAYMENTS FOR CHILDREN IN DMHAS FACILITIES

By law, the Department of Mental Health and Addiction Services (DMHAS) must provide regular and special education services to eligible residents in its facilities. The act transfers the responsibility for paying for these services from SBE to DMHAS. It also makes a conforming change to eliminate a requirement that SBE pay for the costs in two installments.

§ 68—BLOOMFIELD MAGNET SCHOOL EXEMPTION

The act extends for an additional year, through FY 12, an exemption for the Big Picture Magnet School, an approved interdistrict magnet school operated by Bloomfield, from statutory student diversity requirements for interdistrict magnet schools. These requirements (1) limit the number of students from any of the school's participating towns to 75% of its total enrollment and (2) require students of racial minorities to comprise at least 25% but no more than 75% of its student body.

The act's exemption allows the school to continue receiving a state magnet school operating grant in FY 12. Starting July 1, 2012, the school must reopen as The Global Experience Magnet School under an operation

plan approved by the education commissioner. For purposes of meeting diversity requirements for interdistrict magnet schools, the act specifies that the school is considered to have started operating on that date, thus, by law, giving it until its second year of operation to meet the desegregation requirements of the *Sheff* settlement. By law, the education commissioner may grant an extension for one additional year.

EFFECTIVE DATE: Upon passage

§§ 69-87—TECHNICAL HIGH SCHOOL SYSTEM

The act creates a new board to govern the state's technical high school system and transfers authority for running the system from SBE to the new board. Among other things, it requires the new board to offer the programs previously authorized under SBE (full-time, part-time, and evening programs in vocational, technical, and technological education and training) and gives it authority to make school admission regulations.

New Governing Board

The act changes the name of the regional vocational-technical (V-T) schools to the technical high school system (CTHSS) and creates a new 11-member board to govern it. Under prior law, the V-T schools were under the authority of the SBE and its technical high school subcommittee.

The new board consists of the following:

1. four executives of Connecticut-based employers appointed by the governor from nominees submitted by the Connecticut Employment and Training Commission,
2. five members appointed by SBE, and
3. the economic and community development and labor commissioners.

The governor must appoint the chairperson, who serves as a nonvoting ex-officio member of the SBE. The act adds the CTHSS chairperson to the SBE; thus increasing its membership from 13 to 14.

CTHSS Superintendent

The act requires the CTHSS board and the education commissioner to make a joint recommendation that the SBE appoint a particular candidate as the system's superintendent. It makes the superintendent responsible for operating and administering the system.

Budget Process

The act requires each technical high school to prepare a proposed operating budget for the next school year, and submit it to the system superintendent. The superintendent must collect, review, and use each

school's proposed operating budget as a guide in preparing a proposed operating budget for the CTHSS system.

The act requires the superintendent to submit a proposed operating budget for the system to the CTHSS board, which must review and either approve or disapprove it. If the board disapproves it, it must adopt an interim budget, which takes effect at the start of the fiscal year and remains in effect until the superintendent submits and the board approves a modified operating budget. The superintendent must submit a copy of the approved operating budget to OPM. (PA 12-2, June 12 Special Session, changed this provision to (1) allow the board to amend and approve the budget and (2) eliminate the requirement that the board adopt an interim budget if it disapproves the budget submitted by the superintendent.)

By law, the superintendent must, twice a year, submit the operating budget for each technical high school to OPM, the Office of Fiscal Analysis, and the Education Committee. The act also requires the superintendent to report the proposed operating budgets for each school and the proposed and approved system budget to the Education and Appropriations committees.

Conforming Changes

The act makes numerous technical and conforming changes to reflect the system's name change and the responsibilities of the new board and its chairperson. Under existing law, the superintendent is required to (1) meet with specified legislative committees by November 30 annually about the system and (2) consult with the labor commissioner on the creation of an integrated system of statewide advisory committees for career clusters offered by CTHSS. The act requires the superintendent to perform these tasks with the board chairperson.

§ 88 — SDE WEBSITE INFORMATION

The act requires SDE to annually make the following information available on its website:

1. the statewide performance management and accountability plan required by the amended school accountability law (§ 19);
2. a list of schools ranked from lowest to highest by SPI;
3. the formula and method the department used to calculate each school's SPI, and
4. the alternative versions of the formula used to calculate school subject indexes for non-elementary grades.

§ 89—INTENSIVE READING INSTRUCTION PROGRAM

Starting with the school year beginning July 1, 2012, the act requires the education commissioner to create an intensive reading instruction program to improve K-3 student literacy and close the achievement gap. The definition of achievement gap is the same one used in § 4 for the early literacy pilot program. The act requires a range of actions when a student at one of the schools selected for the intensive reading program is found to be deficient in reading.

The intensive reading instruction program must include:

1. routine reading assessments for K-3 students;
2. scientifically based reading research and instruction;
3. an intensive reading intervention strategy, as described in the act;
4. supplemental reading instruction and reading remediation plans, as described in the act; and
5. an intensive summer school reading program, as described in the act.

For the school year beginning July 1, 2012, the commissioner must select five elementary schools to participate in the intensive reading instruction program. The schools must be (1) located in an educational reform district, (2) participating in the commissioner's network of schools, or (3) among the lowest 5% of elementary schools based on reading and mathematics SPI. For the school year starting July 1, 2013, and each school year thereafter, the commissioner may select up to five such schools to participate in the intensive reading program.

Reading Strategy

By July 1, 2012, SDE must develop an intensive reading instruction strategy to be used by the schools the commissioner selects to participate in the intensive reading program. The selected schools must use an intensive reading strategy that, at a minimum, includes:

1. rigorous assessments in reading skills;
2. scientifically based reading research and instruction;
3. one SDE-funded external literacy coach for each school to supervise reading interventions;
4. four SDE-funded reading interventionists for each school; and
5. training for teachers and administrators in scientifically based reading research and instruction, including training administrators to assess a classroom to ensure all children are proficient in reading.

Furthermore, the strategy must outline how:

1. reading data will be collected, analyzed, and used for instructional development;
2. professional and leadership development will be related to reading data analysis and used to support teacher and classroom needs;
3. the selected schools will communicate with students' parents and guardians on (a) reading instruction strategies and student goals and (b) opportunities for parents and guardians to partner with teachers and administrators to improve reading at home and school;
4. teachers and school leaders will be trained in the science of teaching reading;
5. periodic student progress reports will be issued; and
6. the intensive reading intervention strategy will be monitored at the classroom level.

Intervention

The act requires participating schools to provide supplemental reading interventions to K-3 students who are reading below proficiency.

Coaches and Interventionists. The literacy coach for each school must support the school principal, observe and coach classes, and supervise reading interventions. The reading interventionists must (1) develop a reading remediation plan for any student who is below proficiency; (2) be responsible for all supplemental reading instruction, which must be provided during regular school hours; and (3) conduct any needed reading assessments. The remediation plan must include instructional strategies that use research-based instruction materials, teachers trained in reading instruction, parental involvement in carrying out the plan, and regular progress reports on the student.

The act requires the school principal to notify the parent or guardian of a K-3 student who has been identified as reading below proficiency. The written notice must explain why the student is below proficiency and inform the parent or guardian that a remediation plan will be developed and will include strategies for the parent to use at home with the child.

Summer School Program. Any student in a priority school selected for the intensive reading program who is reading below proficiency at the end of the school year must be enrolled in an intensive summer school reading program that includes specified components. The components include, among other things, a comprehensive reading intervention, scientifically based reading research and instruction strategies, and weekly monitoring and assessment.

The act also imposes the following reporting requirements:

1. The principal of a school participating in the program must submit reports on the reading progress of each student who is reading below proficiency and the specific reading interventions used to SDE at a time and in a manner the department determines.
2. Not later than October 1, 2013 and annually thereafter, SDE must report on the program, including elements that can be replicated in other schools and school districts, to the Education Committee.

The act defines “scientifically based reading research and instruction” as (1) a comprehensive program or a collection of practices based on reliable, valid evidence showing that when these programs or practices are used, students can be expected to achieve satisfactory reading progress and (2) the integration of strategies for continuously assessing, evaluating, and communicating the student’s reading progress and needs in order to implement ongoing interventions so that all students can read and comprehend text and apply higher-level thinking skills. The comprehensive program or collection of practices must include instruction in five areas of reading: phonemic awareness, phonics, fluency, vocabulary, and text comprehension.

§ 90—MINORITY STUDENTS IDENTIFIED FOR SPECIAL EDUCATION

The act requires any school district that SDE identifies as disproportionately and inappropriately identifying minority students as requiring special education due to reading deficiencies to submit annual reports to SDE describing its plans to reduce the misidentification of minority students by improving reading assessments and interventions for K-3 students.

Furthermore, the act requires SDE to study the plans and strategies the districts use that demonstrate improvement in this area. The study must examine the correlation between improvements in teacher training in the science of reading and the reduction in misidentification of students requiring special education services.

“Minority students” means those whose race is defined as other than white, or whose ethnicity is defined as Hispanic or Latino, by the federal Office of Management and Budget for U.S. Census Bureau use.

§ 91—KINDERGARTEN-THROUGH-GRADE-THREE READING PLAN

The act requires SDE by July 1, 2013, to develop a coordinated statewide reading plan for students in

grades K-3 that contains research-driven strategies and frameworks to produce effective reading instruction and improvement in student performance.

The plan must include:

1. the alignment of reading standards, instruction, and assessments for K-3 students;
2. teachers’ use of student progress data to adjust and differentiate instruction to improve student reading success;
3. the collection of information about each student’s reading background, level, and progress for teachers’ use in assisting a student’s transition to the next grade level;
4. an intervention for each student who is not making adequate reading progress to help the student read at the appropriate grade level;
5. enhanced reading instruction for students reading at or above their grade level;
6. reading instruction coordination between parents, students, teachers, and administrators at home and school;
7. school district reading plans;
8. parental involvement by providing parents and guardians with opportunities to help teachers and school administrators to (a) create an optimal learning environment and (b) receive updates on their student’s reading progress;
9. teacher training and reading performance tests to be aligned with teacher preparation courses and professional development activities;
10. incentives for schools that demonstrate significant student reading improvement;
11. research-based literacy training for early childhood care and education providers and instructors working with children birth to age five; and
12. reading instruction aligned with the common core state standards that SBE sets.

§§ 92 & 93—REQUIREMENT TO PASS READING INSTRUCTION TEST

Starting July 1, 2013, the act requires certified teachers with comprehensive special education or remedial reading and language arts endorsements to pass the reading instruction test approved by SBE on April 1, 2009.

§ 94—SCHOOL INCENTIVE PROGRAM TO IMPROVE READING

The act requires the education commissioner to establish, by July 1, 2014, an incentive program for schools that (1) increase by 10% the number of students who meet reading goals on the Connecticut mastery tests and (2) demonstrate the methods and instruction

the school used to achieve those results. The incentives can include, at the commissioner's discretion, public recognition, financial rewards, and enhanced autonomy or operational flexibility. The act allows SDE to accept private donations for the program.

§ 95—PRE-LITERACY COURSE

The act requires SDE, by July 1, 2013 and in consultation with the Board of Regents for Higher Education, to design and approve a preliteracy course for inclusion in the bachelor's degree program with an early childhood education concentration offered by a higher education institution accredited by the Board of Governors of Higher Education. (The act refers to the Board of Governors, but that has been replaced in statute by the Board of Regents for public institutions and SBE for private institutions.) The course must be practice-based and specific to preliteracy and language skills instruction for early childhood education teachers.

§ 96—INFORMATION-SHARING SYSTEM

The act requires SDE to collaborate with the Governor's Early Care and Education Cabinet to develop an information-sharing system between preschool and school readiness programs and kindergarten about children's proficiency in oral language and preliteracy.

§ 97—REPEALER

The act repeals obsolete provisions requiring (1) boards of education, by September 1, 1999, to develop and implement three-year plans to improve the reading skills of K-3 students and (2) SDE to provide technical assistance to boards in developing the plans.

BACKGROUND

Charter Schools

Connecticut law defines a charter school as a nonsectarian public school organized as a nonprofit corporation and operated independently of a local or regional board of education. The SBE grants and renews the charters, usually for five years, and, as part of the charter, may waive certain statutory requirements applicable to other public schools. In addition to SBE approval, a local charter school seeking to operate in only one school district must be approved by the local or regional board of education for that district.

A charter school may enroll students in pre-kindergarten through grade 12 in accordance with its charter. Charter schools are open to all students, including special education students, though they may limit the geographic areas from which students may

attend. If a school has more applicants than spaces, it must admit students through a lottery.

Teacher Tenure

Tenured teachers (1) have their contracts automatically renewed from year-to-year; (2) can be dismissed only for statutorily specified reasons; and (3) have the right to bump nontenured teachers from positions for which the tenured teachers are qualified, if the tenured teachers' positions are eliminated.

By law, teachers and school administrators below the rank of school superintendent ("teachers") attain tenure after 40 school months (four years) of continuous, full-time employment with the same board of education, if their contracts are renewed for the following school year. Teachers who attain tenure with one board of education and who are reemployed by the same or another board after a break in service attain tenure after 20 school months (two years) of continuous employment, if their contracts are renewed for the following school year. Tenured teachers who transfer to a priority school district may attain tenure after working 10 months in that district.

Related Act

A provision in PA 12-198 (§ 5) is identical to the act's provision regarding the daily exercise requirement for students in grades K-5 (§ 9).

PA 12-120—sSB 299

Education Committee

Appropriations Committee

AN ACT CONCERNING MINOR REVISIONS TO THE EDUCATION STATUTES

SUMMARY: This act:

1. requires regional education service centers (RESCs) that arrange for criminal background checks of school personnel to retain fingerprints and other identifying information for four years;
2. limits enhancement grants to youth service bureaus (YSBs) to the amount appropriated for the grants and requires proportional grant reductions if that amount is not sufficient to pay the full grants;
3. updates and broadens the duties of school medical advisors;
4. allows Three Rivers Community College to operate an interdistrict magnet school and receive state magnet school grants;

5. gives the Hartford school district, as the successor operator of Great Path Academy magnet school on behalf of Manchester Community College (MCC), the same state operating grants and allows it to charge sending districts the same tuition as its predecessor;
6. makes changes to conform with laws enacted or effective in 2011, including those relating to school construction, responsibility for early childhood programs, school breakfast program eligibility, and an increase in the high school dropout age;
7. expands and revises the membership of the Special Education and Head Start advisory councils;
8. changes deadlines and other requirements for certain education-related reports;
9. expressly allows the State Department of Education (SDE) to administer the Even Start Family Literacy Program; and
10. makes other minor and technical changes and eliminates obsolete language.

EFFECTIVE DATE: Upon passage, except for provisions relating to the following, which take effect July 1, 2012: (1) YSB grants; (2) school medical advisors; (3) the Three Rivers magnet school; and (4) reporting on efforts to reduce racial, ethnic, and economic isolation in schools.

§ 21 — FINGERPRINTS FOR SCHOOL EMPLOYEE BACKGROUND CHECKS

By law, school districts must conduct state and national criminal history record checks of certain school personnel and may arrange for the required checks through RESCs. The act (1) requires RESCs to maintain the fingerprints or other positive identifying information submitted for the checks for four years and then destroy them and (2) allows the fingerprints or other information to be in an electronic form.

§ 3 — YOUTH SERVICE BUREAU ENHANCEMENT GRANTS

Starting with FY 13, the act caps aggregate enhancement grants for YSBs at the appropriated amount and requires the grant for each YSB to be proportionately reduced if the annual appropriation for the grants is insufficient to cover the full statutory payments. By law, each YSB receives a basic grant of \$14,000 plus an enhancement grant of between \$3,300 and \$10,000 based on the population of the town or group of towns the YSB serves.

§ 25 — DUTIES OF SCHOOL MEDICAL ADVISORS

By law, boards of education in towns with 10,000 or more people must, and those in smaller towns may, appoint one or more legally qualified medical practitioners as school medical advisors.

The act revises and updates school medical advisors' duties and responsibilities. It eliminates requirements that advisors (1) examine teachers and other school staff and referred students; (2) make sanitary inspections of school buildings; (3) help enforce the Public Health Code or town sanitary regulations by deciding when students and school staff who are, or are suspected to be, sick must be excluded from, or may return to, school; and (4) explain to school nurses and teachers factors relating to controlling communicable diseases and to school staff and parents medical findings related to a referred student's health.

Instead, it requires advisors to work with their appointing school boards and the local boards of health or health departments for their school districts to (1) plan and administer each school's health program, (2) advise on school health services, (3) consult on school health environments, and (4) perform other duties as agreed between the advisor and his or her appointing school board.

§§ 5, 6, 18-20, 22-24 — INTERDISTRICT MAGNET SCHOOLS

Three Rivers Community College Magnet School (§§ 22-24)

The act makes the community-technical colleges board of trustees eligible for state interdistrict magnet school construction, operating, and transportation grants on behalf of an interdistrict magnet school operated by Three Rivers Community College.

Hartford and the Great Path Academy (§§ 18-20)

The act allows the Hartford school district to receive the same state magnet school operating grant for students at MCC's Great Path Academy interdistrict magnet school as the school's former operator, Capitol Region Education Council (CREC) received, namely \$10,443 per student for FY 13.

It also allows Hartford to charge tuition to districts whose students attend Great Path Academy. As with tuition charged by CREC, that charged by Hartford must equal the difference between Great Path's average per-pupil expenditure for the prior year and its state per-pupil operating grant plus any other funds it receives, calculated on a per-student basis.

The Hartford school district has received a contract from MCC's board of trustees to operate Great Path Academy on its behalf, succeeding CREC as the school's operator.

Magnet School Grants (§§ 5 & 6)

The act requires SDE to adjust for any overpayment of interdistrict magnet school per-student operating grants in any year in the May 1 payment for the following year. It also makes technical changes and eliminates obsolete language relating to state magnet school capital grants (§ 6).

By law, SDE must pay 70% of the grant by September 1, and the balance on May 1. If a school's actual enrollment is lower than projected or its annual financial audit shows a grant overpayment, SDE must adjust the second payment to reflect that fact. Under the act, an audit adjustment must be based on the difference between the total grant the school received in the prior year and the revised amount calculated for that year, instead of between the prior year's total, and the current year's preliminary, grant amount.

§§ 1, 4, & 15-17 — SCHOOL CONSTRUCTION

Endowed Academies (§ 1)

The act expressly allows qualifying endowed academies (see BACKGROUND) to apply for and receive state school construction grants, restoring provisions deleted in PA 11-51. Prior law specified a method for calculating grants for such schools but did not explicitly allow them to apply for grants.

School Facilities Reports (§ 4)

PA 11-51 transferred responsibility for state school construction grants and certain matters relating to school facilities from SDE to the Department of Construction Services (DCS).

This act requires school districts to submit required reports on the condition of their school facilities, actions to implement their long-term school building programs, and their implementation of required school indoor air quality and green cleaning programs to the DCS, rather than the education commissioner. The reports are due every three years by July 1.

The act also requires (1) the DCS commissioner, rather than the education commissioner, to file the required triennial school facilities report with the legislature and (2) school districts to advise the DCS commissioner, rather than the education commissioner, about the relationship between an individual school project and the district's long-term school building program.

Renovation Projects (§ 15)

By law, a school project qualifies for a higher state grant as a renovation if, among other things, it costs less than building a new facility. The act requires the DCS commissioner, rather than the education commissioner, to make that cost determination. This change also conforms to PA 11-51.

Reimbursement for Interdistrict Projects (§§ 16 & 17)

PA 11-51 reduced the state reimbursement for interdistrict magnet school and agricultural science and technology center (vo-ag) capital projects from 95% to 80% of their eligible costs. This act makes the same reduction in state reimbursements for regional special education facility projects. It also reduces the reimbursement for vo-ag equipment projects from 100% to 80% of their eligible costs.

§ 2 — RESPONSIBILITY FOR CHILDCARE PROGRAMS

The act transfers from the Department of Social Services (DSS) commissioner to the education commissioner authority to (1) contract for, and provide state financial assistance to, towns, human resource development agencies, and nonprofits for child daycare and other childcare programs and (2) establish guidelines for, and oversee, the programs. These changes conform to PA 11-44, which made SDE, rather than DSS, the lead agency for child daycare and all other early childhood programs.

§ 11 — SCHOOL BREAKFAST PILOT PROGRAM

The act expands eligibility for competitive grants for a pilot program to help schools establish in-classroom school breakfast programs by requiring SDE to use the state, rather than the federal, eligibility standard in awarding grants to up to 10 eligible schools.

This change conforms to PA 11-48, which expanded eligibility for state school breakfast grants by making schools eligible if at least 20%, rather than 40%, of the lunches they serve are served free or for reduced prices. The act requires SDE to use the same criteria to define the "severe-need" schools eligible for the pilot program.

§§ 7, 8, 28, & 29 — CONFORMING CHANGES TO REFLECT HIGHER SCHOOL DROPOUT AGE

By law, starting July 1, 2011, students must remain in school until they either turn age 17 or graduate from high school. To correspond with this change, the act increases, from 16 to 17, the minimum age at which a student who:

1. has left school may receive a state high school diploma or enroll in adult education,
2. has been expelled may be offered enrollment in an adult education program as an alternative educational opportunity, or
3. is a mother may request and receive permission from the local or regional board of education to attend adult education classes.

Services' (HHS) Administration of Children and Families instead of by the Office of Human Development Services, Office of Community Programs, Region 1 of HHS.

§§ 10, 26, 27 — REPORTS

After-School Program Report (§ 10)

The act delays the deadline for SDE's biennial after-school grant program report to the Education Committee from December 1 to February 15, starting February 15, 2012 rather than December 1, 2011. The report must address performance outcomes for grant recipients, including measurements of the program's effect on student achievement, school attendance, and in-school behavior.

Reporting on Efforts to Reduce Racial, Ethnic, and Economic Isolation in Schools (§ 26)

By law, school districts must report biennially to SDE on their programs and activities to reduce racial, ethnic, and economic isolation. PA 11-179 changed the filing deadline for these reports from July 1 to October 1. The act delays the start of the new reporting schedule from October 1, 2011 to October 1, 2012.

Leadership, Education, and Athletics in Partnership (LEAP) Program Reports (§ 27)

PA 11-48 transferred administrative responsibility for the LEAP grant program from the Office of Policy and Management (OPM) to SDE. This act requires LEAP grantees to submit required program and financial reports and grant fund audits to SDE rather than OPM. It also requires them to submit the program and financial reports annually rather than quarterly.

§ 12 — EVEN START FAMILY LITERACY PROGRAM GRANTS

The act requires SDE, within available appropriations, to administer an Even Start program to provide grants for new or expanded local family literacy programs that provide literacy services for children and their parents. Programs must comply with the requirements of a federal program of the same name that is no longer funded (see BACKGROUND).

§ 14 — UPDATED MINIMUM LOCAL FINANCING REQUIREMENT FOR EDUCATION

By law, local and regional school boards must implement state laws and the state's educational interests. This includes financing education at a reasonable level at least equal to a statutory minimum.

§§ 9 & 13 — ADVISORY COMMITTEES

Special Education Advisory Council (§ 9)

The act:

1. expands the membership of the Advisory Council for Special Education by adding a representative from the parent training and information center for Connecticut established under the federal special education law;
2. requires the representatives of the following organizations to be either the organization's director or the director's appointee: (a) Office of Protection and Advocacy for Persons with Disabilities, (b) Commission on Children's Parent Leadership Training Institute, and (c) Bureau of Rehabilitative Services; and
3. requires the person appointed by the Parent Leadership Training Institute to be either (a) a person with a disability or (b) the parent of a child under age 27 with a disability.

It requires all council appointments to be made by July 1, 2012 rather than July 1, 2010.

Head Start Advisory Committee (§ 13)

The act increases the membership of the Head Start advisory committee from 12 to 14 by adding (1) a second member designated by the Head Start Directors Association, which the act renames the Head Start Association, and (2) the Head Start Collaboration Office director.

It also revises required qualifications for certain members as well as the names of the groups they must represent, as follows:

1. Of the six Head Start program directors, it requires two to be either from community action agency program sites or school readiness liaisons, rather than coordinators, and two to be from public school, rather than merely from school, program sites.
2. It requires one member to be designated by the Early Childhood Cabinet rather than the Early Childhood Council.
3. It requires one member to be designated by the Region I Office of Head Start within the federal Department of Health and Human

The act updates this minimum from the minimum expenditure requirement (MER) to the minimum budget requirement (MBR). Towns must meet the minimum as a condition of receiving a state Education Cost Sharing (ECS) grant. The MER is obsolete and was supplanted by the MBR in 2005.

BACKGROUND

Youth Service Bureaus

YSBs are community-based agencies formed by one or more towns and run either by the towns or private agencies under contract to them. They evaluate, plan for, coordinate, and implement youth services, which include prevention and intervention programs for predelinquent, delinquent, pregnant, parenting, and troubled youth. Youths may seek a bureau's services on their own or be referred to one by schools, police, juvenile and adult courts, or parents.

Endowed Academies

Three private schools, Gilbert School, Norwich Free Academy, and Woodstock Academy, serve certain towns as public high schools and are collectively referred to as the "endowed academies." By law, such a school is eligible for a state school construction grant if (1) it provides school facilities to the towns that designate it as their high school for at least 10 years after the last grant payment and (2) at least half of the members of its governing board, other than its chairman, represent the school boards of the designating towns. The membership requirement applies to whatever board exercises final educational, financial, and legal responsibility for the school.

Federal Even Start Family Literacy Program

This program offered grants to support local family literacy projects that integrated early childhood education, adult literacy (adult basic and secondary-level education and instruction for English language learners), parenting education, and interactive parent and child literacy activities for low-income families with parents and their children from birth through age seven. Teen parents and their children from birth through age seven were also eligible. Participating families had to be those most in need of program services.

Related Act

PA 12-198 (§ 3) includes the same provision as this act updating the statutory duties of a school medical advisor.

PA 12-171—HB 5355

Education Committee

Judiciary Committee

AN ACT CONCERNING MUSEUM PROPERTY

SUMMARY: This act allows a museum, after giving required notice, to take ownership of certain property loaned to it if the lender fails to reclaim it after the loan agreement expires or, if there is no agreement or the loan is for an indefinite period, the property is unclaimed and has been in the museum's possession for at least five years.

In addition, unless a written loan agreement provides otherwise, it allows a museum to apply conservation and protective measures to loaned property in its possession without the lender's permission under certain circumstances. In the absence of a contrary provision in the loan agreement, it gives the museum a lien against the property for the cost of the measures and, as long as its actions were reasonable, relieves it from liability for any damage to the property the measures cause.

The act also requires:

1. museums to keep records of loaned property and provide a written copy of both the act and the property loan record to anyone who loans property to them;
2. owners loaning property to give museums written notice of (a) any change of address, (b) appointment of any designated agent and the agent's address, and (c) if ownership changes, the new owner's name and address; and
3. the state librarian to adopt regulations specifying the form of the required museum records and notices to lenders.

The act applies to (1) nonprofit or public institutions organized for scientific, educational, cultural, historic, or aesthetic purposes, including historical societies, parks, historic sites and monuments, archives, and libraries and (2) tangible objects in their possession and care that have intrinsic educational, scientific, historical, aesthetic, artistic, or cultural value. It does not apply to property a museum holds under the federal Native American Graves Protection and Restoration Act.

The act states that its provisions (1) cannot be construed to abrogate a museum's, lender's, or other claimant's rights and obligations identified in a written loan agreement and (2) do not preclude a museum from using other means to establish or perfect title to property in its possession.

EFFECTIVE DATE: October 1, 2012

GAINING OWNERSHIP OF LOANED PROPERTY

Property Subject to the Ownership Process

A museum may use the act's procedure to take ownership of loaned property in its possession when:

1. for property subject to a loan agreement and loaned for a specified time, no one claims ownership or seeks to recover the property after the loan is terminated or expires;
2. for property subject to a loan agreement and loaned for an indefinite period or for which the loan agreement specifies a permanent loan, no one claims ownership and the museum has held the property for at least five years; and
3. for property not subject to a loan agreement, the property is unclaimed and has been in the museum's possession for at least five years.

Under the act, loaned property is property deposited with a museum without any transfer of ownership, and includes property deposited under a loan agreement, whether or not the agreement gives the museum an option to acquire the property later.

Notice Requirements

Before taking ownership of loaned property, a museum must make a reasonable good faith effort to find the lender's address and send him or her written notice that it may do so. Under the act, the lender is the person whose name appears in the museum's records as being legally entitled to the property or, if the person has died, his or her heirs.

The museum must send the notice by certified mail, return receipt requested, to the address listed in its records. If the museum has no address listed or if, after 30 days, it does not receive written proof that the notice was received, it must publish a notice at least once a week for two consecutive weeks in a general circulation newspaper in the towns where the museum and, if available, the lender, are located.

The newspaper notice must:

1. give a brief and general description of the property;
2. provide the lender's name and address as listed in the museum's records;
3. ask those with knowledge of the lender's whereabouts to notify the museum; and
4. state that, if the museum does not receive a written ownership claim or notice of any other action to reclaim the property within 60 days after publishing the second notice, the property will be considered abandoned or donated and become the museum's property.

If the property was loaned to a museum branch, the museum's location is considered to be that of the

branch. Otherwise, the museum's location is considered to be the town where it has its principal place of business.

Ownership Claims

If, after giving the required notice, the museum receives a written claim of ownership for the property from the lender or his or her designated agent, it must return or dispose of the property within 60 days after receiving the claim according to the lender's written instructions. Unless the museum and the lender agree on other arrangements, the lender is responsible for any costs of disposing of or returning the property.

If the written claim is from a person other than the lender specified in the museum's records, the museum must determine the validity of the claim within 60 days after receipt, based on proof of ownership the claimant must submit with the claim. If the museum receives more than one written claim of ownership, the act allows it to delay its ownership determination until the competing claims are resolved by agreement or legal action.

Once ownership is determined, as is the case with the specified lender, the act requires the museum to return or dispose of the property as the owner requests. Unless the owner and the museum agree on other arrangements, the owner is responsible for any costs for returning or disposing of the property.

If No One Claims Ownership After 60 Days

If the museum receives no written ownership claims within 60 days after it publishes the second required notice, the property is considered donated or abandoned and the museum becomes its owner. But, if the museum receives a valid ownership claim after taking title to the property, the act requires the museum to return it. In such a case, the property's title reverts to the owner.

The act specifies that anyone who buys or otherwise acquires the property from a museum that obtained it under the act's provisions acquires good title to it.

AUTHORIZATION TO APPLY CONSERVATION AND PROTECTIVE MEASURES

Unless the written loan agreement provides otherwise, the act allows a museum to apply conservation or protective measures to loaned property without formal notice to, or permission from, the lender if:

1. the action is required to protect the property itself, other museum property, or, because the property is a hazard, the health and safety of the museum staff or the public and

2. within three days before applying the measures, the museum (a) cannot contact the lender at the address in the museum's records or (b) the lender does not respond or agree to the recommended measures and fails to take the property back within three days after being contacted.

Unless the written loan agreement says otherwise, if the museum applies the measures, either without the lenders permission as described above or with the lender's agreement, the act gives it a lien on the property for their cost. It also relieves the museum of any liability for damage or loss the measures cause to the property if it (1) reasonably believed the measures were needed to protect (a) the property or other property in its possession or (b) museum staff or the public from a health and safety hazard caused by the property and (2) exercised reasonable care in choosing and applying the measures.

MUSEUM RECORDKEEPING

The act requires museums to keep records of all loaned property according to regulations the state librarian must adopt. Each loan's record must include (1) the lender's name and address, if known; (2) the dates the property is to be on loan; and (3) a copy of the loan agreement. The museum must give the lender a copy of the record and the loan agreement when he or she loans the property. If notified of a change in the ownership of any loaned property, the museum must create a new record, update the loan agreement, and provide copies to the new owner. If the museum becomes the property's owner, it must maintain an ownership record according to the state librarian's regulations.

PA 12-173—sHB 5353

Education Committee

Appropriations Committee

AN ACT CONCERNING INDIVIDUALIZED EDUCATION PROGRAMS AND OTHER ISSUES RELATING TO SPECIAL EDUCATION

SUMMARY: This act makes several changes in the state's special education law. It:

1. requires additional opportunities for meetings and the exchange of information between school district officials and parents of students in, or under evaluation for, special education;
2. requires teacher certification preparation, in-service training, and professional development to include expanded instruction and training in implementing individualized education

programs (IEPs); and

3. specifies the school district eligible for special education excess cost grant money in different circumstances when a child is placed in a school district other than his or her district of origin (home district).

The act also requires any IEP for a child identified as deaf or hearing impaired to include a language and communication plan developed by the child's planning and placement team (PPT). It specifies a number of items that the plan must include. It does not appear to expand current requirements under state law and regulation, but it adds specifics to state law.

It also makes technical changes.

EFFECTIVE DATE: July 1, 2012, except upon passage for the provisions regarding (1) special education and private schools, (2) the language and communication plan for deaf and hearing impaired students, and (3) technical changes.

§ 1 — NOTIFICATION AND INFORMATION PRIOR TO PPT MEETING

The PPT is a group that includes the student's parents or guardians and education professionals including the student's teacher, a special education teacher, an administrator, and others. The PPT meets to determine whether a child needs special education services and to develop and approve an IEP for the student.

The act requires a local or regional board of education responsible for providing special education to offer to meet with the student's parents, upon their request, after the student has been assessed for possible placement in special education and before the PPT meets. The sole purpose of the meeting is to discuss the PPT process and any concerns the parent has about the student.

It specifies that the parents must be given the opportunity to meet with a PPT member designated by the school board before the referral PPT meeting at which the student's assessments and evaluations will be discussed for the first time. This applies to students under evaluation for possible placement in special education.

It also requires school boards to provide parents who ask with copies of the assessment and evaluation results used to determine special education eligibility at least three school days before the referral PPT meeting.

The act requires the school district to provide parents with any State Department of Education (SDE) information and resources relating to IEPs as soon as a student is identified as requiring special education.

These requirements also apply to guardians, emancipated minor pupils, and surrogate parents appointed by statute.

§§ 2-4 — TEACHER CERTIFICATION AND TRAINING REQUIREMENTS FOR SPECIAL EDUCATION

The act requires teacher certification preparation, in-service training, and professional development programs to include expanded instruction and training in implementing IEPs. It requires:

1. certification preparation programs to include instruction on implementing IEPs as they relate to special education and related services;
2. boards of education, as part of required in-service training options for certified personnel, to offer information on implementing student IEPs; and
3. special education teachers, as part of their required 90 hours of professional development every five years, to complete at least 10 hours of training on implementing student IEPs and communicating IEP procedures to parents or guardians of special education students.

(The second and third items on the list above were repealed by PA 12-116. PA 12-2, June 12 Special Session, later added similar IEP professional development requirements to the statutes.)

§ 5 — SPECIAL EDUCATION AND PRIVATE SCHOOLS

The act specifies that, if a board of education provides special education services to a student whose parents choose to send him or her to a private school, the services must comply with the federal Individuals with Disabilities Education Act (IDEA) (see BACKGROUND).

§ 6 — SPECIAL EDUCATION EXCESS COST GRANT

The state provides special education excess cost grants to help local districts pay for special education services costing more than the local share of special education costs. Some special education students are sent to school outside their home district if their home district cannot provide them with adequate educational services. In these situations, the home district is still financially responsible for the student's special education and must send special education money to the school district where the student attends school.

By law, when the Department of Children and Families (DCF) places a child in out-of-home care, such as a relative's or foster parent's home, or changes such a placement, the department must determine immediately whether it is in the child's best interest to remain in the school he or she had been attending (i.e., the school of origin).

The act requires that, starting with FY 13, the state special education excess cost grant for the child goes to the financially responsible district (i.e., the "nexus district"), if the school of origin is in a district other than the nexus district and the nexus district pays tuition to the school of origin. The excess cost grant also goes to the nexus district in cases where the nexus district (1) placed the child in a private school or regional education special education facility before DCF removed the child from his or her home and (2) continues to pay tuition for the child.

Under the act, the excess cost grant goes to the student's home district if the nexus district cannot be identified (which may be the case when a child is new to Connecticut).

§ 11 — PLAN REQUIREMENTS FOR DEAF OR HEARING IMPAIRED STUDENTS

The act requires any IEP for a child identified as deaf or hearing impaired to include a language and communication plan developed by the child's PPT.

It requires the plan to address:

1. the child's primary language or mode of communication;
2. opportunities for direct communication between the child and his or her peers and professional personnel in the child's primary language or mode of communication;
3. educational options available to the child;
4. the qualifications of teachers and other professional personnel administering the plan for the child, including their proficiency in the child's primary language or mode of communication;
5. the child's access to academic instruction, school services and extracurricular activities;
6. assistive devices and services for the child; and
7. communication and physical environment accommodations for the child.

These specifics did not appear in prior law. But in practice, SDE issues an IEP form and requires districts to use it, which states that the following items must be considered for deaf and hearing impaired children:

1. the child's language and communication needs;
2. opportunities for direct communications with peers and professional personnel in the child's language and communication mode;
3. academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode; and
4. whether the student requires assistive technology devices and services.

BACKGROUND

Federal IDEA

IDEA governs special education programs and procedures in state and local school districts, requiring the provision of appropriate educational services to children with disabilities (20 U.S.C. §§ 1400 et seq.). Connecticut law and regulations must comply with IDEA.

PA 12-179—HB 5358

Education Committee

Finance, Revenue and Bonding Committee

AN ACT CONCERNING AUTHORIZATION OF STATE GRANT COMMITMENTS FOR SCHOOL BUILDING PROJECTS AND CONCERNING CHANGES TO THE STATUTES CONCERNING SCHOOL BUILDING PROJECTS

SUMMARY: This act authorizes \$344.5 million in grant commitments for 20 local school construction, vocational agriculture (vo-ag), and interdistrict magnet school projects. It also reauthorizes and changes grant commitments for three previously authorized projects with significant changes in cost and scope. Of the three reauthorizations, two are reauthorized at reduced, and one at increased, cost. The total net increase in grant commitments for the reauthorizations is \$8.82 million.

Furthermore, the act approves various exemptions, waivers, and changes for either new authorizations or changes to previous authorizations for an additional state cost of \$141.3 million. It also makes changes to the diversity school construction grant program.

EFFECTIVE DATE: Upon passage

§ 1 — NEW AUTHORIZATIONS

Table 1: New School Construction Projects Authorized

District	School	Project	Estimated Cost	Estimated Grant	State Reimbursement
Berlin	Berlin High School	Extension & alteration/roof replacement	\$69,950,000	\$32,974,430	47.14%
Brooklyn	Brooklyn Middle School	Extension & alteration	1,700,000	1,250,690	73.57%
Danbury	Danbury High School	Energy conservation	4,073,767	2,196,983	53.93%
Eastford	Eastford Elementary School	Energy conservation	150,000	90,000	60.00%
Guilford	Guilford High School	New school	92,220,800	28,653,003	31.07%
Hartford	West Middle School	Extension & alteration/roof replacement	54,600,000	43,680,000	80.0%
Hartford	Hartford Magnet Middle School*	Extension & alteration/magnet school	29,440,000	23,552,000	80.0%
Hartford	Burns Academy for	Alteration	700,000	557,480	79.64%

District	School	Project	Estimated Cost	Estimated Grant	State Reimbursement
	Latino Studies				
Meriden	Maloney High School	Extension & alteration/roof replacement	107,500,000	82,925,500	77.14%
Meriden	Platt High School	Extension & alteration/roof replacement	111,800,000	86,242,520	77.14%
Middletown	Middletown Vo-Ag Center	Vo-ag equipment	50,000	47,500	95.00%
Region 6	Wamogo Regional High School (Vo-Ag)	Vo-ag equipment	309,800	294,310	95.00%
Region 14	Nonnewaug High School (Vo-Ag)	Vo-ag equipment/construction	246,101	233,796	95.00%
Region 14	Nonnewaug High School (Vo-Ag)	Vo-ag equipment	246,508	234,183	95.00%
Southington	Carl M. Small Regional Vo-Ag Center	Vo-ag equipment	259,753	246,765	95.00%
Stratford	Stratford High School	Extension & alteration/roof replacement	56,115,586	28,057,793	50.00%
Vernon	Rockville High Vo-Ag Center	Vo-ag equipment	154,095	146,390	95.00%
Waterbury	Bucks Hill School	Alteration	500,000	394,650	78.93%
Waterbury	Cross School	Alteration	450,000	355,185	78.93%
Waterbury	Wallace Middle/Crosby High	Extension & alteration	15,758,000	12,381,061	78.57%

*See § 14 of notwithstanding provisions for more on this project.

§ 1 — REAUTHORIZED PROJECTS

Table 2 lists the projects proposed for reauthorization because of significant (more than 10%) changes in cost or scope.

Table 2: Reauthorization of Previously Authorized Projects

District	School	Project	Previous Grant Authorization	New Grant Authorization	Change
Griswold	Griswold Middle School	Extension & alteration/roof replacement	\$25,013,800	\$22,584,018	(\$2,429,782)
Milford	Jonathan Law High School	Extension & alteration/energy conservation	2,141,150	1,620,839	(520,311)
Capitol Region Education Council (CREC)	Medical professions & Teacher Preparation Magnet Academy	New magnet school/site purchase	49,509,654	61,281,840	11,772,186

SCHOOL CONSTRUCTION “NOTWITHSTANDINGS”

The act exempts certain school construction projects from various statutory and regulatory requirements to allow them to (1) qualify for state grants or (2) waive a repayment (i.e., “clawback”) requirement due to the project failing to meet an existing requirement. These exemptions are referred to as “notwithstanding” provisions. Table 3 summarizes each exemption and any applicable conditions.

Table 3. Notwithstanding Provisions for Local School Projects

§	District	Project	Exemption, Waiver, or Other Change
2	Griswold	Griswold Elementary School	Space specification waiver.
3	Colchester	William J Johnston Middle School	Application deadline extension until November 30, 2012.
4	Bethel	Bethel High School	Waives repayment of funds by allowing enrollment figure of 1,140.
5	Meriden	Francis T. Maloney High School & Orville H. Platt High School	Changes extension and alteration projects to renovation projects: space specification waivers; provides full rather than one-half reimbursement for natatorium or auditorium.
6	North Branford	North Branford High School	Permits bid prior to plan approval
7	Windham	Windham Magnet School	Changes use of site acquisition grant for other construction purposes.
8	West Hartford	Aiken Elementary School	Permits bid prior to plan approval
9	West Hartford	Bugbee Elementary School	Permits bid prior to plan approval
10	West Hartford	Conard High School	Provides reimbursement eligibility for \$250,000 athletic field illumination
11	West Hartford	Hall High School	Provides reimbursement eligibility for \$250,000 athletic field illumination
13	Stamford	Rippowam Middle School	Waives repayment of funds by allowing enrollment figure of 1,400.
14	Hartford	Hartford Magnet Middle School	Sets reimbursement rate at 95% rather than 80%.
15	Region 14	Woodbury Middle School	Waives repayment of funds by allowing enrollment figure of 727 and a grade range of six to eight.
16	New London	New London High School	Application deadline extension until November 1, 2012.
17	Middletown	Lawrence Elementary School	Waives repayment of funds by allowing enrollment figure of 475.
18	Middletown	Wesley Elementary School	Waives repayment of funds by allowing enrollment figure of 450.
19	New London	Magnet District	Maintains per pupil magnet grant eligibility by waiving minimum student population requirement of students from outside magnet host town
20	Guilford	Guilford Public High School	Eliminates clawback of up to \$615,000 for building redirection for non-education purpose.

§	District	Project	Exemption, Waiver, or Other Change
21	Waterford	Waterford High School	Changes extension and alteration project to renovation project; permits bid prior to plan approval.
22	Fairfield	Warde High School	Waives roof replacement requirements and permits bid prior to plan approval.
23	Bridgeport	Longfellow School	Changes project description from extension and renovation to new construction provided the increase in the grant commitment is not more than \$23.2 million and construction begins by June 30, 2014.
24	Bridgeport	Columbus School	Increases project cost eligibility up to \$1.5 million to meet removal cost of PCB contamination.
25	New Haven	Engineering and Science University Magnet School	Maintains reimbursement rate at 95% rather than 80% as long as construction begins by June 30, 2014.
26	Achievement First	Achievement First Amistad High School	Makes project eligible for state aid provided project cost is not above \$35 million and application is submitted before June 30, 2013. Reimbursement rate is 68.93% of eligible costs.
27	CREC	Various projects	Increases eligible cost of various projects and changes project descriptions.
28	CREC	Various projects	Makes cost of short-term financing eligible for state reimbursement.
29	Common Ground	Common Ground High School	Makes project eligible for state aid provided project cost is not above \$4 million and application is submitted before June 30, 2013.
30	Hartford	Weaver High School	Allows project eligibility provided cost is not above \$2.1 million and grant application is submitted before June 30, 2013.

§ 12 — DIVERSITY SCHOOL PROJECT GRANTS

By law, the Department of Construction Services commissioner, in consultation with the State Department of Education must provide special school construction grants for school districts that have one or more schools with minority enrollments that exceed the district-wide average percentage of minority enrollment by more than 25% for the same grades (i.e., schools that have a disproportionately high minority population). The grants reimburse these districts for 80% of the reasonable capital costs for school renovation and

construction projects, which for all districts except Hartford is higher than the standard reimbursement.

The law sets requirements for the grant including: (1) the diversity school must be open to all students living in the district for the purpose of correcting the existing minority enrollment disparity and (2) the school board must demonstrate that it has made a good faith effort to correct the disparity, as determined by the education commissioner.

The act repeals the requirements that the education commissioner (1) conduct a programmatic audit of each diversity school and (2) require the district to pay back over 20 years any reimbursement above the district's standard rate if the school has not made any significant progress to correct the school or schools' minority enrollment disparity. The act adds a requirement that the application for the grant must include a plan to correct the existing minority enrollment disparity.

PA 12-198—sHB 5348

Education Committee

Public Health Committee

Appropriations Committee

**AN ACT CONCERNING THE
ADMINISTRATION OF MEDICINE TO
STUDENTS WITH DIABETES, THE DUTIES OF
SCHOOL MEDICAL ADVISORS, THE
AVAILABILITY OF CPR AND AED TRAINING
MATERIALS FOR BOARDS OF EDUCATION
AND PHYSICAL EXERCISE DURING THE
SCHOOL DAY**

SUMMARY: This act allows a qualified school employee selected by the school nurse or principal to administer an emergency glucagon injection to a student with diabetes, under certain conditions and with a written authorization from the student's parents and a written order from the student's Connecticut-licensed physician. The law already allows specified school personnel to give students medicine in specified situations if the school nurse is absent. The act also bars a school district from restricting the time or place on school grounds where a student with diabetes may test his or her blood-glucose levels, if the student has written permission from his parents or guardian and a written order from a physician.

The act extends required educational guidelines for school districts in how to manage students with life-threatening allergies to cover students with glycogen storage disease. It requires the State Department of Education (SDE) and the Department of Public Health (DPH) to issue the new guidelines by July 1, 2012, and school districts to develop individualized health care and glycogen storage disease action plans for their

students with the disease by August 15, 2012. The plans must allow parents or guardians of students with the disease, or those they designate, to administer food or dietary supplements to their children with the disease on school grounds during the school day. The act bars claims against towns, school districts, and school employees for damages resulting from these actions.

Finally, the act:

1. updates and broadens the duties of a school medical advisor;
2. requires the State Board of Education to make available curriculum and other material to help school districts offer training to students in cardiopulmonary resuscitation (CPR) and the use of automatic external defibrillators (AEDs) (§ 4);
3. requires public schools to include a total of 20 minutes of physical exercise in each regular school day for students in kindergarten through grade five; and
4. allows only a Connecticut-licensed physician, rather than any licensed physician, to give a written order for a school paraprofessional to administer medication to a student with a medically diagnosed allergy.

EFFECTIVE DATE: July 1, 2012, except for the provisions relating to students with diabetes and the required guidelines and plan for students with glycogen storage disease, which are effective on passage.

§§ 1 & 2 — STUDENTS WITH DIABETES

Administering Emergency Glucagon

The act requires a school nurse or principal to select a qualified school employee to, under certain conditions, give a glucagon injection to a student with diabetes who may require prompt treatment to protect him or her from serious harm or death. The nurse or principal must have (1) written authority from the student's parent or guardian and (2) a written order from the student's physician, who must be licensed in Connecticut. Such injections must be given through an injector or injectable equipment used to deliver an appropriate dose of glucagon as an emergency first aid response to diabetes.

The act allows the school nurse or principal to select any of the following as qualified school employees: a principal, teacher, licensed athletic trainer, licensed physical or occupational therapist employed by the school board, coach, or school paraprofessional. Such employees may administer the injections only if the:

1. school nurse is absent or unavailable;
2. employee has completed any annual training in how to administer glucagon injections that the

- school nurse and medical advisor require;
- 3. nurse and medical advisor attest, in writing, that the employee has completed the training; and
- 4. employee voluntarily agrees to the selection.

The school nurse must provide general supervision to the qualified employee.

Under existing law, with the proper written authority and in the school nurse's absence, any licensed nurse, a principal, any teacher, a licensed athletic trainer or physical or occupational therapist who is a school employee, or an intramural or interscholastic athletic coach may give a student medicine, in an emergency or nonemergency situation. These school personnel must follow written school board policies and state regulations in administering the medicine. An identified school paraprofessional may also give medicine to a specific student if the student has a medically diagnosed allergy that may require prompt treatment to protect him or her from serious harm or death.

Immunity from Civil Damages

By law, school principals, teachers, nurses, and other specified school personnel who give medicine according to the law are immune from civil damages for negligent acts or omissions, but not gross, willful, or wanton negligence. The act extends this immunity to qualified school employees who administer glucagon under the specified conditions.

Blood Glucose Self-Testing

Existing law requires school boards to allow diabetic students to test their own blood glucose levels in school if a physician's or advance practice registered nurse's (APRN's) written order states that the student needs to self-test and is capable of doing so. This act:

- 1. bars a school district from limiting the times when, and locations on school grounds where, such a student can carry out the tests;
- 2. eliminates the authority of an APRN to give the written order; and
- 3. requires the student's parents or guardian to authorize the self-testing on school grounds in writing.

§§ 6 & 7 — STUDENTS WITH GLYCOGEN STORAGE DISEASE

Guidelines and Plans for Managing Students with Glycogen Storage Disease

By law, the SDE, in conjunction with DPH, must develop guidelines for managing students with life-threatening food allergies and make them available to

boards of education. The act extends the guidelines to cover glycogen storage disease and requires the departments to make the guidelines available to school districts by July 1, 2012.

The additional guidelines must include:

- 1. education and training for school personnel on managing students with life-threatening glycogen storage disease, including training in how to provide food or dietary supplements and
- 2. a process for developing individualized health care and glycogen storage disease action plans for every student with the disease that include provision of food or dietary supplements to such a student by (a) the school nurse or (b) any school employee approved by the nurse.

Such plans must also allow the student's parent or guardian or anyone they designate to provide food or dietary supplements to a student with the disease on school grounds during the school day.

By August 15, 2012, school boards must implement a plan, based on the guidelines, for managing students with glycogen storage disease enrolled in schools in their jurisdictions. As under existing law, boards must make their plans available on the board's or each school's website, or, if such websites do not exist, by some other means they select. Boards must also provide notice about the plan along with the written statement about pesticide applications they must, by law, provide parents and guardians. School superintendents must attest annually to SDE that their districts are implementing the plans.

Immunity from Liability

The act bars anyone from making a claim against a town, board of education, or school employee for damages resulting from the student's parent or guardian, or person they designate, providing food or dietary supplements to a student with glycogen storage disease on school grounds during the school day. To be covered by the immunity, the food or supplements must be given according to an individualized health care and glycogen storage disease action plan.

The immunity covers anyone who (1) is employed by a local or regional board of education or works in a public school as a teacher, substitute teacher, school administrator, school superintendent, guidance counselor, psychologist, social worker, nurse, physician, school paraprofessional, or coach or (2) provides services to or on behalf of students in a public school under a contract with the school board and whose duties involve regular student contact.

§ 3 — DUTIES OF SCHOOL MEDICAL ADVISORS

By law, boards of education in towns with 10,000 or more people must, and those in smaller towns may, appoint one or more legally qualified medical practitioners as school medical advisors.

The act revises and updates school medical advisors' duties and responsibilities. It eliminates requirements that advisors (1) examine teachers and other school staff and referred students; (2) make sanitary inspections of school buildings; (3) help enforce the Public Health Code or town sanitary regulations by deciding when students and school staff who are, or are suspected to be, sick must be excluded from, or may return to, school; and (4) explain to school nurses and teachers factors relating to controlling communicable diseases, and to school staff and parents medical findings related to a referred student's health.

Instead, it requires advisors to work with their appointing school boards and the local boards of health or health departments for their school districts to (1) plan and administer each school's health program, (2) advise on school health services, (3) consult on school health environments, and (4) perform other duties as agreed between the advisor and his or her appointing school board.

§ 5 — PHYSICAL ACTIVITY REQUIREMENT

Under prior law, each public school that enrolls students in kindergarten through fifth grade had to provide those students with a physical exercise period of unspecified length as part of the regular school day. The act instead requires such schools to provide a total of 20 minutes of physical exercise during each regular school day.

BACKGROUND

Related Acts

PA 12-116 (§ 9) includes the same provision as this act concerning physical activity for students enrolled in kindergarten through grade five. PA 12-120 (§ 25) also includes the updated duties for school medical advisors.

PA 12-148—sSB 23

Energy and Technology Committee

**AN ACT ENHANCING EMERGENCY
PREPAREDNESS AND RESPONSE**

SUMMARY: This act requires the Public Utilities Regulatory Authority (PURA) to initiate a proceeding to (1) review electric and gas company emergency preparation and service restoration practices, infrastructure adequacy, and coordination efforts; (2) establish electric and gas company emergency performance standards for the companies; and (3) identify the most cost-effective levels of electric company tree trimming and system hardening needed to achieve maximum system reliability and minimize outages. It requires PURA to review the companies' performance after an emergency and issue orders to enforce the standards. It also allows PURA to issue civil penalties for violations. In addition, the companies must submit annual reports on their performance in emergencies.

The act requires PURA to open a proceeding to establish standards for restoring intrastate telecommunications under certain circumstances after an emergency. It also requires telecommunications companies to issue credits to customers who lose service under certain circumstances.

The act also:

1. requires the Department of Energy and Environmental Protection (DEEP), in consultation with the utility companies, the Department of Transportation (DOT), the Department of Emergency Services and Public Protection (DESPP), and an association of municipalities, to develop, by January 1, 2013, a procedure for expedited road clearing for public safety personnel after an emergency;
2. increases the frequency with which private and municipal utility companies must file emergency service restoration plans;
3. requires certain telecommunications companies to provide liaisons to electric company emergency response centers under certain circumstances;
4. requires cell phone service providers to report on the backup power generation capabilities of their cell towers;
5. establishes a pilot program to fund infrastructure (micro-grids) for onsite electricity generation for critical facilities;
6. increases communication between DOT, PURA, municipalities, and utilities to coordinate roadwork and utility line undergrounding; and

7. requires PURA to study the feasibility of creating a program to reimburse residential customers for food and medications lost due to power outages.

It expands the scope of the state's civil preparedness and training requirements by requiring all private utility companies, including electric, gas, telephone, water, and cable TV companies, to comply with the state's comprehensive civil preparedness plan. It also requires all state departments, offices, and agencies to participate in civil preparedness planning, training, and exercises when directed to do so by the DESPP commissioner.

The act also expands the scope of activities for which the DEEP commissioner can issue temporary authorizations.

By law, the Office of Consumer Counsel (OCC) advocates for consumer interests in matters regarding the regulated utility companies. The act expands OCC's charge to include rates and related issues, ratepayer-funded programs, and matters related to the utilities' reliability, service quality, infrastructure maintenance, and operations.

EFFECTIVE DATE: Upon passage, except for the provisions regarding civil preparedness planning and training, which are effective July 1, 2012.

STORM PREPARATION AND RESPONSE

The act requires PURA to initiate a proceeding to establish industry specific standards for acceptable performance by electric and gas companies in an emergency (hurricane, tornado, storm, flood, high water, wind-driven water, snowstorm, drought, fire, explosion, or enemy attack). The standards must (1) protect public health and safety; (2) ensure service reliability; (3) prevent and minimize the number and duration of service outages; (4) facilitate restoration after outages; and (5) identify the optimum levels of tree trimming and system hardening, including putting equipment underground, to maximize system reliability and minimize service outages. PURA must submit a report on the standards and any necessary legislation to the Energy and Technology Committee by November 1, 2012.

PURA Review

In preparing the standards, the act requires PURA to review and analyze:

1. each electric and gas company's current restoration practices following an emergency, including (a) damage and outage estimates made before an emergency; (b) damage and outage assessments made after an emergency; (c) restoration management after an

- emergency, including any access to other restoration resources provided by regional and reciprocal aid contracts; (d) planning for at-risk and vulnerable customers; (e) communication policies with state and local officials and customers, including individual restoration estimates and the timeliness and usefulness of the estimates; and (f) the need for mutual assistance during an emergency;
2. the adequacy of each company's infrastructure, facilities, and equipment, including whether the company (a) follows standard industry practices for their operations and maintenance and (b) can access adequate replacement equipment during an emergency;
 3. coordination efforts between electric companies, telecommunications companies, and cable TV companies, including pre-emergency planning;
 4. each electric company's tree trimming policies, including (a) amounts spent on tree trimming since its last rate case; (b) the average length of outages caused by falling trees and limbs; (c) how expanding the trimming zone around the company's distribution lines would affect ratepayers, infrastructure damage, and equipment, and decrease the frequency and length of outages; (d) the percentage of outages during Hurricane Irene and the October 2011 snowstorm that were caused by falling trees and limbs outside current trim areas, based on an analysis of the extent and effectiveness of prior tree trimming; and (e) appropriate standards for roadside tree care, vegetation management practices in utility rights-of-way, "right tree-right place," and any other tree maintenance standards recommended by the State Vegetation Management Task Force; and
 5. any other policies, practices, or information relevant to the review.
3. a communication plan between the company and its customers that includes communications during non-business hours;
 4. safety standards for company employees, mutual aid crews, and private contractors;
 5. the filing of mutual aid agreements (which the act exempts from disclosure under the Freedom of Information Act) and an assessment of each company's ability to rely on assistance from other regional utilities;
 6. communication and coordination protocols between companies and state and local emergency operations centers regarding emergency preparation, road clearing, and restoration priorities;
 7. electric company tree trimming, cutting, and removal to reduce outages;
 8. communication and coordination, in consultation with DESPP, between each company and the public, including standards for using the emergency notification system to notify the public of service restorations and possible dangerous conditions;
 9. timely communications between companies and relevant state and local officials regarding emergency coordination and communication;
 10. communication and coordination between appropriate electric, gas, and telephone or telecommunication companies or voice over internet protocol (VOIP) providers; and
 11. operations of electric and gas company call centers.

The act requires PURA to establish any other performance standards to (1) ensure a gas or electric company's reliability during an emergency, (2) prevent outages from lasting over 48 consecutive hours and affecting over 10% of the company's customers, and (3) promote service restoration after an outage. It also allows PURA to initiate additional dockets to establish emergency performance standards for electric and gas companies if it determines that a company's changed circumstances require it.

In future rate cases, the act requires PURA to allow electric or gas companies to recover the reasonable costs they incur by maintaining or improving their infrastructure's resiliency, pursuant to plans that PURA approves, in order to meet the standards that PURA implements.

By April 15, 2013, and annually thereafter, the act requires electric and gas companies to submit an emergency response report to PURA. The report must include information and analysis regarding how the company complied with the act's emergency preparation and restoration standards in the previous year. PURA can also require any of the companies to submit a supplemental emergency response plan or

Electric & Gas Company Performance Standards

The act requires PURA to establish minimum performance standards for an electric or gas company's preparation and service restoration during an emergency in which more than 10% of its customers are without service for more than 48 hours. The standards must include requirements for:

1. minimum staffing and equipment levels for each company, based on the size of its customer base and the nature of its infrastructure;
2. recovery and restoration targets based on outages affecting over 10%, 30%, 50%, and 70% of a company's customers;

implementation plan after any storm, emergency, or event that caused significant outages.

PURA Performance Review & Penalties

The act requires PURA to review each electric or gas company's performance (1) after an emergency in which over 10% of the company's customer lost service for over 48 consecutive hours or (2) at its discretion. If PURA finds that a company failed to comply with any of the act's emergency preparation and service restoration standards, or any other PURA order, it must hold a contested case hearing and issue orders to enforce the standards.

The act also allows PURA to issue civil penalties against electric or gas companies of up to \$10,000 per offense, up to a total of 2.5% of their annual distribution revenue, for noncompliance in these emergencies. In determining the penalty, the act requires PURA to consider if it approved the company's efforts and funding allowances to meet infrastructure resiliency standards. The penalties must be paid as a credit to ratepayers and cannot be considered an operating expense that the company may recover in its rates.

Intrastate Telecommunication Restoration Standards

The act requires PURA to initiate a docket to establish standards for restoring intrastate telecommunications services following an emergency for service provided by telephone companies, certified telecommunications providers, and cable TV companies. The standards can only apply when an outage caused by an emergency (1) affects over 10% of a company's access lines for over 48 consecutive hours and (2) was not caused by the equipment, negligence, or willful act of a customer or third party.

In establishing the standards, the act requires PURA to consider:

1. the severity, extent, and duration of an emergency;
2. communication and coordination by each company with the state, municipalities, and any relevant electric company;
3. the operations of any call center operated by each company during an emergency;
4. requirements for each company to assign a representative to staff the emergency operations center of any relevant electric company;
5. service restoration;
6. the safety of the company's customers; and

7. whether restoration of intrastate telecommunications service could not be completed until commercial power was restored.

If PURA finds that a company failed to comply, the act allows it to submit a report to the Energy and Technology Committee recommending legislation to establish penalties for future noncompliance.

Telecommunications Billing Credits

To the extent allowed by federal law, the act requires telephone companies and certified telecommunications providers to issue credits to customers who lose intrastate telecommunications service during an emergency if (1) the outage lasts over 24 consecutive hours and affects over 10% of the company's access lines; (2) the outage was not caused by a commercial power outage or the equipment, negligence, or willful act of the customer or a third party; and (3) the customer notifies the company within 30 days of the end of the emergency. The credit must be prorated to reflect the portion of the billing period during which the customer was without service. The act specifically excludes cable TV companies that are already required to provide a similar customer credit under current law.

Emergency Service Restoration Plans

Prior law required private and municipal utility companies, including water companies, to file emergency service restoration plans with PURA, DESPP, and local municipalities every five years. The act instead requires these plans to be filed every two years, with the next plan due July 1, 2012, and adds VOIP providers to the utilities subject to the mandate. In addition to the items prior law required in the plans, the act requires them to include (1) communication and coordination measures with state officials, municipalities, and other private utilities and telecommunications companies during a major disaster or emergency; (2) participation in training exercises as directed by the DESSP commissioner; and (3) responses for service outages affecting more than 10%, 30%, 50%, and 70% of customers.

Under the act, any information provided in the plans is considered confidential, not subject to the Freedom of Information Act (FOIA), and cannot be transmitted to anyone unless it is needed to comply with the act. The act requires PURA, by September 1, 2012, and biannually thereafter, to summarize the plans in a report to the Energy and Technology Committee.

Emergency Operations Center Representatives

The act requires telephone companies, certified telecommunications providers, and cable TV companies with more than 25,000 subscribers to provide a liaison to an affected electric company's emergency operations center to ensure communication and coordination during emergency response and restoration efforts. The companies must provide the liaison (1) when the governor or president declares an emergency or major disaster or (2) at the DESPP commissioner's discretion.

REPORTS ON CELL PHONE SERVICE BACKUP GENERATION

By October 1, 2012, and annually thereafter, the act requires each mobile radio (cell phone) service provider to issue a report to the Connecticut Siting Council and DESPP on its ability and plans to provide backup power to its telecommunications towers and antennae during an electricity outage. Under the act, any information provided in the reports (1) is confidential, (2) is exempt from disclosure under FOIA, and (3) cannot be transmitted to anyone else except to comply with the act's reporting requirement.

Once the initial reports have been submitted, the act requires the Siting Council, in consultation with DEEP, DESPP, and PURA, to study the feasibility of requiring backup power for telecommunications towers and antennas. The study must consider (1) federal, state, and local jurisdictional issues, including siting issues; (2) similar laws or initiative in other states; (3) the technical and legal feasibility of such requirements; (4) related environmental issues; and (5) any other issues PURA considers relevant. PURA (presumably the Siting Council) must report its findings and recommendations to the Energy and Technology Committee by January 1, 2013.

MICRO-GRID GRANT AND LOAN PILOT PROGRAM

The act requires DEEP to establish a microgrid grant and loan pilot program to support up to 65 megawatts of onsite electricity generation (the amount of power needed to serve approximately 50,000 homes) at critical facilities (i.e., hospitals, police and fire stations, water and sewage treatment plants, public shelters, correctional facilities, municipal commercial areas, municipal centers identified by a municipality's chief elected official, or other facilities identified by DEEP). Under the act, a "microgrid" is a group of interconnected electricity users and generators that (1) is within clearly defined electrical boundaries that acts as a single controllable entity in respect to the larger electrical grid and (2) can operate as either a part of the larger grid or independent of it, in "island mode."

The pilot program is open to municipalities, investor-owned electric companies, municipal electric companies that participate in the competitive electricity supply market (none currently do), energy improvement districts, and private entities that propose supporting these facilities by developing micro-grid energy generation or converting existing renewable generation for micro-grid use. Eligible parties can collaborate to submit a proposal.

The program can issue up to \$15 million in total grants and loans and, to the extent possible, the awards must be evenly distributed between small, medium, and large municipalities. The grants and loans can only be used for the costs of microgrid design, engineering services, and interconnection infrastructure. The act does not specify a funding source for the program, but allows DEEP to establish a financing mechanism to leverage additional funding that could be used for purposes other than microgrid interconnection infrastructure (PA 12-189 authorizes up to \$25 million in bonds for the microgrid program).

The act requires any entity that receives a grant or loan under the program to issue an annual report on the project's status to PURA, DEEP, the OCC, and the Energy and Technology Committee for five years after receiving the funding. It also requires DEEP, by January 1, 2013, to report to the Energy and Technology Committee on other funding sources needed to expand the program and any necessary legislative changes.

It also requires DEEP, in consultation with the Connecticut Academy of Science and Engineering, to study how to provide reliable electric services to critical facilities. The study must evaluate the costs and benefits of methods, including the use of microgrids, and make recommendations identifying the most cost-effective and reliable methods. DEEP must submit its findings to the Energy and Technology Committee by January 1, 2013.

ROAD WORK COORDINATION

The act requires DOT and any municipality to notify PURA whenever they do road work (1) over five miles long or (2) in a commercial area. PURA must then notify utility companies if it determines that the road work could provide an opportunity to install, replace, upgrade, or bury any of their various infrastructure lines.

ELECTRIC CUSTOMER REIMBURSEMENT STUDY

The act requires PURA to study the feasibility of creating a PURA administered program to reimburse residential electric company customers for the loss of refrigerated food and medications caused by electricity

outages lasting over 48 hours. In the program (1) reimbursements cannot exceed \$150 for food and \$200 for medications, (2) customer applications for reimbursement must be filed with electric companies within 30 days after service is restored, and (3) customers must submit an itemized list of their spoiled food or medications and proof of the losses.

Under the act, PURA must submit a report to the Energy and Technology Committee by February 1, 2013, on:

1. how it would establish a reimbursement program,
2. the program's application process,
3. each electric company's role in administering the program,
4. the program's funding mechanism and funding cap,
5. the documents needed to prove losses,
6. whether the program would be limited to customers within certain income levels, and
7. any necessary legislative changes.

DEEP TEMPORARY AUTHORIZATIONS

By law, the DEEP commissioner can issue a temporary authorization for certain activities that otherwise require general permits if (1) the activity will last for no more than 30 days and will not pose a significant threat to human health and the environment and (2) the authorization is needed to protect the public interest and does not conflict with relevant federal law. Prior law allowed an authorization to be renewed once and prohibited the commissioner from issuing temporary authorizations for the same activity more than once in 12 months.

The act expands the scope of activities for which the commissioner can issue these authorizations to include minor activities in wetlands and water courses and stream channel encroachment lines. It also (1) increases the amount of time allowed for the authorizations to 90 days, which do not have to be consecutive; (2) ends the commissioner's ability to renew an authorization; and (3) requires 12 calendar months to have passed before the commissioner can issue an authorization for the same activity.

PA 12-165—sHB 5271

Energy and Technology Committee

Judiciary Committee

Planning and Development Committee

AN ACT CONCERNING THE SITING COUNCIL

SUMMARY: This act requires telecommunications tower developers to consult with municipalities that

may be affected by the location of a tower at least 90, rather than 60, days before applying to the Connecticut Siting Council for a certificate approving the location. It also expands the scope of this consultation.

It prohibits the council from approving a telecommunications tower's installation within 250 feet of a school or commercial child day care center unless (1) the municipality's chief elected official approves the location or (2) the council finds that it will not have a substantial adverse effect on the aesthetics or scenic quality of the school or day care center's neighborhood. The act specifies that the council's decision must be consistent with federal law and regulations when applying these criteria.

The act (1) expands the factors the council must consider when approving cable TV or telecommunications towers and equipment and (2) allows the council to request the attorney general to bring a civil suit under certain circumstances.

It also (1) adds neighborhood concerns, including public safety, to the factors the council must consider when reviewing power plant applications; (2) allows the council to consider regional location preferences from municipalities neighboring the municipality subject to a siting certification; and (3) modifies how municipalities are reimbursed from the municipal participation account for participating in council proceedings.

EFFECTIVE DATE: July 1, 2012, except for the provisions on pre-application consultations and the municipal participation account, which are effective upon passage.

MUNICIPAL CONSULTATION ON CELL TOWERS

With limited exceptions, existing law requires the developer of any facility under the Siting Council's jurisdiction to consult with potentially affected municipalities at least 60 days before filing its application with the council. These consultations must include any municipality where the developer proposes to locate the facility, or an alternative site, and any adjoining municipalities within 2,500 feet of it. The consultation must include good faith efforts to meet with the municipality's chief elected official. The developer must provide the official with any technical reports concerning the site selection process and the public need for, and environmental effects of, the facility. The municipality can hold hearings and meetings and, within 60 days of its initial consultation, issue its recommendations to the developer. Within 15 days after submitting its application to the council, the developer must give the council the materials it provided to the municipality and a summary of the consultations, including the municipality's recommendations.

In addition to these requirements and procedures, the act requires developers proposing telecommunications towers to consult with affected municipalities at least 90 days before filing an application with the council. The consultation must include good faith efforts to meet with a municipality's chief elected official, or his or her designee. The technical reports provided to the municipality must also be given to the municipality's planning and zoning commissions, and inland wetland agency. The reports must include:

1. a map showing the area of need;
2. the location of existing surrounding towers;
3. a description of the site selection process, including a detailed description of the proposed site, alternate sites being considered, and sites that were considered and rejected;
4. the location of schools near the proposed site, an analysis of the aesthetic impact of the tower on the schools, and a discussion of measures to be taken to lessen these impacts; and
5. the proposed facility's potential environmental effects.

The act requires the affected municipalities to provide the telecommunications tower developer with alternative sites to consider within 30 days of the initial consultation. The developer must include its evaluation of these alternatives in its application to the council and can present any of the alternatives to the council for formal consideration.

The act allows a municipality to hold a public information meeting on the proposed tower within 60 days of the initial consultation. If the municipality holds a meeting, the act makes the developer responsible for (1) notifying anyone on record as an owner of property next to a proposed or alternate site and (2) publishing a notice of the meeting in a newspaper of general circulation in the municipality at least 15 days before it.

CABLE TV AND TELECOMMUNICATION TOWER APPROVAL

The act expands the factors the council must consider when granting a certificate for cable TV or telecommunication towers by requiring it to consider the (1) manufacturer's recommended safety standards for any of the facility's equipment, machinery, or technology and (2) latest design options meant to minimize the facility's aesthetic and environmental impact.

Unless a cable TV or telecommunications tower's proposed location is required due to public safety concerns, existing law allows the council to deny a certificate for such a tower if it finds that the tower would substantially affect the location's scenic quality. The act expands this authority to include instances

where the tower would substantially affect the surrounding neighborhood's scenic quality, as long as public safety concerns do not require the tower to be in its proposed location.

Attorney General Civil Suits

The act allows the council to request that the attorney general bring a civil action in cases regarding a proposed cable TV or telecommunications tower, if the council determines that a party or intervenor intentionally omitted or misrepresented a material fact during a council proceeding, or upon a motion of a party or intervenor. The council must decide to make the request by a majority vote. In the action, the attorney general can seek any legal or equitable relief the Superior Court considers appropriate, including injunctive relief or a civil penalty of up to \$10,000 and reasonable attorneys fees and related costs.

MUNICIPAL PARTICIPATION ACCOUNT

By law, applicants initiating a certification proceeding with the council, except applicants for a cable TV or telecommunications tower, must pay a \$25,000 municipal participation fee, which is deposited into the Municipal Participation Account to reimburse municipalities for their costs of participating in council proceedings. Prior law required the treasurer to make these payments within 60 days after the council receives a certificate application. The act instead requires a municipality to apply for reimbursement within 60 days after the certificate proceeding ends. If reimbursements are less than the participation fee, any money left over from the fee must be refunded to the applicant after all municipalities are paid, rather than at the end of the proceeding.

The act also eliminates a requirement that a municipality refund any money it received from the account exceeding the costs it incurred. Under existing law, unchanged by the act, a municipality cannot receive more from the fund than its costs.

PA 12-2—HB 5302
Emergency Certification

AN ACT CONCERNING MUNICIPALITIES AND SOLID WASTE FACILITIES

SUMMARY: This act specifies that a municipality can regulate solid waste facility land use through zoning regulations but prohibits regulations adopted as authorized by state zoning law (though not by special act) from effectively banning solid waste facility construction, alteration, or operation in the municipality. By law, a “solid waste facility” is a solid waste disposal area, volume reduction plant, transfer station, wood-burning facility, or biomedical waste treatment facility (CGS § 22a-207(4)).

EFFECTIVE DATE: Upon passage

BACKGROUND

Related Case

In *Recycling Inc. v. City of Milford*, 50 Conn. L. Rptr. 866 (2010), the Superior Court held that the legislature, in PA 06-76, intended to preempt local regulatory authority of solid waste facilities except facilities for land disposal of solid waste (i.e., landfills). The 2006 act, in part, repealed a provision in the Solid Waste Management Act that allowed local governing bodies to regulate land use for solid waste disposal through zoning.

PA 12-11—sSB 88
Environment Committee

AN ACT CONCERNING THE PUBLIC'S RIGHT TO KNOW OF A SEWAGE SPILL

SUMMARY: This act requires the Department of Energy and Environmental Protection (DEEP) commissioner to post the following information on DEEP’s website:

1. on and after July 1, 2013, a state map showing combined sewer overflows expected to happen during storms and
2. on and after July 1, 2014, notice of unanticipated sewage spills and state waters that have chronic and persistent sewage contamination that pose a threat to public health.

The DEEP commissioner must consult with the (1) public health commissioner to determine the public health threat and (2) public health commissioner, sewage treatment plant or collection system operators, and state and local environmental and health agencies to develop the notice.

EFFECTIVE DATE: July 1, 2012

COMBINED SEWER OVERFLOW MAP

With respect to the combined sewer overflow map, DEEP’s website may include the (1) overflow location, anticipated duration, and extent; (2) reasonable public health, safety, or environmental concerns; and (3) public safety precautions that should be taken.

The act defines a “combined sewer” as a structure that is designed to (1) carry both sanitary and storm sewage and (2) allow the overflow of combined, untreated sewage into state waters during periods of high flows.

SEWAGE NOTICE

With respect to notice of unanticipated sewage spills and state waters that have chronic and persistent sewage contamination that poses a threat to public health, DEEP’s website may include, as best determined from a reported sewage spill incident (presumably in the context of an unanticipated spill), the:

1. estimated discharge volume;
2. extent to which the discharge was treated;
3. incident date and time;
4. discharge location;
5. estimated or actual time the discharge ended;
6. impacted geographic area;
7. steps taken to contain the discharge;
8. reasonable public health, safety, welfare, or environmental concerns; and
9. public safety precautions that should be taken.

The act defines a “sewage spill” as the diversion of wastes from any portion of a sewage treatment plant or collection system in Connecticut that reasonably initiates public health, safety, welfare, or environmental concerns. A “sewage treatment plant or collection system” means a sewage treatment plant, water pollution control facility, related pumping station, collection system, or other public sewage works.

PA 12-20—HB 5123
Environment Committee

AN ACT CONCERNING THE PLACEMENT OF ANIMALS SEIZED IN ANIMAL CRUELTY CASES

SUMMARY: By law, a court may vest ownership of a neglected or cruelly treated animal in the agriculture commissioner, a municipality, or other specified entities or people. The commissioner or municipality may auction the animal, sell it through an open bidding process, or give it to certain people or rescue or

adoption organizations.

This act expands the circumstances under which the commissioner or municipality may vest ownership of the animal in a person or organization and broadens the pool of possible recipients. It allows the commissioner or municipality to vest ownership of any seized animal in any person or nonprofit rescue or adoption organization. Under prior law, the commissioner or municipality could vest ownership of only seized animals that needed rehabilitative or special care in a person or a nonprofit animal rescue or adoption organization that annually placed at least 10 animals as pets in private homes.

EFFECTIVE DATE: October 1, 2012

PA 12-21—HB 5124

Environment Committee

AN ACT CONCERNING THE APPEAL OF CERTAIN ANIMAL RESTRAINT ORDERS

SUMMARY: By law, the agriculture commissioner or an animal control officer may order the restraint of a biting dog, cat, or other animal as he or she deems necessary. Any person aggrieved by an animal control officer's order may request a hearing before the commissioner within 14 days after the order is issued. The commissioner may affirm, modify, or revoke the order as he deems proper.

This act makes a restraint order effective upon issuance and during an appeal to the commissioner.

EFFECTIVE DATE: October 1, 2012

PA 12-54—sSB 350

Environment Committee

AN ACT REQUIRING THE ESTABLISHMENT OF MANUFACTURER MERCURY THERMOSTAT COLLECTION AND RECYCLING PROGRAMS

SUMMARY: This act requires mercury thermostat manufacturers to establish, by April 1, 2013, mercury thermostat collection and recycling programs. It prohibits them, beginning July 1, 2014, from selling, offering for sale, or distributing thermostats in Connecticut if they do not meet the act's program-related requirements. It also prohibits wholesalers or qualified contractors from selling, offering for sale, or distributing thermostats in the state (1) from noncompliant manufacturers or (2) if they do not participate as a mercury thermostat collection site.

The act (1) requires manufacturers to provide collection sites with containers and information about

proper mercury thermostat management, (2) allows them to charge such sites a one-time administrative fee, and (3) establishes reporting requirements for them and the Department of Energy and Environmental Protection (DEEP). It also requires manufacturers to provide education and outreach programs about mercury thermostat recycling and disposal.

Under the act, a municipality is allowed, but not required, to participate in a manufacturer mercury thermostat collection and recycling program.

The act also requires, beginning July 1, 2014, disposing of mercury thermostats through recycling or as hazardous waste. It specifies that solid waste disposal facility owners or operators will not violate the act's program or disposal requirements if they make certain efforts.

EFFECTIVE DATE: Upon passage

MERCURY THERMOSTAT

Under the act, a "mercury thermostat" is a thermostat intended for installation in a residential, commercial, or industrial building that uses a mercury switch to sense and control room temperature by communicating with heating, ventilating, or air conditioning equipment. It does not cover thermostats used for sensing and controlling temperature during manufacturing.

THERMOSTAT COLLECTION AND RECYCLING PROGRAM

Manufacturer Requirements

The act requires each mercury thermostat manufacturer, by April 1, 2013, to establish a collection and recycling program to collect, transport, and properly manage out-of-service mercury thermostats received at participating collection sites in the state. A manufacturer may establish the program individually or with others.

The act defines a "manufacturer" as a person who sells or sold, offers or offered for sale, or distributes or distributed a mercury thermostat in Connecticut under a brand or label owned by or licensed to the person.

It also requires manufacturers to (1) provide a collection container to a requesting wholesaler, retailer, qualified contractor, or municipality that participates as a collection site and (2) include with the container information about properly managing mercury thermostats as universal waste.

Under the act, a "wholesaler" distributes and sells at wholesale thermostats and other heating, ventilation, and air conditioning components to "contractors" in the business of installing, servicing, or removing them. A "retailer" sells thermostats directly to homeowners or nonprofessionals by any sales or distribution

mechanism. The act defines “qualified contractor” as a contractor who (1) employs at least seven service technicians or installers or (2) is located outside of a U.S. Census Bureau-defined urban area.

Collection Sites

Under the act, starting July 1, 2014, wholesalers or qualified contractors comply with the mercury thermostat collection and recycling program and disposal requirements if they (1) participate as a collection site or (2) collect mercury thermostats and manage their disposal according to applicable state and federal universal waste rules. But wholesalers or qualified contractors must participate as collection sites in order to sell, offer for sale, or distribute thermostats in the state (see below). Wholesalers or retailers participating as collection sites must post visible signs about collecting and recycling mercury thermostats.

Beginning April 1, 2014, DEEP must post and maintain on its website a list of wholesalers, retailers, qualified contractors, and municipalities participating as collection sites for out-of-service mercury thermostats.

Administrative Fee

The act allows manufacturers to charge a one-time administrative fee of up to \$75 to a wholesaler, retailer, qualified contractor, or municipality that participates in its program and receives at least one collection container. It otherwise prohibits manufacturers from charging anyone for participating in the program.

Prohibitions on Selling, Offering for Sale, or Distributing

Beginning July 1, 2014, manufacturers that fail to establish a mercury thermostat collection and recycling program and fulfill the related requirements are barred from selling, offering for sale, or distributing thermostats in Connecticut. Starting on the same date, wholesalers or qualified contractors are (1) required to participate as a collection site in order to sell, offer for sale, or distribute thermostats in the state and (2) prohibited from selling, offering for sale, or distributing thermostats from a noncompliant manufacturer in Connecticut.

Education and Outreach Programs

Between April 1, 2013 and April 1, 2016, manufacturers must conduct education and outreach efforts about the mercury thermostat collection and recycling programs. They must educate contractors and homeowners about the (1) importance of properly managing out-of-service mercury thermostats, (2)

opportunities for collecting and recycling the thermostats, and (3) availability of manufacturer mercury thermostat collection and recycling programs. Manufacturers must also:

1. promote collection container availability to wholesalers, retailers, qualified contractors, and municipalities;
2. provide signs for participating collection sites to prominently display information for contractors and consumers about collecting and recycling out-of-service mercury thermostats; and
3. supply participating wholesalers and retailers with written material that they can copy to provide customers with information about (a) the importance of properly managing out-of-service mercury thermostats and (b) collection and recycling opportunities.

Reports

The act requires each manufacturer, beginning April 1, 2014, to submit an annual report to DEEP providing:

1. the number of mercury thermostats it collected and recycled under the program during the prior calendar year;
2. a self-evaluation of the effectiveness of its collection and recycling program;
3. an accounting of its program administrative costs during the prior calendar year; and
4. a list of wholesalers, retailers, qualified contractors, and municipalities that requested collection containers during the prior calendar year.

The self-evaluation must be certified as substantially accurate by a competent third party acceptable to the DEEP commissioner.

By January 1, 2017, DEEP must submit a report to the Environment Committee about the effectiveness of the manufacturer mercury thermostat collection and recycling programs. The report must (1) be partially based on the manufacturers’ reports submitted to DEEP and (2) include recommendations for revising the programs, such as making necessary statutory changes or repealing the programs.

MERCURY THERMOSTAT DISPOSAL

Beginning July 1, 2014, the act requires disposing of mercury thermostats by recycling or as hazardous waste. The act also provides specific disposal requirements, starting July 1, 2014, for (1) contractors and (2) anyone disposing of mercury thermostats as part of certain energy efficiency or weatherization programs. It allows DEEP to enforce the requirements.

Under the act, a contractor replacing a building's mercury thermostat must recycle or deliver it to a wholesaler, retailer, or municipality participating as a mercury thermostat recycling and collection site. A contractor who demolishes a building must remove mercury thermostats before demolition and recycle or deliver them to a wholesaler, retailer, qualified contractor, or municipality participating as a collection site. Anyone replacing a mercury thermostat as part of an energy efficiency or weatherization program conducted under law or supported or administered wholly or partially by a state department, agency, instrumentality, or political subdivision, must deliver it to a wholesaler, retailer, qualified contractor, or municipality participating as a collection site.

SOLID WASTE DISPOSAL FACILITY

The act specifies that an owner or operator of a solid waste disposal facility does not violate the program or disposal requirements if he or she (1) makes a good-faith and consistent effort to comply, (2) posts a sign in a conspicuous location saying mercury thermostats are not accepted at the facility, and (3) provides written notice to all collectors registered to deposit at the facility that such thermostats are not accepted.

BACKGROUND

Mercury Education and Reduction Act

PA 02-90 established a comprehensive scheme governing the sale, use, distribution, disposal of, and notification requirements for mercury and many products containing mercury. Besides banning the sale and distribution of certain products containing mercury, it required that products with intentionally added mercury be labeled as to their mercury content (CGS § 22a-612 et seq.).

PA 12-84—sHB 5263

Environment Committee
Judiciary Committee

AN ACT INCREASING THE PENALTY FOR POACHING

SUMMARY: By law, a person who enters or remains in any premises to hunt, trap, or fish, although the person knows he or she is not licensed or privileged to do so, is guilty of 3rd degree criminal trespass.

This act increases the penalty for this offense, making it a class B misdemeanor. Under prior law, it was a class C misdemeanor (see Table on Penalties).

EFFECTIVE DATE: October 1, 2012

PA 12-98—sSB 85

Environment Committee
Finance, Revenue and Bonding Committee

AN ACT CONCERNING CAMPGROUND RESERVATIONS AT CERTAIN STATE PARKS

SUMMARY: By law, the energy and environmental protection commissioner may lease state park camping sites to state residents and nonresidents. Prior law limited a family to three weeks total each year at shore parks (i.e., Hammonasset and Rocky Neck).

This act instead prohibits the commissioner from leasing shore park camping sites to the same camping party for more than three weeks total during the camping season. But it requires him to lease shore park camping sites (1) to the same party for additional periods of up to three weeks if the party leaves the park for at least five days between leases or (2) that are vacant on a first come, first served basis.

The act authorizes the commissioner to adopt regulations to establish limits on the length of camping site leases. The act's lease length limitation is effective until June 30, 2013, or until regulations are adopted, whichever is later.

The act also requires the commissioner to establish a pilot program for the 2013 camping season that allows 5% of shore park camping sites to be leased to the same camping party without limitation on the number of days leased. For such sites, he may charge a nightly fee of 150% of the 2012 camping season rates. He must report, by February 1, 2014, to the Environment and Finance, Revenue and Bonding committees on the pilot program. The report must describe the program implementation, its impact on camping site availability, the reaction of families using the camping sites, and any recommendation for changes to the program.

EFFECTIVE DATE: Upon passage

PA 12-100—SB 351*Environment Committee**Planning and Development Committee***AN ACT CONCERNING CERTAIN CEMETERY EROSION MITIGATION EFFORTS WITHIN THE COASTAL BOUNDARY AND THE APPEAL OF CERTAIN DECISIONS UNDER THE WATER POLLUTION CONTROL ACT**

SUMMARY: This act adds cemetery and burial grounds to the list of land uses that can be protected by structural solutions within the coastal boundary.

The act also requires the Department of Energy and Environmental Protection (DEEP) commissioner to conduct a hearing at an applicant's request on an application for a (1) water quality certification under the federal Water Pollution Control Act (WPCA) or (2) permit to conduct certain activities in tidal, coastal, or navigable waters below the high tide line, under certain circumstances. It allows any person aggrieved by the DEEP commissioner's final decision on these applications to appeal to Superior Court.

EFFECTIVE DATE: October 1, 2012, except the provision concerning cemetery and burial ground protection is effective upon passage.

CEMETERY AND BURIAL GROUNDS

The act allows the use of structural solutions to protect a cemetery or burial ground in the coastal boundary.

By law, it is state policy in the coastal boundary for federal, state, and municipal agencies to (1) maintain the natural relationship between eroding and depositional coastal landforms and (2) minimize the adverse effects of erosion and sedimentation by promoting nonstructural mitigation measures.

But the law allows structural solutions, such as retaining walls, to erosion and sedimentation's adverse effects when necessary and unavoidable to protect (1) infrastructural facilities, (2) water-dependent uses, and (3) existing inhabited structures. There must be no feasible, less environmentally damaging alternative, and all reasonable mitigation measures and techniques must have been taken to minimize adverse environmental impacts.

APPLICATION HEARINGS*Water Quality Certification*

The act allows an applicant for a water quality certification under Section 401 of the WPCA to request a hearing on the application within 30 days of the date the DEEP commissioner publishes notice of his tentative determination or causes it to be published. It

requires the DEEP commissioner to hold a hearing if the applicant's request is timely and in writing.

Activity in Tidal, Coastal, or Navigable Waters

The act also requires the DEEP commissioner to hold a public hearing on an application to conduct certain regulated activities in tidal, coastal, or navigable waters below the high tide line if the applicant requests one in writing. By law, DEEP regulates dredging, erecting structures, placing fill, and related work in such waters.

Existing law allows the DEEP commissioner to hold a public hearing before approving or denying an application if he determines it is in the public interest. He must hold one if he receives a petition signed by at least 25 people requesting one and the application will (1) significantly affect a shellfish area, (2) have interstate ramifications, or (3) require a certificate of environmental compatibility and public need or approval from the Federal Energy Regulatory Commission.

BACKGROUND*Coastal Boundary*

By law, the "coastal boundary" is the furthest inland of (1) the 100-year-frequency coastal flood zone, (2) a 1,000-foot setback from the mean high-water mark, or (3) a 1,000-foot setback from the inland boundary of the tidal wetlands (CGS § 22a-94(b)).

Water Pollution Control Act

The federal Water Pollution Control Act (33 USC § 1251 et seq.), also known as the Clean Water Act, is aimed at restoring and maintaining the chemical, physical, and biological integrity of the nation's waters. Under Section 401 of the act, applicants for certain federal licenses or permits must obtain a certification from the state that the proposed activity is consistent with the WPCA and state water quality standards.

Related Act

PA 12-101 also adds cemetery and burial grounds to types of land uses that can be protected by structural solutions in the coastal boundary. It removes the statutory definition of and references to "high tide line," replacing it with "coastal jurisdiction line."

PA 12-101—SB 376*Environment Committee**Planning and Development Committee***AN ACT CONCERNING THE COASTAL MANAGEMENT ACT AND SHORELINE FLOOD AND EROSION CONTROL STRUCTURES**

SUMMARY: This act makes several changes in the Coastal Management Act (CMA) and laws regulating certain activities in the state's tidal, coastal, or navigable waters. Among other things, it:

1. modifies CMA's general goals and policies to consider (a) private property owners' rights when developing, preserving, or using coastal resources and (b) the potential impact of a rise in sea level when planning coastal development to minimize certain needs or effects (§ 1);
2. expands the list of land uses that can be protected by structural solutions under certain circumstances to include (a) cemetery and burial grounds and (b) inhabited structures built by January 1, 1995 (§ 1);
3. requires a municipal zoning commission to approve a coastal site plan for a shoreline flood and erosion control structure under certain circumstances (§ 3);
4. requires a municipal zoning commission or the Department of Energy and Environmental Protection (DEEP) commissioner to propose structure alternatives or mitigation measures and techniques if they deny a shoreline flood and erosion control structure application for certain reasons (§ 1); and
5. replaces the statutory definition of "high tide line" with one for "coastal jurisdiction line" (§§ 4-8).

The act also requires the Office of Policy and Management (OPM) to consider coastal erosion when revising the state Plan of Conservation and Development after October 1, 2012. It authorizes establishing certain programs and preparing a study related to shoreline protection and management.

EFFECTIVE DATE: October 1, 2012, except for the provision concerning coastal site plan approval for shoreline flood and erosion control structures, which is effective upon passage.

§ 2 — DEFINITION OF RISE IN SEA LEVEL

The act defines a "rise in sea level" under the CMA as the average of the most recent equivalent per-decade rise in the state's tidal and coastal waters surface level, as documented for annual, decadal, or centenary periods at any state site specified in National Oceanic and Atmospheric Administration (NOAA) online or printed

publications.

§ 1 — COASTAL MANAGEMENT ACT GOALS AND POLICIES

By law, the CMA sets general goals and policies to balance development and protection of the state's coastal resources. The act adds to these goals and policies consideration of private property owners' rights when developing, preserving, or using coastal resources. It also adds consideration of the potential impact of a rise in sea level, in addition to coastal flooding and erosion patterns as required under existing law, when planning coastal development. Such planning consideration must minimize shoreline armoring to protect future new development. Existing law already requires it to (1) minimize damage to and destruction of life and property and (2) reduce public expense to protect future development.

The CMA also provides policies for federal, state, and local agencies to follow when regulating land and water resources in the coastal boundary. Under prior law, CMA policy allowed structural solutions to protect certain facilities, uses, or inhabited structures when (1) necessary and unavoidable; (2) there is no feasible, less environmentally damaging alternative; and (3) all reasonable mitigation measures and techniques have been provided. The act extends this policy to protect (1) cemetery and burial grounds and (2) inhabited structures built by January 1, 1995.

By law, CMA policy promotes nonstructural solutions to flood and erosion problems when managing coastal hazard areas unless structural solutions are unavoidable and needed to protect, among other things, existing inhabited structures built before January 1, 1980. The act expands this exception to include inhabited structures built by January 1, 1995.

The act specifies that, for the purposes of CMA's goals and policies, "feasible, less environmentally damaging alternative" includes such things as (1) relocating an inhabited structure to a landward location; (2) elevating an inhabited structure; (3) restoring or creating a dune or vegetated slope; or (4) living shoreline techniques that use a variety of structural and organic materials to protect the shoreline and maintain or restore coastal resources and habitat, like tidal wetland plants, submerged aquatic vegetation, coir (coconut) fiber logs, sand fill, and stone.

§§ 1 & 3 — SHORELINE FLOOD AND EROSION CONTROL STRUCTURES

Definition

The act specifically excludes from the definition of “shoreline flood and erosion control structure” any activity that has the primary purpose or effect of restoring or enhancing tidal wetlands, beaches, dunes, or intertidal flats, such as living shoreline projects. By law, such a structure controls flooding or erosion from tidal, coastal, or navigable waters, and includes breakwaters, bulkheads, groins, jetties, revetments, riprap, seawalls, and placing concrete, rocks, or other significant barriers to flood water flows or sediment movement along the shoreline. The law, unchanged by the act, already excludes certain additions, reconstructions, changes, or adjustments to a walled and roofed building.

Coastal Site Plan Approval

By law, the CMA requires coastal site plan reviews for certain activities at least partially in the coastal boundary and landward of the mean high water mark. A coastal site plan for a shoreline flood and erosion control structure must be filed with a municipal zoning commission to determine conformity with municipal zoning regulations and certain state statutory requirements. A shoreline flood and erosion control structure applicant must obtain any necessary DEEP approval for conducting a regulated activity in the state’s tidal, coastal, or navigable waters waterward of the coastal jurisdiction line (previously the high tide line).

The act requires a municipal zoning commission to approve a coastal site plan for a shoreline flood and erosion control structure if the record demonstrates and the commission makes specific written findings that:

1. the structure is necessary and unavoidable to protect (a) infrastructure facilities, (b) cemetery or burial grounds, (c) water-dependent uses fundamental to habitability or the property’s primary use, or (d) inhabited structures or additions constructed by January 1, 1995;
2. there is no feasible, less environmentally damaging alternative; and
3. all reasonable mitigation measures and techniques are implemented to minimize adverse environmental impacts.

Alternatives, Mitigation Measures, and Techniques

Under the act, if the DEEP commissioner or a municipal commission denies a shoreline flood and erosion control structure application because (1) there may be feasible, less environmentally damaging

alternatives or (2) reasonable mitigation measures and techniques were not provided, they must propose, in writing and on the record, the types of alternatives or efforts the applicant can investigate. The act specifies that this requirement does not shift the applicant’s burden to (1) prove entitlement to approval or (2) present alternatives.

“Reasonable mitigation measures and techniques” include such things as (1) provisions for upland migration of on-site tidal wetlands, (2) littoral (associated with tidal water shore land) system and public beach replenishment with suitable sediment at a rate and frequency equal to the sediment removed from the site because of the proposed structure, or (3) on- or off-site removal of existing shoreline flood and erosion control structures from public or private shoreline property to at least the same extent as the shoreline area impacted by the proposed structure.

§§ 4-8 — REGULATED ACTIVITY IN TIDAL, COASTAL, OR NAVIGABLE WATERS

Coastal Jurisdiction Line

The act removes the statutory definition of and references to “high tide line,” replacing it with “coastal jurisdiction line.” It defines “coastal jurisdiction line” as the location of the topographical elevation of the highest predicted tide from 1983 to 2001, based on the most recent National Tidal Datum Epoch published by NOAA and described in terms of feet of elevation above the North American Vertical Datum of 1988.

The act specifies that, for any of the state’s tidal, coastal, or navigable waters upstream of a tide gate, weir, or other device that modifies tidal water flow, the coastal jurisdiction line is the elevation of mean high water found at the device’s downstream location.

By law, DEEP regulates dredging, erecting structures, placing fill, and related work in state tidal, coastal, or navigable waters waterward of the coastal jurisdiction line.

Navigable Waters

The act defines “navigable waters,” for purposes of regulating certain coastal activities, as (1) Long Island Sound or any of its coves, bays, or inlets and (2) the part of any tributary, river, or stream that empties into Long Island Sound upstream to the first permanent obstruction to watercraft navigation from Long Island Sound.

§ 9 — STATE PLAN OF CONSERVATION AND DEVELOPMENT

By law, OPM must prepare the state Plan of Conservation and Development for legislative approval every five years. Starting October 1, 2012, the act requires any plan revision to (1) consider risks associated with increased coastal erosion caused by a rise in sea level, based on site topography; (2) identify impacts of such increased erosion on infrastructure and natural resources; and (3) make recommendations for siting future infrastructure and property development to minimize using areas prone to such erosion.

§ 10 — SHORELINE PROGRAMS AND STUDY

Pilot Program

The act authorizes the DEEP commissioner, within available appropriations, to establish a pilot program to encourage innovative and low-impact approaches to (1) shoreline protection and (2) sea level rise adaptation. These approaches may include living shoreline techniques to protect the shoreline and maintain or restore coastal resources and habitat, with various structural and organic materials such as (1) tidal wetland plants, (2) submerged aquatic vegetation, (3) coir fiber logs, (4) sand fill, and (5) stone.

It allows the DEEP commissioner to (1) solicit proposals for site-specific pilot projects using the above approaches and (2) offer technical assistance for the projects. If a proposed project involves tidal wetlands or tidal, coastal, or navigable waters waterward of the coastal jurisdiction line, the DEEP commissioner can only select up to three such projects each year to receive expedited permission to conduct certain maintenance activities. By law, such activities include (1) substantial maintenance or repair of existing structures, fill, obstructions, or encroachments; (2) certain maintenance dredging; (3) removal of derelict structures or vessels; and (4) temporary structure placement for water-dependent uses, among other things (CGS § 22a-363b).

Science and Engineering Capacity Program

The act also authorizes the University of Connecticut and the Connecticut State University System to work with other academic institutions and federal and state agencies to seek funds and establish a program to develop and maintain state science and engineering capacity to support shoreline planning and management, to enhance coastal community resilience to coastal hazards and sea level rise. They can do so within available appropriations.

Shoreline Management Study

The act authorizes the DEEP commissioner, within available appropriations and in conjunction with academic institutions, nongovernmental organizations, or federal agencies, to seek funds for and prepare a shoreline management study. The study's purpose is to enhance coastal community resilience to coastal hazards and sea level rise, particularly in areas significantly impacted by coastal storms.

BACKGROUND

Coastal Boundary

The "coastal boundary" is the furthest inland of (1) the 100-year-frequency coastal flood zone, (2) a 1,000-foot setback from the mean high-water mark, or (3) a 1,000-foot setback from the inland boundary of the tidal wetlands (CGS § 22a-94(b)).

Related Act

PA 12-100 also adds cemetery and burial grounds to the list of land uses that can be protected by structural solutions in the coastal boundary.

PA 12-105—sHB 5409

Environment Committee

AN ACT CONCERNING THE POSSESSION OF CERTAIN ANIMALS AND PET SHOPS AND CONSUMER REIMBURSEMENT FOR CERTAIN VETERINARY EXPENSES

SUMMARY: This act makes changes in the pet lemon law. It appears to allow pet shop customers to either seek reimbursement for certain veterinarian expenses for a dog or cat that suffers from an illness or congenital defect shortly after the sale, or request a replacement or refund for the animal. The act prohibits pet shops from requiring the consumer to return the animal in order to receive a reimbursement. It requires certain pet shops to (1) post a statement informing customers of their rights under the pet lemon law and (2) give customers a copy of the statement when they buy a dog or cat.

By law, the agriculture commissioner may inspect licensed commercial kennels, pet shops, grooming facilities, and training facilities under certain circumstances. If he finds certain violations or unsanitary conditions, the act authorizes him to impose a fine of up to \$500 for each animal subject to the violation.

The law bans potentially dangerous animals, including species of the *hominidae* family (e.g., gorilla, chimpanzee, and orangutan), but exempts primates weighing less than 35 pounds at maturity and imported into the state or owned before October 1, 2003. The act extends the exemption for such primates to those imported or possessed before October 1, 2010.

Lastly, the act exempts ferrets, hedgehogs, sugar gliders, and degus from the law and regulations requiring permits for importing, introducing, possessing, or liberating any live fish, wild bird, wild mammal, reptile, amphibian, or invertebrate into the state. The law requires the energy and environmental protection commissioner to adopt regulations specifying the species that must meet permit requirements.

EFFECTIVE DATE: October 1, 2012

PET LEMON LAW

By law, licensed pet shops must, at a dog or cat owner's option, replace or refund the purchase price of a dog or cat that (1) within 20 days after the sale, becomes ill or dies of an illness that existed at the time of sale or (2) within six months after the sale, is diagnosed with a congenital defect that adversely affects, or will adversely affect, its health. In the case of illness or congenital defect, the consumer must present a licensed veterinarian's certificate stating that the animal is ill from a condition that existed at the time of sale or suffers from a congenital defect. If the animal has died, the consumer must present a licensed veterinarian's certificate stating that an illness that existed at the time of sale caused the death.

Under prior law, the pet shop had to reimburse the consumer for any costs, up to \$500, associated with veterinarian services related to the animal's illness or congenital defect, upon presentation of the veterinarian's certificate.

The act appears to allow a consumer the option of either seeking reimbursement or requesting a replacement or refund. Thus, the consumer cannot do both. The act also prohibits the pet shop from requiring the consumer to return the animal to the store in order to receive a reimbursement. Prior law was silent on whether the animal must be returned.

Consumer Rights Statement

The act requires each licensed pet shop that sells dogs or cats to post a statement of consumer rights under the pet lemon law in a location readily visible to the public. It must be printed in black lettering of at least 20-point type size on a white background. The pet shop must also provide a copy of the statement to a customer when he or she buys a dog or cat. The agriculture commissioner must prescribe the content of

the statement.

PENALTIES FOR CERTAIN VIOLATIONS

If upon inspection of a licensed commercial kennel, pet shop, or grooming or training facility, the commissioner determines that any of the following exists, the act allows him to impose a fine of up to \$500 for each animal subject to the violation:

1. the premises are not being maintained in a sanitary and humane manner or in a way that protects public safety;
2. contagious, infectious, or communicable disease or other unsatisfactory conditions exist; or
3. in the case of a pet shop, the shop violates the invasive plant laws.

By law, he may quarantine the premises and animals and issue orders he deems necessary to correct the conditions.

PA 12-108—sHB 5446

Environment Committee

AN ACT CONCERNING THE PAYMENT PROCEDURE FOR THE STERILIZATION AND VACCINATION OF CERTAIN DOGS AND CATS AND PROVIDING FOR ANIMAL CONTROL OFFICER TRAINING

SUMMARY: This act requires new animal control officers (ACOs) starting on or after July 1, 2012 to complete at least 80 hours of initial ACO training. It also requires all ACOs to complete at least six hours of continuing education training annually. The agriculture commissioner must (1) prescribe the initial ACO training curriculum, which must include specified topics; (2) reimburse costs for people participating in the initial ACO training; and (3) adopt regulations concerning the continuing education requirement.

The law establishes a voucher system for paying veterinarians who vaccinate and sterilize impounded, quarantined, or stray dogs and cats. By law, people acquiring an unspayed or unneutered dog or cat from a pound must pay the pound \$45 for a voucher to sterilize and vaccinate the animal. The act allows a pound to complete and retain a voucher to have the animal sterilized and vaccinated before releasing it to the person adopting or buying it. It also allows a pound to complete and submit a voucher to a veterinarian to sterilize and vaccinate a dog or cat that has not been adopted or bought and has pyometra, an infection of the uterus.

EFFECTIVE DATE: Upon passage, except for the voucher provisions, which are effective October 1, 2012.

NEW ACO TRAINING

Under the act, a person cannot begin serving as an ACO on or after July 1, 2012 unless he or she (1) completes at least 80 hours of ACO training and receives a certificate of completion from the agriculture commissioner or (2) provides the commissioner with an affidavit agreeing to complete the training within one year of starting employment as an ACO.

The act requires the commissioner to maintain records to document compliance with this training requirement.

Training Cost

The act requires the commissioner to reimburse each person who completes the ACO training the costs of the program from the animal population control account.

Training Curriculum

The act requires the commissioner, by July 1, 2012, to prescribe the ACO training standards and curriculum, which must include:

1. animal identification;
2. state laws on animal control, protection, and cruelty;
3. animal health and disease recognition, control, and prevention;
4. the humane care and treatment of animals;
5. animal care and control standards in an animal shelter;
6. animal transportation standards and procedures;
7. principles and procedures for capturing and handling stray domestic animals and wildlife, including how to deter an animal from biting;
8. first aid for injured animals;
9. documenting animal cruelty evidence and courtroom procedures;
10. animal shelter operations and administration;
11. animal spaying, neutering, microchipping, and adoption;
12. communications and public relations;
13. search warrants and affidavits;
14. ACO civil liability;
15. crisis intervention and officer safety; and
16. other topics related to animal control and animal shelter personnel.

Training Certificate

The act requires a person, upon satisfactorily completing the ACO training, to give the commissioner evidence of completing the program. The commissioner must then issue the person a certificate that contains the person's name, the training program name, and the completion date. The act allows the commissioner to charge a reasonable fee for the certificate.

PA 12-127—HB 5258

Environment Committee

AN ACT PERMITTING THE POSSESSION OF REINDEER YEAR ROUND

SUMMARY: This act requires the agriculture commissioner, by September 1, 2013, to adopt regulations, in consultation and agreement with the energy and environmental protection (DEEP) commissioner, to allow in-state captive herds of cervids (i.e., deer), including reindeer.

The act requires the agriculture commissioner, by November 1, 2012, to implement a pilot program under which he issues two permits that allow up to two Connecticut businesses to have up to five reindeer each. Each reindeer must have an importation permit issued by the agriculture commissioner in consultation with the DEEP commissioner. The importation permits must be on forms the agriculture commissioner provides and are contingent on requirements he determines, including the source of the reindeer, any required health certification, fencing and containment requirements, periodic inspections, and testing. The pilot program remains in effect until regulations are adopted.

By law, anyone may import reindeer into the state between Thanksgiving Day and New Year's Day if they are (1) individually identified, (2) certified to be in good health, and (3) exported from the state by January 8. Under the act, these provisions remain in place until regulations are adopted.

EFFECTIVE DATE: Upon passage

REGULATIONS

The required regulations must include standards and procedures to protect native wildlife and provisions for:

1. issuing permits for importing, exporting, and maintaining captive herds;
2. seasonal interstate transport and possession of reindeer under the pilot program (but the pilot program ends when the regulations are adopted) until domestic herds are sufficiently established to meet demand; and

3. inspections and enforcement.

The act requires any importation permit to be issued by the agriculture commissioner in consultation with the DEEP commissioner.

PA 12-152—sSB 347

Environment Committee
Appropriations Committee

AN ACT CONCERNING THE STATE'S OPEN SPACE PLAN

SUMMARY: This act requires the Department of Energy and Environmental Protection (DEEP) commissioner to update the state's open space plan by December 15, 2012 and at least once every five years, instead of as necessary. It expands the list of people and entities with whom the commissioner must consult when updating the plan to include the agriculture and public health commissioners, municipalities, and regional planning agencies.

The act expands the types of information that the commissioner must include in the state's open space plan to include, among other things, (1) an estimate of how much state land is preserved as open space and (2) potential methods, costs, and benefits of establishing a system to accurately track open space land.

The act requires the commissioner, by October 1, 2014, and in consultation with all state agencies, to identify state-owned land that should be conserved and develop a plan to preserve it forever as open space land.

EFFECTIVE DATE: October 1, 2012

OPEN SPACE PLAN

By law, 21% of the state's land area must be held as open space land. The goal for the state's open space acquisition program is for the state to hold 10% and municipalities, water companies, or nonprofit land conservation organizations (e.g., land trusts) to hold at least 11% of the state as open space land. The act specifies that "to acquire land" includes acquiring (1) land in fee simple (i.e., full ownership) and (2) conservation easements.

Under prior law, the DEEP commissioner had to consult with the Council on Environmental Quality (CEQ) and private nonprofit land conservation organizations to (1) prepare and update, as necessary, a plan to meet the state's open space goal and (2) set an additional open space goal for municipalities and conservation organizations. The act instead requires the commissioner to consult with the agriculture and public health commissioners, CEQ, conservation organizations, municipalities, and regional planning agencies to prepare a plan by December 15, 2012 and

update the plan at least once every five years thereafter. It removes the requirement that the DEEP commissioner set an open space goal for municipalities and conservation organizations.

In addition to existing law's requirements that the open space plan include (1) timetables for the state to acquire land, (2) plans for managing the land, and (3) an assessment of resources to be used for acquiring and managing land, the act also requires it to include:

1. an estimate of how much land is preserved as open space;
2. an evaluation of the methods, costs, and benefits of establishing a system to accurately track open space land by encouraging municipalities, water companies, and nonprofit land conservation organizations to voluntarily submit information on new acquisitions, including the costs and benefits of having a state agency, public college or university, or nongovernmental organization host and operate the system; and
3. the highest priorities for land acquisition, including wildlife habitats and ecological resources in the greatest need of immediate preservation, and their general location.

The act removes a requirement that the plan include recommendations on the acquisition and maintenance of open space land by municipalities and private entities.

STATE-OWNED LAND HELD BY STATE AGENCIES

The act requires the DEEP commissioner to (1) establish a way for each state agency to identify state-owned land in its custody that is valuable for conservation purposes and (2) by October 1, 2014, identify such land. He must consult with the public health commissioner about any state-owned land that is water supply land.

The commissioner must include in the state's open space plan a strategy for preserving state-owned land of high conservation value in perpetuity as open space. When developing the strategy, he must consult with each state agency that holds such land and consider the agency's present and future needs.

PA 12-167—sHB 5259

Environment Committee

AN ACT REQUIRING THE INSPECTION OF VESSELS AND VESSEL TRAILERS FOR AQUATIC INVASIVE SPECIES

SUMMARY: This act expands boaters' responsibility for inspecting their boats and boat trailers before

transporting them in Connecticut. Prior law required them to inspect for and properly remove and dispose of any vegetation. The act requires them to inspect for vegetation and aquatic invasive species, as determined by the energy and environmental protection commissioner, and properly remove and dispose of what is visible and identifiable without optical magnification. As under prior law, violators are subject to a fine of up to \$100 for each violation.

The act requires Department of Energy and Environmental Protection-approved safe boating courses to instruct boaters on how to properly inspect boats and trailers for aquatic invasive species and dispose of them. By law, the courses must already instruct boaters on how to properly inspect for and dispose of vegetation.

EFFECTIVE DATE: July 1, 2012

PA 12-174—HB 5412

Environment Committee

AN ACT CONCERNING THE OPERATION OF CERTAIN VESSELS REGISTERED WITH MARINE DEALER REGISTRATION NUMBERS

SUMMARY: Under prior law, certain specified people in addition to marine dealers and their employees could, until May 27, 2012, operate a vessel with a marine dealer registration number. This act removes the sunset provision and expands the list of people to whom the law applies.

The act allows a person to operate a vessel with a marine dealer registration number if he or she operates a recreational charter fishing guide service using a vessel registered with a marine dealer registration in connection with the guide service. Prior law allowed the person to operate a vessel with a marine dealer registration only if he or she had operated such a guide service for at least five of the 10 years before May 27, 2010.

The act maintains the existing law's requirement that the person also hold a current (1) U.S. Coast Guard passenger-for-hire license and (2) Department of Energy and Environmental Protection charter boat registration.

EFFECTIVE DATE: Upon passage

BACKGROUND

Marine Dealer Registration Numbers

The law allows marine dealers to operate, or direct their bona fide full-time employees to operate, a vessel with a marine dealer's registration number when:

1. a potential purchaser or customer is aboard;
2. running a new vessel from an import terminal

- to the dealer's place of business;
3. test running a new vessel after receiving it from the manufacturer;
4. delivering a sold vessel to the new owner;
5. running a trade-in vessel from a buyer;
6. test running a trade-in vessel before it is made available for sale;
7. running a vessel to, and using a vessel in, a fishing tournament;
8. test running a vessel after repairs, maintenance, or winter storage;
9. in connection with the business of the marine dealer;
10. running the vessel to obtain or deliver parts for the repair of the vessel or another vessel; and
11. running a vessel for the marine dealer's personal use (CGS § 15-145(e)).

PA 12-176—sHB 5447

Environment Committee

AN ACT CONCERNING AQUATIC ANIMALS AS FOOD AND THE TAKING OF SCALLOPS FROM THE NIAN TIC RIVER

SUMMARY: This act requires the agriculture commissioner to license and inspect aquaculture producers. It allows him to (1) prescribe the license term, fee, and application and (2) adopt implementing regulations in consultation with the consumer protection commissioner. It specifies license criteria for aquaculture producers. (By law, the commissioner must already license commercial harvesters, producers, and shippers of shellfish, including mussels, oysters, clams, and scallops (CGS § 26-192c)).

The act increases, from two to two-and-a-half inches, the minimum size of scallops that a person can take from the Niantic River. It allows the Waterford-East Lyme shellfish commission to increase or decrease the daily limit of scallops a person can take, rather than just increase it.

The act also makes technical changes.

EFFECTIVE DATE: July 1, 2012, except for the provisions regarding aquaculture producers, which are effective October 1, 2012.

AQUACULTURE PRODUCERS

The act defines "aquaculture producer" as anyone who engages in the controlled rearing, cultivation, and harvesting of aquatic animals in land- or marine-based culture systems, tanks, containers, impoundments, floating or submerged nets, or pens and ponds. "Aquatic animals" are fresh or saltwater finfish, crustaceans, and other aquatic life forms, including jellyfish, sea

cucumbers, sea urchins, their roe, and mollusks, that are intended for human consumption.

Under the act, to receive a license, an aquaculture producer must:

1. be registered with the U.S. Food and Drug Administration as a food facility;
2. meet all processing and inspection standards for seafood processing facilities, including compliance with federal law; and
3. pass inspection by the Department of Consumer Protection.

NIANTIC RIVER SCALLOPS

By law, the Waterford-East Lyme shellfish commission may regulate the taking of scallops, clams, and oysters from the Niantic River.

Prior law prohibited taking (1) any scallop that passes through a two-inch ring or (2) more than three bushels of scallops a day. But the commission could increase the daily limit after it had been in place for 30 days. The act instead prohibits taking any scallop that passes through a two-and-a-half-inch ring, thereby increasing the minimum size of scallops that a person may take. It maintains the three-bushel limit, but the commission may increase or decrease it after 30 days.

By law, a violator is subject to a fine of up to \$200, imprisonment of up to 10 days, or both. Upon conviction, the court may order that the violator cannot hold a permit or license to take shellfish in the Niantic River until the second season following the conviction.

BACKGROUND

Related Act

PA 12-80 (§ 41) reduces the penalty for illegal shellfishing in the Niantic River from a criminal offense to a violation, for which one must go to court, punishable by fine of up to \$250.

PA 12-181—sHB 5304 (VETOED)

Environment Committee

Finance, Revenue and Bonding Committee

AN ACT CONCERNING THE TRAINING AND AUTHORITY OF CERTAIN CONSTABLES APPOINTED FOR FISH AND GAME PROTECTION

SUMMARY: This act exempts certain fish and game protection constables from having to be certified as police officers by the Police Officer Standards and Training Council (POST). To be exempt, the constables must (1) be appointed by a town in Hartford County

having a population between 44,000 and 50,000 (i.e., Enfield) and (2) successfully complete a basic police training course that is tailored to the constables' duties and provided by a POST-certified police officer from that town. And, in order to carry a firearm in the course of their duties, such fish and game protection constables must be certified by a firearms trainer of the town's police department and meet the recertification requirements that apply to the department's regular sworn officers.

EFFECTIVE DATE: October 1, 2012

BACKGROUND

Fish and Game Protection Constables

Fish and game protection constables enforce (1) state and local fish and game laws and regulations; (2) local ordinances related to hunting, fishing, and trapping; (3) the law prohibiting people from carrying loaded shotguns, rifles, and muzzleloaders in vehicles and snowmobiles; and (4) the 3rd degree criminal trespass law.

PA 12-4—SB 457

Emergency Certification

AN ACT CONCERNING A CAP ON THE PETROLEUM PRODUCTS GROSS EARNINGS TAX AND PENALTIES FOR ABNORMAL PRICE INCREASES IN CERTAIN PETROLEUM PRODUCTS

SUMMARY: This act caps at \$3 per gallon the amount of gross earnings from gasoline and gasohol subject to the petroleum products gross earnings tax.

It bars petroleum products distributors from including in any billing for the first sale of any petroleum products in the state any amount representing the gross earnings tax that exceeds their gross earnings tax liability. The act (1) gives the Department of Consumer Protection (DCP) commissioner the discretion to investigate complaints to enforce this provision and (2) starting April 15, 2012, makes a violation of this provision an unfair or deceptive trade practice under the Connecticut Unfair Trade Practices Act (CUTPA) (see BACKGROUND). It specifies that the CUTPA violation is in lieu of existing penalties under the petroleum products gross earnings tax law.

The act specifically includes number 2 home heating oil used exclusively for heating purposes and gasohol in the definition of an energy resource covered by the law that prohibits excessive pricing.

In addition, the act (1) deems the 90 calendar days after its passage (until July 2, 2012), to be a period of an abnormal market disruption in the price of energy resources and (2) establishes the amount of any subsequent increase in the wholesale price of gasoline or gasohol that must be deemed an abnormal market disruption. By law, during the period of a disruption, all energy resource sellers are barred from charging an “unconscionably excessive price” (see BACKGROUND).

The act establishes a new fine of up to \$10,000 for each market disruption violation in addition to the civil actions the attorney general may already seek and CUTPA penalties that already apply.

EFFECTIVE DATE: Upon passage

PETROLEUM PRODUCTS GROSS EARNINGS TAX

Cap on Gasoline and Gasohol Gross Earnings

Under existing law, the petroleum products gross earnings tax applies to the gross earnings from the first sale of many petroleum products, including gasoline and gasohol, in Connecticut by petroleum products distributors. Under the act, if the price of gasoline or gasohol at such first sale exceeds \$3 per gallon, the gross earnings from such sale is deemed to be \$3 per

gallon and any consideration the distributor receives in excess of that amount is exempt from the gross earnings tax.

The act allows the Department of Revenue Services commissioner to suspend, until no later than April 15, 2012, enforcement of the cap until all policies and procedures necessary to implement it are in place.

Billing for the First Sale of Petroleum Products

Under the act, petroleum products distributors are prohibited from including, in any billing for the first sale of any petroleum products in the state, any amount representing the gross earnings tax that exceeds their gross earnings tax liability. Violations are an unfair and deceptive trade practice. Complaints of such practices may be reported to the DCP commissioner who may require them to be reported on the department’s website or in any other way he determines best serves the public’s and department’s interests.

The act gives the DCP commissioner discretion to consider the information presented to DCP before conducting investigations to enforce this provision. This information includes the (1) number of complaints, (2) geographic areas reporting possible violations, (3) increase or decrease in the number of complaints over time, and (4) credibility of the evidence presented.

ABNORMAL ENERGY RESOURCES MARKET DISRUPTION

The act (1) expands the definition of energy resources to specifically include number 2 home heating oil used exclusively for heating purposes and gasohol, (2) deems the 90 calendar days (from April 3 to July 2) after its passage to be a period of an abnormal market disruption in the price of energy resources, and (3) establishes the amount of any future increase in the wholesale gasoline or gasohol price that must be deemed an abnormal market disruption.

By law, sellers may not sell or offer to sell energy resources for an unconscionably excessive price during an abnormal market disruption or a reasonably anticipated one. The attorney general must post notice of the disruption’s beginning and end dates on his website.

By law, the attorney general may file suit, on the DCP commissioner’s referral, in the Hartford judicial district against anyone who violates these provisions to recover a civil penalty of up to \$10,000 per violation and other equitable relief the court considers appropriate. In the case of a knowing violation, the attorney general can also seek double damages. A violation is also an unfair or deceptive trade practice.

GASOLINE AND GASOHOL

Price Increase Trigger

Under the act, after July 2, 2012, another disruption is deemed to occur when the wholesale price of gasoline or gasohol increases by at least 15% on any day over its price on any prior day within a 90-day period, resulting in a price of more than \$3 per gallon.

The act prescribes the method for determining when the 15% price increase occurs. The Department of Energy and Environmental Protection (DEEP) commissioner determines the percentage increase by comparing the higher average price at either the “Hartford/Rocky Hill” or “New Haven” petroleum terminal with the lowest average price at either terminal during the prior 90-day period. The wholesale price is determined daily by using the calendar day average price for gasoline published by the Oil Price Information Service.

Under the act, if during an abnormal market disruption period another 15% price increase occurs, as described above, a subsequent new 30-day disruption is deemed to occur.

Notice

Under the act, the attorney general must post the required notice indicating the deemed 90-day abnormal market disruption established on the act’s effective date. After that period, the DEEP commissioner must notify the attorney general and DCP commissioner when he determines that a price increase creates an abnormal market disruption. The attorney general must then post a notice on the day after the price increase, with an end date 30 days after the inception date. Upon notice, the attorney general or the DCP commissioner may immediately take any authorized action, which includes bringing or recommending a civil action against the seller.

Penalty

Under the act, the DCP commissioner may impose up to a \$10,000 fine per violation on any large gasoline or gasohol seller using CUTPA procedures. A “large seller” is anyone engaged in the wholesale or retail sale, or both, of petroleum products in the state or in the wholesale sale of petroleum products consumed in the state who must register with the DEEP commissioner.

Enforcement

The act gives the DCP commissioner discretion to consider the information presented to DCP before conducting investigations to enforce this provision. This information includes the (1) number of complaints, (2) geographic areas reporting possible violations, (3) increase or decrease in the number of complaints over time, and (4) credibility of the evidence presented. Complaints of such practices may be reported to the DCP commissioner who may require them to be reported on the department’s website or in any other way he determines best serves the public’s and department’s interests.

BACKGROUND

Connecticut Unfair Trade Practices Act

The law prohibits businesses from engaging in unfair and deceptive acts or practices. It allows the DCP commissioner to issue regulations defining what constitutes an unfair trade practice, investigate complaints, issue cease and desist orders, order restitution in cases involving less than \$5,000, enter into consent agreements, ask the attorney general to seek injunctive relief, and accept voluntary statements of compliance. It also allows individuals to sue. Courts may issue restraining orders; award actual and punitive damages, costs, and reasonable attorneys fees; and impose civil penalties of up to \$5,000 for willful violations and \$25,000 for violating a restraining order.

Abnormal Market Disruption

An “abnormal market disruption” is any stress to an energy resource market resulting from weather conditions, acts of nature, failure or shortage of an energy source, strike, civil disorder, war, national or local emergency, oil spill, or other extraordinary adverse circumstance (CGS § 42-234(a)).

Excessive Price During Market Disruption

Evidence of an unconscionably excessive price occurs when (1) there is a gross disparity between the amount the seller is charging and the amount he or she charged in the usual course of business just before the start of the disruption or just before the disruption is reasonably anticipated and (2) the seller’s charge was not attributable to additional costs incurred in connection with the sale of the product (CGS § 42-234(c)).

Gasoline Margins in Market Disruptions

By law, a seller may sell gasoline during a specified period if his or her average margin is less than the seller's maximum margin during the 90 days prior to the disruption or imminent disruption. The specified period is the longer of either (1) the abnormal market disruption or imminent disruption or (2) 30 days following the attorney general's notice date (CGS § 42-234(e)).

"Margin" means, for each grade of product sold, the percentage calculated by the following formula: 100 multiplied by a fraction, the numerator of which is the difference between the sales price per gallon and the product price per gallon and the denominator of which is the product price per gallon. Product price per gallon includes all applicable taxes (CGS § 42-234(a)(4)).

PA 12-135—sHB 5421

*Finance, Revenue and Bonding Committee
Judiciary Committee*

AN ACT CONCERNING "ZAPPERS"

SUMMARY: This act (1) makes it a crime to willfully and knowingly sell, purchase, install, transfer, or possess an automated sales suppression device (i.e., "zapper") or "phantom-ware" and (2) subjects violators to a fine of up to \$100,000, one to five years in prison, or both.

Violators also (1) are liable for all taxes, penalties, and interest due as a result of the crime and (2) forfeit all profits associated with the sale or use of the zapper or phantom-ware. The act classifies zappers and phantom-ware as contraband, allowing the Department of Revenue Services commissioner to confiscate them and any devices on which they are installed.

EFFECTIVE DATE: July 1, 2012

ZAPPERS AND PHANTOM-WARE

Under the act, an "automated sales suppression device" or "zapper" is a software program that falsifies electronic cash register and other point-of-sale system electronic records, including transaction data (e.g., items purchased, price and taxability of each item, and amount tendered and returned) and transaction reports. It can be carried on a memory stick or removable compact disc and accessed through an internet link or other means. "Transaction reports" are those (1) printed on cash register tape at the end of a day or shift that include sales, taxes collected, media totals, and discount voids at an electronic cash register or (2) stored electronically that document every action at an electronic cash register.

"Phantom-ware" is a hidden programming option embedded in or hardwired into an electronic cash register, whether preinstalled or installed later, which may be used to (1) create a virtual second till or (2) eliminate or manipulate sales records, that may or may not be digitally preserved, to represent the true or manipulated record of electronic cash register transactions.

PA 12-144—sHB 5500

Finance, Revenue and Bonding Committee

AN ACT CONCERNING AN ADJUSTMENT TO CERTAIN DATES RELATING TO THE FINANCING OF STEEL POINT IN BRIDGEPORT

SUMMARY: This act extends the time periods, by three and six years, respectively during which Bridgeport's Steel Point Special Taxing District may receive state economic development assistance and issue bonds to finance public improvements.

It extends, from June 30, 2012 to June 30, 2015, the deadline by which the Department of Economic and Community Development, Connecticut Development Authority, and Connecticut Innovations, Inc. may provide up to \$40 million in financial assistance from existing programs to the Steel Point project. As under prior law, the assistance must be used to develop and improve property in Bridgeport and may be in the form of grants, loans, loan guarantees, insurance contracts, investments, or a combination of these, provided from proceeds of bonds, notes, or other debt.

Prior law allowed Bridgeport's city council to merge the taxing district into the city if the district failed to issue bonds by July 1, 2009. The act extends this deadline to July 1, 2015.

EFFECTIVE DATE: Upon passage

PA 12-153—SB 354

*Finance, Revenue and Bonding Committee
Public Safety and Security Committee*

AN ACT CONCERNING THE ENHANCED EMERGENCY 9-1-1 PROGRAM

SUMMARY: This act modifies how prepaid wireless subscribers are assessed the fee that supports the Enhanced 9-1-1 (E 9-1-1) program. Under prior law, the Public Utilities Regulatory Authority (PURA) determined the monthly fee, capped at 50 cents per line per month, assessed on various telecommunications service subscribers, including prepaid subscribers. The act eliminates this monthly fee for prepaid wireless subscribers and, instead, levies a "prepaid wireless E 9-

1-1 fee” on each purchase of prepaid wireless telecommunications services from a retailer. It makes the fee equal to the monthly fee PURA assesses on other telecommunications service subscribers. A related act, PA 12-134, increases the cap on this monthly fee from 50 to 75 cents per month, per access line.

The act requires retailers to collect the prepaid wireless E 9-1-1 fee, and makes consumers liable for paying it. It allows retailers to keep 1% of the amount collected and requires them to remit the balance to the Division of Revenue Services (DRS), which must forward it to the State Treasurer’s Office for deposit in the E 9-1-1 Telecommunications Fund. It allows DRS to make a one-time deduction of not more than \$120,000 from the fund for administering the collection and remittance of the fees.

The act extends to telecommunications, wireless telecommunications, and prepaid wireless telecommunications service providers and their agents, who release 9-1-1 subscriber information as required by law the immunity that previously applied only to telephone companies and their agents who release such information.

The act also prohibits PURA from approving any monthly fee for commercial mobile radio service (e.g., cell phone) subscribers that includes the progressive wire line inclusion schedule. This schedule discounts the monthly rate paid by subscribers with more than one phone at a location.

It makes technical and conforming changes.

EFFECTIVE DATE: January 1, 2013

PREPAID WIRELESS FEES

E 9-1-1 Fee Assessment and Collection

Under prior law, PURA determined the monthly fee to be assessed on subscribers of the following telecommunications services: (1) local telephone, (2) commercial mobile radio service, (3) voice over Internet protocol (VOIP) (e.g., services provided by Vonage or Skype), and (4) prepaid wireless telephone service. The law caps the monthly fee that PURA may assess and precludes it from approving any fee that excludes the progressive wire line inclusion schedule. (PA 12-134 increases the cap on this fee from 50 to 75 cents per line per month.)

The act creates a separate assessment method for, and replaces the monthly assessment on, people who buy prepaid wireless telecommunications service with a per-transaction assessment equal to the monthly rate PURA assesses on other telecommunications service subscribers. For the act’s purposes, if a consumer purchase includes multiple prepaid services, each individual service constitutes a retail transaction. The act also prohibits PURA from approving any

commercial mobile radio service fee that includes the progressive wire line inclusion schedule.

The act replaces the term “prepaid wireless telephone service” with “prepaid wireless telecommunications service” to reflect the enhanced capability of current technology. It defines “prepaid wireless telecommunications service” as a service that a consumer pays for in advance, allowing him or her to access the E 9-1-1 system by dialing 9-1-1. The service is sold in predetermined units or dollars that decline with use. The act defines a “provider” as anyone who provides prepaid wireless telecommunications service under a Federal Communications Commission license.

Collection and Remittance of E 9-1-1 Fees

Under prior law, wireless service providers assessed the E 9-1-1 fee against their subscribers and paid the fee monthly to the state treasurer for deposit in the E 9-1-1 fund. The act requires any seller conducting a retail transaction in Connecticut to collect the prepaid wireless E 9-1-1 fee from consumers when they buy prepaid wireless communications services. A retail transaction occurs in Connecticut if (1) it is made in the consumer’s presence at the retailer’s business place in Connecticut or (2) the customer’s shipping address or, if no item is shipped, his or her billing address or the location associated with his or her mobile phone number, is in Connecticut.

Retailers must disclose the amount of the fee to consumers in an invoice, a receipt, or other similar document, or post it conspicuously on their websites or on a conspicuous sign at the point of sale.

Liability for Fees

Under the act, consumers are liable for paying the prepaid wireless E 9-1-1 fee. Sellers and providers of prepaid wireless telecommunications services have no liability; however, they must remit to DRS any fees they are required to collect, including any fees not stated separately on an invoice, receipt, or other similar document they give to the consumer.

DRS Responsibilities

The act allows retailers to retain 1% of the fees they collect and requires them to remit the balance to DRS by following existing law’s sales and use tax procedures. The same audit and appeal procedures established in statute for the sales and use tax apply to prepaid wireless E 9-1-1 fees.

DRS must establish registration and payment procedures that substantially coincide with those that apply to retailers for sales and use tax purposes. It must also establish procedures by which sellers of prepaid wireless telecommunications may document that a sale

is not a retail transaction. The procedures must substantially coincide with those used for documenting sale for resale transactions for sales and use tax purposes.

Not later than 30 days after receiving any prepaid wireless E 9-1-1 fee, DRS must transfer it to the state treasurer for deposit in the E 9-1-1 Telecommunications Fund. Any revenue from the prepaid wireless E 9-1-1 fee is subject to any restrictions under existing law.

Treatment of Prepaid Wireless E 9-1-1 Fees for Tax Purposes

Under the act, the amount of the prepaid wireless E 9-1-1 fees that sellers collect must be excluded from the base for measuring any tax, fee, surcharge, or other charge that the state, any state political subdivision, or any intergovernmental agency imposes on a seller, as long as the seller separately states the amount in an invoice, receipt, or other similar document provided to the consumer.

E 9-1-1 LIABILITY ISSUES

By law, telephone companies and VOIP service providers must forward the telephone number and street address from which a 9-1-1 call is made to a safety answering point. The law immunizes the companies and their agents from liability for (1) releasing E 9-1-1 subscriber information in accordance with the law or (2) the failure of any equipment or procedure in connection with E 9-1-1 or an emergency notification system. The act extends this immunity to telecommunications, wireless telecommunications, and prepaid wireless telecommunications service providers and their agents.

BACKGROUND

The E 9-1-1 System and Funding

The E 9-1-1 system provides dispatch services to people who call 9-1-1. The emergency services and public protection commissioner must annually determine the amount of funds needed to develop and administer the system. Funding for the system is generated by a monthly surcharge levied on all phone lines (CGS § 28-30a). PURA sets the surcharge based on cost and usage data provided by the Office of State-Wide Emergency Telecommunications (OSET) and subject to a statutory cap (currently 75 cents per month) (CGS § 16-256g, as amended by PA 12-134). Subscribers with multiple lines are assessed on a sliding scale. Subscribers pay the surcharge to their telephone service provider which, in turn, remits it to the State Treasurer's Office monthly for deposit in the E 9-1-1 Telecommunications Fund.

Related Act

Public Act 12-134 increases, from 50 to 75 cents per month, per access line, the maximum amount that PURA may assess telecommunications subscribers to fund the E 9-1-1 program.

PA 12-175—sHB 5425 (VETOED)

Finance, Revenue and Bonding Committee

AN ACT CONCERNING THE APPLICABILITY OF THE SALES AND USE TAX TO VESSEL STORAGE, MAINTENANCE OR REPAIR

SUMMARY: This act extends the (1) sales tax exemption for winter storage of noncommercial vessels by two months and (2) use tax exemption for winter storage, maintenance, and repair of vessels brought into the state exclusively for those purposes by one month. Under prior law, the sales tax exemption applied from November 1 to April 30, and the use tax exemption from October 1 to April 30. The act makes both exemptions apply from October 1 to May 31.
EFFECTIVE DATE: Upon passage

PA 12-189—sSB 25

Finance, Revenue and Bonding Committee

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

SUMMARY: This act authorizes up to \$621.1 million in new general obligation (GO) bonds for FY 13, including up to \$372.7 million for state and local capital projects and grant programs. The authorizations provide funding for education, economic development, energy, mortgage assistance, and information technology programs.

The act increases certain FY 13 bond authorizations enacted in 2011 by \$248.4 million, including adding \$180 million for repairs and improvements to state buildings and grounds and \$62.5 million for housing development and rehabilitation. It repeals \$10.5 million in authorizations for FY 13 and cancels \$11.8 million in bond authorizations for past years.

It authorizes up to \$90 million in special tax obligation (STO) bonds for state bridge repairs and improvements and \$30 million in STO bonds for the town-aid road grant program.

Finally, the act replaces a municipal grant program for renewable energy and energy efficient generation sources with a broader financial assistance program for

any entities undertaking these types of projects.
 EFFECTIVE DATE: July 1, 2012, except provisions concerning the following are effective upon passage: (1) Capitol Region Education Council (CREC) grants, (2) a bond authorization in sSB 1 (a bill that did not become law), (3) using outside funds in bond-funded projects, and (4) a provision in sSB 360 (a bill that did not become law).

§§ 1-15, 39-40, 42-43 & 48—BOND
 AUTHORIZATIONS FOR STATE AGENCY
 PROJECTS AND GRANTS

The act authorizes \$372.7 million in GO bonds for FY 13 for state capital projects and grant programs. Table 1 lists the purposes and amounts of these bond authorizations. The bonds are subject to standard issuance procedures and have a maximum term of 20 years. The act includes a standard provision requiring that, as a condition of bond authorizations for grants to private entities, 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 of the entity receiving it. The required repayment is reduced by 10% for each full year that the facility is used for the grant purpose. The act exempts certain grants from these repayment requirements.

Table 1: GO Bond Authorizations for FY 13

§	AGENCY	FOR	FY 13
<i>State Projects and Programs</i>			
2(a)	Office of Policy and Management (OPM)	Information technology capital investment program	\$50,000,000
2(b)	Department of Construction Services (DCS)	Removal or encapsulation of asbestos in state-owned buildings (see § 26)	5,000,000
		Construction, improvements, repairs, renovations, and land acquisition at fire training schools (see § 26)	28,200,000
2(c)	Department of Emergency Services and Public Protection (DESPP)	Design and construction of an emergency services facility, including canine training, vehicle impound areas, and a fleet maintenance and administration facility (Cancels existing authorization for emergency facility in Cheshire (§ 17, see Table 3))	5,256,985
		Design and construction of a firearms training facility and vehicle operations training center (Cancels existing authorization for Mulcahy Complex in Meriden (§§ 19 & 23, see Table 3))	6,576,000
2(d)	Judicial Department	Development of juvenile court building in Meriden or Middletown	1,000,000
2(e)	Department of Economic and Community Development (DECD)	Implementation of a minority business enterprise assistance program to help such businesses obtain surety bonds, including bid, performance, and payment bonds, for capital projects, which may be run by a contracted nonprofit entity; earmarks \$2 million each to nonprofits that give priority to minority business enterprises located in the northern and southern halves of the state	4,000,000

§	AGENCY	FOR	FY 13
9(a)	OPM	Grants to municipalities for computer-assisted mass appraisal systems	\$38,500
		Grants to municipalities for the incentive housing zone program	2,000,000
9(b), 39, 48	Department of Energy and Environment Protection (DEEP)	Study and assess feasible options to plan, design, acquire, and construct structural and nonstructural improvements to mitigate flooding conditions that caused property damage due to 2011 storms, including a cost benefit and environmental impact analysis of the alternatives	2,000,000
		Program to establish energy microgrids to support critical municipal infrastructure	25,000,000
		Implementation of a buy-out program for homeowners and businesses that receive Federal Emergency Management Agency (FEMA) funds for flood hazard mitigation or property damage due to storms in 2011 and subsequent years	2,000,000
		Grants to municipalities and nonprofits, including museums, for cultural and entertainment-related economic development projects	5,000,000
		Grant to the Connecticut Housing Finance Authority (CHFA) for its Emergency Mortgage Assistance Program (EMAP) (see § 49)	60,000,000
		Underground storage tank petroleum clean-up program: authorizes \$9 million in each of the four following fiscal years (FYs 13–16)	9,000,000
9(d)	Department of Public Health	Grants to community health centers and primary care organizations for renovation, improvement, and expansion of facilities, including land or building acquisition and purchasing equipment; earmarks up to \$15 million for member centers affiliated with the Community Health Center Association of Connecticut and \$15 million for Community Health Center, Inc.	30,000,000
9(e)	Department of Education (SDE)	Grants for <i>Sheff</i> magnet school program start-up costs: purchasing a building or portable classrooms, leasing space, and purchasing equipment, including computers and classroom furniture, provided that title to any such building that ceases to be used as an interdistrict magnet school may revert to the state as the education commissioner determines (§ 42 exempts CREC from repayment requirements for grants awarded under this section)	13,645,000
		Grants for expanding the availability of high-quality school models: alterations, repairs, improvements, technology, equipment, acquisition, and capital start-up costs	25,000,000
		Grants for low-performing schools in targeted local and regional school districts: alterations, repairs, improvements, technology, and equipment	16,000,000
		Grants to towns and tax-exempt organizations for facility improvements and minor capital repairs to school readiness programs and state-funded day care centers operated by towns and organizations	10,000,000
9(f)	Department of Children and Families	Grants to private nonprofit mental health clinics for children: expansion	1,000,000

§	AGENCY	FOR	FY 13
	(DCF)	and fire, safety, and environmental improvements	
40	DESPP	Implementation of a buy-out program for homeowners and businesses that receive FEMA funds for flood hazard mitigation or property damage due to storms in 2011 and subsequent years	2,000,000

§§ 39-40 – DEEP and DESPP Buy-Out Program

The act authorizes \$4 million in bonds in FY 13 for DEEP and DESPP (see Table 1) to implement a buy-out program that provides grants to homeowners and businesses that receive FEMA funds for flood hazard mitigation or property damage due to storms in 2011 and subsequent years. It limits the grant amount to \$50,000 or the limit set by the applicable FEMA program, whichever is less. The act’s grant repayment requirements do not apply to the grants awarded under the buy-out program.

To be eligible, applicants must (1) qualify for funding under a FEMA mitigation grant program designed to provide post-disaster assistance to homeowners and businesses and (2) meet any eligibility criteria the respective department establishes. The agencies must give priority to eligible applicants with property damage that occurred during an emergency or major disaster in the state declared by the president.

§ 43 – Capital Region Development Authority

The act authorizes up to \$60 million in bonds for the Capital Region Development Authority (CRDA) to provide grants or loans to encourage residential housing development in downtown Hartford. PA 12-147 redesignates the Capital City Economic Development Authority as the CRDA and expands the scope of the projects it oversees to include, among other things, residential housing development in areas outside downtown Hartford. The act’s grant repayment requirement does not apply to grants awarded under the CRDA program.

§ 48 – Underground Storage Tank Program

The act authorizes up to \$9 million in bonds for each of the following four fiscal years (FY 13 through FY 16) for DEEP to provide payment or reimbursement of approved claims under the underground storage tank petroleum clean-up program.

§§ 25-31, 34 & 41—CHANGES TO FY 13 BOND AUTHORIZATIONS IN PA 11-57

Changes to FY 13 Authorizations

The act changes certain FY 13 bond authorizations enacted in PA 11-57, as listed in Table 2.

Table 2: Changes to FY 13 Bond Authorizations in PA 11-57

§	AGENCY	FOR	PA 11-57 AUTH. FOR FY 13	CHANGE	TOTAL AUTH. FOR FY 13
25	Department of Administrative Services (DAS)	State Office Building, Hartford: exterior renovations and improvements, including installation of air conditioning	\$21,500,000	\$2,500,000	\$24,000,000
		State-owned buildings and grounds: infrastructure repairs and improvements	12,500,000	180,000,000	192,500,000
27	Department of Public Safety (DPS) (transfers to DESPP)	Buildings and grounds: alterations and improvements, including utilities, mechanical systems, and energy conservation projects	2,212,000	1,375,000	3,587,000
28	Judicial Department	State-owned and maintained facilities and grounds: alterations, renovations, and improvements	5,000,000	(1,000,000)	4,000,000
30	DECD	Housing development and rehabilitation (see below)	25,000,000	62,500,000	87,500,000
34	OPM	Capital Equipment Purchase Fund	22,900,000	2,000,000	24,900,000

§ 26—Repeal of FY 13 Authorizations for DCS

The act repeals the following FY 13 authorizations for DCS:

- \$5 million for the removal or encapsulation of asbestos in state buildings;
- \$2.5 million for infrastructure repairs and improvements to state-owned buildings and grounds; and
- \$2 million for land acquisition, construction, improvements, repairs, and renovations at fire training schools.

§§ 29-30—DECD Housing Development and Rehabilitation Bonds

The act increases an existing bond authorization for DECD for housing development and rehabilitation by \$62,500,000, from \$25 million to \$87.5 million (see Table 2). Of these funds, it designates up to:

- \$30 million to revitalize low and moderate income housing units of CHFA’s state housing loan portfolio;
- \$12.5 million for congregate housing development;
- \$1 million for grants for accessibility modifications for those transitioning from institutions to homes under the Money Follows the Person program (a Department of Social Services (DSS) program that moves people out

of nursing homes or other institutional settings into less-restrictive, community-based settings); and

4. \$500,000 to purchase upgrades and software for the homeless information system.

§ 31—DSS Grants for Community Programs

The act modifies a \$10 million bond authorization to DSS for community program grants by eliminating child day care projects, domestic violence shelters, and food distribution facilities from the permissible uses. As under prior law, DSS may use the bond funds for grants to neighborhood facilities, elderly centers, and multipurpose human resource centers. Under the act, it may also use the funds for any facilities related to these permissible uses.

§ 41—Exemption from Grant Repayment Requirements

The act exempts CREC from liability for repaying a grant for capital start-up costs. The State Department of Education (SDE) awarded the grant under PA 11-57, which authorized \$6.25 million for grants for *Sheff* magnet school start-up costs.

§§ 32-33 & 47—STO BONDS FOR STATE BRIDGES AND TOWN-AID ROAD PROGRAM

The act increases by \$90 million, from \$33 million to \$123 million, an STO bond authorization for the Department of Transportation (DOT) for state bridge improvement, rehabilitation, and replacement. It also authorizes up to \$30 million in STO bonds for the town-aid road grant program.

§§ 16-23, 35 & 38—BOND CANCELLATIONS AND CHANGES TO EXISTING AUTHORIZATIONS

Cancellations

The act cancels all or part of existing bond authorizations for the state agency capital projects listed in Table 3.

Table 3: Bond Cancellations

<i>§</i>	<i>Agency</i>	<i>For</i>	<i>Existing Authorization</i>	<i>Amount Cancelled</i>
17	DPS (now DESPP)	Emergency services facility in Cheshire, including a canine training and vehicle impound area (§ 2(c) reauthorizes the project and eliminates the requirement that the facility be located in Cheshire)	\$5,256,985	\$5,256,985
19,23	DPS (now DESPP)	Alterations, renovations, and improvements to Building 5 at the Mulcahy Complex in Meriden (§ 2(c) reauthorizes the project	6,576,000	6,576,000

<i>§</i>	<i>Agency</i>	<i>For</i>	<i>Existing Authorization</i>	<i>Amount Cancelled</i>
		without specifying its location)		
22	DAS	Infrastructure repairs and improvements	5,000,000	180

§ 20—DESPP Shooting Range

The act eliminates a requirement that DESPP use an existing \$1.75 million authorization for improvements to its shooting range in Simsbury, thus allowing it to use the bond funds at any DESPP shooting range.

§ 35—Correction in Prior Authorization for DOT

The act makes a technical correction in a prior \$625.65 million authorization for DOT for rail rolling stock and maintenance facilities, rights-of-way, other property acquisition, and related projects.

§ 38—Manufacturing Assistance Act (MAA) Reserved Amount

The act increases, from \$2 million to \$4 million, the amount of previously authorized MAA bond funds reserved for a DECD grant to companies affected by the Quinnipiac Bridge construction. As under prior law, the companies may use the grants to offset the increased cost of transporting goods or materials brought by ships or vessels to the port of New Haven.

§§ 36-37—RENEWABLE ENERGY AND EFFICIENT ENERGY FINANCE PROGRAM

Prior law required Connecticut Innovations, Inc. (CII) to establish a municipal renewable energy and efficient energy generation grant program for municipalities to purchase and operate, for municipal buildings, (1) renewable energy sources and (2) energy-efficient generation sources. The act eliminates this program and requires the Clean Energy Finance and Investment Authority (CEFIA) to establish a renewable energy and efficient energy finance program for any entities, not just municipalities, undertaking these types of projects.

It transfers an existing \$18 million bond authorization for the municipal grant program, which the Bond Commission never allocated, to CEFIA for the financing program. The bonds are subject to standard statutory issuance and repayment requirements and their proceeds go into a separate account within the Clean Energy Fund.

Program Administration

The act requires CEFIA to establish the program in consultation with DEEP, DECD, and the state treasurer. Prior law required CII to establish the municipal program in consultation with the Public Utilities Regulatory Authority, SDE, and DESPP.

CEFIA must develop an application form for the program by November 1, 2012, and can receive applications starting on this date. As under prior law for the municipal program, applications must include a complete description of the proposed generation source.

Type of Assistance and Eligible Projects

Under prior law, the grants were for municipalities to purchase and operate (1) renewable energy sources, including solar energy, geothermal energy, and fuel cells or other energy-efficient hydrogen-fueled energy or (2) energy-efficient generation sources, including cogeneration units that are at least 65% efficient, for municipal buildings. Under the act, the program includes grants, loans, or other types of financial assistance for any entities purchasing, installing, and operating these types of projects.

Prior law required CII to give priority to applications for grants for disaster relief centers and high schools. Each grant had to make the cost of purchasing and operating the generation source competitive with the municipality's current electricity expenses.

The act instead requires CEFIA to give priority to applications for projects that use major system components manufactured or assembled in Connecticut. The financial assistance must make the cost of purchasing, installing, and operating the generation source competitive with the grid's or other end users' current electricity expenses.

Reporting Requirement

CEFIA, instead of CII, must annually report on the program's effectiveness to the Energy and Technology Committee beginning by January 1, 2013.

Workforce Development Grants

The act allows CEFIA to use up to 2.5% of the program funds to make grants to support workforce development initiatives in connection with the projects.

§§ 44-45 – UNEMPLOYED ARMED FORCES MEMBER SUBSIDIZED TRAINING AND EMPLOYMENT PROGRAM

sSB 1 would have authorized \$10 million in bonds for a new Unemployed Armed Forces Member Subsidized Training and Employment Program, with \$5 million available upon passage and the balance available in FY 14. The act would have made the entire \$10 million available in FY 13, but sSB1 did not become law.

§ 46 – USE OF OUTSIDE FUNDS IN BOND-FUNDED PROJECTS

The act incorporates into the state general obligation bond procedure act a standard bond provision concerning the use of federal, private, or other funds used to finance projects funded with GO bonds.

It requires any bond issuance request filed with the State Bond Commission to (1) identify the project for which the bond proceeds will be used and (2) include the recommendation of the person signing the request as to how much federal, private, or other money currently or soon to be available for the project should be added to the bond proceeds. If the State Bond Commission directs it, any such funds available may be added to the project's bond proceeds and used either to fund the project or pay off the principal on outstanding bonds or bond anticipation notes. If outside funds are used to retire bonds, the total amount of bonds issued for the project must be reduced by a corresponding amount.

The act authorizes the treasurer to invest the outside funds before using them to retire bonds and makes this money legally part of the state's debt retirement funds. Any investment earnings on the outside funds must be used in the same manner as the funds themselves.

§ 49 – EMAP PROGRAM

The act would have repealed a provision in sSB 360, which did not become law, authorizing \$60 million to finance CHFA's EMAP program.

PA 12-12—SB 252

General Law Committee

AN ACT AUTHORIZING FLAVORING AGENTS FOR PRESCRIPTION PRODUCTS

SUMMARY: This act allows pharmacists to add a flavoring agent to a prescription if (1) the prescribing doctor, patient, or patient's agent requests it or (2) they are acting on behalf of a hospital.

Under the act, a flavoring agent is a food or drug additive that is (1) used in accordance with good manufacturing practice principles and in the minimum quantity needed to produce its intended effect, (2) inert and produces no effect other than modifying flavor, and (3) less than 5% of the product's total weight.

It must also (1) consist of one or more ingredients generally recognized as safe in food and drugs, (2) be sanctioned by the state or federal government, (3) meet U.S. Pharmacopeia standards, or (4) be a food additive approved for human consumption under the U.S. Department of Health and Human Services regulations (21 CFR § 172).

EFFECTIVE DATE: July 1, 2012

PA 12-15—SB 71

General Law Committee

AN ACT EXPANDING THE "ONE FREE ITEM" RETAIL SALES LAW

SUMMARY: By law, consumers are entitled to receive an item for free, up to a \$20 value, if an electronic bar code scanner charges a price that is higher than the posted price. This act expands the "one free item" law to cover (1) consumer commodities without bar codes, including retail foods that must be weighed at purchase and (2) cases where the sales price of a commodity with or without a bar code differs from its advertised price. As under existing law, the retailer must post a conspicuous sign to inform consumers of this right.

The act gives the consumer protection commissioner the same disciplinary powers regarding violations of these provisions as under the existing law. It allows him, after providing notice and conducting a hearing, to issue violators a warning citation or impose a civil penalty of up to \$100 for a first offense and up to \$500 for a subsequent offense. Each violation with respect to all units of a particular commodity on a single day is deemed a single offense. The act appears to reduce the penalty for electronic pricing violations by superseding the fine of up to \$200 for a first offense and up to \$1,000 for subsequent offenses.

The act applies only to stores with retail sales areas of more than 10,000 square feet. It also makes related minor changes.

EFFECTIVE DATE: July 1, 2012

PA 12-17—sHB 5021

General Law Committee

Finance, Revenue and Bonding Committee

AN ACT CONCERNING COMPETITIVE ALCOHOLIC LIQUOR PRICING AND HOURS OF OPERATION FOR PERMITTEES

SUMMARY: This act makes various changes in the liquor control act. It expands the days and hours for off-premises alcohol sales, including allowing sales on Sundays. It also allows retailers who sell alcohol for off-premises consumption (off-premises retailers) to sell one item below cost each month and establishes the Competitive Alcoholic Liquor Pricing Task Force to study Connecticut's liquor permitting and pricing laws and compare them with surrounding states.

The act also:

1. increases the number of package stores a permittee may own,
2. expands the items that may be offered for sale and allows fee-based demonstrations in package stores,
3. creates a new beer permit and increases allowable daily retail sales for existing beer permittees,
4. changes various permit fees, and
5. makes several other minor liquor permitting changes.

EFFECTIVE DATE: Upon passage, except for the provisions on beer permits, package store permits (except the increase in the number of stores a permittee may own), fee changes, and minor permitting changes (except the first selectman allowance), which are effective July 1, 2012.

§§ 10, 11, & 15 — EXPANDING DAYS AND HOURS FOR SALES

Off-Premises Sales

The act allows the off-premises sale and dispensing of alcohol on Sundays from 10:00 a.m. to 5:00 p.m. and on Memorial Day, Independence Day, and Labor Day. It also allows selling and dispensing on the Mondays following any Independence Day, Christmas, or New Year's Day that falls on a Sunday.

Café Permit

The act extends the hours café permittees may serve food to the public. It allows them to begin serving food at 6:00 a.m. daily, instead of 9:00 a.m., but does not change when they can sell alcohol or must close. By law, with certain exceptions, they may be open until 1:00 a.m. during the week and until 2:00 a.m. on the weekend.

Taverns, Cafés, and Films

The act allows a tavern or café being used as a site for projects eligible for the state film production tax credit to be open to the public beyond regular hours of operation. Sale or consumption of alcohol beyond the authorized hours of operation is still prohibited.

Casino Permit

The act allows alcohol consumption at a casino gaming facility in glasses or other suitable containers, other than bottles of liquor or wine, at any time, as long as the alcohol is served to a casino patron during the allowable hours for on-premises alcohol sales. By regulation, a permittee may only serve one drink to an individual at a time (Conn. Agency Regs. § 30-6-A24b (b)).

Farmers' Markets

The act allows farmers' market wine sales permittees to sell wine on any day between the hours of 8:00 a.m. and 9:00 p.m. Under prior law, Sunday sales were prohibited. By law, sales may only occur when the farmers' market is open and a town may limit the permissible hours for sale.

§ 12 — ONE MONTHLY DISCOUNTED ITEM

Prior law prohibited off-premises retailers from selling below cost. The act allows them to discount each month one beer or alcoholic liquor item other than beer, identified by a single stock-keeping unit number (SKU), for sale below cost. For alcoholic liquor, the law defines cost as the wholesaler's posted bottle price plus what the retailer pays for shipping or delivery to his or her business location. For beer, cost means the lowest posted price for the month plus any shipping or delivery charge the permittee pays that exceeds the price he or she originally paid.

The act limits the amount of a discount. The item must not be sold for less than 90% of the permittee's cost. A permittee that intends to sell an item below cost must notify the Department of Consumer Protection (DCP) of the sale by the second day of the month the item will be on sale.

§ 14 — COMPETITIVE ALCOHOLIC LIQUOR PRICING TASK FORCE

The act establishes a 15-member Competitive Alcoholic Liquor Pricing Task Force. The task force must examine, review, and analyze Connecticut's alcoholic liquor taxes, quantity and volume discounts, existing liquor permit restrictions, and minimum pricing and price posting laws. It must compare its findings to the laws in surrounding states and note the impacts on Connecticut's consumers and alcohol industry.

The governor must appoint three task force members and the six legislative leaders, one member each. The remaining members are the commissioners of consumer protection and revenue services and the General Law Committee chairpersons and ranking members, or their designees. The leaders' appointees may be members of the General Assembly.

All appointments must be made by June 13, 2012. Any vacancy is filled by the appointing authority. The House speaker and Senate president pro tempore select the task force chairpersons from among the task force members. The chairpersons must schedule the first meeting by July 13, 2012.

The General Law Committee's administrative staff serves as the task force's administrative staff.

The task force must submit a report on its findings and recommendations to the General Law Committee by January 1, 2013. The task force terminates when it submits its report or on January 1, 2013, whichever is later.

§§ 5 & 7 — PACKAGE STORE PERMIT

Ownership Limit

The act increases the number of package stores in which a person may have an interest from two to three.

Expanding Package Store Items Sold

The act expands the types of commodities a package store permittee may sell to include (1) complementary fresh fruits used in the preparation of mixed alcoholic beverages, (2) cheese and crackers, and (3) olives. Prior law limited package stores to selling 12 specified items, such as cigarettes, bar utensils, and lottery tickets.

Wine-Related Class Fees

The law allows package store permittees, during the hours they are allowed to sell alcohol, to (1) offer free samples of alcoholic liquor for on-premises tasting and (2) conduct tastings and demonstrations for a nominal charge on behalf of a charitable, nonprofit organization.

The act also allows them to conduct wine education and tasting classes for a fee during such hours.

§§ 1-3, 9 & 10 — BEER PERMITTEES

New License for Manufacturer for Beer and Brew Pub

The act creates a new manufacturer for beer and brew pub permit that combines the permissible uses of separate permits for manufacturers and brew pubs. The combined permit's annual fee is \$1,500. The annual fee for a manufacturer's permit for beer is \$1,000 and a brew pub permit fee is \$300.

The manufacturer for beer and brew pub permit gives the permittee the combined rights and abilities of the separate permits if he or she annually produces at least 5,000 gallons of beer. Generally, this means a manufacturer for beer and brew pub permittee can manufacture, bottle, store, distribute at wholesale, sell, and offer free samples of beer in the state. He or she may also offer beer for retail sale for on-premises consumption with or without food.

The act sets the same hours for manufacturer for beer and brew pub permits to sell, dispense, and consume alcohol as for other on-premises alcohol permits. By law, these activities are allowed from 9:00 a.m. to 1:00 a.m. the next morning on Monday through Thursday, from 9:00 a.m. to 2:00 a.m. the next morning for Friday and Saturday, and 11:00 a.m. to 1:00 a.m. the next morning on Sunday.

It also sets the same hours for manufacturer for beer and brew pub permits to sell and dispense alcohol as for other off-premises alcohol permit holders.

Manufacturer for Beer

The act allows manufacturer for beer permittees to provide beer offerings and tastings without requiring a visitor to first take a tour of the premises, which prior law required.

It increases the amount of beer a manufacturer for beer permittee may sell at retail to an individual from eight to nine liters per day.

Manufacturer for Brew Pub

The act increases the amount of beer a brew pub permittee may sell at retail to an individual from eight to nine liters per day.

§§ 5 & 6 — PERMIT FEES

Grocery Store Beer Permit Annual Fee

The act increases the grocery store beer permit's annual fee from \$170 to \$1,500 for stores that have annual food and grocery sales of at least \$2 million.

Under prior law, all grocery stores paid the \$170 annual fee, regardless of sales.

Bowling Establishment and Racquetball Facility Permits

The act reduces, from \$2,250 to \$1,000, the annual fees for bowling establishment and racquetball facility permits.

Bowling establishment permittees may sell at retail, alcoholic liquor on the premises of commercial bowling establishments with at least 10 lanes. Racquetball facility permittees may sell alcoholic liquor on the premises of a commercial racquetball facility containing at least five courts.

§§ 4, 8, & 13 — MINOR LIQUOR PERMITTING PROVISIONS

Wholesaler's Salesman Certificate

The act makes the wholesaler's salesman certificate expire biennially on January 31 rather than only when the salesman changes employment. The biennial certificate renewal fee is \$20.

Higher Education Exemption

The act allows a person at a regionally accredited higher education institution to make and dispense wine on the institution's premises without a permit as part of an approved academic course.

First Selectmen

The act allows a first selectman who also acts as a town's police chief to hold a liquor permit in that town. Under prior law, DCP had to refuse such permits.

PA 12-18—HB 5057

General Law Committee

AN ACT CONCERNING PENALTIES FOR THE VIOLATION OF MECHANICAL CONTRACTOR REGISTRATION REQUIREMENTS

SUMMARY: This act establishes a penalty for a mechanical contractor who fails to obtain a certificate of registration and willfully (1) engages his or her employees in plumbing and piping or heating, piping, and cooling work or (2) supplies for work an employee who does not hold a valid license to perform such work. The penalty is a \$1,000 fine for a first offense and \$2,500 for each subsequent offense. By law, failing to obtain a certificate of registration is an unfair and deceptive trade practice.

The act also specifies that the employees a mechanical contractor offers to the public for plumbing and piping work or heating, piping, and cooling work must be licensed.

EFFECTIVE DATE: October 1, 2012

BACKGROUND

Mechanical Contractor

A mechanical contractor is any corporation, association, firm, partnership, or business organization that regularly offers to the public its employees' services in plumbing and piping or heating, piping, and cooling work. He or she must have 10 or more employees and work on commercial buildings or private dwellings with four or more residential units. By law, a mechanical contractor is required to obtain a certificate of registration from the Department of Consumer Protection (DCP) commissioner before doing or offering to do work (CGS § 20-341t).

Connecticut Unfair Trade Practices Act

The law prohibits businesses from engaging in unfair and deceptive acts or practices. It allows the DCP commissioner to issue regulations defining what constitutes an unfair trade practice, investigate complaints, issue cease and desist orders, order restitution in cases involving less than \$5,000, enter into consent agreements, ask the attorney general to seek injunctive relief, and accept voluntary statements of compliance. It also allows individuals to sue. Courts may issue restraining orders; award actual and punitive damages, costs, and reasonable attorneys fees; and impose civil penalties of up to \$5,000 for willful violations and \$25,000 for violating a restraining order.

PA 12-28—sHB 5329

General Law Committee

Public Health Committee

AN ACT CONCERNING THE USE OF TELEPHARMACY BY HOSPITALS

SUMMARY: This act makes permanent the telepharmacy pilot program and expands it to (1) cover all licensed hospital pharmacies and (2) dispense sterile products, not just IV admixture preparations as under the pilot program. It allows pharmacists at hospital pharmacies to use electronic technology at the hospital, its satellite, or remote locations to supervise pharmacy technicians in dispensing sterile products. Under the act, the pilot program ends on July 1, 2012.

EFFECTIVE DATE: July 1, 2012

TELEPHARMACY

The act expands the application of electronic technology or telepharmacy to include dispensing sterile products. The pilot program limited the use of this technology to preparing IV admixtures.

Under the act, “electronic technology” or “telepharmacy” means the process (1) by which each step involved in dispensing sterile products is verified by a bar code tracking system and documented by digital photographs that are electronically recorded and preserved and (2) which is monitored and verified through video and audio communication between a licensed supervising pharmacist and a pharmacy technician.

STERILE PRODUCTS

Sterile products are any drug that is compounded, manipulated, or otherwise prepared under sterile conditions during the dispensing process. It is not intended for a patient’s self-administration and is intended to be used in a hospital or its satellite, remote, or affiliated office-based locations. Under the pilot program, technicians could only dispense IV admixtures, which is IV fluid to which one or more additional drug products have been added.

PROGRAM REQUIREMENTS

Under the act, a pharmacist is authorized to supervise a pharmacy technician dispensing sterile products through electronic technology and monitor and verify the technician's activities through audio and video communication. The number of technicians the pharmacist can supervise must conform to the existing regulatory pharmacy-to-technician ratio. For inpatient and satellite pharmacies, that ratio is 3:1, which can be increased to 5:1 upon the pharmacy director’s petition and Pharmacy Commission approval (Conn. Agencies Regs. § 20-576-33).

The act applies the pilot program’s procedures for electronic technology malfunctions involving IV admixtures to those involving any sterile product. If the electronic technology malfunctions, no sterile product the pharmacy technician prepares during the malfunction period can be distributed to patients unless a licensed pharmacist can (1) personally review and verify all the processes used in preparing the sterile product or (2) after the technology is restored, use the electronic technology mechanisms that recorded the pharmacy technician's actions to confirm that all proper steps were followed in preparing the sterile product. All medication orders must be verified by a pharmacist before being delegated to a pharmacy technician for sterile product preparation.

As with the pilot program, the act requires a hospital to ensure that appropriately licensed health care personnel administer medications dispensed using telepharmacy. The act specifies that all processes involved in operating the program are under the purview of the hospital's pharmacy director.

EVALUATIONS

The act requires hospitals using telepharmacy to undertake periodic quality assurance evaluations. It specifically requires hospitals to make these evaluations at least once per calendar quarter, which includes, upon discovery, prompt review of any error in medication administration. The hospital must make these evaluations available to the departments of Consumer Protection and Public Health for their review.

PA 12-76—sSB 207

General Law Committee

Energy and Technology Committee

AN ACT CONCERNING RESIDENTIAL HEATING OIL AND PROPANE CONTRACTS

SUMMARY: This act generally requires a written contract for (1) all residential heating fuel sales, rather than just fuel sold under guaranteed price plans, and (2) renting or leasing a heating fuel tank. It exempts automatic delivery agreements from this requirement under certain conditions. The act applies to fuel sales where fuel is the primary source of heat for residential heating or domestic hot water for a residential structure with up to four units.

It also sets out requirements for:

1. guaranteed fuel price plans,
2. tank sale and lease contracts,
3. fuel delivery, and
4. fuel dealers.

The act increases penalties for violations of existing law and extends them to violations of the new requirements.

Except for a requirement regarding underground tanks, the act does not apply its heating fuel contract, delivery, or tank provisions to heating fuel consumers with valid written contracts on July 1, 2013. But the provisions do apply beginning on the contracts' renewal or expiration dates.

The act allows the Department of Consumer Protection (DCP) to (1) compel by subpoena the production of any document regarding compliance with the home heating oil and propane gas sales law from any fuel dealer or provider of futures or forwards contracts, physical supply contracts, or other similar commitments, or a surety bond; (2) suspend or revoke

any registration if the dealer fails to comply with a subpoena; and (3) adopt regulations establishing a consumer bill of rights.

Finally, it states that nothing in the act validates any provision or clause that would otherwise be unenforceable under the law on liquidated damages in consumer contracts.

EFFECTIVE DATE: July 1, 2013

§ 2 — RETAIL CONTRACTS

Contract Requirements

The act generally requires heating fuel dealers to have a written contract when they (1) sell residential heating fuel or (2) rent or lease a heating fuel tank. Prior law only required written contracts for guaranteed price plans (see below). Heating fuel is any petroleum based fuel used as the primary source of residential heating or domestic hot water. The act defines additional terms for purposes of the expanded written contract requirements.

Each written contract must be in plain language and include all delivery terms and conditions and the amount of fees, charges, surcharges, or penalties. The contract may only have (1) fees, charges, surcharges, or penalties for certain delivery options; (2) tank rental fees; or (3) liquidated damages for violating contract terms. These fees, charges, surcharges, or penalties must not increase before the contract expires and must be printed in 12-point, boldface type of uniform font.

The act allows dealers to meet the written contract requirements by complying with the Connecticut Uniform Electronic Transaction Act, the federal Electronic Signatures in Global and National Commerce Act, or documents of title provisions in the Uniform Commercial Code (see BACKGROUND).

Contract Period

The heating fuel contract duration may be up to 36 months, but the dealer must offer the consumer the option of entering into a bona fide commercially reasonable contract for 18 months. The consumer and dealer may agree to such a contract for less than 18 months. Fuel contracts for underground tanks may be up to five years, if the fuel term agreement is the same length as the tank lease agreement.

Exceptions

Consumer Initiated Delivery. Under the act, a written contract is not required for any heating fuel delivery initiated by the consumer that is payable upon delivery or billed with no (1) future delivery commitment and (2) unauthorized fees, charges, surcharges, or penalties.

Automatic Delivery. The act also exempts agreements that are solely automatic deliveries from having written contracts if they fulfill certain requirements.

To qualify for the exemption, the consumer must be able to terminate the automatic delivery at any time with no fee, charge, surcharge, or penalty assessed for termination. The dealer providing automatic delivery must also give written notice to the consumer of the termination method, as specified by the act. The notice must be included with each invoice for products that are delivered automatically.

Under the act, a consumer may deliver a termination notice to the dealer by (1) written request by certified mail, (2) electronic mail to the dealer's valid electronic mail address, or (3) electronic facsimile to a valid facsimile (fax) number at the dealer's place of business.

The consumer must give notice at least one day before the day he or she wishes to end automatic delivery service. The consumer is not responsible for delivery payments after notice has been given, except for deliveries (1) made within one business day after the notice was given and (2) which were scheduled for delivery prior to the notice, with consideration for weekends, holiday closings, or extenuating circumstances beyond the dealer's control.

Telephonic Alternative

Under the act, an agreement for the sale of heating fuel, including a guaranteed price plan, can be done orally by telephone if the dealer:

1. gives the consumer a written copy of the terms and conditions, except the duration, unit price, and maximum number of units covered by the contract, before the telephone conversation;
2. uses an interactive system providing the duration, unit price, and maximum number of units covered by the contract;
3. retains a readily retrievable recording of the consumer's affirmation to the contract terms and conditions for at least one year after the contract expires;
4. sends a confirmation letter to the consumer with a written copy of the agreed upon terms and conditions; and
5. retains a copy of each confirmation letter.

Prohibited Provisions

Automatic Renewal. The act specifies that a written contract for selling heating fuel or leasing equipment with an automatic contract renewal is invalid unless it complies with the law's consumer commodity automatic renewal provision and home heating oil and propane gas

sales law. By law, written consumer commodity contracts require notice that the consumer may cancel the contract (CGS § 42-126b).

Liquidated Damages. The act prohibits delivery contracts from having a liquidated damages provision for consumer breach where the liquidated damages exceed the dealer's actual damages. Liquidated damages is an agreed upon monetary amount in a contract that one party will pay the other upon contract breach.

Consumer Bill of Rights

Under the act, the DCP commissioner may adopt regulations (1) establishing a consumer bill of rights regarding home heating fuel dealers, (2) requiring dealers to provide consumers with such a bill of rights before entering into a contract, and (3) permitting dealers to post the bill of rights on their websites or record and play it for consumers who call the dealers' offices.

§§ 5 & 6 — GUARANTEED PRICE PLANS

Capped and Guaranteed Price Plans

The act broadens the scope of laws dealing with guaranteed price plans. It defines a "capped price plan" as an agreement where the fuel cost does not exceed a specific per gallon price and the consumer pays less than the cost under certain contract terms. Guaranteed price plans are contracts offering fuel at a guaranteed or maximum future price, which may use "fixed price," "buy ahead," "prebuy," "prebought," "prepaid," "full price," "lock in," "capped," "price cap," or other similar terminology to describe them.

Under the act, a contract for a capped price plan or a guaranteed price plan using similar terms or descriptions must contain clear and specific language stating how and under what circumstances the price will decrease, if applicable. Existing law requires guaranteed price plan contracts to disclose in writing the terms and conditions. The disclosure must (1) be in plain language, (2) immediately follow the language concerning the price or service that could be affected, and (3) be in at least 12-point boldface type of uniform font.

Contract Terms

The act requires that a guaranteed price plan contract include (1) a provision stating the circumstances under which the price may fluctuate, if it is subject to fluctuation and (2) terms written in clear and specific language. The law already requires the contract to include (1) the amount of money paid; (2) the maximum number of gallons committed by the dealer for delivery; (3) that contract performance is

secured; and (4) a statement explaining that the contract price of undelivered fuel owed to the consumer will be reimbursed within 30 days after the contract ends, unless the parties agree otherwise.

Automatic Renewal

The act prohibits a guaranteed price plan contract from containing an automatic contract renewal or extension clause.

Securing Guaranteed Contracts

The act eliminates the requirement that dealers secure renewed or extended guaranteed contracts. Prior law prohibited a dealer from entering, renewing, or extending a guaranteed contract unless he or she secured it. Under the act, dealers are only required to secure contracts they enter.

The act requires dealers to secure guaranteed contracts, whether prepaid or not, within five business days of acceptance. By law, they may secure a prepaid contract in two ways. The first is by obtaining heating fuel futures or forwards contracts, or other similar commitments, the total amount of which allows the dealer to purchase, at a fixed price, at least 80% of the maximum number of gallons of fuel or amount that the dealer is committed to deliver under all of its guaranteed price contracts. The act also allows dealers to (1) obtain physical supply contracts or (2) use physical inventory they hold title to for securing the contract. A physical supply contract is an agreement for wet barrels or gallons of heating fuel secured by a dealer. By law, the second permitted way to secure the contract is by obtaining a surety bond of at least 50% of the total amount paid by consumers.

Under prior law, a dealer could also secure prepaid contracts by obtaining heating fuel futures or forwards contracts, or other similar commitments in the amount he or she estimated was committed to the capped guaranteed price contract. For the surety option, a dealer could obtain a bond in an amount he or she estimated would be paid by the consumer based on all capped price per gallon fuel. The act eliminates both these security options.

The act requires a dealer to secure a guaranteed price plan that is not prepaid through the heating fuel physical inventory or contracts options specified above. The law requires dealers to maintain the total amount of these contracts or the required surety bond amount for the effective period of the guaranteed price plan contracts, except the amount may be reduced to reflect the fuel amount that is already delivered to and paid for by the consumer.

Secured Amount Notification

The act requires dealers to notify DCP if the surety amount is 50% or less than the remaining balance consumers paid under prepaid contracts. Existing law requires this notification when the heating fuel contract security option drops below 80%.

The act also requires a dealer to identify for DCP any entity from which it obtained a surety bond or physical supply contract. They must already do so for futures or forwards contracts or similar commitments.

Cancellation Notification

The act requires anyone who secures a surety bond or physical supply contract for a dealer to notify DCP of the cancellation of the bond or contract within three business days. The law already requires this for futures and forwards supply contracts.

§ 2 — HEATING FUEL DELIVERY

Delivery Ticket Label

The act broadens what must be on the delivery ticket. Existing law requires dealers to place the (1) unit price, (2) total number of units sold, and (3) amount of any delivery surcharge in a conspicuous place on the delivery ticket given to the consumer or his or her agent at delivery.

The act requires dealers to disclose any fee, charge, or surcharge instead of only any delivery surcharge.

A dealer cannot bill or attempt to collect from a consumer an amount exceeding the unit price multiplied by the total number of gallons or units on the ticket, plus any allowable fee, charge, or surcharge stated on the ticket.

Allowed Delivery Fees, Charges, or Surcharges

The act prohibits fees, charges, or surcharges if the dealer initiates the delivery. It allows dealers to impose fees, charges, or surcharges on the price per gallon or total delivery charge, for consumer-initiated deliveries when the:

1. delivery is 100 gallons or less;
2. delivery is made outside the dealer's normal service area or business hours; or
3. dealer incurs extraordinary labor costs for the delivery.

Prior law allowed a dealer to impose only a surcharge for deliveries made under the conditions above. It also prohibited a delivery surcharge on dealer-initiated residential deliveries

§ 2 — LEASED FUEL TANK CONTRACTS

Leased Tanks

The act requires a contract for a leased or loaned tank to indicate in writing the:

1. tank's description,
2. initial installation charges,
3. amount and timing of rental or loan payments,
4. manner in which the dealer will credit the consumer for any unused heating fuel, and
5. terms by which a consumer may terminate the contract.

The dealer and consumer may enter into a separate contract for additional services, including maintenance, repair, and warranty of the equipment, but it must comply with the act's heating fuel and tank contract requirements. The contract duration for a tank installed above ground may be up to 36 months, but the dealer must offer the consumer the option of entering into a bona fide commercially reasonable 18-month contract. The consumer and dealer may agree to such a contract for less than 18 months. Contracts for underground tanks can be for no more than five years.

Above Ground Tank Cancellation

The act allows a consumer who loans or leases an above ground tank through an oral agreement or a course of dealing to cancel the relationship with the dealer without penalty. It prohibits tank removal charges or forfeiture of unused heating fuel and specifies that the consumer is entitled to a refund of all unused fuel at the same price at which he or she purchased it.

Option to Purchase Underground Leased Tank

The act requires a lease for an underground tank to contain a clause allowing the consumer to buy the tank and associated equipment at any time up to five years after the contract begins. The purchase price must (1) be disclosed in the contract and (2) not increase during the contract. Any liability waiver or warranty transfer must be stated in the contract.

For existing contracts, both oral and written, where the purchase option or price is undisclosed or unspecified, the dealer must mail or deliver a contract addendum to the consumer by September 1, 2013. The addendum must include (1) the option to purchase the tank and associated equipment before September 1, 2018 and (2) a commercially reasonable price. If the consumer purchases the tank and any associated equipment, all heating fuel and tank contract obligations terminate upon purchase.

Dealer Filling Requirements

The act bans a dealer who owns a tank and has exclusive fill requirements from refusing to make fuel deliveries to a consumer because of a complaint DCP is mediating or investigating, from October 1 to March 31 annually, if the (1) dealer is the only supplier and (2) consumer pays cash upon delivery.

For the purposes of the act, "cash" means legal tender, a certified or cashier's check, commercial money order, or something equivalent. It is also a guaranteed payment on behalf of a consumer by a government or community action agency, provided there is no discount.

§ 5 — FUEL DEALERS

Registration

By law, unchanged by the act, dealers of heating oil or propane must annually apply for a DCP certificate of registration. A dealer selling both fuels only needs one registration, but the act requires a separate registration for each name the dealer uses. The act exempts federally established heating assistance agencies.

Board of Directors Disclosure

The act also requires dealers to disclose on the registration application forms all affiliated companies registered with DCP that are under common ownership or have interlocking boards of directors.

Displaying Registration Number

The act requires dealers to display their registration numbers on all contracts, delivery tickets, letters, and vehicle advertisements. The law already requires them to display the numbers in all advertisements and other material they prepare or issue.

§§ 2-4, & 8 — PENALTIES

Under prior law, the penalty for a dealer who violated the prohibition against (1) selling fuel oil or propane to be used for residential heating without printing certain required information on the delivery ticket or (2) overbilling or over collecting, was a fine of up to \$100 for the first offense and up to \$500 for each subsequent offense. The act increases the fine to up to \$500 for a first offense, up to \$750 for a second offense occurring within three years of the first offense, and up to \$1,500 for a third or subsequent offense occurring within three years of a prior offense.

The act also applies the increased penalties to violations of its provisions on retail fuel and tank contracts, guaranteed price plans, delivery, availability,

payment plans, advertising, and registration, including the following actions. Under the act, dealers are prohibited from requiring regular consumers to accept as a condition of delivery a minimum heating fuel delivery of at least 100 gallons, or 75% of the primary tank size, whichever is less. Prior law had these requirements, but with more than 100 gallons (CGS § 16a-22a(a)).

Additionally, by law, dealers are:

1. prohibited from conditioning the availability of burner maintenance or repair service on an agreement that the consumer purchase heating fuel from them, but the dealer may give priority for service to consumers with delivery contracts (CGS § 16a-22k(a));
2. required to return to the consumer within 10 days after receiving a future delivery termination notice, any excess money collected for an established payment plan. This does not apply to payment plans with a specific product unit price that is agreed upon for the plan's length (CGS § 16a-22k(b));
3. required to disclose, if they sell under a trade name, the name of the person or entity that filed a certificate to use such trade name on any communication, invoice, or advertising to any consumer or potential consumer (CGS § 16a-22k(c)); and
4. required, if they offer plumbing or heating work service to (a) submit evidence to the DCP commissioner when registering, that they will only employ licensed people to do the work and (b) display the state license number on all commercial vehicles and in a conspicuous manner on all printed advertisements, bid proposals, contracts, invoices, and business stationery (CGS § 16a-23o).

The act also makes violating its retail contract, delivery, and tank provisions an unfair or deceptive trade practice (CUTPA) (see BACKGROUND). By law, violations of the four provisions above and the guaranteed price plan contract and heating fuel dealer registration requirements are also CUTPA violations. Knowingly failing to secure guaranteed price plan contracts is a class A misdemeanor (see Table on Penalties).

BACKGROUND

Electronic Signature Laws

The Connecticut Uniform Electronic Transactions Act establishes a legal basis to use electronic communications in transactions in which the parties have agreed to conduct business electronically (CGS § 1-266 et seq.). The federal Electronic Signatures in

Global and National Commerce Act (E-SIGN) validates the use of electronic records and signatures (15 USC § 7001 et seq.). The state Uniform Commercial Code modifies the federal law in certain ways to the extent federal law allows (CGS § 42a-7-101 et seq.).

Connecticut Unfair Trade Practices Act (CUTPA)

The law prohibits businesses from engaging in unfair and deceptive acts or practices. CUTPA allows the DCP commissioner to issue regulations defining what constitutes an unfair trade practice, investigate complaints, issue cease and desist orders, order restitution in cases involving less than \$5,000, enter into consent agreements, ask the attorney general to seek injunctive relief, and accept voluntary statements of compliance. It also allows individuals to sue. Courts may issue restraining orders; award actual and punitive damages, costs, and reasonable attorneys fees; and impose civil penalties of up to \$5,000 for willful violations and \$25,000 for violating a restraining order.

PA 12-79—sHB 5089

General Law Committee

Judiciary Committee

AN ACT PROHIBITING TELEMARKETERS FROM TRANSMITTING INACCURATE OR MISLEADING CALLER IDENTIFICATION INFORMATION

SUMMARY: This act prohibits telephone solicitors from intentionally transmitting inaccurate or misleading caller identification information. Violators are guilty of an unfair or deceptive trade practice and subject to a fine of up to \$11,000.

EFFECTIVE DATE: October 1, 2012

BACKGROUND

Connecticut Unfair Trade Practices Act (CUTPA)

The law prohibits businesses from engaging in unfair and deceptive acts or practices. CUTPA allows the Department of Consumer Protection commissioner to issue regulations defining what constitutes an unfair trade practice, investigate complaints, issue cease and desist orders, order restitution in cases involving less than \$5,000, enter into consent agreements, ask the attorney general to seek injunctive relief, and accept voluntary statements of compliance. It also allows individuals to sue. Courts may issue restraining orders; award actual and punitive damages, costs, and reasonable attorneys fees; and impose civil penalties of up to \$5,000 for willful violations and \$25,000 for violation of a restraining order.

PA 12-95—sSB 57*General Law Committee**Planning and Development Committee**Judiciary Committee***AN ACT CONCERNING THE LICENSURE OF FOOD MANUFACTURING ESTABLISHMENTS**

SUMMARY: This act creates a new food manufacturing establishment license. It places requirements on these new licenses that are substantially similar to existing requirements for bakery licenses. It adds a penalty for bakeries that violate the bakery laws and extends them to food manufacturer establishments. It also removes certain bakery sanitation condition requirements.

The act requires each establishment to be designed, constructed, and operated as the Department of Consumer Protection (DCP) commissioner directs under the act and the state Uniform Food, Drug, and Cosmetic Act. It generally requires both bakeries and food manufacturing establishments to get local zoning approval before they can be licensed.

The act specifies that it does not prevent local health authorities from enforcing orders or regulations concerning the establishment's sanitary conditions. It also requires the DCP commissioner to adopt regulations to supplement the act, including its food manufacturing establishment provisions.

EFFECTIVE DATE: July 1, 2012

FOOD MANUFACTURING ESTABLISHMENT*Covered Establishments*

Under the act, a food manufacturing establishment is a building or part of one where food is prepared for sale to other establishments for human consumption. It defines "prepared" as a process of canning, cooking, freezing, dehydration, or milling. The act exempts facilities that are used solely for the retail sale or storage of prepackaged food, and facilities that:

1. are residential farms that produce acidified food products, jams, jellies, or preserves;
2. are certified farmers' markets;
3. produce foods regulated under the laws concerning pure food and drugs (e.g., kosher food, vending machines, and frozen desserts);
4. produce nonalcoholic beverages;
5. conduct certain activities under the agriculture department's jurisdiction;
6. grade and market farm products;
7. produce or market milk or milk products; and
8. are state shellfisheries.

License

The act requires any person, firm, or corporation that operates a food manufacturing establishment intending to produce products for human consumption to have a license from DCP. It also prohibits selling or distributing food produced in an establishment located in the state unless it is licensed.

Under the act, the DCP commissioner must provide application forms that show the name and address of the establishment. He must direct an inspection of the premises and if conditions are satisfactory, issue a license. The license is valid for one year and costs \$20.

Local Zoning

The act requires anyone who wants either a bakery or food manufacturing establishment license to first obtain and present to the commissioner a certificate of approval for the desired location. The certificate must be obtained from the zoning commission, planning and zoning commission, or local authority of the town, city, or borough where the facility is or is proposed to be located. The certificate is not required when (1) the last-issued license is being transferred from one person to another or (2) a license holder renews his or her license. The commissioner must not issue any license for which a certificate is required until the applicant obtains the certificate.

License Revocation, Suspension, and Denial

A license may be revoked for a violation of the act's requirements, after the commissioner holds a hearing in accordance with the Uniform Administrative Procedure Act.

A license may also be summarily suspended pending a hearing if the commissioner has reason to believe that the public health, safety, or welfare requires emergency action. Within 10 days of the suspension order, the commissioner must hold a hearing, after which he must dissolve the suspension or order license revocation. Anyone whose license has been revoked may reapply and the commissioner must act on it within 30 days. An applicant who has had his or her license revoked must pay any inspection costs set by the commissioner for determining whether a new license should be granted.

The commissioner may refuse to grant a license if he finds the applicant has a pattern of noncompliance. In an administrative hearing, prima facie evidence of a pattern of noncompliance is established if the commissioner shows the applicant has had two license revocations.

Cleanliness

Under prior law, bakeries were prohibited from knowingly allowing anyone with pulmonary tuberculosis, scrofulous or venereal disease, communicable skin affection, diphtheria, dysentery, paratyphoid fever, poliomyelitis, scarlet fever, smallpox, streptococcus sore throat, typhoid fever, tuberculosis, gonorrhea, or syphilis from working, unless the health director gives written authorization stating that public health is not endangered. For both bakeries and food manufacturing establishments, the act substitutes pathogens (i.e., virus or bacteria) contained in the Centers for Disease Control's (CDC) "List of Infectious and Communicable Diseases which are Transmitted Through the Food Supply," in place of these listed diseases. The CDC list has pathogens that often or occasionally are transmitted by food contaminated by infected persons, rather than specific diseases.

As with bakeries under existing law, the act (1) requires food manufacturing establishment employers to maintain themselves and their employees in a clean and sanitary condition, with clean, washable outer clothing when manufacturing, handling, or selling food products and (2) prohibits anyone from smoking when working.

Under the act, the commissioner or his authorized agents may order any person employed by a bakery or food manufacturing establishment to be examined by a licensed physician if there is reason to believe an employee has a condition that may transmit a food-borne illness. Prior law conditioned an examination on the reasonable belief the bakery employee had one of the previously listed diseases.

DCP Notice

The act requires food manufacturing establishments to comply within 30 days of receiving notice of DCP orders or cease using the facility. The notice must be in writing and may be served on the owner, agent, or lessee, either personally or by mail. Mailing a notice by registered or certified letter to the last-known address is sufficient service. These notice requirements already apply to bakeries.

Penalties

Under the act, anyone who violates any of its provisions or related regulations, or fails to comply with an order from the commissioner, is subject to a fine of up to \$50 for the first offense, up to \$100 or up to 10 days' imprisonment for the second offense, and up to \$200 and up to 30 days' imprisonment for subsequent offenses. As of October 1, 2012, PA 12-80 increases the penalties for these violations, making a first violation

subject to a fine of up to \$250 and a subsequent violation a class D misdemeanor (a new classification created by PA 12-80, punishable by up to 30 days' imprisonment, a fine of up to \$250, or both) (§ 147).

Under the act, as with bakeries under existing law, the commissioner may apply to Superior Court, through the attorney general, for a temporary or permanent injunction enjoining anyone from operating a food manufacturing establishment without a DCP license. He may also apply to the Superior Court for a temporary restraining order pending a hearing.

The act also allows the commissioner, after providing notice and conducting a hearing, to issue a warning citation or impose a civil penalty on both bakeries and food manufacturing establishments. He may issue civil penalties of up to \$100 for the first offense and up to \$500 for each subsequent offense on anyone who violates any bakery or food manufacturing establishment law or regulation.

BAKERY

Sanitary Conditions

The act removes certain bakery sanitation requirements, but other public health sanitation regulations still apply. The act eliminates the requirement that each building or room used as a bakery be situated so that it is not exposed to contamination from its surroundings; be drained and plumbed in a healthful and sanitary manner; be adequately lit; and have airshafts, windows, or ventilating pipes, ensuring ventilation, as the commissioner directs.

Under the act, bakeries are no longer required to provide a washroom and lavatory facility away from the baking room or other room that manufactures food. It also removes requirements (1) that all the rooms be a height adequate for proper ventilation; (2) identifying the type of material the walls and ceilings are made of; (3) that doors and other openings be tightly screened in the summer; (4) that furniture, utensils, and floors be kept in a sanitary condition; and (5) on vermin.

The act also eliminates certain requirements on sanitary conditions for producing baking products by specifying how certain products are to be used and stored. Finally, it removes the requirement that sleeping rooms be separate from the baking rooms.

Underground Rooms

The act allows bakeries to use rooms that are either wholly or partly underground to be used as bakeries. Under prior law, these rooms could not be used unless the lighting, ventilation, exit, and outside surrounding of the rooms conformed to regulations.

PA 12-122—sHB 5087*General Law Committee**Insurance and Real Estate Committee***AN ACT REQUIRING THE COMMISSIONER OF CONSUMER PROTECTION TO MAKE CHANGES TO THE RESIDENTIAL PROPERTY CONDITION DISCLOSURE REPORT**

SUMMARY: This act requires the consumer protection commissioner to update, by January 1, 2013, the regulations prescribing what must be disclosed on forms describing the condition of a residential property offered for sale. In addition to the required disclosures in existing law, the act requires the disclosure form to state:

1. whether a property located in a common interest community is subject to any community or association dues or fees;
2. that the prospective purchaser should consult with the building official in the municipality where the property is located to confirm that applicable building permits and certificates of occupancy have been issued for work on the property;
3. that the prospective purchaser should have the property inspected by a licensed home inspector;
4. whether the seller is aware of any prior or pending litigation or government agency or administrative action, order, or lien on the premises related to the release of any hazardous substance;
5. (a) whether there are smoke and carbon monoxide detectors located in a dwelling on the premises, (b) the number of detectors, and (c) if there have been any problems with the detectors, and explain the problem; and
6. whether during the seller's ownership, there is or was an underground storage tank on the property and if so, whether it was removed. If the tank was removed and within the seller's possession and control, he or she must provide any and all documentation of removal with information on when and who removed it.

The act also increases the credit, from \$300 to \$500, that the seller must give the purchaser at closing if he or she does not furnish the written residential property condition disclosure report.

EFFECTIVE DATE: July 1, 2012

BACKGROUND*Residential Property Condition Disclosure Report*

With certain exceptions, the law requires someone who offers residential property with one to four units for sale, exchange, or lease with the option to buy, to provide a property disclosure report to a potential buyer before the transaction is executed. A copy of the report must be attached to any written offer, binder, or contract to purchase. By law, the report must include information on municipal water or sewer assessments, the presence of leased equipment on the premises, and whether the property is located in a historic or village district or on the National Register of Historic Places. The seller's representations are limited to his or her actual knowledge and the report does not create any new express or implied warranties (CGS § 20-327b).

PA 12-131—sHB 5328*General Law Committee**Judiciary Committee***AN ACT ESTABLISHING A FINE ART SECURED LENDING LICENSE**

SUMMARY: This act creates a new fine art secured lending license issued by towns and cities with provisions and requirements similar to those for pawnbrokers. These include the same penalties and similar requirements for licensing, identifying sellers, recording, reporting, and payments.

The act requires anyone (including a pawnbroker) who is in the business of loaning money on the deposit or pledge of fine art to obtain the new license.

The act does not apply to loans made on stocks, bonds, notes, or other written or printed evidence of fine art ownership or on indebtedness to the holder or owner of such securities. It also does not apply to banks or their affiliates.

Under the act, anyone who willfully (1) engages in the business of fine art secured lending without a license or after notice that his or her license has been suspended or revoked is guilty of a class D felony (see Table on Penalties) and (2) violates any fine art secured lending provision for which there is no other penalty is guilty of a class A misdemeanor.

EFFECTIVE DATE: October 1, 2012

§ 1 — FINE ART

Under the act, "fine art" means any:

1. drawing;
2. painting;
3. sculpture;

4. mosaic;
5. photograph;
6. work of calligraphy;
7. work of graphic art, including any etching, lithograph, offset print, or silkscreen;
8. craft work in clay, textile, fiber, metal, plastic, or other material;
9. art work in mixed media, including any collage, assemblage, or other work combining any of the previously mentioned art; or
10. a master from which copies of an artistic work can be made, such as a mold or photographic negative, with a market value of at least \$2,500.

It does not include (1) commissioned work prepared under contract for trade or advertising use, provided the artist signs an agreement stating the commissioned work may be altered without consent prior to creating the work, and (2) work prepared by an employee within the scope of his or her duties.

§ 2 — LICENSING

Licensing Authority

The act makes a city or town's police chief or, for any city or town that does not have an organized local police department, the state emergency services and public protection commissioner, the licensing authority.

The licensing authority may grant licenses to any suitable person and suspend or revoke a license for cause, which includes failing to comply with any specified licensing requirements imposed at the time of issuance. The license is valid for one year unless suspended or revoked.

Applications

The act requires license applications to be in writing, under oath, and contain:

1. the type of business to be engaged in;
2. the applicant's full name, age, and date and place of birth;
3. the applicant's home addresses and places of employment for the preceding five years;
4. the applicant's present occupation;
5. any criminal conviction, including the date and place; and
6. any additional information the licensing authority needs to investigate the applicant's qualifications, character, competency, and integrity.

When the applicant is a corporation, limited liability company, partnership, or association, the application must contain the information required above for anyone who is or will be an officer, shareholder, financial backer other than a financial institution, or any

other individual with a similar relationship to the entity.

The application and any renewal application must also include information on any Internet website or account used to conduct business. The licensee, during the license term, must give the licensing authority written notice when it adds or discontinues an Internet website or account.

License Fees and Bond Requirements

The act requires a licensee to pay a \$50 licensing fee and an annual \$25 renewal fee. It also requires a licensee to file with the licensing authority a \$2,000 surety bond. The bond is conditioned on the faithful performance of the duties and obligations of the business. The act exempts licensees who are also secondhand dealers from the renewal fees and bond requirement.

Background Check

The act prohibits issuance of a license to anyone convicted of a felony. It allows the licensing authority to require any applicant, employee, or person with an ownership interest in the business to submit to a state and national criminal history check. When that occurs, the act requires the subject to submit two sets of fingerprints on forms the licensing authority prescribes. It also allows the licensing authority to charge the same fee the FBI and the State Police Bureau of Identification charge for performing background checks.

Administrative License Procedures

The act requires the licensing authority to grant or deny an application within 90 days after it is filed. The licensee must file for renewal at least 60 days before the license expires, and the licensing authority must grant or deny it within 30 days after the filing.

The licensing authority may suspend, revoke, or modify any license at any time during the license period for good cause, after notice and a hearing. The licensing authority must hold such hearing within 30 days after it issues the notice and render a decision within 14 days after the hearing. The applicant or licensee may appeal the licensing authority's decision to Superior Court.

License Display Requirements

The act requires licensees to display their licenses in a conspicuous location on their premises. It also requires them to disclose (1) their business location for the next year and (2) all the places they use or intend to use to buy, receive, store, or sell fine art. During the term of the license, the licensee must notify the licensing authority in advance of any additional business locations.

FINE ART SECURED LENDER

§ 3 — *Identification and Sale to Minor*

The act requires a licensed fine art secured lender (lender) to obtain proof of identity before receiving or purchasing from a person depositing, pledging, or selling fine art. The identification must include a photograph; an address, if available on the identification; and an identifying number, including date of birth. Lenders may not transact business with a minor, unless he or she is accompanied by a parent or guardian.

Record-Keeping System

The act requires lenders to maintain a computerized record-keeping system that the licensing authority approves. The entries must be entered into the system in English at the time items are purchased and be consecutively numbered. The system must also include a description of each article; the name, home address, proof of identity, and general description of the person selling the property; and the date and hour when the property was received, with a digital photograph of any item without any identifiable numbers or markings.

The act requires the lender to maintain and enter detailed information into the system regarding transactions involving sums taken or received in secured art transactions, whether through a collective fund or otherwise. The records must be maintained for at least two years.

Digital Photographs and Tagging

The act requires tags to be attached to the article in a visible and convenient place with a number corresponding to the entry number in the record-keeping system. The tag must remain attached to the article until it is sold or disposed of and be visible in the digital photograph. The licensing authority must establish procedures authorizing the removal of the tags, including from jewelry that is cleaned and repaired on the premises.

Police Examination

A state or municipal police officer, the licensing authority, or their designees may, at any time, examine the records and place where business is carried on, including all articles on the property. They may require any employee on the premises to provide proof of his or her identity.

Record Description

The record's property description of the fine art articles must include:

1. all distinguishing marks;
2. names of any kind, including serial numbers;
3. engravings;
4. etchings;
5. affiliations with any institution or organization;
6. dates;
7. initials;
8. colors;
9. vintage; or
10. image represented.

Any description of media must include the title and artist or other identifying information from its cover or external surface. The licensing authority may exempt or establish additional or different description requirements depending on the nature of the property, transaction, or business, including articles sold in bulk lots.

§ 4 — MEMORANDUM OR NOTE

The act requires lenders to give the person who deposits, pledges, or sells his or her property a memorandum or note containing the entry from the lender's records. The memorandum or note also must include a copy of a statement signed by the person stating (1) he or she is the rightful owner of the fine art with the right to enter into the transaction and (2) that the fine art is not stolen and does not have any liens or encumbrances against it. The memorandum or note must also state that the person will indemnify and hold harmless the lender for any loss arising from the transaction because of someone else's superior right of possession. Lenders may charge customers a fee for costs associated with the memorandum or note, transaction, art storage, insurance, and appraisals.

Payment

The act requires lenders to make payments only by check, draft, wire, or money order, not cash. However, a lender can cash a check, draft, or money order he or she issues to a person, provided he or she requires proof of the person's identity.

The act requires any check, draft, or money order a lender uses to pay for property he or she receives to contain the same identification numbers the lender used in his or her record-keeping system. The lender must keep the electronic copy of any check or other record issued by the financial institution that processes it. The copy is subject to inspection as part of the lender's record-keeping system.

The act prohibits lenders who loan money for the deposit of fine art from charging more than 2% per month or fraction of a month.

The act prohibits (1) a lender from cashing any check, draft, or money order he or she issues over \$1,000 and (2) a person from structuring his or her transactions to avoid this limit. Any transaction between a lender and the same party within a 24-hour period is considered a single transaction for this purpose.

§ 5 — REPORTING REQUIREMENTS

The act requires lenders to submit electronic quarterly sworn statements of their transactions to the licensing authority that describe the art received, including summarizing the nature and terms of the transaction. The act allows the licensing authority to exempt a lender from this electronic reporting for good cause.

The act requires each lender to maintain a written record of the name and residential address and a description of each customer. This written record must be available to law enforcement authorities if requested.

§ 6 — SEIZURE OF PROPERTY BY LAW ENFORCEMENT OFFICERS

The act requires a law enforcement officer, when seizing fine art from a lender, to give him or her a duly signed receipt for the seized fine art containing:

1. a case number,
2. a description of the fine art,
3. the reason for the seizure,
4. the officer's name and address,
5. the name and address of the person claiming a right to the fine art prior to the lender, and
6. the lender's name.

Under the act, if a lender claims an ownership interest in the fine art, he or she may request its return by filing a request with the law enforcement agency in accordance with the seized property procedures established in law.

The act allows the court to order restitution to the lender if the person who deposited, pledged, or sold the fine art is convicted of an offense arising out of the lender's acquisition or disposition of the property and the lender suffered an economic loss as a result. Such order may be enforced in accordance with the financial restitution order enforcement statutes.

§ 7 — SALE OF PROPERTY

The act prohibits lenders from selling or otherwise disposing of fine art left with them for less than 60 days, unless the customer is the person who deposited, pledged, or sold it, or his or her agent. The act also specifies that if the fine art is not redeemed within 60

days, the lender acquires the entire interest the customer had in the art without further notice. The lender may then sell or dispose of the fine art at his or her business place or through a public sale. These requirements do not apply if a lender and customer have entered into a contract regarding disposal of the fine art.

PA 12-169—sHB 5307

General Law Committee

AN ACT CONCERNING REGISTERED INTERIOR DESIGNERS

SUMMARY: This act allows anyone who has obtained an interior designer's registration certificate or an architect's license from the Department of Consumer Protection to display or use any sign or seal to indicate that he or she is a registered interior designer in the state. By law, he or she may display or use any words, letters, figures, title, advertisement, or other devices to indicate registration.

The act removes the requirement that registered interior designers exhibit their certificate at the request of any interested party. It instead requires them to include their registration certificate number in any advertisement, which prior law banned. The act also allows designers to include the number in any written communication.

EFFECTIVE DATE: July 1, 2012

PA 12-199—sHB 5360

General Law Committee

Judiciary Committee

AN ACT PROHIBITING CERTAIN PERSONS FROM ALLOWING MINORS TO POSSESS ALCOHOLIC LIQUOR IN DWELLING UNITS AND ON PRIVATE PROPERTY

SUMMARY: This act prohibits anyone who owns or controls private property, including a dwelling unit, from recklessly, or with criminal negligence, permitting anyone under age 21 to illegally possess alcohol in the unit or on the property. Existing law prohibits knowingly allowing such possession.

The law also requires any such person who knows that a minor possesses alcohol illegally to make reasonable efforts to stop it. The act extends liability for failure to halt possession to a person who acts recklessly or with criminal negligence.

The act increases the penalty for a violation to a class A misdemeanor (see Table on Penalties). Under prior law, a first violation was an infraction and any subsequent violation was punishable by up to one year

imprisonment, up to a \$500 fine, or both.
EFFECTIVE DATE: October 1, 2012

RA 12-1—sHJ 2

Government Administration and Elections Committee

RESOLUTION PROPOSING AN AMENDMENT TO THE STATE CONSTITUTION TO GRANT INCREASED AUTHORITY TO THE GENERAL ASSEMBLY REGARDING ELECTION ADMINISTRATION

SUMMARY: This resolution proposes a constitutional amendment to (1) eliminate the requirement for electors to gather on Election Day to cast votes for state officers and General Assembly members and (2) remove restrictions on absentee voting.

The resolution also lifts the constitutional deadlines by which the lists of results (i.e., moderator returns) for state officers and General Assembly members must be delivered to town clerks and the secretary of the state (within three and 10 days after an election, respectively) (see BACKGROUND).

The ballot designation to be used when the amendment is presented at the general election is: “Shall the Constitution of the State be amended to remove restrictions concerning absentee ballots and to permit a person to vote without appearing at a polling place on the day of an election?”

The state constitution currently sets the first Tuesday after the first Monday in November in specified years as the day of election for legislative and statewide offices (Article 3 § 8 and Article 4 § 1). With one exception, it requires electors to gather at a meeting on this day to elect General Assembly members and state officers (Article 3 § 9 and Article 4 § 4). The exception authorizes the General Assembly to pass a law allowing electors to cast their votes by absentee ballot if they will be out of town, are sick or have a physical disability, or the tenets of their religion prohibit secular activity on Election Day (Article 6 § 7). The General Assembly exercised this authority and passed CGS § 9-135.

EFFECTIVE DATE: The resolution will be referred to the 2013 session of the legislature. If it passes in that session by a majority of each house, it will appear on the 2014 general election ballot. If a majority of those voting in the general election approves the amendment, it will become part of the state constitution.

BACKGROUND

Moderator Returns

The statutes require moderators to deliver their returns:

1. by electronic means no later than midnight on Election Day (in which case they must also deliver a paper copy no later than three days

after an election);

2. by hand to the secretary of the state no later than 6:00 p.m. the day after an election; or
3. by hand to the State Police by 4:00 p.m. the day after an election, who must then deliver them by hand to the secretary no later than 6:00 p.m. the same day.

Moderators must deliver the returns to their respective town clerks on or before the day after an election (CGS § 9-314).

PA 12-3—HB 5303

Emergency Certification

AN ACT CONCERNING THE EXEMPTION FROM DISCLOSURE OF CERTAIN ADDRESSES UNDER THE FREEDOM OF INFORMATION ACT

SUMMARY: Prior law prohibited any state or municipal public agency from disclosing, under the Freedom of Information Act (FOIA), the home addresses of certain public officials and employees (see BACKGROUND for covered individuals). This act narrows the prohibition. Specifically, it (1) permits certain municipal and election-related documents to be disclosed without address redactions and (2) limits to a covered individual’s employing agency, instead of all public agencies, the requirement to automatically keep his or her residential address confidential in certain documents.

It allows a covered individual to request address confidentiality from public agencies other than his or her employer and establishes procedures for these agencies to follow when receiving a FOIA request for certain records containing that individual’s home address.

The act prohibits public agencies, public officials, or employees of public agencies from being penalized for violating the disclosure prohibition unless the Freedom of Information Commission (FOIC) finds a willful and knowing violation. It requires the Government Administration and Elections (GAE) Committee to establish an advisory committee to study possible alternatives to disclosing certain public records without redaction.

Lastly, the act requires the Labor Department to create, within available appropriations, a guide that instructs covered individuals on how to exercise their rights under the act and protect their home addresses from disclosure. The department must create the guide within 60 days after the act’s passage (by May 5, 2012) and post it on its website.

EFFECTIVE DATE: Upon passage, except the provisions (1) limiting the automatic disclosure

prohibition to the employing agency, (2) authorizing nondisclosure requests to non-employing agencies, and (3) establishing procedures for non-employing agencies to follow, are effective June 1, 2012.

DISCLOSURE OF HOME ADDRESSES

Under prior law, state and municipal agencies receiving FOIA requests for public documents containing covered individuals’ home addresses were required to redact their addresses before disclosing the documents. Under the act, the disclosure prohibition does not apply to home addresses of covered individuals contained in (1) documents eligible to be recorded in municipal land records; (2) any list required by the state’s election laws (e.g., preliminary and final voter registry lists, petition forms, logs of absentee ballot applications); or (3) municipal grand lists.

Beginning June 1, 2012, the act further limits the automatic prohibition on disclosure of home addresses to personnel, medical, or similar files held by a covered individual’s employing agency only. Because federal officials and employees are protected under the law, the legal effect of this provision is unclear with respect to them, since the state has no jurisdiction over federal agencies.

Under the act, covered individuals who want an agency other than their employing agency to keep their home addresses confidential must submit a written request to that agency. An individual submitting such a request must provide the public agency with his or her business address. For such an individual, a non-employing agency must redact his or her home address only from (1) records provided in response to a request that specifically names the covered individual, (2) an existing list derived from a readily accessible electronic database, and (3) any list that the agency voluntarily creates in response to a request for disclosure. The act allows disclosure of a covered individual’s residential address in any other type of record.

Table 1 describes the act’s procedures for public agencies to follow when receiving a FOIA request for records containing the home address of a covered individual who has submitted a nondisclosure request.

Table 1: Responding to Requests for Home Addresses of Covered Individuals Who Have Submitted Nondisclosure Requests

Type of Request	Required Response
One that specifically names a covered individual	Agency must make a copy of the record and redact the covered individual’s address prior to disclosure
For (1) an existing list derived from a readily accessible electronic database or (2) any list that the agency voluntarily creates in response to a request for disclosure	Agency must make a reasonable effort to redact any covered individual’s address before disclosing the list

The act prohibits public agencies, public officials, or employees of public agencies from being penalized for violating the disclosure prohibition unless the FOIC finds that the violation was willful and knowing. Under the act, complaints of such violations must be made to the FOIC.

The FOIC must hold a hearing in accordance with the Uniform Administrative Procedure Act for complaints it receives. However, it may dismiss a complaint without a hearing if, after examining it and construing all allegations most favorably to the complainant, it finds that there was not a willful and knowing violation. If the FOIC finds a willful and knowing violation, it may impose a civil penalty of between \$20 and \$1,000 against the agency, official, or employee.

The act prohibits an individual from suing a public agency or its officials or employees for violating the disclosure prohibition.

ADVISORY COMMITTEE

The act requires the GAE Committee to establish an advisory committee to study whether there are alternatives to permitting the disclosure of certain public records without redaction. The chairpersons of the GAE Committee must appoint an unspecified number of advisory committee members and designate two of them as the chairpersons.

The act requires the GAE Committee’s administrative staff to serve as the advisory committee’s administrative staff. The advisory committee must submit its findings and recommendations to the GAE, Planning and Development, and Public Safety committees by January 1, 2013. The advisory committee terminates when it submits its report or on January 1, 2013, whichever is later.

BACKGROUND

Commissioner of Public Safety v. Freedom of Information Commission

In *Commissioner of Public Safety v. Freedom of Information Commission*, 301 Conn. 323 (2011), the Connecticut Supreme Court held that the prohibition against disclosing certain individuals’ home addresses applies to motor vehicle grand lists and their component data that the Department of Motor Vehicles provides to town assessors.

Individuals Covered by CGS § 1-217

The following public officials and employees are covered by the home address disclosure prohibition (CGS § 1-217):

1. federal court judges and magistrates;
2. Connecticut Superior and Appellate Court judges, Supreme Court justices, and family support magistrates;
3. sworn members of municipal police departments or the State Police and sworn law enforcement officers in the Department of Energy and Environmental Protection;
4. employees of the Judicial Branch and the departments of Correction and Children and Families;
5. attorneys who represent or have represented the state in a criminal prosecution;
6. attorneys who are or have been employed by the Public Defender Services Division and social workers employed by the division;
7. Division of Criminal Justice inspectors;
8. firefighters;
9. members and employees of the Board of Pardons and Paroles and the Commission on Human Rights and Opportunities; and
10. Department of Mental Health and Addiction Services employees who provide direct patient care.

12-49—sHB 5250

*Government Administration and Elections Committee
Appropriations Committee*

AN ACT CONCERNING THE APPOINTMENT OF PRIMARY POLLING PLACE OFFICIALS

SUMMARY: This act eliminates the requirement that primary polling place officials (i.e., moderators, deputy head moderators, checkers, challengers, voting tabulator tenders, assistant registrars, and absentee ballot counters) reside in the municipality or political subdivision holding the primary. It thus allows registrars of voters to appoint state electors to these positions, which they could already do for elections.

The act maintains the requirement that primary polling place officials be enrolled members of the party holding the primary, unless an insufficient number of party members consent to serve in a position. But it allows registrars to appoint a state elector, regardless of party enrollment, as a moderator, checker, challenger, voting tabulator tender, or assistant registrar when an insufficient number of party members consent to serve. Prior law limited them to electors residing in the municipality.

The law allows candidates in a primary to designate polling place officials by submitting their names to the registrar of voters. Previously, candidates had to do so 10 days before the primary for polling place officials other than moderators. The act changes this deadline to 21 days before the primary, conforming to the deadline

for designating a moderator.

Finally, the act adds a requirement that registrars train prospective primary polling place officials on how to perform their duties.

EFFECTIVE DATE: Upon passage

PA 12-56—sHB 5024

*Government Administration and Elections Committee
Appropriations Committee*

AN ACT CONCERNING VOTING RIGHTS

SUMMARY: This act changes election laws affecting voter registration, voting, and the statewide centralized voter registration system (CVRS). Principally, it:

1. allows eligible people to register to vote and cast a ballot on Election Day (i.e., the day of a regular state or municipal election);
2. establishes Election Day registration (EDR) procedures;
3. eliminates the use of presidential ballots by current state residents since they may instead vote under the act's EDR provisions;
4. requires the secretary of the state to report to the Government Administration and Elections (GAE) Committee on EDR administration;
5. requires the secretary to establish and maintain an online system for (a) new voter registration applications and (b) changes to existing registrations; and
6. authorizes the secretary to enter into an agreement with other states to share information or data that will help maintain Connecticut's CVRS.

The State Elections Enforcement Commission (SEEC) is responsible for enforcing the act's EDR and online voter registration system provisions. Toward that end, the act requires the SEEC to investigate complaints alleging a violation of these provisions and authorizes it to levy a civil penalty of up to \$2,000 against violators. In addition, anyone who fraudulently votes or registers under its provisions is guilty of perjury.

The act also makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2013, except the online voter registration system and SEEC enforcement provisions are effective January 1, 2014.

EDR

§§ 1 & 2 — Location and Officials

The act requires registrars of voters to designate a location for completing and processing EDR applications. The location must be one where registrars

can access the statewide CVRS.

The act prohibits the same activities in or near the EDR location as the law prohibits in or near a polling place. This means no one can be within 75 feet of the entrance to the EDR location or in any hallway or other approach to it to solicit support for, or opposition to, a candidate or ballot question; loiter; peddle; or offer advertising material or circulars.

The act authorizes registrars to appoint election officials to serve at these locations and delegate to them any of their responsibilities. The registrars must train and supervise the officials.

§ 1 — Eligibility

The act permits anyone to register and vote in person on Election Day if he or she meets the eligibility requirements for voting in this state and is (1) not already an elector or (2) registered in one municipality but wants to change his or her registration because he or she currently resides in another municipality.

By law, a person is eligible to register and vote if he or she is (1) a U.S. citizen, (2) age 18 or older, and (3) a bona fide resident of the municipality in which he or she applies for admission as an elector. Mentally incompetent people cannot be admitted as electors, and people convicted of a felony and committed to the custody of the commissioner of correction forfeit their electoral rights while incarcerated.

§ 1 — Application Procedures and Identification Requirements

Under the act, applicants must appear in person at the designated EDR location and declare under oath that they have not previously voted in the election. They must complete the voter registration form and provide the same information the law requires from anyone seeking to become an elector in this state. This means they must provide their birth certificate, driver's license, or Social Security card. The act allows college and university students to instead present a current photo identification (ID) issued by their higher education institution.

Under the act, if an applicant's information does not include proof of residential address, he or she must also submit another form of ID showing the address. The additional ID may include a motor vehicle learner's permit; utility bill due no later than 30 days after the election; or, for a college or university student, a current college or university registration or fee statement.

§ 1 — Checking Eligibility

Registrars of voters must check the CVRS before admitting an applicant as an elector. If they determine an applicant is qualified to register and has not already voted, they must admit him or her. The person's electoral privileges attach immediately.

If the registrars determine that the applicant is registered in another municipality but he or she wants to change his or her registration location, they must immediately notify the registrars in the municipality where the applicant is currently registered and request that they remove the elector's name from their official registry list. The election officials in that municipality must cross through the elector's name on the list and mark "off" next to it. (Presumably, the applicant cannot vote in the new polling place if the registrars are unable to contact the registrars in the municipality where the applicant is currently registered.)

If the applicant has already voted in the other municipality, the registrars of that municipality must immediately notify the registrars of the municipality where the elector wants to register. The registrars must deny the applicant a ballot, cease the registration process, and review the matter. If the matter cannot be resolved on review, the registrars must report it to the SEEC for investigation.

§ 1 — Voting Procedures

Registrars of voters must give an EDR ballot and envelope to an applicant whom they admit as an elector and record its issuance. The elector must (1) declare under oath that he or she did not previously vote in the election and (2) sign an affirmation that is printed on the back of the security envelope and is substantially similar to the following:

AFFIRMATION: I, the undersigned, do hereby state, under penalty of false statement, (perjury) that:

1. I am the person admitted here as an elector in the town indicated.
2. I am eligible to vote in the election indicated for today in the town indicated.
3. The information on my voter registration card is correct and complete.
4. I reside at the address that I have given to the registrars of voters.
5. If previously registered at another location, I have provided such address to the registrars of voters and hereby request cancellation of such prior registration.
6. I have not voted in person or by absentee ballot and I will not vote otherwise than by this ballot at this election.

7. I completed an application for an Election Day registration ballot and received an Election Day registration ballot.

The newly admitted elector must secretly mark the ballot in the presence of the registrars, place it in the EDR envelope, and deposit the envelope in a secured EDR ballot depository receptacle.

§ 1 — Counting Procedures

Under the act, the law's procedures relating to the custody, control, and counting of absentee ballots must apply as nearly as possible to the custody, control, and counting of EDR ballots. Among other things, this means that at the time designated by registrars and noticed to election officials, registrars must transport the receptacle for ballot counting to the same area (district or central location) where absentee ballots are counted. It also means:

1. the election officials present at the location count the ballots;
2. a section of the head moderator's return must show the number of EDR ballots cast;
3. the registrars must seal a copy of the EDR vote tally in the depository envelope with the ballots and store the envelope with the other election results materials; and
4. the registrars must preserve the envelope for 180 days after the election, the same period of time the law requires other counted ballots to be preserved.

§ 1 — Confirmation Procedures

Registrars of voters must immediately send a registration confirmation notice by first-class mail to the residential address of each EDR applicant they admit. The envelope must have instructions for returning any confirmation notice that cannot be delivered to the address shown. If the confirmation is returned as undelivered, the registrars must take other actions required by law to verify the address. However, they must take these actions immediately and cannot wait until the May 1st deadline that otherwise applies to verifying names on the registry. If the address cannot be verified, registrars must place the elector's name on the inactive list and remove it after four years, unless during this period the elector applies for restoration to the active list or votes.

§ 9 — Report

The secretary of the state must report to the GAE Committee by February 1, 2014 on any issues or concerns that arise during the November 2013 municipal election with respect to EDR administration,

including ballot security and privacy. In consultation with the SEEC, the secretary must interview registrars of voters, poll workers, and candidates from municipalities with small, medium, and large populations to determine the efficacy of EDR. The report must include observations, results, and ways to enhance ballot security and privacy.

§§ 3-8 & 14 — Presidential Ballots

The law permits certain U.S. citizens who are at least 18 years old to apply for and vote a presidential ballot to cast a vote for president and vice president, but not any other office. The person must apply to the town clerk no sooner than 45 days before the election, and can do so up until the polls close on Election Day. The clerk must be satisfied that the applicant is eligible for the ballot, and the applicant must sign a statement under penalty of false statement that the information he or she provides is true.

Prior law allowed unregistered Connecticut residents and former state residents who moved to another state after its registration deadline to apply for a presidential ballot. The act eliminates provisions allowing current Connecticut residents to vote by presidential ballot, leaving the procedure in place for former state residents only. Under the act, unregistered state residents would instead follow EDR procedures.

The application and voting procedures (which include the requirement to show current ID) remain the same as under existing law. The act also eliminates the requirement for clerks to mail duplicate copies of presidential ballot applications to the appropriate state or local official in the municipality where the applicant resides or formerly resided.

§ 10 — ONLINE VOTER REGISTRATION

The act requires the secretary of the state to establish and maintain an online voter registration system. In addition to new registrations, the system must permit a registered voter to apply to make changes online to his or her registration information. The act sets no deadline for the secretary to establish the system.

Eligibility

An applicant may register to vote through the online voter registration system if his or her (1) registration information is verifiable and (2) signature is in a federal or state database and may be imported into the system. (The secretary must include the applicant's signature as part of the application.) The applicant must also meet this state's eligibility requirements for registration.

Required Information

The act requires the online application to contain the same information that the law requires for mail-in voter registration applications, except that the signature must be imported from another state agency's database. This means the application must contain the applicant's:

1. name;
2. bona fide residence, including street number, street address, apartment number if applicable, town, and zip code;
3. telephone number;
4. date of birth;
5. party affiliation, if any; and
6. Connecticut motor vehicle operator's license number or, if none, the last four digits of the applicant's Social Security number.

It must also indicate whether the applicant:

1. is registered as an elector in any other Connecticut town or in any other state, and if so, the applicant's last previous voting residence;
2. is a U.S. citizen; and
3. will be age 18 on or before Election Day.

Verification and Approval

The act requires state agencies to provide information to the secretary of the state, at her request, that she deems necessary to maintain the online voter registration system. It authorizes the secretary to use any state or federal government database, or another state's voter registration database, to cross reference and verify applicants' information, but prohibits her from using the information for any other purpose.

For an online voter registration or change in registration to be approved, an applicant must click the box next to the following statement:

By clicking on the box below, I swear or affirm all of the following under penalty of perjury:

1. I am the person whose name and identifying information is provided on this form, and I desire to register to vote in the State of Connecticut.
2. All of the information I have provided on this form is true and correct as of the date I am submitting this form.

3. I authorize the Department of Motor Vehicles or other Connecticut state agency to transmit to the Connecticut Secretary of the State or my town's registrars of voters my signature that is on file with such agency and understand that such signature will be used by the Secretary of the State or my town's registrars of voters on this online application for admission as an elector as if I had signed this form personally.

Once they approve an online application, the registrars must send an approval notice according to procedures the law establishes for other voter registration approvals. This means the registrars must send the notice by first-class mail and the envelope must have instructions for returning it if it is not deliverable to the address shown.

When Electoral Privileges Attach

The act aligns the deadlines for online registration applications with the deadlines that the law sets for mail-in registration applications. This means that for electoral privileges to attach by an upcoming primary or election, applicants must register by the 5th or 14th day preceding it, respectively. Otherwise, privileges attach the day after the primary or election, as appropriate. Under these circumstances, the act authorizes registrars to contact applicants, by telephone or mail, to inform them of the effect of applying late and the deadlines for registering in person.

CVRS MAINTENANCE

The act authorizes the secretary of the state to enter into an agreement with any other state to share information or data that will help maintain the CVRS. Information or data the secretary receives from a federal or state agency may only be used for CVRS maintenance.

If the state or federal agency providing the information or data required it to be kept confidential, the secretary must ensure it remains confidential, with one exception. The secretary may provide the information she receives to a nonpartisan, third-party vendor for purposes of maintaining the CVRS as long as she (1) supervises the vendor's activities and (2) has entered into an agreement with the vendor to protect the confidentiality of the information or data.

PA 12-57—SB 214*Government Administration and Elections Committee***AN ACT CONCERNING PERMANENT ABSENTEE BALLOT STATUS FOR THE PERMANENTLY DISABLED**

SUMMARY: Under this act, electors who have permanent absentee ballot status automatically receive an absentee ballot, rather than an application for one, for each election, primary, and referendum in the municipality in which they are eligible to vote.

The law requires registrars of voters to send an annual notice in January to determine whether such electors (1) continue to reside at the address on their application and (2) may remain on the permanent absentee ballot status list. If a notice is not returned within 30 days or returned as undeliverable, the registrars must remove the elector from permanent absentee ballot status, but not from the voter registry list.

The act specifies that the elector with permanent absentee ballot status must return the notice according to the instructions on the form.

EFFECTIVE DATE: January 1, 2013

BACKGROUND*Permanent Absentee Ballot Status*

By law, electors with permanent disabilities may apply to the registrars of voters for permanent absentee ballot status. To be eligible, an elector must file an application together with a doctor's certificate stating that he or she has a permanent disability and cannot appear in person at his or her polling place.

PA 12-73—sSB 218 (VETOED)*Government Administration and Elections Committee
Planning and Development Committee***AN ACT CONCERNING POLLING PLACES FOR PRIMARIES, REGISTRARS OF VOTERS, REGISTRY LISTS, VOTING DISTRICT MAPS, ELECTION RETURNS AND SUPERVISED ABSENTEE VOTING AT INSTITUTIONS.**

SUMMARY: This act changes election laws affecting primary polling places, registrars of voters, submission of local voting district returns and maps, and supervised absentee balloting designees. Generally, it:

1. authorizes registrars of voters to reduce the number of polling places for a primary, the location of which may be the same or different than the polling places for the election;

2. establishes a process for removing registrars of voters from office;
3. requires registrars of voters to mail notices (but not by certified mail as prior law required) to newly convicted felons at the Department of Correction, rather than their last-known address, indicating that they will be removed from the voter registry list (§ 4);
4. requires town clerks to submit local voting district returns and maps electronically, when possible;
5. prohibits individuals from serving as supervised absentee balloting designees if, during the current election cycle, they solicited qualifying contributions for a candidate who is on the ballot and participating in the Citizens' Election Program (§§ 8 & 9) (see BACKGROUND); and
6. requires electors who move within the same municipality and want to transfer their registration to their new address to submit to the registrars a new voter registration application, rather than the signed request that was previously required (§ 10).

The act also makes conforming and technical changes.

EFFECTIVE DATE: Upon passage, except for the (1) provisions on mailing notices to convicted felons and voter registration applications, which are effective July 1, 2012, and (2) provisions on electronic submission of voting district returns and maps, which are effective October 1, 2012.

§ 1 — PROCEDURES FOR REDUCING PRIMARY POLLING PLACES

The act allows registrars of voters to reduce the number of polling places for a primary, the location of which may be the same or different than the polling places for the election. If the registrars reduce the number of polling places, they may similarly agree to reduce the number of moderators, provided there is at least one moderator per polling place. But the polling places for the primary must remain the same as those for the corresponding election if the registrars cannot agree on the changes or if any candidate objects.

The act establishes procedures and a timeframe for reducing the number of primary polling places. Specifically:

1. at least 60 days before every primary, the registrars must designate the polling place(s), which may be fewer in number than were used at the last election or will be used at the upcoming election;

2. between 45 and 60 days before the primary, the registrars must notify the secretary of the state and candidates of the change or changes;
3. by 4:00 p.m. on the 30th day before the primary, a candidate who objects to the change must notify the secretary of the state in writing of his or her objection (the secretary must keep the objection confidential);
4. the secretary must promptly notify the registrars and any other candidate in the primary of the objection, in which case the polling places remain the same as for the election; and
5. if there is no objection, the registrars must notify by mail, no later than 21 days before the primary, each elector whose polling place has changed for the upcoming primary.

If a polling place changes and the affected electors receive notification, the registrars of voters do not have to notify the electors for any subsequent primary as long as the polling location remains the same.

Finally, the registrars must make sure that a sign is posted in a closed primary polling place that would otherwise be open. The sign must provide electors with information redirecting them to the open polling place or places.

§§ 2 & 3 — REMOVING REGISTRARS OF VOTERS FROM OFFICE

The act establishes a process for removing registrars of voters from office that is similar to existing law's process for removing town clerks from office (CGS § 7-22).

Under the act, the State Elections Enforcement Commission (SEEC) must investigate written complaints as it deems proper against registrars of voters for misconduct, willful and material neglect of duty, or incompetence in office. It must prepare a written statement charging the registrar, if in its opinion the evidence warrants it. The statement must include a citation in the name of the state commanding the registrar to appear in Superior Court on a specified date to show cause why he or she should not be removed from office. The registrar must be served with a copy of the statement and citation by a proper officer at least 10 days before the court date. Original copies go to the Superior Court clerk in the judicial district where the town is located.

The SEEC must represent the state in court. If, after a full hearing, the judge orders removal from office, the clerk must cause the registrar to be served with a certified copy of the order. When the order is served, the office becomes vacant. By law, the deputy registrar fills the vacancy and appoints a new deputy.

To carry out these provisions, the act authorizes the SEEC to summon witnesses, receive documentary evidence, and administer oaths. It requires witnesses summoned and officers making service to be paid the same fees as are allowed in criminal prosecutions.

§§ 5 - 7 — VOTING DISTRICT ELECTION RETURNS AND MAPS

By law, town clerks in towns divided between two or more legislative or Congressional districts or with more than one voting district must file with the secretary of the state (1) election returns for each voting district in a specified tabular format no later than 21 days after a regular state election and (2) local voting district maps no later than 30 days after any boundary change. (Moderators are responsible for submitting town-wide returns to the secretary by midnight on Election Day or 6:00 p.m. the next day.)

Previously, clerks could submit voting district returns and maps in electronic or hard copy form. The act requires town clerks with access to a computer to file local voting district returns electronically. It similarly requires town clerks to submit voting district maps in electronic form, when possible. It establishes a \$20 fine for town clerks who fail to comply with the existing law's filing deadlines and the act's electronic filing requirements.

Finally, the act requires the secretary of the state to include in her biannual training conferences for registrars of voters and town clerks information on how to file voting district returns electronically.

BACKGROUND

Supervised Absentee Voting

Under state absentee voting laws, registrars of voters or their designees can supervise absentee voting at nursing homes and other residential care and mental health facilities. Patients at these facilities need not submit absentee ballot applications when a supervised session is scheduled. The sessions are optional or mandatory, depending on the number of patients who are registered voters. If at least 20 patients are registered voters in the town, the registrars must conduct a session.

Registrars or their designees together deliver the ballots and jointly supervise voters while they fill out their ballots. The voter has the right to complete his or her ballot in secret, but registrars observe the process and are available to provide assistance if asked. In that case, both parties' registrars jointly render assistance.

PA 12-92—sSB 27

*Government Administration and Elections Committee
Judiciary Committee*

AN ACT TRANSITIONING THE REGULATIONS OF CONNECTICUT STATE AGENCIES TO AN ONLINE FORMAT

SUMMARY: This act requires that state agency regulations be posted online, rather than published in the *Connecticut Law Journal*, making them available to the public on the Office of the Secretary of the State's and regulating agency's Internet websites. It establishes the same requirement for notices of proposed regulations and their accompanying documents.

The act requires the Office of Policy and Management (OPM) secretary to seek the necessary licensing agreements to permit the online posting of regulations containing codes or standards for which a third party holds the intellectual property rights. It requires agencies to post online (1) their policy manuals and guidance documents and (2) policies that have been implemented while in the process of being adopted in regulation form.

Lastly, the act creates an 11-member Regulation Modernization Task Force to develop an implementation plan for publishing regulations online and makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2013, except that the (1) task force provision and the requirement to seek licensing agreements are effective upon passage and (2) requirements concerning notices of intent are applicable to regulations noticed on and after July 1, 2013.

§§ 1 & 2—NOTICE REQUIREMENTS

Notice of Intent

By law, agencies may be authorized or required to adopt regulations. They must provide at least 30 days' notice of their intent to adopt proposed regulations. When a public act requires an agency to adopt regulations, the agency must provide the notice within five months after the passage of the act requiring adoption or by the time specified in the act. The act maintains these deadlines but establishes online posting requirements.

For regulations noticed on and after July 1, 2013, the act requires that the secretary of the state post the notice, rather than the *Connecticut Law Journal* publish it. The secretary must post the notice and its accompanying documents on her office's website within five days after receiving them from the agency. She must also provide electronic notification to any person who has requested notification of regulation-making proceedings.

The act requires agencies to post the notice and accompanying documents on their websites. They must also give electronic notice to the legislature's committees of cognizance for the regulation's subject matter at least 30 days in advance (prior law did not specify a deadline). Additionally, the act changes the deadline by which an agency must prepare a fiscal note regarding the regulations. The new deadline is 30 days before adopting the proposed regulation, rather than the date of publication in the *Connecticut Law Journal*.

Under the act, any agency that fails to post notice of intent to adopt required regulations by the applicable deadline must explain its reasons in an electronic, rather than written, statement to the governor, legislative committee of cognizance of the regulation's subject matter, and Legislative Regulation Review Committee.

The act requires agencies, after deciding to proceed with a proposed regulation or alter its text, to post to their own websites and submit to the secretary for posting on her office's website (1) the proposed regulation's final wording, (2) supporting reasons, and (3) opposing arguments and why they were rejected. Agencies must do this at least 20 days before submitting the proposed regulation to the Legislative Regulation Review Committee. If an agency fails to submit the text of the proposed regulations to the Regulation Review Committee within 180 days of posting the notice of intent, it must submit to the committee an electronic, rather than written, statement of its reasons for failing to do so.

By law, agencies must provide electronic or paper copies of proposed regulations and notices upon request. The act prohibits agencies from charging a fee for electronic copies. It requires agencies to provide the notices and copies of the proposed regulation 30 days in advance to people who have requested it. Prior law did not specify a deadline.

Other Notices

By law, an agency may propose, without prior notice, (1) technical amendments to regulations when necessary to conform to certain changes or (2) a repeal of a regulation if the authorizing statute is repealed. The act requires the agency to post to its website any such proposed technical amendments or repeals.

§§ 4, 6 & 7—APPROVED REGULATIONS

Submission to the Secretary

By law, regulations must be approved by the attorney general and the Legislative Regulation Review Committee. Prior law required agencies to submit two certified paper copies of the approved regulations to the Office of the Secretary of the State. The act instead requires agencies to submit one certified and one

electronic copy to the secretary along with a statement from the department head certifying that the electronic version is a true and accurate copy of the approved regulation. The act authorizes the secretary to adopt regulations specifying the format agencies must use to submit electronic regulations and documents.

Regulation Effective Date

Under prior law, with some exceptions, regulations became effective when an agency filed them with the secretary. Under the act, regulations become effective when the secretary publishes them online, which she must do within five calendar days after the agency's filing. The act specifies that emergency regulations are effective upon electronic submission to the secretary. It eliminates the requirement that, before becoming enforceable, agency regulations must be published in the *Connecticut Law Journal*.

The act designates the online regulations posted by the secretary as the "official version" of the regulations of state agencies for "all purposes, including all legal and administrative proceedings." It requires agencies to provide or make available for inspection, if requested, paper copies of regulations and other written policy statements and agency forms and instructions.

§§ 6-8— PUBLISHED REGULATIONS

The act removes the:

1. duties of the Commission on Official Legal Publications (COLP) to publish (a) the semiannual compilation of all adopted state agency regulations and (b) a monthly update of approved regulations in the *Connecticut Law Journal*;
2. requirement to make published regulations available to state agencies and officials for free and to others for sale;
3. requirement that published regulations be included in each state law library's reference collection; and
4. ability to omit from the compilation emergency regulations and those that are too expensive or unduly cumbersome to publish.

The act requires the secretary to post the compilation of regulations, including emergency regulations, online in a manner easily accessible to, and searchable by, the public. She must update the compilation at least quarterly, and it must include website links to any regulation incorporated by reference. She must also include in the compilation a website link, if available, to information about any omitted regulations. By law, she may omit from the compilation regulations incorporated by reference that are (1) available from a federal agency or a government

agency in another state and (2) to which a third party holds the intellectual property rights. (The act specifies that she may do this only until the OPM secretary obtains the necessary licensing agreements, as described below.)

Proprietary Regulations

In practice, non-state entities hold the intellectual property rights to several codes and standards that are incorporated by reference into state agency regulations (e.g., the State Building Code and the State Fire Safety Code). The act requires the OPM secretary to seek the necessary licensing agreements from the publishers of these codes and standards to permit them to be posted online by the secretary of the state.

§§ 9-12— AGENCY POLICIES

Policy Manuals and Guidance Documents

The act requires any state agency that has written a manual or guidance document to post it on its website. It exempts from this requirement anything that is (1) protected from disclosure under state or federal law or (2) exempt from disclosure under the Freedom of Information Act. Additionally, it specifically requires the Department of Social Services (DSS) to post to its website its medical services, public assistance, and community services manuals.

Policies Awaiting Adoption in Regulation Form

By law, DSS must adopt as regulations policies necessary to conform to certain federal or joint federal and state program requirements. The law allows DSS to operate under such policies while in the process of adopting them in regulation form. Before implementing the policies, the act requires DSS, like other agencies, to post them to its website and electronically submit them to the secretary of the state for online posting. Unlike other agencies, the act retains the requirement that these DSS notices of intent appear in the *Connecticut Law Journal*.

The act also extends the online posting requirement to all agencies that adopt interim policies or procedures while the policies or procedures are in the process of being adopted in regulation form. Under the act, these policies and procedures are not effective unless the agency (1) posts them on its website, (2) electronically submits them to the secretary for posting online, and (3) complies with the authorizing statute's other requirements, if applicable. Any of these policies or procedures in effect on July 1, 2013 must be posted on the agency's website and submitted to the secretary by October 1, 2013. There is no deadline for the secretary to post them. When the superseding regulations take

effect, the agency must notify the secretary, who must then remove the policy or procedure from the secretary's website.

§ 15—REGULATION MODERNIZATION TASK FORCE

The act establishes an 11-member gubernatorially appointed task force to develop a plan that ensures, by July 1, 2013, that Connecticut state agency regulations are available to the public in an accessible online format. The governor must (1) make the appointments within 30 days of the act's passage, (2) select the chairperson, and (3) fill any vacancy. The act requires the Department of Administrative Services (DAS) to provide administrative staff support. The task force must consult with the secretary of the state and either the state librarian or public records administrator.

By January 1, 2013, the task force must submit a plan to the governor and Regulation Review Committee that ensures state agency regulations are easily accessible to the public in an online format by July 1, 2013. The task force terminates on January 1, 2013 or when it submits its plan, whichever is later.

At a minimum, the plan must:

1. identify the hardware and software needed to transfer regulations to an online format;
2. recommend the appropriate state agency to supervise maintenance of the online system;
3. describe the necessary staff training for using and maintaining the system;
4. describe the anticipated amount of additional work and responsibilities required to create and maintain the system;
5. describe the reduction in workload and costs that are anticipated with the system;
6. estimate the cost to implement and maintain the system, with recommendations on how the state can recover it; and
7. recommend additional legislation that may be necessary to facilitate the transition to publishing regulations in an online format.

The act authorizes the task force to request bond funds through DAS to pay a consultant for advice on the technical aspects of implementing and maintaining an online system for regulations. The Legislative Commissioners' Office, COLP, and all executive branch agencies must cooperate and provide information the task force needs.

PA 12-117—HB 5556 (VETOED)

Emergency Certification

AN ACT CONCERNING CHANGES TO CAMPAIGN FINANCE LAWS AND OTHER ELECTION LAWS

SUMMARY: This act modifies state election laws affecting campaign finance, the Citizens' Election Program (CEP), the State Elections Enforcement Commission (SEEC), and certain nominating and absentee voting procedures. Principally, the act:

1. expands reporting, disclaimer, and attribution requirements for independent expenditures;
2. expands the definition of expenditure;
3. exempts from the definition of "independent expenditure," expenditures of up to \$250 in the aggregate made by a human being acting alone to benefit a candidate for a single election;
4. defines "campaign-related disbursements" and "covered transfers" and establishes reporting requirements for them;
5. raises the limits on various contributions from individuals to political committees (known as PACs) and party committees and raises the aggregate limit on contributions an individual can make in a single election cycle;
6. specifies that the \$1,000 payment the law allows CEP candidates to pay their treasurers from surplus funds is in addition to any payments made to the treasurer under a written services agreement (§ 15);
7. requires a PAC's treasurer, rather than its chairperson, to report most changes to information on the registration statement it files with the SEEC (the chairperson remains responsible for filing the initial statement and reporting any committee officer changes) (§§ 13 & 16);
8. allows military and overseas voters to return their voted absentee ballots by fax or email;
9. authorizes candidate committees, other than those for participating CEP candidates, to distribute surplus funds to charitable 501(c)(19) (veterans') organizations following an unsuccessful primary or election (§15); and
10. authorizes the SEEC to waive penalties associated with certain reports that were due in January 2012 and modifies what constitutes a timely filing.

The act also makes several conforming changes, including conforming the expenditure exemptions for uncompensated volunteer services and the costs associated with hosting a house party to the parallel contribution exemptions that PA 11-48 made for these services and costs (§§ 2 & 3).

Finally, the act makes technical changes, including replacing the terms “campaign treasurer” with “treasurer” and “deputy campaign treasurer” with “deputy treasurer” throughout the campaign finance statutes (§§ 1 & 12).

EFFECTIVE DATE: Upon passage

§§ 1-3 & 6 — CAMPAIGN FINANCE DEFINITIONS

State campaign finance laws regulate campaign expenditures and contributions, including who can make and accept them and when. The act changes both definitions.

Prior law defined “expenditure,” in part, as any advertisement that (1) refers to one or more clearly identified candidates; (2) is broadcast by radio or television, other than on a public access channel, or appears in a newspaper, magazine, or on a billboard; and (3) is broadcast or appears during the 90-day period preceding a primary or an election.

The act expands the definition to include communications, not only advertisements, and those that are broadcast by public access channel, satellite, Internet, or as a paid-for telephone communication or sent by mail.

Prior law also defined “expenditure,” in part, as any gift, subscription, loan, advance, payment, or deposit of money or anything of value made “on behalf” of a political party. The act expands the definition to cover anything of value that promotes either the success or defeat of a political party, not just those made on one’s behalf. It makes the same change to the definition of “contribution.” It specifies that any gift, subscription, loan, advance, payment, or deposit of money or anything of value that promotes either the success or defeat of a political party, not just those made on one’s behalf, is considered a contribution.

The act establishes reporting and disclosure requirements for “campaign-related disbursements,” which it defines as (1) independent expenditures or (2) covered transfers. It defines “covered transfer” as any transfer or payment of funds, by an entity that is required to disclose spending, in an aggregate of \$1,000 or more in the two years after the initial transfer or payment to a recipient who uses the money to make a campaign-related disbursement.

By law, an “entity” is an organization, corporation, cooperative association, limited partnership, professional association, limited liability company, or limited liability partnership, whether organized in this or another state. The act specifies that entities include both for- and not-for-profit corporations and 501(c) and 527 organizations.

The act expands the definition of “lawful purposes of the committee” for legislative leadership committees’ and PACs’ permissible expenditures (see

BACKGROUND). For the former, it includes spending funds to defray members’ costs associated with legislative or constituency-related business that the state does not pay for or reimburse. (Legislative caucus committees could already spend funds for these purposes.) For the latter, it includes promoting a political party, including party-building activities. Under the act, “party-building activities” include political meetings, conferences, events, conventions, and their associated expenses.

The law defines “social media” as an electronic medium where users may create and view user-generated content, such as uploaded or downloaded videos or still photographs, blogs, video blogs, podcasts, or instant messages. Previously, this definition applied only in the context of certain *de minimis* activities that are exempt from the definition of contribution. The act applies the definition to all state campaign finance laws.

INDEPENDENT EXPENDITURES

Existing law requires an individual, entity, or committee that makes or obligates to make an independent expenditure or expenditures exceeding \$1,000 in the aggregate to promote the success or defeat of a statewide office or legislative candidate in a primary or general election campaign to electronically file a report with the SEEC. The act expands the definition of independent expenditure and changes the reports’ deadlines and required information.

§ 4 — Definitions

Prior law defined “independent expenditure” as an expenditure that is made without the consent, coordination, or consultation of a (1) candidate or candidate’s agent, (2) candidate committee, (3) PAC, or (4) party committee. The act exempts from this definition expenditures of up to \$250 in the aggregate made by a human being acting alone to benefit a candidate for a single election.

The law creates a rebuttable presumption that certain expenditures are not independent expenditures and, thus, are coordinated and considered contributions for campaign finance purposes. The act expands the rebuttable presumption to cover expenditures made by a person or an entity on or after January 1st in an election year that benefit a candidate when the person or entity has hired (1) an individual as an employee or consultant and the individual was an employee of, or consultant to, the candidate during any part of the 18-month period preceding the expenditure or (2) a campaign-related vendor that has been hired by the candidate during the same election cycle.

Under the act, “campaign-related vendors” include vendors that provide polling, mail design, mail strategy, political strategy, general campaign advice, or phone banking services.

§ 8 — Reporting Deadlines

The act establishes earlier deadlines for filing independent expenditure reports. It requires the individual, entity, or committee to file these reports within 24, rather than 48, hours after making, or obligating to make, an independent expenditure more than 90 days before the primary or general election. If the expenditure is made 90 days or less before the primary or general election, the report must be filed within 12, rather than 24, hours after making or obligating to make the expenditure.

§ 8 — Information that Must be Disclosed

The act requires an entity to disclose slightly different information in its reports to the SEEC based on whether it pays for an independent expenditure from its general treasury or a segregated bank account consisting only of direct donations. For a nonprofit entity, whether making an independent expenditure from its general treasury or a segregated account, if a donor restricts his or her donation from being used for a campaign-related disbursement, and the entity consents and puts it into an account not used for these disbursements, the donor’s identity need not be disclosed (“restricted donor”). The identity of a donor who does not restrict his or her donation to a nonprofit entity must be disclosed if it meets the criteria described below (“unrestricted donor”).

Segregated Account. If an entity makes an independent expenditure from a segregated bank account, it must disclose in its reports (1) donors who gave an aggregate of \$1,000 or more on or after January 1st during the year in which there will be an election for the office for which the candidate who was the subject is running, (2) each donation amount, and (3) the aggregate amount given by each unrestricted donor. A segregated account cannot accept transfers of funds from the entity.

General Treasury. If an entity makes an independent expenditure from its general treasury on or after January 1st during the year in which there will be an election for the office for which the candidate who was the subject is running, it must disclose in its reports the sources of all donations to the treasury, including dues payments, of \$1,000 or more in the aggregate. The act does not specify or limit the period of time during which the donations must have occurred.

The report must disclose the amount of each donation and the aggregate given. The entity need not disclose funds received in a commercial transaction or as an investment.

§ 10 — BOARD AUTHORIZATIONS FOR CAMPAIGN-RELATED DISBURSEMENTS

The act requires the governing board, if any, of an entity incorporated, organized, or operating in this state to vote to pre-authorize each campaign-related disbursement it makes that exceeds \$4,000. Prior to the vote, the board must be informed of the money’s specific use, including whether it may target or benefit a candidate. No later than 48 hours after the vote, the entity must publicly disclose on its website each board member’s vote and details on the expenditure. It must also file the required disclosure report electronically with the SEEC.

After making or obligating to make an independent expenditure, the entity must do at least one of the following:

1. include in any regular periodic financial or activity report to its shareholders, members, or donors the (a) identity of the individual making any campaign-related disbursement and his or her business address; (b) disbursement amount, date, and recipient; (c) candidates or ballot issues to which the disbursement is related; and (d) identity of individuals who donated more than \$1,000 to the entity for campaign-related disbursements during the period that the report covers or
2. provide a link on its website to the disclosure reports it has filed with the SEEC.

§ 9 — DISCLAIMER AND ATTRIBUTION REQUIREMENTS

By law, printed, video, and audio political advertisements must include certain attributions, which the act refers to as disclaimers. Since independent expenditures are not, by definition, considered contributions, the act makes a technical change to the independent expenditure disclaimer provisions by substituting “donation” for “contribution” and “donor” for “contributor.”

The act also expands certain disclaimer requirements. Generally, it:

1. requires all entities that are permitted to make independent expenditures, not only 501(c) and 527 organizations, to list at least five of their top unrestricted donors (contributors under prior law), provided the donors gave an aggregate amount of at least \$1,000, and requires the list to cover two years, rather than

- one year;
- 2. requires all entities making independent expenditures to also provide an address of a website listing all unrestricted donors who gave an aggregate of \$1,000 or more and the donors' addresses; and
- 3. expands the disclaimer requirements to cover individuals, not only entities.

Additionally, under prior law, the independent expenditure disclaimer requirements applied only to advertisements that (1) promoted a candidate's election or defeat, (2) promoted or opposed a political party, or (3) solicited funds for a political party or PAC. Under the act, they apply to any communication that refers to one or more clearly identified candidates.

By law, "individual" means a human being, sole proprietorship, or a professional service corporation owned by a single human being. Under the act, the individual disclaimer requirements do not apply to expenditures (1) made by a human being acting alone, (2) in an amount of \$250 or less in the aggregate, and (3) that benefit a candidate for a single election (see "independent expenditure" definition, § 4).

Table 1 lists each type of independent expenditure and its disclaimer requirements under prior law and the act. When a disclaimer is on a flyer or leaflet, or in a newspaper, magazine or similar literature, the act requires it to be printed in at least an eight-point, uniform font.

Table 1: Disclaimer Requirements under Prior Law and the Act

Type of Independent Expenditure		Disclaimer Requirements	
Prior Law	The Act (lists changes, otherwise the same)	Prior Law	The Act (lists changes, otherwise the same)
Written communication, including one that is typed, printed, or web-based	Includes billboards	The material must bear upon its face: <ul style="list-style-type: none"> ● "Paid for by" and the name of the entity, the chief executive officer (CEO) or equivalent, and the principal business address; ● "This message was made independent of any candidate or political party;" and ● In the case of a 501(c) or a 527 tax-exempt organization, "Top Five Contributors," followed by a list of the five people or entities making the largest reportable contributions during the 	<ul style="list-style-type: none"> ● Adds individuals and requires them to include "Paid for by" and their name and address ● Requires all entities, not just 501(c) and 527 tax-exempt organizations, to include at least five of the unrestricted donors who gave an aggregate of \$1,000 or more and whose aggregate donations during the two years preceding the expenditure are the largest ● Requires entities to provide an address to a

Type of Independent Expenditure		Disclaimer Requirements	
Prior Law	The Act (lists changes, otherwise the same)	Prior Law	The Act (lists changes, otherwise the same)
		previous 12 months	website listing all unrestricted donors who gave an aggregate of \$1,000 or more and the donors' addresses
Television or Internet video advertising	Adds videos broadcast by satellite	The end of the advertisement must show, for at least four seconds: <ul style="list-style-type: none"> ● a clearly identifiable image of the entity's CEO or equivalent; ● a simultaneous, personal audio message, stating "I am (name of entity's CEO or equivalent), (title) of (entity). This message was made independent of any candidate or political party, and I approved its content;" and ● In the case of a 501(c) or a 527 tax-exempt organization, a written message stating "The top five contributors to the organization responsible for this advertisement," followed by a list of the five people or entities making the largest reportable contributions during the previous 12 months 	<ul style="list-style-type: none"> ● Adds individuals and requires them to include a clearly identifiable image of themselves ● Requires all entities, not just 501(c) and 527 tax-exempt organizations, to include a written message listing at least five of the unrestricted donors who gave an aggregate of \$1,000 or more and whose aggregate donations during the two years preceding the expenditure are the largest ● Requires entities to provide an address to a website listing all unrestricted donors who gave an aggregate of \$1,000 or more and the donors' addresses
Radio or Internet audio advertising	Adds audio communication broadcast by satellite	The communication must end with a personal audio statement by the CEO or equivalent: <ul style="list-style-type: none"> ● identifying the entity paying for the expenditure; ● indicating that the message was made independent of any candidate or political party, using the following form: "I am (name of entity's CEO or equivalent), (title) of (entity). This message was made independent 	<ul style="list-style-type: none"> ● Adds individuals and requires them to identify themselves ● Requires all entities, not just 501(c) and 527 tax-exempt organizations, to list at the end at least five of the unrestricted donors who gave an aggregate of \$1,000 or more and whose aggregate donations during the two years preceding the expenditure are the largest

Type of Independent Expenditure		Disclaimer Requirements	
Prior Law	The Act (lists changes, otherwise the same)	Prior Law	The Act (lists changes, otherwise the same)
		of any candidate or political party, and I approved its content; " and <ul style="list-style-type: none"> • In the case of a 501(c) or a 527 tax-exempt organization, an audio message stating (1) "The top five contributors to the organization responsible for this advertisement," followed by a list of the five people or entities making the largest reportable contributions during the previous 12 months or (2) an audio message providing a website that lists the same if the advertisement is 30 seconds or less 	<ul style="list-style-type: none"> • Requires entities to provide an address to a website listing all unrestricted donors who gave an aggregate of \$1,000 or more and the donors' addresses
"Robo Calls" (i.e., automated telephone calls)	Adds non-automated telephone calls	<ul style="list-style-type: none"> • The narrative of the telephone call must identify the entity and its CEO or equivalent. • In the case of a 501(c) or a 527 organization, the narrative must also include a message stating, "The top five contributors to the organization responsible for this telephone call are," followed by a list of the five people or entities making the largest reportable contributions during the previous 12 months 	<ul style="list-style-type: none"> • Requires all entities, not just 501(c) and 527 tax-exempt organizations, to include in the narrative at least five of the unrestricted donors who gave an aggregate of \$1,000 or more and whose aggregate donations during the two years preceding the expenditure are the largest • Requires entities to provide an address of a website listing all unrestricted donors who gave an aggregate of \$1,000 or more and the donors' addresses

Disclosing Individual Donors

In addition to the requirements in Table 1, the act requires entities making independent expenditures to list their donors as individuals. If a donor is another entity that made a covered transfer to the receiving entity, then the individual donors to the entity making the transfer must be listed in the required website listing.

Additionally, if an unrestricted donor to the entity making the covered transfer is also one of the top five donors to the entity making the independent expenditure, then the disclaimer must list at least five of the top donors to the entity making the covered transfer.

Slate Promotions

The act specifies that disclaimers by individual candidates are not required for any print, television, or social media promotion by a party committee for a slate of candidates. Rather, the party committee must use the appropriate disclaimer as required by existing law and the act.

Referenda

Existing law requires a business entity, organization, or association that makes or incurs an expenditure for a printed communication supporting or opposing a referendum question to include a disclaimer with the words "paid for by," the name of the chief executive officer, and the name of the entity, organization, or association. The act additionally requires them to (1) list at least five of their unrestricted donors whose aggregate donations during the two years preceding the expenditure are in the five largest amounts and (2) include a website address listing all their unrestricted donors along with their addresses.

CONTRIBUTIONS

§§ 2 & 3 — Exemptions

The law places limits on contributions made to benefit candidate committees, party committees, and PACs, and subjects the contributions to campaign finance reporting requirements. However, it creates exemptions for certain items and services. Thus, these items and services need not be reported as contributions.

The act exempts from the definition of contribution the use of (1) offices that serve as headquarters and (2) telephones, computers, and similar equipment provided by a party, legislative caucus, or legislative leadership committee for the committee. (The act also eliminates a provision under prior law that included office equipment provided by such a committee as an "organization expenditure"—see ORGANIZATION EXPENDITURES below.)

§ 7, 18 & 19 — Increased Limits

Prior law prohibited an individual from contributing more than \$15,000 in the aggregate during a single primary and election to (1) candidate committees, (2) exploratory committees, and (3) slate PACs for justice of the peace in a primary. The act

increases this aggregate contribution limit to \$30,000. The act also removes the \$15,000 aggregate limit on labor PAC contributions to party committees and PACs other than exploratory or referendum committees.

The act increases the limits on contributions from individuals to most PACs and party committees, as Table 2 shows.

Table 2: Individual Contribution Limits

Recipient	Prior Law	The Act
State Central Committee	\$5,000	\$10,000
Town Committee, Legislative Leadership Committee, Legislative Caucus Committee	1,000	2,000
Most other PACs (except a referendum PAC, labor PAC, exploratory committee, or slate committee for justice of the peace in a primary)	750	1,000

§ 5 — Deposits

The act extends the deadline by which treasurers must deposit contributions in their committee’s depository account from no later than 14 days to no later than 20 days after receiving the contribution.

ORGANIZATION EXPENDITURES

By law, organization expenditures are made by legislative caucus, legislative leadership, or party committees for the benefit of candidates or their committees. They are not considered campaign contributions, but the law places restrictions and limits on those made to benefit legislative candidates participating in the CEP.

The act:

1. eliminates one type of organization expenditure (for office equipment) and
2. makes changes to what qualifies as another type of organization expenditure (i.e., party candidate listing).

§§ 1 & 2 — Office Equipment

The act eliminates from the definition of “organization expenditure” the use of offices, phones, computers, and similar equipment that do not result in an additional cost to the party, legislative caucus, or legislative leadership committee. It instead creates a contribution exemption for similar activities (see CONTRIBUTIONS above). Thus, as noted above, payments for these activities need not be reported.

§ 1 — Party Candidate Listings

By law, a party candidate listing is a communication that identifies one or more candidates and meets several criteria (e.g., distributed through public advertising, mail, or electronic mail). The act (1)

eliminates the previous requirement that party candidate listings treat all candidates in the communication substantially similarly and (2) allows these listings to contrast candidates with their opponents.

OTHER CAMPAIGN FINANCE REPORTING REQUIREMENTS

§§ 14 & 17 — Eliminated Reports

The act eliminates certain campaign finance reporting requirements for specified candidates and committees, which Table 3 shows. The candidates and committees remain responsible for filing termination reports when they dissolve.

Table 3: Eliminated Campaign Finance Statements

Section	Candidate or Committee	Eliminated Reporting Requirement
§ 14	Special election candidate and exploratory committees	Quarterly campaign finance reports
§ 14	Candidates in a municipal election who do not qualify for ballot access	Campaign finance report on the 7th day preceding the election
§§ 14 & 17	Candidates in a state election who do not qualify for ballot access	(1) Campaign finance report on the 7th day preceding the election and (2) weekly supplemental campaign finance statements under the CEP
§ 14	Candidates who are unsuccessful in a primary	Periodic campaign finance reports following the primary

§ 14 — State Central Committees

Prior law required state central committees to file campaign disclosure statements on the 12th day preceding any regular or special election. For special elections, the act limits the requirement to those for which the committee makes or receives a contribution or expenditure. It retains the requirement for all regular elections.

The act also extends this reporting requirement to primaries and referenda for which a state central committee makes or receives a contribution or expenditure. The statement must be complete as of the 19th day preceding the election, primary, or referendum.

§ 17 — Supplemental Campaign Finance Statement Schedule

By law, a candidate committee in a primary or general election with at least one candidate participating in the CEP must file supplemental weekly campaign finance statements according to a specified schedule. The act extends, by one week, the deadline for filing the initial supplemental statement.

Under the act, candidate committees must file the initial supplemental statement for a primary on the second, rather than the first, Thursday following the July filing deadline for quarterly campaign finance

statements (generally July 10). Similarly, for a general election, they must file on the second, rather than the first, Thursday following the October filing deadline for quarterly campaign finance statements (generally October 10).

§§ 20 — ENDORSEMENTS

Under the act, a party endorsement for a (1) candidate running for a municipal office to be voted on at a municipal election, (2) town committee member, or (3) the municipal office of state senator or representative (i.e., in a single-town legislative district) is valid only when the candidate's name appears on the party's enrollment list within the senatorial or assembly district in which he or she will run.

§§ 23-25 — MILITARY AND OVERSEAS ABSENTEE VOTING

The act allows active duty members of the armed forces, their spouses or dependent family members living where they are stationed, and other U. S. citizens living or traveling outside the country on election or primary day to return their voted absentee ballots by email or fax, beginning with the August 14, 2012 primary. The law already allows these military and overseas voters to request and receive absentee ballots electronically.

When military and overseas voters return their completed ballots electronically, they must include (1) the cover sheet as required by the act and (2) if applicable, the secretary of the state-prescribed certification. (In order for the ballot to be counted, the law requires military and overseas voters who request and receive an absentee ballot electronically to return them with a signed certification.)

Under the act, these ballots are counted with other absentee ballots if they are received by the time polls close. To be counted, the voter must not also mail a hard copy.

By June 1, 2012, the act requires the secretary of the state to prescribe a cover sheet for transmitting completed absentee ballots electronically. The cover sheet must provide instructions for returning the ballot and include the elector's name, telephone number, and fax number or email address from which the ballot is sent. The cover sheet must include the following statement:

"I understand that by faxing or emailing my voted ballot I am voluntarily waiving my right to a secret ballot only to the extent that the appropriate election official must receive and process my ballot.

Signature: Date:"

The act's provisions apply to two types of overseas absentee ballots. The first is a blank ballot that members

of the armed forces and their family members living with them may, due to military contingencies, use to vote in a regular election and that town clerks must make available beginning 90 days before the election (before the candidates and questions to be voted on are known). For this ballot, town clerks subsequently send the list of candidates and questions as soon as it is available.

The second is a blank ballot that any elector living or traveling abroad or members of the armed forces and their family members living with them may use to vote in a primary or regular election. Town clerks send this together with the list of candidates and questions to be voted on as soon as it is available.

PENALTIES

§ 11 — *Joint Liability*

The act makes a candidate, his or her treasurer, and his or her agent, if applicable, jointly and severally liable for paying any penalty the SEEC levies if it finds that a prohibited expenditure is coordinated with the candidate, his or her committee, or agent. If the candidate is a participating CEP candidate, he or she must return grant money in an amount that the SEEC determines.

§ 22 — *Penalties for January 2012 Filings*

The act authorizes the SEEC to waive any penalty it imposed because a campaign finance report was not received in a timely manner when (1) the filing was due to be received by the SEEC in January 2012 and (2) the commission determines that the treasurer's actions were such that the filing reasonably should have been received on or before the applicable deadline.

§ 26 — *Timely Submission to SEEC*

The act prohibits the SEEC from levying a penalty on a treasurer for failing to file a hard copy of a campaign finance statement in a timely manner if the treasurer (1) has a copy of the statement time stamped by the SEEC showing timely receipt or (2) has a return receipt from the U.S. Postal Service or a similar receipt from a commercial delivery service confirming timely receipt.

BACKGROUND

Legislative Caucus and Legislative Leadership Committees

By law, a majority of a party's members from one house of the General Assembly can designate a single legislative caucus committee. The House speaker and

majority leader and the Senate president pro tempore and majority leader may establish one legislative leadership committee each. The House and Senate minority leaders may establish two each.

PA 12-185—sHB 5521

Government Administration and Elections Committee

AN ACT CONCERNING THE USE OF AN ELECTRONIC DELIVERY SERVICE UNDER THE CONNECTICUT UNIFORM ELECTRONIC TRANSACTIONS ACT AND DEFINING ELECTRONIC MAIL

SUMMARY: This act specifies that “electronic mail” as used in the general statutes and public acts includes an electronic delivery service that (1) delivers communications to their intended recipients by matching an e-mail address to a person’s U.S. Postal Service physical address and (2) uses security methods such as passwords or encryption.

The act expands two definitions under the Connecticut Uniform Electronic Transactions Act (CUETA) to accommodate this change (see BACKGROUND). It specifies that (1) an “electronic record” may be sent, received, or stored through an electronic delivery service that uses a security procedure, among other means, and (2) a “security procedure” includes matching an e-mail address to a person’s U.S. Postal Service physical address, among other verification methods.

The act also requires executive branch agencies to (1) review their existing policies concerning the mailing of all agency documents to their clients and (2) use electronic correspondence when they deem it appropriate and not in conflict with the law. Prior law required them to do this for notifications only.

Lastly, the act eliminates a provision allowing state agencies to request that their legislative committees of cognizance introduce legislation providing for the electronic transmission of correspondence that the law requires be sent by first class mail. However, nothing in the law prohibits agencies from making such requests.

EFFECTIVE DATE: October 1, 2012

BACKGROUND

CUETA

CUETA establishes a legal foundation for the use of electronic communications in transactions where the parties, including state and local government agencies, have agreed to conduct business electronically. It validates the use of electronic records and signatures and places electronic commerce and paper-based

commerce on the same legal footing. It does not specifically authorize agencies to send notices, or any type of certified or registered mail, by e-mail. Instead, it sets requirements with which electronic transmissions must comply (CGS §§ 1-266 to 1-286).

PA 12-193—HB 5022

*Government Administration and Elections Committee
Judiciary Committee*

AN ACT INCREASING PENALTIES FOR VOTER INTIMIDATION AND INTERFERENCE AND CONCERNING VOTING BY ABSENTEE BALLOT

SUMMARY: This act increases the maximum penalties for violating certain election laws related to influencing or intimidating voters, making them class C or D felonies. It also specifies that town clerks, registrars of voters, and their staff are among the primary, election, and referendum officials who may vote by absentee ballot if their duties require them to be absent from their polling place during voting hours (see BACKGROUND).

EFFECTIVE DATE: July 1, 2012, except for the absentee voting provision, which is effective upon passage.

PENALTIES

The act increases the maximum penalties for certain elections violations. It also makes two of these violations a felony (see §§ 2 and 3 below).

By law, the penalty for a class C felony is a fine of up to \$10,000, one to 10 years in prison, or both. The penalty for a class D felony is a fine of up to \$5,000, one to five years in prison, or both. Prior law designated a separate and lesser maximum penalty for each offense included in the act, as Table 1 shows.

Table 1: Penalties under Prior Law and the Act

<i>Section</i>	<i>Crime</i>	<i>Penalty Under Prior Law</i>	<i>Penalty Under the Act</i>
§ 1	Circulating misleading instructions to any voter	A fine of up to \$500, up to five years in prison, or both	Class D felony
§ 2	Influencing or attempting to influence any voter to refrain from voting by force, threat, bribery, or corrupt, fraudulent, or deliberately deceitful means and with the intent to disenfranchise the voter	A fine of up to \$500 and three months to one year in prison	Class D felony
§ 3	Threatening, forcing, or bribing a voter;	A fine of up to \$1,000, up to	Class C felony

<i>Section</i>	<i>Crime</i>	<i>Penalty Under Prior Law</i>	<i>Penalty Under the Act</i>
	suppressing or destroying any vote; miscounting any vote; or falsely or wrongfully announcing results	one year in prison, or both	
§ 4	An employer who, within 60 days before an election, school district election, or municipal or school district meeting, attempts to influence, threatens, or later retaliates against an employee in connection with the election or meeting	A fine of between \$100 and \$500, six months to one year in prison, or both	Class D felony
§ 5	Inducing or attempting to induce an elector to do anything that enables anyone to see or know how the elector or another person voted	Up to five years in prison (no fine)	Class D felony
§ 6	Tampering with a voting tabulator, or defacing or destroying a ballot or any other device used to vote, with the intent to cause the voting equipment to incorrectly register votes	Up to five years in prison (no fine)	Class C felony

BACKGROUND

Absentee Voting

The state constitution authorizes the General Assembly to pass a law allowing electors to cast their vote by absentee ballot if they will be out of town, sick, or physically disabled or the tenets of their religion prohibit secular activity on Election Day (Article 6 § 7). The General Assembly exercised this authority in CGS § 9-135, which allows any person to vote by absentee ballot if:

1. he or she is in active service with the armed forces of the United States;
2. he or she is absent from his or her city or town of residence during all hours of voting;
3. he or she is ill or physically disabled;
4. the tenets of his or her religion forbid secular activity on the day of the primary, election, or referendum; or
5. he or she is a primary, election, or referendum official whose duties will keep him or her away from his or her own voting district during all hours of voting.

PA 12-194—sHB 5025

Government Administration and Elections Committee

AN ACT CONCERNING THE OWNERSHIP OF PUBLIC ACCOUNTING FIRMS AND THE USE

OF THE TITLE “CERTIFIED PUBLIC ACCOUNTANT”

SUMMARY: Prior law prohibited an accounting firm from obtaining a permit to practice in Connecticut unless each of its equity owners working in the state held a valid Connecticut license to practice public accountancy.

This act:

1. eliminates the requirement that each equity owner hold a valid Connecticut license and allows firms to obtain a permit as long as a simple majority of these owners, in terms of financial interests and voting rights, holds a valid accountancy license from any U.S. state or territory but
2. prohibits these “simple majority firms” from using the “Certified Public Accountant” or “CPA” title or a similar designation.

As under prior law, a firm’s equity owners must hold a valid Connecticut license if they perform professional accounting services and have a principal place of business in this state. The act specifies that equity owners are proprietors, partners, members, and shareholders.

The act eliminates the requirement that firms holding a permit notify the State Board of Accountancy of any change in the number or location of its Connecticut offices.

It also makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2012

PERMIT REQUIREMENTS FOR SIMPLE MAJORITY FIRMS

The act prohibits simple majority firms from obtaining an initial permit or a renewal unless each equity owner is (1) a natural person who actively participates in the business of the firm or its affiliates or (2) an entity, including a partnership or professional corporation, whose equity owners actively participate in the business of the firm or its affiliates. It defines “actively participate” as providing client services or taking part in the firm’s business or management.

PA 12-205—sSB 339

Government Administration and Elections Committee

AN ACT REVISING STATUTES CONCERNING THE DEPARTMENT OF ADMINISTRATIVE SERVICES

SUMMARY: This act makes several changes to state property inventory requirements, including requiring (1) the Office of Policy and Management (OPM), rather

than the Department of Administrative Services (DAS), to maintain the inventory of leased property and (2) most executive branch agencies to obtain written permission from OPM before (a) any change in state property’s ownership or use or (b) its use by another state agency or a non-state entity. It also requires DAS to establish guidelines for, rather than monitor, fees charged by agencies for computer-stored public records requested under the Freedom of Information Act (FOIA).

The act eliminates or modifies numerous reporting requirements, and it eliminates two committees and one board. Lastly, it makes technical changes.

EFFECTIVE DATE: July 1, 2012

§§ 2, 3, 11 — STATE PROPERTY

The act transfers, from DAS to OPM, responsibility for maintaining an inventory of real property leased by state agencies, including a requirement to annually submit this inventory to the legislature’s Appropriations and Government Administration and Elections (GAE) committees. It delays, from June 30, 2012 to March 15, 2013, the date by which the OPM secretary must make the first annual submission to these committees of the state-owned and leased inventories. It eliminates a requirement that the leased property inventory include space utilization data.

The law requires agencies to provide the OPM secretary with any information he requests for purposes of maintaining the inventories. The act requires them to do so in the manner and form the secretary prescribes. The act also requires that all executive branch agencies (except for higher education institutions and vocational-technical schools) obtain OPM’s written permission before any change in state property’s ownership or use, or before its use by another state agency or a non-state entity.

The act requires the economic and community development commissioner, at the secretary’s request, to advise him of the historical, architectural, or cultural significance of state-owned or-leased buildings. By law, the OPM secretary must make recommendations concerning the reuse or disposition of state property and identify existing buildings that (1) are of historic, architectural, or cultural significance; (2) meet the state’s public building needs; or (3) meet the public’s need to be served by renewable energy sources.

Requirements Eliminated

The act eliminates a requirement that the legislative and judicial branches, higher education institutions, and vocational-technical schools notify the OPM secretary of any change in state property ownership. It also eliminates a requirement that agencies notify the DAS

commissioner of any new or terminated leases of state property. However, the law, unchanged by the act, requires (1) the OPM secretary’s approval of most state property sales and (2) regulations that mandate that the DAS commissioner submit lease, lease renewal, and hold-over agreements to the OPM secretary for approval.

Additionally, the act eliminates requirements that DAS (1) prepare an annual inventory of state-owned improved and unimproved real estate that is unused or underutilized and (2) submit, annually by January 1, to the Appropriations and GAE committees, a status report on the inventory and recommend possible reuse or disposition of such real estate. However, the law, unchanged by the act, continues to require that the OPM secretary determine (1) the appropriate use of state real property and (2) the efficiency of each state agency’s use of real property under its control.

§ 1 — FOIA FEES

The act requires DAS to establish guidelines for agencies on the calculation of fees charged for copies of computer-stored public records requested under FOIA. Under prior law, DAS had to monitor the fees to ensure that they were reasonable and consistent among agencies. Under FOIA, an agency that maintains computer records must provide copies of the records upon request unless they contain information that is exempt from disclosure. Fees charged for providing copies may not exceed the agency’s cost of making the copies.

§§ 4-10, 12-15, 21-23, & 25 — REPORTING REQUIREMENTS ELIMINATED OR MODIFIED

The act eliminates or modifies numerous reporting requirements, as shown in Table 1.

Table 1: Reporting Requirements Eliminated Or Modified

<i>Section</i>	<i>Requirement</i>	<i>Eliminated or Modified</i>	<i>New Requirement (if applicable)</i>
4	DAS annual report to the legislature on (1) agencies with delegated purchasing authority, (2) purchases made under that authority, and (3) efficiencies realized from the delegated authority	Eliminated	N/A
5	DAS commissioner to include a list of emergency purchases in his annual report	Modified	Information must be posted on DAS website
6	DAS annual report to the legislature, auditors, and comptroller on all contract awards	Modified	Information must be posted on DAS website
7	DAS to (1) develop a plan to increase procurement of goods that contain recycled materials and recyclable or remanufactured products	Modified	DAS must (1) whenever practicable, try to increase state procurement of

Section	Requirement	Eliminated or Modified	New Requirement (if applicable)
	and (2) report annually on the plan's implementation		these goods and products and (2) post on its website information regarding such efforts
8	DAS must develop and implement a plan to eliminate the use of disposable and single-use products in state government, including an implementation schedule and list of products that may be affected	Modified	DAS must eliminate the use of these products whenever practicable
9	DAS annual report to the State Properties Review Board	Modified	Eliminates requirement that DAS include in the report recommendations for statutory changes
10	State agencies with care, control, and supervision of state property must (1) develop and update a plan to reduce the use of disposable and single-use products and increase recycling and (2) report annually on the implementation of a recycling program	Modified	Agencies must implement and post on their websites a policy that reduces the use of disposable and single-use products and increases recycling
10	State agencies implement a white paper recycling program	Eliminated	N/A
12	Reports by state agencies, boards, and commissions to the Statewide Security Council on workplace violence incidents	Modified	Reports must be biannual, rather than quarterly, and the act eliminates the requirement that the reports include security-related expenditures
13-15	DAS annual reports on (1) technology projects planned or underway and (2) state agency expenditures for information and telecommunication systems	Modified	Merged into an existing DAS report
21	DAS annual report to the legislature on state employee telecommuting	Modified	Information must be included in DAS annual report to the governor on state employees
22	Quarterly reports by agency heads to OPM concerning suggestions from state employees and retirees	Eliminated	N/A
23	DAS adoption of regulations concerning fees for medical services provided to state workers' compensation claimants	Eliminated	N/A
25	Annual report by state contracting agencies to the governor and legislature on the status of capital projects costing more than \$500,000	Eliminated	N/A

§§ 16, 17, 20, 24, & 25 — REPEALED ENTITIES

The act eliminates the (1) Senior Executive Service Board and the state's senior executive service, which allowed classified employees with five years' experience to serve in upper-level, unclassified state jobs without losing their classified status (§§ 16, 17, and 20); (2) technology advisory committee, which provided technical expertise and advice to the legislature (§§ 24 and 25); and (3) quality control committee, which oversaw and evaluated performance incentive programs established by the DAS commissioner for managerial and confidential employees in the executive branch (§ 25). Each of these entities is defunct.

PA 12-206—sSB 340

Government Administration and Elections Committee

AN ACT CONCERNING THE USE BY STATE EMPLOYEES OF SERVICES PROVIDED BY CONNECTICUT TECHNICAL HIGH SCHOOL SYSTEM STUDENTS

SUMMARY: With certain exceptions, the state Code of Ethics prohibits public officials, state employees, their immediate family members, and businesses with which they are associated from entering into a state contract valued at \$100 or more, unless the contract is awarded under standard and transparent bidding procedures.

This act authorizes these officials, employees, their family members, and associated businesses to contract outside of standard bidding procedures with the regional vocational-technical (V-T) school system for V-T students to perform services in conjunction with their vocational, technical, or technological education and training. It requires the superintendent of the regional V-T system to establish an open and transparent process for reviewing any such contract.

EFFECTIVE DATE: July 1, 2012

HIGHER EDUCATION AND EMPLOYMENT ADVANCEMENT COMMITTEE

PA 12-7—sSB 42*Higher Education and Employment Advancement Committee***AN ACT CONCERNING THE SELECTION
PROCESS FOR MEMBERS OF THE FACULTY
ADVISORY COMMITTEE TO THE BOARD OF
REGENTS FOR HIGHER EDUCATION**

SUMMARY: This act expands, from seven members to 10, the size of the faculty advisory committee to the Board of Regents for Higher Education. It requires the committee to have one administrative faculty member each from the Connecticut State University System (CSUS), the community-technical colleges (CTC), and Charter Oak State College. These administrative faculty members must provide direct student services. The act specifies that the other committee members be teaching faculty: three each from CSUS and CTC and one from Charter Oak. Prior law did not specify whether committee members had to be administrative or teaching faculty.

The act also specifies a date (October 1, 2013) by which committee members and alternates must be elected. It requires that CSUS and CTC members be elected through a uniform, fair, and open system-wide election by each constituent unit's faculty governance body. A majority vote of Charter Oak's academic council elects the members from that institution. Prior law required a system-wide election by each constituent unit's faculty senate. Presumably, the committee's current members can serve the remainder of their terms, which by law are for two years. The act also specifies that labor union participation in the elections is not required.

EFFECTIVE DATE: July 1, 2012

PA 12-10—sSB 28*Higher Education and Employment Advancement Committee***AN ACT IMPLEMENTING THE GOVERNOR'S
RECOMMENDATION CONCERNING AN
ANNUAL REPORT ON HIGHER EDUCATION**

SUMMARY: This act requires the executive director of the Office of Financial and Academic Affairs for Higher Education to report, by March 1, 2013 and annually thereafter, to the Higher Education and Appropriations committees on Connecticut's position in relation to state, regional, and national higher education trends. The report must be based on data and information the office collects and include trends on expenditures, funding, enrollment, faculty and staff positions, cost sharing, and student financial aid.

EFFECTIVE DATE: July 1, 2012

PA 12-31—sHB 5030*Higher Education and Employment Advancement Committee***AN ACT CONCERNING THE DEVELOPMENT
OF A GENERAL EDUCATION CORE OF
COURSES TO ALLOW FOR THE SEAMLESS
TRANSFER AMONG PUBLIC INSTITUTIONS
OF HIGHER EDUCATION**

SUMMARY: This act requires the Connecticut State University System (CSUS) and the community-technical college system (CTC) to develop and implement, by July 1, 2013, a general education core of courses. The core must comprise at least 30 academic credits and be offered in CSUS's and CTC's liberal arts and sciences programs and any other degree program designated as a transfer program. If a student earns academic credits from the core and subsequently transfers to the other system or a different institution in the same system, the act requires those credits to count towards that system's core requirements.

The act requires teaching faculty from CSUS and CTC to be included in the core's development and implementation. The faculty must be elected in a uniform, system-wide election by the faculty senates representing CSUS and CTC.

EFFECTIVE DATE: July 1, 2012

PA 12-40—sSB 40*Higher Education and Employment Advancement Committee
Appropriations Committee***AN ACT CONCERNING COLLEGE READINESS
AND COMPLETION**

SUMMARY: This act requires the Connecticut State University System (CSUS) and the community-technical colleges (CTC), beginning by the 2014 fall semester, to offer (1) certain students remedial support embedded with the corresponding entry level course in a college-level program and (2) certain other students an intensive college readiness program. It generally prohibits other forms of remedial education after that time.

The act also requires public high schools, CSUS, and CTC to align their curricula by the fall semester of 2016. Beginning by the 2014-2015 school year, it requires early assessment of eighth and tenth grade students' college readiness and the sharing of such results. Lastly, it requires a report on (1) the transition of working adults to higher education and (2) the act's impact on CSUS and CTC programs for deaf and hearing-impaired students.

EFFECTIVE DATE: July 1, 2012

REMEDIAL SUPPORT

The act requires CSUS and CTC, beginning by the 2014 fall semester, to offer certain students remedial support embedded with the corresponding entry level course in a college-level program. They must offer this support (1) to students who they determine, through use of multiple commonly accepted measures of skill level, are likely to succeed in college level work with supplemental support and (2) during the same semester as, and in conjunction with, the entry level course.

For students determined to be below the skill level needed for success in college-level work, the act requires CSUS and CTC, beginning by the 2014 fall semester, to offer an intensive college readiness program before the next semester (presumably the semester after the determination is made). It requires these students to complete the intensive readiness program before receiving embedded remedial support. The Board of Regents for Higher Education (BOR) must develop options for such a program in consultation with its faculty advisory committee and the state's P-20 Council (see BACKGROUND).

The act generally prohibits CSUS and CTC, beginning by the 2014 fall semester, from offering remedial support or courses not embedded with an entry level course or as part of an intensive readiness program. However, it allows institutions to offer a student one semester of non-embedded remedial support if (1) it is intended to advance the student toward a degree and (2) the program is approved by BOR.

CURRICULAR ALIGNMENT AND STUDENT ASSESSMENT

The act requires public high schools and CSUS and CTC to align their curricula by the fall semester of 2016. The alignment must enable the successful completion of high school mathematics and language arts curricula, as described in Connecticut's common core state standards (see BACKGROUND), to be the indicator of college readiness. CSUS and CTC may use available evaluation instruments to assess the college readiness of adults enrolling in higher education after spending time in the workforce.

Beginning by the 2014-2015 school year, the act requires BOR, in consultation with the P-20 Council, to ensure that each CSUS and CTC institution works with the state Department of Education and local and regional school districts to (1) use available evaluation methods to assess eighth and tenth grade students' college readiness and (2) share the results with students, parents or legal guardians, and schools.

REPORT

The act requires BOR, in consultation with the P-20 Council, to report to the Higher Education Committee by the fall semester of 2014 regarding its recommendations concerning the successful transition of adults returning to or first enrolling in a higher education program at CSUS or CTC after spending time in the workforce. The report must also address the act's implications for CSUS or CTC programs for deaf and hearing-impaired students.

BACKGROUND

P-20 Council

The P-20 council is a statewide council of educators, business leaders, and civic officials created to build stronger ties among educators and policymakers at all levels of education. It was established in 2009 by Governor Rell in Executive Order 2A.

Common Core State Standards

The common core state standards are a set of state K-12 education standards for English language arts and mathematics developed by the National Governors Association and the Council of Chief State School Officers. The standards, which states may voluntarily adopt, seek to raise student achievement and provide more uniform curricula and instruction among states. The State Board of Education adopted the standards in July 2010.

PA 12-50—sSB 39

*Higher Education and Employment Advancement Committee
Education Committee*

AN ACT CONCERNING REQUIREMENTS FOR EARLY CHILDHOOD EDUCATORS

SUMMARY: This act makes several changes to the law regarding early childhood educators' required qualifications. It:

1. modifies (a) the types of schools from which individuals may earn a qualifying degree and (b) the programs to which the requirements apply;
2. requires staff members who are exempt from meeting the qualifications and who accept employment with a different school readiness program to submit documentation on their progress toward the qualifications; and

3. requires individual staff members, rather than school readiness programs, to apply for any unexpended school readiness funds.

It also makes conforming changes.

EFFECTIVE DATE: July 1, 2012

EARLY CHILDHOOD EDUCATOR REQUIREMENTS

The law establishes required qualifications for early childhood educators (see BACKGROUND). Under prior law, educators could meet these requirements by, among other things, earning a degree or credential in certain programs from an institution accredited by the Board of Regents for Higher Education (BOR). The act instead requires institutions to be (1) accredited by BOR or the State Board of Education (SBE) and (2) regionally accredited. The inclusion of SBE conforms to PA 11-48, which made SBE responsible for accrediting independent institutions of higher education in Connecticut and BOR responsible for public institutions.

Prior law applied the staff qualification requirements to all preschool programs accepting state funds, including school readiness or childcare services funds and Department of Social Services funds. The act instead applies the requirements to programs accepting state funds for infant, toddler, and preschool spaces associated with their child day care program or school readiness program.

EXCEPTIONS

By law, individuals who (1) hold bachelor's degrees and are employed as teachers on or before June 30, 2015, by an early childhood education program accepting state funds and (2) meet the qualification requirements that are in effect until June 30, 2015, are exempt from the requirements that take effect on July 1, 2015, and July 1, 2020.

If an exempt individual terminates employment with his or her current early childhood education program and accepts employment with a different early childhood education program, the act requires him or her to submit documentation (presumably to the State Department of Education (SDE)) of his or her progress toward meeting the requirements. SDE must determine the manner of submission.

UNEXPENDED SCHOOL READINESS FUNDS

The act removes local school readiness programs from the process of awarding unexpended school readiness funds to help staff meet state qualifications. By law, the education commissioner may use up to \$500,000 in unexpended school readiness funds from each fiscal year in the subsequent fiscal year to help

early childhood education programs' staff members meet the qualification requirements. The act requires individual staff members, rather than school readiness programs, to apply for unexpended funds and requires the education commissioner to determine the manner of application.

It also requires SDE, rather than the local school readiness program, to provide the assistance to staff members. In awarding assistance, SDE must give preference to staff members attending a BOR- or SBE-accredited institution that is also regionally accredited.

BACKGROUND

Early Childhood Educator Requirements

Until July 1, 2015, the law requires that in each school readiness classroom, there is an individual with (1) a childhood development credential, associate's degree, or bachelor's degree that includes 12 credits or more in early childhood education or child development or (2) a teaching certificate with an endorsement in early childhood education or special education. The credentialing organization must be approved by the education commissioner, and the early childhood education or childhood development credits must be from an institution accredited by BOR or regionally accredited (changed by the act to be BOR or SBE and regionally accredited). The early childhood education or child development credits must be determined by the BOR president, in consultation with the education and social services commissioners.

By law, from July 1, 2015, to June 30, 2020, at least 50% of individuals with primary responsibility for a classroom of children must have (1) a bachelor's degree with a concentration in early childhood education from an institution accredited by BOR (changed by the act to be BOR or SBE and regionally accredited) or (2) a teaching certificate with an endorsement in early childhood or early childhood special education. Early childhood educators who do not meet this requirement must hold an associate's degree in an eligible field.

Effective July 1, 2020, the law requires that all, rather than only 50%, of the individuals with primary responsibility for a classroom of children meet the requirement to have a bachelor's degree or teaching certificate.

PA 12-52—SB 241

*Higher Education and Employment Advancement Committee
Labor and Public Employees Committee*

AN ACT ALLOWING ADJUNCT FACULTY MEMBERS OF THE REGIONAL COMMUNITY-TECHNICAL COLLEGE SYSTEM TO WAIVE MEMBERSHIP IN A STATE RETIREMENT PLAN

SUMMARY: This act allows an adjunct faculty member of a regional community-technical college to irrevocably waive participation in a state employee retirement plan within 60 days of beginning employment. The waiver remains irrevocable if the faculty member accepts subsequent part-time employment with the regional community-technical college system, Connecticut State University system (CSUS), University of Connecticut (UConn), or Charter Oak State College. (If the faculty member becomes a full-time employee, he or she can join a state retirement plan at that time.) Adjunct faculty at UConn and CSUS are already allowed to do this under individual collective bargaining agreements.

The act will allow these faculty members to make tax-deductible contributions to individual retirement accounts (IRAs). Depending on a person's filing status, Internal Revenue Service regulations prohibit federal tax deductions for IRA contributions if a person is also covered by an employer retirement plan.

EFFECTIVE DATE: July 1, 2012

PA 12-63—sSB 382

*Higher Education and Employment Advancement Committee
Education Committee*

AN ACT CONCERNING TEACHER CERTIFICATION

SUMMARY: This act, with one exception, prohibits teachers who receive an elementary education endorsement on or after July 1, 2013 from using that endorsement to teach kindergarten. It thus requires them to obtain an early childhood nursery through grade three endorsement in order to teach kindergarten. Elementary education endorsements issued before that date continue to be valid for teaching kindergarten.

Generally, under the act, elementary education endorsements issued on or after July 1, 2013 are valid only for grades one through six. But the act allows individuals to teach kindergarten with such an endorsement issued on or after that date if they (1) have been admitted to a teacher preparation program in the elementary education endorsement area on or before the start of the 2012 fall semester, (2) successfully complete

the program, and (3) receive the endorsement by July 1, 2017.

EFFECTIVE DATE: July 1, 2012

PA 12-78—sHB 5031

*Higher Education and Employment Advancement Committee
Judiciary Committee
Appropriations Committee*

AN ACT CONCERNING SEXUAL VIOLENCE ON COLLEGE CAMPUSES

SUMMARY: This act requires public and private higher education institutions to adopt and disclose one or more policies on sexual assault and intimate partner violence. The policies must include provisions for (1) providing information to students about their options for assistance if they are victims of such violence, (2) disciplinary procedures, and (3) possible sanctions. Institutions must include the policies in their uniform campus crime report, which is produced annually and made available to students, employees, and applicants for admission.

The act also requires such institutions, within existing budgetary resources, to offer (1) sexual assault and intimate partner violence primary prevention and awareness programming for all students and (2) ongoing prevention and awareness campaigns.

EFFECTIVE DATE: July 1, 2012

INSTITUTION POLICY

Policy Requirements

The act requires higher education institutions to adopt and disclose one or more policies on sexual assault and intimate partner violence. Under the act, "sexual assault" means 1st, 2nd, 3rd, and 4th degree sexual assault, as well as aggravated 1st degree sexual assault and 3rd degree sexual assault with a firearm. "Intimate partner violence" means any physical or sexual harm against an individual by a current or former spouse or by a partner in a dating relationship that results from (1) sexual assault; (2) sexual assault in a spousal or cohabiting relationship; and (3) domestic violence (which includes various crimes) and 1st, 2nd, and 3rd degree stalking. These crimes are defined as in existing law.

The policies must have a provision for giving contact information for and, if requested, professional assistance to students in accessing and using campus, local advocacy, counseling, health, and mental health services.

The policies must also provide written information about a victim's rights to (1) notify law enforcement and receive assistance from campus authorities in making the notification and (2) obtain a protective order, apply for a temporary restraining order, or seek enforcement of an existing order. Such orders include:

1. standing criminal protective orders;
2. protective orders issued in cases of stalking, harassment, sexual assault, or risk of injury to or impairing the morals of a child;
3. temporary restraining orders or protective orders prohibiting the harassment of a witness;
4. relief from physical abuse by a family or household member or person in a dating relationship; and
5. family violence protective orders.

Additionally, the policies must include provisions for:

1. notifying students of available assistance from the institution and reasonably available options for changing academic, living, campus transportation, or working situations;
2. honoring lawful protective or temporary restraining orders;
3. disclosing the range of possible sanctions that the institution may impose;
4. detailing the procedures to follow after the commission of such violence, including people or agencies to contact for reporting purposes or to request assistance, and information on the importance of preserving physical evidence; and
5. summarizing the institution's disciplinary procedures.

Disciplinary Procedures

The act also requires the policies to include a summary of the institution's disciplinary procedures for cases of sexual assault and intimate partner violence. The summary must include clear statements advising students that (1) victims can request that disciplinary proceedings begin promptly and (2) the proceedings must (a) be conducted by an official trained in issues relating to sexual assault and intimate partner violence and (b) use the preponderance of the evidence standard (i.e., whether it is more likely than not that the alleged incident occurred).

Additionally, the summary must include clear statements providing that both the victim and the accused are entitled to:

1. be accompanied to any meeting or proceeding by an advisor or support person of their choice, provided that the advisor or support person does not cause a scheduled meeting to be delayed or postponed;

2. present evidence and witnesses on their behalf;
3. be informed in writing of the results of the disciplinary proceeding no later than one business day after it concludes; and
4. have their identities kept confidential, except as necessary to carry out a disciplinary proceeding or as permitted under state or federal law.

PREVENTION AND AWARENESS PROGRAMMING

The act requires institutions, within existing budgetary resources, to offer sexual assault and intimate partner violence primary prevention and awareness programming for all students. The programming must (1) explain the definition of consent in sexual relationships and (2) provide information on the reporting of such assaults and violence, bystander intervention, and risk reduction. Institutions must also offer ongoing prevention and awareness campaigns.

Under the act, "awareness programming" is designed to communicate the prevalence of sexual assault and intimate partner violence, including the nature and number of cases reported at each institution in the preceding three calendar years. "Primary prevention programming" is intended to prevent such assaults and violence before they occur by changing social norms and through other approaches.

PA 12-94—SB 43

Higher Education and Employment Advancement Committee

AN ACT REQUIRING THE SUBMISSION OF INFORMATION CONCERNING STUDENTS RECEIVING FINANCIAL ASSISTANCE FROM THE CONNECTICUT INDEPENDENT STUDENT GRANT PROGRAM, CONNECTICUT AID TO PUBLIC COLLEGE STUDENTS GRANT PROGRAM AND CAPITOL SCHOLARSHIP GRANT PROGRAM

SUMMARY: This act requires higher education institutions, by October 1, 2012 and annually thereafter, to submit to the Office of Financial and Academic Affairs for Higher Education (OFAAHE) information on students receiving assistance through the Connecticut Independent College Student Grant (CICSG) program, Connecticut Aid to Public College Students (CAPCS) program, or Capitol Scholarship grant program. It prohibits institutions that do not submit the information in any year from participating in the programs in the following fiscal year.

The information the institution must submit each year is for assistance students received in the academic year ending on or before the previous June 30. It must be in a form prescribed by OFAAHE and include each recipient's (1) year of birth; (2) home town; (3) cumulative grade point average; (4) expected graduation date; and (5) expected family contribution towards educational costs, as determined by a needs analysis system approved by the U.S. Department of Education. It must also include a detailed breakdown of financial assistance that each student received from all sources.

Lastly, the act requires OFAAHE to submit reports on the information it collects to the Appropriations and Higher Education committees as needed or requested (presumably by the committees).

EFFECTIVE DATE: July 1, 2012

PA 12-128—HB 5276

Higher Education and Employment Advancement Committee

AN ACT CONCERNING THE CAPITOL SCHOLARSHIP GRANT PROGRAM

SUMMARY: This act eliminates a moratorium for FY 12 and FY 13 on new students receiving financial assistance under the Capitol Scholarship grant program (see BACKGROUND). Under prior law, students could not receive a Capitol Scholarship grant in FY 12 or FY 13 unless they received a grant in FY 11. The act also eliminates a requirement that grants be proportionately reduced in FY 12 and FY 13 if total program grants exceed the program's budgeted appropriation.

Additionally, the act makes a technical change to reflect the grant program's administration by replacing a reference to the Board of Regents for Higher Education with one to the Office of Higher Education.

EFFECTIVE DATE: Upon passage

BACKGROUND

Capitol Scholarship

Capitol Scholarship grants are available to state residents who have not received a bachelor's degree and have been accepted at a postsecondary school, technical institute, college, or university in Connecticut, or in any other state that allows its students to bring state student financial assistance funds into Connecticut. Grant awards are based on academic performance and financial need. Maximum grants are \$3,000 per year for those attending in-state institutions and \$500 per year for those going out-of-state.

PA 12-129—HB 5279

Higher Education and Employment Advancement Committee

AN ACT CONCERNING PUBLIC INSTITUTIONS OF HIGHER EDUCATION

SUMMARY: This act makes changes to higher education statutes concerning (1) advertising bidding opportunities, (2) faculty consulting policy audits, (3) UConn Health Center (UCHC) accounts receivables, (4) intellectual property ownership, and (5) UConn's relationship to the Board of Regents for Higher Education (BOR).

EFFECTIVE DATE: July 1, 2012

§ 1 — ADVERTISING BIDDING OPPORTUNITIES

The act eliminates a requirement that public higher education institutions advertise bidding opportunities for goods and services expected to cost more than \$50,000 in publications. It retains a requirement that such opportunities be posted online. Under prior law, institutions had to advertise the opportunities at least once in two or more publications, one of which had to be a major daily Connecticut newspaper.

§ 2 — FACULTY CONSULTING POLICY AUDITS

The act requires annual, rather than semiannual, internal audits of public higher education institutions' compliance with their faculty consulting policies adopted under the State Code of Ethics for Public Officials. By law, the policies must address (1) the appropriate use of the institutions' proprietary information, (2) conflicts of interest, and (3) the appropriate use of a faculty member's association with the institution.

§ 3 — UCHC ACCOUNTS RECEIVABLES

The act eliminates a requirement that an independent auditor verify the book values of certain UCHC accounts receivables estimated as collectible. These accounts include (1) John Dempsey Hospital and its clinical programs at UCHC and (2) UCHC's university physicians' clinical operations. The act instead requires the state auditors to verify these book values at the comptroller's request. By law, UConn must report the book values quarterly to the comptroller, who can approve expenditures against these values. The act also removes obsolete language concerning Uncas-on-Thames Hospital.

§ 4 — INTELLECTUAL PROPERTY OWNERSHIP

Under prior law, UConn was entitled to (1) own or participate in the ownership of and (2) place in its research foundation’s custody, inventions created by its employees under certain conditions. The employee inventor had to assign to the university his or her rights, title, and interest in an invention. The act instead specifies that UConn automatically owns or participates in the ownership of and is entitled to custody of these inventions. The requirement applies to inventions conceived by UConn employees solely, jointly, or with nonemployees (1) in performance of their customary or assigned duties; (2) that emerge from any research, development, or other university program; or (3) that are conceived or developed at UConn’s expense or with the aid of its equipment, facilities, or personnel. Under the act, for such inventions developed by university employees, the entire right, title, and interest in the invention automatically vest to UConn. For inventions in which employees collaborated with nonemployees, the employees’ disposable interests automatically vest with UConn.

§§ 5-7 — UCONN AND BOR

The act eliminates requirements that UConn (1) submit its mission statement to BOR for review and approval; (2) recommend institutional or campus mergers or closures to BOR, and it eliminates BOR’s authority over UConn with respect to mergers and closures; and (3) submit a quarterly report to the Office of Policy and Management (OPM) through BOR on the actual expenditures of the UConn and UConn Health Center operating funds. In this last case, it instead requires UConn to submit this report directly to OPM.

PA 12-149—sSB 29

*Higher Education and Employment Advancement Committee
Government Administration and Elections Committee
Finance, Revenue and Bonding Committee*

AN ACT CONCERNING THE CONNECTICUT HEALTH AND EDUCATIONAL FACILITIES AUTHORITY

SUMMARY: This act merges the Connecticut Health and Educational Facilities Authority (CHEFA) with the Connecticut Higher Education Supplemental Loan Authority (CHESLA) by making CHESLA a subsidiary of CHEFA. CHESLA retains authority to, among other things, issue loans and bonds and hire its own employees. The act also, among other things, (1) dissolves and reconstitutes the CHESLA board of directors, (2) expands the pool of higher education institutions for which CHEFA may finance capital

projects, and (3) makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2012

CHESLA

Board of Directors

The act dissolves and reconstitutes the CHESLA board of directors, ending the terms of the prior board’s directors on July 1, 2012. The reconstituted board is generally similar to the prior board (see Tables 1 and 2), with the primary differences being the board’s size (it increases from eight to nine) and the appointing authority (which the act changes from the governor to the CHEFA board of directors). The act also reduces, from three to two, the maximum number of the four appointees who may be from the same political party.

Table 1: CHESLA Board of Directors

<i>Provision</i>	<i>Prior Law</i>	<i>The Act</i>
Size	Eight members	Nine members
Composition	Three ex-officio members and five appointees See Table 2 for details	Five ex-officio members and four appointees See Table 2 for details
Appointing Authority	Governor	CHEFA board of directors
Term Length for Appointed Members	Six years	Same, with exceptions described in Table 2
Chairperson	Governor designates the chairperson, who is subject to confirmation by both the House and Senate	CHEFA board chairperson serves as the CHESLA board chairperson (under existing law, the CHEFA board chairperson is designated by the governor and subject to confirmation by both chambers)
Vacancies	Filled by appointing authority	Same
Removal of Members	May be removed by the appointing authority for misfeasance, malfeasance, or willful neglect of duty	Same

Table 2: CHESLA Board of Directors Composition

<i>Selection Method</i>	<i>Prior Law</i>	<i>The Act</i>
Ex-Officio	Treasurer, Office of Policy and Management secretary, and Board of Regents for Higher Education president, or their designees	Same, with the addition of the CHEFA (1) executive director and (2) board chairperson
Appointed	Three active or retired trustees, directors, officers, or employees of Connecticut institutions of higher education	Same, except (1) there are two, rather than three such appointees and (2) the appointees must be members of the CHEFA board These appointees serve on the CHESLA board (1) for as long as they are on the CHEFA board or (2) until a successor is appointed
	One person with a favorable reputation for skill, knowledge,	Same (the act’s qualification is “higher education loan” rather

<i>Selection Method</i>	<i>Prior Law</i>	<i>The Act</i>
	and experience in the higher education loan finance field	than "higher education loan finance" experience)
	One person with a favorable reputation for skill, knowledge, and experience in state and municipal finance This person must be (1) a partner, officer, or employee of an investment bank that originates and purchases state and municipal securities or (2) an officer or employee of an insurance company or bank whose duties relate to purchasing state and municipal securities and managing and controlling a state and municipal securities portfolio	Same, except the act (1) allows the appointee's skill, knowledge, and experience to alternatively be in the higher education loan field and (2) removes the requirements concerning the appointee's occupation

The act requires one of two appointees who are not from the CHEFA board to serve an initial five-year term. However, if either of these appointees was a member of the prior CHESLA board, the act requires his or her initial term on the new board to end on the date that his or her term on the prior board was previously scheduled to end. As under existing law, the CHESLA board must annually elect one of its members as board vice-chairperson.

Employees

The act maintains the provision in existing law allowing CHESLA to have its own employees and the CHESLA board to appoint an executive director, who serves at the board's pleasure. However, the act makes the CHESLA executive director a CHEFA employee.

Additionally, the act (1) eliminates the CHESLA board's ability to appoint an assistant executive director and (2) allows the CHESLA board to designate CHESLA or CHEFA employees (whom the act designates as "authorized officers") to execute and deliver documents and papers and act in the name of and on behalf of CHESLA. It extends to such officers a requirement to either obtain a \$50,000 surety bond or be covered by a \$50,000 blanket position bond obtained by the CHESLA board chairperson conditioned upon the faithful performance of the officers' duties. Existing law imposes this requirement on the CHESLA board's chairperson and vice-chairperson, its executive director, and other board members authorized by resolution to handle funds and sign checks.

Liability Limits

The act limits CHESLA's exposure to lawsuits and liability to its own assets, revenues, and resources and explicitly prohibits recourse from CHEFA's general funds, revenues, resources, and assets. It maintains existing law's provisions that indemnify CHESLA's officers, directors, and employees and protect them

from personal liability and extends these protections to "authorized officers" of the CHESLA board.

Tax Exemption

The act requires CHEFA or CHESLA to take any necessary actions to (1) maintain CHESLA's tax-exempt status and (2) ensure that interest on CHEFA bonds, notes, or other obligations are not counted as gross income for federal tax purposes.

CHEFA

By law, CHEFA may finance capital projects at the Connecticut State University System and nonprofit independent higher educational institutions in Connecticut. The act extends this authority to include all public colleges and universities in Connecticut.

It also allows CHEFA to provide and be compensated for services to or on behalf of CHESLA, including services providing CHESLA with space, equipment, supplies, and employees. Additionally, the act eliminates a requirement that CHEFA subsidiaries (including CHESLA) obtain its approval before borrowing.

BACKGROUND

CHEFA

CHEFA is a quasi-public agency that finances capital projects for health care institutions, higher education institutions, nursing homes, and other nonprofit organizations.

CHESLA

CHESLA is a quasi-public agency that provides education loans for (1) students attending a non-profit college or university in Connecticut or (2) Connecticut residents attending a nonprofit college or university in the U.S.

PA 12-154—SB 383

*Higher Education and Employment Advancement Committee
Labor and Public Employees Committee*

AN ACT CONCERNING MANUFACTURING AND MECHANICAL INTERNSHIPS

SUMMARY: This act allows minors to work in hazardous jobs while participating in a manufacturing or mechanical internship in any manufacturing or mechanical establishment (see BACKGROUND). It defines an internship as supervised practical training of a high school student or recent graduate that includes

curriculum and workplace standards approved by the departments of Labor (DOL) and Education (SDE).
EFFECTIVE DATE: July 1, 2012

BACKGROUND

Minors Working in Hazardous Occupations

By law, with certain exceptions, no minor can work in any occupation deemed (1) a health hazard by the Department of Public Health or (2) hazardous by DOL. Existing law exempts from this prohibition:

1. 16- and 17-year olds in bona fide apprenticeship courses in manufacturing or mechanical establishments, vocational schools, or public schools;
2. minors who have graduated from a public or private secondary or vocational school and are employed in manufacturing or mechanical establishments;
3. minors enrolled in cooperative work-study programs approved by SDE and DOL; and
4. participants in a Connecticut career certificate program.

PA 12-156—sHB 5032

Higher Education and Employment Advancement Committee

AN ACT CONCERNING REVISIONS TO THE HIGHER EDUCATION STATUTES

SUMMARY: This act transfers several duties from the Board of Regents for Higher Education (BOR) to the Office of Financial and Academic Affairs for Higher Education (OFAAHE), which the act renames as the Office of Higher Education (OHE). It makes several changes to conform to PA 11-48, which reorganized Connecticut’s higher education system, including establishing OFAAHE (see BACKGROUND).

The act also authorizes OHE to perform several functions, while retaining the authority BOR has to perform them under existing law. Lastly, it makes numerous technical changes and repeals obsolete language (e.g., references to the higher education commissioner, Department of Higher Education, and Board of Governors for Higher Education) and references to repealed statutes.

EFFECTIVE DATE: Upon passage

DUTIES TRANSFERRED FROM BOR TO OHE

The act transfers several offices and duties from BOR to OHE, as shown in Table 1.

Table 1: Offices and Duties Transferred from BOR to OHE

Section	Office or Duty Transferred to OHE
1	Requirement that the OHE executive director, rather than the BOR president, (1) serve on the Connecticut Higher Education Trust Advisory Committee and (2) issue an annual report jointly with the treasurer
12, 13, 44, 46, 48, 49	Administration of the Higher Education State Matching Grant Fund
14	Office of Educational Opportunity
15	Office of Veterans’ Affairs for Higher Education
16	Requirement to establish a Connecticut award for excellence in science and technology
19	Provision of tutors for eligible students
20	Administration of the Endowed Chair Investment Fund
40	Provision of a comprehensive, coordinated, statewide system of college and university community service programs
41	Provision of grants to public and nonprofit service entities seeking to participate in the federal National and Community Service Trust Program

CONFORMING CHANGES

§§ 2, 6, & 38—*OHE Programs*

The act makes conforming changes (i.e., replacing references to BOR with references to OHE) to reflect OHE’s administration of the Alternate Route to Certification program, the Connecticut Independent College Student grant program, Capitol Scholarship program, minority advancement program, and high technology graduate scholarship program. For the latter three, the act extends to OHE a requirement to report to the Appropriations Committee on the amount of the appropriation carried over from the previous fiscal year.

§§ 5-10, 52-55, 58, 59, 61, & 62—*Accreditation by State Board of Education (SBE)*

The act makes several conforming changes to reflect SBE’s responsibility to accredit independent higher education institutions. PA 11-48 divided institutional accreditation responsibilities by making BOR responsible for accrediting public institutions and SBE responsible for accrediting independent institutions. Before PA 11-48 took effect, the Board of Governors for Higher Education accredited all higher education institutions.

§§ 22-36—*Private Occupational Schools*

The act requires OHE, rather than SBE, to adopt regulations concerning licensure of private occupational schools. The change conforms to PA 11-48, which made OHE responsible for overseeing these schools. The act requires that teams evaluating applicant schools include two members representing OHE, rather than public higher education institutions.

The act also corrects references to the higher education commissioner, replacing them with references to OHE’s executive director. PA 11-48 eliminated the commissioner’s position.

OTHER CHANGES

The act authorizes OHE to perform several functions that BOR performs and retains BOR’s authority under existing law to perform them, as shown in Table 2.

Table 2: BOR Functions that OHE May or Must Also Perform

Section	Description
17	Receive federal and private funds for postsecondary educational purposes
18	Designation as State Postsecondary Education Commission
21	Contract with higher education institutions to promote (1) joint programs, services, and facility use; (2) development of cooperative academic programs; and (3) improved planning and evaluation processes related to institutional or programmatic consolidations, retrenchment, or phase-out
37	Enter into student exchange agreements
39, 60	Serve as the state agency for any federal program under any act of Congress or administrative ruling
51	Requirement to biennially report to the legislature on higher education cost and financial aid trends (the act requires both BOR and OHE to submit the report)

BACKGROUND

PA 11-48

This act created OFAAHE and placed it within BOR for administrative purposes only. The office is led by an executive director appointed by the governor and subject to legislative confirmation. The act required the new office to administer several programs previously administered by the Department of Higher Education and the Board of Governors for Higher Education, including:

1. oversight of private occupational schools;
2. granting authority to independent institutions to confer academic degrees (subject to final approval by SBE);
3. licensing and accrediting programs and institutions of higher learning (subject to final approval by SBE);
4. approving entities that were granted authority to confer degrees before July 1, 1935, but that did not exercise it until after that date;
5. the alternate route to teaching certification program;
6. scholarship and financial aid programs for Connecticut students; and
7. the student community service fellowship program.

PA 12-192—sSB 237

Higher Education and Employment Advancement Committee Labor and Public Employees Committee

AN ACT CONCERNING THE SHARING OF INFORMATION BETWEEN THE LABOR DEPARTMENT AND THE BOARD OF REGENTS FOR HIGHER EDUCATION

SUMMARY: This act allows the unemployment compensation administrator (i.e., the labor commissioner) to disclose certain employment information that identifies individual employees or employers to the president of the Board of Regents for Higher Education (BOR) for use in his official duties to the extent necessary to evaluate programs at higher education institutions governed by BOR.

By law, employers must keep accurate employment records. These records, which contain information that the administrator prescribes, must be open for his inspection. Existing law generally prohibits the administrator from publishing the information or opening it to public inspection if it will reveal an employee's or employer's identity. However, existing law permits disclosure with the identifying information to (1) regional workforce development boards

administering certain state and federal programs and (2) nonpublic entities under contract with the Department of Labor (DOL) to administer grants related to unemployment.

By law, these boards and entities must enter into a written confidentiality agreement with DOL before accessing the information. The act extends this requirement to the BOR president when the administrator discloses information to him. Thus, he must agree to:

1. state the purpose for and intended use of the information and affirm that the information will be used only for permitted purposes;
2. store the information in a physically secure location;
3. store and process any electronic information in a format that prevents unauthorized access;
4. establish safeguards to ensure that only authorized individuals can access information stored in computers;
5. enter into a written agreement, approved by the labor commissioner, with any authorized agent that contains the safeguards included in the agreement with DOL;
6. instruct all people with access to the information about the legal sanctions for unauthorized disclosure and require each employee and agent authorized to review the disclosed information to sign an acknowledgement that they have been advised of the sanctions;
7. prohibit redisclosing the information, except as permitted in writing by the labor commissioner;
8. dispose of the information and any copies after it has served its purpose either by returning it to the administrator or verifying to him that the information has been destroyed;
9. permit audits and on-site inspections by DOL; and
10. reimburse DOL for the costs of providing the information and conducting the audits.

By law, employees or agents violating these provisions may be fined up to \$200, imprisoned for up to six months, or both. They are also barred from any further access to confidential information.

EFFECTIVE DATE: July 1, 2012

PA 12-8—SB 191
Housing Committee

AN ACT MAKING TECHNICAL REVISIONS TO STATUTES CONCERNING THE HOUSING COMMITTEE

SUMMARY: This act makes technical changes to certain housing statutes by eliminating references to the Housing Committee as a “select” committee and replacing them with “joint standing.”
EFFECTIVE DATE: Upon passage

PA 12-24—sHB 5225
Housing Committee

AN ACT CONCERNING SECURITY DEPOSITS OF SENIOR CITIZENS AND PERSONS WITH DISABILITIES IN PUBLIC HOUSING

SUMMARY: This act lowers the annual interest rate that housing authorities, community housing authorities, and other corporations must pay on security deposits made by senior citizens and individuals with disabilities living in public housing.

Prior law required housing authorities and other corporations to pay an annual rate of 5.25%. Starting January 1, 2013, the act instead requires them to pay at least the average savings deposit interest rate paid by insured commercial banks as published in the Federal Reserve Board Bulletin in November of the prior year (i.e., deposit index). (The deposit index for calendar year 2012 is 0.16%.)

By law, housing authorities and other corporations must return security deposits to these tenants after they have lived in the housing for at least one year.

EFFECTIVE DATE: October 1, 2012

PA 12-41—sSB 94
Housing Committee
Judiciary Committee

AN ACT CONCERNING THE EQUAL TREATMENT OF RENTERS WITH MENTAL DISABILITIES

SUMMARY: The law prohibits landlords from evicting tenants who are elderly or have a physical disability and reside in a building or complex with five or more units or a mobile manufactured home park because their lease expires. They may be evicted for other reasons, such as nonpayment of rent (see BACKGROUND). Covered disabilities are those expected to result in death or last continuously for at

least 12 months.

This act extends the protection from eviction to tenants who either have mental disabilities or permanently reside with certain family members who do.

EFFECTIVE DATE: October 1, 2012

COVERED INDIVIDUALS

Under prior law, the protection from eviction covered tenants who (1) were age 62 or older or permanently resided with a spouse, sibling, parent, or grandparent (family member) who had reached that age; (2) were blind; or (3) had a physical disability. Under state law, a person has a “physical disability” when he or she (1) has any chronic physical handicap, infirmity, or impairment, including epilepsy, deafness, or hearing impairment or (2) relies on a wheelchair or other remedial appliance or device (CGS § 1-1f).

The act extends the protection from eviction to any tenant if the tenant or a family member, including a child, who permanently resides with him or her, has a physical or mental disability. Under the act, a “physical or mental disability” includes an intellectual disability, physical disability, or handicap under the federal Fair Housing Act (see BACKGROUND).

BACKGROUND

Grounds for Eviction

By law, grounds for evicting a protected tenant are:

1. nonpayment of rent;
2. refusal to agree to a fair and equitable rent increase;
3. material noncompliance with the tenant’s statutory responsibilities that materially affects other tenants’ health and safety or the premises’ physical condition;
4. material noncompliance with the rental agreement;
5. voiding the rental agreement by using the premises for certain illegal acts;
6. material noncompliance with the landlord’s rules and regulations;
7. permanent removal of the dwelling unit from the housing market; or
8. the landlord’s bona fide intention to use the dwelling unit as his or her principal residence.

“Handicap” Under the Fair Housing Act

Under the Fair Housing Act, a person has a “handicap” if he or she (1) has a physical or mental impairment that substantially limits one or more of the person’s major life activities, (2) has a record of having

such an impairment, or (3) is regarded as having such an impairment. The term does not include current illegal use of, or addiction to, a controlled substance (42 USC § 3602).

According to the federal Department of Housing and Urban Development, a physical or mental impairment generally includes hearing, mobility, and visual impairments; chronic alcoholism; chronic mental illness; AIDS; AIDS-Related Complex; and an intellectual disability that substantially limits one or more major life activities. Major life activities include walking, talking, hearing, seeing, breathing, learning, performing manual tasks, and caring for oneself.

PA 12-1—HB 5301

*Emergency Certification***AN ACT ADJUSTING INCOME ELIGIBILITY GUIDELINES FOR MEDICARE SAVINGS PROGRAMS**

SUMMARY: This act changes, from October 1, 2009, to March 1, 2012, the date by which the Department of Social Services (DSS) commissioner must begin increasing the amount of income he disregards for purposes of eligibility for the Medicare Savings Program (MSP). By law, he must increase this amount annually. Prior law required DSS to begin disregarding this income starting October 1, 2009, and annually thereafter. By law, the commissioner must do this to equalize the income limits and deductions in the MSP and ConnPACE programs (see BACKGROUND).

The federal law establishing the MSP (1) ties program eligibility to a percentage of the federal poverty level (FPL) and (2) requires states to disregard any Social Security cost-of-living adjustment (COLA) until new federal poverty guidelines are implemented (March 1 in Connecticut). This ensures that MSP beneficiaries, many of whom receive Social Security, do not lose their MSP eligibility simply because their Social Security benefits go up in January. Once the new FPL goes into effect in March, the Social Security COLA is no longer disregarded and the full Social Security benefit counts towards MSP eligibility. There were no Social Security COLAs in 2010 and 2011 but a 3.6% COLA took effect on January 1, 2012.

EFFECTIVE DATE: Upon passage

BACKGROUND*MSP*

The MSP offers Medicaid-funded assistance with Medicare Part A and B cost sharing to qualified individuals. Additionally, people who qualify for MSP automatically qualify for the federally funded Medicare Part D Low-Income Subsidy, which provides significant prescription drug subsidies. In 2009, the legislature equalized MSP eligibility with ConnPACE eligibility, essentially making all Medicare-eligible ConnPACE recipients eligible for MSP, hence reducing client medical costs and state ConnPACE costs. State law requires the ConnPACE income limits to increase each January 1 by the amount of any Social Security COLA.

PA 12-85—sHB 5285

*Human Services Committee***AN ACT ADJUSTING COMMUNITY HEALTH CENTER RATES FOR CAPITAL INVESTMENTS**

SUMMARY: This act permits the Department of Social Services (DSS) commissioner, beginning with the 2013 rate year (October 1, 2012 through September 30, 2013) and annually thereafter, to add to a community health center's Medicaid rate a capital cost rate adjustment associated with major capital projects (i.e., those costing more than \$2 million). The adjustment is equivalent to the center's actual or projected year-to-year increase in total allowable depreciation and interest expenses associated with the projects divided by the projected number of service visits. The commissioner can revise these adjustments retroactively based on actual allowable depreciation and interest expenses or actual service visit volume for the rate period.

The act requires the commissioner to establish separate rate adjustments for each Medicaid service a center provides (e.g., dental or behavioral health service).

The act prohibits the commissioner from granting an adjustment for any depreciation or interest expense disapproved by the U.S. Department of Health and Human Services or another federal or state government agency authorized to approve health services-related capital expenditures.

The act authorizes the commissioner to allow actual debt service, instead of depreciation and interest, if the debt service amounts are deemed reasonable considering the interest rate and other loan terms.

The act requires the commissioner to implement policies and procedures to carry out its provisions while in the process of adopting them in regulation. He must publish notice of intent to adopt the regulations in the *Connecticut Law Journal* no later than 20 days after implementing the policies and procedures. The policies and procedures are in effect until the final regulations are effective.

EFFECTIVE DATE: October 1, 2012

RATE ADJUSTMENTS FOR CAPITAL INVESTMENTS*Definition of Capital Costs*

The act defines "capital costs" as expenditures for land or building purchases, fixed assets, movable equipment, capitalized financing fees, and capitalized construction period interest.

BACKGROUND

Community Health Centers Definition

A community health center is a public or nonprofit medical care facility. Among other things, a center:

1. is not part of a hospital and is organized and operated to provide comprehensive primary care services;
2. is located in an area that has a demonstrated need for services based on geographic, demographic, and economic factors;
3. serves low-income, uninsured, minority, and elderly people;
4. makes its services available to anyone, regardless of their ability to pay; and
5. uses a sliding fee scale based on income (CGS § 19a-490a).

Medicaid Reimbursement for Capital Improvements in Federally Qualified Health Centers (FQHC) and Medical Clinics

DSS reimburses community health centers for serving Medicaid recipients based on whether the center is designated is a federally qualified health center (FQHC) or medical clinic.

FQHC reimbursement is based on medical, dental, and mental health federally approved prospective rates. Included in these center-specific rates is reimbursement for a center's historical interest and depreciation average costs reported in 1999 and 2000 Medicaid cost reports. The base rates are inflated annually by the Medicare Economic Index every October 1. Under this federally prescribed and approved prospective rate setting system, an FQHC can apply to DSS for a "scope of service" review and possible associated rate adjustments (42 USC § 1396a(bb)(3)). For example, if a center wishes to add a service it previously has not offered and needs to purchase equipment, it can ask DSS for one of these reviews. DSS has granted numerous scope-of-service rate increases for capital and operational improvements and expansions.

DSS separately sets rates for clinics that are not FQHCs. These rates are the same for every clinic and cover particular services provided. They do not take into account the clinic's capital expenses.

PA 12-91—sHB 5476

Human Services Committee

AN ACT EXPANDING CONSUMER CHOICE FOR LIFE SUPPORT CARE AT HOME

SUMMARY: This act requires the Department of Social Services (DSS) commissioner, within available appropriations, to establish and operate a two-year, state-funded pilot program for up to 10 ventilator-dependent Medicaid recipients who live in Fairfield County and receive medical care at home. Under the pilot, the participants can hire their own licensed registered nurses (RN) and respiratory therapists directly. (Medicaid rules generally require home health care agencies to hire these professionals and send them to Medicaid recipients' homes.) DSS must annually screen the participants to determine whether they can continue to manage their care.

The act requires DSS to set a maximum amount it reimburses the nurses and therapists for pilot services, which must be at least 80% of the prevailing rate DSS pays home health agencies to provide comparable care. Currently, DSS pays home health care agencies the following amounts for RN services: \$94.26 for any part of the first hour, \$23.56 for each 15-minute increment of the second hour, and \$43.07 for any part of an hour after the first hour for visits lasting more than two hours. DSS does not pay for services a respiratory therapist provides in the home. However, it will pay for respiratory care services that a nurse provides.

The act requires nurses and therapists participating in the pilot to (1) submit to criminal history background checks and (2) certify, in writing, that they will not terminate a patient's care unless they provide at least two weeks written notice, except in an emergency.

The act requires the commissioner to report by January 1, 2015 to the Appropriations and Human Services committees on the pilot program, including its cost-effectiveness and care continuity.

The act also requires the DSS commissioner, by July 1, 2013, to survey Medicaid recipients who are receiving continuous skilled care at home and report the survey results to the Human Services Committee by January 1, 2014.

EFFECTIVE DATE: October 1, 2012

PILOT PROGRAM FOR VENTILATOR-DEPENDENT MEDICAID RECIPIENTS

Under the act, DSS must, at least annually, screen each Medicaid recipient participating in the pilot to determine whether he or she can manage his or her care.

Participants must certify in writing that they, or their authorized representatives, assume responsibility for their plan of care. These plans must (1) be directed by a physician, (2) be approved by DSS, and (3) include a protocol for ensuring that care is provided when the caregiver the recipient has hired is unavailable.

SURVEY OF MEDICAID RECIPIENTS RECEIVING CONTINUOUS SKILLED NURSING CARE AT HOME

Under the act, the survey DSS conducts must determine:

1. the number of recipients receiving continuous skilled care at home,
2. the number of times each recipient's care has been terminated by a licensed home health care agency in the two years preceding the survey and the reasons, and
3. consumer satisfaction with the quality of care the agencies provided.

PA 12-109—sHB 5483

Human Services Committee

AN ACT CONCERNING COVERAGE OF TELEMEDICINE SERVICES UNDER MEDICAID

SUMMARY: This act allows the DSS commissioner to establish a demonstration project at federally qualified health centers (FQHC—see BACKGROUND) under which clinically appropriate Medicaid-eligible services are provided by telemedicine. “Telemedicine” uses interactive audio, video, or data technology— other than fax or audio-only telephone contact— to deliver advice, care, diagnosis, treatment, or similar services to patients in place of in-person contact. The act only permits services to be provided by these technologies. Its requirement that telemedicine be used when “clinically appropriate” means that it be (1) provided in a timely manner that meets professionally recognized standards of acceptable medical care, (2) delivered in the appropriate medical setting, and (3) less expensive than equally effective alternative treatments or diagnostic services.

The act also:

1. authorizes the DSS commissioner to follow existing procedures, including amending the state Medicaid plan if necessary, to ensure that

services delivered via telemedicine are covered;

2. allows him to set reimbursement rates for telemedicine service providers that take into consideration reduced travel times and other relevant factors;
3. subjects transmission, storage, and dissemination of personally-identifying telemedicine data and records to federal and state confidentiality laws that safeguard privacy, security, and confidentiality; and
4. by an unspecified date, requires the commissioner to report to the Appropriations and Human Services committees on the services offered and project's cost-effectiveness.

EFFECTIVE DATE: January 1, 2013

BACKGROUND

FQHCs

FQHCs are health centers that provide primary care services in underserved urban and rural communities. Their primary purpose is to expand access for uninsured and underserved populations who experience financial, geographic, or cultural barriers to care and (1) live in or near federally-designated health professional shortage areas or (2) are designated as a medically underserved population.

PA 12-118—sSB 232

Human Services Committee

AN ACT CONCERNING A MORATORIUM ON CERTAIN LONG-TERM CARE BEDS

SUMMARY: This act extends, from June 30, 2012 until June 30, 2016, the Department of Social Services' (DSS) moratorium on accepting or approving requests for a certificate of need (CON) to add new nursing home beds or modify capital costs of any prior CON approval. The law exempts certain nursing home beds from the moratorium, including those used by AIDS patients (see BACKGROUND).

The act also prohibits the Department of Public Health (DPH) commissioner from issuing or renewing a license for certain long-term care hospitals unless they were certified to participate in the Medicare program as long-term care hospitals on January 1, 2012. It appears that the only hospitals that meet this criterion (thus are eligible for licenses) are the Hospital for Special Care, Gaylord, and the veterans' hospitals. The moratorium begins when the act passes and expires on June 30, 2017.

EFFECTIVE DATE: Upon passage

BACKGROUND

Nursing Home CON Exemptions

By law, certain nursing home beds are exempt from the CON moratorium. These include beds that are:

1. solely for AIDS or traumatic brain injury patients;
2. associated with a continuing care facility; and
3. Medicaid-certified and will be relocated (a) from one licensed nursing home to another, (b) to a new facility to meet a priority need identified in DSS' strategic plan to re-balance Medicaid long-term care supports, or (c) to a small nursing home.

PA 12-119—sSB 234

Human Services Committee

Planning and Development Committee

Government Administration and Elections Committee

AN ACT CONCERNING CERTAIN SOCIAL SERVICES PROGRAMS

SUMMARY: This act:

1. establishes the Community Choices program to assist the elderly, people with disabilities, and their caregivers in gathering information and making long-term care decisions;
2. changes eligibility requirements, funding, and participation levels for the DSS-administered home care program for people with severe disabilities (the so-called "Katie Beckett" waiver);
3. changes who a municipality may appoint as a municipal agent for the elderly and gives the agents discretion regarding their duties;
4. adds to the information health insurance-related entities must provide DSS to help the department locate people enrolled in Medicaid who also have other insurance; and
5. directs to DSS certain third-party beneficiary payments that would otherwise have been disbursed to policy holders when the insured is indebted to the department.

It also repeals (1) a provision allowing the Department of Administrative Services to deposit Riverview Hospital Medicaid payments into a nonlapsing General Fund account for DSS to pay Medicaid claims; (2) a DSS personal care assistance home-care pilot program for the elderly made unnecessary by the department's implementation of a statewide waiver; and (3) a provision requiring the DSS

commissioner, when determining rates for FQHCs, to apply Medicare productivity standards and a maximum allowable per visit cost of 115% of the median cost per-visit.

Finally, it makes minor and technical changes.

EFFECTIVE DATE: Upon passage, except the Katie Beckett waiver provision is effective July 1, 2012.

§ 1 — COMMUNITY CHOICES

The act directs DSS to develop and administer a statewide Community Choices program, which will serve as the state's Aging and Disability Resource Center (ADRC) under the federal Older Americans Act. It is intended to provide a single, coordinated information and access program for individuals seeking long-term support, such as in-home; community-based; or institutional services. The program must serve consumers, including (1) elders at least age 60, (2) those over age 17 with disabilities, and (3) caretakers. Currently, three regional ADRCs operate in the state.

Program Requirements and Procedures

The DSS commissioner must establish program requirements and procedures within available resources. These include:

1. information, referral, and assistance about aging and disability issues and long-term care planning;
2. comprehensive assessments to identify possible consumer needs or desires;
3. counseling for obtaining (a) employment or employment-related services, (b) screening for public benefits and private resources, and (c) information on long-term care planning;
4. follow-up to ensure consumer referrals were appropriate and to offer additional assistance and individual advocacy as needed;
5. support to consumers making decisions about current and future supports and services;
6. coordination of transitions between care providers or sites;
7. preparation and distribution of written materials about the program's services;
8. maintenance of a toll-free telephone number;
9. assistance in improving and managing the program, monitoring quality, and measuring responsiveness of care systems;
10. assistance needed to conform to federal and other grant requirements; and
11. other related services.

Contracts and Regulations

The act requires the commissioner to establish contracting procedures and allows him to adopt implementing regulations.

§ 2 — KATIE BECKETT WAIVER

DSS currently administers a Medicaid home- and community-based services waiver program (called Katie Beckett) for individuals of any age who have severe disabilities and require a level of care at home that is typically provided in a hospital, nursing home, or other long-term care setting. The program includes a waiver for those individuals whose parents' or legally liable relatives' income and assets exceed Medicaid's limits. The program counts only the participant's income and assets (up to 300% of the federal Supplemental Security Income benefit rate (\$2,094 per month in 2012) and \$1,000, respectively)).

Prior law specified that the program fund 125 slots but allowed DSS to add 75 slots if appropriations were available.

The act (1) makes the entire program subject to available appropriations, (2) eliminates the ceiling on the number of participants, (3) restricts eligibility to individuals under age 22, (4) expressly opens the program to children and young adults who are currently institutionalized but want to be cared for at home and those with co-occurring developmental disabilities, and (5) updates the reference to the enabling federal law.

§ 3 — MUNICIPAL AGENT FOR THE ELDERLY

If required by local ordinance, the law requires municipalities to have an appointed municipal agent for the elderly. Agents assist elders in learning about community resources and filing for benefits. Under prior law, they were required to submit annual reports to state and local government officials; the act eliminates this function.

The act removes elected state officials and members of a local commission on aging from the list of those who can be appointed municipal agents, leaving as potential appointees (1) members of a municipal agency for the elderly and (2) municipal residents with a demonstrated interest in the elderly or programs for the aged. It suggests, rather than prescribes, agents' duties. Related to this, it specifies that the agent can report any needs and problems of the elderly and recommendations for action to improve their services to the chief elected official or executive officers and DSS, eliminating the municipal legislative body and committee or commission on aging from the distribution list.

DSS Responsibility

Under the act, DSS is no longer required to ensure that municipalities are carrying out their legal responsibilities and neither DSS nor the area agencies on aging are required to provide training, but may do so if they have the resources. Likewise, the agents no longer have to attend training sessions. The department's remaining responsibility is to adopt and disseminate guidelines concerning the agents' roles and duties and informational and technical materials to assist the agents.

§§ 4 & 5 — INVESTIGATING MEDICAID PARTICIPANTS FOR OTHER HEALTH INSURANCE

The law requires health insurers, including self-insured plans; group plans regulated by federal law; service benefit plans; managed care organizations; health care centers; and entities that perform administrative services for them, to provide the DSS commissioner or a designee information about a policyholder's transactions when presented with an official, written request to do so. DSS prescribes the format for presenting the information and uses it to identify, determine, or establish Medicaid beneficiaries with other (third-party) insurance.

The act adds third-party administrators to those that must supply this information. These are organizations that process insurance claims or certain aspects of employee benefit plans for separate entities.

By law, the information DSS requires is (1) any coverage period for a person his or her spouse or dependent; (2) covered services; (3) the name and address (presumably of the insured); and (4) the plan's identifying number. The act adds date of birth, Social Security number, plan type, services covered, and policy effective and termination dates. The department may request this information of any legal entity described above. Responses are due 90 days after the department's initial request and at least monthly thereafter.

Automated Data Matches

Prior law required any of the entities described above to either conduct, or allow the DSS commissioner or his designee to conduct, automated data matches to identify recipients and parents of minor children with overlapping coverage. The commissioner reimbursed the insurer for its reasonable, documented costs when it performed this function for DSS. Under the act, only the department can perform this function.

DSS Recoveries or Claims for Indemnification

When an individual applies to DSS for assistance, he or she or a legally liable relative makes DSS automatically entitled to any right of recovery those individuals have from third parties, including those providing health care items or services. The act adds third-party administrators to the entities whose payments are passed through to DSS. It also specifies that DSS' right to recovery or indemnification is not affected by the insured's failure to comply with prior authorization rules (i.e., to get the insurer's permission before undergoing certain types of procedures). The law specifies other procedural errors that will not negate DSS' right to payment.

PA 12-130—sHB 5283*Human Services Committee***AN ACT WAIVING ADVANCE PAYMENT RESTRICTIONS FOR CERTAIN NURSING FACILITIES**

SUMMARY: Existing law permits DSS to make Medicaid payments (reimbursements) to nursing homes, upon their request, in advance of normal payment processing. This act allows DSS to advance nursing homes that are in receivership more than the amount the nursing homes estimate they are owed for the most recent two months of care they provided to their Medicaid-eligible residents. It also allows DSS to waive the deadline by which it must recover these payments (no later than 90 days after issuing them).

By law, the DSS commissioner must take prudent measures to assure that the department is not making such payments to a nursing home that is at risk of bankruptcy or insolvency, and may execute agreements appropriate for seeking the repayments.

EFFECTIVE DATE: Upon passage

BACKGROUND

Nursing Homes and Receivership

The law requires the Superior Court to grant applications to have receivers appointed for a nursing home that:

1. is operating without a license or under a suspended or revoked license;
2. intends to close and adequate arrangements for relocating its residents have not been made at least 30 days before the intended closing date;
3. has sustained or is likely to sustain a serious financial loss or failure that jeopardizes the residents' health, safety, and welfare; or

4. is violating the public health code or any other applicable state or federal law or regulation (CGS § 19a-543).

PA 12-208—sSB 391*Human Services Committee**Appropriations Committee***AN ACT EXPANDING ACCESS BY VETERANS TO PUBLIC ASSISTANCE PROGRAMS**

SUMMARY: To the extent allowed by federal law, this act directs the Department of Social Services (DSS) commissioner to disregard a veteran's or surviving spouse's federal Aid and Attendance Pension (AAP) benefits (see BACKGROUND) when calculating income for certain means-tested assistance programs.

The commissioner may apply to the federal Centers for Medicare and Medicaid Services for a state plan amendment or waiver from federal law if necessary.

EFFECTIVE DATE: July 1, 2012

STATE ASSISTANCE PROGRAMS

Under the act, the DSS income disregards apply to the following programs:

1. State-Administered General Assistance,
2. Medicare Savings Program,
3. ConnPACE,
4. Medicaid,
5. Connecticut Home Care Program for Elders,
6. Personal Care Assistance Waiver,
7. State Supplement, and
8. Fuel and Weatherization.

BACKGROUND

AAP Program for Veterans

The AAP program assists single and married veterans and surviving spouses who need regular assistance with such things as dressing, bathing, cooking, taking off prosthetics, and leaving home. It provides monthly cash benefits of up to \$1,704 for single veterans, \$2,020 for couples, and \$1,094 for surviving spouses.

State law defines a veteran as any person honorably discharged or released under honorable conditions from active service in the armed forces (the Air Force, Army, Coast Guard, Marine Corps, and Navy).

PA 12-44—sSB 205

Insurance and Real Estate Committee

**AN ACT CONCERNING INSURANCE
COVERAGE FOR THE BIRTH-TO-THREE
PROGRAM**

SUMMARY: This act changes requirements for individual and group health insurance policies that provide coverage for medically necessary early intervention (birth-to-three) services as part of an individualized family service plan.

Existing law prohibits payments for birth-to-three services from applying against any maximum lifetime or annual limit in the policy. The act also prohibits payments from causing:

1. a loss of benefits due to a policy limit,
2. an insured child or family member to be denied health insurance coverage, and
3. a policy rescission or cancellation.

The act specifies that payments for birth-to-three services must be treated the same as other claim experience for premium rating purposes.

The act also expands the list of policies that must provide birth-to-three coverage to include certain policies amended or continued in Connecticut, rather than only those delivered, issued, or renewed here.

EFFECTIVE DATE: July 1, 2012

APPLICABILITY

The act 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; or (4) hospital or medical services, including coverage under an HMO plan.

Due to the federal Employee Retirement Income Security Act (ERISA), state insurance benefit mandates do not apply to self-insured benefit plans.

BACKGROUND

Birth-to-Three Coverage Requirements

Individual and group health insurance policies must cover at least \$6,400 per child annually for medically necessary birth-to-three services, up to \$19,200 per child over three years. For children with autism receiving birth-to-three services, group health insurance policies must cover at least \$50,000 per child annually, up to \$150,000 per child over three years.

Individual and group policies cannot impose out-of-pocket expenses (e.g., coinsurance, copayments, or deductibles) for birth-to-three services, except for a high-deductible health plan designed to be compatible with federally qualified health savings accounts.

PA 12-61—SB 12

Insurance and Real Estate Committee

**AN ACT CONCERNING GUIDELINES FOR
HEALTH INSURANCE COVERAGE FOR
COLORECTAL CANCER SCREENING**

SUMMARY: This act changes the entity whose recommendation health insurers must follow in determining the level of coverage to provide for colorectal cancer screening. By law, specified health insurance policies must cover colorectal cancer screening, including colonoscopies, sigmoidoscopies, and radiological imaging. Under prior law, they had to follow recommendations established by the American College of Gastroenterology, after its consultation with the American Cancer Society and the American College of Radiology. The act instead requires them to cover the tests in accordance with the American Cancer Society's recommendations.

The affected policies are individual and group health insurance policies that cover (1) basic hospital expenses; (2) basic medical-surgical expenses; (3) major medical expenses; and (4) hospital or medical services, including those provided by HMOs. Due to the federal Employee Retirement Income Security Act (ERISA), state insurance benefit mandates do not apply to self-insured benefit plans.

EFFECTIVE DATE: January 1, 2013

PA 12-102—sSB 410

Insurance and Real Estate Committee

**AN ACT CONCERNING ADVERSE
DETERMINATION REVIEWS**

SUMMARY: This act expands the information health insurance carriers must provide to covered persons or their authorized representatives, upon request, when they make an adverse determination (e.g., deny coverage), both in the initial determination and any review of this determination. It requires carriers to provide copies of the information within one calendar or five business days of the request, depending on the circumstances of the case.

By law, health carriers must file annual reports with the insurance commissioner that include a certification that they are complying with the law's requirements regarding grievance procedures. The act extends this provision to cover the requirements it adds. It requires the commissioner to adopt regulations regarding the provision of copies.

Health carriers must comply with the act's provisions and implementing regulations and ensure that utilization review entities with which they contract also do so.

The act applies to any:

1. carrier offering a health benefit plan that provides or performs utilization review, including prospective, concurrent, or retrospective review benefit determinations and
2. utilization review company or designee of a carrier that performs utilization review on the carrier's behalf, including prospective, concurrent, or retrospective review benefit determinations.

The act does not apply to self-insured plans covered by the federal Employee Retirement Income Security Act (ERISA) or plans that provide health care services solely for workers' compensation benefits.

EFFECTIVE DATE: October 1, 2012

INITIAL DETERMINATION

By law, a carrier must promptly provide a covered person and, if applicable, his or her representative, with a notice of an adverse determination. The notice can be in writing or electronic. Under prior law, the notice had to state that the covered person or representative could receive, upon request, access to and copies of all documents, records, and other information relevant to the benefit request. The act expands this requirement to include evidence and communications, and specifies that it applies to information regarding, rather than relevant to, the request. By law, the carrier must provide this information free of charge.

The act requires that, at the request of the covered person or representative, the carrier provide him or her, free of charge, copies of all documents, communications, information, and evidence, including citations to any medical journals, regarding the covered person's benefit request that is the subject of the adverse determination that were (1) not submitted by the covered person or his or her representative and (2) available to the carrier or the utilization review entity that made the adverse determination when it was made.

The act requires the carrier to provide the copies by fax, electronic means, or any other expeditious method within one calendar day after it receives a request in the case of an adverse determination of an urgent care request. It requires the carrier to provide the copies

within five business days after it receives a request in the case of an adverse determination of a non-urgent care request.

INTERNAL REVIEWS

Adverse Determinations Based on Medical Necessity

By law, carriers must review adverse determinations at the request of the covered person or his or her representative. In cases based in whole or in part on medical necessity, before issuing a decision the carrier must provide the covered person or representative, free of charge, any new or additional (1) evidence relied upon and (2) scientific or clinical rationale the carrier used in connection with the grievance. The act additionally requires the carrier to provide any related documents, communications, or information. The carrier must provide the required information by fax, electronic means, or any other expeditious method available. By law, under expedited review, all necessary information must be transmitted by telephone or the methods listed above.

By law, the carrier must notify the covered person and, if applicable, his or her representative, of its decision following a review of its determination. Under prior law, if the decision upheld the adverse determination, the notice had to state that the covered person could receive, upon request, access to and copies of all documents, records, and other information relevant to the determination. The act expands this to require that the notice state that the covered person can obtain copies of all communications, and other information and evidence regarding the adverse determination that were not previously provided to the covered person or representative. By law, the carrier must provide these copies free of charge.

The act requires carriers, upon the request of the covered person or representative, to provide free of charge to him or her copies of all documents, communications, information, and evidence, including citations to any medical journals, if applicable, regarding the adverse determination or the final adverse determination, as applicable, that were not (1) submitted by the covered person or his or her representative and (2) previously provided by the carrier.

The carrier must provide these copies by fax, electronic means, or any other expeditious method within five business days after the carrier receives a request regarding a final adverse determination of a prospective, concurrent, or retrospective review.

But the carrier must provide these copies using these methods within one calendar day after it receives a request regarding a final adverse determination regarding:

1. an expedited review request, an admission, availability of care, continued stay, or health care service for which the covered person received emergency services but has not been discharged from a facility;
2. a denial of coverage based on a determination that the recommended or requested health care service or treatment is experimental or investigational and the covered person's treating health care professional certifies in writing that this care, service, or treatment would be significantly less effective if not promptly initiated; or
3. a medical condition for which the period for completing an expedited internal review of a grievance involving the adverse determination would seriously jeopardize the covered person's life or health or would jeopardize his or her ability to regain maximum function.

Adverse Determinations Based on Other Rationales

By law, carriers must establish procedures for reviewing grievances of adverse determinations that are not based on medical necessity, and the review decision must refer to evidence or documentation used as the basis for the decision. The act additionally requires the decision to refer to the relevant communications and information.

For decisions upholding an adverse determination, the act also requires that the decision include a statement that the covered person may receive from the carrier, free of charge and upon request, reasonable access to, and copies of, all documents, communications, information, and evidence regarding the subject of the final adverse determination.

Upon this request, the carrier must provide copies of the same information as described above with regard to determinations made on the basis of medical necessity. It must do so within five business days after it receives a request regarding a final adverse determination.

But the carrier must provide these copies using these methods within one calendar day after it receives a request regarding a final adverse determination regarding:

1. an admission, availability of care, continued stay, or health care service for which the covered person received emergency services but has not been discharged from a facility or
2. a denial of coverage based on a determination that the recommended or requested health care service or treatment is experimental or investigational and the covered person's treating health care professional certifies in writing that this care, service, or treatment would be

significantly less effective if not promptly initiated.

EXTERNAL REVIEWS

By law, when the carrier sends a notice of an adverse determination or final adverse determination, it must disclose that the covered person or representative can seek an external review. The act requires the disclosure to state that the covered person or his or her representative may request, free of charge, copies of all documents, communications, information, and evidence regarding the adverse determination or the final adverse determination that were not previously provided to him or her.

Upon this request, the carrier must provide copies of the same information as described above with regard to determinations made on the basis of medical necessity. It must do so by the deadlines described above for determinations based on rationales other than medical necessity.

PA 12-103—sSB 411

Insurance and Real Estate Committee

AN ACT CONCERNING THE INSURANCE HOLDING COMPANY SYSTEM REGULATORY ACT

SUMMARY: This act expands the scope of the Insurance Department's review when a domestic (Connecticut) insurance company is the subject of a proposed acquisition or other change of control. The act requires, in most cases, a party seeking to acquire the company to file a pre-acquisition notification with the insurance commissioner. It establishes a waiting period after the acquiring party files this notification.

The act expands the information that must be included on the application required by law for the department's review of these transactions. It makes changes in the procedures for reviewing these transactions and the criteria the commissioner must use in determining whether to approve a transaction. The act requires the commissioner to evaluate whether the proposed acquisition will (1) substantially reduce competition in any insurance line in the state or (2) tend to create a monopoly in the state. In making this evaluation, he must consider the percentages of market share the involved insurers possess and the markets where they compete. The act allows the commissioner to issue orders in connection with such proposed transactions and impose civil penalties and other sanctions if they are violated.

The act requires any person controlling a domestic insurance company that seeks to divest its controlling interest to file a confidential notice of the proposed divestiture with the commissioner and send it to the company at least 30 days before divesting. It requires the commissioner to adopt regulations governing when his prior approval is required for a divestiture.

The act expands confidentiality requirements for information provided to the department under related provisions of existing law.

It expands filing requirements for insurance companies that are part of holding company systems (i.e., two or more affiliated persons, at least one of which is an insurance company) by requiring, in certain cases, the person who ultimately controls an insurance company to file an annual enterprise risk report with the commissioner. This risk includes any circumstances involving one or more affiliates of an insurer that may harm its financial condition or liquidity or that of its holding company system. It subjects certain transactions between insurers and their holding company systems to department review and approval.

The act allows the commissioner to initiate, be a member of, or participate in a supervisory college. This is a temporary or permanent forum for communication between and cooperation among state, federal, and international regulatory officials.

The act allows the commissioner to examine an insurance company or its affiliates to determine the company's financial condition, including its enterprise risk.

Under the act, the commissioner may, rather than must, require a domestic insurance company that has been acquired to submit to a financial examination and a market conduct examination within 30 days after the acquisition.

The act makes technical and conforming changes.
EFFECTIVE DATE: October 1, 2012; PA 12-2 June 12 Special Session advances the effective date of the supervisory college provisions to July 1, 2012.

§ 2 — CHANGE OF CONTROL OF AN INSURANCE COMPANY

By law, (1) no person other than a securities issuer may engage in activities to acquire control of a domestic insurance company or, in most cases, a corporation controlling such a company and (2) no person may enter into an agreement to merge with or otherwise acquire control of a domestic insurance company or a corporation controlling the company unless he or she meets certain conditions. Such a person must notify the Insurance Department before it completes the transaction and must (1) file an application with the insurance commissioner containing the information required by law, (2) send this information to the

company, and (3) obtain the commissioner's approval of the application. By law, there is a rebuttable presumption that one entity controls another when it owns or controls at least 10% of its voting shares.

Under prior law, "person" included individuals and various types of business entities. The act excludes from the definition of "person," and thus the above provisions, a securities broker normally holding less than 20% of the voting securities of an insurance company or an entity that controls an insurance company.

The act specifies that a "domestic insurance company" includes any person controlling such a company, unless it is directly or through affiliates primarily engaged in business other than insurance, as determined by the commissioner. In doing so, it extends to persons controlling insurance companies, such as holding company systems, the law's provisions governing the acquisition of a controlling interest in an insurer that already applied to the insurers themselves. For example, if a holding company controlled an insurer, a person seeking control over the holding company would need to comply with the law's provisions.

§§ 2 & 3 — PRE-ACQUISITION NOTIFICATION AND REVIEW

Notification

The act requires, in most cases, a party seeking to acquire an insurance company to file a pre-acquisition notification with the commissioner. It also allows the acquired party to file this notification. Under the act, an acquisition includes any agreement, arrangement, or activity that will result in a person acquiring, directly or indirectly, the control of another through (1) the acquisition of voting securities, assets, or bulk reinsurance or (2) a merger. The commissioner must treat any filed information as confidential.

The notification must be in a form and contain information as the National Association of Insurance Commissioners (NAIC) prescribes. The Connecticut commissioner may require additional material and information he considers necessary. This can include, among other things, the opinion of an economist on the proposed acquisition's effect on competition in this state that permits the commissioner to evaluate whether it will violate the competitive standard established by the act.

The notification requirements do not apply to a purchase of securities solely for investment purposes, so long as they are not used (by voting or otherwise) to cause or attempt to cause substantial reduction of competition in any Connecticut insurance market. If a purchase of securities results in the purchaser gaining

control of at least 10% of the shares of the acquired company, it is not considered to be solely for investment purposes unless (1) the insurance regulatory official of the insurance company's state of domicile accepts a disclaimer of control from the company or affirmatively finds that control does not exist and (2) the official communicates this to the Connecticut commissioner.

The requirements also do not apply to the acquisition:

1. of a person by another person when neither is directly or through affiliates primarily engaged in the business of insurance;
2. of an affiliate;
3. if (a) the combined market share of the involved insurers will not exceed 5% of the total market in any market, (b) there will be no increase in any market share, or (c) the combined market share of the involved insurers will not exceed 12% of the total market in any market and the market share will not increase by more than 2% of the total market in any market;
4. when notification would be required solely due to the resulting effect on Connecticut's ocean marine insurance business; or
5. of an insurance company when the insurance regulatory official of its state of domicile affirmatively determines that it is failing and (a) there is no feasible alternative to improving its condition, (b) the public benefits of improving the company's condition through the acquisition exceed the public benefits that would arise from not reducing competition in Connecticut, and (c) the official has communicated this to Connecticut's commissioner.

Under the act, an "involved insurer" is (1) an insurance company that acquires or is acquired by another person, (2) an affiliate of the acquiring or acquired company, or (3) the insurance company that results from the merger.

Waiting Period

The act creates a waiting period once the acquiring party files the notification. The waiting period begins the date the commissioner receives the notification and ends 30 days later, unless the commissioner ends it earlier. During this period, the commissioner may require, on a one-time basis, the acquiring or the acquired party to submit additional information relevant to the proposed acquisition. In this case, the waiting period ends on the 30th day after the commissioner receives the additional information or ends the waiting period, whichever is earlier.

Insurance Department Review

The commissioner must evaluate a proposed acquisition that is subject to the notification requirement to determine whether it will (1) substantially reduce competition in any line of insurance business in this state or (2) tend to create a monopoly in this state. In making his evaluation, the commissioner must consider the percentages of market share the involved insurers possess and the market in which they compete.

Under the act, for acquisitions involving more than two involved insurers, there is prima facie evidence of a violation of the act's competitive standards if a comparison of the percentage of market share of the involved insurance company with the largest market share (Insurer A), against any other involved insurer (Insurer B) shows for any comparison that the percentages exceed those in the tables described below. If a percentage is not shown in the tables, it must be interpolated.

Highly Concentrated Markets. For highly concentrated markets (those where the four largest insurance companies have 75% or more of the market), the shares are:

	<i>Insurer A</i>	<i>Insurer B</i>
<i>Market Share</i>	4%	4% or more
	10%	2% or more
	15%	1% or more

Thus, if the largest of three companies involved in a transaction has a 10% market share and the next largest has a 5% share, there would be a presumption that the transaction is anticompetitive.

Other Markets. In other markets, the shares are:

	<i>Insurer A</i>	<i>Insurer B</i>
<i>Market Share</i>	5%	5% or more
	10%	4% or more
	15%	3% or more
	19%	1% or more

Other Prima Facie Evidence of Violation

Under the act, an acquisition involving two or more involved insurers competing in the same market is prima facie evidence of a violation of the competitive standards if (1) there is a significant trend toward increased concentration in the market, (2) one of the involved insurers is in a group of large insurance companies that shows this increase, and (3) another involved insurer's market share is 2% or more.

Under the act, there is a significant trend toward increased concentration when the aggregate market

share for any grouping of the largest insurance companies in the market, from the two largest to the eight largest, has increased by 7% or more of the market over a period extending from any base year between five and 10 years before the proposed acquisition.

The act defines “market” as the relevant product and geographical markets. In determining these markets, the commissioner must consider any (1) NAIC definitions or guidelines, (2) information submitted by an acquiring or acquired party, and (3) other information he considers relevant. In the absence of sufficient information to the contrary (1) the relevant product market is the direct written insurance premium for a line of business, i.e., a line being used in the annual statement insurance companies doing business in this state must file with the commissioner, and (2) the relevant geographical market is Connecticut.

Rebuttal of Presumption

An acquiring or acquired party may rebut the presumption of a prima facie violation based on substantial evidence of the absence of the requisite anticompetitive effect. The rebuttal may include factors such as the involved insurers’ market shares, the volatility of market leader rankings, the number of competitors in the market, the concentration and the trend in concentration in the insurance industry, and ease of entry to and exit from the market.

Other Violations

The act allows the commissioner to find, based on substantial evidence, a violation of the competitive standards that he did not designate as a prima facie violation.

Orders

If the commissioner finds that a proposed acquisition violates the act’s competitive standards or an acquiring party either fails to file or fails to provide adequate information in the required notification, the commissioner may issue an order (1) directing an involved insurer to cease and desist from doing business in Connecticut with respect to any line of insurance involved in the violation or (2) denying an involved insurer’s application for a license to do business in Connecticut. The order does not apply if the proposed acquisition is not consummated.

The commissioner may not issue this order unless (1) there is a hearing, notice of which is provided to the involved insurers before the end of the waiting period (described above) and at least 15 days before the hearing and (2) the hearing is concluded and the order issued within 60 days after the date the acquiring party filed the notification. The order must be accompanied

by the commissioner’s written decision setting forth findings of fact and conclusions of law.

The commissioner may not issue an order if the proposed acquisition will (1) yield substantial economies of scale or economies in resource utilization that cannot be feasibly achieved any other way or (2) substantially increase the availability of insurance in this state, and either of these benefits exceed those that would arise from not reducing competition in this state.

Penalties

The act subjects any person who violates the commissioner’s cease and desist order, after notice and hearing, to a fine of up to \$10,000 for each day of the violation, suspension or revocation of his or her license, or both.

Any person who fails to make a required filing and fails to demonstrate a good faith effort to comply with the filing requirement must be fined up to \$50,000.

§§ 2 & 4 — REVIEW OF APPLICATION FOR CHANGE OF CONTROL

By law, when a domestic insurer is the subject of a proposed merger or change of control, it must submit an application to the Insurance Department containing specified information. The act expands the information that must be included on the application to include acknowledgments by the person filing the statement that:

1. he or she will make a good faith effort to ensure that the annual enterprise risk report required by the act is filed in a timely manner for as long as he or she has control and
2. he or she and all subsidiaries in the insurance holding company system within his or her control will provide information the commissioner requests to evaluate enterprise risk to the insurance company.

Under the act, “enterprise risk” is any activity, circumstance, event, or series of events involving one or more affiliates of an insurer that, if not remedied promptly, will likely have a material adverse effect on the financial condition or liquidity of the insurer or its holding company system as a whole. Among other things, this includes any activity, circumstance, event, or series of events that would cause (1) an insurer’s or health care center’s (HMO) risk-based capital to fall below the minimum level required by law or (2) an insurer to be in a hazardous financial condition.

Hearing and Review of Application

The act eliminates a requirement that the commissioner hold a hearing on whether to approve a proposed change of control. Under prior law, the person

filing the application had to provide notice of the hearing to the insurance company and to anyone else the commissioner designates. Under the act, if a hearing is held, the filer must provide its notice at least seven, rather than at least 15 days, before the hearing. The act also requires the filer to (1) publish notice of the hearing in newspapers in Hartford and other municipalities as the commissioner directs and (2) provide notice in other ways the commissioner deems appropriate.

Under the act, if a proposed merger or other acquisition of control requires the approval of another state's insurance regulatory official, the public hearing may be held on a consolidated basis at the commissioner's discretion. The hearing must be held in the United States before the officials of the states where the insurance companies are domiciled, who must hear and receive evidence. An insurance regulatory official may attend the hearing in person or through telecommunication.

Decision Criteria

By law, the commissioner must make his determination whether to approve the merger or other change in control within 30 days after the hearing. Under the act, if there will be a change of control of a domestic insurance company, the commissioner must, by the same deadline, also determine whether the acquiring party must maintain or restore the insurance company's capital to the level required under Connecticut law.

The act requires the commissioner to consider (1) the information submitted in the pre-acquisition notification and (2) whether the proposed acquisition will substantially reduce competition in any line of insurance business in the state or tend to create a monopoly here when evaluating the effect of the merger or other acquisition of control on competition in this state.

Under prior law, the commissioner had to approve a merger or other acquisition of control unless he found that:

1. after the change of control, the domestic insurance company would not be able to satisfy the requirements for the issuance of a license to write the line or lines of business for which it was licensed;
2. the transaction would substantially lessen insurance competition in this state or tend to create a monopoly here;
3. the financial condition of any acquiring party might jeopardize the insurance company's financial stability or prejudice the interests of its policyholders;
4. the acquiring party's plans or proposals to liquidate the insurance company, sell its assets,

consolidate or merge it with any person, or make any other material change in its business or corporate structure or management were unfair and unreasonable to the insurance company's policyholders and not in the public interest;

5. the competence, experience, and integrity of the persons who would control the insurance company's operations were such that it would not be in the interest of company's policyholders and the public to permit the transaction; or
6. the acquisition was likely to be hazardous or prejudicial to those buying insurance.

The act allows the commissioner to approve a merger or other acquisition of control on the condition of the correction or removal, within a specified period of time, of grounds listed above that would otherwise lead him to disapprove the application.

The act bars the commissioner from disapproving a merger or other acquisition of control based on the above criteria if he finds that the proposed transaction will (1) yield substantial economies of scale or economies in resource utilization that cannot be feasibly achieved any other way or (2) substantially increase the availability of insurance in this state, and either of these benefits exceeds those achieved by maintaining the level of competition in the state.

§§ 2 & 3 — DIVESTITURE OF CONTROL

The act requires any person who controls a domestic insurance company and who seeks to divest the controlling interest to file with the commissioner and send to the company a confidential notice of the proposed divestiture at least 30 days before the divestiture. The notice must remain confidential until the conclusion of the divestiture unless the commissioner determines that this will interfere with the enforcement of the insurance law regarding mergers and acquisition of control. The filing requirement does not apply where the divestiture is occurring in conjunction with a merger or acquisition where the application required by law with respect to the transaction has been filed with the commissioner. The commissioner must adopt implementing regulations to govern when a controlling person must obtain his prior approval of a divestiture.

The act subjects a divestiture without the commissioner's approval to the same civil and criminal penalties that apply under the law to gaining control of an insurance company without his approval.

§ 8 — CONFIDENTIALITY OF INFORMATION

Restrictions on Access to Information

By law, all (1) information, documents, and copies obtained by or disclosed to the commissioner or any other person in the course of an examination or investigation made under law and (2) information reported, furnished, or filed under the laws requiring companies to be registered and governing transactions between holding companies and insurance companies, is confidential and not subject to subpoena. The act extends this protection to materials submitted in these reviews. It specifies that all of the information and related data is (1) privileged, (2) not subject to disclosure under the Freedom of Information Act, and (3) not subject to discovery or admissible in evidence in any civil action.

Under prior law, the commissioner, NAIC, and any other person could not make this information and data available to the public except to insurance departments of other states. The act instead prohibits the commissioner from making the information, documents, materials, or copies public without the affected insurance company's prior written consent. The company's consent is not needed if the commissioner (1) gives the insurance company and its affiliates who would be affected notice and opportunity to be heard and (2) determines that the interests of policyholders, security-holders, or the public will be served by the publication of the information; in that case, he may publish all or any part of the information as he considers appropriate.

The act prohibits the commissioner and anyone who receives the information, documents, materials, or copies or with whom they are shared, while acting under the commissioner's authority, from testifying or being required to testify in any civil action concerning them.

Permitted Disclosures

The act allows the commissioner to use the information, documents, materials, or copies in the furtherance of any regulatory or legal action brought as part of his official duties.

The act requires the commissioner to enter into written agreements with NAIC governing the sharing and use of information, documents, materials, or copies shared or received under Connecticut law.

It allows the commissioner, for assistance in the performance of his duties, to:

1. share confidential and privileged information, documents, materials, or copies with (a) other state, federal, and international regulatory officials; (b) NAIC or its affiliate or subsidiaries; (c) the International Association

of Insurance Supervisors; (d) the Bank for International Settlements; (e) the Federal Insurance Office; (f) state, federal, and international law enforcement authorities; and (g) members or participants of a supervisory college when the commissioner is a member or a participant, provided the recipient agrees, in writing, to maintain their confidentiality and privileged status and has verified, in writing, his or her legal authority to maintain confidentiality;

2. receive information, documents, materials, or copies, including those that are confidential and privileged, from NAIC or its affiliates or subsidiaries, the Federal Insurance Office, International Association of Insurance Supervisors, the Bank for International Settlements, or state, federal, and international law enforcement authorities, provided the commissioner maintains them as confidential and privileged when notified that they are so under the laws of the jurisdiction that is their source; and
3. enter into written agreements with the International Association of Insurance Supervisors and the Bank for International Settlements that govern the sharing and use of information, documents, materials, or copies shared or received under Connecticut law.

The agreements must:

1. specify the procedures and protocols regarding the confidentiality and security of the shared information;
2. specify that the commissioner must retain ownership of the information and that the use of this information by the other entities is subject to his discretion;
3. require prompt notice to be given to an insurance company whose confidential information is in the other entity's possession if it is subject to a request or subpoena for disclosure or production of this information; and
4. require, if the other entity is subject to disclosure of an insurance company's shared confidential information, it must allow the company to intervene in any judicial or administrative action regarding the disclosure or information.

Under the act, no waiver of any applicable privilege or claim of confidentiality in any information, documents, materials, or copies occurs as a result of disclosure to the commissioner or of sharing in accordance with the act. The act cannot be construed to delegate any of the commissioner's regulatory authority to any person or entity with which any information,

documents, materials, or copies have been shared. Any information, documents, materials, or copies in the possession of NAIC or its affiliates or subsidiaries, the International Association of Insurance Supervisors, and the Bank for International Settlements must be confidential by law, privileged, and not be subject to discovery or admissible in evidence in any civil action in this state.

§§ 10 & 11 — EXAMINATION OF ENTERPRISE RISK

The act allows the commissioner to examine a registered insurance company or its affiliates to determine the company's financial condition, including its enterprise risk from (1) the company's ultimate controlling person, (2) members within its insurance holding company system, or (3) its insurance holding company system on a consolidated basis.

The act allows the commissioner to order an insurance company to produce records, books, or other information it does not have in its possession if it can obtain access to them under a contractual agreement, statutory obligation, or other method. If the company cannot obtain access to the information, it must give the commissioner a detailed explanation of why it cannot and identify who holds the information. If the commissioner finds the explanation to be without merit, the delay in producing the information is grounds for suspending, revoking, or refusing to renew the insurer's license as provided by law.

Sanctions for Violation

The act allows the insurance commissioner to (1) disapprove dividends and other distributions and (2) place an insurer under administrative supervision as authorized by law, when it appears to the commissioner that any person has violated the laws governing changes in the control of an insurance company in a way that prevents the full understanding of the enterprise risk posed to the insurer by its insurance holding company system or affiliates.

§§ 6 & 8 — REGISTRATION REQUIREMENTS FOR COMPANIES THAT ARE PART OF HOLDING COMPANY SYSTEMS

By law, each insurance company that is authorized to do business in Connecticut and is a member of an insurance holding company system must register with the commissioner and file a registration statement containing specified information. The act requires that the statement also include:

1. statements that the company's board of directors oversees its corporate governance and internal controls, and that its officers or senior

management have approved, implemented, and continue to maintain the governance and controls;

2. if requested by the commissioner, financial statements of or within an insurance holding company system, including all affiliates, that may include annual audited financial statements filed with the Securities and Exchange Commission under federal law, and can be those of the insurance company or its parent corporation; and
3. any other information required by department regulations.

The act requires that the controlling person of each insurance company required to register under these provisions file an enterprise risk report in a form and manner prescribed by the commissioner. The initial report cannot be filed before June 1, 2013; the act does not specify a deadline for filing the initial report. PA 12-2, June 12 Special Session instead requires the first report to be filed by June 1, 2013.

The report must identify, to the best of the person's knowledge and belief, the material risks within the insurance holding company system that could pose enterprise risk to the insurance company.

The report must be filed with the lead state commissioner as determined by the procedures in NAIC's applicable financial analysis handbook. It must (1) be confidential by law and privileged, (2) be exempt from the Freedom of Information Act, (3) not be subject to subpoena, and (4) not be subject to discovery or admissible in any civil action.

The commissioner may not make the report public without the filer's prior written consent. But the commissioner can disclose the information, after giving the filer and the insurance company to which the report pertains and its affiliates in the insurance holding company system who would be affected notice and opportunity to be heard, if he determines that the interests of policyholders, security holders, or the public will be served by the disclosure. In this case, the commissioner may publish all or part of the information in a way he considers appropriate.

The commissioner may also use the report in the furtherance of any regulatory or legal action brought as part of his official duties. He may share the enterprise risk report only with the insurance regulatory official of another state with laws or regulations substantially similar to Connecticut's who has agreed, in writing, to maintain the report's confidentiality and privileged status.

By law, the failure to file a registration statement or any amendment or addition is subject to a variety of criminal and civil sanctions. The act extends these sanctions to apply to the failure to file a summary or an enterprise risk report.

§ 6 — SUPERVISORY COLLEGES

In order to assess the business strategy, financial, legal, or regulatory position risk exposure; risk management; or governance processes of a domestic insurance company that must register and that is part of an insurance holding company system with international operations, the act allows the commissioner to initiate, be a member of, or participate in a supervisory college. This is a temporary or permanent forum for communication between and cooperation among state, federal, and international regulatory officials. The commissioner must take this action in the context of an examination of a company as permitted by law.

If the commissioner initiates a supervisory college, he must:

1. establish its membership and participation in it by state, federal, or international regulatory officials;
2. establish its functions and the role of members and participants;
3. select a chairperson for it;
4. coordinate its activities, including meeting planning and processes for information sharing that comply with the law's applicable confidentiality provisions; and
5. establish a crisis management plan for the supervisory college.

The act allows the commissioner to enter into written agreements with state, federal, or international regulatory officials governing the activities of a supervisory college. The agreements must maintain the confidentiality requirements of Connecticut law.

Under the act, each insurance company subject to registration must be assessed for and pay to the commissioner its share of the reasonable costs, including reasonable travel expenses, of the commissioner's participation in a supervisory college. The payment is in addition to any other taxes, fees, and money otherwise payable to the state. The commissioner must establish the assessment method for these costs and provide reasonable notice to each insurance company subject to an assessment.

These provisions do not affect the commissioner's authority to regulate an insurance company or its affiliate under the commissioner's jurisdiction or to delegate his regulatory authority to a supervisory college.

§ 7 — TRANSACTIONS BETWEEN INSURANCE AND HOLDING COMPANIES

By law, certain transactions involving a domestic insurance company and any person in its holding company system may not be entered into unless (1) the insurance company has notified the commissioner in

writing of its intent to enter into them at least 30 days in advance, or any shorter period the commissioner may specify, and (2) the commissioner has approved or not disapproved the transaction within this period.

The act specifies that these provisions apply to amendments to or modifications of affiliate agreements previously filed under the law that meet any of its materiality standards. The act also requires that the written notice for these amendments or modifications specify the reasons for the change and the financial impact on the domestic insurance company. Within 30 days after the termination of a previously filed agreement, the insurance company must notify the commissioner of the termination in order for him to determine what written notice or filing is required, if any.

The act subjects all, rather than just material, management agreements, service contracts, and cost-sharing arrangements to the notice and approval requirements. It also expands the types of transactions subject to these requirements to include:

1. guarantees by a domestic insurance company, although those that are (a) quantifiable as to amount and (b) do not exceed the lesser of 0.5% of the company's admitted assets or 10% of surplus with regard to policyholders as of the last December 31st, are not subject to the notice requirement, and
2. direct or indirect acquisitions or investments in a person that controls the insurance company or in an affiliate of the company in an amount that, together with the insurance company's present holdings, exceeds 2.5% of the insurance company's surplus with regard to policyholders.

The latter provision does not apply to direct or indirect acquisitions of or investments in (1) subsidiaries acquired as allowed by law or (2) non-subsidiary affiliates that are subject to the law.

PA 12-123—sHB 5143

*Insurance and Real Estate Committee
Judiciary Committee
Public Health Committee*

AN ACT CONCERNING INSURANCE COVERAGE FOR PERISHABLE FOOD DONATED BY CERTAIN FOOD ESTABLISHMENTS

SUMMARY: This act requires insurers that sell commercial risk insurance policies or riders that cover food spoilage to cover, to the same extent, donations of perishable food to temporary emergency shelters, under narrow circumstances and subject to several limitations.

The requirement applies to a policy or rider delivered, issued for delivery, renewed, amended, or continued in this state for a class III or class IV food establishment under the public health code (e.g., grocery stores and restaurants).

The act exempts a food establishment that makes a donation under these circumstances from liability for civil damages or criminal penalties resulting from the food's nature, age, condition, or packaging, unless it is established that the donor, when making the donation, knew or had reasonable grounds to believe that the food was (1) embargoed or ordered destroyed by the Department of Public Health (DPH), a local health director, or an authorized agent; (2) adulterated; or (3) not fit for human consumption.

To the extent a tax deduction or tax credit is allowed under state law for such donations, no food establishment that donates perishable food under the act and receives payment from an insurer for the donation may claim the tax deduction or credit for the amount of the payment.

EFFECTIVE DATE: October 1, 2012

INSURANCE COVERAGE OF DONATED FOOD

Under the act, any insurer that delivers, issues for delivery, renews, amends, or continues a commercial risk insurance policy or rider in the state that covers the spoilage of perishable food must provide coverage to the same extent for perishable food donated to a temporary emergency shelter operated or supervised by a municipality or the state during a state of emergency for a limited time, if:

1. the governor proclaims a state of emergency;
2. as a result or as part of the emergency, an electrical outage or interruption of electrical service to the insured has occurred and the insured's electric supplier forecasts that the outage will last longer than the period prescribed by DPH, the local health director, or an authorized agent for the safe handling of perishable food;
3. the food is donated while it is still safe to handle; and
4. the insured gives the insurer written documentation from the shelter indicating the date and time of the donation.

The food establishment may not donate the food if (1) DPH, the local health director, or an authorized agent has embargoed or ordered it destroyed; (2) the Department of Consumer Protection or its authorized agent has deemed the food to be adulterated; or (3) the food is not fit for human consumption. As a result, there is no immunity from liability if the establishment donates food under these circumstances.

PA 12-139—sHB 5484

Insurance and Real Estate Committee

AN ACT CONCERNING CREDIT ALLOWED A DOMESTIC CEDING INSURER FOR REINSURANCE

SUMMARY: The law specifies an accounting procedure for insurers transferring all or part of their insurance or reinsurance risk written to another insurer or reinsurer. Under this statutory procedure, the ceding insurer may treat amounts due from reinsurers as assets or reductions from liability based on the reinsurer's status.

Reinsurance is a transaction between two or more insurance companies to apportion risk so that a large loss does not fall on any one company. The insurer transferring part of the risk to another insurer is called the ceding or domestic insurer. The insurer accepting the risk is called the assuming insurer or reinsurer.

This act modifies and expands the options under which a U.S. ceding insurer may take credit for reinsurance on its financial statements. For example, it allows credit to be taken when the reinsurance is ceded to a reinsurer that (1) is certified or accredited by the insurance commissioner and (2) secures its reinsurance obligations in accordance with the bill and regulations to be adopted by the commissioner. The act allows the commissioner to suspend or revoke a reinsurer's certification or accreditation if he determines the reinsurer no longer meets the applicable requirements.

Under the act, the commissioner evaluates a reinsurer that applies for certification and assigns a rating based on the evaluation. The commissioner's rating determines the amount of collateral the certified reinsurer must maintain to secure obligations it assumes from U.S. ceding insurers. If a certified reinsurer secures its obligations at a level consistent with its rating, the ceding insurer will qualify for full financial credit for the reinsurance.

EFFECTIVE DATE: October 1, 2012

§ 1 – CREDIT FOR REINSURANCE

The act expands the scenarios under which credit for reinsurance is allowed a ceding insurer as either an asset or a deduction from liability. By law, credit is allowed when the reinsurer meets one of the following requirements:

1. it is licensed as an insurer or reinsurer or accredited in Connecticut;
2. it is domiciled and licensed in a state with reinsurance standards similar to Connecticut's or, if a U.S. branch of a reinsurer chartered outside the United States (i.e., an "alien" reinsurer), conducts business through a state

with reinsurance standards similar to Connecticut's, and meets certain capital surplus and other requirements;

3. it maintains a trust in a qualified U.S. financial institution for the payment of claims of U.S. policyholders and ceding insurers; or
4. the insurance is on a risk located in a jurisdiction where reinsurance is required by law or regulation.

The act also allows credit for reinsurance when the reinsurer is certified by the commissioner under § 2 of the act and maintains specified security.

By law, if the reinsurer does not meet any of these criteria, the ceding insurer can still reduce its liability if the reinsurer holds security in an amount adequate to cover claims that could arise pursuant to the reinsurance contract. The act provides that the ceding insurer can also claim a credit if it agrees to specified conditions in the trust instrument.

Accredited Reinsurers

By law, a credit for reinsurance is allowed when the reinsurer is accredited in Connecticut. Under prior law, an accredited reinsurer is one that:

1. files evidence of its submission to this state's jurisdiction;
2. allows the state to examine its books and records;
3. is licensed to transact insurance or reinsurance business in at least one state, or if a U.S. branch of an alien reinsurer, conducts business and is licensed in at least one state;
4. files a copy of its annual statement and most recent audited financial statement with the Insurance Department; and
5. maintains a surplus of (a) at least \$20 million if the commissioner has not denied its accreditation application within 90 days of receipt or (b) less than \$20 million if the commissioner has approved its accreditation application.

The act retains the first four criteria. In place of the fifth criterion, it adds a requirement that the insurer demonstrate to the commissioner's satisfaction that it has adequate financial capacity to meet its reinsurance obligations and is otherwise qualified to assume reinsurance from a domestic insurer.

The act specifies that a reinsurer is deemed to meet the accreditation requirements if it maintains a surplus of at least \$20 million and the commissioner has not denied its accreditation within 90 days of receipt of the application.

Trust Requirements

By law, a credit for reinsurance is allowed when the reinsurer maintains a trust in a qualified U.S. financial institution. The reinsurer must annually report to the commissioner information to enable him to determine the sufficiency of the trust.

The act requires the reinsurer also to allow the commissioner to examine, at the reinsurer's expense, its books and records.

The act requires the trust to be approved by the insurance regulatory official of (1) the trust's home state or (2) another state that has accepted principal regulatory oversight of the trust. It also requires the trust's forms and amendments to be filed with the insurance regulatory officials of each state in which ceding insurer trust beneficiaries are domiciled.

Single Reinsurer. Under prior law, in the case of a single reinsurer, the trust had to consist of an account covering its U.S. liabilities and a surplus of at least \$20 million. The act instead requires the trust to cover at least the reinsurer's U.S. reinsurance liabilities and a surplus of at least \$20 million; but the commissioner may, in certain circumstances, reduce the surplus amount for a trust over which he has principal regulatory oversight.

The commissioner may authorize a reduction in the surplus if the reinsurer, for at least three years, has permanently discontinued underwriting new business secured by the trust. The commissioner must conduct a risk assessment to determine that the reduced surplus level is adequate. The assessment (1) may involve an actuarial review and (2) must consider all material risk factors. The minimum required surplus cannot be less than 30% of the reinsurer's U.S. reinsurance liabilities.

Group of Reinsurers. Under prior law, in the case of a group of reinsurers, including incorporated and individual unincorporated underwriters, the trust had to consist of an account covering its U.S. liabilities and a surplus of at least \$100 million. The act retains this requirement for reinsurance ceded before January 1, 1993. For reinsurance ceded on or after January 1, 1993, the act instead requires the trust to cover at least the reinsurer's U.S. reinsurance liabilities and a surplus of at least \$100 million.

Under prior law, the group had to annually certify each member's solvency to the commissioner through the regulator of their place of domicile and their independent public accountants. The act requires the group to provide the commissioner information within 90 days after the group's financial statements are due to its domiciliary regulator. The information must be (1) a solvency certification from the group's domiciliary regulator or (2) financial statements prepared by each member's independent public accountants.

Group of Incorporated Underwriters. The act establishes specific requirements regarding trusts when the assuming insurer is a group of incorporated underwriters under common administration. In such cases, the trust must consist of an account covering its U.S. reinsurance liabilities and a (1) policyholders' surplus of at least \$10 billion and (2) joint trustee surplus, of which \$100 million must be held jointly for the benefit of U.S. ceding insurers of any member of the group as additional security for these liabilities. The group must be accredited and have continuously conducted insurance business outside the United States for at least the three years before applying for accreditation.

The act requires the group to give the commissioner information within 90 days after the group's financial statements are due to its domiciliary regulator. The information must be (1) a solvency certification from the group's domiciliary regulator or (2) financial statements prepared by each member's independent public accountants.

Certified Reinsurers

The act allows a ceding insurer to take credit for reinsurance when the reinsurer is certified by the commissioner (see § 2) and maintains security in the form and amounts specified for trusts.

Under the act, if the security is not sufficient to cover the certified reinsurer's obligations, the commissioner (1) must reduce the credit allowed proportionately to the deficiency and (2) may further reduce the credit allowed if he finds there is a material risk that obligations will not be paid in full when due.

Additional Trust Requirements for Certain Reinsurers

The act allows credit for reinsurers who are not licensed or accredited in Connecticut or conducting business through a state with reinsurance standards similar to Connecticut's if they satisfy additional trust requirements.

If the trust contains less than the amount required or if the trust grantor is insolvent or in receivership or a similar proceeding in its domiciliary jurisdiction, the trustee must comply with the principal regulator's or court's order requiring the trustee to transfer the trust assets to the regulator. The regulator must distribute the assets in accordance with the domicile's liquidation laws. If the regulator returns any assets to the trustee after liquidation, the trustee must distribute them in accordance with the trust instrument.

The act requires the trust grantor to waive any right under law that is inconsistent with these provisions.

Accreditation or Certification Suspension or Revocation

Prior law allowed the commissioner to revoke a reinsurer's accreditation after notice and a hearing. The act instead authorizes the commissioner to suspend or revoke a reinsurer's accreditation or certification, after notice and hearing, if he determines the reinsurer no longer meets the applicable requirements.

If a certified reinsurer's domiciliary jurisdiction stops being a qualified jurisdiction (see § 2), the commissioner may suspend the reinsurer's certification indefinitely, instead of revoking it.

The act authorizes the commissioner to suspend or revoke a reinsurer's accreditation or certification without notice and a hearing if the:

1. reinsurer waives its right to a hearing;
2. reinsurer's home state took regulatory action against the reinsurer;
3. reinsurer voluntarily surrenders or terminates its eligibility to transact business in its home state or primary certifying jurisdiction; or
4. commissioner determines that immediate action is needed to protect the public and a court has not blocked the action.

No credit for reinsurance is allowed if the reinsurer's accreditation or certification is suspended or revoked, except to the extent that the reinsurer's obligations are secured in accordance with the bill.

A reinsurer whose certification has been suspended, revoked, voluntarily surrendered or is inactive must be treated as a certified reinsurer required to secure 100% of its obligations. But this does not apply to a reinsurer whose certification has been suspended or is inactive if the commissioner continues to assign a high rating to the reinsurer under § 2 of the act.

Anyone aggrieved by the commissioner's action to suspend or revoke an accreditation or certification may appeal the order to the commissioner within 30 days after receiving it. By law, the commissioner must hold a hearing on an appeal within 30 days after receiving the request and make a decision within 45 days after the hearing.

Ceding Insurer Must Manage Reinsurance Program

The act requires a ceding insurer to safely manage its reinsurance program.

Specifically, the ceding insurer must manage its reinsurance recoverables in proportion to its own book of business. It must notify the commissioner within 30 days after (1) reinsurance recoverables from any one reinsurer or group of reinsurers exceeds 50% of the ceding insurer's last reported surplus to policyholders or (2) it determines the recoverables are likely to exceed that limit.

The ceding insurer also must manage its reinsurance program to ensure diversification. It must notify the commissioner within 30 days after it (1) has ceded to any one reinsurer or group of reinsurers more than 20% of its gross written premiums in the prior calendar year or (2) determines that the reinsurance ceded is likely to exceed that limit.

A notification to the commissioner must demonstrate that the ceding insurer is safely managing its exposure.

§ 2 – CERTIFICATION

The act allows a reinsurer to get credit for reinsurance if it is certified by the Insurance Department.

Certification Eligibility

Under the act, to be eligible for certification, a reinsurer must:

1. be domiciled and licensed to transact insurance or reinsurance in a qualified jurisdiction (see below);
2. maintain minimum capital and surplus in amounts the commissioner prescribes in regulations;
3. maintain financial strength ratings from at least two rating agencies the commissioner deems acceptable in regulations; and
4. comply with any other requirements the commissioner determines necessary for certification.

To be eligible for certification, a reinsurer must also agree to:

1. submit to Connecticut's jurisdiction and appoint the commissioner as its agent for service of process;
2. provide security for 100% of its U.S. reinsurance liabilities if it resists enforcement of a final court judgment;
3. if it secures its obligations in a multibeneficiary trust, upon the termination of any trust account within the trust, fund any deficiency out of the remaining trust surplus; and
4. meet applicable filing requirements the commissioner prescribes.

If an applicant has been certified as a reinsurer in a jurisdiction accredited by the National Association of Insurance Commissioners (NAIC), the commissioner may (1) certify the applicant as a certified reinsurer in Connecticut and (2) accept the rating assigned to the reinsurer by that jurisdiction.

If the applicant is a group of reinsurers, including incorporated and individual unincorporated underwriters, it must also comply with the following

requirements:

1. The group must comply with the minimum capital and surplus requirements through the capital and surplus equivalents, less current liabilities, of the group and its members. The equivalents must include a joint central fund in an amount the commissioner determines to provide adequate financial protection for any unsatisfied obligations.
2. The incorporated members of the group (a) cannot be engaged in any business other than underwriting as a group member and (b) must be subject to the same level of regulatory and solvency control as the unincorporated members.
3. The group must provide the commissioner information within 90 days after the group's financial statements are due to its domiciliary regulator. The information must be (a) a solvency certification from the group's domiciliary regulator or (b) financial statements prepared by each member's independent public accountants.

Qualified Jurisdictions

The act requires the commissioner to publish a list of qualified jurisdictions from which a reinsurer is eligible for certification in Connecticut. In developing the list, the commissioner must consider the NAIC's list of qualified jurisdictions. Any state that is NAIC-accredited must be a qualified jurisdiction.

If the commissioner qualifies a jurisdiction that is not on the NAIC list, he must publish a justification. The act requires the commissioner to adopt regulations to establish criteria for justifying a qualification.

The act requires the commissioner, when deciding if the home country of an alien reinsurer is a qualified jurisdiction, to (1) evaluate the appropriateness and effectiveness of that country's reinsurance regulatory system; (2) consider the rights, benefits, and extent of reciprocity that country provides to U.S. reinsurers, including whether the country shares information and cooperates with the commissioner regarding certified reinsurers; and (3) consider any other factors he deems relevant.

The act prohibits the commissioner from qualifying a country that does not adequately and promptly enforce final U.S. judgments of arbitration awards.

Rating System

The act requires the commissioner, after considering the financial strength ratings assigned by acceptable rating agencies, to assign a rating to each certified reinsurer. He must publish a list of certified

reinsurers and their assigned ratings.

It requires the commissioner to adopt regulations to identify the acceptable rating agencies, establish the rating system methodology, and set the level of security required for each rating.

Under the act, a certified reinsurer must secure its U.S. reinsurance obligations at a level consistent with its assigned rating.

If the certified reinsurer secures obligations incurred under reinsurance agreements issued or renewed as a certified reinsurer in the form of a multibeneficiary trust, it must maintain separate trust accounts for (1) such obligations incurred and (2) obligations subject to the trust requirements contained in § 1 (see above). The act specifies that the minimum trustee surplus requirements of § 1 do not apply to a multibeneficiary trust. Rather, such a trust must maintain a surplus of at least \$10 million.

If a certified reinsurer stops reinsuring new business in Connecticut, it may ask the commissioner to move its certification to an inactive status, allowing it to still qualify for reduced security for its in-force business. An inactive certified reinsurer must still comply with the act's applicable certification requirements. The commissioner must assign a new rating to the inactive certified reinsurer to account for any relevant reasons why the reinsurer is not reinsuring new business.

§ 3 – CREDIT FOR ASSET OR REDUCTION IN LIABILITY

Existing law permits one final method for a ceding insurer to reduce liability through reinsurance. It allows the ceding insurer to take a reduction up to the amount of the liability carried by the ceding insurer when the reinsurer does not meet any of the other requirements specified in the law but meets certain security requirements. The act expands this to allow the ceding insurer to take either a credit for an asset or a reduction in liability and broadens the eligible securities to include securities listed by the NAIC Securities Valuation Office that are exempt from filing.

Thus, under the act, the credit or reduction must equal the amount of funds held by or on behalf of the ceding insurer as security for the payment of the reinsurance obligations. It must be held (1) in the United States, subject to withdrawal solely by, and under the exclusive control of, the ceding insurer or (2) in trust in a qualified U.S. financial institution. The security may be in:

1. cash;
2. securities listed by the NAIC Securities Valuation Office, including those deemed exempt from filing, and qualifying as admitted assets;

3. a clean, irrevocable, and unconditional letter of credit issued by a qualified institution that is effective by December 31 of the year in which the filing is made and in the ceding insurer's possession before the filing date of its annual statement; or
4. any other form of security acceptable to the commissioner.

Letters of credit meeting standards of acceptability on the date of issuance will continue to be accepted as security until their expiration, extension, renewal, modification, or amendment despite the issuing institution's failure to meet such standards.

§§ 4 - 6 – TECHNICAL AND CONFORMING CHANGES

These sections make technical and conforming changes.

PA 12-145—sHB 5011

Insurance and Real Estate Committee

AN ACT CONCERNING THE LEGISLATIVE COMMISSIONERS' RECOMMENDATIONS FOR TECHNICAL AND MINOR CHANGES TO THE INSURANCE STATUTES

SUMMARY: This act expands the circumstances under which certain health insurance mandates apply. It also corrects statutory references and makes other minor and technical changes to the insurance laws.

EFFECTIVE DATE: Upon passage, except the mandate changes take effect January 1, 2013.

HEALTH INSURANCE MANDATES

By law, insurance companies, fraternal benefit societies, hospital service corporations, medical service corporations, and Health Care Centers (i.e., HMOs) that issue, renew, or continue a Medicare supplement policy must file a request for approval with the Insurance Department at least 60 days before changing their rates. The act extends this requirement to amended policies. By law, the department must hold a hearing and has 45 days from receiving the request to approve or deny it.

Under existing law, requirements that health insurers offer specified benefits apply to new and renewed policies and, in most cases, to policies amended or continued on or after the mandate's effective date. As described in Table 1, the act requires coverage of amended or continued policies in those cases where this was not previously required. The mandates apply to individual and group policies.

Table 1: Expansion of Applicability of Health Benefit Mandates

<i>Benefit</i>	<i>Expansion</i>
Amino acid modified preparations and low protein modified food products when prescribed for the treatment of inherited metabolic diseases	Amended or continued policies
Medically necessary specialized formula	Amended or continued policies
Medically necessary prescription drugs removed from formulary	Amended policies
Medically necessary ambulance services	Continued policies

The act also specifies that the mandate regarding amino acid modified and low protein modified food products does not apply to accident-only policies.

PA 12-150—sSB 97

Insurance and Real Estate Committee
Appropriations Committee

AN ACT CONCERNING GUIDELINES FOR HEALTH INSURANCE COVERAGE FOR BREAST MAGNETIC RESONANCE IMAGING

SUMMARY: This act removes a requirement that specified health insurance policies cover breast magnetic resonance imaging (MRI) under the same circumstances as breast ultrasound screening (i.e., when a woman has dense breast tissue or an increased risk of breast cancer). It also removes a requirement that the policies cover MRIs in all circumstances according to guidelines established by the American College of Radiology. It specifies that the policies must cover breast MRIs in accordance with American Cancer Society guidelines.

EFFECTIVE DATE: Upon passage

APPLICABILITY

The act applies to individual and group health insurance policies that cover (1) basic hospital expenses; (2) basic medical-surgical expenses; (3) major medical expenses; and (4) hospital or medical services, including those provided by HMOs. They also apply to individual policies that cover limited benefit health coverage. (Due to the federal Employee Retirement Income Security Act (ERISA), state insurance benefit mandates do not apply to self-insured benefit plans.)

PA 12-162—sHB 5230

Insurance and Real Estate Committee

AN ACT CONCERNING VARIOUS CHANGES TO PROPERTY AND CASUALTY INSURANCE STATUTES

SUMMARY: This act broadens the applicability of standard fire insurance policy provisions regarding the (1) period when a loss is payable after proof of loss, (2) period when a suit or action for the recovery of a claim must be commenced, and (3) definitions of actual cash value and depreciation.

The act specifies when insurers may impose a hurricane deductible, instead of an overall policy deductible, under homeowners and certain other policies issued or renewed on or after July 1, 2012. (PA 12-2, June 12 Special Session, amends this provision to apply to policies issued or renewed on or after October 1, 2012.)

The act requires people who mitigate losses incurred on or after July 1, 2012 that are covered by a personal risk insurance or commercial risk policy to give the insured, before any work begins, written notice of the work to be completed and the estimated total price. If the person performing the mitigation does not do so, any contract for the mitigation between that person and the insured is void. The requirement does not apply to repairs to an automobile covered by insurance or repairs that are covered by the laws governing home improvement contractors. The act does not define “mitigation.” These provisions already apply to repairs and remediation.

By law, insurance adjusters may not charge or collect a fee if, within 30 days of a loss to a structure covered by a fire insurance policy, the insurer offers in writing to pay the full policy limits. The act requires that any fee the adjuster charges the insured be (1) based only on the amount of the insurance settlement proceeds the insured actually receives and (2) collected by the adjuster after the insured has received the proceeds from the insurer.

EFFECTIVE DATE: July 1, 2012, except that the hurricane deductibles provisions are effective October 1, 2012.

EXTENSION OF STANDARD FIRE INSURANCE POLICY REQUIREMENTS

By law, a fire insurance policy must meet various requirements. A policy that covers against fire and other perils generally does not need to meet these requirements with regard to coverage of perils other than fire.

The act extends to the coverage against these other perils the provisions of standard fire policies that specify the following:

1. The amount of loss for which the company is liable is payable 30 days after it receives proof of loss and the loss is ascertained. The company and the insured may agree in writing to a partial payment as an advance payment, but this does not affect the requirement for the company to pay the total amount of loss within 30 days after proof of loss.
2. No suit or action on the policy for the recovery of any claim may be sustained in any court unless all the requirements of the policy have been complied with and the suit or action is commenced within 18 months after the loss.
3. The actual cash value at the time of loss for a building is the amount it would cost to repair or replace the building with material of like kind and quality, minus reasonable depreciation. Depreciation means a decrease in the value of real property over a period of time due to wear and tear.

These provisions apply to policies or contracts issued or renewed on or after July 1, 2012.

HURRICANE DEDUCTIBLES

The act allows insurers to impose a hurricane deductible for losses claimed in the policy, in lieu of an overall policy deductible, for homeowners and certain other policies issued or renewed on or after July 1, 2012, which would be invoked if a hurricane results in a maximum sustained surface wind of 74 miles per hour or more for any part of the state. This provision applies to a (1) homeowners', tenants', mobile manufactured home, and other property and casualty insurance policy for personal, family, or household needs other than workers' compensation insurance; (2) condominium association master policy; and (3) unit owners' association property insurance policy.

The deductible applies to any losses occurring from the time the National Hurricane Center issues a hurricane warning for any part of this state and ends 24 hours after the center (1) terminates the last hurricane warning for any part of this state or (2) issues its last downgrade of the hurricane from hurricane status for any part of this state, whichever is earlier.

The act allows the insurance commissioner to adopt regulations to implement this provision and the department's most current guidelines and bulletins dealing with hurricane deductibles.

PA 12-190—SB 98

*Insurance and Real Estate Committee
Appropriations Committee*

AN ACT CONCERNING DEDUCTIBLES FOR SCREENING COLONOSCOPIES AND SCREENING SIGMOIDOSCOPES

SUMMARY: This act bars insurers from charging a deductible for procedures a physician initially undertakes as a colorectal cancer screening colonoscopy or sigmoidoscopy. (A colonoscopy covers the entire lower intestine; a sigmoidoscopy extends only to the lower colon.) Under prior law, some insurers charged a deductible when these screening procedures discovered a polyp, which was removed during the screening.

The affected individual and group health insurance policies are those delivered, issued, amended, renewed, or continued 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 the federal Employee Retirement and Income Security Act (ERISA), state health insurance mandates do not apply to self-insured benefit plans.

EFFECTIVE DATE: January 1, 2013

PA 12-5—sSB 280
Judiciary Committee

AN ACT REVISING THE PENALTY FOR CAPITAL FELONIES

SUMMARY: This act:

1. eliminates the death penalty as a sentencing option for a capital felony committed on or after the act's effective date (April 25, 2012), thus leaving life imprisonment without the possibility of release as the penalty;
2. renames the crime of capital felony as "murder with special circumstances";
3. makes a number of changes to apply the rules for capital felony crimes to murder with special circumstances, as necessary; and
4. specifies that it does not affect capital felony convictions or cases pending before April 25, 2012.

The act also requires the Department of Correction (DOC) to confer special circumstances high security status on any inmate (1) convicted of murder with special circumstances or (2) whose death sentence is commuted by the Board of Pardons and Paroles, or reduced by a court, to life without the possibility of release.

These inmates must be placed in administrative segregation (AS) until DOC completes the reclassification process required by the act. After reclassification, the inmates can remain in AS, be placed in protective custody, or be placed in a housing unit for the maximum security population under specified confinement conditions. DOC must annually review the confinement conditions of someone placed in a housing unit for the maximum security population.

EFFECTIVE DATE: Upon passage, and the provision renaming the crime of capital felony as murder with special circumstances applies to crimes committed on and after that date.

CRIME OF CAPITAL FELONY AND MURDER WITH SPECIAL CIRCUMSTANCES

The act renames the crime of capital felony as "murder with special circumstances." A person committed the crime of capital felony under prior law, and commits murder with special circumstances under the act, by murdering:

1. certain officers while performing their duties, such as a police officer, state marshal, special conservation officer, or DOC employee;
2. for pay, or hiring someone to murder;
3. after a previous conviction for intentional murder or murder while a felony was committed;

4. while sentenced to life imprisonment;
5. someone that he or she kidnapped;
6. while committing 1st degree sexual assault;
7. two or more people at the same time or in the course of a single transaction; or
8. a person under age 16.

Bail

Under the Connecticut Constitution, a person is eligible for bail unless he or she is charged with a capital offense "where the proof is evident or the presumption great." Because murder with special circumstances is not a capital offense, people charged with this crime would be eligible for bail under the constitution. The act allows the court, a judge, or a judge trial referee issuing a bench warrant to arrest someone for murder with special circumstances to indicate that the person should not be released on bail.

As with capital felonies under prior law, people convicted of murder with special circumstances are ineligible for post-conviction bail while awaiting sentencing or appealing their conviction.

Rules on Prosecution and Release

The act makes a number of technical and conforming changes to apply the laws applicable to capital felony crimes to murder with special circumstances as necessary, such as:

1. requiring the preservation of biological evidence and records of evidence and judicial proceedings,
2. authorizing the court to allow the reading of a victim impact statement in court before imposing the sentence,
3. allowing defendants to choose to have the case tried to a jury or three-judge panel,
4. allowing them to challenge potential jurors during voir dire,
5. requiring testimony of at least two witnesses or their equivalent for a conviction, and
6. prohibiting medical or compassionate parole release.

Effect of Repeal of an Act or Statute

Under existing law, the repeal of:

1. an act does not affect any (a) punishment, penalty, or forfeiture incurred before the repeal takes effect or (b) suit, prosecution, or proceeding pending at the time of repeal, for an offense committed or recovery of a penalty of forfeiture incurred under the repealed act (CGS § 1-1(t)) and

2. a statute defining or prescribing the punishment for a crime does not affect pending prosecutions or existing liability to prosecution and punishment, unless the repealing statute expressly provides that it has that effect (CGS § 54-194).

The act specifies that these provisions must apply and be given full force and effect regarding capital felonies committed before April 25, 2012.

CLASSIFICATION AND CONDITIONS OF CONFINEMENT

The act requires DOC to place on special circumstances high security status any inmate:

1. convicted of murder with special circumstances committed on or after the act takes effect or
2. whose death sentence is commuted by the Board of Pardons and Paroles, or reduced by a court, to life without the possibility of release.

These inmates must be placed in AS (see BACKGROUND) until a reclassification process is completed.

The act requires the DOC commissioner to establish the reclassification process, which must include assessing (1) the inmate's risk to staff and other inmates and (2) whether the risk requires placing the inmate in AS or protective custody. If placed in AS, the inmate must complete the AS program.

Under the act, after completing reclassification, the commissioner must determine if the inmate should remain in AS or be placed in protective custody or a housing unit for the maximum security population. If placed in the maximum security population, the act requires the inmate to:

1. remain on special circumstances high security status,
2. be housed separately from inmates who do not have this status,
3. have his or her movements escorted or monitored,
4. move to a new cell at least every 90 days,
5. have his or her cell searched at least twice each week,
6. be prohibited from having physical contact during the inmate's social visits,
7. have work assignments within the assigned housing unit, and
8. be limited to no more than two hours of recreation per day.

The act requires an annual review of an inmate's confinement conditions if he or she is placed in a housing unit for the maximum security population. The commissioner may, for compelling correctional management or safety reasons, change any conditions not specified above.

The act requires DOC to annually report to the legislature, beginning January 2, 2013, on the number of inmates classified with special circumstances high security status on December 1 of the year before the report is due, their location, and the specific conditions of confinement imposed on each such inmate.

BACKGROUND

Administrative Segregation

Under DOC administrative directives, AS places an inmate in a restrictive housing unit that segregates him or her from others. The program includes a number of restrictions, some of which are lifted as the inmate progresses through the program's phases. For example, use of restraints while inmates are outside their cells is phased out until no restraints are generally authorized; the amount inmates can spend on commissary items and the number of phone calls and non-contact visits allowed per week increases; recreation is limited to one hour per day, five days per week but the use of restraints is phased out; work assignments within the unit may be allowed in the later phases; inmates take classes throughout the program but in-cell during the program's initial phase; and meals are in-cell during the program's first two phases. Throughout the program, inmates can have a radio but not a television.

High Security Status

Under DOC directives, high security status involves increased supervision of inmates who pose a threat to the safety and security of the facility, staff, inmates, or the public. These inmates are housed in a secured cell and moved to a new cell at least every 90 days. Their conditions are like general population conditions except their movements are escorted or monitored, they have more frequent cell searches, are only allowed work assignments in their unit, can only participate in monitored programs or those within their unit, and are only allowed non-contact visits.

Protective Custody Status

DOC directives authorize using protective measures when there is a substantial risk of serious harm to an inmate, the circumstances of the inmate's offense or media coverage require it, or a DOC employee recommends it based on his or her professional judgment or knowledge. Inmates requiring protective custody are kept separate from general population inmates and activities and directly monitored by staff to minimize the risk to the inmate. Their living conditions must resemble those for general population inmates.

PA 12-14—SB 99
Judiciary Committee

AN ACT CONCERNING LETTERS OF PROTECTION

SUMMARY: This act requires licensed physicians and physical therapists (providers) to give patients who suffer a personal injury certain information in writing during consultation before treating them. They must indicate:

1. whether they will treat the patient based on a letter of protection from the patient's personal injury lawyer that promises (a) to pay their fees from the proceeds of any settlement or judgment or (b) that the patient will pay if there is no recovery or the recovery is insufficient and
2. the estimated cost of giving the patient or his or her attorney an opinion letter on the cause of the patient's injury and the patient's diagnosis, treatment, and prognosis, including a disability rating.

EFFECTIVE DATE: October 1, 2012

PA 12-22—HB 5150
Judiciary Committee

AN ACT CONCERNING THE CONNECTICUT UNIFORM ADULT PROTECTIVE PROCEEDINGS JURISDICTION ACT

SUMMARY: This act establishes rules and procedures for Connecticut probate courts to interact with courts in other states about conservatorships. It applies to proceedings regarding conservators of the person, who are appointed to make decisions for an adult, and conservators of the estate, who are appointed to manage an adult's property.

The act replaces prior law on appointing a conservator for someone not domiciled in Connecticut with new provisions on the probate court's jurisdiction. It (1) establishes factors the probate court must consider when deciding whether to decline jurisdiction because another state is a more appropriate forum and (2) authorizes special jurisdiction to allow the probate court to take limited actions, such as appointing a temporary conservator, when the court does not otherwise have jurisdiction.

The act establishes a procedure to transfer a conservatorship to another state and for the probate court to accept a transfer from an out-of-state court.

It (1) allows conservators appointed in another state to register with the appropriate probate court in Connecticut, (2) requires probate courts to create a

public registry of this information, and (3) allows the conservator to exercise his or her powers in Connecticut except as prohibited by Connecticut law.

The act also allows a probate court to (1) communicate with a court in another state about proceedings covered by the act, (2) request that the out-of-state court take certain actions, and (3) communicate with and respond to similar requests from an out-of-state court.

The act applies to conservator of the person or estate proceedings begun on or after October 1, 2012. The act's jurisdictional provisions do not apply to proceedings begun before that date but its provision on communicating with out-of-state courts, interstate transfers, and registering out-of-state appointments do apply, regardless of whether a conservator of the person or estate order has been issued.

As used in the act, other states include the other 49 states, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, a federally recognized Indian tribe, or any territory or insular possession subject to U.S. jurisdiction. But a probate court may also apply the act's provisions to foreign countries as if they were states (except for the provisions on the registry and exercising powers after registration).

EFFECTIVE DATE: October 1, 2012

§ 2 — DEFINITIONS

The act defines several terms to facilitate interactions between Connecticut probate courts and courts in other states regarding conservators.

A "conservator of the estate" is a (1) conservator of the estate as used in the probate court and procedures law or (2) person, other than a hospital or nursing home facility, appointed by an out-of-state court to manage the property of an adult (someone over age 18). A "conservator of the person" is a (1) conservator of the person under Connecticut probate law or (2) person, other than a hospital or nursing home facility, appointed by a court outside of Connecticut to make decisions for the person of an adult.

Under the act, a conservator can be an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or government subdivision, agency or instrumentality, or any other legal or commercial entity.

A "conserved person" is someone subject to involuntary representation by a conservator under Connecticut law or an adult for whom an out-of-state court has appointed a conservator of the person or estate. An "involuntary representation" means appointment of a conservator of the person, estate, or both after a probate court finding that the person cannot manage his or her affairs or is incapable of caring for

himself or herself.

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

§§ 5-7 — COMMUNICATION AND REQUESTS INVOLVING OUT-OF-STATE COURTS

§ 5 — *Communication*

The act authorizes Connecticut probate courts to communicate with courts in other states about proceedings arising under (1) the act or (2) Connecticut law on conservators. The court must allow the parties to participate in the communication, make an audio recording of the communication, and give parties access to the recording. However, courts may communicate about schedules, calendars, court records, or other administrative matters without making a recording or allowing the parties to participate.

The act specifies that these provisions do not limit a party’s right to present facts and legal arguments before the court enters a decision on jurisdiction under the act’s provisions.

§ 6 — *Requests To or From an Out-of-State Court About Involuntary Representation*

Probate courts hold involuntary representation proceedings when someone alleges that a person is incapable of managing his or her affairs or caring for himself or herself.

To the extent allowed or required by law, the act allows a probate court in an involuntary representation proceeding to request that the appropriate court of another state:

1. hold an evidentiary hearing;
2. order a person in that state to produce evidence or give testimony under that state’s procedures;
3. order an evaluation or assessment of the respondent, subject to Connecticut law on examining an allegedly incompetent person;
4. order an appropriate investigation of someone involved in a proceeding;
5. forward to the probate court (a) a certified copy of the transcript or record of the evidentiary hearing the court requested under these provisions or any other proceeding, (b) any evidence produced pursuant to the court’s request under these provisions, and (c) any evaluation or assessment prepared in compliance with the court’s request under these provisions;
6. issue an order to assure a person’s appearance when it is necessary for the court to make a determination, including a person who is the

subject of the proceeding or had a conservator appointed for him or her (subject to existing law on (a) holding a hearing at a place that facilitates the respondent’s attendance and (b) a conserved person waiving a hearing on placement in a long-term care institution or change of residence); and

7. issue an order authorizing the release of medical, financial, criminal, or other relevant information in that state, including protected health information as defined by federal law, subject to an attorney’s right to information related to an involuntary proceeding.

Subject to existing law, the act gives jurisdiction to a Connecticut probate court if it receives these types of requests from an out-of-state court, for the limited purpose of granting the request or making reasonable efforts to comply with it.

§ 7 — *Evidence and Testimony From Out-of-State Witnesses*

In proceedings for involuntary representation in Connecticut, in addition to other available procedures, the act allows a witness located out of state to provide testimony by (1) deposition or (2) other means allowable in Connecticut for testimony taken in another state. A probate court, on its own motion, can order that a witness’ testimony be taken in another state and set the manner and terms under which it must be taken.

The probate court can permit a witness in another state to be deposed or testify by telephone, audiovisual, or other electronic means. The probate court must cooperate with the other state’s court in designating an appropriate location for the deposition or testimony.

Documentary evidence transmitted from another state to a probate court by technological means that do not produce an original writing cannot be excluded from evidence based on the “best evidence rule” (a rule that generally requires the use of an original document in court proceedings).

§§ 8-16 & 25-26 — PROBATE COURT JURISDICTION

§ 25—*Prior Law on Appointing Conservators for a Non-Domiciliary*

The act eliminates prior law on appointing a conservator for someone not domiciled in Connecticut. Instead, it creates new provisions on when the probate courts have jurisdiction to appoint a conservator under Connecticut law.

Under prior law, an application for involuntary representation for someone incapable of managing his or her affairs or caring for himself or herself could not

be granted for someone not domiciled in Connecticut unless the:

1. person was located in the probate district where the application was filed;
2. applicant made reasonable efforts to provide notice to individuals and applicable agencies about the person;
3. person was given an opportunity and financial means, within the person's resources, to return to his or her place of domicile and declined to return or (b) the applicant made reasonable but unsuccessful efforts to return the person to his or her place of domicile; and
4. other legal requirements for appointing a conservator were met.

If the court appointed a conservator and the person later became domiciled in Connecticut, these provisions no longer applied.

Prior law also required the court to review the involuntary representation every 60 days, and the representation expired on the later of 60 days after it was ordered or after the most recent review, unless the court made the same findings as required for the initial appointment. In its review, the court considered reports from the conservator and attorney for the person.

§§ 8-11 — Jurisdiction

The act subjects proceedings for involuntary representation in Connecticut to existing law on conservators but determines jurisdiction under the following provisions. The Connecticut probate court has jurisdiction to appoint a conservator of the person or estate under Connecticut law if:

1. Connecticut is the person's "home state," defined as the state where the person was physically present, including any period of temporary absence, for at least six consecutive months immediately before the petition for a conservator of the estate was filed or conservator of the person was appointed;
2. there is no home state and Connecticut is the state where the person was physically present, including any period of temporary absence, for at least six consecutive months ending within the six months before the petition was filed;
3. on the date the petition is filed, Connecticut is a "significant-connection state," the conditions for which are described below;
4. the Connecticut probate court does not otherwise have jurisdiction, but (a) the person's home state and all significant-connection states decline jurisdiction because Connecticut is the more appropriate forum and (b) jurisdiction in Connecticut is consistent with Connecticut's statutes and constitution and the federal

constitution; or

5. grounds for special jurisdiction exists (see below).

The act requires the probate court to grant the parties the opportunity to present facts and arguments before it makes a decision on jurisdiction.

Significant-Connection State Jurisdiction. Under the act, a "significant-connection state" is a state where the person has a significant connection, other than mere physical presence, and in which substantial evidence on the person is available. To decide whether a person has a significant connection with a state, the act requires the court to consider the:

1. location of the person's family and others who must be notified of the proceeding;
2. length of time the person was physically present in the state and the duration of any absence;
3. location of the person's property; and
4. extent of the person's ties to the state such as voter registration, state or local tax return filing, vehicle registration, driver's license, social relationships, and receipt of services.

For jurisdiction based on Connecticut as a significant-connection state, one of the following conditions must apply.

1. The person does not have a home state.
2. A court of his or her home state declines jurisdiction because Connecticut is a more appropriate forum.
3. The person has a home state, a petition for an appointment or order is not pending in a court of that state or another significant-connection state, and before the court makes the appointment or issues the order (a) a petition is not filed in the home state, (b) an objection to the court's jurisdiction is not filed by a person required to be notified of the proceeding, and (c) the probate court concludes that it is an appropriate forum under the act.

Special Jurisdiction. Under the act, a probate court that does not otherwise have jurisdiction but makes the findings necessary to appoint a temporary conservator, has special jurisdiction to appoint a temporary conservator of the person or estate:

1. in an emergency, following existing law's provisions, for up to 60 days for someone who is physically in Connecticut (prior law for temporary conservators also allowed an appointment for up to 60 days) or
2. for someone for whom a provisional order to transfer the proceeding from another state has been issued under procedures similar to those in the act (see below).

The act defines an "emergency" as a circumstance that will result in immediate and irreparable harm to the

person's mental or physical health or financial or legal affairs. This includes the circumstances under existing law for appointment and service of a temporary conservator.

If Connecticut is not the person's home state when an emergency application is filed, the act requires the court to dismiss the application when the court of the home state requests it, regardless of whether it is before or after an emergency appointment.

The act requires the probate court, on written request of a respondent or person subject to the order in the proceeding, to hold a hearing under Connecticut law on temporary conservators.

§ 12 — *Continuing Jurisdiction*

The act gives a court that appointed a conservator of the person or issued a conservator of the estate order consistent with the act and existing law on conservators, exclusive and continuing jurisdiction over the proceeding until the court terminates it or the appointment or order expires under its terms. This does not apply when the court exercises special jurisdiction.

§ 13 — *Declining Jurisdiction*

Under the act, a probate court that has jurisdiction to appoint a conservator of the person or issue a conservator of the estate order can decline to exercise jurisdiction if it determines at any time that a court of another state is a more appropriate forum. If the court declines jurisdiction, it must dismiss the proceeding or stay it for 90 days to allow a petition to be filed in a more appropriate forum with jurisdiction.

To determine whether the probate court is the appropriate forum, the act requires the court to consider all relevant factors, including:

1. any expressed preference by the respondent;
2. whether he or she was, or is likely to be, abused, neglected, or exploited and which state could best protect the person;
3. the length of time the respondent was physically present in or a legal resident of Connecticut or another state;
4. the person's physical distance from the court in each state;
5. the financial circumstances of the person's estate;
6. the nature and location of the evidence;
7. the ability of the court in each state to decide the issue with due process and without undue delay;
8. the procedures necessary to present evidence;
9. the familiarity of the court of each state with the facts and issues in the proceeding; and

10. the court's ability to monitor the conservator's conduct, if one is appointed, in and outside of Connecticut, as applicable.

The act requires the court to make specific written findings on its basis for determining the most appropriate forum.

§§ 2 & 14 — *Obtaining Jurisdiction by a Party's Unjustifiable Conduct*

If a probate court determines at any time that it acquired jurisdiction to appoint a conservator of the person or issue a conservator of the estate order because of a party's unjustifiable conduct, the court can:

1. decline to exercise jurisdiction and dismiss the case if it has not entered an order and
2. rescind any order and dismiss the case, but the court can exercise limited jurisdiction for up to 90 days before dismissal to fashion an appropriate remedy to avoid immediate and irreparable harm to the person's mental or physical health or financial or legal affairs to prevent a repetition of the unjustifiable conduct.

If a party seeking or having sought to invoke the court's jurisdiction engaged in unjustifiable conduct, the act allows the court to assess that party for necessary and reasonable expenses, including attorney's fees, investigative fees, court costs, communication expenses, medical examination expenses, witness fees and expenses, and travel expenses. It cannot assess fees, costs, or expenses of any kind against Connecticut or a government entity unless authorized by other law.

The act defines a "party" as the person who is the subject of a petition, the person who filed a petition, a conservator of the person or estate, or any other person allowed by a court to participate in a proceeding.

§§ 15 & 16 — PETITIONS

§ 15 — *Notice*

If a petition for involuntary representation is brought in Connecticut and this is not the person's home state on the petition's filing date, in addition to complying with the notice requirements for appointment of a conservator under existing law, notice must be given to those who would be entitled to notice if the proceeding was brought in the person's home state. The notice must be given in the same manner as required by Connecticut law for appointment of a conservator.

§ 16 — *Petitions in Multiple States*

The act sets the following rules for determining jurisdiction if a petition for involuntary representation is

filed in Connecticut and a petition for appointment of a conservator or issuance of a conservator of the estate order is filed in another state and neither petition is dismissed or withdrawn.

If the probate court has jurisdiction under the act, it can proceed unless a court in another state acquires jurisdiction under similar provisions before the appointment or issuance of the order.

If the probate court does not have jurisdiction under the act when the petition is filed or any time before the appointment or issuance of the order, it must stay the proceeding and communicate with the court in the other state. If the court in the other state has jurisdiction, the probate court must dismiss the petition unless the court in the other state determines that (1) the Connecticut probate court is a more appropriate forum and (2) jurisdiction in Connecticut is consistent with this state's statutes and constitution and the federal constitution.

These rules do not apply when a court exercises special jurisdiction over a petition for appointment of a temporary conservator in an emergency.

§§ 17 & 18 — INTERSTATE TRANSFERS

The act establishes conditions and procedures for the probate court to (1) transfer a conservatorship to another state and (2) accept a conservatorship from another state.

§ 17 — *Transfer to Another State*

Except for an individual under voluntary representation, the act allows (1) a conserved person or his or her attorney, (2) a Connecticut-appointed conservator of the person or estate, or (3) anyone receiving notice of an involuntary representation proceeding, to petition a probate court to transfer the conservatorship to another state. The act requires notice to anyone who would be entitled to notice of a petition in Connecticut for the appointment of a conservator.

The court must hold a hearing on its own motion or on request of (1) the conservator, (2) the conserved person or his or her attorney, or (3) someone who received notice.

Provisional Orders. The court must issue a provisional order granting a petition to transfer a conservatorship of the person and direct the conservator to petition for conservatorship in the other state if:

1. it is satisfied that the conservatorship will be accepted by the court in the other state;
2. the conserved person is physically present in or is reasonably expected to move permanently to the other state;
3. no objection to the transfer is made, or anyone who does object fails to establish that the transfer would be contrary to the conserved

person's interests, including the person's reasonable and informed expressed preferences;

4. plans for the conserved person's care and services in the other state (a) are reasonable and sufficient, (b) have been made after allowing the conserved person the opportunity to participate meaningfully in decision making according to the person's abilities, (c) assist the person in removing obstacles to independence and achieving self-reliance, (d) include ascertaining the person's views, (e) include making decisions conforming to the person's reasonable and informed expressed preferences, and (f) make all reasonable efforts to make decisions that conform with the person's expressed health care preferences, including any health care instructions and wishes described in valid health care instructions; and
5. the requirements of Connecticut law are met regarding (a) ending the person's tenancy or lease, (b) disposing of his or her real property or household furnishings, (c) changing his or her residence, or (d) placing him or her in a long-term care institution.

The court must issue a provisional order granting a petition to transfer a conservatorship of the estate and direct the conservator to petition for conservatorship of the estate in the other state if:

1. it is satisfied that the conservatorship will be accepted by the court of the other state;
2. the conserved person is physically present in, is reasonably expected to move permanently to, or has a significant connection to the other state;
3. either no objection to the transfer is made, or anyone who does object fails to establish that the transfer would be contrary to the conserved person's interests, including the person's reasonable and informed expressed preferences;
4. adequate arrangements will be made for managing the conserved person's property according to Connecticut law on a conservator's duties and distributions from the estate; and
5. the transfer is made according to Connecticut law regarding (a) ending the person's tenancy or lease, (b) disposing of his or her real property or household furnishings, (c) changing his or her residence, or (d) placing him or her in a long-term care institution.

Final Order. The act requires the court to issue a final order confirming the transfer and terminating the conservatorship when it receives:

1. a provisional order from the court accepting the proceeding issued under provisions similar to the act's and
2. documents required to terminate a conservatorship in Connecticut.

§ 18 — *Transfer to Connecticut*

The act requires a conservator seeking to confirm a transfer of a conservatorship to Connecticut to petition the probate court to accept the conservatorship. The petition must include a certified copy of the other state's provisional order of transfer.

The act requires that notice be sent to anyone who would be entitled to notice of a petition in Connecticut and the other state. The notice must be given in the same manner as required by Connecticut law for applications for involuntary representation by a conservator.

The court must hold a hearing on the petition on its own motion or on request of (1) the conservator, (2) the conserved person, or (3) someone who received notice.

The court must issue a provisional order granting a petition unless:

1. an objection is made and the person objecting establishes that the transfer would be contrary to the person's interests, including the person's reasonable and informed expressed preferences or
2. the conservator is ineligible for appointment as a conservator of the person or estate in Connecticut.

The court must issue a final order accepting the proceeding and appointing the conservator in Connecticut when it receives a final order from the other court issued under provisions similar to those in the act.

At least 30 days before issuing a final order accepting a transfer to Connecticut, the probate court must ensure that the conserved person (1) is represented by counsel as provided in Connecticut law and (2) receives notice of his or her rights under Connecticut law regarding the transfer.

Within 90 days after issuing a final order accepting the transfer, the act requires the court to determine whether the conservatorship needs to be modified to conform to Connecticut law and order necessary modifications.

In granting a petition, the court must recognize a conservatorship order from the other state, including the determination of the person's incapacity and the appointment of the conservator.

A probate court's denial of a petition does not affect the ability of the conservator to apply for involuntary representation if the court has jurisdiction to grant it for reasons other than the provisional order of

transfer.

When a probate court grants a petition to accept a conservatorship from another state:

1. the conserved person has the same rights as if the conservator was originally appointed under Connecticut law, including the right to review and terminate the conservator's appointment, and
2. the conservator has the same responsibilities and duties as are imposed on a conservator by Connecticut law.

§§ 19-21 — REGISTRY OF OUT-OF-STATE APPOINTMENTS

The act allows a conservator appointed in another state to register the conservatorship order in Connecticut by filing certified copies of the order and letters of office as a foreign judgment in the probate court for the district where the conserved person resides, is domiciled, or is located at the time of filing. To register, no appointment petitions may be pending in Connecticut and the conservator must give notice to the appointing court in the other state. Conservators of the estate must also submit any bond and may submit certified copies of the documents for recording on the land records in a town where a conserved person has real property. The act requires each probate court to maintain a public registry of these orders.

On registration, the act allows a conservator from another state to exercise in Connecticut all powers authorized in the order of appointment, except as prohibited by Connecticut law. The act specifies that these powers include maintaining actions and proceedings in this state and, if the conservator is not a state resident, subject to any conditions imposed on nonresident parties. The registration of a conservator of the person order lapses 120 days after registration, but it can be extended for 120 days for good cause by a Connecticut probate court for the district where the subject of the order resides, is domiciled, or is located.

The act allows a probate court or, to the extent it lacks jurisdiction, the Superior Court to grant any relief available under the act, other law on conservators, or other state law to enforce a registered order.

§ 22 — UNIFORMITY WITH OTHER STATES

The act requires that when applying and construing its provisions and other laws regarding involuntary representation, consideration be given to the need to promote uniformity of the law with respect to its subject matter among states that enact these uniform provisions, consistent with the need to protect individual civil rights and due process.

§ 23 — FEDERAL LAW ON ELECTRONIC SIGNATURES

The act specifies that it modifies, limits, and supersedes the federal Electronic Signatures in Global and National Commerce Act (E-SIGN). But the act also specifies that it does not modify, limit, or supersede consumer protections specified in federal law, nor does it authorize electronic delivery of certain notices specified in federal law.

E-SIGN facilitates the use of electronic records and signatures in interstate and foreign commerce by ensuring the validity and legal effect of contracts entered into electronically. E-SIGN allows a state statute to modify, limit, or supersede it only if certain conditions are met. If a statute, regulation, or other rule requires that information relating to any transaction in or affecting interstate or foreign commerce be provided or made available to a consumer in writing, the federal law places certain requirements on obtaining the consumer's consent before using an electronic record (15 USC § 7001 et seq.).

PA 12-25—HB 5287

Judiciary Committee

AN ACT CONCERNING THE APPOINTMENT OF A GUARDIAN AD LITEM FOR A PERSON WHO IS SUBJECT TO A CONSERVATORSHIP PROCEEDING OR A PROCEEDING CONCERNING ADMINISTRATION OF TREATMENT FOR A PSYCHIATRIC DISABILITY

SUMMARY: Under prior law, Superior and Probate court judges and family support magistrates had unlimited discretion to appoint *guardians ad litem* (GALs—see BACKGROUND) and there was no statutory limit on the functions they could perform. Consequently, GAL appointments and assignments varied from court to court.

This act sets uniform standards and limits court discretion in matters involving:

1. *habeas corpus* petitions (cases in which a person claims that he or she is being illegally restrained or treated) brought by someone who is the subject of a forced conservatorship or medication proceeding,
2. involuntary administration of medication to psychiatric patients,
3. conservatorship and related matters, and
4. estate and related fiduciary settlements.

The act prohibits GAL appointments in *habeas corpus* proceedings. And it prohibits judges and magistrates from appointing GALs in the other matters

before a court has ruled that the patient's or applicant's mental status meets legal standards.

The act applies different standards to cases based primarily on whether their subject has a court-appointed conservator. And it incorporates Probate Court conservatorship-related definitions into forced medication proceedings brought in Superior Court.

The act also makes minor and technical changes.

EFFECTIVE DATE: October 1, 2012

GAL APPOINTMENTS WHEN A PERSON IS CONSERVED

The act prohibits courts from appointing GALs to cases involving conserved mental patients (the act covers patients treated in out- or inpatient facilities and criminal defendants found incompetent to stand trial) or conservatorship-related matters unless (1) the court makes a specific finding that it needs to appoint a GAL for a specific purpose or to answer specific questions to assist it in making its determination or (2) the conserved person's attorney is unable to ascertain his or her client's preferences, including those previously expressed. Before appointing a GAL under the second scenario, the act permits the judge or magistrate to question the subject to determine his or her preferences or inability to express them.

Contents of GAL Appointment Orders

When he or she appoints a GAL, the act requires the judge's or magistrate's appointment order to:

1. indicate what functions the GAL can perform and when the appointment ends and
2. direct the GAL to take only the specific actions needed to answer questions the court poses, including those designed to ascertain if the subject's attorney's or conservator's proposed course of action is the least restrictive means of intervention available to assist the person in caring for him- or herself or managing his or her affairs.

The above requirements appear to apply only to matters involving conserved individuals who are unable to take care of themselves or manage their affairs; the act does not have a similar provision when the case involves a conserved patient's inability to give informed consent.

Terminating GAL Appointments

Consistent with the terms of a court's appointment order, GAL appointments end with their court report. As under existing law, judges and magistrates can terminate them earlier.

GAL APPOINTMENTS WHEN PERSON IS NOT CONSERVED

The act also sets standards for appointing GALs in situations where the person is not conserved. It encompasses those (1) subject to forced medication orders or (2) awaiting action on a petition for the appointment of a conservator. In such cases, judges and magistrates cannot appoint GALs unless a probate judge has made an initial determination that the former is not capable of giving informed consent or the latter is incapable of caring for himself or herself or managing his or her affairs. The act does not further limit court discretion.

BACKGROUND

GALs

GALs are individuals appointed by a Probate or Superior court judge or family support magistrate to represent the best interests of vulnerable populations, such as incapacitated adults or children. Their powers and duties are often specified in state statute and court rules.

Conservators

Probate judges appoint conservators to oversee personal or financial affairs of adults they find incapable of doing so on their own. There are two forms of conservatorship—conservator of the person and conservator of the estate. The conservator of the person's duties and powers include: (1) taking general custody of the conserved person; (2) establishing his or her residence; (3) consenting to medical or other professional care, counsel, treatment, or service; (4) providing for his or her care, comfort, and maintenance; and (5) taking reasonable care of his or her personal effects.

In carrying out the duties and authority assigned by the court, a conservator of the person must carry out the functions described above in a manner that is the least restrictive means of intervention.

PA 12-29—HB 5364

Judiciary Committee

AN ACT CONCERNING THE DEFINITION OF "NOTARIAL ACT"

SUMMARY: Subject to certain exceptions, this act allows notaries public to certify that a copy of a document is an accurate and complete reproduction of the original. The act refers to the process of certifying a copy as “completing a copy certification.” The

exceptions are for (1) vital records (birth, death, fetal death, or marriage certificates); (2) documents that must be recorded by the state's or a political subdivision's agent or employee; and (3) federally-issued documents if federal law prohibits the copying.

The law defines a “notarial act” or “notarization” as any act that a notary public is empowered to perform under the general statutes. The act provides that such acts include taking an acknowledgment, administering an oath or affirmation, witnessing or attesting a signature, and completing a copy certification. Under prior law, notaries public lacked the authority to complete a copy certification.

EFFECTIVE DATE: October 1, 2012

COPY CERTIFICATION

Under the act, a copy certification is a notarial act in which a notary public:

1. is presented with an original document;
2. copies or supervises the copying of the document, using a photographic or electronic copying process;
3. compares the original document to the copy; and
4. certifies that the copy is an accurate and complete reproduction of the original.

PA 12-45—sSB 248

Judiciary Committee

Finance, Revenue and Bonding Committee

AN ACT CONCERNING PROBATE FEES

SUMMARY: This act eliminates the \$25 fee for each (1) probate hearing beyond the first and (2) hour of a hearing beyond the first hour (up to a \$300 maximum) (§§ 2, 3, 4). It also makes various other changes affecting probate court fees.

The act creates an exception to the general estate settlement fees when the Department of Administrative Services (DAS) commissioner is the legal representative of an estate by law (see BACKGROUND). In that situation, the fee is the lesser of the (1) fees that would otherwise apply or (2) amount the commissioner collects after paying funeral and burial expenses (§ 3).

The act also establishes a \$25 fee to receive a digital copy of an audio recording of a probate hearing (§ 5).

Under existing law, any party who requests adjournment of a scheduled probate hearing or whose failure to appear requires an adjournment must pay \$50 plus the actual cost of rescheduling the hearing. The court may waive these for cause. The act specifies which rescheduling expenses can be charged to such a

party, by referencing another statute that establishes fees for various matters (e.g., a \$2 charge for each notice of a hearing or continued hearing, starting with the third notice) (§§ 2, 3, 4).

The act makes technical changes to terminology regarding probate fees and expenses. It also makes other minor, technical, and conforming changes.

EFFECTIVE DATE: January 1, 2013, except for a technical change repealing an obsolete provision, which is effective July 1, 2012.

BACKGROUND

DAS as Estate's Legal Representative

By law, DAS must petition the probate court for appointment as legal representative of an estate 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 expenses, equals or exceeds the value of the estate; and (3) value of the assets does not exceed \$40,000 (CGS § 4a-16).

PA 12-55—HB 5389

Judiciary Committee

Finance, Revenue and Bonding Committee

Public Health Committee

AN ACT CONCERNING THE PALLIATIVE USE OF MARIJUANA

SUMMARY: This act allows a licensed physician to certify an adult patient's use of marijuana after determining that the patient has a debilitating medical condition and could potentially benefit from the palliative use of marijuana, among other requirements. The act lists certain conditions that qualify as debilitating (e.g., cancer, AIDS or HIV, and Parkinson's disease) and also allows the Department of Consumer Protection (DCP) commissioner to approve additional conditions.

Among other requirements, patients seeking to use marijuana for palliative purposes must have a written certification by a physician and register with DCP. The act allows qualifying patients and their primary caregivers to possess a combined one-month marijuana supply.

The act sets conditions on who can be primary caregivers and requires them to register with DCP. The act authorizes DCP to impose a \$25 registration fee on patients and caregivers and requires the commissioner to establish additional fees for patients to offset the costs of administering the palliative use of marijuana.

The act also creates licensing requirements for pharmacists (termed "dispensaries") to supply the

marijuana and for producers to grow it. DCP must limit the number of dispensaries and producers (the number of producers must be at least three but no more than 10), set dispensary and producer fees, and set financial requirements for producers that may include maintaining a \$2 million escrow account.

The act prohibits patients, their caregivers or doctors, dispensaries, or producers from being subject to criminal or civil penalties, or being denied any right or privilege, for specified actions relating to palliative marijuana use. Caregivers are only protected from such punishments if, among other things, they obtain marijuana from a licensed dispensary. The same restriction does not apply to patients.

The act prohibits schools, landlords, or employers from taking certain actions against a patient or caregiver if the actions are solely based on the person's status as a palliative marijuana patient or caregiver, unless the actions are required by federal law or to obtain federal funding.

The act prohibits patients from ingesting marijuana in certain settings, including at work or school, in public places, in moving vehicles, or in front of children.

The act requires the DCP commissioner to establish a board of physicians who are knowledgeable about palliative marijuana use. Among other things, the board must (1) recommend to DCP additions to the list of debilitating conditions and (2) convene public hearings to evaluate petitions by those seeking to add conditions to the list. It requires the DCP commissioner to submit regulations reclassifying marijuana from a Schedule I to a Schedule II controlled substance.

Among other things, the act (1) specifies that it does not require health insurers to cover the palliative use of marijuana and (2) requires that all fees DCP collects under the act be deposited in a separate, nonlapsing palliative marijuana administration account the act establishes.

EFFECTIVE DATE: October 1, 2012, except for the provisions (1) defining various terms (§ 1), (2) providing for dispensary and producer licensing (§§ 9-10), (3) creating a Board of Physicians (§ 13), (4) requiring or allowing certain regulations (§ 14), and (5) establishing the palliative marijuana administration account (§ 19), which are effective upon passage.

§§ 1 & 3 — USE OF MARIJUANA FOR PALLIATIVE PURPOSES

Under the act, "palliative use" means the acquisition, distribution, transfer, possession, use, or transportation of marijuana or related paraphernalia to alleviate a qualifying patient's symptoms of a debilitating condition or their effects. It includes the transfer of marijuana and related paraphernalia to the patient from his or her primary caregiver but does not

include use by someone other than a qualifying patient.

Under the act, a qualifying patient is a state resident who is at least age 18 and has been diagnosed by a physician as having a debilitating medical condition. The term does not include inmates confined in a correctional institution or facility under the supervision of the Department of Correction.

Subject to various requirements and conditions, the act allows the palliative use of marijuana by qualifying patients to treat cancer; glaucoma; HIV; AIDS; Parkinson's disease; multiple sclerosis; certain spinal cord injuries (specifically, damage to the nervous tissue of the spinal cord with objective neurological indication of intractable spasticity); epilepsy; cachexia (emaciation often caused by cancer or cardiac diseases); wasting syndrome; Crohn's disease; posttraumatic stress disorder; and other medical conditions, treatments, or diseases that DCP approves through regulations, as explained below.

Primary Caregivers

Under the act, a patient's primary caregiver is someone at least age 18, other than the patient or the patient's doctor, who agrees to take responsibility for managing the patient's well-being with respect to his or her palliative use of marijuana.

The qualifying patient's physician must evaluate the patient's need for a primary caregiver and document the need in the certification of palliative use. If the patient lacks legal capacity, the caregiver must be the patient's parent, guardian, or legal custodian. Someone convicted of illegally making, selling, or distributing controlled substances cannot serve as a primary caregiver. The act limits caregivers to only one patient at a time, unless the caregiver and each patient have a parental, guardianship, conservatorship, or sibling relationship.

§ 4 — CERTIFICATION OF MARIJUANA USE

Under the act, a physician may certify a qualifying patient's use of marijuana only after determining, in the physician's professional opinion, that the patient has a debilitating condition and the potential benefits of the palliative use of marijuana would likely outweigh its health risks. The certification must include a statement to this effect and be (1) in writing, (2) signed and dated by the physician, and (3) in DCP-prescribed form. The act specifies that it does not allow physician assistants to issue certifications for palliative marijuana use.

The act makes the certification valid for up to one year from the date it is signed. It requires the patient or the primary caregiver to destroy all usable marijuana that the patient and caregiver possess for palliative use (1) within 10 days after the certification expires or (2) at

any time before then if the patient no longer wishes to possess marijuana for palliative use. The act defines "usable marijuana" as the dried leaves and flowers of the marijuana plant, and any mixtures or preparations of the leaves and flowers, that are appropriate for the palliative use of marijuana, but not including the plant's seeds, stalks, and roots.

§§ 5 & 15 — PATIENT AND CAREGIVER REGISTRATION

Registration Requirement

The act requires certified, qualifying patients and their primary caregivers to register with DCP. DCP must issue the patient and the primary caregiver a registration certificate that, once issued, is valid for the same period as the written certification from the physician, up to one year. When registering, the patient and caregiver must give DCP information (as DCP determines) that sufficiently and personally identifies them. They must report any change in the information within five business days after it occurs.

DCP may charge a reasonable fee of up to \$25 for each registration certificate. It must turn over any registration fees it collects to the state treasurer for deposit in the palliative marijuana administration account the act creates.

Disclosure of Registration Information

Under the act, registration information obtained by DCP is generally confidential and not subject to disclosure under the Freedom of Information Act (FOIA). But the act requires DCP to give the following people or entities reasonable access to this information:

1. state and federal agencies and local law enforcement agencies to investigate or prosecute a violation of law;
2. physicians and pharmacists to provide patient care and drug therapy management and monitor controlled substances the qualifying patient obtains;
3. public or private entities for research or educational purposes, as long as no individually identifiable health information is disclosed;
4. licensed dispensaries, for the purpose of complying with the act;
5. qualifying patients, but only with respect to information related to themselves or their primary caregivers; and
6. primary caregivers, but only with respect to information related to their qualifying patients.

Temporary Registration

The act allows qualifying patients to apply to DCP for temporary registration if they would otherwise be eligible for a registration certificate, except that regulations on licensed dispensaries and producers, distribution systems, and specific amounts of marijuana have not yet taken effect (see below). They may do so from October 1, 2012 until 30 days after the regulations take effect. To apply, they must present a physician's written certification to DCP, which must grant the temporary certificate to patients who qualify. The act requires DCP to indicate on a temporary registration certificate how much usable marijuana constitutes a one-month supply, which is the amount that the patient may possess.

DCP must maintain a list of temporary registration certificates it issues. Information on the list is subject to the same confidentiality and disclosure provisions as other registration information as specified above.

§ 9 — DISPENSARY LICENSING

The act establishes licensing requirements for pharmacists seeking to dispense marijuana for palliative use. It prohibits anyone who is not licensed by DCP as a dispensary from acting as one or representing that he or she is a licensed dispensary.

Under the act, the DCP commissioner must determine how many dispensaries are appropriate to meet the needs of the state's qualifying patients. He must adopt regulations limiting the number of dispensaries and providing for their licensure and standards (see below). Once the regulations take effect, the commissioner can issue dispensary licenses to licensed pharmacists who (1) apply for a dispensary license in accordance with those regulations and (2) the commissioner deems qualified to acquire, possess, distribute, and dispense marijuana pursuant to the act. The number of dispensary licenses issued cannot exceed the maximum number appropriate to meet qualifying patients' needs.

The dispensary regulations must at least:

1. set the maximum number of dispensary licenses;
2. provide that only a licensed pharmacist may apply for and receive a dispensary license;
3. provide that no marijuana may be dispensed from, obtained from, or transferred out-of-state;
4. set licensing and renewal fees that at least cover the direct and indirect cost of licensing and regulating dispensaries under the act;
5. require license renewal at least every two years; and

6. describe areas in the state where licensed dispensaries may not locate, after considering the law's criteria for the location of retail liquor permit premises.

The regulations must also establish:

1. health, safety, and security requirements for licensed dispensaries, which may include maintaining (a) adequate control against the diversion, theft, and loss of marijuana acquired or possessed by the dispensary and (b) knowledge, judgment, procedures, security controls, and ethics to ensure optimal safety and accuracy in the distributing, dispensing, and use of palliative marijuana;
2. standards and procedures for license revocation, suspension, summary suspension, and nonrenewal that comply with the Uniform Administrative Procedure Act's (UAPA) requirements for taking such actions; and
3. other licensing, renewal, and operational standards the commissioner deems necessary.

Under the act, DCP must give the state treasurer any fees it collects related to dispensary licensing. The fees must be credited to the palliative marijuana administration account the act creates.

§ 10 — PRODUCER LICENSING

The act requires DCP to license palliative marijuana producers and prohibits anyone who is not licensed by DCP as a producer from acting as one or representing that he or she is a licensed producer.

To qualify for a producer license, the person must be organized to cultivate (plant, propagate, cultivate, grow, and harvest) marijuana for palliative use in the state. The commissioner must also find that the applicant (1) has appropriate agricultural expertise and (2) is qualified to cultivate marijuana and sell, deliver, transport, or distribute it solely within the state pursuant to the act.

The act's provisions for producers are in many ways similar to its provisions for dispensaries, although there are some notable differences. The DCP commissioner must determine how many producers are appropriate to meet the needs of the state's qualifying patients. He must adopt regulations (1) providing for producer licensure, standards, and locations and (2) specifying the maximum number of licenses, which must be at least three but no more than 10. After the regulations are effective, the commissioner can issue producer licenses to qualifying applicants who apply in accordance with the regulations.

The required producer regulations also must at least:

1. provide that a producer may not sell, deliver, transport, or distribute marijuana from or to an out-of-state location;
2. establish a nonrefundable license application fee of at least \$25,000;
3. establish licensing and renewal fees that in the aggregate cover the direct and indirect cost of licensing and regulating producers under the act;
4. require license renewal every five years;
5. designate permissible locations for licensed producers and prohibit them from cultivating marijuana for palliative use outside the state;
6. establish financial requirements for producers, under which (a) applicants must demonstrate the financial capacity to build and operate a marijuana production facility and (b) licensees may be required to maintain a \$2 million escrow account at an in-state financial institution;
7. establish health, safety, and security requirements which require an applicant or licensed producer to demonstrate the ability to (a) maintain adequate control against the diversion, theft, and loss of marijuana the producer cultivates and (b) cultivate pharmaceutical grade marijuana for palliative use in a secure indoor facility;
8. define “pharmaceutical grade marijuana for palliative use”;
9. establish standards and procedures for license revocation, suspension, summary suspension, and nonrenewal, that comply with the UAPA’s standards for such actions; and
10. establish other licensing, renewal, and operational standards the commissioner deems necessary.

The act requires DCP to give the state treasurer any producer licensing fees that it collects. The fees must be credited to the palliative marijuana administration account.

§§ 2-4, 6, 11-12, & 15 — PROTECTIONS FROM PUNISHMENT RELATED TO PALLIATIVE MARIJUANA USE; EXCEPTIONS

The act prohibits qualifying patients, their caregivers or doctors, or licensed dispensaries or producers from being arrested, prosecuted, or otherwise penalized, including being subject to civil penalties, or denied any right or privilege, including being disciplined by a professional licensing board, for taking specified actions related to the palliative use of marijuana. The particular requirements for each group

are explained below.

The act also prohibits anyone from being arrested or prosecuted solely for being present during, or in the vicinity of, the palliative use of marijuana permitted by the act.

§§ 2 & 15 — *Qualifying Patients*

Under the act, qualifying patients cannot be subjected to the actions or penalties specified above for palliative marijuana use if the:

1. patient has a valid registration certificate from DCP;
2. patient’s physician has issued a written certification for the patient’s palliative use of marijuana after (a) prescribing prescription drugs to address the symptoms or effects the marijuana is supposed to treat or (b) determining it is not in the patient’s best interest to prescribe them;
3. combined amount of marijuana possessed by the patient and his or her primary caregiver for palliative use does not exceed a usable amount reasonably necessary to ensure a one-month supply, as set by DCP in regulation;
4. patient does not have more than one primary caregiver at a time; and
5. patient otherwise complies with the act.

The protection against such punishment or disciplinary action does not apply if a patient’s palliative use of marijuana endangers the health or well-being of someone else, other than the primary caregiver. The protection also does not apply if the patient ingests marijuana:

1. on a motor bus, school bus, or other moving vehicle;
2. at work;
3. on school grounds or any public or private school, dormitory, college, or university property;
4. in any public place (i.e., any area that is used or held out for use by the public whether owned or operated for public or private interests);
5. within the direct line of sight of anyone under age 18; or
6. in a way that exposes someone under age 18 to second-hand marijuana smoke.

If a patient has a temporary registration certificate from DCP, he or she cannot be penalized for possessing marijuana if the usable amount possessed by the patient and primary caregiver does not exceed the amount allowed by the temporary registration.

§§ 4 & 15 — Physicians

The act prohibits a physician from being subject to such actions or penalties for writing a certification for palliative marijuana use as long as he or she:

1. diagnoses a qualifying patient with a debilitating condition;
2. explains the potential risks and benefits of using marijuana for palliative purposes to the patient and the parent, guardian, or legal custodian of a patient who lacks legal capacity;
3. bases the written certification on his or her professional opinion after completing a medically reasonable assessment of the patient's medical history and current medical condition in the course of a bona fide physician-patient relationship; and
4. has no financial interest in a licensed dispensary or producer.

The act also provides that physicians are not subject to such actions or penalties for writing a certification that a patient uses for a temporary registration.

§§ 3 & 15 — Primary Caregivers

Subject to the following conditions, if a primary caregiver has a valid registration certificate from DCP and complies with the act, he or she is protected from the punishments or penalties specified above for acquiring, distributing, possessing, or transporting marijuana or related paraphernalia for the qualifying patient. For this protection to apply, the amount of marijuana, along with the combined usable amount the patient and caregiver possess, cannot exceed a reasonably necessary one-month supply in accordance with DCP regulations adopted under the act. Additionally, the marijuana must be obtained from a state-licensed dispensary. The protection against punishment for distribution applies only when the drug or paraphernalia is transferred from the caregiver to the patient.

If a patient has a temporary registration certificate from DCP, the primary caregiver cannot be penalized for possessing marijuana as long as the usable amount possessed by the patient and caregiver does not exceed the amount allowed by that registration.

§ 11 — Dispensaries

The act protects licensed dispensaries, or their employees acting within the scope of their employment, from the actions or penalties specified above for acquiring, possessing, distributing, or dispensing marijuana pursuant to the act. But it prohibits licensed dispensaries or their employees from:

1. acquiring marijuana from someone other than a licensed producer;
2. distributing or dispensing marijuana to someone who is not a qualifying patient registered with DCP or primary caregiver of such a patient; or
3. obtaining or transporting marijuana outside of the state in violation of state or federal law.

§ 12 — Producers

The act protects licensed producers, or their employees acting within the scope of their employment, from the actions or penalties specified above for cultivating marijuana or selling, delivering, transporting, or distributing it to licensed dispensaries. It prohibits licensed producers or their employees from (1) selling, delivering, transporting, or distributing marijuana to someone who is not a licensed dispensary or (2) obtaining or transporting marijuana outside of the state in violation of state or federal law.

§ 7 — RETURN OF SEIZED PROPERTY

The act requires law enforcement agencies to return marijuana, related paraphernalia, or other property seized from qualifying patients or primary caregivers who comply with its provisions, immediately after a court determines that they are entitled to it. Under the act, such an entitlement can be shown by a prosecutor's decision not to prosecute, the dismissal of the charges, or the patient's or caregiver's acquittal.

§ 8 — FRAUDULENT REPRESENTATION TO LAW ENFORCEMENT

The act makes it a class C misdemeanor (see Table on Penalties) to lie to a law enforcement official about the palliative use of marijuana for the purpose of avoiding arrest or prosecution for any crime. It makes it a class A misdemeanor (see Table on Penalties) to lie to a law enforcement official about the issuance, contents, or validity of a (1) written certification for palliative marijuana use or (2) document purporting to be a written certification.

§ 13 — PHYSICIAN BOARD

Membership and Appointment

The act requires the DCP commissioner to establish a Board of Physicians, consisting of eight physicians or surgeons who are (1) knowledgeable about the palliative use of marijuana and (2) certified by the appropriate American board in neurology, pain medicine, pain management, medical oncology, psychiatry, infectious disease, family medicine, or gynecology. It appears that

the commissioner selects the board members. The commissioner also serves as an ex-officio board member. He must select a chairperson from among the members.

Under the act, half of the initial appointees serve three-year terms and the other half serve four-year terms. All members are subsequently appointed for four-year terms. Members can be reappointed, and each member may serve until a successor is appointed. Three board members constitute a quorum.

Board Duties

The act requires the board of physicians to:

1. review and recommend to DCP for approval any debilitating medical conditions, treatments, or diseases to be added to the list of conditions that qualify for the palliative use of marijuana;
2. accept and review petitions for additions to the list of debilitating conditions (any individually identifiable health information contained in such a petition the board receives is confidential and not subject to disclosure under FOIA);
3. meet at least twice a year to conduct public hearings and to evaluate such petitions;
4. review and recommend to DCP protocols for determining how much marijuana may be reasonably necessary to ensure uninterrupted availability for one month for qualifying patients, including amounts for topical treatments; and
5. perform other duties related to the palliative use of marijuana at the DCP commissioner's request.

§ 14 — IMPLEMENTING REGULATIONS

In addition to the other required regulations specified above, the act requires the DCP commissioner to adopt implementing regulations on various matters. The regulations must at least:

1. govern how DCP considers applications for issuing and renewing qualifying patients' and their caregivers' registration certificates and establish any additional information to be contained in the certificates;
2. define protocols for determining how much usable marijuana constitutes an adequate supply to ensure uninterrupted availability for one month, including amounts for topical treatments;
3. set criteria for adding medical conditions, treatments, or diseases to the list of debilitating conditions that qualify for the palliative use of marijuana;

4. establish a process for members of the public to submit petitions, in the manner and form prescribed in the regulations, regarding the addition of medical conditions, treatments, or diseases to the list of debilitating conditions;
5. establish a process for public comment and public hearings before the physician board regarding the addition of medical conditions, treatments, or diseases to the list of debilitating conditions;
6. govern adding medical conditions, treatments, or diseases to the list of debilitating conditions, as the physician board recommends; and
7. develop a system for distributing marijuana for palliative use that provides for (a) marijuana production facilities housed on secured grounds in the state and operated by licensed producers and (b) distribution to qualifying patients or their primary caregivers by licensed dispensaries.

The commissioner must also adopt regulations establishing a reasonable fee to charge qualifying certified patients to offset the direct and indirect costs of administering the palliative use of marijuana. This fee is in addition to any registration fee. The commissioner must collect this fee when qualifying patients register with DCP and must remit the fees to the state treasurer, to be credited to the account established by the act.

The commissioner must submit these regulations to the General Assembly's Regulation Review Committee by July 1, 2013.

The act also permits, but does not require, the commissioner to adopt regulations, after consultation with the board of physicians, establishing (1) a standard form for physicians' written certifications for the palliative use of marijuana and (2) procedures for registration with DCP by patients and caregivers.

While the act does not require DCP to adopt regulations establishing a standard form for written certifications, it requires such certifications to be in DCP-prescribed form.

§ 17 — PROHIBITION ON DISCRIMINATION OR DISCIPLINARY ACTIONS BY SCHOOLS, LANDLORDS, OR EMPLOYERS

Unless required by federal law or required to obtain federal funding, the act prohibits the following actions if they are based solely on a person's status as a qualifying patient or primary caregiver under the act:

1. a K-12 school or higher education institution, whether public or private, (a) refusing to enroll someone or (b) discriminating against a student;

2. a landlord (a) refusing to rent a dwelling unit to someone or (b) taking action against a tenant (such as actions for possession or recoupment) and
3. an employer with at least one employee, including the state or its political subdivisions, (a) refusing to hire someone or (b) firing, penalizing, or threatening an employee; but this provision does not restrict an employer’s ability to prohibit the use of intoxicating substances during work hours or to discipline an employee for being under the influence of such substances during work hours.

The act specifies that these provisions must not be construed to permit the palliative use of marijuana in a way that violates other provisions prohibiting palliative marijuana use in certain settings (e.g., ingesting marijuana at work, school, or other specified settings, or using it in a way that endangers the health of others).

§ 18 — RECLASSIFICATION OF MARIJUANA AS SCHEDULE II CONTROLLED SUBSTANCE

The act requires the DCP commissioner to submit to the Regulation Review Committee amendments to DCP regulations, reclassifying marijuana from a Schedule I to a Schedule II controlled substance. He must do so by January 1, 2013. This requirement applies despite the general procedures giving the commissioner discretion over a controlled substance’s schedule classification.

Under existing law, if there is an inconsistency between the state controlled substance schedule and the federal schedule, the federal schedule prevails, unless Connecticut places the substance in a higher schedule (Schedule I is the highest, V the lowest). The act creates an exception for the reclassification of marijuana, which is a Schedule I controlled substance under federal law (see BACKGROUND).

§ 19 — PALLIATIVE MARIJUANA ADMINISTRATION ACCOUNT

The act establishes a separate, nonlapsing palliative marijuana administration account in the General Fund. The account consists of the various fees DCP collects under the act, as specified above (e.g., registration and licensing fees); investment earnings; and any other money the law requires to be deposited in it. The account can only be used to provide funds to DCP for palliative marijuana administration. Any money remaining in the account at the end of a fiscal year must be carried forward to the next fiscal year.

BACKGROUND

Controlled Substance Classification

Federal law classifies marijuana as a Schedule I controlled substance. The law generally prohibits anyone from knowingly or intentionally manufacturing, distributing, dispensing, or possessing with intent to manufacture, distribute, or dispense Schedule I drugs. Licensed practitioners, including pharmacies, can use Schedule I substances in government-approved research projects. The penalty for violations varies depending on the amount of drugs involved.

To be placed in either Schedule I or Schedule II, the drug must have a high potential for abuse. Placement in Schedule I requires the drug to have no currently accepted medical use in the U.S. By contrast, placement in Schedule II requires the drug to have a currently accepted medical use or such a use with severe restrictions (21 U.S.C. §§ 812, 823, and 841(a)(1)).

PA 12-66—sSB 309

Judiciary Committee

AN ACT CONCERNING PROBATE COURT OPERATIONS

SUMMARY: This act makes several changes to probate law and related matters. It:

1. conforms the law to existing practice by specifying that compensation probate judges receive for service as administrative judges for regional children’s probate courts or special assignment probate judges is included in their calculations and contributions for purposes of retirement benefits (§§ 1-4);
2. clarifies a surviving spouse’s entitlement to a pension when a judge or employee dies in office (§ 5);
3. allows only probate retirees’ pension-related disputes, and not those related to other benefits, to be submitted to the State Retirement Commission (§ 6);
4. reduces the frequency of a probate court administrator reporting requirement (§ 7);
5. clarifies how to determine estate settlement costs for people not domiciled in Connecticut when they died (§ 8);
6. makes changes affecting transfers of certain children’s matters, such as allowing the probate court, on its own motion, to transfer additional matters to Superior Court (§§ 9-10);
7. allows regional children’s probate court matters to be assigned to probate court officers for specified purposes (§ 11);

8. renames as “estate examiners” the temporary administrators allowed by PA 11-128 to investigate financial or medical information for litigation or other specified purposes (§§ 12-14);
9. changes requirements for attorneys for people with intellectual disabilities in connection with the court’s review of their guardianships (§ 15);
10. allows service of process for nonresident fiduciaries to be made by leaving the process with the probate court, even if the judge is not there (§§ 16-17); and
11. makes several changes related to managing and securing probate court records, including shifting certain responsibilities from the state librarian to the probate court administrator (§§ 18-24).

The act also makes minor, technical, and conforming changes.

EFFECTIVE DATE: Various; see below.

§§ 1-6 — RETIREMENT

§§ 1-4 — Contributions and Calculations

The act specifies that a probate judge’s compensation for computing retirement benefits includes compensation for service as (1) an administrative judge for a regional children’s probate court on or after June 1, 2004 or (2) a special assignment probate judge on or after July 1, 2007. It also specifies that a probate judge’s credited service includes service of at least 1,000 hours per year as an administrative judge for a regional children’s probate court after the judge no longer serves as a probate judge.

The law requires probate judges to contribute to the retirement fund 3.75% of the portion of their annual salary that is not subject to Social Security deductions and 1% of the portion that is subject to these deductions. The act specifies that for purposes of computing their required contributions, their pay includes compensation received while serving as an administrative judge for a regional children’s probate court or as a special assignment probate judge.

The act makes other changes clarifying that administrative judges for regional children’s probate courts and special assignment probate judges are included in the probate retirement system.

EFFECTIVE DATE: July 1, 2012

§ 5 — Surviving Spouses

The act makes the surviving spouse of a probate judge or employee who dies in office after reaching retirement age but before electing a retirement option entitled to benefits set by law.

EFFECTIVE DATE: Upon passage

§ 6 — Claims to Retirement Commission

The act provides that only claims related to a probate retiree’s pension, and not claims for other benefits (e.g., health insurance), go to the State Retirement Commission. (Under specified circumstances, retirees can bring claims or disputes regarding their health insurance to the Insurance Department.)

EFFECTIVE DATE: October 1, 2012

§ 7 — REPORT OF PROBATE COURT ADMINISTRATOR

The act requires the probate court administrator to submit to the chief court administrator a report on the business of the administrator’s office by April 1 of each even-numbered year, rather than every year as under prior law. Under the act, the report must cover the two-year period ending the previous June 30; prior law required the report to cover the previous calendar year.

EFFECTIVE DATE: October 1, 2012

§ 8 — ESTATE SETTLEMENT COSTS FOR A NON-DOMICILIARY

The act conforms to PA 11-128 by eliminating a provision on determining estate settlement costs for people who were not domiciled in Connecticut at the time of death and whose wills were proved according to law. The provision provided that costs were based on an assumed gross taxable value equal to the sum of (1) the actual gross taxable estate and (2) the value of the estate’s inventory of property that is not part of the actual gross taxable estate, except for any insurance proceeds exempt from taxation by law (e.g., life insurance).

PA 11-128 specified that, in a proceeding to settle the estate of someone who was not domiciled in Connecticut at death (whether the person died with a will or intestate), the person is considered to have been domiciled here for purposes of computing estate settlement costs, unless the probate court determines that the in-state proceedings are ancillary to those in the person’s state of domicile.

EFFECTIVE DATE: Upon passage

§§ 9-10 — TRANSFER OF CHILDREN’S MATTERS

By law, a probate court must transfer to Superior Court certain contested matters related to children, including custody and guardianship, on the motion of a party other than one who applied for the removal of a parent or guardian. The act also allows such transfers upon (1) the motion of the party who applied for a parent’s or guardian’s removal or (2) the court’s own motion. It provides that any such transfer (mandatory or

permissive) must occur before there is a hearing on the merits in the case.

Existing law also provides for the transfer from probate court to Superior Court of contested cases on the termination of parental rights, before a hearing on the merits. In addition, prior law allowed the probate court, on its own motion or that of any interested party, to transfer such contested children's matters (including custody, guardianship, or termination of parental rights cases) to another probate judge, whom the probate court administrator selected from a panel specializing in children's matters. The act instead allows such transfers to regional children's probate courts.

EFFECTIVE DATE: January 1, 2013

§ 11 — PROBATE COURT OFFICERS IN REGIONAL CHILDREN'S PROBATE COURTS

The act allows matters in regional children's probate courts to be assigned to a probate court officer for specified purposes. These include allowing the officer to:

1. conduct conferences, when appropriate, with interested parties, their attorneys, representatives from the Department of Children and Families (DCF), and social service providers;
2. facilitate the development of visitation and family care plans for the minor;
3. coordinate with DCF to facilitate a thorough review of the matter;
4. assess whether the family's care plan, if any, is in the minor's best interests;
5. help the family to access community services; and
6. follow up on court orders.

The act allows the probate court officer to file a report with the court that may include:

1. the officer's assessment of the (a) minor's and family's history, (b) parent's and any proposed guardian's involvement with the minor, and (c) family's care plan for the minor;
2. information on the interested parties' physical, social, and emotional status; and
3. any other information or data relevant to the court's determination of the minor's best interests.

Any such report is admissible in evidence. The court must order the officer to appear at a hearing if a party or his or her attorney notifies the court before a scheduled hearing that they want to cross-examine the officer who filed the report.

EFFECTIVE DATE: October 1, 2012

§§ 12-14 — ESTATE EXAMINERS

By law, probate courts may appoint a temporary administrator upon the application of a creditor or other party interested in a deceased person's estate to protect the property until the will is probated or an administrator is appointed. PA 11-128 also allowed anyone with an interest in a deceased person's estate, and who needs financial or medical information about the deceased person for purposes of a potential lawsuit or claim for benefits (e.g., insurance), to apply to the probate court to appoint a temporary administrator. The act renames the administrator in this latter case an "estate examiner" and makes conforming changes.

EFFECTIVE DATE: January 1, 2013

§ 15 — GUARDIANSHIP AND ATTORNEYS FOR PEOPLE WITH INTELLECTUAL DISABILITIES

By law, after a guardian is appointed for someone with an intellectual disability, the probate court must review the guardianship at least every three years. Prior law generally required the review to be based on written reports submitted by the Department of Developmental Services (DDS), the guardian, and the ward's attorney. The act eliminates the requirement that the ward's attorney submit a report. It instead requires the court to provide the attorney with a copy of any report on the ward submitted by the guardian or DDS.

Under the act, within 30 days after receiving a copy of such a report, the ward's attorney must meet with the ward about the report. Within this same time frame, the attorney must also give the court written notice indicating (1) that he or she has met with the ward and (2) whether the attorney or ward is requesting a hearing. The act specifies that these provisions do not prevent the ward or his or her attorney from requesting a hearing at other times as the law allows.

EFFECTIVE DATE: October 1, 2012

§§ 16-17 — SERVICE OF PROCESS ON OUT-OF-STATE FIDUCIARIES

The act provides that service of process on a nonresident fiduciary can be made by leaving an attested copy of the process with the probate court that appointed the fiduciary, in lieu of leaving it with the judge him- or herself as prior law required.

This includes service on probate judges as attorneys for nonresident fiduciaries. It also includes service on nonresident fiduciaries (including executors, administrators, conservators, guardians, or trustees) in their representative capacities, or individual capacities in cases related to their service as a fiduciary.

EFFECTIVE DATE: January 1, 2013

§§ 18-24 — PROBATE RECORDS

The act makes several changes affecting the roles of the probate court administrator, state librarian, and public records administrator in managing probate court records. (By law, the state librarian appoints the public records administrator.)

The act removes probate district records from the state librarian's records management program and no longer requires the state librarian to consult with the probate court administrator in carrying out his duties. It also eliminates the state librarian's authority to require probate districts to inventory their books, records, papers, and documents and to submit to him for approval, retention schedules for these items.

The act eliminates the requirement that the probate court administrator get the approval of the public records administrator before disposing of original records, papers, or documents that have been reproduced according to specified procedures under law.

The act also exempts probate districts from various requirements on the safekeeping of records that previously applied to probate districts, and still apply to municipalities. These include that public records be bound and that originals be repaired, rebound, or renovated as needed; and related provisions on the payment for such safekeeping.

§§ 19 & 23 — Regulations

The act eliminates the requirement that the state librarian adopt regulations, with the state library board's approval, concerning the creation and preservation of probate district records.

Prior law allowed the probate court administrator, under specified procedures, to adopt regulations on record maintenance. The act instead refers to regulations on records management. It allows the probate court administrator, in consultation with the public records administrator, to issue and enforce regulations, or establish policies or retention schedules, to manage, preserve, and dispose of probate court records, papers, and documents, including administrative records.

§ 22 — Safe or Vault for Probate Records

The law requires probate judges to keep certain court records and files in a fire-resistant safe or vault, in office space provided by the towns comprising the district. (The requirement does not apply to records or files that are in use or in storage.) Under prior law, the towns in the probate district had to pay for the safe, vault, and office space, in proportion to their most recent grand lists. The act instead provides that the expenses will be allocated among the towns as they

agree, or if they cannot agree, in proportion to their grand lists.

By law, if the proper authorities in a probate district fail to provide the required safe, vault, or office space, the public records administrator may order them to do so. If they fail to comply within a reasonable time, the public records administrator must alert the state librarian, who may seek enforcement of compliance with the order. Existing law requires the state librarian to send a copy of the order to the chief administrative officers of the towns comprising the district. The act also requires him to send a copy to the probate court administrator and the district's probate judge.

EFFECTIVE DATE: October 1, 2012

PA 12-74—SB 364

Judiciary Committee

AN ACT CONCERNING TRAFFIC STOP INFORMATION

SUMMARY: This act suspends on July 1, 2012 municipal police departments' and the Department of Emergency Services and Public Protection's (DESP) (which includes the State Police) duty to record and report traffic stop information. It requires them to resume (1) recording the information on July 1, 2013 and (2) annually reporting summary data on October 1, 2013, if new standardized methods are developed (see BACKGROUND).

Specifically, the act requires:

1. the Office of Policy and Management (OPM), within available resources, to develop and implement these methods by July 1, 2013, in consultation with the (a) Racial Profiling Prohibition Project Advisory Board, which the act creates, and (b) Criminal Justice Information System (CJIS) Governing Board;
2. police officers to record traffic stop information using this new method and any forms developed and implemented as part of it and give a copy of a notice to each motor vehicle operator stopped, starting July 1, 2013, if the standardized method and forms have been developed; and
3. police departments to retain the traffic stop information using the new forms beginning on July 1, 2013, and annually report a summary of the data to OPM beginning October 1, 2013, if the standardized method has been developed.

By July 1, 2013, the act requires OPM, in consultation with the advisory board, to develop and implement guidelines to train officers to complete the traffic stop forms and evaluate the information collected for counseling and officer training.

The act also requires departments to give copies of complaints about traffic stops and information on their review and disposition to OPM, retains the requirement for them to provide this information to the chief state's attorney, and eliminates the requirement to provide it to the African-American Affairs Commission (AAAC). It shifts from AAAC to OPM the responsibility to review the traffic stop data and complaints and issue annual reports with recommendations to the governor, General Assembly, and any other appropriate entity. OPM, within available resources, must begin issuing these annual reports by January 1, 2014.

The act requires OPM, instead of allowing the chief state's attorney, to recommend that the OPM secretary impose an appropriate penalty, including the withholding of state funds, against a department that does not comply with the traffic stop provisions.

EFFECTIVE DATE: July 1, 2012, except the provision creating the advisory board is effective upon passage.

RACIAL PROFILING PROHIBITION PROJECT ADVISORY BOARD

The act creates this board, within available resources, to advise OPM on standardized methods and guidelines. It places the board within OPM for administrative purposes only. It must include the following 10 members or their designees:

1. chief state's attorney;
2. chief public defender;
3. Connecticut Police Chiefs Association president;
4. AAAC, Latino and Puerto Rican Affairs Commission, Asian Pacific American Affairs Commission, and Commission on Human Rights and Opportunities executive directors;
5. Emergency Services and Public Protection and Transportation commissioners; and
6. Central Connecticut State University's Institute for Municipal and Regional Policy director.

The act allows the board to admit other members. It requires the Judiciary Committee co-chairpersons to select the board's two chairpersons from among its members.

STANDARDIZED METHOD

Prior law required the chief state's attorney, in conjunction with various others, to develop a form by January 1, 2000 for police officers to use to record traffic stop information. By law, police departments are required to report certain information.

The act eliminates this form and requires OPM to develop and promulgate, within available resources, a new standardized method by July 1, 2013. In doing so, OPM must consult with the (1) advisory board and (2)

CJIS board. Police departments must use the method to record and retain traffic stop information.

The new method and any forms implemented under it must contain much of the information required on the previous form. As under prior law, this information includes:

1. the stop location;
2. the driver's race, color, ethnicity, age, and gender, with the characteristics based on the officer's observation and perception;
3. the nature of the alleged traffic violation;
4. the disposition of the stop including whether a warning or citation was issued, search was conducted, or arrest made; and
5. any other appropriate information.

The act also requires:

1. the date and time of the stop;
2. the officer's name and badge number;
3. whether the stop was for a violation other than a traffic violation, and the statutory citation for the traffic or other violation;
4. whether a summons was issued in conjunction with the disposition; and
5. a notice that the person stopped may file a complaint with the appropriate law enforcement agency and how to do so, if the person believes the stop, detention, or search was solely because of his or her race, color, ethnicity, age, gender, sexual orientation, religion, or other protected class membership.

The act also requires developing methods (1) to report complaints, in place of the form officers give people they have stopped and (2) for departments to report data to OPM. Under the act, the departments' summary reports go to OPM instead of the chief state's attorney and the AAAC.

The act eliminates a provision requiring that traffic stop and complaint forms be in both printed and electronic format.

The act requires OPM to report to the Judiciary Committee on progress in developing the standardized method and guidelines by January 1, 2013. The report can include recommended changes to the act.

BACKGROUND

Related Act

PA 12-1, June 12, 2012 Special Session, § 144, eliminates the temporary suspension of police officers' and departments' duty to collect traffic stop data until new collection methods are developed. It also advances to October 1, 2013, from October 1, 2012, the first annual report DESPP and local police departments must provide to OPM on traffic stop data summaries.

PA 12-77—sSB 353*Judiciary Committee**Labor and Public Employees Committee***AN ACT CONCERNING THE STATE'S SECOND INJURY FUND**

SUMMARY: This act allows the Second Injury Fund to request that a workers' compensation commissioner issue an "attachment" to seize an employer's property to secure payments from the fund. This applies when (1) a person has filed a workers' compensation claim, (2) the employer has not satisfied the requirement to carry insurance or demonstrate other means of paying workers' compensation claims, and (3) it appears the situation may require payment from the Second Injury Fund (see BACKGROUND).

By law, employers are liable for any payments made from the fund, and the state can collect the money by a civil action, any means used to collect taxes, or filing a lien against the employer (CGS §§ 31-355 and -355a). By adding the ability to obtain an attachment, the act allows the fund to secure property to satisfy the employer's obligation to repay the fund. The law already allows a claimant to request an attachment against an employer who has not satisfied the workers' compensation financial requirements to secure payment of his or her claim.

The act also expands the circumstances in which the state treasurer can make a payment from the Second Injury Fund under a stipulated agreement to settle a workers' compensation claim. Previously, she could only do so when it was in the injured employee's best interests. The act also allows these payments (1) when it is in the best interests of the injured employee's dependents or (2) for claims by an employer or insurer regarding death benefits for dependents, cost of living adjustments for claimants suffering long-term total disability, or cases of multiple employers where the Second Injury Fund makes payments to enable the employee to receive full benefits.

EFFECTIVE DATE: October 1, 2012

BACKGROUND*Second Injury Fund*

This fund provides workers' compensation insurance coverage to workers whose employers failed to provide it. By law, the fund's custodian can also sue or join an employee's lawsuit.

PA 12-80—sHB 5145*Judiciary Committee***AN ACT CONCERNING THE RECOMMENDATIONS OF THE SENTENCING COMMISSION REGARDING THE CLASSIFICATION OF UNCLASSIFIED MISDEMEANORS**

SUMMARY: By law, misdemeanors are punishable by imprisonment of up to one year. They are classified according to severity as class A, class B, and class C. There are also unclassified misdemeanors which are punishable by imprisonment but not designated under one of these classes.

This act:

1. creates a new misdemeanor classification (a class D misdemeanor),
2. adjusts the penalties of previously unclassified misdemeanors to fit them into classifications while deeming others to be classified,
3. reduces the penalties for some unclassified misdemeanors to fine-only violations, and
4. repeals some unclassified misdemeanors.

Specifically, it:

1. reduces 45 unclassified misdemeanors to violations which are punishable by fines only, with 39 of them payable by mail as with infractions;
2. classifies 57 unclassified misdemeanors without changing the maximum prison sentence each carries but increasing their potential fines;
3. classifies eight unclassified misdemeanors by increasing their maximum prison sentence and 22 unclassified misdemeanors by decreasing the maximum prison sentence, with some changes to their allowable fines;
4. for 13 statutes, creates a new penalty structure, with different penalties based on prior convictions under the statutes (in some instances these crimes already had different penalties depending on prior convictions and in some instances the act adds them);
5. classifies 17 unclassified misdemeanors by making slight changes to their maximum prison sentences, such as classifying a crime punishable by up to 12 months in prison as a class A misdemeanor punishable by up to one year in prison;
6. eliminates 11 unclassified misdemeanors by repealing statutes and one unclassified misdemeanor by removing the criminal penalty for violating the statute;

7. requires that any unclassified misdemeanor with a maximum prison penalty equal to the penalty in one of the classes of misdemeanors be deemed included in that class of misdemeanor; and
8. sets the possible probation term for the class D misdemeanor classification it creates and changes the probation terms for some unclassified misdemeanors.

EFFECTIVE DATE: October 1, 2012, except (1) the changes to probation terms are effective October 1, 2012 and applicable to sentences imposed for crimes committed on or after that date and (2) two conforming changes are effective January 1, 2013.

CLASSES OF MISDEMEANORS AND UNCLASSIFIED MISDEMEANORS DEEMED CLASSIFIED (§§ 1-3)

By law, misdemeanors are crimes that are punishable by up to one year in prison. The law classifies misdemeanors as:

1. class A, punishable by up to one year in prison, a fine of up to \$2,000, or both;
2. class B, punishable by up to six months in prison, a fine of up to \$1,000, or both;
3. class C, punishable by up to three months in prison, a fine of up to \$500, or both; and
4. unclassified, punishable by a prison term and fine specified in the individual statute.

The act creates a new class D misdemeanor punishable by up to 30 days in prison, a fine of up to \$250, or both.

Under the act, an unclassified misdemeanor that specifies a maximum prison penalty that matches the maximum penalty for one of the classifications is deemed to be a misdemeanor of that classification. The act also retains the fine specified in the statute creating that misdemeanor, even if it does not match the usual fine for that classification. An unclassified misdemeanor with a penalty of imprisonment that differs from any of the classifications remains unclassified.

PROBATION AND CONDITIONAL DISCHARGE FOR MISDEMEANORS (§ 4)

The act makes a number of changes to probation and conditional discharge terms (terms) for misdemeanors.

It sets the possible term for a class D misdemeanor at up to one year, the same as the law provides for a class B or C misdemeanor. By law, unchanged by the act, the maximum term for a class A misdemeanor is two years.

Previously, people convicted of unclassified misdemeanors could be sentenced to a probation or conditional discharge term of up to (1) one year if the crime was punishable by up to three months in prison or (2) two years if the crime was punishable by more than three months in prison. The act instead makes the maximum terms (1) one year if the crime is punishable by up to six months in prison and (2) two years if it is punishable by more than six months. Thus, the act reduces, from two years to one, the maximum probation term for someone sentenced for an unclassified misdemeanor punishable by three to six months in prison.

The act also changes the maximum probation or conditional discharge term for previously unclassified misdemeanors punishable by up to six months in prison that are deemed classified as B misdemeanors under the act. The act reduces their maximum term from two years to one.

UNCLASSIFIED MISDEMEANORS REDUCED TO VIOLATIONS

The act reduces the penalty for 45 unclassified misdemeanors to violations, which are punishable by fines only and not a prison term.

Under the act, 39 of these violations are payable by mail, like infractions, and do not require a court appearance (see § 50). The act sets the maximum fine for each of these violations and authorizes Superior Court judges to set the actual fine that violators will pay by mail in the courts' schedule of fines for infractions and violations. Table 1 lists the 34 crimes reduced to mail-in violations with fines of up to \$250. Table 2 displays the five crimes reduced to mail-in violations with maximum fines higher than \$250.

Table 1: Unclassified Misdemeanors Reduced to Mail-in Violations with Fines up to \$250

Act §	Statute §	Description	Prior Penalty (Prison term, fine, or both)
6	14-283(h)	Obstruct emergency vehicle	Up to 7 days Up to \$200
8	15-144(h)(2)	Illegal use of vessel registration or decal	Up to 30 days Up to \$100
9	15-154(d)	Operate vessel to obstruct law enforcement or fire vessel	Up to 7 days Up to \$200
10	16-44	Fail to report change of name-public utility	Up to 60 days Up to \$200
12	20-249	Act as master barber without license	Up to 30 days Up to \$100
14	21-1	Selling at auction without license	Up to 60 days Up to \$50
15	22-12b	Violate fur breeding requirements	Up to 30 days Up to \$100
16	22-167	Violate local order regarding milk sales	Up to 30 days Up to \$100
17	22a-363	Violate coastal water dredging requirements	10 to 30 days \$15 to \$50
19	25-45	Violate local reservoir ordinances	Up to 6 months Up to \$50
20	25-135	Violate well drilling requirements	Up to 3 months Up to \$100
21	26-18	False statement-application for fish/game	Up to 30 days Up to \$100
22	26-42	Deal in raw furs without license	Up to 10 days \$100 to \$250
24	26-56	Import wild rabbit without permit	Up to 30 days Up to \$100
25	26-58	Taxidermy without license	Up to 30 days \$1 to \$100
26	26-87	Unauthorized rabbit hunting with ferret	Up to 30 days \$10 to \$50
27	26-91(a)	Migratory bird hunting	Up to 30 days Up to \$50
28	26-94	Swan hunting	Up to 30 days Up to \$100
29	26-98	Hunting non-game birds, illegal bird trapping and trap shooting, false statement in bird hunting permit	Up to 30 days \$10 to \$200
30	26-104	Illegal hunting in Bantam Lake sanctuary	Up to 30 days Up to \$100
31	26-105	Illegal hunting in Lake Wononscopomuc	Up to 30 days Up to \$100
32	26-217	Using chain bags on oyster beds	Up to 30 days Up to \$50
33	26-232(a)	Violate shellfishing restrictions on Housatonic and Saugatuck rivers	Up to 30 days Up to \$100
35	26-257a(b)	Violate local shellfish commission regulations	Up to 30 days Up to \$50
36	26-260	Illegal clamming in Milford and West Haven	Up to 30 days Up to \$7
37	26-276	Illegal oystering in Hammonasset River	Up to 60 days Up to \$20

Act §	Statute §	Description	Prior Penalty (Prison term, fine, or both)
38	26-284	Illegal oystering in Thames River	Up to 30 days Up to \$7
39	26-285	Illegal oystering in Old Lyme	Up to 30 days Up to \$50
40	26-286	Illegal oystering in East Lyme and Waterford	Up to 30 days \$7 to \$20
42	26-288	Violate scallop restrictions	Up to 60 days Up to \$50
46	29-25	Fail to report laundry or dry cleaning identification marks	Up to 3 months Up to \$100
47	45a-283(b)	Executor failing to apply for probate	Up to 30 days Up to \$100
48	53-199	Theater seating capacity violations	Up to 30 days Up to \$50
49	53-280	Operating pool room without municipal permit	Up to 6 months Up to \$50

Table 2: Unclassified Misdemeanors Reduced to Mail-in Violations with Other Fines

Act §	Statute §	Description	Prior Penalty (Prison term, fine, or both)	Mail-in Violation Fine Under the Act
7	15-25	Injury to navigational aid	Up to 60 days \$250 to \$500	Up to \$1,000
11	19a-113	Violate scuba compressed air requirements	Up to 5 months Up to \$500	Up to \$500
13	20-366	Violate sanitarian requirements	Up to 3 months Up to \$300	Up to \$500
18	25-43(a)	Bathing in reservoir	Up to 30 days Up to \$500	Up to \$500
34	26-244	Improper redesignation of oyster grounds	Up to 6 months Up to \$300	Up to \$300

The act reduces six unclassified misdemeanors to violations with fines of up to \$250 but they are not subject to the mail-in procedure and the offender must appear in court. For these six offenses, the law also authorizes the court to impose additional penalties. Table 3 displays these crimes reduced to violations. As under prior law, the penalty for illegal sale of raw furs (§ 23, CGS § 26-43) includes suspending the fur dealer’s license for one year, the penalty for towing a dredge near shellfish (§ 154, CGS § 26-231) includes forfeiting the right to fish for one year, and the penalties for violating the other four statutes include allowing the court to order that a shellfishing permit or license not be issued to the offender for a specified time.

Table 3: Unclassified Misdemeanors Reduced to Violations with Fines of up to \$250 not Subject to Mail-in Procedures

Act §	Statute §	Description	Prior Penalty (Prison term, fine, or both)	
23	26-43	Illegal sale of raw furs to dealer	Up to 10 days \$100 to \$250	
41	26-287	Illegal shellfishing in the Niantic River	Up to 10 days Up to \$200	
43	26-290	Illegal scallop taking in Groton	Up to 60 days Up to \$50	
44	26-291a	Illegal shellfishing in Stonington	Up to 30 days Up to \$25	
45	26-292	Illegal scallop taking in Stonington	Up to 60 days Up to \$50	
154	26-231	Towing dredge near shellfish	1 st offense	Up to 30 days Up to \$50
			2 nd and subsequent (SBS) offense	Up to 60 days Up to \$100

UNCLASSIFIED MISDEMEANORS CLASSIFIED WITHOUT A CHANGE IN MAXIMUM SENTENCE BUT CHANGES IN FINES

The act classifies 57 unclassified misdemeanors without changing their maximum prison terms. By classifying these crimes, the act increases their maximum fines but, in some instances, also eliminates a minimum fine. Table 4 displays these crimes.

Table 4: Unclassified Misdemeanors the Act Classifies Without Changing Maximum Prison Sentences but Changing Fines

Act §	Statute §	Description	Prior Penalty (Prison term, fine, or both)	Penalty Under the Act
51	1-1h(e)	Illegal use of identity card	Up to 30 days Up to \$50	D misdemeanor
52	9-56	Illegal act by registrar regarding party enrollment list	Up to 30 days Up to \$200	D misdemeanor
53	9-64	Registrar's failure to erase name	Up to 30 days Up to \$200	D misdemeanor
54	9-236	Prohibited acts near polling place	Up to 3 months Up to \$50	C misdemeanor
55	9-396	Illegal act-ballot vote at caucus	Up to 30 days Up to \$200	D misdemeanor
56	9-625(a)	Fail to appear as witness-campaign finance inquiry	Up to 30 days Up to \$25	D misdemeanor
57	12-53(c)(4)	Fail to answer tax assessor's question	Up to 30 days Up to \$100	D misdemeanor
58	14-36a(f)	Motor vehicle license class violations--2 nd and SBS (1 st offense is an infraction) This penalty also applies to operating a commercial vehicle without a commercial drivers' license (CGS § 14-44a)	Up to 30 days Up to \$100	D misdemeanor
59	14-37a(d)	Special operator permit violations	Up to 30 days Up to \$100	D misdemeanor
60	14-40a(e)	Motorcycle endorsement requirement violations—2 nd and SBS (1 st offense is an infraction)	Up to 30 days Up to \$100	D misdemeanor
61	14-66c(c)	Mini-motorcycle sale or disposal violations—2 nd and SBS (1 st offense is an infraction)	Up to 30 days \$50 to \$100	D misdemeanor
62	14-67(h)	Operate an automobile club without a license	Up to 30 days Up to \$100	D misdemeanor
63	14-103(a)	Obstruct a motor vehicle inspection	Up to 30 days Up to \$50	D misdemeanor
64	14-112(h)	Forgery-motor vehicle financial responsibility requirements	Up to 30 days At least \$100	D misdemeanor
65	14-314b	Damage a traffic control device	Up to 30 days Up to \$100	D misdemeanor
66	19a-36(a)(7)	Public health code violations	Up to 3 months Up to \$100	C misdemeanor
67	19a-180(d)	Prohibited act by emergency medical services	Up to 3 months Up to \$250	C misdemeanor
68	19a-228	Illegal anchoring of houseboat	Up to 30 days Up to \$50	D misdemeanor
69	19a-230	Municipal health violations	Up to 3 months Up to \$100	C misdemeanor
70	20-278	Electrologist violations	Up to 30 days Up to \$100	D misdemeanor
71	20-609	Illegal use of pharmacy title	Up to 30 days Up to \$200	D misdemeanor
72	21-13	Junk dealer violations	Up to 3 months Up to \$50	C misdemeanor
73	21a-11	Refusing to give consumer protection officials access to records or samples	Up to 30 days Up to \$25	D misdemeanor

Act §	Statute §	Description	Prior Penalty (Prison term, fine, or both)	Penalty Under the Act	
74	21a-25	Violate impure vinegar requirements—2 nd and SBS (1 st is fine only)	Up to 30 days Up to \$100	D misdemeanor	
75	21a-155(b)	Bread or pastry sales violations	Up to 30 days Up to \$25	D misdemeanor	
76	22-277(a)	Livestock violations or interfering with inspections by agriculture officials	Up to 30 days Up to \$200	D misdemeanor	
77	22-321	Animal disease control violations or obstructing agriculture officials	Up to 30 days Up to \$100	D misdemeanor	
78	22-329	Obstructing a canine control officer preventing cruelty to animals	Up to 30 days Up to \$50	D misdemeanor	
79	22-332c	Impoundment of dogs and medical research violations	Up to 30 days Up to \$100	D misdemeanor	
80	22-363	Possessing a vicious or excessively barking dog—2 nd and SBS (1 st is infraction)	Up to 30 days Up to \$100	D misdemeanor	
81	22-365	Obstructing an animal control officer	Up to 3 months Up to \$100	C misdemeanor	
82	22-366	Cropping a dog's ears—2 nd and SBS (1 st is fine only)	Up to 30 days Up to \$50	D misdemeanor	
83	26-45	Sale of bait without a license	Up to 30 days \$10 to \$100	D misdemeanor	
84	26-74	Hunting with a motor vehicle, all terrain vehicle, or snowmobile	Up to 30 days Up to \$200	D misdemeanor	
85	26-127	Illegal transport of bait species	Up to 30 days \$50 to \$200	D misdemeanor	
86	26-149	Unlicensed commercial hatchery	Up to 30 days Up to \$200	D misdemeanor	
87	26-157a(f)	Violating lobster taking requirements	Up to 30 days \$25 to \$200	D misdemeanor	
88	26-213	Taking shellfish without a license for commercial purposes	Up to 30 days Up to \$100	D misdemeanor	
89	26-216	Illegal use of a power dredge—2 nd and SBS (1 st is fine only)	Up to 30 days \$50 to \$200	D misdemeanor	
90	26-219	Taking conch without a license	Up to 30 days Up to \$200	D misdemeanor	
91	31-4(a)	Defrauding immigrant workers of wages	Up to 1 year Up to \$100	A misdemeanor	
93	43-9(a)(3)	Impersonating weights and measures inspector	Up to 1 year \$100 to \$500	A misdemeanor	
94	46a-64	Discrimination-public accommodations	Up to 30 days \$25 to \$100	D misdemeanor	
95	46a-64c	Discrimination-housing	Up to 30 days \$25 to \$100	D misdemeanor	
96	46a-81d	Sexual orientation discrimination-public accommodations	Up to 30 days \$25 to \$100	D misdemeanor	
97	46a-81e	Sexual orientation discrimination-housing	Up to 30 days \$25 to \$100	D misdemeanor	
98	50-10	Violate finder's duty-lost property	Up to 30 days Up to \$100	D misdemeanor	
99	52-571bb	Discriminate against armed forces member	Up to 30 days \$25 to \$100	D misdemeanor	
100	53-37	Ridicule based on race, color, or creed	Up to 30 days Up to \$50	D misdemeanor	
101	53-132	Sale of equipment without a serial number or identification	Up to 3 months Up to \$100	C misdemeanor	
102	53-142a	Illegal possession of a master car key	1 st offense	Up to 30 days Up to \$100	D misdemeanor
			2 nd and SBS	Up to 6 months Up to \$500	B misdemeanor

Act §	Statute §	Description	Prior Penalty (Prison term, fine, or both)	Penalty Under the Act
103	53-203	Illegal discharge of firearm	Up to 3 months Up to \$250	C misdemeanor
104	53-205(d)	Loaded gun in motor vehicle or snowmobile	Up to 30 days \$10 to \$100	D misdemeanor
105	53-215	Illegal discard of refrigerator	Up to 30 days Up to \$100	D misdemeanor
106	53-249	Cruelty to poultry	Up to 30 days Up to \$100	D misdemeanor
107	53-250	Illegal use of animals	Up to 30 days Up to \$100	D misdemeanor
108	53-370	Fraudulent sale liquid fuel/oil	Up to 30 days Up to \$200	D misdemeanor

UNCLASSIFIED MISDEMEANORS CLASSIFIED WITH INCREASED SENTENCES AND CHANGES IN FINES

The act classifies eight unclassified misdemeanors by increasing their maximum prison sentences from the 60 days’ or two months’ sentence in prior law. In all but one instance (§ 112, CGS § 19a-347), classification also increases each offense’s maximum fine. Table 5 displays these crimes.

Table 5: Unclassified Misdemeanors the Act Classifies with Increased Sentences and Changes in Fines

Act §	Statute §	Description	Prior Penalty (Prison term, fine, or both)	Penalty Under the Act
109	13b-85	Violating motor bus regulations	Up to 60 days Up to \$100	B misdemeanor
110	15-52	Operating an aircraft with a suspended or revoked license	Up to 60 days Up to \$100	C misdemeanor
111	15-100	Reckless flying and other aeronautics violations	Up to 60 days Up to \$100	C misdemeanor
112	19a-347	Criminal contempt for violating an injunction relating to a house of assignation	Up to 2 months Up to \$500	C misdemeanor
113	26-78	Possession or sale of bird or reptile violations	Up to 60 days Up to \$200	C misdemeanor
114	26-88	Killing an animal with an explosive	Up to 60 days \$25 to \$200	C misdemeanor
115	47a-52(f)	Unfit sanitation in rented dwellings	Up to 60 days Up to \$200	C misdemeanor
116	51-88(b)	Illegal practice of law	Up to 2 months Up to \$250	C misdemeanor

UNCLASSIFIED MISDEMEANORS CLASSIFIED WITH DECREASED SENTENCES AND CHANGES IN FINES

The act classifies 22 unclassified misdemeanors by decreasing their maximum prison sentences. In all but one instance, the act’s classifications increase maximum fines. In six instances, the act eliminates minimum fines. Table 6 displays these crimes.

Table 6: Unclassified Misdemeanors the Act Classifies with Decreased Sentences and Changes in Fines

Act §	Statute §	Description	Prior Penalty (Prison term, fine, or both)	Penalty Under the Act
117	7-169(k)(5)	Bingo game without permit or false statement in application or report	Up to 60 days Up to \$500	D misdemeanor
118	9-361(3) to (6)	Certain primary or enrollment violations	Up to 60 days Up to \$100	D misdemeanor
119	12-6	Hinder state's attorney audit of municipal accounts	Up to 60 days Up to \$200	D misdemeanor
120	14-146	Throwing object at vehicle— 2 nd and SBS (1 st is fine only)	Up to 60 days \$0	D misdemeanor
122	19a-109	Home or office heating and utility violations	Up to 60 days Up to \$100	D misdemeanor
123	19a-553(b)	Fail to report nursing home crimes	Up to 60 days Up to \$200	D misdemeanor
124	20-265	Violate hairdresser requirements—2 nd and SBS (1 st is fine only)	Up to 60 days Up to \$100	D misdemeanor
125	21-33	Itinerant vendor violations and false statements in license applications	Up to 60 days Up to \$50	D misdemeanor
126	21-35	Itinerant vending without license	Up to 60 days Up to \$50	D misdemeanor
128	22-342(d) and (e)	Operating kennel after license revoked or suspended and license or inspection violations	Up to 1 year Up to \$1,000	B misdemeanor
129	22-344e	Procure dog or cat for resale without pet shop license	Up to 1 year Up to \$1,000	B misdemeanor
130	22-358(d)	Permitting dog to pursue deer	Up to 60 days \$25 to \$200	D misdemeanor
131	26-47(c)	Control nuisance wildlife without license	Up to 60 days \$25 to \$200	D misdemeanor
132	26-57	Transporting animals without permit	Up to 60 days \$10 to \$200	D misdemeanor
134	26-71	Violate wild game hunting and wildlife management requirements and taking certain wildlife	Up to 60 days Up to \$200	D misdemeanor
135	26-72	Wild game trapping violations	Up to 60 days Up to \$200	D misdemeanor
136	26-81	Certain hunting, fishing, and trapping violations including Sunday hunting and using a silencer	Up to 60 days \$10 to \$200	D misdemeanor
137	26-90(b)	Quadruped hunting, certain deer hunting violations, and false statement in permit violations when no other penalty	Up to 60 days \$25 to \$200	D misdemeanor
138	26-101	Wildlife refuge violations	Up to 60 days Up to \$200	D misdemeanor
141	26-229	Damage shellfish grounds markers	Up to 90 days Up to \$150	D misdemeanor
142	29-243	Violate steam boiler requirements—2 nd and SBS (1 st is fine only)	Up to 4 months Up to \$500	C misdemeanor
143	43-9(a)	Obstructing weights and measures inspector	Up to 90 days \$2 to \$200	D misdemeanor

The act also reduces the possible prison term for four crimes to match those for misdemeanor classifications but imposes higher fines for them than for the appropriate classifications. Because the prison terms match those for class B and D misdemeanors, these crimes would be deemed to be class B and D misdemeanors, as appropriate, with higher fines than those associated with these classifications. Table 7 displays these crimes.

Table 7: Unclassified Misdemeanors with Decreased Sentences that are Deemed Classified

Act §	Statute §	Description	Prior Penalty (Prison term, fine, or both)	Penalty Under the Act (Prison term, fine, or both)
121	15-15	Operating a boat without a pilot	Up to 60 days \$500 to \$1,000	Up to 30 days in prison, \$500 to \$2,000—deemed a D misdemeanor
127	22-319a	Illegal sale of hog cholera serum	Up to 1 year \$5,000 to \$10,000	Up to 6 months, \$5,000 to \$10,000—deemed a B misdemeanor
139	26-159a	Violate striped bass regulations—3rd and SBS (1 st and 2 nd are fine only)	Up to 60 days \$500 per fish	Up to 30 days, \$500 per fish—deemed a D misdemeanor
140	26-228	Taking shells or shellfish at night	Up to 60 days \$100 to \$500	Up to 30 days, \$100 to \$500—deemed a D misdemeanor

CHANGES TO THE PENALTY STRUCTURE FOR CERTAIN UNCLASSIFIED MISDEMEANORS

Some unclassified misdemeanors have different penalties for subsequent convictions of the offense. The act (1) makes changes to the penalties in these statutes in a number of different ways and (2) adds penalties for subsequent convictions of some offenses that do not already have these penalties. Table 8 displays these statutes with changes in penalties based on the number of convictions for the offense.

Table 8: Unclassified Misdemeanors the Act Classifies with a New Penalty Structure

Act §	Statute §	Description	Prior Penalty (Prison term, fine, or both)	Penalty Under the Act	
133	26-61(d)	Procuring hunting or fishing license while under indefinite suspension	1 st offense	Up to 60 days At least \$200	D misdemeanor
			2 nd and SBS	Up to 1 year \$200 to \$500	A misdemeanor
144	15-77	Operating an aircraft under the influence	1 st offense	Up to 60 days Up to \$100	C misdemeanor
			2 nd and SBS	Up to 1 year Up to \$500	A misdemeanor
145	15-97	Violating airport zoning requirements	Up to 60 days Up to \$25	1 st : Up to \$250 mail-in violation 2 nd and SBS: D misdemeanor	
146	21a-19	Violating oleomargarine requirements	1 st offense	Up to 60 days Up to \$100	Up to \$250 mail-in violation
			2 nd and SBS	Up to 4 months Up to \$200	C misdemeanor
147	21a-159	Violating bakery requirements	1 st offense	Up to \$50	1 st : Up to \$250 mail-in violation
			2 nd offense	Up to 10 days Up to \$100	2 nd and SBS: D misdemeanor
			3 rd and SBS	Up to 30 days Up to \$200	
148	22-362	Permitting dog annoyance on highway	1 st offense	Up to 30 days \$25 to \$50	D misdemeanor for all offenses
			2 nd and SBS	Up to 60 days \$50 to \$100	
149	23-65(c)	Certain littering violations	Up to 6 months Up to \$50	1 st : Up to \$250 mail-in violation 2 nd and SBS: C misdemeanor	

Act §	Statute §	Description		Prior Penalty (Prison term, fine, or both)	Penalty Under the Act
150	26-76	Possessing game over limit		Up to 60 days Up to \$200	1 st : Up to \$250 mail-in violation 2 nd and SBS: D misdemeanor
153	26-226	Damaging an oyster enclosure	1 st offense	Up to 30 days Up to \$50	1 st : Up to \$250 mail-in violation
			2 nd offense	30 to 90 days \$50 to \$100	2 nd and SBS: C misdemeanor with no minimum sentence
			3 rd and SBS	Up to 6 months \$150	
155	29-198	Violating elevator or escalator requirements	1 st offense	\$25 to \$100	Up to \$250 mail-in violation
			2 nd and SBS	30 to 180 days \$100 to \$500	B misdemeanor
156	35-20	Using a filed device, name, or mark on a receptacle	1 st offense	Up to 30 days Up to \$5 per bottle or \$10 per box	Up to \$250 mail-in violation
			2 nd and SBS	Up to 1 year Up to \$10	C misdemeanor
157	43-9	<ul style="list-style-type: none"> • Using a false weighing device • Manufacture, sale, and use of milk bottles (see CGS § 43-23) • Liquefied petroleum gas container violations (see CGS § 43-43) • Thread violations (see CGS § 43-45) • Weight dealer violations (see CGS § 43-52) 	1 st offense	Up to 3 months \$50 to \$300	C misdemeanor
			2 nd and SBS	Up to 1 year \$100 to \$1,000	B misdemeanor
158	43-34	Violate petroleum product weighing, delivery ticket, and tare weight of vehicle requirements	1 st offense	Up to 3 months \$20 to \$200	C misdemeanor
			2 nd and SBS	Up to 1 year \$50 to \$500	B misdemeanor

The law punishes illegally taking a moose or bear and the act makes the following changes to the penalties.

1. For a first offense, the act reduces the prison penalty from up to 90 days to up to 30 days and the possible fine from at least \$500 to up to \$500. The prison penalty matches the penalty for a class D misdemeanor and thus the act deems this to be a class D misdemeanor.
2. For a second offense, the act reduces the prison penalty from up to 120 days to up to three months and the possible fine from at least \$750 to up to \$750. The prison penalty matches the penalty for a class C misdemeanor and thus the act deems this to be a class C misdemeanor.
3. For a third or subsequent offense, the act makes a minor change in the prison penalty, from up to 180 days to up to six months, and reduces the possible fine from at least \$1,000 to up to \$1,000. The prison penalty matches the penalty for a class B misdemeanor and thus the act deems this to be a class B misdemeanor (§ 151, CGS § 26-80a).

Except for certain violations with other penalties, prior law punished commercial fishing violations with up to 30 days in prison, a fine of up to \$250, or both, with each fish or crustacean taken being a separate offense. The act retains this penalty for commercial fishing violations involving net and boat licenses, restricted waters near streams or estuaries, and fish oil or fertilizer, making them a class D misdemeanor, which does not change the penalties. For other commercial fishing violations for which the law does not provide other penalties, the act (1) reduces the penalty for a first offense to a

mail-in violation of up to \$250 and (2) makes a second or subsequent offense a class D misdemeanor, which matches the existing penalty (§ 152, CGS § 26-186).

UNCLASSIFIED MISDEMEANORS WITH SLIGHT CHANGES IN PRISON TERMS AND CHANGES IN FINES

The act classifies 17 crimes by making only slight changes to their maximum prison sentences, such as classifying a crime punishable by up to 12 months in prison as a class A misdemeanor punishable by up to one year in prison. The act also makes changes to fines for all but five of these crimes.

Table 9: Unclassified Misdemeanors with Minor Changes in Prison Terms and Changes in Some Fines

Act §	Statute §	Description	Prior Penalty (Prison term, fine, or both)	Penalty Under the Act
159	2-46(a)	Fail to comply with legislative investigation and fail to answer claims commissioner's subpoena (see CGS § 4-151(e))	1 to 12 months \$100 to \$1,000	A misdemeanor
162	14-67v	Motor vehicle recycler violations	Up to 90 days Up to \$100	C misdemeanor
167	15-7	Violate Bridgeport harbormaster order	Up to 90 days Up to \$1,000	C misdemeanor
168	15-115(b)	False statement in report of aircraft accident	Up to 90 days \$100 to \$1,000	C misdemeanor
170	19a-92a	Illegal tattooing of person	Up to 90 days Up to \$100	C misdemeanor
171	20-407	Violate hearing aid dealer requirements	Up to 90 days Up to \$500	C misdemeanor
172	21-35h	Violate closing-out sale requirements	Up to 90 days Up to \$500	C misdemeanor
173	22-272a	Using illegal slaughter methods	Up to 90 days Up to \$500	C misdemeanor
174	22a-45c	Obstructing mosquito control	Up to 90 days Up to \$100	C misdemeanor
175	26-6b	Fail to obey conservation officer	Up to 90 days \$50 to \$500	C misdemeanor
178-179	29-357	Sell fireworks without a permit	Up to 90 days Up to \$100	C misdemeanor
180-181	29-366	Fail to comply with fireworks requirements	Up to 90 days Up to \$100	C misdemeanor
183	42-115u	Violate unfair sales practices requirements	Up to 90 days Up to \$500	C misdemeanor
184	42-141	Violate the home solicitation sales act	Up to 90 days Up to \$500	C misdemeanor
185	43-16q(a)	Solicit a false weight certificate—2 nd and SBS (1 st is fine only)	30 to 90 days \$100 to \$500	C misdemeanor
185	43-16q(b)	Illegal act by licensed public weigher	30 to 90 days \$50 to \$500	C misdemeanor
186	53-329	Illegal sale of prisoner products	Up to 90 days Up to \$1,000	C misdemeanor

The act also makes minor changes to prison terms in order to deem certain misdemeanors classified. In doing so, it preserves the existing fines which vary from those that usually apply to the classification. Table 10 displays these crimes.

Table 10: Unclassified Misdemeanors with Minor Changes in Prison Terms that are Deemed Classified Under the Act with No Change in Fines

Act §	Statute §	Description	Prior Penalty (Prison term, fine, or both)	Penalty Under the Act
160	10a-224(g)	Illegal financial interest by Connecticut Higher Education Supplemental Loan Authority (CHESLA) board member	Up to 1 month \$50 to \$1,000	30 days and same fine, deemed a D misdemeanor
161	14-35a	Motor carrier operating vehicle with suspended or revoked registration or operating without authority—1 st offense	Up to 90 days \$500 to \$1,000	Three months and same fine, deemed a C misdemeanor
164	14-215(b)	Operate motor vehicle while under license suspension or revocation—1st offense	Up to 90 days \$150 to \$200	Three months and same fine, deemed a C misdemeanor
165	14-215a	Operate motor vehicle while license suspended for certain reasons (see CGS § 14-140)—1st offense	Up to 90 days \$150 to \$200	Three months and same fine, deemed a C misdemeanor
166	14-299a(e)	Violate traffic signal preemption device requirements	Up to 90 days Up to \$5,000	Three months and same fine, deemed a C misdemeanor
169	15-156(c)	Operate boat while safe boating certificate revoked or suspended—1st offense	Up to 90 days \$150 to \$200	Three months and same fine, deemed a C misdemeanor
176	26-192f	Shellfishing in closed area and misleading shipments	Up to 12 months Up to \$1,000 or three times the shellfish's value	One year and same fine, deemed an A misdemeanor
177	26-235(d)	Taking clams from a closed area	Up to 12 months \$75 to \$1,000 or three times the clams' value	One year and same fine, deemed an A misdemeanor
182	38a-734	Insurance consultant-receiving an illegal fee	30 to 90 days \$250 to \$2,500	30 days to three months and same fine, deemed a C misdemeanor

ELIMINATED CRIMINAL PENALTY

The act eliminates the criminal penalty of up to three months in prison, a fine of up to \$50, or both, for a registrar who knowingly makes false entries in vital records (§ 187).

REPEALED STATUTES

The act repeals the following 11 statutes (§ 193) and makes conforming changes (§§ 189-192). It eliminates a provision:

1. that willfully refusing to leave the vicinity when ordered to do so by a fire department officer directing activities at a fire or emergency site, unless the person has a state police press card, is punishable by up to seven days in prison, a fine of up to \$50, or both. By law, the fire chief or any member serving as officer-in-charge when responding to a fire or emergency can order someone to leave the vicinity (CGS § 7-313e). By law, it is a class A misdemeanor to obstruct, resist, hinder, or endanger a firefighter or fail to assist a firefighter when commanded to do so (CGS §§ 53a-167a and -167b).
2. punishing removing or damaging a traffic control sign at a railroad crossing or light illuminating such a sign with up to 30 days in prison, a fine of up to \$10, or both. The law punishes intentionally or recklessly tampering with or damaging railroad property, intentionally causing an interruption in service by damaging property, and damaging property by negligence using a potentially harmful or destructive force or substance with penalties ranging from a class B misdemeanor to a class D felony (CGS § 53a-117k et seq.).
3. punishing willfully damaging property on the fair grounds of an agricultural society, obstructing officers performing their duties there, and wrongfully gaining admission to the fairgrounds with up to 30 days in prison, a fine of up to \$25, or both. By law, various generally applicable criminal laws apply to this conduct, regardless of where it occurs.
4. requiring anyone growing swine to be used other than on the premises to register with the agriculture commissioner, authorizing the commissioner to issue certain orders and regulations related to swine, authorizing investigations related to swine diseases, prohibiting entry of certain swine into the state and generally requiring testing after importation, and requiring swine brought in for immediate slaughter to be killed in an approved slaughterhouse under veterinary inspection. It eliminates the penalty of up to 30 days in prison, a fine of up to \$100, or both, for violating these provisions. A number of other statutes apply to diseases of domestic animals and provide penalties for their violation (CGS §§ 22-278 et seq., 22-319a, and 22-320a et seq.).
5. punishing putting or leaving a dead animal in a pond, spring, or reservoir that supplies water to a building or willfully putting a dead animal in any water, with up to 30 days in prison, a fine of up to \$50, or both. By law, putting anything into a spring, fountain, cistern, or other place where water is taken for drinking or other purposes to pollute its quality is punishable by up to six months in prison, a fine of up to \$500, or both (CGS § 25-39). By law, anyone who puts a pollutant or harmful substance into a reservoir, lake, pond, or stream that provides a public water supply is subject to up to 30 days in prison, a fine of up to \$500, or both (CGS § 25-43(b)). The law also prohibits allowing a pollutant or harmful substance to enter a public water supply reservoir or its tributaries, but the act changes the penalty for violating this provision from an unclassified misdemeanor to a mail-in violation of up to \$500 (see § 18 above, CGS § 25-43(a)).
6. punishing (a) a state or local police officer or anyone with arrest powers who, directly or indirectly, receives a reward, gift, or gratuity for influencing his or her behavior and (b) anyone who gives, offers, or promises it (unless approved by the commissioner, chief, or police commissioners because of official services) with up to six months in prison, a fine of up to \$100, or both. By law, it is a class C felony (punishable by one to 10 years in prison, a fine of up to \$10,000, or both) for a (a) public servant to solicit, accept, or agree to accept a benefit for, because of, or as consideration for a decision, opinion, recommendation, or vote or (b) person to offer to do so (CGS §§ 53a-147 and -148).
7. punishing anyone who operates or intends to operate a manufacturing or mechanical establishment who has not registered with the labor commissioner or not been included on the list of Connecticut factories. (The labor department no longer compiles this list.) An employer's failure to register was punishable by a fine of \$25 to \$100 for the 1st offense and a fine of \$100 to \$500 and 30 to 60 days in prison, or both, for subsequent offenses.

8. regulating industrial home work (a business giving materials to someone at home to manufacture, finish, repair, or handle) unless the business and person performing the work receive certificates from the labor commissioner. Violations of these provisions were punishable by up to \$25 per day, up to 30 days in prison, or both, and the commissioner could revoke a certificate or permit.
9. that treats past due payments to employee welfare funds as wages for purposes of allowing an employee, labor organization, or the labor department to sue and recover twice the amount due plus costs and reasonable attorneys' fees. A proprietor, partner, or corporate officer, director, or employee who failed to make a payment was subject to up to a \$200 fine, up to 30 days in prison, or both, for each week of nonpayment. A proprietor, partner, or corporate officer or director was personally liable in a civil action for the amounts due plus costs and reasonable attorney's fees.
10. prohibiting burying a body within 350 feet of a house except under certain circumstances. Prior law punished violations by up to a \$50 fine, up to 30 days in prison, or both.
11. on the depth of burial of a corpse, with violations punishable by up to a \$100 fine, up to 30 days in prison, or both. The law prohibits burial wholly or partially above ground unless in an established cemetery or ground or structure approved by the Department of Public Health (CGS § 19a-313).

OTHER CHANGES

The act places a maximum prison sentence on the unclassified misdemeanor of willfully violating zoning regulations (§ 5, CGS § 8-12). Under prior law, this crime was punishable by up to 10 days in prison, a fine of \$100 to \$250 per day, or both, for each day the zoning violation continued. The act caps the possible prison term at 30 days. Because the 30-day prison term matches the prison penalty for a class D misdemeanor, the act deems this offense to be a D misdemeanor. By law, zoning violations that are not willful are punishable by a fine of \$10 to \$100 per day. The act makes these violations payable by mail, like infractions (§ 50).

The law punishes eavesdropping by an employer under certain circumstances. By law, a first offense is a \$500 fine and a second offense is a \$1,000 fine. Under prior law, a third or subsequent offense required a 30-day prison sentence. The act also requires a \$1,000 fine for a third or subsequent offense. Thus, the act deems a third or subsequent offense to be classified as a D misdemeanor (§ 92, CGS § 31-48b).

The law punishes a false statement by a dealer, repairer, or motor carrier regarding a vehicle inspection. Prior law punished violators with (1) the penalties for 2nd degree false statement (a class A misdemeanor) and (2) for a first offense, up to 90 days in prison, up to \$1,000 fine, or both and, for a subsequent offense, up to one year in prison, a fine of at least \$2,000, or both. The act changes these criminal penalties (§ 163) but under another act, PA 12-81, only the penalties for 2nd degree false statement apply.

Under prior law, anyone who violated the law or regulations regarding fireworks displays and permits and caused death or injury was punished by up to 10 years in prison, a fine of up to \$10,000, or both. The act makes this a class C felony, which has the same penalty except that the prison penalty is one to 10 years. As under prior law, a judge can suspend any or all of the prison sentence as none of it is a mandatory minimum sentence (§§ 178-179, CGS § 29-357; also see Table 9 for the penalty for violations that do not cause death or injury).

The act eliminates the specific criminal penalty of up to 30 days in prison, a fine of up to \$100, or both, for violating the brucellosis control regulations which include testing cattle, quarantining, vaccinating, and importing cattle (§ 188). But this conduct is subject to a general penalty for animal disease control violations which the act makes a class D misdemeanor (§ 77, see Table 4).

BACKGROUND

Related Acts

PA 12-95 extends penalties for bakery violations to violations by newly created food manufacturing establishment licensees and allows the consumer protection commissioner to impose civil penalties for violations. The act changes the criminal penalties that apply to these violations (see § 147 in Table 8).

PA 12-176 increases, from two to two-and-a-half inches, the minimum size of scallops that a person can take from the Niantic River. It allows the Waterford-East Lyme shellfish commission to increase or decrease the daily limit of scallops a person can take, rather than just increase it. The act reduces the penalty for violating these provisions to a \$250 violation from the prior penalty of up to 10 days in prison, a fine of up to \$200, or both (see § 41 in Table 3).

PA 12-86—HB 5289
Judiciary Committee

**AN ACT INCREASING THE PENALTY FOR
 SUBSEQUENT OFFENSES OF CRUELTY TO
 ANIMALS**

SUMMARY: This act increases the penalty for subsequent convictions for specified types of animal cruelty. Under prior law, for first or subsequent offenses, violators could be fined up to \$1,000, imprisoned for up to one year, or both. The act increases the penalties for subsequent offenses to a fine of up to \$5,000, imprisonment for up to five years, or both.

The act applies to the following:

1. overdriving, overloading, overworking, torturing, depriving of sustenance, mutilating, cruelly beating or killing, or unjustifiably injuring any animal;
2. if impounding or confining an animal, (a) failing to provide it proper care; (b) neglecting to cage or restrain it from injuring itself or another animal; or (c) failing to supply it with wholesome air, food, and water;
3. unjustifiably administering or exposing a domestic animal to any poisonous or noxious drug or substance intending that the animal will take it;
4. if having custody of an animal, (a) inflicting cruelty on it; (b) failing to provide it with proper food, drink, or shelter; (c) abandoning it; or (d) carrying or causing it to be carried in a cruel manner; or
5. fighting with or baiting, harassing, or worrying an animal to make it perform for amusement, diversion, or exhibition.

EFFECTIVE DATE: October 1, 2012

PA 12-89—sHB 5388
Judiciary Committee
Finance, Revenue and Bonding Committee

**AN ACT CONCERNING COURT FEES AND THE
 DELIVERY OF LEGAL SERVICES TO THE
 POOR**

SUMMARY: This act increases certain court filing fees and establishes new fees. The fee increases take effect July 1, 2012 but sunset after three years.

The act requires the chief court administrator or her designee, by the last day of January, April, July, and October each year, starting in July 2012 and ending in July 2015, to:

1. certify the amount of revenue received as a result of the fee increases and new fees,
2. transfer 70% of that amount to the organization administering the interest on lawyers' trust accounts (IOLTA) program to fund legal services for the poor, and
3. transfer 30% of the amount to the Judicial Data Processing Revolving Fund to maintain and improve the Judicial Department's informational processing system.

The act requires, rather than authorizes, the chief court administrator to establish and administer the Judicial Data Processing Revolving Fund. Under prior law, any money remaining in the fund at the end of a fiscal year was carried forward to the next fiscal year. The act instead provides that, at the end of each fiscal year starting with FY 13, any excess over \$5 million must be transferred to the General Fund.

EFFECTIVE DATE: July 1, 2012, except the provisions reversing the fee increases are effective July 1, 2015, and the provision reversing the certification and transfer of the revenue from fee increases is effective August 1, 2015.

INCREASED COURT FEES

The act increases current, and imposes new, fees for filing certain court actions and motions in the Superior Court. In doing so, it makes the fee for filing paternity actions in Superior Court, which under prior law was \$175, the same as the higher fee that generally applies to other civil cases. Thus, the fee becomes \$350 as of July 1, 2012, and \$300 as of July 1, 2015.

Table 1 shows all of the new and increased fees scheduled to sunset.

Table 1: New and Increased Fees

Act §§	Action or Motion	Prior Law (Effective Again Beginning July 1, 2015)	The Act (July 1, 2012 through June 30, 2015)
2, 9	Filing counterclaim in small claims case	No fee	\$90
2, 9	Motion for admittance as attorney <i>pro hac vice</i>	No fee	600
2, 9	Filing counterclaim, cross complaint, apportionment complaint, or third party complaint	No fee	200
2, 9	Filing civil case generally (there are different fees for certain types of cases)	\$300	350
2, 9	Filing case in which the sole claim for relief is damages and the amount, legal interest, or property in demand is less than \$2,500	175	225
2, 9	Filing small claims case*	75	90
3, 10	Motion to modify judgment in a family relations matter	125	175
4-7, 11-14	Application from judgment creditor for enforcement of an unsatisfied judgment, including debts due from financial institutions or other sources, and wage executions against a judgment debtor who fails to comply with an installment payment order	75	100

*By raising the small claims filing fee, the act also increases certain fees that are set by law in an amount equal to that fee (e.g., appeals of penalties for certain municipal matters (see CGS §§ 7-152b, 7-152c, and 47a-6b)).

PA 12-93—sSB 31

Judiciary Committee

Government Administration and Elections Committee

AN ACT ESTABLISHING A COMMISSION ON JUDICIAL COMPENSATION

SUMMARY: This act creates a 12-member Commission on Judicial Compensation to make recommendations on judicial compensation, taking into account factors the act specifies. Specifically, the act requires the commission to:

1. examine the adequacy of and need to adjust compensation for judges, family support magistrates, senior judges, judge trial referees, and family support referees;
2. make compensation recommendations every four years, beginning by January 2, 2013; and
3. report its findings to the governor, Office of Policy and Management (OPM) secretary, legislature, chief justice, and chief court administrator.

By January 9, 2013 and every four years after, the act requires the chief court administrator to estimate expenditures needed to implement the report's recommendations for each fiscal year of the next and the subsequent biennium and transmit them to the OPM secretary, Appropriations Committee through the Office of Fiscal Analysis, and Judiciary Committee. The governor's biennial budget must include the chief court administrator's estimated expenditures. By law, the governor's budget must already include the Judicial Branch's estimated expenditures from the chief court administrator.

The act removes the existing Compensation Commission's responsibility to make recommendations

for judges' compensation, pensions, workers' compensation, and other benefits, leaving it responsible for making recommendations regarding compensation for legislators and constitutional officers.

EFFECTIVE DATE: July 1, 2012

MEMBERS

The act requires commission members to be appointed as follows:

1. four by the governor;
2. one each by the Senate president pro tempore, House speaker, and House and Senate majority and minority leaders; and
3. two by the Supreme Court chief justice.

To the extent practicable, the act requires appointing authorities to appoint members with experience in financial management, human resources administration, or determining executive compensation.

The act limits members to one four-year term, but they may serve until a successor is appointed and qualified. Appointing authorities can fill a vacancy for the unexpired portion of a term.

The act requires the commission to elect its chairperson from among its members. A majority is a quorum.

JUDICIAL OFFICIALS

The act requires the commission to make compensation recommendations for the following judicial officials:

1. Supreme Court chief justice and associate justices;
2. Appellate Court chief judge and judges;
3. Superior Court judges;

4. chief court administrator, if a judge or justice;
5. deputy chief court administrator, if a judge;
6. appellate, judicial district, and chief administrative judges;
7. senior judges and judge trial referees; and
8. chief family support magistrate, family support magistrates, and family support referees.

FACTORS TO CONSIDER IN MAKING RECOMMENDATIONS

The act requires the commission to consider all appropriate factors when making compensation recommendations, including the:

1. state's overall economic climate;
2. inflation rate;
3. compensation for other states' and federal judges;
4. compensation for attorneys employed by government agencies, academic institutions, and private and nonprofit organizations;
5. state's interest in attracting highly qualified and experienced attorneys to serve in judicial capacities;
6. compensation adjustments for state employees during the applicable fiscal years; and
7. state's ability to fund compensation increases.

PA 12-111—sHB 5501

Judiciary Committee

Public Safety and Security Committee

AN ACT CONCERNING EYEWITNESS IDENTIFICATION PROCEDURES

SUMMARY: This act refines police techniques for conducting eyewitness identifications involving both photographic and live lineups. It includes provisions:

1. directing the Police Officer Standards Council (POST) and Division of State Police to jointly develop and promulgate uniform, mandatory policies and guidelines for conducting eyewitness identifications and (b) delaying the deadline for police departments to develop conforming procedures;
2. adding more instructions and information police must give to eyewitnesses participating in lineups; and
3. assigning the Eyewitness Identification Task Force new functions.

The act also makes minor and technical changes.

EFFECTIVE DATE: Upon passage for the task force, July 1, 2012 for changes in the eyewitness identification procedures, and October 1, 2012 for the police officer training.

POST AND DSP POLICIES

By February 1, 2013, the act requires that POST and the State Police jointly develop and promulgate uniform policies and appropriate guidelines, based on best practices, that municipal and state law enforcement agencies must follow when conducting eyewitness identifications. They must also develop a standard form for use in conducting and recording such identifications.

The act also requires basic and review training programs offered by POST, State Police, and municipal police to include segments on administering the eyewitness identification procedures POST and the State Police develop.

Applicability to Police and the Department of Emergency Services and Public Protection (DESPP) Procedures

Prior law required each municipal police department and DESPP to adopt its own procedures for conducting photo and live lineups by January 1, 2012. The act extends the deadline to May 1, 2013. It requires the procedures to be in accordance with POST and State Police policies and guidelines.

IDENTITY OF SUSPECT

Sequential Viewing

The act requires that each possible suspect in photo and live lineups be presented sequentially so that an eyewitness views only one photograph or person at a time, in accordance with the uniform policies and guidelines.

Keeping Identity of Suspect Hidden from Person Conducting Lineup

Where practicable, existing law requires that police officers conducting lineups not know which person is the suspect. Under the act, when an officer conducting a photo lineup knows which photo depicts the suspect, he or she must "shuffle" the files (similar to shuffling a deck of cards) or use a computer program or comparable method that prevents him or her from knowing which photo is being shown to the eyewitness.

INSTRUCTIONS TO EYEWITNESSES

The act increases the information that police officers must give to eyewitnesses about a photo or live lineup. Existing law requires the officers to tell them that they should (1) not feel compelled to make an identification and (2) take as much time as needed to make a decision.

The act requires that they also be told that:

1. they will be asked to view an array of photographs or a group of people and that each photograph or person will be presented one at a time;
2. it is as important to exclude the innocent as it is to identify the perpetrator;
3. a person in a lineup may not look exactly as he or she did at the time of the offense because features like facial and head hair can change;
4. the perpetrator “may or may not” (prior law just said “may not”) be in the lineup; and
5. the police will continue to investigate the crime regardless of whether the eyewitness makes an identification.

The act also instructs police personnel to give any other instructions required by POST and DSP.

Information About the Suspect

When an eyewitness identified a suspect during a lineup, prior law prohibited the police from giving him or her information about the suspect without obtaining a signed statement indicating that he or she was certain that the identification was correct. The act, instead, requires that the statement indicate how certain the eyewitness is that the identification is correct.

EYEWITNESS IDENTIFICATION TASKFORCE

The act assigns new functions to the 19-member Eyewitness Identification Task Force created by PA 11-252. The task force was initially assigned to study issues relating to eyewitness identification and the use of sequential photo and live lineups in criminal investigations. It submitted its findings and recommendations to the Judiciary Committee on February 8, 2012.

New Functions

Under the act, the task force will be responsible for:

1. helping POST and the State Police develop their eyewitness identification policies and guidelines;
2. researching and evaluating best practices for conducting eyewitness identification proceedings, and making recommendations to POST and the State Police when such practices are revised;
3. collecting statistics on the conduct of eyewitness procedures by law enforcement agencies; and
4. monitoring the implementation of the eyewitness identification procedures.

The task force must report to the Judiciary Committee on the results of its activities and recommendations for proposed legislation by February 5, 2014.

PA 12-112—HB 5512

Judiciary Committee

AN ACT CONCERNING THE REPORTING OF A MISSING CHILD

SUMMARY: This act makes it a class A misdemeanor (see Table on Penalties) to knowingly fail to report the disappearance of a child under age 12. The duty to report applies to any parent, guardian, or person who has custody or control of, or is supervising, the child and who either does not know the child’s location or has not had contact with him or her for a 24-hour period.
EFFECTIVE DATE: October 1, 2012

BACKGROUND

Leaving Children Unsupervised in a Place of Public Accommodation

Under existing law, it is a class A misdemeanor for any parent, guardian, or person with custody, control, or supervision of a child under age 12 to knowingly leave the child unsupervised in a place of public accommodation or a motor vehicle for a period of time that presents a substantial risk to the child’s health or safety. It is a class C felony if the child is left between 8 p.m. and 6 a.m., and a class D felony if the public accommodation holds a permit for the sale of alcoholic liquor for on-premises consumption.

PA 12-113—sHB 5536

Judiciary Committee

AN ACT CONCERNING CERTIFICATION AS A COMMUNITY ASSOCIATION MANAGER, LICENSURE AS A REAL ESTATE BROKER OR SALESPERSON AND THE DISPLAY OF AN OBJECT RELATED TO A RELIGIOUS PRACTICE OR BELIEF ON THE DOOR OR DOOR FRAME OF A CONDOMINIUM UNIT

SUMMARY: This act generally prohibits anyone from prohibiting or hindering a condominium unit’s owner, lessee, or sublessee from attaching a religious item to the unit’s entry door or entry door frame. Subject to the constitutional protection of religious liberty, the act provides certain exceptions, such as for items that are beyond a certain size or patently offensive.

The act requires new applicants for community association manager registration to submit to criminal background checks. It also establishes education and testing requirements for such managers and requires the Department of Consumer Protection (DCP) to adopt regulations pertaining to these requirements. The testing requirement does not apply to anyone registered for at least 10 years as of October 1, 2012. The act specifies that failure to comply with the education requirement is grounds for suspending or revoking a registration among other things.

By law, to renew their licenses, real estate brokers and salespersons must generally complete continuing education requirements, which can be satisfied, among other things, by completing courses approved by the Real Estate Commission within DCP. The act provides that such courses must include practices and laws on common interest communities (e.g., condominiums). It makes a conforming change regarding the DCP commissioner's regulations on the approval of institutions offering such courses and course contents. EFFECTIVE DATE: October 1, 2012, except the provision concerning religious items at condominiums is effective July 1, 2012.

§ 6 — RELIGIOUS ITEMS ON CONDOMINIUM UNIT ENTRY DOORS

The act generally bars anyone from prohibiting or hindering a condominium unit's owner, lessee, or sublessee from attaching to the unit's entry door or entry door frame an object being displayed as part of a religious practice or sincerely held religious belief.

Despite this general ban, the act allows condominium associations to adopt and enforce bylaws prohibiting items from being displayed or affixed on such doors or door frames when they:

1. threaten public health or safety;
2. hinder the entry door from opening and closing;
3. violate any federal, state, or local law;
4. contain graphics, language, or any display that is obscene or otherwise patently offensive;
5. if displayed or affixed on an entry door frame, are larger than 25 square inches, individually or in combination with other such items; or
6. if displayed or affixed on the entry door itself, are larger than four square feet, individually or in combination with other such items.

Such bylaws must not conflict with the First Amendment of the U.S. Constitution (which, among other things, protects the free exercise of religion and freedom of speech) and Article I, Section 3 of the state constitution (which protects the right of religious liberty).

COMMUNITY ASSOCIATION MANAGERS

§ 1 — *Criminal Convictions and Background Checks*

By law, community association managers must register with DCP. The act requires the application form for a registration certificate to include a question about whether the applicant has any felony convictions in any jurisdiction.

The act also requires anyone applying for an initial community association manager registration certificate on and after October 1, 2012 to submit to the DCP commissioner's request for a state and national criminal background check. (The act does not specify who must pay for the background check.) The act prohibits DCP from issuing the registration before getting the background check results.

§§ 2, 3, & 4 — *Education and Testing Requirements*

The act requires all community association managers to successfully complete a nationally recognized course on community association management. Anyone registered before October 1, 2012 has until October 1, 2014 to complete the course; anyone initially registered on or after October 1, 2012 must complete it within one year of registration.

The act also requires community association managers who initially register on or after October 1, 2012, as well as those who registered before then and have been registered for less than 10 years, to pass an examination, with the same deadlines as for the course completion outlined above. The examination may be the National Board of Certification for Community Association Managers' Certified Manager of Community Associations examination or a similar examination that the DCP commissioner prescribes in regulations (see below).

By law, the Real Estate Commission can take various actions against someone who violates any provision of the community association manager law. The act specifies that this includes the failure to comply with its educational requirements. These actions include (1) revoking, suspending, or refusing to issue or renew a community association manager's registration certificate; (2) placing a registrant on probation; or (3) issuing a letter of reprimand. By law, the commission can revoke or suspend a registration certificate only after notice and a hearing in accordance with the Uniform Administrative Procedure Act.

Registration Renewal. The act requires community association managers, when applying to renew their annual registration, to submit to DCP documentation showing that they have passed any required examination or completed any required coursework.

Regulations. The act requires DCP, with the Real Estate Commission's advice and assistance, to adopt regulations on (1) any examination required for community association manager certification and (2) the approval of (a) schools, institutions, or organizations that offer courses in community association management practices and laws and (b) course contents. The regulations must specify how to meet the educational requirements and include exemptions for health or individual hardship.

The act prohibits DCP, in adopting the regulations, from disapproving an examination or course, or the school, institution, or organization that offers an examination or course, solely because the examination or course is offered or taught electronically.

PA 12-114—sHB 5548

Judiciary Committee

Public Safety and Security Committee

Government Administration and Elections Committee

AN ACT CONCERNING DOMESTIC VIOLENCE

SUMMARY: This act gives victims greater support from the courts, victim services and advocates, and law enforcement agencies by:

1. specifying additional family violence crimes, court procedures, and victim protections;
2. giving crime victims and victim advocates access to more information;
3. expanding the definition of “trauma-informed care” in family violence cases;
4. requiring police departments to adopt model family violence policies; and
5. creating the Family Violence Model Policy Governing Council to evaluate law enforcement policies and procedures on family violence.

It also requires the Office of State-Wide Emergency Telecommunications to study the cost, feasibility, and public safety considerations associated with redesigning the statewide Enhanced 9-1-1 system to allow individuals and responders to communicate by text message or other mobile device. It must submit a report of its findings to the Judiciary and Public Safety and Security committees by January 15, 2013.

Finally, it makes technical and conforming changes. **EFFECTIVE DATE:** October 1, 2012, except the provisions on (1) trauma-informed care are effective July 1, 2012 and (2) the family violence governing council and E 9-1-1 study are effective upon passage.

§ 2 — DEFINITION OF FAMILY VIOLENCE

By law, “family violence” means (1) an incident resulting in physical harm, bodily injury, or assault, or (2) an act of threatened violence between family members that causes its victim to fear imminent physical harm, bodily injury, or assault. The act expands the definition of “family or household member” by eliminating the age restriction on people (1) related by blood or marriage or (2) living together or having lived together in the past. Prior law limited the former to people age 18 or older and the latter to people age 16 or older.

It leaves unchanged the law's designation of others as family or household members. These are: (1) spouses and former spouses; (2) parents and children; (3) people who have a child in common, regardless of whether they are or have been married or have lived together at any time; and (4) people in, or who have recently been in, dating relationships.

§§ 2 & 10-12 — EXTENSION OF FAMILY VIOLENCE CRIMES

By law, family violence crimes are those that, in addition to their essential elements, also include a family violence component. The act specifies that family violence crimes include stalking and a pattern of threatening. It also expands the crimes of 1st degree threatening and stalking.

§ 10 — First and Second Degree Threatening

The act creates a new form of 1st degree threatening. A person commits the crime when he or she commits 2nd degree threatening (see below) and uses, or is armed with and threatens to use, displays, or represents that he or she possesses a pistol, revolver, shotgun, rifle, machine gun, or other firearm.

By law, a person commits 2nd degree threatening when he or she, by physical threat, intentionally (1) places, or attempts to place, another person in fear of serious physical injury; (2) threatens to commit a violent crime intending to terrorize another person; or (3) threatens to commit such a violent crime in disregard of the risk of terrorizing the victim.

First degree threatening is a class D felony; 2nd degree threatening is a class A misdemeanor (see Table on Penalties).

The act specifies that defendants can be charged with both 1st and 2nd degree threatening based on the same conduct and transaction but can only be convicted of one or the other.

§ 12 — 1st and 2nd Degree Stalking

The act broadens the conduct that constitutes 1st and 2nd degree stalking.

Under prior law, a person committed 2nd degree stalking when, with intent to cause another person to fear for his or her physical safety, he or she willfully and repeatedly followed or lay in wait for him or her, causing that person to reasonably fear for his or her safety or the physical safety of another. By law, a person is guilty of 1st degree stalking when, after a conviction for 1st or 2nd degree stalking he or she commits 2nd degree stalking.

The act eliminates the previous definition of 2nd degree stalking. Instead, a person commits the crime by (1) knowingly engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his, her, or a third person's physical safety or (2) intentionally, and for no legitimate purpose, engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear that his or her employment, business, or career is threatened. In the latter case, the actor must (1) telephone, appear at, or initiate communication with the victim at the victim's workplace and (2) have previously and clearly been told to stop. The act excludes situations under which the actor's conduct is protected by the United States or Connecticut constitutions.

The act defines "course of conduct" as two or more acts, including those in which a person directly, indirectly, or through a third party, by any action, method, device, or means (1) follows, lies in wait for, monitors, observes, surveils, threatens, harasses or communicates with, or sends unwanted gifts to, a person or (2) interferes with the victim's property.

By law, 2nd degree stalking is a class A misdemeanor. Because 1st degree stalking is committed when a person has been previously convicted of 2nd degree stalking, the act's changes also serve to broaden that statute. By law, 1st degree stalking is a class D felony.

§§ 1, 3-7 & 18 — JUDICIAL BRANCH CHANGES

Court Orders to Protect Victims

Civil Restraining Orders. By law, family violence victims who have been subjected to (1) continuous threats of present physical pain or injury, (2) continuous stalking, or (3) a pattern of threatening may apply in civil court for a restraining order. Such orders are intended to protect victims, their children, family pets, and others (see BACKGROUND). They may include provisions that establish temporary child custody arrangements and prohibit the perpetrator from returning to the family or victim's home or coming

within a designated distance of him or her.

Under prior law, civil restraining orders expired six months after they were issued unless the court found that granting the protected person additional time was necessary. The act allows these orders to remain in effect for one year. The protected person still has the option to request an extension.

Criminal Protective Orders. By law, the court may issue criminal protective orders against a person arrested for a family violence crime. The content of such orders can cover the range of limitations permissible under civil protective orders. But the act's designation of stalking and threatening as family violence crimes allows courts to issue criminal protective orders for victims when the perpetrator is arrested for either of these crimes.

Court Clerks. The law assigns court clerks various administrative duties in protective and restraining order proceedings. These include sending, within 48 hours of issuance, copies of restraining or protective orders or the information they contain to the victim and law enforcement agency or agencies for the town or towns where the defendant lives and the victim lives or works.

The act requires clerks, at a victim's request, to send, by fax or other means, a copy of the order, including one issued *ex parte* (without a court hearing) or its contents to any educational institution he or she attends, including a public or private elementary or secondary school; regional vocational technical school; or higher education institution in Connecticut. When notice is sent to a higher education institution, its president and any special police force must receive copies.

Court Records Indicating Family Violence Convictions

By law, courts must note in a convicted person's court files if he or she has been convicted of certain family violence crimes. The act expands this requirement by adding the following crimes. They become family violence crimes when victims are family or household members:

1. assault of a pregnant woman, terminating pregnancy;
2. 2nd degree threatening;
3. 1st and 2nd degree reckless endangerment;
4. 1st, 2nd, and 3rd degree strangulation;
5. aggravated sexual assault of a minor;
6. disorderly conduct; and
7. 1st and 2nd degree harassment.

Family Violence Response and Intervention Unit Reports

By law, counselors employed in a court's family violence intervention unit are required to provide judges

with written or oral reports, including recommendations for disposing of cases, on or before the date on which the parties first appear in court. The act requires that the counselors' reports indicate if the parties are also parties to a case pending on the family relations docket. These cases include divorce, child custody, and other civil family matters.

Office of Victim Services Restitution

The law permits the Office of Victim Services or a supervising victim compensation commissioner to order restitution for qualified crime victims. Restitution includes medical, psychiatric, psychological, and social and rehabilitative services.

Prior eligibility rules restricted these services to (1) victims of child abuse, sexual assault, or domestic abuse and their families and (2) family members of homicide victims. The act authorizes the office to provide these services to children who have witnessed domestic violence, whether or not they are related to the victim.

Conditions of Release Criteria

The law requires the Judicial Branch Court Support Services Division (CSSD) to establish written, uniform, weighted criteria for releasing an accused after an arrest. Prior criteria were developed to determine the least restrictive release conditions necessary to ensure the arrestee's appearance in court. The act modifies the criteria to require that release conditions also be sufficient to reasonably ensure that a release will not endanger any other person. This change affects release conditions courts impose on all arrestees, not just those arrested for family violence crimes.

Eligibility for Pretrial Family Violence Education Program

The act further restricts eligibility for the pretrial family violence education program. Existing law excludes those charged with (1) class A, B, or C felonies or unclassified felonies that carry a possible prison term of more than 10 years and (2) unless good cause is shown, class D felonies or unclassified felonies with a possible prison term of more than five years. The act requires those charged with lesser offenses (i.e., misdemeanors and felonies punishable by imprisonment for less than five years) to show "good cause" for participation when their victims suffered serious physical injuries (i.e., those that created a substantial risk of death or caused disfigurement, serious health impairment, or serious loss or impairment of any bodily organ).

By law, the two-year program serves people charged with, but not convicted of, certain family

violence crimes. Courts can allow someone to participate if the he or she is a first-time offender who has not been granted accelerated rehabilitation for commission of a family violence crime. Courts must dismiss the charges against those who successfully complete the program and erase records related to the underlying offense.

§§ 8, 9, 23 & 24 — LAW ENFORCEMENT ACTIVITIES

Reporting Electronic or Telephonic Communications and Prosecuting Violators

The act permits any person with a protective or restraining order who receives a telephone call or electronic communication that he or she believes constitutes a criminal violation of the order to contact the law enforcement agency for the town in which (1) he or she lives or received the communication or (2) the communication was initiated.

Under the act, the agency contacted must (1) accept the complaint; (2) prepare a report, giving the complainant a copy; and (3) investigate the incident. If necessary, that agency must coordinate its investigation with other law enforcement agencies, and, at the victim's request, notify the law enforcement agency for the town where the victim lives.

Any defendant charged with this type of violation may be arraigned in the geographic area (GA) court where the victim could have filed the complaint. Prosecutions may be pursued in any of these GAs or corresponding judicial districts.

§§ 23 & 24 — Trauma- Informed Care

By law, police officers and family violence intervention unit counselors must give family violence victims contact information about counselors who are trained to provide trauma-informed care. Existing law describes this as services directed by a thorough understanding of the neurological, biological, psychological, and social effects of trauma and violence on a person. The act adds that the services be delivered by a regional family violence organization that employs, or provides referrals to, counselors who:

1. make available to family violence victims resources on trauma exposure and its impact and treatment;
2. engage in efforts to strengthen the resilience and protective factors of victims of family violence who are affected by, and vulnerable to, trauma;
3. emphasize continuity of care and collaboration among organizations that provide services to children; and

4. maintain professional relationships for referrals and consultations with programs and people with expertise in trauma-informed care.

§ 19 — POLICE POLICIES IN FAMILY VIOLENCE CASES

Operational Guidelines

Existing law requires law enforcement agencies to develop, in conjunction with the Criminal Justice Division, and implement specific operational guidelines for arrest policies in family violence matters. Beginning October 1, 2012, the act requires the guidelines to, at a minimum, meet the model standards the act establishes.

Model Law Enforcement Guidelines, Policies, and Procedures

The act establishes a model law enforcement policy. The policy must (1) be based on a task-force-developed, statewide policy submitted to the legislature in 2012 and (2) provide police professionals with model guidelines, policies, and procedures for dealing with family violence incidents. The act also creates the Family Violence Model Policy Governing Council (see below) to consider and recommend policy changes.

The act requires the chairperson of the Police Officer Standards and Training Council (POST) to provide notice of updates to the model policy adopted by the council during the prior calendar year. The update must go to (1) the chief law enforcement officer of each municipality with its own police department and its law enforcement instructor and (2) the commissioner of the Department of Emergency Services and Public Protection (DESPP). The first update is due January 15, 2013.

Beginning July 1, 2013, the act requires each law enforcement agency to submit an annual report to DESPP in a form the commissioner requires, concerning the agency's compliance with the model policies on domestic violence.

§ 25 — FAMILY VIOLENCE MODEL POLICY GOVERNING COUNCIL

The act establishes a 19-member Family Violence Model Policy Governing Council and charges it with:

1. evaluating policies and procedures law enforcement agencies use when responding to family violence incidents and violations of restraining and protective orders,
2. reviewing and updating the statewide model law enforcement policy on family violence described above, and

3. evaluating the accuracy of data collected by DESPP and CSSD.

Members and Administrative Procedures

Under the act, council members are:

1. one person each appointed by the House Speaker and minority leader, Senate President pro tempore and minority leader, and the governor (the legislative leaders can appoint legislators);
2. a municipal police officer with experience in domestic violence training, appointed by the House majority leader;
3. a victim of domestic violence, appointed by the Senate majority leader;
4. a representative of POST with experience in domestic violence training, appointed by the council's chairperson;
5. a representative of the Office of the Chief State's Attorney, appointed by the chief state's attorney;
6. a representative of the Office of the Chief Public Defender, appointed by the chief public defender;
7. a representative of the Office of the Victim Advocate, appointed by the victim advocate;
8. a representative of the Division of State Police with experience in domestic violence training and one commanding officer in the division, appointed by the DESPP commissioner;
9. a Superior Court judge assigned to hear criminal matters, appointed by the chief court administrator;
10. a domestic violence victim, victim advocate with courtroom experience in domestic violence matters, and representative of the Connecticut Coalition Against Domestic Violence, Inc., (CCADV) each appointed by the CCADV executive director;
11. a representative of state legal aid programs, appointed by the executive director of the Legal Assistance Resource Center of Connecticut; and
12. a representative of the Connecticut Police Chiefs Association, appointed by the association president.

Members must be appointed by July 1, 2012. Each serves a four-year term and may be reappointed or continue to serve until a successor is appointed and qualified. The respective appointing authorities fill vacancies.

Council members must choose two members to serve as co-chairpersons. These officials must schedule the first meeting, which must be held no later than 60 days after the act's passage. The act requires the Public

Safety and Security Committee's administrative staff to serve as the council's staff.

The act requires the council to submit annual reports to the Judiciary and Public Safety and Security committees beginning January 15, 2013. The reports must contain information about the effectiveness of the model law enforcement policy on family violence and amendments to the policy adopted during the year.

BACKGROUND

Protective and Restraining Orders

Connecticut courts can issue a variety of protective and restraining orders to protect crime victims who fear for their safety. These orders may, among other things, prohibit criminal defendants or respondents from restraining, threatening, harassing, assaulting, molesting, sexually assaulting, or attacking the victim or entering the victim's home.

Restraining orders are issued by civil courts. The court can make appropriate orders to protect the applicant and dependent children or others, including issuing temporary child custody or visitation orders. The court can issue an immediate *ex parte* order (without notice to the respondent) as appropriate if the applicant alleges immediate and present physical danger.

A protective order is issued at the time of arraignment during a criminal proceeding. These orders are usually recommended by either the family relations office or the state's attorney and remain in effect from the date they are issued until the disposition of the criminal case. In some cases, a protective order can be removed prior to the resolution of the underlying case being settled.

Standing criminal restraining orders are orders that are issued at the end of a criminal case.

PA 12-115—sHB 5554
Judiciary Committee

AN ACT CONCERNING HABEAS CORPUS REFORM

SUMMARY: For certain habeas corpus petitions, this act:

1. requires the court, on its own or if asked by a party, to determine if there is good cause to proceed to trial and
2. for a petition related to a criminal conviction, creates a rebuttable presumption that a petition filed after certain dates was delayed without good cause and requires the court to dismiss it if the petitioner does not establish good cause for the delay.

These provisions apply to a habeas petition unless it is (1) claiming actual innocence, (2) challenging prison conditions, or (3) challenging a capital felony conviction that resulted in a death sentence.

Previously, statutes and court rules did not place limits on filing habeas petitions. Under court rules, grounds for a court to dismiss a habeas petition include presenting the same grounds as a prior petition previously denied and failing to state new facts or offer new evidence not reasonably available at the time of the prior petition (Practice Book §§ 23-29 and 25-42).

EFFECTIVE DATE: October 1, 2012 and applicable to petitions filed on or after that date.

GOOD CAUSE TO PROCEED TO TRIAL

For any type of habeas petition except those excluded as specified above, the act requires the court to determine whether there is good cause for some or all of the petition's allegations to proceed to trial if, after the pleading, (1) a party requests it or (2) the court notifies the parties of its intention to make such a determination.

The act allows the parties to submit exhibits such as documentary evidence, affidavits, and unsworn statements. The court can look at an exhibit *in camera* (in private) if a party (1) requests it and (2) would be prejudiced by disclosure at that stage of the proceeding.

The court can determine good cause based on the petition and exhibits if they:

1. allege specific facts that, if proven, would entitle the petitioner to relief and
2. provide a factual basis to conclude that evidence supporting the facts exists and will be presented at trial, as long as the court does not make a finding that the evidence is contradicted by judicially noticeable facts (generally, facts that the court can accept without requiring proof because they are generally known).

If the petition and exhibits do not establish good cause, the act requires the court to hold a preliminary hearing. It must dismiss all or part of a petition after the hearing if it does not find good cause after considering the parties' evidence and arguments.

REBUTTABLE PRESUMPTION OF DELAY

The act creates two rebuttable presumptions of delay in filing habeas petitions challenging a criminal conviction other than claims of actual innocence or capital convictions resulting in a death sentence: one for initial petitions and another for subsequent petitions. If either presumption applies, the petitioner must have an opportunity to show good cause for the delay before the court dismisses the petition.

Initial Petition

The act creates a rebuttable presumption that a petition was delayed without good cause if it is filed after the later of:

1. five years after appellate review of the conviction concludes or the time for review expires;
2. October 1, 2017; or
3. two years after a constitutional or statutory right asserted in the petition was initially recognized and made retroactive by the U.S. Supreme Court, the Connecticut Supreme or Appellate Court, or a public or special act.

The act's time periods are not tolled (suspended) by another pending petition challenging the same conviction.

Subsequent Petition

The act creates a rebuttable presumption that a subsequent petition challenging the same conviction was delayed without good cause if it is filed after the later of:

1. two years after the date appellate review of the prior petition concluded or the period for review expired;
2. October 1, 2014; or
3. two years after the date a constitutional or statutory right asserted in the petition was initially recognized and made retroactive by the U.S. Supreme Court, the Connecticut Supreme or Appellate Court, or a public or special act.

These provisions do not apply if the prior petition was withdrawn.

The act's time periods are not tolled by another pending petition challenging the same conviction.

The act specifies that these provisions do not create or enlarge a petitioner's right to file subsequent petitions.

Hearing

If a rebuttable presumption of delay applies, the court must, at the respondent's request, order the petitioner to show cause why the petition should proceed. The petitioner or his or her counsel must have a meaningful opportunity to investigate the basis for the delay and respond to the order. The court must dismiss the petition if it does not find good cause for the delay.

Under this provision, good cause for this purpose includes the discovery of new evidence that materially affects the merits of the case that could not have been discovered by due diligence in the required timeframes.

BACKGROUND

Habeas Corpus

Habeas corpus is a civil action that allows a petitioner to challenge the legality of certain actions. For example, a habeas petition can be filed by a:

1. prisoner to challenge the legality of his or her conviction and confinement or the constitutionality of his or her prison conditions,
2. person confined in a hospital for psychiatric disabilities to challenge the legality of his or her confinement,
3. person subject to involuntary representation by a conservator to challenge the legality of the involuntary representation, or
4. person to challenge child custody or visitation orders.

PA 12-124—HB 5148

Judiciary Committee

AN ACT CONCERNING COMMUNICATIONS TO VICTIMS OF THE CRIMINAL OPERATION OF A MOTOR VEHICLE THAT RESULTS IN DEATH OR SERIOUS PHYSICAL INJURY

SUMMARY: This act makes certain pre-sentencing statements or other conduct by someone convicted of a motor vehicle offense that resulted in another's death or serious physical injury inadmissible as an admission of liability or an admission against interest in a civil or criminal proceeding. The act applies to statements, affirmations, gestures, or expressions of apology, fault, sympathy, commiseration, condolence, compassion, or a general sense of benevolence, made to the victim or the victim's relative or representative.

The act applies only to such statements or conduct made (1) after conviction but before sentencing and (2) in a courtroom closed to the public, at a time the court sets.

“Serious physical injury” means physical injury that creates a substantial risk of death or causes serious (1) disfigurement, (2) impairment of health, or (3) loss or impairment of an organ's function.

EFFECTIVE DATE: October 1, 2012

PA 12-133—sHB 5365

Judiciary Committee

Appropriations Committee

**AN ACT CONCERNING COURT OPERATIONS
AND VICTIM SERVICES**

SUMMARY: This act makes numerous changes to court operations and victim services. It:

1. makes judge trial referee evaluations available to Judiciary Committee members before a hearing on a referee's nomination;
2. allows the Judicial Branch to enter into agreements with other agencies on a broader range of security matters;
3. makes changes regarding summary process and occupants of nonresidential property;
4. expands the courts' use of electronic documents and communications;
5. indemnifies attorneys appointed by the court to inventory the files of inactive, suspended, disbarred, or resigned attorneys in the same way as state employees;
6. specifies that someone who pleads not guilty to an infraction or certain violations can, at a subsequent court proceeding, agree with the prosecutor on the amount of the fine and pay it without appearing before a judicial authority;
7. alters the rules for constituting a Supreme Court panel and agreeing to hear an appeal from an Appellate Court decision;
8. requires the Department of Motor Vehicles (DMV) to give the jury administrator the latest updated file of people holding non-driver identity cards to use when compiling the master list for summoning jurors;
9. allows alternate jurors in civil trials to remain in service after deliberations begin;
10. specifies that motor vehicle violations punishable by a sentence of more than one year are considered unclassified felonies for certain purposes such as sentencing to probation and taking DNA samples;
11. automatically terminates a defendant's bail bond when he or she is admitted to the supervised diversionary program for people with psychiatric disabilities;
12. requires a defendant to make a motion for a nolle 13 months after a prosecutor continues a case and there is no prosecution or disposition in order to have the records erased, instead of having them automatically qualify for erasure;
13. authorizes victim compensation when the Judicial Branch's Office of Victim Services (OVS) or a victim compensation commissioner reasonably concludes that (a) an alleged sexual

assault crime or risk of injury to a minor occurred and (b) the personal injury was disclosed to certain individuals;

14. eliminates the \$100 deductible on the total amount of victim compensation determined for an injury (§§ 27-28);
15. expands OVS's lien for reimbursement of compensation paid to someone;
16. specifies that Connecticut courts can issue orders regarding civil unions performed in other jurisdictions;
17. limits access to information on certain plans developed by probation officers and expands access to juvenile delinquency records;
18. allows Court Support Services Division (CSSD) personnel to use videoconferencing to interview defendants at police stations, when determining appropriate bail and conditions of release (§ 35);
19. extends to intake, assessment, and referral (IAR) specialists many of the duties, responsibilities, and protections given to bail commissioners;
20. requires service only once on the Attorney General's Office for all defendants sued in their official capacity in an inmate's lawsuit against a state entity, employee, or official;
21. requires the court to determine that a matter is not frivolous before it waives a court fee or the state pays service of process costs for an indigent party;
22. extends, from June 30, 2012 to June 30, 2013, the termination date for the Sexual Assault Forensic Examiners Advisory Committee, which advises OVS on a program to train sexual assault forensic examiners and make them available to sexual assault victims at participating hospitals (§ 46);
23. repeals judges' authority to appoint messengers and assistant messengers and set their compensation and assignments (§ 47); and
24. repeals obsolete provisions and makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2012; except the provisions (1) on judge trial referee evaluations, Supreme Court certification and panels, and civil unions from other jurisdictions, which are effective July 1, 2012 and (2) extending the Sexual Assault Forensic Examiners Advisory Committee's termination date, which is effective upon passage.

§ 1 — JUDGE TRIAL REFEREE EVALUATIONS

The act requires the Judicial Branch to make performance evaluations of judge trial referees available to the Judiciary Committee's members before a public

hearing on the referee's nomination. Committee members must use the information only for the purposes for which it was given and they cannot further disclose it. By law, the branch must make judges' evaluations available under similar circumstances and conditions.

§ 2 — AGREEMENTS WITH AGENCIES RELATED TO SECURITY

Existing law allows the Judicial Branch to enter agreements with other state agencies for management, training, or coordination of courthouse security, and prisoner transportation and custody. The act also allows the branch to enter these and other security-related agreements with any appropriate agency.

§ 4 — SUMMARY PROCESS-NONRESIDENTIAL TENANT'S POSSESSIONS

By law, if a tenant fails to vacate a rental unit after notice to do so (notice to quit possession), the landlord may serve him or her with a summons and complaint for possession. If the claim is for the immediate possession of nonresidential property, the act requires, instead of allows, the complaint to include a claim for the defendant's possessions and personal effects. The landlord must still follow the law on disposing of a tenant's property.

§ 5 — SUMMARY PROCESS AGAINST A SINGLE NONRESIDENTIAL OCCUPANT DUE TO DRUG ACTIVITIES

The act makes the enforcement of summary process judgments consistent by treating commercial and residential tenants the same. Under the act, a summary process judgment for the possession of a commercial space, like that for residential, must include the names of all known occupants of the space before it may be executed or enforced. The only exception applies when the space is used for drugs. In these cases, judgment may be entered against the drug dealers only.

§ 6 — COMMUNICATIONS FROM COURTS

Prior law required a court clerk, including a probate court clerk, to notify counsel in writing of a court decision, order, decree, denial, or ruling unless the court made its ruling in the counsel's presence. The act allows the written notice to be sent by mail or electronic means and requires notice to any appearing party as well.

The act allows electronic communication by computer, fax, or other technology according to procedures and technical standards set by either the chief court administrator or probate court administrator. It gives notice delivered electronically the same validity and status as if sent by mail.

§ 7 — INDEMNIFICATION OF CERTAIN ATTORNEYS

Existing law immunizes from damages in civil suits attorneys appointed by the court under court rules to (1) inventory the files of an inactive, suspended, disbarred, or resigned attorney and (2) take necessary action to protect the clients' interests. They are immune from damages or injuries caused in the discharge of their duties unless they acted wantonly, recklessly, or maliciously.

The act gives these attorneys the same indemnification as state officers and employees. This requires the state to hold the attorneys harmless and indemnify them for financial loss and expense from claims due to their alleged negligence, deprivation of civil rights, or other acts or omissions causing damage or injury. This applies when the attorneys are discharging their duties but does not cover wanton, reckless, or malicious conduct. The attorney general must provide their defense; but if he determines it is inappropriate to do so, the state must pay for counsel if the attorney is otherwise entitled to representation by the state.

§ 8 — AGREED FINES FOR INFRACTIONS AND VIOLATIONS

By law, people alleged to have committed infractions and certain violations can pay a fine by mail or choose to plead not guilty. The act specifies that someone who pleads not guilty can, at a later Superior Court proceeding, (1) agree with the prosecutor on the amount of the fine to pay and (2) pay it without appearing before a judicial authority. Under the act, the amount of the fine cannot be more than the fine established for the infraction or violation, and the person must pay any additional fees and costs set for the infraction or violation. The person must pay the Superior Court clerk.

Consistent with payments by mail, payment under the act is considered a plea of *nolo contendere* (no contest) and is inadmissible in any civil or criminal proceeding to establish the person's conduct, but it does not affect the Department of Energy and Environmental Protection's or DMV's administrative sanctions authority.

Under the act, the person does not need to submit a plea of *nolo contendere* in writing. The act does not affect a person's right to request a trial.

§ 11 — SUPREME COURT CERTIFICATION FOR REVIEW

By law, an Appellate Court panel or aggrieved party can petition the Supreme Court to review an Appellate Court decision. Existing law requires a vote

of three Supreme Court justices to agree to review the decision. The act also allows the court to review a decision on the vote of two judges if fewer than six are available to consider a petition.

§§ 12-14 — SUPREME COURT PANELS

Prior law gave a party a right to be heard by a panel of five Supreme Court members. The act instead gives a party a right to a panel of at least five and requires the court to sit in panels of five, six, or seven judges under rules the court adopts.

Previously, Supreme Court senior judges, Superior Court judges, and Appellate Court judges and senior judges could sit on a Supreme Court panel if the court's members could not constitute a panel due to disability or disqualification. (Senior judges are judges who retire but have not yet reached age 70.) The act expands the use of Supreme Court senior judges by (1) allowing them to be part of a panel when at least one justice is disabled, disqualified, or unavailable and (2) requiring their addition to a panel before any of the other judges.

Under the act, Superior Court judges and Appellate Court judges and senior judges can be added to a panel if Supreme Court justices and senior judges are disabled, disqualified, or unavailable.

§ 15 — LIST OF PEOPLE HOLDING IDENTITY CARDS USED FOR JUROR LISTS

The act requires DMV to give the jury administrator the latest updated file of people holding identity cards to use when compiling the master list for summoning jurors. The act adds this to the lists of licensed drivers, residents with permanent place of abode in Connecticut who filed a personal income tax return in the last tax year, unemployment compensation recipients, and electors that the administrator uses to compile the master list. By law, the administrator must attempt to delete duplicate names, names of those excluded from jury service, and names of deceased people before randomly summoning jurors.

§ 16 — ALTERNATE JURORS IN CIVIL TRIALS

By law, an alternate juror becomes part of the jury panel in a civil case if a juror dies or the judge excuses a juror unable to perform his or her duty. Under prior law, alternates were excused when the jury began deliberations. Under the act, the court (1) can keep alternates in service after deliberations begin and (2) must instruct the jury to start deliberations anew if an alternate joins the regular panel after deliberations began.

§§ 18-21 — MOTOR VEHICLE VIOLATIONS AS FELONIES

Under case law, a second conviction for driving under the influence (CGS § 14-227a), which carries a possible prison term of over one year, is a criminal offense and not a motor vehicle violation (*McCoy v. Commissioner of Public Safety*, 300 Conn. 144 (2011)).

The act specifies that any motor vehicle violation for which a sentence of more than one year may be imposed is considered an unclassified felony for purposes of:

1. sentencing to probation, and thus a person convicted of one of these motor vehicle violations can be sentenced to up to three years probation, but up to five years on a case-by-case basis, and can be considered for early termination of his or her probation terms;
2. the crime of criminal possession of a firearm or electronic defense weapon, which can be committed by possessing one of these items after a prior felony conviction, thus qualifying one of these motor vehicle violations as a prior felony conviction;
3. taking a sample for DNA testing based on a felony conviction; and
4. the interstate compact for adult offender jurisdiction, which governs supervision of adult offenders in the community who are authorized under the compact to travel across state lines.

§ 22 — TERMINATION OF BAIL BONDS

The act automatically terminates a defendant's bail bond when he or she is admitted to the supervised diversionary program for people with psychiatric disabilities. Existing law already terminates bonds on admission to other programs such as accelerated rehabilitation, the pretrial alcohol education program, the community service labor program, and the pretrial drug education program.

§ 23 — ERASURE OF CERTAIN RECORDS

By law, all police, court, and prosecutorial records of a criminal charge that is nolle (the state declines to prosecute) are erased if at least 13 months have passed since the nolle. Prior law also considered a case nolle and allowed records to be erased if the prosecutor continued the case and there was no prosecution or disposition for 13 months. The act requires the arrested person to make a motion for a nolle after 13 months in order to have the records erased.

§ 24 — BAIL BONDS

By law, the total amount of a forfeited bond for a motor vehicle violation that includes certain additional fees and costs must be deposited in the General Fund or Special Transportation Fund. The act adds to the list of fees and costs the \$10 surcharge on certain motor vehicle violations that the state must remit to the municipalities where the violations occurred. The surcharge applies to anyone who pays a fine or forfeiture for any of 35 motor vehicle violations, including: (1) speeding, (2) reckless driving, (3) driving under the influence, (4) making an illegal turn, (5) failing to yield right of way, (6) failing to stop for a school bus (for a first offense), and (7) failing to stop at a stop sign. The surcharge also applies to anyone who pays a fine or forfeiture under any ordinance enacted in accordance with these laws. The Superior Court clerk or the chief court administrator (or her designee) must certify to the comptroller the amount due for the previous quarter to each municipality.

§§ 25-30 — VICTIMS

Administering Compensation and Services (§ 25)

By law, OVS can apply for and use grants to implement victim services and award grants or purchase services. The act deletes a provision requiring it to do so according to a plan developed by January 1, 1994, in coordination with various agencies, to effectively administer victim compensation and coordinate delivery of services.

Victim Compensation for Alleged Sexual Assault or Risk of Injury Crimes (§ 26)

The act authorizes victim compensation when OVS or a victim compensation commissioner reasonably concludes that (1) an alleged sexual assault crime or risk of injury to a minor occurred and (2) the personal injury was disclosed to certain individuals. The act applies to the crimes of sexual assault in the 1st, 2nd, 3rd, or 4th degree or 3rd degree with a firearm; 1st degree aggravated sexual assault; aggravated sexual assault of a minor; sexual assault in a spousal or cohabiting relationship; and risk of injury to a minor. Compensation can be paid if the personal injury is reported to a:

1. licensed physician, physician assistant, advanced practice registered nurse, registered nurse, practical nurse, psychologist, marital and family therapist, professional counselor, or clinical social worker;
2. resident physician or intern at a hospital, whether or not licensed;
3. police officer;

4. mental health professional;
5. licensed or certified emergency medical services provider or alcohol and drug counselor;
6. sexual assault or battered women’s counselor; or
7. Department of Children and Families employee.

By law, OVS may compensate victims injured or killed as a result of (1) attempts to prevent crime, aid police, or apprehend criminal suspects; (2) attempts or actual commissions of any crime by another; (3) operation of a motor vehicle by someone else convicted of driving under the influence of drugs or alcohol, 2nd degree assault with a motor vehicle while intoxicated, or 2nd degree manslaughter with a motor vehicle while intoxicated; or (4) terrorist crimes.

OVS Liens (§ 29)

By law, OVS has a lien against any amount an applicant for victim compensation wins in a suit against those responsible for the injury or death for which compensation was granted. This lien is for two-thirds of the amount paid for victim compensation or restitution services.

The act also gives OVS a lien for the same amount of reimbursement on money an applicant recovers from other sources, including payments from state or municipal agencies, insurance benefits, or workers’ compensation awards as a result of the incident or offense that gave rise to the application.

§§ 31-32 — CIVIL UNIONS FROM FOREIGN JURISDICTIONS

The act specifies that Connecticut courts can enter orders of dissolution, annulment, or legal separation regarding valid civil unions performed in foreign jurisdictions. It clarifies that the courts’ authority over family matters extends to foreign civil unions.

§ 33 — ACCESS TO PROBATION OFFICER PLANS

Under the act, information in alternative sentencing and community release plans prepared by probation officers is available only to:

1. Judicial Branch employees who require access to the information in performing their duties,
2. state and federal employees and authorized agents involved in the design and delivery of treatment services to the person who is the subject of the plan,
3. state or community-based agency employees providing services directly to the person, and
4. an attorney representing the person in any proceeding where the plan is relevant.

By law, probation officers:

1. must complete alternative sentencing plans for people who enter a stated plea agreement with a prison term of up to two years when the court orders them to and
2. may develop a community release plan for people sentenced to a prison term of up to two years who have (a) served at least 90 days in prison and (b) complied with Department of Correction prison rules and necessary treatment programs. They must apply for a sentence modification hearing if they develop such a plan.

§ 34 — ACCESS TO JUVENILE RECORDS

Existing law allows state and federal employees and authorized agents to access records of delinquency proceedings if they are involved in delinquency proceedings, providing services directly to the child, or designing or providing treatment programs for juvenile offenders. The act also allows them access if they are involved in delivering court diversionary programs.

The act also gives community-based youth service bureau officials access to these records if they are performing any of the functions listed above.

§§ 35-43 — IAR

The act extends many of the duties, responsibilities, and protections given to bail commissioners to IAR specialists. These provisions, among other things, govern:

1. notice from police when a defendant is not released on bail,
2. interviewing and investigating the defendant to set conditions of release,
3. informing the court of a defendant who cannot meet the conditions of release,
4. protection from civil liability for damages on account of releasing a person on bail,
5. receiving information about a defendant on or being considered for pretrial release from certain Judicial Branch employees in a local family violence intervention unit, and
6. administering oaths.

It also gives OVS authority to train IAR specialists on victims' rights and available services (§ 25).

The Judicial Branch created the position of IAR specialist and these employees perform many of the same functions as bail commissioners.

§ 44—SERVICE OF PROCESS FOR INMATE SUITS AGAINST THE STATE

By law, a proper officer must serve process in a civil action against the state; a state institution, board, commission, department, or administrative tribunal; or an officer, servant, agent, or employee of one of them by (1) leaving a true and attested copy of the process, including the declaration or complaint, at the Attorney General's Office or (2) sending a true and attested copy of the process, including the summons and complaint, to the office by certified mail, return receipt requested.

For a civil action brought by an inmate against one of these entities or individuals, the act only requires the proper officer to leave or mail one copy for all defendants sued in their official capacity.

By law, proper officers include state marshals, constables, and other officers authorized by statute.

§ 45—INDIGENTS AND FRIVOLOUS LAWSUITS

Prior law required the court to waive a court fee and the state to pay service of process costs if a party to a civil or criminal matter was indigent and unable to pay. The act additionally requires the court to determine that the matter is not frivolous before the court waives a fee or the state pays for service of process but PA 12-1, June 12 Special Session, repeals this additional requirement.

PA 12-141—sHB 5504

Judiciary Committee

AN ACT CONCERNING COMMERCIAL SEXUAL EXPLOITATION OF A MINOR

SUMMARY: This act creates the class C felony (see Table on Penalties) of commercial sexual exploitation of a minor. A human being and, where appropriate, a public or private corporation, limited liability company, or partnership commits the crime by knowingly buying space to advertise for a commercial sex act that depicts a minor. (The act does not define "minor" but presumably it means a person under age 18.) The act specifies that it is not a defense to prosecution that the accused (1) did not know the depicted person's age or (2) relied on his or her apparent age or on oral or written, non-governmental representations of such.

It permits the accused to avoid conviction by proving he or she made a reasonable, bona fide attempt to ascertain the depicted person's age by requiring him or her to produce a government-issued identity card and keeping and producing a copy.

EFFECTIVE DATE: October 1, 2012

DEFINITIONS

Under the act:

1. “advertisement for a commercial sex act” or “advertisement” means an advertisement or offer in electronic or print media that includes an explicit or implicit offer for a commercial sex act to occur in Connecticut;
2. “commercial sex act” means an act of sexual contact or intercourse for which something of value is given to, or received by, anyone; and
3. “depiction” means any photograph, film, videotape, visual material or printed material.

PA 12-142—sHB 5545
Judiciary Committee

AN ACT CONCERNING FINANCIAL LIABILITY FOR AMBULANCE SERVICES, EVIDENCE OF COLLATERAL SOURCE PAYMENTS AND EVIDENCE OF BILLS FROM TREATING HEALTHCARE PROVIDERS

SUMMARY: This act generally provides that anyone who receives emergency medical treatment or transportation services from a licensed or certified ambulance service is liable for the reasonable and necessary cost of those services, even if the person did not agree or consent to the liability.

Under the act, this provision is subject to certain conditions in existing law, including the Department of Public Health (DPH) commissioner’s rate setting for ambulance services and requirements that insurers cover medically necessary ambulance services. Also, the provision does not apply to anyone receiving services for injuries arising out of and in the course of his or her employment, as defined in the workers’ compensation law (see BACKGROUND).

The act also makes changes to the law on determining economic damages in personal injury or wrongful death cases. It makes evidence that a specified health care provider accepted payment from a claimant that is less than the total amount billed, or evidence that an insurer paid less than that total amount, admissible for purposes of the collateral source rule (the requirement that courts reduce economic damage awards by the amount the claimant received from health insurance or other collateral sources). This provision applies to bills by state-licensed physicians, physician assistants, dentists, chiropractors, naturopaths, physical therapists, podiatrists, psychologists, optometrists, advanced practice registered nurses, and state-certified emergency medical technicians.

Under the act, in cases in which the law allows such health care providers’ signed reports and bills for treatment to be introduced as business entry evidence without the provider testifying (see BACKGROUND), the total amount of the provider’s bill is admissible evidence of the cost of reasonable and necessary medical care. The calculation of the total amount of the bill must not be reduced because (1) the provider accepts less than the total bill or (2) an insurer pays less than that amount.

Existing law provides that its provisions allowing certain business entry evidence to be introduced without such providers testifying do not preclude either party or the court from calling the treating provider as a witness. The act specifies that the purposes for which they may be called to testify include giving testimony on the reasonableness of their bills for treatment.

EFFECTIVE DATE: October 1, 2012, and the provisions on collateral sources and business entry evidence are applicable to actions pending on or filed on or after that date.

LIABILITY FOR AMBULANCE PAYMENTS

The act’s provisions on liability for ambulance services are subject to the following provisions in existing law:

1. the general requirement that health insurance policies provide coverage for medically necessary ambulance services (CGS §§ 38a-498 and 38a-525) and
2. the DPH commissioner’s duties regarding emergency medical services including, among other things, setting rates for ambulance services (CGS § 19a-177).

By law, insurers are not required to provide ambulance benefits in excess of the maximum rates set by DPH.

EVIDENCE OF COLLATERAL SOURCE PAYMENTS

In personal injury or wrongful death cases, the law generally requires courts to reduce economic damages by the amount paid to the claimant by collateral sources (e.g., health insurance), less the amount paid, contributed, or forfeited by the claimant to secure the collateral source benefit. (Both the amount of collateral sources, and the amount paid to secure them, also include amounts paid on the claimant’s behalf.)

After the jury or court finds liability and awards damages, and before the court enters judgment, the court must receive evidence on the total amount of collateral sources that have been paid for the claimant’s benefit as of the date the court enters judgment. Under the act, evidence that a specified health care provider

accepted an amount less than the provider's total bill, or evidence that an insurer paid less than the total bill, is admissible for this purpose.

By law, there is no reduction for (1) collateral sources for which a right of subrogation exists or (2) the amount of collateral sources equal to the reduction in the claimant's economic damages due to his or her percentage of negligence (CGS § 52-225a(a)).

BACKGROUND

Injuries Arising out of and in the Course of Employment

State workers' compensation law defines "arising out of and in the course of employment" as an accidental injury to, or an occupational disease of, an employee originating while the employee was engaged in the line of his or her duty in the business or affairs of the employer upon the employer's premises, or while engaged elsewhere upon the employer's business or affairs by the employer's express or implied direction. There are additional provisions related to specific employees (e.g., police officers and firefighters) as well as other conditions and exceptions (e.g., injuries due to alcohol or narcotic use) (CGS § 31-275).

Business Entry Evidence

The law allows signed reports and bills of the treating health care providers listed above to be introduced in any civil action as business entry evidence without calling the provider to testify. It is presumed that the signature on the report is that of the treating provider, and that the report and bill were made in the ordinary course of business. The use of such evidence must not give rise to an adverse inference concerning the provider's testimony or lack thereof.

In personal injury cases, the law also allows the records and reports of such providers, as well as certain other professionals, to be admitted into evidence if the provider or other professional has (1) died before trial or (2) is physically or mentally disabled and thus no longer practicing. For such evidence to be introduced, the court must determine that the person is disabled to such an extent that he or she cannot testify (CGS § 52-174).

PA 12-168—HB 5290

Judiciary Committee

AN ACT CONCERNING THE LEASING OF JUDICIAL BRANCH FACILITIES

SUMMARY: This act gives the chief court administrator authority to represent the state in dealings to provide for Judicial Branch real estate needs when the Department of Administrative Services (DAS)

commissioner delegates his authority to her. By law, the chief court administrator can already represent the state in negotiations for space for certain specified programs. The act explicitly allows the DAS commissioner to delegate authority to lease office, court, or parking facilities when he decides that the delegation is appropriate and that the leases will comply with relevant real estate and contracting laws. Under the act, real estate leases the chief court administrator proposes must be reviewed and approved by the State Properties Review Board, as they already are when proposed by the DAS commissioner.

EFFECTIVE DATE: July 1, 2012

JUDICIAL BRANCH FACILITIES

The act expands the chief court administrator's authority to represent the state in property matters, which were previously limited to contracts for space for:

1. Court Support Services Division staff implementing an alternative incarceration program (CGS § 54-103b);
2. juvenile justice system programs and services (CGS § 46b-121i);
3. probation treatment programs and services for juvenile offenders (CGS § 46b-121j);
4. programs, services, and facilities to prevent and reduce delinquency and crime among juvenile offenders (CGS § 46b-121k); and
5. early intervention projects for juvenile offenders (CGS § 46b-121l).

Under the act, if authorized by the DAS commissioner, the chief court administrator can negotiate and enter leases for office, court, or parking facilities. Judicial Branch leases must conform to the state's facility plan and comply with its implementation.

PA 12-177—HB 5550

Judiciary Committee

AN ACT PROVIDING FEDERAL PROBATION OFFICERS WITH ACCESS TO FIREARM DATA REGARDING PROBATIONERS

SUMMARY: This act allows U.S. Probation Office employees performing their duties to access the names and addresses of people issued (1) permits for the retail sale of handguns (pistols or revolvers), (2) state or temporary state permits to carry a handgun, (3) eligibility certificates to possess a handgun, and (4) certificates for possession of an assault weapon.

Existing law already allows disclosure of this information to (1) law enforcement officials performing their duties, (2) a person selling a handgun when necessary to verify that a permit or eligibility certificate

is valid, and (3) the Department of Mental Health and Addiction Services when related to someone subject to a commitment order for psychiatric disabilities.

With exceptions, existing law requires a permit to carry or sell at retail, and an eligibility certificate to possess, handguns. With minor exceptions, possession of assault weapons is generally banned.

EFFECTIVE DATE: October 1, 2012

PA 12-178—sHB 5553

Judiciary Committee

Transportation Committee

AN ACT CONCERNING SUBSTANCE ABUSE PROGRAMS

SUMMARY: This act makes a number of changes to the driving under the influence (DUI) laws, including:

1. placing restrictions on the first year of driving with an ignition interlock device after a second DUI conviction;
2. allowing a DUI offender whose license is permanently revoked to request restoration sooner (after two years instead of six) but requiring lifetime instead of 10 years' use of an ignition interlock device after restoration, subject to a request for removal of the device for good cause after 15 years;
3. increasing, from \$25 to \$75, the maximum participation fee an organization conducting a victim impact panel program can charge a DUI offender who is ordered to attend the program by the court (the law already allowed them to charge a \$75 fee for panels in the pretrial alcohol education program);
4. requiring second or subsequent DUI offenders to submit to an alcohol or drug abuse assessment through the Judicial Branch's Court Support Services Division (CSSD) and undergo a treatment program if ordered to do so by the court; and
5. making technical and conforming changes.

EFFECTIVE DATE: July 1, 2012; except for the provisions on lifetime ignition interlock use after license reinstatement for third or subsequent DUI offenders, which is effective January 1, 2013.

IGNITION INTERLOCK DEVICES

After a second DUI conviction, the law requires an offender to operate a motor vehicle with an ignition interlock for three years after his or her license suspension period ends. The act additionally limits driving during the first year with the interlock after license restoration to driving to or from work or school,

an alcohol or drug abuse treatment program, or ignition interlock service center. The commissioner must note this restriction on the driver's electronic records (license and registration), as she does for other ignition interlock requirements.

For a third or subsequent DUI conviction, the law requires an offender's license to be permanently revoked, but he or she can request a reversal or reduction. The act reduces the period the offender must wait before requesting a restoration hearing from six to two years. If his or her license is restored, the act requires use of an ignition interlock device as long as he or she drives a vehicle, instead of only for 10 years after license restoration. But the act allows the person to request a hearing on removing the ignition interlock after 15 years of use and allows the commissioner to authorize removal if she finds good cause after the hearing.

By law, the DMV commissioner can extend periods of required ignition interlock device use beyond those required in the statute under regulations she adopts.

For use of an ignition interlock device after a first or second DUI conviction, the act requires the offender to verify to the commissioner, in a way the commissioner requires, that the device is installed. Prior law specified that the commissioner was not required to verify installation.

The act makes related changes to apply provisions on ignition interlock use, such as the penalty for tampering with the device, to the act's new ignition interlock requirements.

ASSESSMENT AND COURT-ORDERED TREATMENT

For second and subsequent DUI convictions, the act requires an offender to submit to an alcohol or drug abuse assessment through CSSD and undergo a treatment program if ordered to do so by the court. Existing law allows the court to order a DUI offender to participate in an alcohol education and treatment program.

PA 12-180—sHB 5511 (VETOED)

Judiciary Committee

AN ACT CONCERNING THE BUDGET, SPECIAL ASSESSMENT AND ASSIGNMENT OF FUTURE INCOME APPROVAL PROCESS IN COMMON INTEREST OWNERSHIP COMMUNITIES

SUMMARY: This act changes requirements under the Common Interest Ownership Act (CIOA) for approval of annual budgets and special assessments for certain large common interest communities and master

associations.

Under existing law, common interest community annual budgets and special assessments are approved unless a majority of all unit owners, or a larger number specified in the association's declaration, votes to reject them. The absence of a quorum in the vote does not affect the budget's or assessment's approval or rejection.

The act creates an exception for (1) common interest communities that have at least 2,400 units and were established prior to July 3, 1991 and (2) master associations exercising the powers on behalf of one or more common interest communities or for the benefit of the unit owners of one or more such communities, with the same size and establishment requirements as specified above. The act provides that, for these communities and master associations, a proposed budget or assessment is approved unless (1) a majority of all unit owners participating in the vote rejects it and (2) at least one-third of unit owners entitled to vote on the measure vote to reject it.

By law, unchanged by the act, unit owner approval is not required for special assessments that are (1) small relative to the association's budget (unless the declaration or bylaws provide otherwise) or (2) needed in an emergency (see BACKGROUND).

The act also changes CIOA's approval requirement for assignments of the right to future income as security for loan agreements in common interest communities. It provides that the assignment is approved unless a majority of unit owners votes against it, rather than approved only if a majority votes for it (although the declaration can specify a higher number).

The act makes other changes to the required procedures and timelines for votes on such assignments. EFFECTIVE DATE: July 1, 2012

LOAN AGREEMENTS AND ASSIGNMENT OF RIGHT TO FUTURE INCOME

Prior law required unit owner approval of a common interest community executive board's assignment of the right to future income as security for a loan agreement, but did not specify when the vote must be held. The act requires the board to schedule a unit owners' meeting to vote on whether to approve the assignment. Under the act, the meeting must be held between 10 and 60 days after the board satisfies other requirements in existing law related to loan agreements (i.e., at least 14 days before entering into a loan agreement on the association's behalf, the board must (1) disclose to unit owners the loan's amount, terms, and estimated impact on any common expenses assessment and (2) give them a reasonable opportunity to submit comments on the loan).

Under prior law, if the executive board proposed to

enter into such a loan agreement and assignment, owners of units to which at least a majority of the association's votes were allocated, or any larger percentage stated in the declaration, had to vote in favor of or agree to the assignment for it to be approved. The act instead provides that the assignment is approved unless a majority of all unit owners, or a larger number specified in the declaration, vote to reject it. The absence of a quorum at the meeting does not affect approval or rejection of the assignment.

By law, the association's declaration can prohibit or limit such assignments of future income.

BACKGROUND

Common Interest Ownership Act

CIOA governs the creation, alteration, management, termination, and sale of condominiums and other common interest communities (CGS § 47-200 et seq.).

Special Assessments Not Requiring Owner Approval

Under CIOA, unless the declaration or bylaws provide otherwise, if a special assessment, together with all other special and emergency assessments the board proposed in the same calendar year, do not exceed 15% of the association's last adopted budget for that year, the assessment is effective without unit owner approval.

CIOA also allows a special assessment to become effective immediately if the executive board determines by a two-thirds vote that it is necessary to respond to an emergency and it provides notice of the emergency assessment promptly to all unit owners. The board may spend emergency assessment receipts only for the purposes described in its vote.

PA 12-186—HB 5534

Judiciary Committee

AN ACT CONCERNING ROBBERY COMMITTED AT A BANK OR CREDIT UNION

SUMMARY: This act extends the reach of the 2nd degree robbery statute to include robberies committed at a bank or credit union using intimidation, rather than a threat of immediate violence. Under the act, someone is guilty of 2nd degree robbery when, in the course of committing larceny at a bank or credit union, the person intimidates an employee of the institution by intentionally engaging in conduct that causes another person to reasonably fear for his or her physical safety or the physical safety of another, to (1) prevent or overcome resistance to the taking of the property or to

its retention immediately after the taking or (2) compel the property owner or another person to deliver the property or to engage in other conduct which aids in the larceny.

Under existing law, unchanged by the act, a person is guilty of 2nd degree robbery when, in the course of committing larceny, the person uses or threatens the immediate use of physical force upon another person, for purposes described in (1) or (2) above, and (1) is aided by another person actually present or (2) in the course of committing the crime or of immediate flight from it, the person or another criminal participant displays or threatens the use of what he or she represents by words or conduct to be a deadly weapon or a dangerous instrument.

By law, 2nd degree robbery is a class C felony (see Table on Penalties).

EFFECTIVE DATE: October 1, 2012

PA 12-33—sHB 5312

*Labor and Public Employees Committee
Human Services Committee*

AN ACT CREATING A PROCESS FOR FAMILY CHILD CARE PROVIDERS AND PERSONAL CARE ATTENDANTS TO COLLECTIVELY BARGAIN WITH THE STATE

SUMMARY: This act allows certain family child care providers and personal care attendants (PCAs) to collectively bargain with the state through an employee organization (i.e., a union) over reimbursement rates, benefits, payment procedures, contract grievance arbitration, training, professional development, and other requirements and opportunities. It explicitly states that child care providers and PCAs are not state employees and, except for the bargaining rights provided in the act, do not have the rights, obligations, privileges, and immunities statutorily provided to state employees.

It establishes a collective bargaining and arbitration process for child care providers and PCAs and grants them many of the same rights and duties given to state employees under the collective bargaining law for state employees. It also specifically excludes certain subjects from collective bargaining and prohibits any provision in a contract or arbitration award from reducing child care provider or PCA services. It requires the General Assembly to affirmatively approve any contract or arbitration award that would require additional appropriations to maintain existing service levels.

The act creates a PCA Workforce Council to study and plan for improving PCA quality, stability, and availability. It also (1) requires the Department of Social Services (DSS) and the council to compile and maintain lists of covered child care providers and PCAs, respectively, and (2) provides liability protection for the state under certain circumstances.

EFFECTIVE DATE: July 1, 2012

§ 1 — FAMILY CHILD CARE PROVIDERS

The act applies to child care providers paid by the state's Care-4-Kids program to provide day care in (1) licensed family day care homes (i.e., private family homes, generally with up to six children) or (2) their own homes for the children of neighbors or relatives. The Care-4-Kids program subsidizes child care costs for low- and moderate-income families while a parent is working or attending a Temporary Family Assistance-approved education or training program (i.e., a Jobs First participant).

§ 4 — PERSONAL CARE ATTENDANTS

PCAs provide in-home and community-based personal care assistance to the elderly and people with disabilities (consumers). They often are paid through Medicaid waiver programs, which offer an alternative to Medicaid-funded institutional care. Under the act, "personal care assistance" means supportive home care, direct support services, personal care, or another nonprofessional service provided to a person with a disability or an elderly person who needs assistance to (1) meet daily living needs, (2) ensure that he or she can adequately function at home, or (3) provide him or her with safe access to the community.

The act applies to PCAs employed by a consumer or surrogate (a consumer's legal guardian or a person responsible for the consumer's care) to provide personal care assistance to a consumer under any state-funded program, including the:

1. Medicaid Acquired Brain Injury Waiver Program,
2. Medicaid Personal Care Assistance Waiver Program for adults with disabilities,
3. Connecticut Home Care Program for Elders,
4. Connecticut Home Care Program for Disabled Adults Pilot Program, and
5. Individual and Family Support and Comprehensive Medicaid waiver programs administered by Department of Developmental Services (DDS).

§§ 2 & 6 — COLLECTIVE BARGAINING

Union and Employer Determination

Under the act, the exclusive bargaining agents (unions) for family child care providers or PCAs must be certified by the State Board of Labor Relations (SBLR) under either the (1) statutory procedure used to certify state employees' unions or (2) procedure for certifying a family child care providers' union or PCA union established under Governor Malloy's Executive Orders 9 and 10, respectively. The act requires the SBLR to certify a union without an additional election if the union can prove that it was certified under one of the executive orders before July 1, 2012. Any elections to resolve representation issues must be conducted by mail ballot.

The act limits child care providers to one statewide bargaining unit. It allows PCAs to be in (1) one statewide bargaining unit, (2) a statewide unit of PCAs who provide services under a DSS program, or (3) a statewide unit of PCAs who provide services under a DDS program. PCAs who are members of the consumer's or surrogate's family cannot be excluded from a bargaining unit due to their familial relationship.

Under the act, as under the law for state employees, the SBLR determines PCA bargaining units.

For child care providers, the act, like existing law, specifies that DSS is an executive branch employer represented by the Office of Policy and Management (OPM) in collective bargaining negotiations. The act places the newly created PCA Workforce Council within the executive branch but does not say the council is the PCAs' employer.

Collective Bargaining Subjects

Under the act, PCAs and child care providers, although not considered state employees, have many of the same bargaining rights, obligations, and protections, and are subject to the same prohibitions as state employees. Thus, among other things, they have the right to organize, cannot be discharged or discriminated against for organizing, and are not permitted to strike. However, the act prohibits them from bargaining over (1) state employee pension or health care benefits; (2) a parent's or consumer's or surrogate's right to hire, fire, and direct a child care provider's or PCA's activities, respectively; and (3) grievance arbitration against parents, consumers, or surrogates.

Other provisions of the collective bargaining laws for state employees that do not apply to unionized childcare providers and PCAs include:

1. the timetable for negotiations and arbitration (the act replaces it with a new timetable);
2. the requirement for a party to pay interest on overdue arbitration awards;
3. the legislature's approval process (which the act replaces with a new approval process);
4. the requirement for the legislature to appropriate funds needed for an approved contract or award;
5. allowances for negotiations to continue past the legislature's budget deadline and contracts to be retroactive;
6. a requirement that the provisions in an approved contract supersede any conflicting laws or regulations;
7. the mandate for coalition bargaining for pension and health benefits (i.e., the State Employees Bargaining Agent Coalition); and
8. an exemption from binding arbitration for non-mandated collective bargaining subjects.

No Reductions in Services

Under the act, no provision in a contract or arbitration award can reduce child care provider or PCA services. Any provision that would require an additional appropriation to maintain existing service levels must be affirmatively approved by the General Assembly. The

act also denies the SBLR jurisdiction over any complaints against parents (for child care providers), consumers, or surrogates (for PCAs) for unfair labor practices under the collective bargaining law for state employees.

Union Dues and Nonmember Service Fees

Existing collective bargaining law for state employees requires nonmember service fees, instead of union dues, to be deducted from the wages of an employee who does not wish to join the union representing his or her bargaining unit. The act does not require that these fees be deducted from a PCA's or child care provider's payments, but it allows a contract or arbitration award to require the state or its fiscal intermediary to deduct dues and initiation fees or nonmember service fees from the state payments. Under the act, the nonmember service fees must be the lesser of either the dues, fees, and assessments paid by union members or a proportionate share of the union's costs for collective bargaining.

The act explicitly limits the deduction of dues and fees to payments from the Care-4-Kids program (for child care providers) or the waiver program in which a PCA's consumer is participating. (PCAs in non-waiver programs such as the Connecticut Home Care Program for Elders and the pilot program cannot have union dues or nonmember service fees deducted from their payments.) No dues or fees can be deducted from a child care provider's or PCA's payments during the first 60 days that they are participating in their respective programs.

Collective Bargaining and Arbitration Process

The act establishes a contract negotiation and arbitration process separate from the process used by state employees' unions. The process is the same for family child care providers and PCAs. The act gives the parties 150 days to negotiate a contract. (It does not specify when negotiations must begin.) If the parties have not reached an agreement within that time, they must jointly select an arbitrator who (1) has experience as an impartial arbitrator in labor-management disputes and (2) is not employed as an advocate or consultant for labor or management in labor-management disputes. If the parties cannot agree on an arbitrator within 10 days, the act requires an arbitrator to be selected using the procedure under the American Arbitration Association's voluntary labor arbitration rules.

Once the parties have an arbitrator, the act requires them to submit their position on how each unresolved issue should be resolved (last best offer). The arbitrator must then hold a hearing to allow them to provide evidence and arguments. The parties can also submit

written briefs. Under the act, the arbitration record is closed at the end of the hearing or once the arbitrator receives the briefs, whichever is later. The act does not specify a timeline for the hearing process to occur, but the arbitrator must issue an award within 45 days of the records closure. It requires the parties to split the costs and fees incurred in the arbitration process.

In coming to a decision, the act requires the arbitrator to select one party's proposal on each unresolved issue (issue-by-issue last best offer decisions). The arbitrator must consider:

1. the nature and needs of the particular program and the needs and welfare of the parents, children, or consumers served by the program, including better recruitment, retention, and quality of family child care providers or PCAs, as the case may be;
2. the history of negotiations between the parties;
3. the existing employment conditions of similar groups of workers;
4. cost of living changes; and
5. the interests and welfare of the covered family child care providers or PCAs.

Unlike state employee collective bargaining, the arbitrator is not required to consider the ability of the employer to pay.

General Assembly Approval

The act requires any contract or arbitration award to be written and submitted to the General Assembly for approval. Any provision in the contract or award that would supersede a law or regulation must be affirmatively approved by the General Assembly. In addition, any provision that requires additional appropriations to maintain existing service levels must be approved under the budgetary process applicable to appropriations, including affirmative legislative approval. Presumably, the Office of Labor Relations will determine what provisions of a contract or award supersede a law or regulation, or require an appropriation, as it does for the state's other collectively bargained contracts.

Under the act, contract or award provisions that do not (1) supersede existing laws and regulations and (2) involve additional appropriations are automatically approved unless the General Assembly affirmatively rejects them by a majority vote of either chamber within 30 days after they were filed. The General Assembly must be in regular session when the 30-day deadline begins and ends.

Once a contract or award has been approved, any identical provision repeated in future contracts or awards does not need to be resubmitted to the General Assembly.

§§ 5 & 6 — PROVISIONS SPECIFIC TO PCAS

The act includes several provisions that apply only to PCAs.

Collective Bargaining

The act prohibits PCAs from bargaining over any proposal that prevents (1) surrogates from hiring PCAs not on the registry list described in the act or (2) consumers or surrogates from requiring any additional training of their PCAs. Furthermore, no agreement or arbitration award can provide for a reduction in Medicaid funds provided to the state.

Whenever a PCA contract or award includes increases in wages or benefits, the act also requires programs where consumers' budgets for direct support services are allocated through an "individual budget methodology" (a Medicaid term related to the allocation of resources) to increase a consumer's budget to accommodate the additional expenses.

Other

The act states that it does not alter the obligations of the state or a consumer to pay their respective shares of Social Security, federal and state unemployment contributions, Medicare, or workers' compensation insurance.

§ 5 — PCA WORKFORCE COUNCIL

The act establishes a 13-member PCA Workforce Council made up of state officials and representatives of the populations served by PCAs and lists their duties and responsibilities.

The council consists of the following members:

1. the social services and developmental services commissioners, Healthcare Advocate, OPM secretary, or any of their respective designees;
2. one representative each from an organization for consumers (a) with developmental disabilities, (b) with physical disabilities, and (c) who are elderly, appointed by the governor;
3. two members of one or more organizations representing consumers with developmental disabilities, one each appointed by the House speaker and Senate majority leader;
4. two members of one or more organizations representing consumers with physical disabilities, one each appointed by the Senate president pro tempore and the House minority leader; and

5. two members of one or more organizations representing elderly consumers, one each appointed by the House majority leader and Senate minority leader.

Initial appointments to the council must be made by August 1, 2012. The governor appoints a chairperson from among the members, and he or she must call the first meeting by September 1, 2012. A majority of the members constitutes a quorum for transacting business. Council members serve coterminously and at the pleasure of the appointing authority. They receive no compensation, but are reimbursed for necessary expenses.

The council is in the Executive Branch and in DSS for administrative purposes only.

Council Duties

The act requires the council to (1) study PCA recruitment, retention, and adequacy and (2) develop a plan to improve PCA quality, stability, and availability. The plan must do this by:

1. developing a means to identify and recruit PCAs;
2. developing PCA and consumer training and educational opportunities;
3. developing one or more registries to (a) provide routine, emergency, and respite referrals of qualified PCAs to consumers and surrogates who are authorized to receive long-term, in-home PCA personal care services; (b) enable consumers and surrogates to access information about prospective PCAs including their training, educational background, and work experience; and (c) provide appropriate employment opportunities for PCAs; and
4. establishing standards for PCA wages, benefits, and employment conditions.

On or after July 1, 2013, the DSS and DDS commissioners must review the council's plan. If they approve the plan, they must include requests for funding to implement it or any aspects of it in any budgetary requests they submit to OPM.

§ 7 — STATE FEDERAL WAIVER APPLICATION REQUIRED

The act requires the DSS and DDS commissioners to submit any federal Medicaid waiver application necessary to carry out the act's provisions according to the waiver application process provided in state law, which includes legislative oversight. The commissioners, and any other state agency, must take all necessary and reasonable actions to obtain approval of the waiver to ensure continued federal funding. (The federal government reimburses the state for half of what

it spends on Medicaid waiver-covered services.)

§ 2 — CHILD CARE PROVIDER LIST

Starting July 1, 2012, the act requires the DSS commissioner to compile monthly lists of the child care providers who have participated in the Care-4-Kids program within the previous six months. The lists are a public record subject to the state's Freedom of Information Act (FOIA).

§ 5 — PCA REGISTRY LIST

By October 1, 2012, the council must compile and maintain a monthly registry list of the names and addresses of all PCAs who have been paid through the state-funded programs identified in the act within the previous six calendar months. The list cannot (1) include the name of any consumer or (2) indicate that a PCA is a relative of, or has the same address as, a consumer.

The act requires any fiscal intermediary that provides administrative services to the state for state-funded programs to help the council compile and maintain the registry list. (In certain programs, the state uses a contracted entity, such as Allied Community Resources, to help clients manage the financial aspects of hiring a PCA and other direct care providers.) The council must use the list to carry out its duties, assist those seeking to form a PCA union, and help DSS and DDS apply for any federal Medicaid waivers necessary to carry out the act's provisions. The list is accessible to the public under FOIA.

If it receives a request for the list from any employee organization interested in forming a PCA union, the council, within seven days, must provide the organization with the most recent list of PCAs it has compiled.

§§ 3 & 8 — LIABILITY

The act protects the state from liability in any legal action, grievance arbitration, or prohibited practice proceeding brought by a union against a parent (for child care providers), consumer, or surrogate (for PCAs) for a violation of the act's provisions regarding collective bargaining, the PCA Workforce Council, or federal Medicaid waivers and compliance.

PA 12-43—sSB 150

*Labor and Public Employees Committee
Planning and Development Committee
Appropriations Committee*

**AN ACT CONCERNING FAMILY AND
MEDICAL LEAVE BENEFITS FOR CERTAIN
MUNICIPAL EMPLOYEES**

SUMMARY: This act reduces the number of work hours school paraprofessionals in educational settings need to qualify for family and medical leave benefits. Under federal law, all municipal employees, including these paraprofessionals, qualify for benefits under the Family and Medical Leave Act (FMLA) if they have been employed by the municipality for at least 12 months and worked at least 1,250 hours in the previous 12 months.

The act requires boards of education to provide benefits equal to those provided by the federal FMLA to paraprofessionals who have (1) been employed by the board for at least 12 months and (2) worked at least 950 hours for the board during the 12 months prior to taking the benefit. It similarly reduces the work requirement, from 1,250 to 950 hours, for the paraprofessionals to request leave to serve as an organ or bone marrow donor.

The act requires the labor commissioner to adopt implementing regulations and specifies that the paraprofessionals cannot begin accruing the necessary 950 hours before then.

It also makes technical changes.

EFFECTIVE DATE: Upon passage

PA 12-46—sSB 258

Labor and Public Employees Committee

**AN ACT CONCERNING AN INCREASE IN THE
MAXIMUM ALLOWABLE UNEMPLOYMENT
COMPENSATION TRUST FUND BALANCE**

SUMMARY: Beginning with the 2013 calendar year, this act changes the method used to calculate the ideal amount of money that should be retained in the unemployment compensation trust fund. Under existing law, the fund's goal is 0.8% of the total wages paid by contributing employers. In 2013, the act changes the goal to an average high cost multiple (AHCM) of 0.5 (i.e., one half year's worth of average recessionary level unemployment benefits), then increases it by 0.1 per year until it reaches an AHCM of 1.0 (one year's worth of average recessionary level unemployment benefits) in 2018. From that point forward, the act requires the fund's goal to be an AHCM of 1.0.

By law, a portion of the unemployment taxes paid by employers is based on the fund balance rate, which can vary between zero (when the trust fund has reached its funding goal) and a statutory maximum of 1.4% (when the fund is significantly below its goal) of the first \$15,000 in annual wages paid to each employee. The act maintains these minimum and maximum tax rates and, as under prior law, also (1) requires the fund administrator to lower the rate when the fund exceeds its goal and (2) prohibits the administrator from setting a rate that will result in the fund exceeding its goal.

EFFECTIVE DATE: October 1, 2012

THE AVERAGE HIGH COST MULTIPLE

The AHCM expresses how many years the current reserve in an unemployment trust fund can pay out benefits at a historically high payout rate. If a state's AHCM is 1.0 immediately prior to a recession, and if the recession is of the average magnitude of the last three recessions, then the money in the state's trust fund should be able to cover one year of unemployment benefits without any additional funding. If the state's AHCM is 0.5, then the state should be able to cover six months of benefits.

Under the act, the AHCM is determined by (1) expressing the amount in the unemployment trust fund at the end of each calendar year as a fraction of the total wages paid by contributing employers during that year and (2) dividing that number by the average of the three highest annual benefit amounts (expressed as a percentage of the total covered wages) that were paid over the last 20 years or last three recessions, whichever period is longer. Annual benefit amounts include the state's share of extended benefits (weeks 79-99 of benefits), but do not include reimbursable benefits (the benefits paid to former public employees during weeks 1-26 of their unemployment).

As an illustration, if a state has \$500 million in its unemployment trust fund and total covered wages of \$50 billion, it has 1.0% of covered wages in its trust fund. If, during the three worst years of the state's last three recessions, the state paid annual benefits worth 1.5%, 2.0%, and 2.5% of its total covered wages, the average highest benefit amount would be 2.0%. The state's AHCM would therefore be $1.0/2.0 = 0.5$. With an AHCM of 0.5, the state could expect the \$500 million in its trust fund to cover six months of recessionary level benefits without any additional funding.

BACKGROUND*Federal Regulations*

Under regulations implemented by the U.S. Department of Labor in 2010, to qualify for a short-term interest-free unemployment loan from the federal government, a state's trust fund must have met certain AHCM goals in at least one of the five years preceding the loan request. These goals are phased in over five years, with an AHCM of 0.5 required in 2014, and an AHCM of 1.0 required in 2019 (20 C.F.R. § 606.32).

PA 12-83—sHB 5237*Labor and Public Employees Committee***AN ACT CONCERNING PAYMENT OF WAGES FOR EMPLOYEES OF AN ENTITY CALLED A STATE-AIDED INSTITUTION**

SUMMARY: This act permits three specific private institutions to negotiate with their respective employee unions for a different wage payment schedule than the weekly payment required by law. The institutions, referred to as "state-aided institutions," are the American School for the Deaf, the Connecticut Institute for the Blind, and the Newington Children's Hospital.

The act adds these institutions to an existing exception that allows boards of education to negotiate different payment schedules. (Many boards of education negotiate under this provision to pay employees based on the calendar year rather than the 10-month school year.)

By law, employers must pay employees on a regular pay day that must not be more than eight days after the last day counted in the pay period. In addition to the statutory exception for boards of education, the law allows the labor commissioner to grant other pay schedule exceptions.

EFFECTIVE DATE: Upon passage

BACKGROUND*State-Aided Institutions*

In statute, the American School for the Deaf, the Connecticut Institute for the Blind, and the Newington Children's Hospital are referred to as state-aided institutions because of the state's history of providing them financial assistance. When it opened the new facility in Hartford in 1995, the Newington Children's Hospital was renamed the Connecticut Children's Medical Center.

Commissioner's Authority to Waive Some Pay Requirements

By law, the labor commissioner may waive the standard requirement to pay weekly wages upon the employer's request, provided the employees are paid at least once in each calendar month on a regular schedule (CGS § 31-71i).

PA 12-125—sHB 5232*Labor and Public Employees Committee***AN ACT CONCERNING HEARINGS BEFORE THE ADMINISTRATOR AND THE EMPLOYMENT SECURITY APPEALS DIVISION UNDER THE UNEMPLOYMENT COMPENSATION ACT**

SUMMARY: By law the Department of Labor unemployment administrator or examiner initially determining a claimant's eligibility for unemployment benefits has the discretion to hold hearings in person or by telephone or other electronic means. This act limits that discretion by prohibiting the administrator or examiner from unreasonably denying a request for an in-person hearing.

When a claimant or employer appealed an administrator or examiner's decision, prior law required the appeal to be heard in person at a location reasonably convenient for the parties. The act makes the telephone or other electronic means the default method for hearing these appeals. However, it requires an in-person hearing if either party requests one, at a location designated by the Employment Security Appeals Division's executive head, regardless of its convenience for the parties.

EFFECTIVE DATE: October 1, 2012

PA 12-126—sHB 5233*Labor and Public Employees Committee
Appropriations Committee***AN ACT CONCERNING WORKERS' COMPENSATION FOR FIREFIGHTERS**

SUMMARY: This act extends workers' compensation coverage for mental or emotional impairment to a firefighter diagnosed with post-traumatic stress disorder (PTSD) because the firefighter witnessed the death of another firefighter while engaged in the line of duty. To be eligible, the firefighter (1) must be diagnosed by a licensed and board certified mental health professional who determines the PTSD stems from witnessing the death of another firefighter and (2) is not subject to any

other exclusion under workers' compensation law. It extends this coverage to volunteer or paid uniformed municipal firefighters.

The workers' compensation benefits under the act are limited to treatment from a practicing psychologist or psychiatrist on an approved list established by the Workers' Compensation Commission chairperson. This differs from full workers' compensation coverage in that it does not provide wage replacement benefits.

Previously, workers' compensation only covered a mental or emotional injury under two scenarios. In the first scenario, a mental or emotional injury is compensable under workers' compensation if it arises out of a physical injury that occurs on the job or is job-related. In these cases, the workers' compensation claim starts with the physical injury and the employee is eligible for wage replacement and medical benefits.

In the second, a police officer's mental and emotional injury that arises from a job-related incident in which the officer was subject to the attempted use of deadly force or the officer used deadly force on another person is covered under worker's compensation, but the benefit is limited to treatment by an approved psychologist or psychiatrist.

EFFECTIVE DATE: Upon passage and applicable to any claim filed on or after that date.

PA 12-26—sHB 5314
Planning and Development Committee

AN ACT CONCERNING THE JEOPARDY COLLECTION OF TAXES

SUMMARY: This act changes the process by which local tax collectors take action to collect taxes that are assessed but not yet due (i.e., jeopardy tax collection).

Prior law required tax collectors to take immediate action to collect a tax that was assessed but not yet due when they believed that payment might be jeopardized by delay. The act instead requires that they take such action only if they determine, after exercising due diligence, the payment will be delayed. As under prior law, the tax collector must use an existing collection method to enforce the payment.

The act also requires local tax collectors to notify in writing the (1) taxpayer and (2) municipality’s chief elected official or chief executive officer when beginning a jeopardy tax collection proceeding. The notice must explain in detail the basis for determining that the tax payment would be jeopardized by a delay.

By law, a taxpayer may protest a jeopardy tax collection by obtaining a stay by posting a bond and appealing to the board of assessment appeals or subsequently to a court.

EFFECTIVE DATE: October 1, 2012, and applicable to assessment years starting on or after that date.

PA 12-27—HB 5315
Planning and Development Committee

AN ACT AUTHORIZING PLANNING COMMISSIONS TO NOTIFY REGIONAL PLANNING AGENCIES OF SUBDIVISION APPLICATIONS BY ELECTRONIC MAIL

SUMMARY: This act allows municipal planning commissions to notify regional planning agencies (RPAs) about proposed subdivisions by email, instead of certified mail. By law, municipal planning commissions must (1) notify RPAs about proposed subdivisions that abut or include land in two or more towns located within an RPA’s area of operation and (2) send the notice at least 30 days before the required public hearing.

The planning commissions must email the notice to the email address an RPA designates on its website to receive such notices. If a commission does not receive an email from an RPA confirming receipt of the notice, it must also send the RPA notice by certified mail, return receipt requested, at least 25 days before the public hearing on the subdivision plan.

The act also makes technical changes.
EFFECTIVE DATE: October 1, 2012

PA 12-34—sHB 5318 (VETOED)
Planning and Development Committee

AN ACT CONCERNING THE REVISION OF MUNICIPAL CHARTERS

SUMMARY: By law, a commission appointed to draft or amend a municipal charter or home rule ordinance must consider the changes or items specified in the petition that initiated the adoption or revision process, if applicable, and may consider anything else the appointing authority recommends. Under prior law, the commission could consider additional changes and items it deemed desirable or necessary. This act prohibits a commission appointed on or after October 1, 2012 from considering additional items or changes without the appointing authority’s authorization.

EFFECTIVE DATE: October 1, 2012

BACKGROUND

Charter Adoption and Revision Process

The law authorizes towns to adopt or amend a charter or home rule ordinance and specifies the process for doing so. The town's appointing authority, generally the board of selectmen or town council, or the town's voters, can initiate the process by resolution or petition, respectively. The authority must appoint a commission, which must consider any item the authority or petition specifies.

The commission and the authority must hold public hearings on the proposal according to a statutory schedule. The authority can recommend changes to the commission's proposal, but the commission does not have to accept them. After the commission finalizes its proposed charter or amendments, the authority can accept or reject all or parts of it. Voters can petition for a referendum on the rejected parts and must ultimately vote on the proposal, regardless of whether the authority initially approved it.

PA 12-47—sSB 263
Planning and Development Committee
Judiciary Committee

AN ACT CONCERNING LIABILITY OF ZONING ENFORCEMENT OFFICERS

SUMMARY: This act eliminates the penalty of triple damages that, under prior law, a zoning enforcement

official had to pay when a court found that the official levied a fine frivolously or without probable cause against a property owner. By eliminating this penalty, the act subjects a zoning enforcement official to the same liability as other municipal officials and employees.

EFFECTIVE DATE: October 1, 2012

BACKGROUND

Municipal Officials' and Employees' Liability and Indemnification

The law provides municipal officials and employees with immunity in various circumstances and requires each municipality to indemnify them from financial loss and expense, including legal fees and costs, arising from a claim, demand, suit, or judgment of alleged negligence or infringement of civil rights by the official or employee while acting in the discharge of his or her duties (CGS § 7-101a(a)).

The law also requires each municipality to indemnify municipal officials and employees from financial loss and expense, including legal fees and costs arising out of alleged malicious, wanton, or willful acts, or any act beyond the scope of their authority while acting in the discharge of their duties. But an official or employee found guilty of a malicious, wanton, or willful act must reimburse the municipality for expenses it incurred in providing such defense and the municipality may not be held liable to such official or employee for any financial loss or expense resulting from such an act (CGS § 7-101a(b)).

The law authorizes each municipality to insure against the duty to indemnify or elect to self-insure such liability (CGS § 7-101a(c)).

PA 12-64—sHB 5455

*Planning and Development Committee
Judiciary Committee
Public Health Committee*

AN ACT CONCERNING PENALTIES FOR AND THE INVESTIGATION OF THE OPERATION OF ILLEGAL MASSAGE ESTABLISHMENTS

SUMMARY: This act extends regulation of the massage therapy field to cover employers, not just individual practitioners; expands the practices and services covered by advertising restrictions; and authorizes the Department of Public Health (DPH) commissioner to investigate complaints.

The act makes employers who knowingly and willfully employ unlicensed people (1) to practice massage therapy or (2) who use a massage therapy-

related title guilty of a class C misdemeanor (see Table on Penalties), which is the penalty for individual practitioners who violate massage therapy provisions under existing law.

EFFECTIVE DATE: October 1, 2012

ADVERTISING

The law prohibits using the term or title “massage” when advertising massage therapy services, unless a licensed massage therapist performs the services. “Advertising” includes:

1. placing a listing or advertisement in a directory under a heading or classification that includes the words “massage,” “massage therapist,” “massage therapy,” or “massage therapy establishment;”
2. giving a card, sign, or device to anyone;
3. causing or allowing a sign or marking on a vehicle, building, or other structure; or
4. advertising in a newspaper or magazine.

The act adds “shiatsu,” “acupressure,” “Thai massage,” “Thai yoga massage,” and “Thai yoga” to the list of terms or titles that can appear in advertising for services only if performed by a licensed massage therapist.

It is unclear what penalty applies to a violation of the advertising provisions, although the law makes the use of certain titles by an unlicensed person a class C misdemeanor and authorizes the DPH commissioner to enforce the advertising provisions.

INVESTIGATIONS

Under the act, when the DPH commissioner believes, based on credible information or a complaint, that someone has violated massage therapy license or practice requirements or advertising rules, she may, within 30 days after receiving the complaint, begin a formal investigation of the alleged violation. Under existing law, the commissioner must enforce laws concerning massage therapy within available appropriations.

Under the act, in the course of the investigation, the commissioner may inquire whether a person under investigation legally obtained a DPH license by comparing the photograph on the person's government-issued photo-identification with a photograph from the National Certification Board for Therapeutic Massage and Bodywork or from a company the board contracted with to administer massage exams. Photographs that do not match constitute *prima facie* evidence (i.e., a preliminary showing that can be overcome by other evidence) that the person violated the law by practicing massage therapy without a license.

BACKGROUND

Massage Therapy Defined

By law, “massage therapy” means the systematic and scientific manipulation and treatment of the body’s soft tissues using pressure, friction, stroking, percussion, kneading, vibration by manual or mechanical means, range of motion, and nonspecific stretching. It includes the use of oils, ice, and similar amenities, but does not include diagnosis or other services and procedures for which the law requires a license to practice, including medicine, chiropractic, naturopathy, physical therapy, or podiatry (CGS § 20-206a).

PA 12-69—SB 105

*Planning and Development Committee
Appropriations Committee*

AN ACT CONCERNING THE RENTAL REBATE APPLICATION PERIOD

SUMMARY: This act extends, from four to six months, the period for submitting applications under the rental rebate program for the elderly and people with total permanent disability. Under prior law, the application period for the previous year’s rebate was from May 15 through September 15. The act extends the application period to April 1 through October 1. EFFECTIVE DATE: October 1, 2012

PA 12-146—HB 5319

*Planning and Development Committee
Judiciary Committee*

AN ACT CONCERNING PERSONS AGGRIEVED BY DECISIONS OF MUNICIPAL LAND USE BOARDS AND THE PENALTIES FOR VIOLATING MUNICIPAL BLIGHT ORDINANCES

SUMMARY: The law allows a person to appeal a zoning or planning decision if he or she is aggrieved by it. Under prior law, this included any person that owned land that abutted or was within 100 feet of land involved in the decision, which under case law could have included land on the other side of the state's border. This act restricts the abutting land owners and owners within 100 feet who can appeal planning and zoning decisions to people who own land in Connecticut.

By law, unchanged by the act, an aggrieved municipal officer, department, board, or bureau charged with enforcing board orders, requirements, or decisions can also appeal.

The act requires towns that have housing blight ordinances to include in their implementing regulations provisions mandating (1) written notice to the property's owner and occupant of a violation and (2) a reasonable opportunity to remediate the conditions before any enforcement action.

Under existing law, a blight ordinance may establish fines of between \$10 and \$100 for each day a violation continues and, if the town establishes fines, require a citation hearing process for people to appeal the fines. The act renames these fines as civil penalties and makes a conforming change to the law imposing liens on property for unpaid blight penalties.

It also imposes a new state fine of up to \$250 per day for a willful violation of a blight regulation when it can be shown for each day, based on actual inspection of the property, that blighted conditions continued after a person received written notice and had a reasonable opportunity to remediate the conditions. This fine is not subject to the citation hearing process and requires court proceedings. The act allows new owners or occupants of a blighted property to request a 30-day extension from receipt of the notice with regard to these new penalties. EFFECTIVE DATE: October 1, 2012

MUNICIPAL ANTI-BLIGHT REGULATIONS AND NEW OWNERS OR OCCUPANTS

The act provides relief for new owners or occupants by requiring municipalities to grant them, upon request, a 30-day extension of the opportunity to remediate the property before they can be subject to the act’s \$250 per day penalty. Under the act, new owners or occupants are people or entities who have taken title to, or occupied, respectively, a property within 30 days after the municipality issued the blight notice.

BACKGROUND

Related Case—Zoning Appeals

In 2010, the Connecticut Supreme Court ruled that the statute granting the right of appeal to someone who owns land that abuts or is within 100 feet of land involved in a zoning decision applies to people who own land outside Connecticut.

The court found the statute unclear. It stated that planning and zoning advances certain public interests and authorizes landowners near the subject land use to enforce compliance with zoning regulations through an appeals process. The court found no reason that the statute intended to exempt out-of-state properties that might feel the greatest and most immediate effect of a proposed development. The court found that allowing those out-of-state to challenge the legality of a proposed project protects the interests of a municipality and its citizens in uniform and harmonious development and in

public health and safety (*Abel v. Planning and Zoning Commission of the Town of New Canaan*, 297 Conn. 414 (2010)).

Blight Ordinances

By law, any unpaid fine imposed under a blight ordinance is a lien on the real estate from the date of the fine (CGS § 7-148aa). A town can also choose to include in its blight ordinance provisions that impose special assessments on the property (CGS § 7-148ff).

PA 12-151—SB 345

*Planning and Development Committee
Environment Committee*

AN ACT CONCERNING THE TIME IN WHICH A REGULATED ACTIVITY MUST BE CONDUCTED UNDER A PERMIT ISSUED BY AN INLAND WETLANDS COMMISSION

SUMMARY: This act makes changes in the law affecting municipal inland wetlands agencies and the permits they issue for regulated activities in inland wetlands and watercourses.

By law, a wetlands permit's validity period depends on whether the permitted activity also requires planning and zoning commission approval. Under prior law, wetlands permits for projects requiring a zone change, site plan, or subdivision approval were generally valid for up to five years from the approval date. The act instead ties the validity period to all types of planning and zoning approvals and makes it the same as the validity period for the corresponding planning and zoning approval, which can be up to 10 years. By law, unchanged by the act, wetlands permits for certain projects approved before July 1, 2011 may be extended for up to 14 years (see BACKGROUND).

The law allows wetlands agencies to grant permits for regulated activities with terms, conditions, limitations, or modifications, including reasonable measures to mitigate the effect of the activity on the wetlands. The act allows the agencies to also restrict the time of year in which a regulated activity may be conducted, if the agency, or its agent, determines that the restrictions are necessary to protect inland wetlands and watercourses.

EFFECTIVE DATE: October 1, 2012

INLAND WETLANDS PERMITS

Projects Requiring Other Land Use Approvals

By law, municipalities regulate activities affecting inland wetlands and watercourses within their boundaries and issue permits for regulated activities in

those areas, including for property development. Property development involving a zone change, site plan, or subdivision plan also requires planning and zoning commission approval and, as a condition of this approval, must first obtain an inland wetlands permit when inland wetlands are involved.

Under prior law, an inland wetlands permit for property development that also required these planning and zoning approvals was valid for up to five years from approval, but a municipal inland wetlands agency could set a specific time period during the five years within which the work had to be done.

The act eliminates an agency's ability to set a specific time within which the regulated activity must be conducted for these projects and ties the validity period for these inland wetlands permits to the length of the corresponding project's approval or 10 years, whichever is earlier. It applies this timeframe to projects requiring any municipal zoning and planning commission approval, including incentive housing zones and those developed under the affordable housing land use appeals procedure.

All Other Projects

Prior law required inland wetlands permits for projects that did not also require a zone change, site plan, or subdivision approval to be valid for between two and five years. Under the act, this timeframe applies to any wetlands permit related to a project that does not require any type of planning and zoning approval.

BACKGROUND

Inland Wetlands Permits Approved Before July 1, 2011

By law, inland wetlands permits which had not expired by May 9, 2011 and were approved before July 1, 2011 are valid for at least nine years from the approval date and can be extended for up to 14 years from the date they were approved (CGS § 22a-42a(g)).

PA 12-155—sSB 440

*Planning and Development Committee
Environment Committee
Finance, Revenue and Bonding Committee*

AN ACT CONCERNING PHOSPHOROUS REDUCTION IN STATE WATERS

SUMMARY: This act requires the Department of Energy and Environmental Protection (DEEP) commissioner, or his designee, to work with specified municipalities to develop a state-wide strategy to reduce phosphorus in inland nontidal waters to comply with

U.S. Environmental Protection Agency (EPA) standards.

It establishes certain restrictions on using fertilizer, soil amendments, or compost containing phosphate. The act:

1. generally prohibits applying fertilizer, a soil amendment, or compost containing phosphate to an “established lawn;”
2. creates a seasonal moratorium on applying such fertilizer, soil amendment, or compost;
3. generally bans applying it within a certain distance of a water body; and
4. bans applications on an impervious surface.

It exempts from these restrictions (1) applications on agricultural land and golf courses and (2) the use of fertilizer, a soil amendment, or compost containing 0.67% or less phosphate.

The act allows the agriculture commissioner to (1) adopt regulations to implement the act’s fertilizer, soil amendment, and compost-related requirements and (2) approve consumer information on use restrictions and best practices for the general public or posting and distribution at retail points of sale. It requires him to assess a \$500 civil penalty on anyone who violates the act’s fertilizer, soil amendment, or compost restrictions.

The act also expands the water quality projects eligible for Clean Water Fund (CWF) financing to include certain nutrient removal projects, rather than only projects for nitrogen removal.

EFFECTIVE DATE: Upon passage, except the provisions concerning product application are effective January 1, 2013.

STATE WIDE STRATEGY TO REDUCE PHOSPHORUS

The act requires the DEEP commissioner, or his designee, and the chief elected officials, or their designees, of Cheshire, Danbury, Meriden, Southington, Wallingford, Waterbury, and any other impacted municipality to collaboratively evaluate and make recommendations on a statewide strategy to reduce phosphorus loading in inland nontidal waters to comply with EPA standards. (The act does not specify how the other municipalities would be identified.)

The strategy must include:

1. a statewide response to address phosphorous nonpoint source pollution;
2. approaches for municipalities to use to comply with EPA standards for phosphorous reduction, including guidance for treatment and potential plant upgrades; and
3. the proper scientific methods for measuring current phosphorous levels in inland nontidal waters and making future projections of phosphorous levels in these waters.

PHOSPHATE FERTILIZER, SOIL AMENDMENT, AND COMPOST APPLICATION

Definitions

By law, “fertilizer” is any substance containing at least one recognized plant nutrient that is used for its plant nutrient content and designed for use or claimed to promote plant growth. It does not include unmanipulated animal and vegetable manures, marl, lime, limestone, wood, ash, or other products the agriculture commissioner exempts (CGS § 22-111b).

A “soil amendment” is any substance intended to improve the physical or chemical characteristics of soil, but not commercial fertilizers, agricultural liming materials, unmanipulated animal and vegetable manures, compost, pesticides, or other materials the agriculture commissioner exempts (CGS § 22-111aa).

General Prohibition

The act bans applying fertilizer, a soil amendment, or compost containing phosphate to an established lawn unless:

1. a soil test using agriculture commissioner-approved methods performed within the previous two years before application shows the soil lacks phosphorus, and the fertilizer, soil amendment, or compost is necessary for lawn growth or
2. it is used to establish new grass or repair a lawn with seed or sod.

Under the act, an “established lawn” is an area covered with a grass species for at least two growing seasons and customarily kept mowed.

Seasonal Restriction

The act prohibits anyone from applying fertilizer, a soil amendment, or compost containing phosphate to a lawn from December 1 to March 15 of the next year.

Buffer Area Restriction

The act generally prohibits applying fertilizer, a soil amendment, or compost containing phosphate to a portion of lawn that is within 20 feet of a brook, stream, river, lake, pond, sound, or other water body. But it allows such application, if applied by a drop spreader, rotary spreader with a deflector, or targeted spray liquid at least 15 feet from a water body.

Impervious Surface Restriction

The act prohibits the application of fertilizer, a soil amendment, or compost containing phosphate to an impervious surface. Under the act, an “impervious

surface” is any structure, surface, or improvement that reduces or prevents stormwater absorption into land, such as porous paving, paver blocks, gravel, crushed stone, decks, patios, and elevated structures.

NUTRIENT REMOVAL PROJECT FUNDING

The act expands the types of water quality projects eligible for CWF financing to include projects for nutrient removal, instead of only nitrogen removal projects. The expansion is effective upon passage but applies to certain projects on and after July 1, 2012.

Under the act, a construction contract awarded by a municipality on or after July 1, 2012 that is eligible for CWF financing as a nutrient removal project must receive (1) a project grant of 30% of the project’s cost associated with nutrient removal, (2) a 20% grant for project costs unrelated to nutrient removal, and (3) a loan for the rest. This is the same allocation formula available for nitrogen removal projects under prior law. Nutrient removal projects under design or construction on July 1, 2012 and constructed projects without permanent Clean Water funding on July 1, 2012 are eligible for funding as specified above. These funds cannot exceed 100% of the eligible water quality project cost.

If additional federal grant funds are available for Long Island Sound clean-up projects funded on or after July 1, 2012, a distressed municipality can receive (1) state and federal grants of up to 50% of nutrient removal project costs, (2) a 20% grant for project costs unrelated to nutrient removal, and (3) a loan for the remainder. The funds cannot exceed 100% of the allowable water quality project cost.

BACKGROUND

Agricultural Land

By law, “agricultural land” means any land in the state which, based on soil types, existing and past use for agricultural purposes, and other relevant factors, is suitable for (1) cultivating plants for producing human food and fiber and other useful and valuable plant products; (2) producing animals, livestock, and poultry useful to people and the environment; and (3) providing economically profitable farm units. It may include adjacent pastures, wooded land, natural drainage areas, and other adjacent open areas (CGS § 22-26bb).

Clean Water Fund

The state’s CWF provides financial aid to municipalities through grants and loans for the planning, design, and construction of wastewater treatment facilities. It is financed through a combination of federal and state funding.

Eligible Water Quality Project

By law, an “eligible water quality project” means the planning, design, development, construction, repair, extension, improvement, remodeling, alteration, rehabilitation, reconstruction, or acquisition of a water pollution control facility that the DEEP commissioner approves (CGS § 22a-475).

PA 12-157—sHB 5035

*Planning and Development Committee
Finance, Revenue and Bonding Committee*

AN ACT CONCERNING PROPERTY TAX ASSESSMENTS BY MUNICIPALITIES

SUMMARY: This act explicitly authorizes municipalities to impose property taxes on structures that are partially completed or under construction.

EFFECTIVE DATE: October 1, 2012, and applicable to assessment years beginning on or after that date.

PROPERTY TAX ON PARTIALLY COMPLETED CONSTRUCTION

The act explicitly makes partially completed structures and structures under construction (e.g., a house being built) subject to municipal property tax.

Under prior law, it was unclear whether a town’s assessor could include the value of partially completed structures and improvements in a property’s assessment. While tax assessors had commonly assessed buildings under construction, the question of whether state law authorizes them to do so was the subject of litigation (see BACKGROUND).

By law, nonexempt structures, such as residential homes, garages, barns, commercial buildings, and all other building lots and the improvements on them are taxable at a uniform percentage of their true value, as an assessor determines (CGS § 12-62a). The act also requires an assessor to determine the value of partially completed improvements to a structure and tax them accordingly.

The law directs how tax assessors and tax collectors must treat new real estate construction completed after the October 1 assessment date for property tax purposes. If the property was under construction on that date, it becomes taxable on either the date the certificate of occupancy is issued or the date it is first used for the purpose for which it was constructed, whichever is earlier, prorated for the assessment year in which the new construction is completed. The act specifies that, on October 1, the tax is based on the assessed value of the (1) completed new construction or (2) partially completed portion.

The act also makes conforming changes.

BACKGROUND

Superior Court Case on Taxing Structures Under Construction

The case of *Kasica v. Town of Columbia* concerns a partially constructed house on a 3.44 acre lot in the town of Columbia. In 2008, Columbia’s assessor valued the land at \$255,000 and the improvements (35% complete) at \$569,500. The property owner appealed the assessor’s valuation to the court, alleging, in part, that the assessor violated CGS § 12-53a by taxing the partially completed house.

The court ruled that without the issuance of a certificate of occupancy by the building inspector, there was no statutory authority for the assessor to (1) value the subject premises as partially improved and (2) add this amount to Columbia’s assessment rolls.

PA 12-182—sHB 5320

Planning and Development Committee

AN ACT CONCERNING BONDS AND OTHER SURETY FOR APPROVED SITE PLANS AND SUBDIVISIONS

SUMMARY: The law allows municipal land use commissions to require developers to post a bond or surety to guarantee that site plan and subdivision improvements are completed. This act amends the laws governing these guarantees in various ways. Among other things, it:

1. eliminates references to bonds and surety, referring instead to these instruments as “financial guarantees;”
2. limits the types of site improvements and activities for which a zoning commission can require a guarantee;
3. allows commissions to require guarantees to secure the maintenance of certain improvements for up to one year;
4. allows, rather than requires, municipal planning and zoning commissions to accept surety bonds;
5. creates an exception to the requirement that a developer post a guarantee before a certificate of occupancy is issued or lots are transferred; and
6. prohibits commissions from requiring developers to establish a homeowners association or placing a deed restriction on the property to maintain approved site improvements.

Prior law allowed municipalities to enact ordinances prohibiting or regulating building permits for structures on lots that abut unaccepted highways or streets, except for farm or accessory buildings that conform to the municipality’s zoning or building regulations. The act bars such ordinances from also prohibiting buildings or structures on site plans and subdivisions approved on or after the act’s passage, as long as the approvals have not expired.

The bill also makes technical and conforming changes.

EFFECTIVE DATE: Upon passage; the provisions concerning financial guarantees for site plan and subdivision approvals are applicable to approvals or extensions granted on or after that date.

FORM OF THE FINANCIAL GUARANTEE

The law specifies the types of financial instruments that a person can use to fulfill a guarantee requirement for site plan and subdivision approvals. Under prior law, municipal planning and zoning commissions had to accept (1) surety bonds; (2) cash bonds; (3) passbook or statement savings accounts; and (4) other surety, including letters of credit, provided the commission found the instrument and the financial institution or entity issuing it acceptable. The act allows, rather than requires, the commissions to accept surety bonds. It continues to require the commissions to accept the other types of guarantees, including letters of credit they find acceptable.

POSTING AND RELEASING THE FINANCIAL GUARANTEE

Prior law gave the person required to post the guarantee the discretion to post it any time before completing the site plan improvements or subdivision public improvements and utilities, as long as it was posted before the (1) town issued a certificate of occupancy for the site plan or (2) developer transferred lots to buyers in the subdivision. Under the act the developer need not post a guarantee if the commission or its agent is reasonably satisfied that the approved site improvements or public improvements and utilities are complete.

By law, a commission can require a developer to post a guarantee for erosion control before work can start. The act allows a commission to also require a guarantee for sediment controls before work starts.

Prior law required a commission, if it was reasonably satisfied that the required work had been completed, to release all or part of a guarantee within 65 days after receiving a request by the person who posted it. Under the act, the commission must either release the guarantee or authorize its release within this timeframe.

As under prior law, if the commission is not reasonably satisfied with the work, it must give the person who posted the guarantee a written explanation describing the additional work that must be completed before its release.

FINANCIAL GUARANTEES FOR MAINTENANCE PURPOSES

Prior law prohibited a commission from requiring a guarantee to secure the maintenance of roads, streets, or other improvements associated with a site plan or subdivision for maintenance occurring after a municipality has accepted the improvements. The act allows the commission to require guarantees for maintenance purposes for up to one year after the improvements are completed to the reasonable satisfaction of the commission or its agent, or accepted by the municipality. It also allows commissions to require guarantees for the maintenance of retention and detention basins for up to one year after completion.

The act bars commissions from requiring payments, not just financial guarantees, to secure the maintenance. It also prohibits commissions from (1) requiring developers to establish a homeowners association or (2) placing a deed restriction or easement on the property to maintain approved public site improvements that will be owned, operated, or maintained by the municipality. It specifies that this prohibition does not apply to any deed restriction or easement that is necessary to give the municipality access to the improvements.

SITE PLAN IMPROVEMENTS SECURED BY FINANCIAL GUARANTEES

By law, a zoning commission can approve, deny, or modify a site plan. The law allows zoning commissions, as a condition of approving modified site plans, to require developers to post a guarantee to secure the site plan modifications (i.e., site improvements). The act allows zoning commissions to require guarantees for any site plan, not just modified site plans. This conforms to current practice.

The bill also restricts the types of improvements or activities for which a zoning commission can require a guarantee for site plan approval to (1) site improvements that will be conveyed to or controlled by the town and (2) erosion and sediment controls required during construction. Under prior law, the commission could require a guarantee to secure any site improvements.

FINANCIAL GUARANTEE AMOUNT FOR SITE PLAN APPROVAL

Prior law capped the guarantee amount a commission could require as a condition of approving a

site plan at no more than the cost of performing the modifications plus an additional 10%. The act instead limits the guarantee to the anticipated actual costs for completing the site improvements or erosion and sediment controls described above plus a contingency amount of up to 10% of such costs.

PA 12-187—sHB 5539

*Planning and Development Committee
Judiciary Committee*

AN ACT CONCERNING RECORDING FEES

SUMMARY: This act allows no more than 20 mortgage assignments per document to be recorded on the land records. It increases, from \$1 to \$2, the fee for recording a mortgage assignment after the first two assignments. It eliminates an outdated reference to a marginal notation of a mortgage assignment.

The law authorizes town clerks to charge a \$1 fee per page for a copy of any document recorded or filed in their offices. The act allows them to charge the fee for a copy in any format (e.g., CD-ROM or microfilm).

EFFECTIVE DATE: October 1, 2012

PA 12-188—sHB 5540

Planning and Development Committee

AN ACT CONCERNING THE DISPOSAL OF SOLID WASTE AT OUT-OF-STATE LAND DISPOSAL FACILITIES

SUMMARY: This act requires the Department of Energy and Environmental Protection commissioner to allow solid waste disposal at out-of-state land disposal facilities that comply with applicable federal, state, and local laws if the municipality or contractor disposing of solid waste at such facilities attempted to use a waste-to-energy facility.

The act specifies that this provision does not apply to solid waste generated in municipalities with a Southeastern Regional Resources Recovery Authority disposal contract. It further specifies that certain statutory provisions that (1) require adoption of regulations establishing and amending the state's solid waste management plan and (2) specify changes to the plan, do not apply to solid waste generated in these municipalities.

EFFECTIVE DATE: Upon passage

PA 12-110—HB 5497

*Program Review and Investigations Committee
Public Health Committee*

**AN ACT IMPLEMENTING THE
RECOMMENDATIONS OF THE LEGISLATIVE
PROGRAM REVIEW AND INVESTIGATIONS
COMMITTEE CONCERNING THE
REGULATION OF HEARING INSTRUMENT
SPECIALISTS AND AUDIOLOGISTS**

SUMMARY: This act allows a licensed audiologist to fit or sell hearing aids without (1) obtaining additional licensure as a hearing instrument specialist (previously called “hearing aid dealer”) or (2) completing additional educational and training requirements. Existing law already includes the fitting or selling of hearing aids within an audiologist’s scope of practice (CGS § 20-395a(10)). Audiologists receive training in these functions as part of their doctoral degree education and supervised postgraduate work experience.

For registration periods starting October 1, 2014, the act requires a hearing instrument specialist to complete at least 16 hours of continuing education before the Department of Public Health (DPH) renews his or her biennial license. (A registration period is the two-year period for which the license is renewed.) The continuing education must be completed within the two years preceding license renewal and include courses offered or approved by the National Board of Certification in Hearing Instrument Sciences, American Academy of Audiology, American Speech-Language Hearing Association, or any DPH-approved successor organizations. Prior law did not require continuing education as a condition of licensure renewal.

The act exempts from the continuing education requirements (1) first-time licensure renewal applicants and (2) certain licensees with a medical disability or illness.

The act also requires a hearing instrument specialist seeking licensure reinstatement after his or her license was voided to submit to DPH evidence of successful completion of eight hours of continuing education within the preceding year.

EFFECTIVE DATE: October 1, 2012

**AUDIOLOGIST REQUIREMENTS FOR FITTING
AND SELLING HEARING AIDS**

The act removes the statutory requirement that an audiologist who fits or sells hearing aids:

1. obtain additional licensure as a hearing instrument specialist;
2. provide DPH with evidence showing satisfactory completion of (a) at least six semester hours of coursework in selecting and

fitting hearing aids and (b) 80 hours of supervised clinical experience with children and adults in selecting and fitting hearing aids at a program accredited by the American Speech Language-Hearing Association, or its successor; or

3. pass the hearing instrument specialist written licensure exam.

**HEARING INSTRUMENT SPECIALIST
CONTINUING EDUCATION**

Compliance

The act requires a hearing instrument specialist, when applying for license renewal, to sign a statement attesting that he or she has completed the required 16 hours of continuing education. Each licensee must keep attendance records or completion certificates that show compliance with this requirement for at least three years after the date the continuing education was completed. The licensee must submit the records to DPH for inspection within 45 days after the department requests it.

Waiver

The act allows the DPH commissioner to waive or extend the deadline for completing the continuing education requirement for a licensee who has a medical disability or illness. The licensee must apply to DPH for such a waiver or extension and submit (1) a licensed physician’s certification of the disability or illness and (2) any other documentation DPH requires.

Under the act, the commissioner may grant a waiver or extension for up to one registration period. But, she may grant additional waivers or extensions if the illness or disability extends beyond that two-year time period and the licensee reapplies.

BACKGROUND

Hearing Instrument Specialists

A hearing instrument specialist fits and sells hearing aids to individuals in retail establishments. To become licensed, the law requires an applicant to (1) complete a four-year high school course or its equivalent; (2) complete a DPH-approved study course or period in fitting and selling hearing aids; and (3) pass a written, oral, and practical exam (CGS § 20-398(a)).

PA 12-143—sHB 5496

*Program Review and Investigations Committee
Government Administration and Elections Committee*

**AN ACT IMPLEMENTING THE
RECOMMENDATIONS OF THE LEGISLATIVE
PROGRAM REVIEW AND INVESTIGATIONS
COMMITTEE REQUIRING COMMITTEES OF
COGNIZANCE TO CONDUCT REVIEWS UNDER
THE SUNSET LAW**

SUMMARY: Under the prior sunset law, numerous licensing and regulatory state agencies and programs terminated on set dates unless the General Assembly reestablished them after the Legislative Program Review and Investigations Committee (PRI) conducted a performance audit of each.

This act eliminates the automatic termination dates and instead establishes a staggered review schedule. It transfers, from PRI to the applicable joint standing committee of the General Assembly with cognizance, responsibility for reviewing the entities and programs. The committee of cognizance must conduct the review every ten years, rather than every four years as prior law required PRI to do.

The act repeals provisions rendered obsolete by the elimination of the automatic termination dates. It also makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2012

**PERFORMANCE AUDIT AND
RECOMMENDATIONS**

Under the act, a legislative committee, rather than PRI, must (1) review the public need for each specified entity or program under its jurisdiction according to established criteria and (2) report to the General Assembly its recommendations for terminating, reestablishing, modifying, or consolidating it. Toward that end, the act establishes procedures and associated deadlines, which Table 1 shows.

Table 1: Audit Procedures and Schedule

<i>Action</i>	<i>Deadline</i>
PRI provides each committee of cognizance with a form for collecting data using results-based measures, including the criteria the law establishes for determining public need and public interest	March 15 th of the year preceding the year when the entity or program is scheduled for review
Applicable committee of cognizance provides the form to the state agency with oversight over the entity or program	July 1 st of the year preceding the year when the entity or program is scheduled for review
State agency with oversight of the entity or program submits the	January 15 th of the year when the entity or program is

<i>Action</i>	<i>Deadline</i>
completed form to the applicable committee of cognizance	scheduled for review

Staggered Review Schedule

The act divides the programs and entities scheduled for sunset into 10 groups. Under the review schedule, the applicable committees of cognizance must review the programs and entities in the first group by July 1, 2014 and an additional group by July 1 of each year that follows through 2023, at which point the schedule starts over.

Public Hearing, Report, and Recommendations

Prior law required the Government Administration and Elections Committee (GAE) to hold a public hearing before any governmental entity or program was terminated, modified, consolidated, or reestablished. It allowed, but did not require, the GAE Committee to make recommendations to the General Assembly concerning modification or consolidation.

The act instead requires the applicable committee of cognizance to hold the public hearing during the regular legislative session in the year that the program or entity is scheduled for review. After the applicable committee holds a public hearing, it must submit a report to the General Assembly with its recommendations. The committee may ask PRI to review the entity or program if it determines further review is necessary. PRI may grant or deny the request.

The act does not specify a deadline by which the applicable committee of cognizance must submit its report to the General Assembly. Previously, PRI had to submit its report by January 1st of the year in which affected entities and programs were scheduled for termination.

PA 12-13—SB 56

Public Health Committee

**AN ACT CONCERNING CRITICAL
CONGENITAL HEART DISEASE SCREENING
FOR NEWBORN INFANTS**

SUMMARY: Starting January 1, 2013, this act requires all health care institutions caring for newborn infants to test them for critical congenital heart disease, unless, as allowed by law, their parents object on religious grounds. It requires the testing to be done as soon as medically appropriate. As with existing law that requires these institutions to test newborn infants for cystic fibrosis and severe combined immunodeficiency disease, the test for critical congenital heart disease is in addition to the state's newborn screening program for genetic and metabolic disorders. That program, in addition to screening, directs parents of identified infants to counseling and treatment.

EFFECTIVE DATE: October 1, 2012

PA 12-30—sHB 5516

Public Health Committee

**AN ACT CONCERNING PRESCRIPTION DRUG
ADMINISTRATION IN NURSING HOME
FACILITIES**

SUMMARY: This act allows the medical director of a "nursing home facility" to establish protocols for a prescription drug formulary system. These protocols must comply with (1) American Society of Health-System Pharmacists guidelines and (2) any applicable collaborative drug therapy management agreement.

A medical director who implements such a system may substitute a drug prescribed to a patient of the facility in accordance with the facility's protocols. Before making any substitution, the act requires the medical director, or his or her designee, to notify the prescribing practitioner. The act prohibits the substitution if the prescribing practitioner objects or does not authorize it.

The act specifies, notwithstanding its provisions, that a facility must consider and administer prescription drugs to patients receiving benefits under a state medical assistance program in accordance with (1) the Department of Social Services' Medicaid preferred drug lists, (2) Medicare Part D prescription drug formularies, or (3) the patient's health insurance policy as deemed appropriate by the facility's medical director.

The act applies to "nursing home facilities" that the law defines as nursing homes, residential care homes (RCHs), rest homes with nursing supervision, and

chronic and convalescent nursing homes. RCHs do not have medical directors. Thus, it appears that the act does not apply to these facilities.

EFFECTIVE DATE: October 1, 2012

BACKGROUND

Collaborative Drug Therapy Management Agreements

The law permits physicians and pharmacists to enter collaborative agreements to manage the drug therapy of individual patients. These collaborative agreements must be governed by patient-specific written protocols established by the treating physician in consultation with the pharmacist. These agreements can authorize a pharmacist to implement, modify, or discontinue a drug therapy that the physician prescribes; order associated lab tests; and administer drugs (CGS § 20-631).

PA 12-36—sHB 5498

Public Health Committee

**AN ACT CONCERNING CHANGES TO THE
FUNERAL SERVICES STATUTES**

SUMMARY: This act allows people to pay for funeral service contracts by assigning the death benefit under a life insurance policy. It exempts contracts that are funded in this way from the general requirement that funeral service establishments ("funeral homes") deposit into escrow the money or securities they receive under funeral service contracts.

The act allows a legal representative of a funeral service contract beneficiary to authorize the transfer of an irrevocable contract from one funeral home to another. Prior law allowed only the beneficiary to authorize a transfer. The act also makes a technical change specifying that the law's definition of funeral service contract applies to irrevocable funeral service contracts.

The act requires death certificates filed in paper form to be filed with the registrar of vital statistics in the town where the death occurred within five business days, rather than five calendar days, after death, to obtain a burial permit.

It requires funeral homes to maintain the original, signed cremation authorization form for at least six years, rather than at least 20 years, after it was signed by the person with custody and control of the deceased person's remains. This change conforms to another provision in existing law requiring funeral homes to keep cremation authorizations and several other documents for at least six years.

Under existing law, the Department of Social Services must exclude up to \$1,800 in burial funds when determining eligibility for the State Supplement and Temporary Family Assistance programs. Burial funds may be in the form of, among other things, the face value of a life insurance policy if the cash surrender value is excluded. The act specifies that the value must be excluded through the irrevocable transfer of the policy's ownership to a trust.

The act also makes minor, technical, and conforming changes.

EFFECTIVE DATE: Upon passage, except for the provisions on death certificates and cremation authorizations, which are effective October 1, 2012.

LIFE INSURANCE BENEFIT AS PAYMENT FOR FUNERAL SERVICE CONTRACT

The act allows people to pay for funeral service contracts by assigning the death benefit payable under a life insurance policy. Previously, these types of payment arrangements did not fall within the law's definition of a funeral service contract.

Prior law defined a funeral service contract as a contract that requires the payment of money or the delivery of securities in exchange for the final disposition of a dead human body, including funeral, burial, or other services, or the furnishing of personal property or funeral merchandise in connection with the disposition, where the use or delivery of the services, property, or merchandise is not required immediately. Such contracts are sometimes referred to as "prepaid" or "preneed" funeral service contracts because the person is paying for services to be provided in the future.

The act expands this definition to include contracts that require the assignment of a death benefit payable under an individual or group life insurance policy in exchange for such a final disposition.

Exemption from Escrow Requirements

The law requires funeral homes to deposit any money or securities they receive under a funeral service contract in an escrow account, and sets various related requirements. These requirements include, among other things, that (1) the funeral home appoint an escrow agent to administer the account, (2) account assets be invested only in specified ways, (3) money in the account be removed only as specified by law, and (4) parties to the contract receive annual statements.

Under the act, funeral service contracts funded through an assignment of a death benefit payable under a life insurance policy are exempt from these escrow-related requirements. As a corollary, the act also exempts such contracts from the law's requirement that funeral service contracts contain various provisions

related to the escrow requirement.

The act makes related conforming changes. For example, the law requires funeral homes to keep a list of the names and addresses of the escrow agents for their contracts; the act requires them to also keep a list of the names and addresses of insurance companies issuing life insurance policies related to their contracts.

PA 12-37—sHB 5515

Public Health Committee

AN ACT CONCERNING PHYSICIAN ASSISTANTS

SUMMARY: This act revises the supervision requirements for physician assistants (PAs). By law, each PA must have a clearly identified supervising physician who has final responsibility for patient care and the PA's performance. Under prior law, the functions a physician delegated to a PA he or she supervised had to be implemented in accordance with written protocols the supervising physician established. The act renames the written protocols the "written delegation agreement" between the physician and PA and specifies its required contents.

The act eliminates the requirement that a supervising physician personally review the PA's practice or services at least weekly or more frequently as necessary, instead requiring the personal review to occur according to the written delegation agreement.

The law allows PAs to perform delegated medical functions when, among other requirements, the supervising physician is satisfied as to the PA's ability and competency. The act specifies that the physician must be satisfied as to the PA's ability and demonstrated competency.

The law allows PAs to prescribe and administer schedule II through V controlled substances, as delegated by their supervising physician. Under prior law, when a PA prescribed a schedule II or III drug, the supervising physician had to document his or her approval in the patient's medical record within one day after the prescription was issued. The act instead requires the supervising physician to document his or her approval in the manner set forth in the written delegation agreement.

EFFECTIVE DATE: October 1, 2012

WRITTEN DELEGATION AGREEMENTS

Under the act, the supervising physician must establish the terms of the written delegation agreement between the physician and PA. Such agreements must at least:

1. describe the professional relationship between the supervising physician and the PA;
2. identify the medical services the PA may perform;
3. describe how the PA's prescribing of controlled substances must be documented in patient medical records; and
4. describe how the supervising physician will evaluate the PA's performance, including (a) how often the physician intends to personally review the PA's practice and performance of delegated medical services and (b) how often, and in what manner, the physician intends to review the PA's prescription and administration of schedule II or III controlled substances.

Under the act, supervising physicians in hospitals must also include or reference in their written delegation agreements applicable hospital policies, protocols, and procedures.

The act requires supervising physicians to review written delegation agreements at least annually. Supervising physicians must also revise the agreements as they deem necessary to reflect changes in (1) the physician's professional relationship with the PA, (2) the medical services the PA may perform, or (3) how the physician evaluates the PA.

PERSONAL REVIEW

The law requires a supervising physician's supervision of a PA to include, among other things, the physician's personal review of the PA's practice (in hospitals) or services (in other settings). The act eliminates the requirement that the personal review be conducted at least weekly or more frequently as needed to ensure quality patient care. It also eliminates the requirement that the personal review in non-hospital settings occur through face-to-face meetings.

Instead, the act requires the personal review in hospital settings to occur on a regular basis as necessary to ensure quality patient care in accordance with the written delegation agreement. In non-hospital settings, the personal review must occur in accordance with the written delegation agreement, to ensure quality patient care.

PA 12-39—sSB 276
Public Health Committee

AN ACT CONCERNING LICENSING REQUIREMENTS FOR ACUPUNCTURISTS

SUMMARY: This act increases required didactic and clinical training for acupuncturist licensure applicants from 1,350 hours to 1,905 hours. It also increases

required clinical training from 500 hours to 660 hours, as part of the total 1,905 required training hours. These increased requirements apply to applicants who complete their course of study on or after October 1, 2012.

Prior law required someone seeking acupuncturist licensure to pass a Department of Public Health (DPH)-prescribed examination. The act alternatively allows applicants to pass all portions of the acupuncture certification examination required by the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM). In practice, DPH already requires applicants to pass the NCCAOM exam.

Under the act, for registration periods beginning on and after October 1, 2014, acupuncturists seeking license renewal, after the first renewal, must (1) have NCCAOM certification or (2) have earned at least 30 contact hours of NCCAOM-approved continuing education within the preceding 24 months. The act sets related recordkeeping requirements. It also allows the DPH commissioner to grant extensions or waivers of these requirements for medical reasons.

Finally, the act requires anyone whose acupuncturist license became void due to failure to renew it within 90 days after its expiration, and who applies to DPH for license reinstatement, to submit evidence documenting (1) valid NCCAOM acupuncture certification or (2) successful completion of 15 contact hours of continuing education within the year before applying for reinstatement.

The act also makes technical changes.
EFFECTIVE DATE: October 1, 2012

CERTIFICATION OR CONTINUING EDUCATION FOR LICENSE RENEWAL

Attestation and Recordkeeping

By law, acupuncturist licenses must be renewed every two years. Under the act, someone applying to renew his or her acupuncturist license, except for a first license renewal, must sign a statement, on a DPH-prescribed form, attesting that he or she has satisfied the act's certification or continuing education requirements. Presumably, this requirement does not apply before the certification or continuing education requirements take effect (i.e., for registration periods that begin on or after October 1, 2014).

The act also requires acupuncturist licensees to:

1. keep their attendance records or certificates of completion showing compliance with the continuing education or certification requirements for at least five years after completing the continuing education or renewing their certification and

2. submit these records to DPH for inspection within 45 days after DPH’s request.

Waiver or Extension

The act allows the DPH commissioner to grant a waiver of, or extension for, completing these continuing education or certification requirements for reasons of medical disability or illness. A licensee seeking such a waiver or extension must submit to DPH (1) an application, on a form the commissioner prescribes; (2) a licensed physician’s certification of the disability or illness; and (3) any other documentation DPH may require.

The act allows the commissioner to grant a waiver or extension for up to one registration period (two years). She can grant additional waivers or extensions if the disability or illness continues beyond this period and the licensee reapplies to DPH.

BACKGROUND

Related Act

Section 43 of PA 12-197 makes identical changes.

PA 12-62—sSB 186

Public Health Committee

AN ACT CONCERNING THE LICENSING, INVESTIGATION AND DISCIPLINARY PROCESSES FOR PHYSICIANS AND NURSES

SUMMARY: Starting October 1, 2012, this act increases the (1) membership of the state Medical Examining Board, from 15 to 21 and (2) pool of people who may serve on medical hearing panels, from 24 to 36. It makes other related changes, including changes to the required specialties for physician members of the board and the hearing panel pool.

The act also changes the qualifications for registered nurse (RN) members of the state Board of Examiners for Nursing.

Existing law generally requires physicians applying for license renewal to have completed at least 50 contact hours of continuing medical education (CME) during the previous 24 months. The act allows the Department of Public Health (DPH) commissioner to waive up to 10 contact hours of CME for a physician who (1) engages in activities related to his or her service as a member of the Medical Examining Board or a medical hearing panel or (2) helps DPH with its duties to its professional boards and commissions.

EFFECTIVE DATE: Upon passage

MEDICAL EXAMINING BOARD

On and after October 1, 2012, the act increases, from 15 to 21, the membership of the state Medical Examining Board, and makes changes to board members’ qualifications, as shown in Table 1 below. By law, the governor appoints the board’s members.

Table 1: Connecticut Medical Examining Board Membership

<i>Prior Law (15 Members)</i>	<i>The Act (21 Members)</i>
Nine physicians, as follows: - Five physicians practicing in CT - One full-time faculty member of the UConn School of Medicine - One full-time chief of staff at a general-care hospital in CT - One supervising physician of a physician assistant (PA) - One graduate of an American Osteopathic Association (AOA)-accredited medical education program	13 physicians, as follows: - Three from any specialty - Three specialists in internal medicine - One psychiatrist - One surgeon - One obstetrician-gynecologist - One pediatrician - One emergency medical physician - One supervising physician of a PA - One graduate of an AOA-accredited medical education program
One licensed PA practicing in CT	One licensed PA
Five public members	Seven public members

Prior law required that successors and appointments to fill board vacancies must have the same qualifications as the members they succeed or replace. The act eliminates this requirement upon the act’s passage to accommodate the changes it makes to membership, but reinstates it on October 1, 2012.

MEDICAL HEARING PANELS

On and after October 1, 2012, the act increases, from 24 to 36, the number of people who may serve as members of medical hearing panels in conjunction with the Medical Examining Board. It also changes qualifications for physician appointees, as shown in Table 2 below. By law, the DPH commissioner appoints a pool of people who may serve on medical hearing panels. Three-person panels hear allegations of malpractice against physicians and PAs.

Table 2: List of Who May Serve on Medical Hearing Panels

<i>Prior Law (24 Members)</i>	<i>The Act (36 Members)</i>
At least 8 physicians, including at least: - One graduate of an AOA-accredited medical education program	23 physicians, including at least: - One graduate of an AOA-accredited medical education program - Two specialists in internal medicine - One psychiatrist - One psychiatrist specializing in addiction medicine - One obstetrician-gynecologist - One pediatrician - One emergency medical physician - One surgeon - One anesthesiologist
At least one licensed PA	One licensed PA
Nine public members	Twelve public members

Prior law required that successors or members appointed to fill a vacancy on the list to have the same qualifications as those required of the member being succeeded or replaced. The act eliminates the requirement upon the act’s passage but reinstates it on October 1, 2012. It also specifies that the requirement applies only to professional, and not public, members appointed to fill a vacancy.

BOARD OF EXAMINERS FOR NURSING

By law, the Board of Examiners for Nursing consists of 12 members, including five RNs. The act changes the required qualifications for the RN members. It requires one, rather than three, of the RN members to be connected with an institution affording opportunities for nurse education. It also eliminates the requirement that one be an instructor at an approved school for licensed practical nurses, instead requiring that one have a doctorate in nursing practice or nursing science.

By law, the board also includes two licensed practical nursing graduates, one advanced practice registered nurse, and four public members. The governor appoints the board’s members.

PA 12-136—sHB 5437
Public Health Committee

AN ACT CONCERNING THE DEFINITIONS OF MENTAL RETARDATION AND INTELLECTUAL DISABILITY

SUMMARY: This act updates the statutory definition of “mental retardation” to mean (1) a significant

limitation in intellectual functioning and (2) deficits in adaptive behavior that originated during the developmental period before age 18.

Under the act, “significant limitation in intellectual functioning” means an intelligence quotient (I.Q.) more than two standard deviations below the mean. An I.Q. must be measured by general intellectual function tests that are individualized, standardized, and clinically and culturally appropriate to the individual. The act requires that adaptive behavior be measured by tests that are individualized, standardized, and clinically and culturally appropriate, but does not require that they test intellectual functions.

Prior law defined mental retardation as a general intellectual functioning that is significantly subaverage. It must coincide with deficits in adaptive behavior and have manifested during the developmental period before age 18.

By law, mental retardation has the same meaning as intellectual disability in most statutes. (PA 11-16 substituted the term “intellectual disability” for mental retardation in several statutes to reflect changes in federal law and common usage.) Among other things, the definition is used in laws dealing with criminal law and the provision of services to people with intellectual disabilities.

EFFECTIVE DATE: October 1, 2012

PA 12-140—sHB 5499
Public Health Committee

AN ACT CONCERNING REGULATIONS RELATING TO HOSPICE CARE

SUMMARY: Prior law authorized a Department of Public Health (DPH)-licensed or Medicare-certified hospice to operate a specialized residence for the terminally ill that provides hospice home care and supportive services. This act authorizes only a DPH-licensed hospice to operate a residence and allows the hospice to also operate a “hospice facility” that provides hospice home care or hospice inpatient services. (The act does not distinguish between a facility and a residence.)

The act extends to a hospice facility the current requirement for a residence that it (1) provide a home-like atmosphere for patients for an appropriate time period and (2) cooperate with the DPH commissioner to develop licensure and operational standards.

EFFECTIVE DATE: Upon passage

BACKGROUND

DPH Proposed Hospice Regulations

Currently, DPH regulates hospices that are considered free-standing or established as a distinct unit within a health care facility (e.g., inpatient hospice facilities). DPH regulations define “hospice” under the broader category of “short-term hospital special hospice.” Inpatient hospice facilities must meet a variety of requirements concerning their physical plants, administration, staffing, records, and infection control. A home care program offered by an institutionally based hospice is also subject to DPH regulations. The program must address the physical, psychological, and spiritual needs of the patient and family and provide services 24 hours a day, seven days a week (Conn. Agencies Reg., § 19-13-D4b).

In March 2011, DPH published notice of its intent to amend these regulations to create a second licensure category for inpatient hospice facilities called “hospice facility.” The proposal keeps the existing “short-term hospital special hospice” licensure category so that facilities that want to continue to provide hospice services at a hospital level of care may do so. The new “hospice facility” licensure category would allow entities to create new facilities under regulations based on Medicare’s minimum regulatory requirements for inpatient hospital facilities (42 C.F.R. § 418.110). These requirements are less stringent than the department’s current short-term hospital special hospice regulations.

DPH held a public hearing on the proposed regulations in April 2011. The proposal was submitted to the attorney general’s office for final review in March 2012, after which it was submitted to the Regulation Review Committee for approval.

PA 12-158—sHB 5037

Public Health Committee

AN ACT IMPLEMENTING THE GOVERNOR'S BUDGET RECOMMENDATIONS CONCERNING PUBLIC HEALTH

SUMMARY: This act repeals a statutory provision requiring the state to be charged for the cost of caring for an individual committed to a state institution after being found not guilty of a crime by reason of a mental illness (“acquittee”). This provision conflicted with another law that requires current or former residents of state humane institutions to repay the state the cost of their care. (In practice, the state has not been recovering acquittees’ care costs.)

The law defines a “state humane institution” as a state mental hospital, community mental health center,

treatment facility for children and adolescents, or any other program or facility administered by the departments of mental health and addiction services, developmental services, or children and families. Because acquittees are committed to these facilities, the state is able to recover their care costs under this law.

The act also makes a technical conforming change.

EFFECTIVE DATE: Upon passage

BACKGROUND

Recoveries of State Humane Institution Care Costs

By law, if a resident of a state humane institution is unable to pay, the state can recover all or part of the cost from most legally liable relatives (e.g., spouse or minor’s parent), based on their ability to pay. The state comptroller sets the maximum amount the state can collect. The state must notify residents or their legally liable relatives of their liability to reimburse the state for these costs prior to admission, or if the immediate need or admission precludes notification, as early as possible thereafter.

The state generally recovers any unpaid costs from either (1) the individual’s estate after he or she dies or (2) windfalls, such as inheritances or lawsuit proceeds. If the individual owns a home, the state may place a lien on it to make a recovery.

PA 12-159—sHB 5063

Public Health Committee

Judiciary Committee

AN ACT CONCERNING TREATMENT FOR A DRUG OVERDOSE

SUMMARY: This act allows licensed health care practitioners who can prescribe an opioid antagonist to prescribe, dispense, or administer it to anyone to treat or prevent a drug overdose without being civilly or criminally liable to anyone for such action or for its subsequent use. The act would thus enable these practitioners to prescribe opioid antagonists to family members or other individuals to assist a person experiencing a drug overdose. Prior law allowed practitioners to prescribe, dispense, or administer opioid antagonists only to a drug user in need of intervention without civil or criminal liability to that individual. It did not address liability for subsequent use.

The act requires the Department of Mental Health and Addictions Services (DMHAS) commissioner to report, by January 15, 2013, to the Public Health Committee on the number of opioid antagonist prescriptions issued under DMHAS programs to those other than drug users for self-administration.

The law defines an “opioid antagonist” as naloxone hydrochloride or any other similarly acting and equally safe drug approved by the federal Food and Drug Administration for treating a drug overdose. By law, physicians and surgeons, physician assistants, dentists, advanced practice registered nurses, and podiatrists may prescribe them.

EFFECTIVE DATE: October 1, 2012

BACKGROUND

Opioid Antagonist

Opioid antagonists “sit” on the brain’s opioid receptor sites, displacing any opioids (such as heroin), reducing cravings for opiates, and blocking their euphoric and other effects. Some opioid antagonists, like naloxone, when given after a drug overdose, rapidly reverse the symptoms of overdose. Opioid antagonists are not addictive and do not cause a “high” or pose any serious health effects when taken by a person not suffering from a drug overdose.

PA 12-163—sHB 5241

Public Health Committee

Judiciary Committee

AN ACT CONCERNING DELAYED BIRTH REGISTRATION

SUMMARY: This act changes the process for requesting a delayed birth certificate, which is a birth certificate that is registered a year or more after a birth. Among other things, the act requires requests for delayed birth certificates to be filed with the Department of Public Health (DPH), rather than the town registrar of vital statistics. In addition to the affidavit required by existing law, the act requires the requesting person to submit documentary evidence in support of the facts of the birth.

The act also makes changes affecting probate court proceedings brought when someone’s request for a delayed birth certificate has been denied. For example, it specifically allows the court to order DNA testing in such matters, specifies who must pay for DNA testing, and creates a rebuttable presumption of parentage if the test shows a 99% or greater probability of parentage.

The act requires DPH, rather than the town registrar, to prepare delayed birth certificates after such requests, including those prepared after a court order.

The act also makes minor and technical changes.

EFFECTIVE DATE: October 1, 2012

REQUESTS TO DPH

By law, any adult, or the guardian of a minor, without a birth certificate on file can request a delayed birth registration. The act specifies that the procedures for requesting a delayed birth registration do not apply to birth certificates for minors less than one year old. It also makes a technical change by specifying that a minor’s parent or legal guardian can make such a request.

The act requires that requests for delayed birth certificates be submitted to DPH, rather than to the registrar of vital statistics for the town where the birth occurred. Prior law required someone seeking a delayed birth certificate, along with two other people with knowledge of the facts, to make an affidavit under oath as to the matters the law requires for birth certificates. The act (1) specifies that the requesting person and the two other people with knowledge must complete separate affidavits, (2) requires that the two other people have first-hand knowledge of the facts relating to the birth, and (3) requires the affidavits to be in the manner and form the DPH commissioner prescribes.

The act also requires the requesting person to submit to DPH documentary evidence of the name, date, and place of birth relating to the requested certificate. This evidence must be sufficient to allow DPH to determine that the birth occurred when and where the requesting person alleges it did.

Under the act, if DPH determines that the evidence is sufficient to determine the facts of the birth, DPH must prepare a birth certificate based on the evidence and affidavits. DPH must then send a copy to the registrars of the town where the (1) birth occurred and (2) minor’s mother resided at the time of the birth. This conforms to existing law, which requires all birth certificates to be filed in the town where the birth occurred, and an authenticated copy to be sent to the town where the mother resided at the birth, if different (CGS §§ 7-44 and -48).

By contrast, under prior law, the registrar prepared the delayed birth certificate based on the information in the affidavit and filed the birth certificate, along with the affidavit, in the same manner as other birth certificates, which includes filing a copy with DPH.

APPLICATION TO PROBATE COURT

Under prior law, if the person requesting the delayed birth certificate was unable to provide an affidavit that the town registrar found satisfactory, the person could apply to the probate court for an order requiring the registrar to prepare such a birth certificate. The act instead allows the requesting person to petition the probate court for an order requiring DPH to prepare the certificate if DPH denied the request to do so. The

act makes a corresponding change as to who issues the delayed birth certificate at the order of the probate court.

The act specifies that the petitioner must include with the petition the affidavits and documentary evidence submitted to DPH as part of the request.

Prior law allowed the court to decide such matters without notice and a hearing. The act instead requires the court to schedule a hearing. It must notify the following people about the hearing:

1. the petitioner;
2. if the petitioner is seeking the delayed registration for a minor, (a) the minor's parent or legal guardian and (b) the minor himself or herself if the minor is at least 12 years old;
3. the DPH commissioner; and
4. anyone else the court determines has an interest in the hearing.

The act allows the DPH commissioner or her authorized representative to appear and testify at such hearings. It specifies that the person seeking the court order has the burden of proving the facts of the birth by a preponderance of the evidence.

In such proceedings under the act, the court, on its own motion or that of a party, can order DNA tests. The tests must be performed by a hospital, accredited laboratory, qualified physician, or other qualified person the court designates to determine parentage. The petitioner must pay for any DNA test the court requires, unless the court finds the person to be indigent; in that case, DPH must pay for it.

Under the act, if the DNA test shows at least a 99% probability that the person is the mother or father of the individual for whom the petitioner is seeking a delayed birth registration, there is a rebuttable presumption that the person is the mother or father.

Under the act, if the court finds that the birth occurred when and where the petitioner alleges it did, the court must issue an order (1) containing the person's name, sex, date and place of birth, and any other identifying information the court deems appropriate and (2) directing DPH to issue a delayed birth certificate. After receiving a certified copy of such an order, DPH must prepare a birth certificate based on the facts set forth in the order. DPH must send a copy of the certificate to the registrars of the town where the (1) birth occurred and (2) mother resided at the time of the birth.

CONTENTS OF DELAYED BIRTH CERTIFICATES

By law, delayed birth certificates must indicate the date of the delayed registration. Prior law also required the record of birth to refer to the certificate and the affidavit or court order. The act instead requires delayed birth certificates to indicate:

1. the person's name, sex, date and place of birth, and any other identifying information the DPH commissioner prescribes, as such facts have been determined based on the evidence presented to DPH or stated in a court order and
2. when a court order determined the facts of birth, a statement that the birth is registered pursuant to court order.

PA 12-166—sHB 5038

Public Health Committee

Appropriations Committee

AN ACT IMPLEMENTING THE GOVERNOR'S BUDGET RECOMMENDATIONS CONCERNING AN ALL-PAYER CLAIMS DATABASE PROGRAM

SUMMARY: Subject to the Office of Health Reform and Innovation's (OHRI) ability to secure federal funding and funds from private sources, this act creates an all-payer claims database program for receiving and storing data relating to medical and dental insurance claims, pharmacy claims, and other insurance claims information from enrollment and eligibility files. The act requires insurers and various other "reporting entities" that administer health care claims and payments to provide information for inclusion in the database.

The act allows the Office of Policy and Management (OPM) secretary, in consultation with OHRI, to adopt regulations to implement and administer the database program. The act establishes civil penalties of up to \$1,000 per day for entities that fail to report as required by those regulations.

The act makes information in the database broadly available for reviewing health care use, cost, and quality. Data disclosure must protect the confidentiality of individual health information (see BACKGROUND).

The act requires OHRI to oversee the planning, implementation, and administration of the program. It also allows the special advisor to the governor on health care reform (who directs OHRI's activities) to contract with an outside entity to plan, implement, or administer the program, but she must do so in consultation with an existing working group that is required by law to develop a plan for a statewide multipayer data initiative. The act names the working group the All-Payer Claims Database Advisory Group, expands its membership, and requires it to report on the database program.

The act requires the special advisor to seek federal or private funding to cover the costs of the database program, and prohibits her from incurring costs for the program if she does not secure such funding.

The act also makes technical changes.
EFFECTIVE DATE: Upon passage

ALL-PAYER CLAIMS DATABASE PROGRAM

Program Implementation, Administration, and Purpose

PA 11-58 established OHRI within the Office of the Lieutenant Governor. OHRI is charged with coordinating and implementing the state's responsibilities under state and federal health care reform, among other things, and is under the direction of the special advisor to the governor on health care reform.

The act requires OHRI to oversee the planning, implementation, and administration of the all-payer claims database program, including collecting, assessing, and reporting health care information relating to safety, quality, cost-effectiveness, access, and efficiency for all levels of health care.

Under the act, OHRI must ensure that data from reporting entities is securely collected, compiled, and stored according to state and federal law. OHRI also must conduct audits of submitted data to verify its accuracy.

Under the act, OHRI can accept grants from the federal government or any source to carry out its statutory duties. Under existing law, OHRI can already identify federal grants and other nonstate funding sources to help implement the federal Patient Protection and Affordable Care Act (PPACA).

The act requires the special advisor to seek funding from the federal government and private sources to cover the costs of planning, implementing, and administering the database program. By June 15 each year, she must submit to the OPM secretary, for his approval, a proposed program budget for the following fiscal year. The act prohibits the special advisor from incurring costs or contracting for services associated with the program if she has not secured such federal or private funding.

Reporting Entities

The act requires reporting entities to report health care information for inclusion in the database, in the form and manner the special advisor and OPM secretary prescribe. Under the act, reporting entities are:

1. insurers licensed to conduct health insurance business in Connecticut,
2. health care centers (i.e., HMOs),
3. insurers or health care centers that provide state residents with coverage under Medicare parts C or D,
4. third-party administrators,

5. pharmacy benefits managers,
6. hospital service corporations,
7. nonprofit medical service corporations,
8. fraternal benefit societies that transact health insurance business in Connecticut,
9. dental plan organizations,
10. preferred provider networks, and
11. any other individual or legal entity that administers health care claims and payments under a contract or agreement or is required by law to administer such claims and payments.

The act specifies that reporting entities do not include employee welfare benefit plans, as defined in the federal Employee Retirement Income Security Act of 1974, that are also trusts established pursuant to collective bargaining subject to the federal Labor Management Relations Act (i.e., the Taft-Hartley Act).

Civil Penalties

The act subjects reporting entities to civil penalties of up to \$1,000 per day for failing to report in accordance with the specific reporting requirements prescribed in regulations under the act. The penalty does not apply before the regulations are established. The act prohibits reporting entities from passing such monetary penalties on for purposes of rate-setting or reimbursement by third-party payers.

Use and Availability of Data

The act requires the special advisor to use the database to provide the state's health care consumers with information about the cost and quality of health care services so that they may make economically sound and medically appropriate health care decisions. She also must make data in the database available to any state agency, insurer, employer, health care provider, health care consumer, researcher, or the Connecticut Health Insurance Exchange (a quasi-public agency created to satisfy requirements of the PPACA) to allow them to review the data relating to health care utilization, cost, or service quality.

Any such disclosure must protect the confidentiality of health information as defined in federal Health and Human Services (HHS) regulations (see BACKGROUND) and other information as required by state and federal law.

Fees for Accessing Data

The act allows the special advisor to charge a fee to those seeking access to the database.

Contracting Authority

The act allows the special advisor, in consultation with the All-Payer Claims Database Advisory Group (see below), to contract with another person or entity to plan, implement, or administer the program.

The act allows the special advisor to contract for or take other necessary actions to obtain fee-for-service data under the state medical assistance program (e.g., HUSKY Health) or Medicare parts A and B. Under the act, she may also contract for the collection, management, or analysis of data received from reporting entities, but any such contract must expressly prohibit the disclosure of the data for other purposes.

The act specifies that this contracting authority is an exception to the existing requirement that OHRI consult with the Sustinet Health Care Cabinet before hiring consultants needed to carry out its duties.

ADVISORY GROUP

Existing law requires OHRI to convene a working group to develop a plan implementing a statewide multipayer data initiative to improve the state's use of health care data from multiple sources to increase efficiency, enhance outcomes, and improve the understanding of health care spending in the public and private sectors.

The act specifies that the special advisor must convene the working group, and renames it the All-Payer Claims Database Advisory Group. It adds to the group's membership the Department of Mental Health and Addiction Services commissioner, the health care advocate, the state chief information officer, and a representative of the Connecticut State Medical Society. The act also allows the special advisor to appoint additional members. By law, the group also includes the OPM secretary; the comptroller; the commissioners of public health, social services, and insurance; representatives of health insurance companies; health insurance purchasers; hospitals; consumer advocates; and health care providers.

Prior law required OHRI to report on the working group's plan to the Appropriations, Insurance and Real Estate, and Public Health committees, but did not specify a reporting deadline. The act instead requires the advisory group, by December 1, 2012, to report on the database program to these same legislative committees and to the governor. The report must include recommendations on (1) the person or entity to implement and administer the database program, (2) a timeline to transfer authority for implementing or administering the program to such person or entity, and (3) program administration.

BACKGROUND

Related Federal Law

HIPAA. The Health Insurance Portability and Accountability Act's (HIPAA) "privacy rule" sets national standards to protect the privacy of health information. "Covered entities" such as health care providers, health plans (e.g., health insurers, HMOs, Medicare, and Medicaid), and health care clearinghouses must follow HIPAA rules. The HIPAA privacy rule protects individually identifiable health information by defining and limiting the circumstances under which covered entities may use or disclose such information.

Definition of Health Information. Under HHS regulations, "health information" means any information, whether oral or recorded in any form or medium, that:

1. is created or received by a health care provider, health plan, public health authority, employer, life insurer, school or university, or health care clearinghouse and
2. relates to the past, present, or future physical or mental health or condition of an individual; the provision of health care to an individual; or the past, present, or future payment for the provision of health care to an individual (45 C.F.R. § 160.103).

PA 12-170—sHB 5321

Public Health Committee

AN ACT CONCERNING THE OFFICE OF HEALTH CARE ACCESS

SUMMARY: This act makes several changes in the statutes governing the Department of Public Health's (DPH) Office of Health Care Access (OHCA). It:

1. requires OHCA, when evaluating a certificate of need (CON) application, to consider its financial feasibility for the applicant or its impact on the financial strength of the state's healthcare system instead of only the latter (§ 1);
2. requires OHCA to issue a decision on a completed CON application within 60 days after closing the public hearing record instead of after the public hearing date (§ 2);
3. allows OHCA to release patient-identifiable data to certain government entities for specified purposes (§ 8);

4. removes OHCA's authority to require a hospital's independent auditor to review discounted rates and charges it negotiated with a payer (§ 6);
5. extends, from February 28 to March 31, the date by which a hospital must annually file certain information with OCHA regarding uncompensated care to the indigent (§§ 3 & 7);
6. requires OCHA to update its statewide health care facilities and services plan at least biennially rather than every five years (§ 5); and
7. requires OCHA to conduct its statewide health care facility utilization study biennially rather than annually (§ 5).

The act also makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2012

§ 8 — RELEASE OF PATIENT-IDENTIFIABLE DATA

By law, patient-identifiable data OHCA receives must be kept confidential and is not considered a public record or file subject to disclosure under the Freedom of Information Act. Under prior law, OHCA could not release patient-identifiable data except (1) for medical and scientific research purposes as provided by law (CGS § 19a-25) and regulations and (2) to the comptroller under a memorandum of understanding that requires him to keep it confidential.

The act also allows OHCA to release patient-identifiable data it receives to (1) a state agency in order to improve health care service delivery, (2) a federal agency or the attorney general's office to investigate hospital mergers and acquisitions, or (3) another state's health data collection agency with which OHCA has a reciprocal data-sharing agreement for reviewing a CON or evaluating health care services.

The act allows the release of this data only if the agency (1) requests it and (2) enters into a written agreement with OHCA to keep it confidential and not use it as the basis of any decision about a patient. The law prohibits the recipient of patient-identifiable data from releasing it in any manner that would result in the identification of any individual patient, physician, provider, or payer.

The law defines "patient identifiable data" as any information that identifies, or may reasonably be used as a basis to identify, an individual patient, including data from patient medical abstracts and bills.

§ 6 — NEGOTIATED DISCOUNTS

The law permits hospitals to negotiate agreements for rate discounts and reimbursement methods with

insurers, HMOs, and other payers. These agreements are not effective until they are filed at the hospital's business office and must be available for OHCA inspection. The hospital must total each payer's charges and payments and report it as OHCA requires. The act removes OHCA's authority to require the hospital's independent auditor to review these figures, at the hospital's expense.

The act also deletes an obsolete provision requiring OHCA to disallow an agreement that gives a discount in excess of amounts set in law and to adopt associated regulations. (OHCA has not regulated these discounts since 1994.)

§§ 3 & 7 — UNCOMPENSATED CARE REPORTING

By law, OHCA and the Department of Social Services must annually review the level of uncompensated care each hospital provides to indigent people. Hospitals must file with OHCA (1) audited financial statements and (2) a verification of their net revenue for the most recently completed fiscal year. The act extends the filing deadline for the latter from February 28 to March 31. The deadline for the former remains March 31.

§ 5 — STATEWIDE HEALTH CARE FACILITY UTILIZATION STUDY

The act requires OHCA, at least biennially rather than annually, to conduct its statewide health care facility utilization study and report its findings to the Human Services and Public Health committees. It also allows, rather than requires, the study to assess:

1. the current availability and use of care in acute care and specialty hospitals, emergency rooms, outpatient surgical centers, clinics, and primary facilities;
2. the geographic areas and subpopulations that may be underserved or have limited access to specific types of services; and
3. other factors OHCA deems pertinent.

PA 12-197—sHB 5514

Public Health Committee

AN ACT CONCERNING VARIOUS REVISIONS TO THE PUBLIC HEALTH STATUTES

SUMMARY: This act makes numerous substantive changes to Department of Public Health (DPH)-related statutes and programs. For example, the act requires at least one automatic external defibrillator (AED) at each higher education institution's athletic department, and at least one person trained in AED use and in

cardiopulmonary resuscitation (CPR) to be on premises during intercollegiate sport practices, training, or competition.

The act increases the maximum penalty, from \$100 to \$10,000 per violation, for violations of laws relating to installers and cleaners of subsurface sewage disposal systems (e.g., septic systems). The act allows advanced practice registered nurses (APRNs) to certify, sign, or otherwise document medical information in specified situations that previously required a physician's signature, certification, or documentation. It creates an advisory council on organ and tissue donation education and awareness.

The act also makes changes affecting vital records; the Connecticut Tumor Registry; tuberculosis patients; the Oral Public Health director; rape crisis centers; private residential well testing; out-of-state physicians at youth camps; massage therapist licensure; the Interagency and Partnership Advisory Panel on Lupus; dentists' continuing education; alcohol and drug counselor licensure; physiatrists (rehabilitation physicians); high school water treatment courses; acupuncturists; the Pharmaceutical and Therapeutics Committee; the Health Information Technology Exchange of Connecticut; physician assistants; APRN licensure; and Department of Developmental Services (DDS) self-advocates. It also makes minor, technical, and conforming changes.

A section-by-section analysis appears below.

EFFECTIVE DATE: October 1, 2012, except where noted below.

§ 1 – FETAL DEATH CERTIFICATES

The act eliminates the requirement that fetal death certificates conform to the same standards and requirements as birth certificates regarding the mother's marital status and acknowledgement of paternity. These requirements include, among other things, that (1) information about the mother's marital status be recorded on a confidential portion of the birth certificate; (2) acknowledgement of paternity be filed in DPH's paternity registry; and (3) the father's name be entered on the birth certificate or birth record when the mother is not married.

§ 2 – MARRIAGE LICENSES

The act provides that if a marriage license is signed and sworn to by the applicants on different dates, the application date is deemed to be the later date, rather than the earlier one (by law, marriage licenses expire after 65 days).

§ 3 – TUMOR REGISTRY

The act requires that reports to the Connecticut Tumor Registry include pathology reports, along with other information required by law.

By law, the Connecticut Tumor Registry includes reports of all tumors and conditions that are diagnosed or treated in the state for which DPH requires reports. Hospitals, health care providers, and clinical laboratories must provide such reports to DPH for inclusion in the registry.

§ 4 – TUBERCULOSIS PATIENTS

The act allows the DPH commissioner to enter into a reciprocal agreement with another state for the interstate transportation and treatment of patients with tuberculosis.

§ 5 – ORAL PUBLIC HEALTH DIRECTOR

The act eliminates the requirement that the Office of Oral Public Health director have a graduate degree in public health, instead requiring experience in public health. By law, the director must also be a dentist or dental hygienist licensed in Connecticut.

§ 6 – RAPE CRISIS CENTERS

The act eliminates a reference to rape crisis centers needing to meet DPH criteria for service provision in the statute on confidential communications between sexual assault counselors and victims. Prior law included this reference but did not specifically authorize DPH to set such criteria.

§ 7 – RADIONUCLIDES IN PRIVATE RESIDENTIAL WELLS

The act eliminates local health directors' authority to require private residential well testing for all radionuclides (i.e., radioactive contaminants), instead allowing them to require testing for specific substances: arsenic, radium, uranium, radon, or gross alpha emitters.

By law, local health directors can only require such testing if there are reasonable grounds to suspect that contaminants are present in groundwater, including deposits in bedrock or proximity to areas where such substances are present in groundwater. The law also allows local health directors to require testing of private residential wells for pesticides, herbicides, or organic chemicals.

§§ 8 & 9 – SEPTIC SYSTEM INSTALLERS AND CLEANERS

The act increases the maximum penalty, from \$100 to \$10,000 per incident, for violations of laws governing installers and cleaners of septic systems and other subsurface sewage disposal systems.

The act also removes the condition in prior law defining such systems' installers or cleaners as people who "regularly" offer such work to the general public. This explicitly allows DPH to take action against someone who violates these laws even if the person is not regularly engaged in such work.

§ 10 – PHYSICIANS AT YOUTH CAMPS

The act allows any physician or surgeon licensed in good standing in another state to practice in Connecticut as a youth camp physician for up to nine weeks, without a Connecticut license. Prior law required them to be board-certified in pediatrics or family medicine if the other state's licensure standards were not equivalent to ours.

§§ 11-14 – LEADINGAGE CONNECTICUT

The act makes technical changes reflecting that the Connecticut Association of Not-For-Profit Providers for the Aging has been renamed LeadingAge Connecticut, Inc.

§ 15 – MASSAGE THERAPIST LICENSES

By law, to receive a massage therapist license, the applicant must have graduated from a school of massage therapy meeting certain requirements. The act requires the school to have had, upon the applicant's graduation, a current school code assigned by the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB).

Licensure applicants must also have passed the National Certification Examination for Therapeutic Massage and Bodywork, an exam offered by NCBTMB. The act specifies that NCBTMB's national examination for state licensing option (a different exam) does not satisfy the law's examination requirement for licensure.

§ 16 – AED AT HIGHER EDUCATION INSTITUTIONS

The act requires at least one AED at each athletic department of higher education institutions. The AED must be provided and maintained in a central location not more than ¼ mile from the premises used by the athletic department (i.e., those premises used for intercollegiate sport practice, training, or competition, such as athletic buildings or rooms, gymnasiums,

athletic fields, or stadiums).

The act also requires higher education athletic departments to:

1. make the AED's location known and accessible to its employees and student-athletes during all hours of intercollegiate sport practice, training, and competition;
2. ensure that at least one licensed athletic trainer or other person who is trained in CPR and AED use, in accordance with the standards of the American Red Cross or American Heart Association, is on the athletic department premises during all hours of intercollegiate sport practice, training, and competition;
3. maintain and test the AED according to the manufacturer's guidelines;
4. promptly notify a local emergency medical services provider after each use of such an AED; and
5. by January 1, 2013, develop and implement a policy consistent with these provisions concerning the availability and use of an AED during intercollegiate sport practice, training, and competition.

The act defines "intercollegiate sport" as a sport played at the collegiate level with eligibility requirements for student-athletes' participation that are established by a national association for the promotion or regulation of collegiate athletics.

§ 17 – INTERAGENCY AND PARTNERSHIP ADVISORY PANEL ON LUPUS

The act extends, from October 1, 2012 to July 1, 2013, the deadline for the Interagency and Partnership Advisory Panel on Lupus to submit to DPH and the Public Health Committee its initial comprehensive lupus education and awareness plan.

§ 18 – CONTINUING EDUCATION FOR DENTISTS

By law, with some exceptions, licensed dentists must complete at least 25 hours of qualifying continuing education every two years.

Prior law required the DPH commissioner, in consultation with the Dental Commission, to biennially issue a list of up to five mandatory topics for continuing education activities licensed dentists must complete during the following two-year registration period. The act requires the DPH commissioner's list to include 10 topics, rather than up to five, and requires licensees' continuing education to include at least one contact hour of training or education in any five of these 10 topics.

§ 19 – ALCOHOL AND DRUG COUNSELORS

The act changes certain requirements for licensure as an alcohol and drug counselor. Prior law generally required someone seeking licensure to have a master's degree from an accredited institution of higher education, with a minimum of 18 graduate semester hours in counseling or related subjects. The act retains the general requirement for a master's degree and 18 such graduate semester hours, but no longer requires the 18 hours to be completed as part of the master's program (in other words, it allows someone who has a master's degree in another field to become licensed, if he or she also has 18 graduate semester hours related to counseling). The act also makes a conforming change.

Prior law also required someone seeking licensure as an alcohol and drug counselor to be certified by DPH as an alcohol and drug counselor or meet the certification requirements. The act instead allows someone to become licensed even if he or she has not met one of the requirements for certification—specifically, the requirement to complete 360 hours of commissioner-approved education, including at least 240 hours relating to the knowledge and skill base associated with the practice of alcohol and drug counseling.

To become licensed, the person still must meet the other certification eligibility requirements, which include:

1. completing 300 hours of supervised practical training in alcohol and drug counseling that the commissioner deems acceptable,
2. completing three years of supervised paid work or an unpaid internship that the commissioner deems acceptable that involved working directly with alcohol and drug clients (a master's degree can be substituted for one year of such experience), and
3. passing a DPH-prescribed examination.

EFFECTIVE DATE: Upon passage

§§ 20 & 21 – PHYSIATRISTS AS PAIN MANAGEMENT SPECIALISTS

By law, certain individual and group health insurance policies that are delivered, issued for delivery, renewed, amended, or continued in Connecticut must provide access to a pain management specialist and coverage for pain management treatment ordered by such specialist.

For this purpose, the law defines a “pain management specialist” as a physician credentialed by the American Academy of Pain Management or a board-certified anesthesiologist, neurologist, oncologist, or radiation oncologist with additional training in pain management. The act adds board-certified psychiatrists

with such additional training to this list. (Physiatrists are physicians who specialize in physical medicine and rehabilitation.)

EFFECTIVE DATE: Upon passage

§§ 22-41 – APRN CERTIFICATIONS

The act allows an advanced practice registered nurse (APRN) to certify, sign, or otherwise document medical information in specified situations that, under prior law, generally required a physician's signature, certification, or documentation. Several of the certifications covered by the act involve situations where someone must provide medical information to establish an exemption from otherwise applicable requirements (e.g., certifications that someone is ill or incapacitated and thus needs an extension for applying for certain tax relief programs).

Specifically, the act allows APRNs to do the following:

1. certify that a high school student's participation in physical education is medically contraindicated because of the student's physical condition, thus excusing the student from physical education requirements (§ 22);
2. certify that a student enrolling in a higher education institution has had a confirmed case of measles, rubella, mumps, or varicella, or that immunization would be medically contraindicated, thus exempting the student from the requirement to show proof of having been immunized against such diseases (§ 23);
3. certify that a student's presence at a higher education institution, although the student is not immunized against measles or rubella, would not present a clear health danger to others, thus preventing the student from being excluded from school or confined in an infirmary or other medical facility at the school (§ 24);
4. certify that a student's physical condition medically contraindicates vaccination against meningitis, thus exempting the student from the general requirement that students who live in on-campus housing at public or private colleges or universities be vaccinated against the disease (§ 25);
5. certify that someone is totally disabled and thus unable to appear before the town assessor to provide evidence of eligibility for property tax exemptions available to service members, veterans, blind or totally disabled persons, and certain family members of such people (§ 26);
6. certify that someone is ill or incapacitated, for purposes of the person applying for an extension related to various tax relief or tax

- credit programs, including the property tax freeze program for the elderly (§ 27), elderly or disabled renters' tax relief program (§ 28), municipal optional property tax freeze for seniors program (§ 29), and "circuit breaker" property tax program for the elderly or disabled (§ 30);
7. for purposes of laws prohibiting utility shut-offs in certain circumstances, (a) indicate on the hospital discharge papers for a child up to 24 months old that electric or gas service is a necessity for the child's health and well-being (§ 31) or (b) certify that a resident at the dwelling is seriously ill (§ 32);
 8. certify that it would not be injurious to the health of a handicapped person or disabled veteran to work extended hours in manufacturing, mechanical, or mercantile establishments, restaurants, and various other settings (§§ 33-35);
 9. document that someone has a physical or mental impairment that is chronic or expected to be long-term or permanent and that leaves the person unable to work full-time, for purposes of the person's eligibility for unemployment compensation while only available for part-time work (§ 36);
 10. certify that someone with partial incapacity is unable to perform his or her usual work but is able to perform other work, for purposes of calculating workers' compensation benefits (§ 37);
 11. certify a political subdivision employee's proposed organ or bone marrow donation and the probable duration of the person's recovery, for purposes of the person seeking medical leave for the donation (§ 38);
 12. certify the occurrence of a qualifying event (e.g., a medical condition expected to result in death within a year) for purposes of accelerated benefits under a life insurance policy (§ 39);
 13. provide a statement that a policy owner is of sound mind and under no constraint or undue influence, before a life settlement provider can enter into a life settlement contract with a policy owner who is also the insured and who is terminally or chronically ill (§ 40);
 14. determine that a policy owner's physical or mental disability prevents the person from working full-time, for purposes of an exception to the general prohibition on someone entering into a life settlement contract before, when, or within two years of purchasing a life insurance policy (§ 40); and

15. provide the APRN's identification number, signature, and billing contact information on the standard Health Care Financing Administration 1500 (HCFA 1500) health insurance claim form, for purposes of providing, along with various other information, the minimum information needed for a health care provider's claim for payment to be complete (§ 41).

§ 42 – WATER TREATMENT COURSE

The act exempts students enrolled in an accredited high school small water system operator certification course from the \$224 fee generally required for initial certification as a small water system operator.

§ 43 – ACUPUNCTURISTS

Initial Licensure Requirements

The act increases required didactic and clinical training for acupuncturist licensure applicants from 1,350 hours to 1,905 hours. It also increases required clinical training from 500 hours to 660 hours, as part of the total 1,905 required training hours. These increased requirements apply to applicants who complete their course of study on or after October 1, 2012.

Prior law required someone seeking acupuncturist licensure to pass a DPH-prescribed examination. The act alternatively allows applicants to pass all portions of the acupuncture certification examination required by the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM). In practice, DPH already requires applicants to pass the NCCAOM exam.

License Renewal

By law, acupuncturist licenses must be renewed every two years. Under the act, for registration periods beginning on and after October 1, 2014, acupuncturists seeking license renewal, after the first renewal, must (1) have NCCAOM certification or (2) have earned at least 30 contact hours of NCCAOM-approved continuing education within the preceding 24 months.

Attestation and Recordkeeping. Under the act, someone applying to renew his or her acupuncturist license, except for a first license renewal, must sign a statement, on a DPH-prescribed form, attesting that he or she has satisfied the act's certification or continuing education requirements. Presumably, this requirement does not apply before registration periods beginning on or after October 1, 2014.

The act also requires acupuncturist licensees to:

1. keep their attendance records or certificates of completion showing compliance with the continuing education or certification for at least five years after completing the continuing education or renewing their certification and
2. submit these records to DPH for inspection within 45 days after DPH's request.

Waiver or Extension. The act allows the DPH commissioner to grant a waiver of, or extension for, completing these continuing education or certification requirements for reasons of medical disability or illness. A licensee seeking such a waiver or extension must submit to DPH (1) an application, on a form the commissioner prescribes; (2) a licensed physician's certification of the disability or illness; and (3) any other documentation DPH may require.

The act allows the commissioner to grant a waiver or extension for up to one registration period (two years). She can grant additional waivers or extensions if the disability or illness continues beyond this period and the licensee reapplies to DPH.

License Reinstatement

The act also requires anyone whose acupuncturist license became void due to failure to renew it within 90 days after its expiration, and who applies to DPH for license reinstatement, to submit evidence documenting (1) valid NCCAOM acupuncture certification or (2) successful completion of 15 contact hours of continuing education within the year before applying for reinstatement.

§ 44 – ORGAN AND TISSUE DONATION ADVISORY COUNCIL

The act creates an advisory council on organ and tissue donation education and awareness. The council consists of government officials, health care professionals, representatives from donation and related organizations, and people with experience in organ and tissue donation and transplants, including a donor and a recipient. Among other things, the council must determine ways to increase the number of organ and tissue donations and set goals for increasing the number of registered donors. The council must annually report on its actions and recommendations.

Advisory Council

Under the act, the members of the council include:

1. the Department of Motor Vehicles (DMV) commissioner or her designee;
2. the DPH commissioner or her designee;
3. Donate Life Connecticut's executive director, or his or her designee;

4. a representative of each in-state organization that is a member of the Association of Organ Procurement Organizations;
5. a health care professional representing each in-state transplant center that is a member of the federal Organ Procurement and Transplantation Network;
6. the Connecticut Hospital Association's chief executive officer, or his or her designee; and
7. five people with experience involving organ and tissue donation or transplants, including a recipient of a donated organ or tissue, a living donor, and a deceased donor's family member; one each appointed by the governor, the Senate President Pro Tempore, and the House Speaker, one appointed jointly by the House and Senate majority leaders, and one appointed jointly by the House and Senate minority leaders.

The act provides that council members serve without pay. The governor appoints the council's chairperson from among its members. Appointed members serve three-year terms, and may not serve more than two consecutive terms. Vacancies of appointed members are filled by the appointing authority.

The act requires the council to hold its first meeting by December 1, 2012. The council must meet (1) at least four times per year and (2) as requested by the chairperson or a majority of council members.

Council Duties and Reporting

The act requires the council to:

1. analyze education on organ tissue donation in the state,
2. determine the rate of organ and tissue donation registration in the state and establish periodic goals for increasing that rate (the DMV commissioner must provide the council with data on registered organ donors on a quarterly basis), and
3. advise the DPH and DMV commissioners on ways to increase organ and tissue donation rates in the state.

The act requires the council to report annually to the Public Health and Transportation committees, with the first report due July 1, 2013. The report must concern organ and tissue donation awareness in the state, and, at a minimum, (1) indicate what the council has done to increase donations and (2) recommend how to increase donation rates.

§ 45 – PHARMACEUTICAL AND THERAPEUTICS COMMITTEE

The act adds a child psychiatrist and an oncologist to the membership of the Pharmaceutical and Therapeutics (P & T) Committee, increasing the committee's membership from 14 to 16. The P & T committee, established pursuant to federal law, oversees the development and maintenance of the Department of Social Services' preferred drug list for Medicaid. The governor appoints P & T committee members, who serve two-year terms.

The act also reduces the frequency of required committee meetings, from at least quarterly to at least biannually. By law, the committee may also meet at other times at the discretion of the chairperson and committee members.

§ 46 – HEALTH INFORMATION TECHNOLOGY EXCHANGE OF CONNECTICUT (HITE-CT)

Annual Report

HITE-CT is a quasi-public agency designated as the state's lead agency for health information exchange. Existing law requires the HITE-CT chief executive officer to annually, from February 1, 2011 until February 1, 2016, report to the governor and the General Assembly on (1) any private or federal funds received during the preceding year and how they were spent, (2) grant recipients and amounts, and (3) the current status of health information technology and exchange in the state. The act requires the report to also include information on the development of privacy practices and procedures to notify patients about the collection and use of patient health information in the statewide health information exchange.

HITE-CT Employees

By law, the authority can employ assistants, agents, and other employees as necessary. Under prior law, they were exempt from the classified service and not employees as defined in the collective bargaining law. The act instead provides that these individuals are not state employees as defined in the state employee collective bargaining, retirement, or personnel administration laws.

The act provides that any necessary or appropriate personnel practices and policies the authority establishes concerning hiring, promotion, compensation, retirement, and collective bargaining do not have to follow state law on state employee retirement or personnel administration, in addition to collective bargaining, as under existing law.

By law, the authority is not an employer as defined under the state employee collective bargaining law. The

act also specifies that the authority is not an appointing authority as defined in the state employee personnel administration law.

EFFECTIVE DATE: Upon passage

§ 47 — FLUOROSCOPY AND PHYSICIAN ASSISTANTS

By law, physician assistants (PAs) must generally meet certain coursework and supervised clinical experience requirements and pass a DPH-prescribed examination in order to use fluoroscopy to guide diagnostic and therapeutic procedures.

Under prior law, a PA engaged in the use of fluoroscopy for such purposes or who used a mini C-arm in conjunction with the fluoroscopy before October 1, 2011 could continue to do so without the required coursework and experience, as long as he or she passed the DPH exam by July 1, 2012. The act extends this deadline to September 1, 2012. If the PA does not pass the required examination by this deadline, he or she must meet the training, experience, and testing requirements in order to perform these procedures.

EFFECTIVE DATE: Upon passage

§ 48 — APRN LICENSING

Among other requirements, prior law required someone seeking APRN licensure, if first certified by one of certain specified national certifying bodies after December 31, 1994, to have a graduate degree in nursing or a related field recognized for certification as a nurse practitioner, clinical nurse specialist, or nurse anesthetist by one of those certifying bodies.

The act generally requires all applicants, not just those first certified after December 31, 1994, to have a graduate degree in nursing or a related field as specified above. It also allows someone to become licensed as an APRN without holding such a graduate degree if he or she (1) at the time of application, is currently licensed as an APRN by another state that requires a master's in nursing or a related field and (2) on or before December 31, 2004, completed an APRN program recognized by such a national certifying body for certification as a nurse practitioner, clinical nurse specialist, or nurse anesthetist.

§§ 49-52 — DEPARTMENT OF DEVELOPMENTAL SERVICES (DDS) SELF-ADVOCATES

The act makes changes regarding the eligibility of DDS self-advocates for paid sick, vacation, personal, and holiday leave. (DDS self-advocates work part time.) Under prior law, up to 11 general workers who DDS employed as self-advocates were eligible for paid sick, vacation, personal, and holiday leave, in accordance with specified provisions of law (1) requiring the

Department of Administrative Services (DAS) commissioner to establish regulations concerning the accrual, granting, and prorating of sick leave with pay for part-time state employees and (2) allowing him to establish regulations concerning the accrual, prorating, and granting of vacation leave, as well as the granting of holiday pay, to part-time employees.

The act instead specifies that up to 11 such DDS self-advocates are:

1. eligible for prorated sick leave, in accordance with DAS regulations;
2. eligible for prorated vacation and personal leave; and
3. must be given time off with pay, for the number of hours they would have been scheduled to work, for any legal holiday that falls on a day that they would regularly be scheduled to work.

EFFECTIVE DATE: Upon passage

§ 53 – AMENDMENTS TO VITAL RECORDS

The act restricts the types of amendments that can be made to vital records concerning changes that occur after the records are prepared. It still allows amendments to reflect legal name changes or changes to the cause of death. It also continues to allow the creation of replacement birth certificates for changes to parentage or gender. The act does not allow other types of amendments for changes that occurred after the records are prepared (e.g., address changes).

BACKGROUND

Related Acts

PA 12-39 contains identical provisions to section 43 of this act concerning acupuncturists.

PA 12-202—sSB 188

Public Health Committee

Planning and Development Committee

AN ACT CONCERNING FINANCIAL ASSISTANCE TO LOCAL HEALTH DEPARTMENTS FOR LEAD POISONING PREVENTION

SUMMARY: This act establishes eligibility criteria for local health departments seeking funding from the Department of Public Health (DPH) to help finance lead poisoning prevention and control services. By law, DPH must provide such funding within available appropriations. The act conditions a local department's funding eligibility on DPH approving its lead program, which must include case management, education, and

environmental health components.

The act requires local health departments to use any funding they receive through the program for the lead poisoning prevention and control services specified in the act and other DPH-approved lead program purposes. It allows local health departments to provide these services directly or to contract for them.

The act also (1) eliminates the DPH commissioner's authority to adopt implementing regulations for the lead poisoning prevention and control financial assistance program and (2) establishes reporting requirements for local health departments seeking such funding.

EFFECTIVE DATE: October 1, 2012

LOCAL LEAD POISONING PREVENTION AND CONTROL PROGRAMS

Components

Under the act, for a local health department's lead poisoning prevention and control program to be eligible for DPH funding, the program must:

1. be approved by DPH;
2. provide services in case management, environmental health, lead poisoning education, and health education (the act provides specific requirements for case management and education services, explained below); and
3. participate in DPH's system for collecting, tabulating, analyzing, and reporting lead poisoning prevention and control statistics.

Case Management Services. The act requires local health departments to provide case management services, including medical, behavioral, epidemiological, and environmental intervention, for children who meet either of the following criteria for blood lead level:

1. one confirmed level of at least 20 micrograms of lead per deciliter of blood (20 µg/dL) or
2. two confirmed levels, taken at least three months apart, of at least 15 but less than 20 µg/dL.

The local health department must begin case management services for a child within five business days after it receives test results confirming a blood lead level meeting these parameters.

The law already requires local health departments to take specified actions when they receive a report of an abnormal blood lead level (see BACKGROUND).

Education Services. The act requires a local health department seeking funding for its lead poisoning prevention and control program to provide lead poisoning education and health education services. The latter must include education on proper nutrition for

good health and how to prevent lead poisoning. Local health departments must also distribute educational material on lead poisoning prevention to the parents, legal guardians, and appropriate health care providers for children with confirmed blood lead levels of at least 10 µg/dL.

APPROVING AND DISBURSING FUNDS

The act requires DPH to (1) disburse the lead prevention and control funds annually beginning each July 1 and (2) determine funding amounts based on the local health department's confirmed childhood lead poisoning cases in the prior calendar year.

The act requires local health department directors applying for lead program funds to report annually, by September 30, to DPH on their:

1. program's proposed budget for the new fiscal year;
2. planned program activities for the new fiscal year; and
3. program spending, services, and activities during the prior fiscal year.

DPH must approve a local health department's proposed budget before disbursing funds to it.

BACKGROUND

Local Health Department Lead Control Requirements

Among other lead control provisions in existing law, when a local health director receives a report that a child has been tested and found to have a blood lead level of at least 10 µg/dL or other abnormal body lead level, the director must inform the child's parents or guardians of the child's potential eligibility for the state's Birth-to-Three program, which provides services to families with children with disabilities or developmental delays from birth to 36 months. After receiving such a report, health directors must also inform parents about lead poisoning dangers, ways to reduce risks, and lead abatement laws.

Whenever a local health director receives a report that two blood tests taken at least three months apart confirm a child's venous blood lead level is between 15 to 20 µg/dL, the director must conduct an on-site investigation to identify the source of lead causing the elevation and order whoever is responsible for the condition to remediate it. This threshold is lowered to 10 µg/dL if, beginning January 1, 2012, 1% or more of Connecticut children under age six have been reported with blood levels of at least 10 µg/dL (CGS § 19a-110(d)).

The law also requires local health directors to conduct an epidemiological investigation for venous blood lead levels of at least 20 µg/dL. After the epidemiological investigation identifies the lead source,

the local health director must take action needed to prevent further lead poisoning (CGS § 19a-111).

PA 12-207—sSB 371

Public Health Committee

General Law Committee

AN ACT CONCERNING THE ADMINISTRATION OF INJECTABLE VACCINES TO ADULTS IN PHARMACIES

SUMMARY: This act expands the authority of licensed pharmacists to administer vaccines to adults. Under prior law, pharmacists could administer federally approved vaccines to prevent (1) flu, (2) invasive pneumococcal disease (pneumonia), and (3) herpes zoster (shingles). The act instead allows them to administer any federally approved vaccine listed on the National Centers for Disease Control and Prevention's (CDC) Adult Immunization Schedule.

As under existing law, pharmacists must administer these vaccines according to a licensed health care provider's order and Department of Consumer Protection regulations. By law, these regulations must require that pharmacists administering flu, pneumonia, or shingles vaccines complete an immunization training course. The act extends this training requirement to pharmacists administering any adult vaccine on the CDC schedule.

EFFECTIVE DATE: October 1, 2012

BACKGROUND

CDC Adult Immunization Schedule

The CDC currently recommends 10 adult immunizations depending on a person's age and medical condition:

1. flu;
 2. tetanus, diphtheria, pertussis (Tdap);
 3. varicella (chicken pox);
 4. human papillomavirus (HPV);
 5. shingles;
 6. measles, mumps, rubella (MMR);
 7. pneumonia;
 8. meningococcal (meningitis);
 9. hepatitis A; and
 10. hepatitis B.
-

PA 12-9—SB 200

Public Safety and Security Committee

AN ACT CONCERNING THE MEMBERSHIP OF THE COORDINATING ADVISORY BOARD TO THE DEPARTMENT OF EMERGENCY SERVICES AND PUBLIC PROTECTION

SUMMARY: This act expands, from 15 to 16, the membership of the Department of Emergency Services and Public Protection (DESPP) Coordinating Advisory Board by adding the executive director of the Connecticut Council of Small Towns or a designee. The board, established in 2011, advises DESPP on emergency response and related issues. Its membership consists largely of representatives from fire, police, and emergency services. The DESPP commissioner serves as the chairperson.

EFFECTIVE DATE: July 1, 2012

PA 12-16—HB 5096

Public Safety and Security Committee

AN ACT CONCERNING THE FIREARMS EVIDENCE DATABANK

SUMMARY: This act makes changes in the laws pertaining to the state's firearms evidence databank, which is a computerized system that stores images of discharged ammunition submitted to the state forensic science laboratory so that they can be retrieved and compared with other images in the databank.

Among other things, the act:

1. conforms the law to practice by expanding the types of images the databank must store to include images of other firearm ammunition, instead of just handguns (pistols and revolvers);
2. eliminates the mandate for laboratory personnel to enter all handgun "test fire" data as defined in law and instead gives them discretion in data entry;
3. allows, rather than requires, police departments to submit to the laboratory for testing handguns in their custody that pertain to a criminal investigation;
4. allows, rather than requires, the laboratory to test fire handguns submitted to it; and
5. eliminates the mandate for completing tests within 60 days of submission.

The act also makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2012

FIREARMS EVIDENCE DATABANK

Definition

The databank is within the Department of Emergency Services and Public Protection (DESPP). It stores images of discharged ammunition consisting of cartridge cases, bullets, or fragments of these. Prior law referred to the discharged ammunition as a "test fire." The act renames "test fires" as "fired components of ammunition" and expands the types of ammunition to include ammunition from other firearms, not just handguns. It makes conforming and other changes to reflect the new label.

Data Input

The act allows, rather than requires, DESPP forensic science laboratory personnel to enter evidence of fired components of ammunition into the databank. By law, the evidence must be entered in accordance with specific procedures DESPP adopts under regulations.

Handguns and Deadline for Test Fires

Under prior law, (1) police departments had to submit to the laboratory any handguns in their custody that were found, ordered destroyed by a court, or pertained to a criminal investigation before returning or destroying them and (2) the laboratory had to collect a test fire from each handgun submitted within 60 days of submission.

The act (1) eliminates the requirement for the departments to submit handguns that were found or ordered destroyed; (2) allows, rather than requires, them to submit handguns related to criminal investigations; (3) allows, rather than requires, the laboratory to test fire the guns; and (4) eliminates the 60-day test deadline.

Department-Issued Firearms

By law, police departments must test fire and collect the discharged ammunition from their service handguns before issuing them to their employees. Prior law required them to submit two intact cartridges of the same type of ammunition used for the test fire. The act instead requires them to submit two intact cartridges that are representative samples of the ammunition they use in their service handguns.

PA 12-19—sHB 5094

*Public Safety and Security Committee
Transportation Committee*

AN ACT CONCERNING THE "MOVE OVER" LAW

SUMMARY: This act applies the “move over” law to highways with two or more lanes in each direction. The previous law applied to highways with three or more lanes in each direction.

The move over law requires a motorist approaching one or more stationary emergency vehicles located on the travel lane, breakdown lane, or shoulder of a highway to (1) immediately slow to a reasonable speed below the posted speed limit and (2) move over one lane if traveling in the lane adjacent to the location of the emergency vehicle, unless this would be unreasonable or unsafe.

For these requirements to apply, the emergency vehicle must have flashing lights activated. For purposes of the move over law, an “emergency vehicle” includes a maintenance vehicle or wrecker or a vehicle operated by a:

1. member of an emergency medical service organization responding to an emergency call,
2. fire department or an officer of the department responding to a fire or other emergency, or
3. police officer.

A violation of these requirements is an infraction, unless the violation results in the injury or death of the emergency vehicle operator, in which case the fines are a maximum of \$2,500 and \$10,000, respectively.

The act also makes technical changes.

EFFECTIVE DATE: October 1, 2012

BACKGROUND*Maintenance Vehicle*

A “maintenance vehicle” is a vehicle the state or a municipality, a state bridge or parkway authority, or any public service company uses to maintain public highways or bridges and facilities located within the limits of such highways or bridges (CGS § 14-1(46)).

Wrecker

A “wrecker” is a vehicle (1) registered, designed, equipped, and used by a Department of Motor Vehicles-licensed motor vehicle dealer or repairer to tow or transport wrecked or disabled motor vehicles for compensation or for related purposes or (2) contracted for the consensual towing or transporting of motor vehicles to or from a place of sale, purchase, salvage, or repair (CGS § 14-1(101)).

PA 12-48—sSB 337

*Public Safety and Security Committee
Public Health Committee*

AN ACT CONCERNING THE SILVER ALERT SYSTEM

SUMMARY: This act allows the Department of Mental Health and Addiction Services (DMHAS) commissioner to authorize DMHAS employees certified as police officers to file missing person reports with the state’s clearinghouse for missing persons. The clearinghouse, which is within the Department of Emergency Services and Public Protection (DESPP), operates a SILVER Alert system to help locate seniors and mentally impaired adults reported missing by specified individuals. The act requires the clearinghouse to provide assistance when DMHAS police officers file such reports.

EFFECTIVE DATE: October 1, 2012

MISSING PERSONS CLEARINGHOUSE

By law, the clearinghouse is a repository of information on missing persons.

It must, among other things, collect, process, maintain, and disseminate information to help locate missing persons age 65 or older or at least age 18 with a mental impairment if a report prepared by DESPP has been filed by the missing person’s relative, guardian, conservator, attorney, health care representative, or nursing home administrator. In practice, any police department may prepare the report for clearinghouse action.

The act allows relatives, guardians, or conservators of a missing person receiving inpatient services at a DMHAS facility to ask the DMHAS commissioner to file a report with DESPP for clearinghouse assistance. And it allows the DMHAS commissioner, notwithstanding laws barring disclosure of certain information deemed confidential, to authorize DMHAS employees certified as police officers to file the report. The report must disclose only the minimum information necessary for receiving clearinghouse assistance.

BACKGROUND*Emergency Notification System*

The clearinghouse uses an emergency notification system to disseminate information on people reported missing. The system issues local, regional, or statewide alerts on radio, television, and electronic highway signs. It issues (1) SILVER Alerts for missing people age 65 or older or at least age 18 with a mental impairment and (2) AMBER Alerts for children.

PA 12-60—sSB 320
Public Safety and Security Committee

**AN ACT CONCERNING FIRE PREVENTION
 CODE REGULATIONS**

SUMMARY: This act delays, by two years, the repeal and implementation of various statutes pertaining to the state Fire Prevention Code and makes technical and conforming changes.

EFFECTIVE DATE: Upon passage for the delay in effective dates of implementing statutes; January 1, 2015 for the delay in effective dates of the repealers; and upon passage and January 1, 2013 for the technical and conforming changes.

DELAY IN REPEAL AND IMPLEMENTATION

The act delays by two years, from January 1, 2013 to January 1, 2015, the (1) repeal of the provisions listed in Table 1 and (2) implementation of the provisions listed in Table 2.

Table 1: Delay of Repealers (§ 2)

<i>Statute (CGS §)</i>	<i>Provision</i>
29-321	Variations and exemptions pertaining to the use, storage, and transportation of flammable or combustible liquids
29-325 to 29-328	Regulation of dry cleaning establishments
29-333 to 29-335	Variations and exemptions, appeals, and penalties pertaining to storage, transportation, and use of liquefied petroleum gas (LPG) and liquefied natural gas (LNG)
29-336	Definition of hazardous chemicals
29-338	Variations and exemptions pertaining to transporting hazardous chemicals
29-340	Appeals of decisions pertaining to hazardous chemical violations
29-341	Promulgation of regulations governing hazardous chemicals; penalty for operating a cargo tank vehicle used to transport hazardous chemicals in violation of law
29-368 to 29-370	Variations, exemptions, and appeals pertaining to regulation of rockets

Table 2: Delay of Implementation (§ 4)

<i>Statute (CGS §)</i>	<i>Provision</i>
14-140	Transporting flammable and combustible liquids, cargo tank vehicles; explosives and blasting agents; transporting explosives
29-317	Variations and exemptions for installation of oil burners and equipment from pertinent laws and regulations
29-320	Adoption of regulations on flammable or combustible liquids
29-329	Adoption of regulations governing installation and operation of gas equipment and gas piping
29-331	Adoption of regulations concerning LPG and LNG
29-337	Adoption of regulations concerning hazardous chemicals
29-367	Adoption of regulations pertaining to rockets
29-343	Definition of explosives
51-344a	Technical and conforming changes

PA 12-67—SB 61
Public Safety and Security Committee
Transportation Committee
Energy and Technology Committee

AN ACT EXEMPTING AMATEUR RADIO OPERATORS USING HAND-HELD RADIOS FROM THE PROHIBITION ON USING HAND-HELD MOBILE TELEPHONES AND MOBILE ELECTRONIC DEVICES WHILE DRIVING

SUMMARY: This act exempts the use of a hand-held radio by anyone issued a Federal Communications Commission amateur radio station license (ham operator) from the ban on using hand-held cell phones or mobile electronic devices while driving on a highway. It allows ham operators to use the devices without the limitations that apply to other exempt or authorized users under existing law.

Under existing law, the following are exempt from the ban while performing their official duties: (1) peace officers, firefighters, and ambulance or authorized emergency vehicle drivers and (2) armed forces members operating a military vehicle. Also, drivers, including school bus drivers, may use a hand-held cell phone to communicate about an emergency with an emergency response operator, hospital, health clinic or physician’s office, ambulance company, or fire or police department. And school bus drivers may also use the phones or devices to place emergency calls to school officials.

EFFECTIVE DATE: October 1, 2012

BACKGROUND

Mobile Electronic Device

The law defines a “mobile electronic device” as any hand-held or portable electronic equipment capable of providing data communication between two or more people. It includes text messaging or paging devices, personal digital assistants, laptop computers, video game equipment, digital video disk players, and equipment that takes or transmits digital photographs. It does not include audio equipment or equipment installed in the vehicle to provide (1) navigation, emergency, or other aid to the driver or (2) video entertainment to rear-seat passengers.

PA 12-68—SB 62

*Public Safety and Security Committee
Energy and Technology Committee*

**AN ACT CONCERNING THE CONNECTICUT
PUBLIC SAFETY DATA NETWORK**

SUMMARY: This act requires the (1) Department of Emergency Services and Public Protection (DESPP) commissioner to establish a public safety data network (PSDN) in an electronic format for exchanging information among public safety and criminal justice entities and (2) Office of State-Wide Emergency Telecommunications (OSET) to create technical and operational standards for the network's establishment before July 1, 2012.

The act requires the Enhanced 9-1-1 (E 9-1-1) Commission, in consultation with the Coordinating Advisory Board, to advise the DESPP commissioner in the network's planning, design, implementation, coordination, and governance. The commission currently plays a similar role with regard to the E 9-1-1 system.

The act adds the expenses associated with implementing and maintaining the PSDN to the other expenses the commissioner must consider when determining the amount of funding necessary for the E 9-1-1 program (see BACKGROUND). The program provides dispatch services to people who call 9-1-1.

EFFECTIVE DATE: Upon passage, for the establishment of the PSDN; July 1, 2012, for the remaining provisions.

PSDN

The DESPP commissioner must (1) establish the PSDN, in consultation with the chief information officer of the Department of Administrative Services' Division of Information Technology, and (2) ensure that its implementation complies with state and federal requirements for controlled or limited access data. The act allows the commissioner to enter into memoranda of understanding (MOUs) with public safety or criminal justice agencies that connect to the PSDN about its use. The MOUs may address cost-sharing for using the network.

The act allows sources of revenue that provide funding for existing networks to be used to fund the network.

BACKGROUND

Funding for the E 9-1-1 Program

By law, the DESPP commissioner must annually determine and report to the Public Utilities Regulatory

Authority (PURA) the associated expenses and amount of funding needed to develop and administer the E 9-1-1 program. Funding can be provided for:

1. buying, installing, and maintaining new public safety answering point (PSAP) terminal equipment;
2. transition grants to encourage PSAPs to regionalize;
3. subsidies for regional centers;
4. coordinated medical emergency direction services that provide medical instructions to an E 9-1-1 caller before medical assistance arrives;
5. personnel training and related costs;
6. capital costs and recurring expenses associated with the telecommunications system that supports the E 9-1-1 system;
7. collecting, maintaining, and reporting emergency medical services data as required by state law, up to \$250,000 per year; and
8. OSET's administrative costs.

Related Acts

Public Act 12-134 increases, from 50 to 75 cents per month, per access line, the maximum amount that PURA may assess telecommunications subscribers to fund the E 9-1-1 program.

Public Act 12-153 modifies how prepaid wireless subscribers are assessed the fee that funds the E 9-1-1 program.

Public Act 12-1 (§ 241), June 12 Special Session, requires OSET, which administers the E 9-1-1 program, by January 1 each year, to prepare and submit the annual budget for the E 9-1-1 Telecommunications Fund to the Office of Policy and Management secretary for review and approval.

PA 12-72—SB 195

*Public Safety and Security Committee
Planning and Development Committee*

**AN ACT CONCERNING THE STORAGE OF
STOLEN PROPERTY BY LAW ENFORCEMENT
AGENCIES AND THE PAYMENT FOR
PROPERTY RECEIVED BY PRECIOUS METALS
OR STONES DEALERS**

SUMMARY: By law, law enforcement agencies must inventory property they seize in connection with an arrest or under a search warrant. In the case of an arrest, they must file the inventory report with the court clerk for the geographical area where the crime was allegedly committed if the property was stolen and, in the law enforcement officer's opinion, valued at more than

\$250. This act increases the threshold from \$250 to \$1,000. By law, the agencies may return stolen property to an owner if the value is equal to or less than the threshold.

The act allows any precious metals or stones dealer who was also a licensed pawnbroker on March 31, 2011, and continues to hold such a license, to pay for property received as a precious metals or stones dealer in the manner authorized under the pawnbroker statutes until July 1, 2021, as long as the dealer complies with the statutes governing precious metals. By law, precious metals or stones dealers can pay for property they receive only by check or money order and no cash can be transferred. But a pawnbroker may, with certain limitations, cash a check, draft, or money order he or she issues.

The act also applies to these dealers certain pawnbroker payment-related requirements, such as those to:

1. verify the seller's identity before cashing a check, draft, or money order;
2. prohibit them from (a) cashing any check, draft, or money order they issue over \$1,000 and (b) structuring transactions to avoid this limit (all transactions between a pawnbroker and the same party within a 24-hour period are considered a single transaction); and
3. require them to (a) retain payment records made by checks and (b) put numbers associated with the property from the record-keeping system on each check, draft, or money order.

EFFECTIVE DATE: October 1, 2012

PA 12-99—sSB 323

Public Safety and Security Committee

AN ACT CONCERNING CRANE OPERATIONS

SUMMARY: This act makes changes in the laws governing cranes and hoisting equipment to comply with new federal Occupational Safety and Health Administration's (OSHA) requirements. Many of its provisions codify current state regulations.

Beginning October 1, 2014, the act adopts OSHA's definition of a crane. In doing so, it expands the (1) types of equipment and operators subject to state regulation, including operator licensing and training, and (2) scope of the state safety code for operating and maintaining cranes and hoisting equipment.

Prior law (1) defined a "crane" as a (a) tower or hydraulic crane, or power-operated derrick, of any lifting or hoisting capacity, or (b) mobile crane that has a manufacturer's maximum-rated capacity over 10,000 pounds (five tons) and (2) with limited exceptions, required operators of such equipment to be licensed by

the state Crane Examiners Board (Crane Board). Beginning October 1, 2014, the act instead, with some exceptions, defines a "crane" as power-operated equipment having a hoisting or lifting capacity of over 2,000 pounds. But operators of cranes, except tower cranes, with a lifting or hoisting capacity between 2,000 and 10,000 pounds do not have to be licensed if such operators are certified by an accredited crane operator testing organization or qualified by an audited employer program or the U.S. military. (The act also exempts operators licensed under state law from licensure. But the legal effect of exempting people from licensure if they are licensed is unclear.)

The act, beginning October 1, 2012, adopts OSHA's standards governing training and supervision of apprentices operating cranes and hoisting equipment. Also, beginning October 1, 2014, it (1) outlines standards applicants for a crane or hoisting equipment operator license must meet and (2) requires such operators to be retested every four years before their license is renewed.

The act narrows an exemption from the crane and hoisting equipment operators' license requirement for people boating or fishing.

Effective October 1, 2012, the act increases, from \$1,000 to \$3,000, the maximum civil fine the Crane Board may impose on crane or hoisting equipment owners or operators who violate the laws or regulations governing them. It prohibits the board from renewing an operator's license or owner's registration until a fine is paid in full.

The act deletes obsolete provisions and makes other technical and conforming changes.

EFFECTIVE DATE: October 1, 2012, except the provisions redefining cranes, including exemptions, and pertaining to licensing examinations, take effect October 1, 2014.

DEFINITIONS

Prior law defined a "crane" as a:

1. tower crane used in construction, demolition, or excavation;
2. hydraulic crane;
3. power-operated derrick; or
4. mobile crane, which is a mobile, carrier-mounted, power-operated hoisting machine using a power-operated boom that (a) moves laterally by rotation of the machine on the carrier and (b) has a manufacturer's maximum-rated capacity exceeding five tons (§ 1).

Beginning October 1, 2014, the act broadens the definition of cranes, by adopting OSHA's definition. It defines a crane as power-operated equipment with a manufacturer's maximum-rated hoisting or lifting capacity of more than 2,000 pounds that can hoist,

lower, and horizontally move suspended loads, including:

1. articulating cranes, such as knuckle-boom cranes;
2. mobile cranes, such as wheel-mounted, rough terrain, all-terrain, commercial truck-mounted, and boom truck cranes;
3. tower cranes such as fixed jib hammerhead boom, luffing boom, and self-erecting cranes;
4. industrial cranes such as carry-deck cranes;
5. crawler, floating, locomotive, pedestal, portal, straddle, side boom, and overhead and gantry cranes;
6. cranes on barges or monorails;
7. multi-purpose machines configured to hoist and lower, by means of a winch or hook, and horizontally move, a suspended load;
8. dedicated pile drivers when used in construction, demolition, or excavation;
9. service or mechanic trucks with a hoisting device;
10. derricks; and
11. variations of the above equipment (§ 2).

By law, "hoisting equipment" is any motorized equipment:

1. used in construction, demolition, or excavation;
2. used at construction sites for projects, other than ones involving residential structures under four stories, with an estimated cost of over \$1.25 million; and
3. with a manufacturer's rated (a) hoisting capacity of over five tons and (b) maximum reach of over 32 feet.

The act specifies that such equipment does not include cranes (§ 2).

Exemptions

The act exempts from the laws governing cranes and hoisting equipment operators and operations:

1. cranes and hoisting equipment, as defined in the act, when converted or adapted for nonhoisting or nonlifting use, including power shovels, excavators, and concrete pumps;
2. power shovels, excavators, wheel loaders, backhoes, loader backhoes, and track loaders, including such machinery being used with chains, slings, or other rigging to lift suspended loads;
3. wreckers and tow trucks, including rotators registered as wreckers operated by a licensed motor vehicle dealer or repairer and used to clear wrecks and tow vehicles as specified in the act;
4. digger derricks augering (digging) holes for poles carrying electric and telecommunication

lines, placing and removing the poles, and handling material to be installed on or removed from the poles;

5. machinery originally designed as vehicle-mounted aerial devices for lifting personnel and self-propelled elevating work platforms;
6. telescopic or hydraulic gantry systems;
7. stacker and helicopter cranes;
8. powered industrial forklifts, except when configured to hoist and lower, by means of a winch or hook, and horizontally move a suspended load;
9. mechanic trucks with a hoisting device when used in activities related to equipment maintenance and repair;
10. machinery that hoists by using a come-a-long or chain fall;
11. gin poles when used for erecting communication towers;
12. anchor handling or dredge-related operations with a vessel or barge using an affixed A-frame;
13. roustabouts;
14. propane service vehicles equipped with a crane to load or offload Department of Transportation-approved propane tanks or American Society of Mechanical Engineers-approved propane tanks having a capacity of 2,000 gallons or less;
15. overhead and gantry cranes when used for non-construction-related work;
16. dedicated drill rigs; and
17. articulating or knuckle-boom truck cranes that deliver material to construction sites when used to transfer (a) material from the truck crane to the ground without arranging the material in a particular sequence for hoisting or (b) building supply sheet goods or packaged material (such as sheets of sheetrock or plywood, rolls of roofing felt, or bags of cement), provided the truck crane is equipped with a properly functioning automatic overload prevention device (§ 3).

The exclusion for articulating or knuckle-boom truck cranes does not apply when the crane is:

1. used to hold, support, or stabilize material to facilitate a construction activity, such as holding material in place while it is attached to the structure;
2. handling prefabricated material such as precast concrete members or panels, roof trusses, prefabricated building sections such as floor, wall, or roof panels, roof structures, or similar items;
3. handling structural steel members such as joists, beams, columns, and steel decking or a

- component of a systems-engineered metal building; or
4. performing activities not otherwise excluded under the act (§ 3).

LICENSURE

By law, crane and hoisting equipment operators must be licensed, unless exempt, and apprentices and crane owners (but not hoisting equipment owners) must be registered by the Crane Board, which is in the Department of Construction Services (DCS).

The law exempts from licensure and registration requirements for cranes and hoisting equipment (1) people engaged in agriculture or arboriculture; (2) engineers under federal jurisdiction; (3) engineers or operators employed by public utilities or industrial manufacturing plants; and (4) anyone operating a bucket truck or a digger derrick designed and used for an electrical generation, transmission, distribution, catenary (overhead lines above railroad tracks), or signalization project if the person:

1. holds a valid Connecticut limited electrical line contractor or journeyman's license;
2. has more than 1,000 hours of experience installing electrical lines; or
3. has enrolled in, or graduated from, a federally recognized electrical apprenticeship program.

Prior law also exempted people engaged in boating and fishing from licensure requirements for cranes and hoisting equipment. Effective October 1, 2014, the act narrows this exemption to people in the recreational boating or fishing industry, except when they are engaged in construction-related work. The act additionally exempts people engaged in activities or using equipment excluded from its definition of cranes and hoisting equipment (§§ 8 & 10).

The act also exempts from crane licensing and registration requirements people operating equipment, except tower cranes, that can hoist, lower, and horizontally move a suspended load and has a manufacturer's maximum-rated hoisting or lifting capacity of over 2,000 and up to 10,000 pounds and who, under federal OSHA, are (1) certified by an accredited crane operator testing organization, (2) qualified by an audited employer program, (3) qualified by the U.S. military, or (4) licensed under the laws governing cranes and hoisting equipment (§ 10).

Qualifications for Licensure

Before October 1, 2014, when the new definition of crane takes effect, the act allows the board to develop and administer written and practical examinations for, and issue licenses to operators of cranes meeting the new definition, including those with a lifting capacity

over 2,000 pounds and up to 10,000 pounds (§ 5). The act specifies that these provisions should not be construed to eliminate licensure requirements in effect before October 1, 2014 for operators of cranes or hoisting equipment meeting the current definition.

By law, the DCS commissioner, with the Crane Board's advice and assistance, adopts regulations specifying qualifications for licensure, examination requirements, and licensing procedures for crane and hoisting equipment operators. The board administers and establishes passing grades for licensure examinations and issues licenses for such operators.

Written Examination

Under prior law, the licensure examination could be written, practical, or both. Effective October 1, 2014, the act (§ 6(a)) requires both a practical and written examination, thereby conforming the law to regulations (Conn. Agencies Regs. §§ 29-223-2a & 29-223-15a). It (§ 6(b)) requires the written examination to determine whether an applicant knows the information necessary to safely operate the specific type of crane or hoisting equipment that he or she will operate, including:

1. the controls and operational or performance characteristics of the equipment;
2. how to use and calculate, manually or with a calculator, load or capacity information on a variety of configurations of the equipment;
3. how to prevent and respond to power line contact;
4. technical knowledge of (a) site information, (b) operations, and (c) load information pertaining to the specific type of equipment he or she will operate; and
5. technical knowledge of site suitability, hazards, and access.

The written examination must also determine whether the applicant can read and find relevant information in the equipment manual and other material.

Practical Examination

The act requires the practical examination to determine if an applicant has the skills necessary to safely operate the crane or hoisting equipment, including how to (1) recognize by sight and sound all items required in a shift inspection; (2) apply load chart information; and (3) operate, maneuver, and safely shut down and secure the equipment (§ 6 (c)).

License Validity and Renewal

Under current regulations, which the act codifies, a crane operator or hoisting equipment operator's license is valid for two years (Conn. Agencies Regs. §§ 29-223-4a & 22-223-16a). The act requires licensees to take and

pass a board examination every four years to ensure that they still have the technical knowledge and skill to operate cranes or hoisting equipment, as applicable (§ 6).

CRANE AND HOISTING OPERATOR APPRENTICESHIPS

Prior law defined an “apprentice” as anyone registered with the Crane Board to learn to operate cranes or hoisting equipment. The act instead defines an apprentice as someone who has filed a license application and whose employer has registered him or her with the board to learn to operate such equipment under the direct supervision of a licensed operator in accordance with the act (§ 1).

By law, apprentices must be supervised by a licensed operator. The act specifies that the supervision for crane apprentices must be direct, the same standard that currently applies to hoisting equipment apprentices (§ 9).

Effective October 1, 2012, the act requires that, in addition to complying with existing standards, crane and hoisting equipment operators must comply with the standards governing apprenticeships outlined in the act and described below (§§ 7, 9, & 13).

Supervision

The act adopts OSHA’s standards for supervising apprentices operating cranes or hoisting equipment (29 CFR § 1926.1427). Many of these standards already apply under state regulations (Conn. Agencies Reg. § 29-223-17a).

Specifically, the act requires employers to train apprentices sufficiently before they start operating a crane or hoisting equipment to enable them to operate it safely under the limitations established by the act and any limitations established by an employer. It requires apprentices operating such equipment to be capable of doing the tasks they are performing.

While operating any such equipment, the apprentice must be continuously monitored by an individual who:

1. is employed by or an agent of the apprentice’s employer;
2. holds a valid Connecticut crane or hoisting equipment operator’s license;
3. is not performing any task that detracts from his or her ability to monitor the apprentice;
4. for tower cranes, is in direct communication with the apprentice; and
5. for other equipment, is in direct line of sight of the apprentice and communicates with him or her orally or by hand signals.

The act allows the supervisor to take one 15-minute break per hour, provided before doing so he or she

informs the apprentice of the specific tasks to be performed and limitations that apply and the apprentice can perform the tasks.

Prohibited Equipment Operation

The act prohibits apprentices from operating equipment in any of the following circumstances:

1. any part of the equipment, load line, or load, including rigging and lifting accessories, if operated at the equipment’s maximum working radius, would get within 20 feet of a power line of 350 kilovolts (i.e., 350,000 volts) or less, or within 50 feet of a power line over 350 kilovolts;
2. the equipment is used to hoist personnel;
3. in multiple equipment lifts;
4. the equipment is used over a shaft or cofferdam or in a tank farm; or
5. in multiple-lift rigging operations, unless the supervisor determines that the apprentice is sufficiently skilled.

The act increases, from \$1,000 to \$3,000, the maximum civil fine the Crane Board may impose on crane or hoisting equipment owners or operators who violate the laws or regulations governing them. It prohibits the board from renewing the operator’s license or owner’s registration until the fine is paid in full.

PA 12-134—sHB 5378

*Public Safety and Security Committee
Finance, Revenue and Bonding Committee
Energy and Technology Committee*

AN ACT CONCERNING THE MAXIMUM SURCHARGE FOR ENHANCED 9-1-1 SERVICE

SUMMARY: This act increases, from 50 to 75 cents per month, per access line, the maximum amount that the Public Utilities Regulatory Authority may assess telecommunications subscribers to fund the Enhanced 9-1-1 (E 9-1-1) program. The program provides dispatch services to people who call 9-1-1.

EFFECTIVE DATE: Upon passage

BACKGROUND

E 9-1-1 Fee Assessment and Collection

Funding for the E 9-1-1 program is generated by a monthly fee levied on the phone lines of subscribers of (1) local telephone; (2) commercial mobile radio service (e.g., cell phone); (3) voice over Internet protocol (e.g., services provided by Vonage and Skype); and (4) prepaid wireless telephone service (CGS § 16-256g). Customers pay the fee to their telephone service

provider, which remits it monthly to the State Treasurer's Office for deposit in the E 9-1-1 Telecommunications Fund. The fee is currently at the 50-cent per month cap. Customers with multiple lines are assessed on a sliding scale.

Related Acts

Public Act 12-68 requires the Department of Emergency Services and Public Protection (DESPP) to establish an electronic public safety data network for exchanging information among public safety and criminal justice entities. It adds the expenses associated with implementing and maintaining the network to the other expenses the DESPP commissioner must consider when determining the amount of funding necessary for the E 9-1-1 program.

Public Act 12-153 modifies how prepaid wireless subscribers are assessed the fee that funds the E 9-1-1 program.

Public Act 12-1 (§ 241), June 12 Special Session, requires the Office of State-Wide Emergency Telecommunications, which administers the E 9-1-1 program, by January 1 each year, to prepare and submit the annual budget for the E 9-1-1 Telecommunications Fund to the Office of Policy and Management secretary for review and approval.

PA 12-160—sHB 5095

*Public Safety and Security Committee
Finance, Revenue and Bonding Committee*

AN ACT CONCERNING OFF-TRACK BETTING BRANCH FACILITIES

SUMMARY: This act increases the number of off-track betting (OTB) facilities that may operate as simulcasting facilities (i.e., televise OTB programs), from 15 to all 18 of the currently authorized OTB facilities.

The act does not specify the location of the three additional facilities. The law specifies the location of the 15 existing simulcasting facilities as follows: Bridgeport, Bristol, East Haven, Hartford, Manchester, Milford, New Britain, New Haven, New London, Norwalk, Putnam, Torrington, Waterbury, Windham, and Windsor Locks.

The act also makes a technical change.

EFFECTIVE DATE: October 1, 2012

BACKGROUND

OTB Facilities

Simulcasting facilities are OTB facilities authorized by law to (1) provide live television coverage of OTB

programs and jai alai games and (2) have restaurants, concessions, and other amenities.

By law, the location of OTB facilities and the addition of simulcasting capability are subject to (1) approval by the Department of Consumer Protection commissioner, with the Gaming Policy Board's consent, and (2) prior approval of the host town.

PA 12-164—HB 5248 (VETOED)

Public Safety and Security Committee

AN ACT CONCERNING FOAMED-IN-PLACE INSULATING MATERIAL

SUMMARY: The law bans the use of urea-formaldehyde foamed-in-place insulation (UFFI) in buildings.

This act instead restricts the sale and use of all types of foamed-in-place insulating material unless the manufacturer or supplier certifies to the construction services commissioner that the material complies with the act's specifications. It continues to ban UFFI but replaces the broad definition with a narrower definition that excludes formaldehyde polymers and derivatives. The act does not define foamed-in-place insulating material, other than UFFI material.

The certification to the commissioner must include (1) a statement that the insulating material is not a UFFI material and has met allowable emission standards under specified tests and (2) a statement under oath that the material complies with the act. As under existing law, a first violation of the act is punishable by a fine of up to \$500 and a subsequent violation by a fine of up to \$1,000. (By law (CGS § 53a-157b), unchanged by the act, giving a false statement under oath is a class A misdemeanor (see Table on Penalties)).

EFFECTIVE DATE: Upon passage

FOAMED-IN-PLACE INSULATION

Definition

The law bans UFFI installation. Prior law defined "UFFI" as cellular plastic thermal material, irrespective of how generated, containing chemical formaldehyde, formaldehyde polymers or derivatives, or other chemicals that can release formaldehyde. It did not include urethane foam insulation or styrene foam insulation.

The act replaces this definition of UFFI with a narrower one that excludes references to formaldehyde polymers and derivatives and formaldehyde releasing chemicals. Under the act, "UFFI insulation material" means "a cellular plastic insulation material generated in a continuous stream by mixing a urea-formaldehyde

based resin, air, and a foaming agent.” It is unclear if urethane and styrene foam insulation continue to be exempt under this definition.

Certification

The act bans the sale or installation of foamed-in-place insulating material in any building unless the manufacturer or supplier certifies to the construction services commissioner that the material meets certain specifications. The certification must contain the following information:

1. the manufacturer’s name;
2. a description of the type of insulating material being certified in sufficient detail to permit its identification, such as information sheets, brochures, a sample product label, or similar information;
3. a statement that the insulating material is not a UFFI material;
4. test results from a laboratory approved by the commissioner certifying that the cured insulating material meets GREENGUARD Environmental Institute’s indoor air quality emissions standards in accordance with (a) tests conducted using an ASTM D6007 modified test method, (b) GREENGUARD Environmental Institute Formaldehyde Free Verification Requirements, or (c) the CAN/ULC-S774-09 Standard Laboratory Guide for the Determination of Volatile Organic Compound Emissions from Polyurethane Foam;
5. a description of the supplier’s or manufacturer’s quality assurance program, including the training program for installers of the insulating material; and
6. a statement under oath that the insulating material complies with the act.

BACKGROUND

Urea Formaldehyde Foamed-in-Place Insulation

UFFI consists of urea, formaldehyde, and a surfactant or foaming agent. At an installation site, the urea-formaldehyde resin and foaming agent are combined with air. It is then injected inside the walls of a building, where it hardens and acts as insulation.

PA 12-184—sHB 5394

Public Safety and Security Committee

AN ACT CONCERNING SMOKE AND CARBON MONOXIDE DETECTORS AND ALARMS IN RESIDENTIAL DWELLINGS

SUMMARY: This act requires battery-operated smoke detection and warning equipment (smoke detectors) to be temporarily installed in any one or two-family dwelling occupied while undergoing interior alterations or additions under a building permit. It also requires that carbon monoxide detection and warning equipment (CO detectors) be temporarily installed in the area of the work while it is in progress if any fuel-burning appliance, fireplace, or attached garage is present. The equipment (1) may combine smoke and CO detection technology into a single device and (2) must be of a type or technology tested and certified under standards issued by the American National Standards Institute and Underwriters Laboratories.

The act also allows the construction services commissioner, within available appropriations, to establish a public awareness campaign to promote the installation of CO and smoke detectors in all residential dwellings and educate the public about the dangers of not having such equipment installed.

EFFECTIVE DATE: October 1, 2012

PA 12-191—SB 196

Public Safety and Security Committee

Judiciary Committee

AN ACT CONCERNING THE RECORDING OF PISTOL AND REVOLVER SALES IN A BOUND BOOK

SUMMARY: This act requires gun dealers to (1) keep their handgun (pistol or revolver) sale records in a form prescribed by federal law, rather than by the Department of Emergency Services and Public Protection (DESPP) commissioner, and (2) make the records available for inspection at the request of any sworn state or local police officer or investigator on the State-wide Firearms Trafficking Task Force. (Prior law did not specify who had access to the records; but, in practice, they were available to local and state police and other law enforcement officials.)

By law, the penalty for failing to maintain the records as required is a fine of up to \$500, imprisonment for up to three years, or both (CGS § 29-37). The act extends the penalty to failure to grant law enforcement officials access to the records.

EFFECTIVE DATE: October 1, 2012

RECORDKEEPING SYSTEM FOR GUN TRANSACTIONS

By law, gun dealers must record handgun sales in a book (commonly called a bound book) kept solely for that purpose. Under prior law, the records had to be maintained in a format the DESPP commissioner prescribed and include the (1) date the firearm was sold; (2) firearm caliber, make, model, and serial number; and (3) purchaser's name, address, and occupation. Both the dealer and purchaser were required to sign the record in each other's presence, and the dealer had to preserve it for at least six years.

The act requires gun dealers to keep their records in a form prescribed by federal law, which requires them to keep a bound book with generally the same records required by prior state law. Federal law requires the dealers to retain the records for at least 20 years for inspection by federal law enforcement officials (27 CFR §§ 27.478.125 & 478.129(b)).

PA 12-204—SB 335

Public Safety and Security Committee

AN ACT CONCERNING THE LEGISLATIVE COMMISSIONERS' RECOMMENDATIONS FOR TECHNICAL AND MINOR CORRECTIONS TO THE PUBLIC SAFETY STATUTES

SUMMARY: This act makes technical corrections in statutes dealing with the Police Officer Standards and Training Council, Codes and Standards Committee, and dealers in precious metals and stones.

EFFECTIVE DATE: July 1, 2012

PA 12-70—sSB 33

*Transportation Committee
Labor and Public Employees Committee*

AN ACT CONCERNING DEPARTMENT OF TRANSPORTATION PROJECT DELIVERY AND PROJECT LABOR AGREEMENTS FOR CERTAIN PUBLIC WORKS PROJECTS

SUMMARY: This act authorizes the transportation commissioner to designate that highway construction projects be built using either a (1) “construction-manager-at-risk” contract with a guaranteed maximum price or (2) design-build contract, as alternatives to the department’s traditional “design-bid-build” process. It prescribes how he must do this. The act requires the commissioner to have Department of Transportation (DOT) employees conduct development and inspection work when possible to reduce the need for this work to be performed by consultants.

The act also authorizes the state, its agencies and political subdivisions, to require a “project labor agreement” (PLA) for public works projects when they determine it is in the public’s interest to do so. A public entity must determine if a PLA is in the public’s interest before entering into a design-build contract of at least \$10 million to (1) build a new public school or (2) renovate or reconstruct an existing public school.

The act specifies that if any of the provisions concerning PLAs and their possible use in public school construction or renovation is found to contravene state or federal law, the act’s remaining provisions concerning PLAs remain in effect.

EFFECTIVE DATE: Upon passage

DIFFERENT BIDDING METHODS

“Design-bid-build,” “construction-manager-at-risk (CMAR),” and “design-build” use different approaches to design and build construction projects. The methods chiefly differ in how they assign responsibility for design and construction services.

1. In design-bid-build, the most traditional method, the owner (e.g., DOT) has separate contracts with the designer and the builder, and the project design is completed before bids are solicited for a construction contract.
2. In CMAR, the owner generally contracts with a construction manager who works with the designer and provides labor, material, and project management during construction. Under this approach, the CMAR typically guarantees the maximum cost of the work.
3. In the design-build approach, the owner contracts with a single entity that both designs and builds the project.

DOT has traditionally put highway projects out to bid under the design-bid-build method; prior law did not authorize it to use the other methods. The act allows the commissioner to designate specific highway construction projects to be put to bid under either a CMAR or design-build contract.

CMAR CONTRACT PROCEDURE

Under the act, the commissioner may enter into one contract with an architect or engineer for the project design, and a second contract with a CMAR contractor. The CMAR contractor is responsible for (1) providing input during the design process and (2) building the project, using a low sealed bid process (see BACKGROUND) to select trade subcontractors. The CMAR contract must include a guaranteed maximum price.

The act allows the commissioner to select the architect, engineer, or contractor from among the contractors selected and recommended by a selection panel. It is not clear if the selection panel selects and recommends architects and engineers or just contractors. The act also does not discuss panel membership or how it is appointed, although the law establishes within DOT at least one panel to evaluate and select DOT architecture, engineering, and other consultants (CGS § 13b-20c).

The CMAR contract must be based on competitive proposals received by the commissioner after he has advertised the project at least once in a newspaper with a substantial circulation in the project area. The commissioner must establish the criteria, requirements, and conditions of the proposals and the award. He must award the contract based on the general conditions and staff costs, plus qualitative criteria. It is not clear to what “general conditions” and “staff costs” refer. The act makes the commissioner solely responsible for other aspects of the project, but does not specify what these might be.

The contract must clearly state (1) the contractor’s responsibilities to deliver a completed and acceptable project on a particular date; (2) the project’s maximum cost; and (3) if applicable, the cost of acquiring the property as a separate item.

DESIGN BUILD CONTRACT

Under this alternative, the act allows the commissioner to enter into a single contract with a design-builder, whom he may select from among those a selection panel recommends. The commissioner must advertise the project and its specifications at least once in a newspaper with a substantial circulation in the project area.

The contract must (1) include such project elements as site acquisition, permitting, engineering design and construction and (2) be based on competitive proposals. The commissioner must award the contract based on a predetermined “metric” (measurement) provided to design-build contractors before they develop technical proposals. This metric may be unique to a project, but must consist of a score combining the (1) proposer’s qualifications and past performance, (2) proposal’s technical merit, and (3) cost. The commissioner must establish a selection panel for each project to score the first two elements according to the applicable metric. The proposal’s sealed cost portion must be opened in a public ceremony only after this scoring has taken place.

As with the CMAR process, the commissioner must determine all criteria, requirements, and conditions for the proposals and award, and is solely responsible for other aspects of the contract. Also, as with the CMAR process, the contract must clearly state (1) the design-builder’s responsibility to deliver a complete and acceptable project on a particular date; (2) the project’s maximum cost; and (3) if applicable, the cost of acquiring the property as a separate item.

USE OF DOT EMPLOYEES FOR DEVELOPMENT AND INSPECTION WORK

The act requires, for any contract entered into under it, the DOT commissioner to perform project development services, which may include the size, type, and desired design character of the project; performance specifications; quality of material; equipment; workmanship; preliminary plans; or any other information needed for the department to issue a bid package. The commissioner also must oversee the projects and provide inspection services. Inspection services include inspection of the construction, surveying, testing, monitoring of environmental compliance, quality control inspection, and quality assurance audits.

The commissioner must, after the first two projects performed under the act, conduct the above development and inspection work using DOT employees. (It is not clear at what point a project is considered “performed.”) Under the act, the Department of Administrative Services (DAS) commissioner must place the positions required for this work on continuous recruitment according to law (see BACKGROUND). In addition, DOT employees may be appointed to durational positions to reduce the need for consultants to perform inspection or development work. These DOT employees may be appointed as engineers to fill durational positions without an examination if they meet DAS’ education, knowledge, and training requirements. Any contract with a consultant for an initial bid on a project must include a provision providing for the

training of DOT employees in the bidding process and in managing projects entered into under the act.

Regardless of the provisions in the previous paragraph, the act requires a transition period during which the DOT commissioner may authorize the continued use of consultants if needed to complete contracts the act authorizes. During this transition period the commissioner must make all reasonable efforts to perform development and inspection work using DOT employees where available in order to reduce, and where possible eliminate, dependency on outside consultants. Under the act, the authority to use consultants ends on the earlier of (1) the date that the governor transmits to the Transportation Committee a letter certifying that use of consultants is no longer necessary to complete projects under the act or (2) January 1, 2019. The authority to use consultants cannot continue beyond the termination date unless the legislature reauthorizes it.

In addition, the DOT commissioner must seek to reduce the number of consultants engaged to review work performed by other consultants, and must report to the Transportation Committee by July 1, 2013, and annually thereafter on the status of such efforts.

PROJECT LABOR AGREEMENTS

Regardless of any law, regulation, or requirement concerning procurement of goods or services, the act authorizes the state, or any of its agencies, instrumentalities, or political subdivisions (public entity), to require a PLA for any public works project when the entity determines, for a particular project and acting in its discretion, that it is in the public’s interest to require such an agreement. Under the act, a PLA is a pre-hire agreement covering the terms and conditions for everyone working on a specific public works project (building, reconstructing, altering, remodeling, repairing, or demolishing a public building or other public works project).

Before a public entity enters into a design-build contract of at least \$10 million to (1) build a new public school or (2) renovate or reconstruct an existing public school, it must determine if a PLA is in the public’s interest.

Determining the Need for a PLA

In deciding whether to require a PLA, the public entity may consider the effects a PLA may have on:

1. the efficiency, cost, and direct and indirect economic benefits to the public entity;
2. the availability of a skilled workforce to complete the project;
3. the prevention of construction delays;

4. the project's safety and quality;
5. the advancement of minority and women-owned businesses; and
6. community employment opportunities.

Under the act, a PLA must:

1. set forth mutually binding procedures for dispute resolution that can be implemented without delay;
2. include guarantees against a strike, lockout, or other concerted action meant to slow or stop work on the project;
3. ensure a reliable source of skilled and experienced labor;
4. include goals for the number of apprentices and for the percentage of work to be performed by minorities, women, and veterans;
5. invite all contractors to bid on a project regardless of whether the contractor's employees are union members;
6. permit the selection of the lowest responsible qualified bidder regardless of union affiliation;
7. not require compulsory union membership for people working on the project; and
8. bind all contractors and subcontractors to the terms of the agreement.

A bidder that does not agree to abide by the PLA's terms or a requirement to negotiate a PLA cannot be considered a responsible qualified bidder.

Under the act, a public entity's decision to require a PLA is not evidence of fraud, corruption, or favoritism. The legal effect of this provision is unclear.

BACKGROUND

Related Case

The Connecticut Supreme Court has held that a nonunion plaintiff had standing to challenge pre-bid specifications requiring the successful bidder on two state-financed school construction projects to perform all project work with union labor under the terms of a PLA. The court found that the plaintiff met the standing test, in part, "because the complaint, the supporting affidavits, and other evidence, considered in their most favorable light, contained detailed allegations as to the discriminatory effect of the PLA requirement" on the plaintiff and other nonunion contractors. The court remanded the case for further proceedings against certain defendants (*Electrical Contractors Inc. v. Department of Education*, 303 Conn. 402 (2012)).

Continuous Recruitment

The DAS commissioner holds examinations to establish candidate lists for classified positions in state service. These examinations may be held on a

continuous basis when the commissioner deems it necessary to supply the needs of the state service (CGS § 5-216).

Lowest Responsible Bidder

By law, the DOT commissioner must award contracts to build, alter, reconstruct, improve, relocate, widen, or change the grade of, sections of state highways or bridges to the lowest bidder deemed responsible (CGS § 13a-95).

Prequalification

DOT's *Construction Contract Bidding and Award Manual* states that "with few exceptions, only contractors prequalified by the department are eligible to receive awards of department construction contracts." Prequalification is the process by which DOT determines which general contractors are qualified and eligible for different types of DOT contracts.

PA 12-81—sHB 5164

Transportation Committee

Judiciary Committee

Finance, Revenue and Bonding Committee

AN ACT CONCERNING REVISIONS TO THE MOTOR VEHICLE LAWS

SUMMARY: This act makes a number of changes in motor vehicle laws. Among other things, it:

1. replaces learner's permits with "instruction" permits, and requires people age 18 and older to obtain one before learning to drive on public roads (§§ 28, 36-42);
2. expands the circumstances in which wreckers can exceed statutory weight limits and increases the distances they may travel with certain disabled vehicles (§§ 50-51);
3. increases the application fee for people seeking to operate new taxi companies, requires that the applicants have at least three taxis, exempts taxis from child safety seat requirements, and makes other changes in laws affecting taxis (§§ 52-54);
4. authorizes the Department of Motor Vehicles (DMV) commissioner to issue a one-time, six-month extension of a driver's license or identity (ID) card when she needs more time to determine if the license or card holder qualifies for renewal (§4);

5. requires motor vehicle dealers to conduct safety inspections and repair defects of used motor vehicles they sell or, if they sell the vehicle "as is," provide buyers with appropriate documentation (§ 35);
6. requires the emergency services and public protection commissioner to complete state and national criminal history records checks of applicants for school bus and student transportation vehicle license endorsements within 60 days (§ 49);
7. requires police to submit to the DMV commissioner the results of certain urine samples provided by drivers injured or allegedly injured in a motor vehicle accident in the same way they must for certain blood samples (§ 19);
8. restores a requirement that driver's license and ID card holders appear to have their photograph taken at every other license or card renewal (§ 4);
9. requires DMV to transmit certain information to the Selective Service System (§ 48);
10. requires the DMV commissioner to delay issuing a license for 90 days to people convicted for a second or subsequent time of driving without a license (§ 28);
11. eliminates some criminal penalties for certain motor carrier violations (§ 32);
12. allows the DMV commissioner to issue a six-month "courtesy" registration for motor vehicles for which adequate proof of ownership is pending (§ 21);
13. increases, from \$65 to \$69, the fee for low number license plates (§14);
14. continues the subcategory of, and corresponding operator's license endorsement for, "activity vehicles" (§§ 25-26);
15. requires the motor vehicles and correction commissioners to establish a procedure for prisoners to renew their licenses and ID cards without appearing in person (§ 20);
16. eliminates the four-year noncommercial driver's license (§§ 4 & 6); and
17. requires DMV to study the Internet auction of license plates (§ 47).

The act also makes minor, conforming, and technical changes (§§ 27, 29, and 31), including correcting an apparent ambiguity in the statutes (§ 30), which are effective October 1, 2012.

EFFECTIVE DATE: Various (see below)

§ 1 — VEHICLES ELIGIBLE FOR REGISTRATION THROUGH DEALERSHIPS

The act allows the commissioner to broaden the types of vehicles certain licensed motor vehicle dealers can register at the time of sale. By law, the commissioner may appoint licensed dealers to issue new registrations for passenger cars, motorcycles, campers, camp trailers, trucks, commercial trailers, and service and school buses. The act allows these dealers to issue new registrations for such other types of vehicles as the commissioner determines.

EFFECTIVE DATE: July 1, 2012

§ 2 — LATE FEE FOR BOAT TRAILER REGISTRATIONS

The law allows marine dealers to register all boat trailers they own under a general distinguishing number and mark. The commissioner charges \$50 a year for each number plate furnished. The act requires the commissioner to impose a \$25 late fee to renew a registration if the dealer fails to renew it within five days after it expires.

EFFECTIVE DATE: October 1, 2012

§ 3 — LIMITING REGISTRATION FOR EXPERIMENTAL TEST VEHICLES

By law, the commissioner may issue special number plates to automotive equipment manufacturers for motor vehicles used to test vehicles or automotive equipment. Under the act, these registrations expire one year from the date they are issued and cannot be renewed. Under prior law, they expired annually on March 31 and could be renewed indefinitely.

EFFECTIVE DATE: October 1, 2012

§§ 4 & 6 — EXTENDING CERTAIN DRIVER'S LICENSES FOR SIX MONTHS, REQUIRING PHOTOGRAPHS AT EVERY OTHER LICENSE RENEWAL, AND ELIMINATING FOUR-YEAR NONCOMMERCIAL LICENSES

The act authorizes the commissioner, starting January 1, 2013, to issue a one-time, six-month extension of an individual's driver's license or ID card if (1) she needs additional time to determine whether the individual qualifies for a renewal or (2) the license or card holder provides the commissioner with satisfactory documentation that he or she was out-of-state during the renewal period. A \$30 fee for this one-time extension is non-refundable.

The act restores a requirement, eliminated by PA 11-48, that license and ID card holders appear in person at every other license or card renewal to have their photograph taken.

It eliminates four-year noncommercial driver's licenses.

EFFECTIVE DATE: July 1, 2012

§ 5 — SUBSTANCE ABUSE PROGRAMS

Commercial driver's license (CDL) holders who commit two or more of certain offenses, including driving under the influence, are disqualified for life from driving a commercial motor vehicle. Under prior law, most CDL holders disqualified for life could apply for reinstatement after 10 years if they had voluntarily enrolled in and successfully completed an alcohol and drug addiction treatment program specified by law. PA 11-48 and PA 11-51 eliminated the law concerning this program. The act instead requires that, to be considered for reinstatement, disqualified CDL holders must voluntarily enroll in, and successfully complete, (1) an addiction treatment program established and operated by the Department of Mental Health and Addiction Services, (2) a program operated through a licensed substance abuse treatment facility, or (3) an equivalent program offered in another state.

EFFECTIVE DATE: July 1, 2012

§§ 7 & 8 — DEALER & REPAIRER FEES

By law, licensed motor vehicle repairers, new and used motor vehicle dealers, and motor vehicle rental companies, and applicants for such licenses, must furnish cash or surety bonds. Repairers and used and new motor vehicle dealers must also furnish proof of financial responsibility (insurance). The act requires the commissioner to impose a \$50 fee on licensees who fail to continuously meet these bond and financial responsibility requirements. The fee is in addition to license suspension or revocation penalties and civil penalties of up to \$1,000 per violation to which the licensees are subject under existing law (CGS § 14-64).

EFFECTIVE DATE: October 1, 2012

§ 9 — AUTOMOBILE CLUB LICENSES

By law, the commissioner may revoke an automobile club license after a hearing and for cause, and the licensee may appeal her decision to Superior Court. The act explicitly requires the commissioner to provide notice of her intent to revoke a license, and allows a license applicant, as well as a license holder, to appeal. It extends the duration of automobile club licenses from one to two years, eliminates the annual June 30 expiration date, and makes corresponding changes to license and renewal fees.

EFFECTIVE DATE: October 1, 2012

§§ 10-12, 22-24, & 56 — ELIMINATING "INTERMEDIATE PROCESSORS"

The act eliminates the motor vehicle recycler subcategory of intermediate processors and laws pertaining to them (see BACKGROUND). Under prior law, an intermediate processor dismantled, crushed, or otherwise conditioned junk or abandoned motor vehicles or parts for delivery to a scrap metal processor, or for other legal disposal, but did not sell motor vehicle parts for reuse as parts. Prior law required the junk, abandoned motor vehicles, or parts, at the time of dismantling, crushing, or conditioning to be owned by or in the custody of, and located on the premises of, or maintained by, a licensed motor vehicle recycler or exempt public agency.

EFFECTIVE DATE: July 1, 2012

§ 13 — MOVING VIOLATIONS

By law, DMV may require a driver who commits a certain number of specific moving or suspension violations to attend a driver retraining program. The act eliminates some of the offenses that previously counted towards referral to the retraining program. These include illegally using a device to interfere with a traffic signal (e.g., a device allowing a vehicle to delay a traffic light turning red), failing to stop for a school crossing guard, and failing to exercise due care to avoid pedestrians.

EFFECTIVE DATE: July 1, 2012

§ 14 — INCREASING THE FEE FOR LOW NUMBER PLATES

The act increases, from \$65 to \$69, the fee DMV charges for the first registration period for low number license plates (the numbers "1" to "10000" for passenger vehicles and "1" to "500" for dealers' plates). This fee is in addition to the regular two-year registration fee of \$80 and the \$10 Clean Air Act fee.

EFFECTIVE DATE: July 1, 2012

§§ 15, 17 & 18 — CERTIFICATES OF TITLE

The act renames "duplicate" certificates of title as "replacement" certificates of title.

EFFECTIVE DATE: January 1, 2013

§ 16 — ELECTRONIC TITLE RECORDS

The law allows the commissioner to maintain an electronic title file to record and store evidence of a lien holder's security interest. Prior law required her to present or mail (1) most certificates of title to the first lien holder named in the certificate, if any, or to the owner, and (2) a certificate to the owner when the first

lien holder's interest was satisfied and released, unless the commissioner had recorded another security interest.

The act allows, rather than requires, the commissioner to present or mail a title in these cases. It allows her as an alternative to maintain the title record in electronic form, and issue the title at the lien holder's or owner's request.

EFFECTIVE DATE: July 1, 2012

§ 19 — URINE SAMPLES PROVIDED BY DRIVERS FOLLOWING AN ACCIDENT

By law, a police officer who obtains the results of a chemical analysis of a blood sample taken from a driver injured, or allegedly injured, in an accident, or who the officer believes needs to go to a hospital for treatment or observation, must submit the test results to DMV for use in an administrative *per se* suspension proceeding (see BACKGROUND) if certain conditions are met. The act requires police to follow a similar procedure with a urine sample provided by the driver.

By law, the officer must notify the DMV commissioner and submit a written report to her if the test results of the blood sample indicate an elevated blood alcohol content and the driver was arrested for driving under the influence in connection with the accident. The act requires an officer to send the commissioner the results of a chemical analysis of a urine sample in the same circumstances. The results of the urine test can be introduced at the *per se* hearing. The act also makes a conforming change.

EFFECTIVE DATE: July 1, 2012

§ 20 — PRISONER LICENSE AND ID CARD RENEWAL

Prior law required, starting October 1, 2012, that DMV, on a prisoner's written request, extend the expiration date of his or her driver's license for two years, or 30 days after he or she was released, whichever occurred first.

The act instead requires the DMV commissioner to consult with the correction commissioner to establish a procedure to renew an inmate's license or ID card without the prisoner having to appear in person. (The DMV commissioner may already do this for members of the armed forces, certain people temporarily living out-of-state, and others (CGS § 14-36d).) The prisoner must initiate the process in response to a renewal notice. The act does not apply to (1) the initial issuance of a license or ID card or (2) a license or ID card that expired more than two years before the inmate's renewal request.

EFFECTIVE DATE: October 1, 2012

§ 21 — COURTESY REGISTRATIONS

The act allows the commissioner to issue a six-month "courtesy" registration for any motor vehicle for which adequate proof of ownership is pending, including motor vehicles previously registered in other states awaiting the out-of-state title or title lien release necessary to get permanent Connecticut registration.

Issuance of the courtesy registration requires the applicant to have proper sale documents in his or her name and meet all other registration requirements. The fee for a courtesy registration six months or less is one-quarter the amount for a two-year permanent registration or one-half the amount for a one-year permanent registration. The owner of a vehicle with a courtesy registration may get a permanent registration after presenting the commissioner with documents showing proof of ownership. The courtesy registration fee cannot be refunded or applied to the permanent registration fee.

EFFECTIVE DATE: October 1, 2012

§§ 25 & 26 — ACTIVITY VEHICLES

The act continues the vehicle category of, and corresponding "A" license endorsement for, "activity vehicles," which are vehicles used to transport students in connection with school-sponsored events and activities, but not to or from school. Under prior law, the activity vehicle category and endorsement were to be eliminated July 1, 2012.

EFFECTIVE DATE: July 1, 2012

§§ 27-28 — PENALTY FOR DRIVING WITHOUT A LICENSE

The act requires the commissioner to suspend for 90 days the driving privileges of anyone convicted for a second or subsequent time of driving without a driver's license. It prohibits the commissioner from issuing the offender a license until (1) this 90-day period expires and (2) the offender has satisfied all applicable license requirements. The act also makes technical and minor changes.

EFFECTIVE DATE: October 1, 2012

§ 30 — CLARIFYING AMBIGUOUS STATUTORY LANGUAGE

The law requires the commissioner to delay issuing a license to individuals under age 21 who commit certain offenses. The act eliminates certain ambiguities in the statute by, among other things, making it clear that these offenses include either buying or possessing alcohol (see BACKGROUND).

EFFECTIVE DATE: October 1, 2012

§ 32 — CLARIFYING PENALTIES FOR VIOLATIONS OF LAW ON COMMERCIAL MOTOR VEHICLE INSPECTIONS

The act changes the penalties for violating laws prohibiting any (1) person or motor carrier from operating a commercial motor vehicle or combination of these vehicles (e.g., large trucks) in Connecticut unless the vehicle has had a federally required periodic inspection in the previous 12 months; (2) person, motor carrier, or licensed dealer or repairer from conducting such an inspection in any manner other than that prescribed in federal regulations; and (3) person, motor carrier, or licensed dealer or repairer from making a false statement about the inspection or condition of a commercial vehicle or component he or she is required to inspect, or about the repair he or she made on any commercial vehicle or component that must be inspected.

Under prior law, a person who violated either (1) or (2) was guilty of an infraction for a first offense and faced a civil penalty of between \$1,000 and \$10,000 for subsequent offenses. Anyone who violated (3) faced (a) a fine of up to \$1,000, up to 90 days in prison, or both, for a first offense, and a fine of at least \$2,000, up to one year in prison, or both, for subsequent offenses, and (b) a civil penalty of between \$1,000 and \$10,000. A person who violated (3) could also be subject to the penalties for 2nd degree false statement (see BACKGROUND).

The act instead subjects anyone who commits any of the above violations to civil penalties of between \$1,000 and \$10,000 and requires that the alleged violator be given notice of the charge and the opportunity for a hearing under the Uniform Administrative Procedure Act. It also requires (1) an individual to knowingly make a false statement about an inspection or repairs to be guilty of that violation and (2) that such a person be charged with 2nd degree false statement in addition to being subject to the civil penalties. Prior law authorized, rather than required, the individual to be subject to the penalties for 2nd degree false statement.

EFFECTIVE DATE: Upon passage

§§ 33 & 34 — BUREAU OF REHABILITATIVE SERVICES AND DRIVER TESTING

PA 11-44 moved, from DMV to the Bureau of Rehabilitative Services (BRS), a unit that evaluates, trains, and tests people with disabilities on motor vehicle operation. The act eliminates BRS' ability to test such a person. It instead requires BRS to certify to DMV in writing when a person with disabilities successfully completes the driver training program, and to recommend any restrictions or limitations on the

person's driver's license. Under the act, the DMV commissioner may accept this certification instead of requiring a driving test. Provided the individual has met all other requirements for obtaining a license, the commissioner must issue him or her a license with the recommended restrictions.

By law, a Motor Vehicle Operator's License Medical Advisory Board advises the DMV commissioner on medical aspects and concerns of licensing drivers. Under prior law, any reports or records that DMV, the commissioner, the board, or its members issued or received under the laws on the advisory board or the Board of Education and Services for the Blind were for the confidential use of the commissioner and the board in deciding whether an individual met the driver's license health standards. The act (1) expands the confidentiality requirement to include all reports or records received or issued by the department, commissioner, board, or its members in making such decisions and (2) imposes the same confidentiality requirements on reports or records issued or received by the BRS driver training program staff when making these decisions.

EFFECTIVE DATE: Upon passage

§ 35 — USED VEHICLE SAFETY INSPECTIONS

The act requires motor vehicle dealers to conduct a comprehensive safety inspection before offering any used motor vehicle for retail sale. The inspection must cover all applicable equipment and components covered by law.

It requires the dealer to give the buyer a document, in a form the commissioner approves, and under penalty of 2nd degree false statement, (1) documenting the inspection and (2) stating that the dealer has made all necessary repairs and that the vehicle is safe for legal highway operation.

If the inspection finds defects that the dealer does not repair, and if the vehicle is not subject to a warranty as an "as is" sale according to law (see BACKGROUND), the dealer may sell the vehicle "as is" provided he or she notes all the defects on the form. A vehicle sold "as is" under the act with at least one defect must have the retail purchase order, invoice, title, and assignment documents marked prominently "not in condition for legal operation on the highways." The defects must be noted and explained on the purchase order, invoice, and safety inspection form.

The dealer must have the buyer acknowledge the vehicle's condition by having the buyer sign the purchase order, invoice, and safety inspection form. A dealer cannot charge a fee for the safety inspection or any repairs made to correct defects the inspection discovered. But the act does not limit or otherwise regulate the retail sale price a dealer can charge for a

vehicle that has been inspected or repaired before sale. It also does not (1) negate or preempt any law concerning used car warranties or (2) apply to fees for any inspection or work performed under the terms of a lease buy-back.

By law, the commissioner may suspend or revoke a dealer's license or impose a civil penalty of up to \$1,000 per violation for violations of laws or regulations pertaining to its business (CGS § 14-64).

EFFECTIVE DATE: October 1, 2012

§§ 28 & 36-42 — REPLACING LEARNER'S PERMITS WITH INSTRUCTION PERMITS AND REQUIRING THEM FOR PEOPLE AGE 18 AND OVER

The law requires 16- and 17-year-olds learning to drive to obtain a learner's permit before driving on a public road. The act imposes the same requirement on people age 18 or over and renames the permits for people this age as "adult instruction permits." It accordingly renames traditional learner's permits, CDL learner's permits, and motorcycle training permits, "youth instruction permits," "commercial driver's instruction permits," and "motorcycle instruction permits," respectively, and makes conforming and technical changes. It imposes the \$19 fee for learner's permits on adult and youth instruction permits.

Under prior law, a learner's permit expired either when the holder received a driver's license or when he or she turned 18, whichever was earlier. Under the act, the youth instruction permit also expires two years after it is issued, so that it now expires on the earliest of the three events.

Adult Instruction Permits

The act requires that people age 18 or older who do not have a driver's license and are learning to drive obtain an adult instruction permit before driving on a public highway. When driving, the permit holder must have the permit in his or her immediate possession and, as under prior law, be under the instruction of a (1) licensed driving instructor or (2) person age 20 or older who has held a driver's license for at least four years and has not had it suspended during the four years before teaching the permit holder.

Under the act, an individual age 18 or older is ineligible to obtain an adult instruction permit if he or she has had a driver's license from any jurisdiction suspended or revoked. Under prior law, a person age 18 or older could not operate a motor vehicle without a driver's license if he or she had had a Connecticut driver's license suspended or revoked.

EFFECTIVE DATE: January 1, 2013, except for a provision changing CDL learner's permits to instruction

permits, which is effective July 1, 2012, and a conforming change, which is effective October 1, 2012.

§ 43 — INSTRUCTOR AND MASTER INSTRUCTOR LICENSES

The act extends, from one to two years, the duration of driving instructor licenses and renewals and changes instructor and master instructor license and renewal fees accordingly.

EFFECTIVE DATE: October 1, 2012

§ 44 — WRECKER RECORDS

The law requires owners of registered wreckers to maintain various records. The act allows the commissioner to permit any licensed motor vehicle dealer who operates a wrecker service to keep, in an electronic form she prescribes, all records, documents, and forms DMV requires. The dealer must be able to produce these records, documents, and forms in written form no later than three business days after DMV requests them.

EFFECTIVE DATE: October 1, 2012

§ 45 — EMISSIONS TEST LATE FEE

Prior law required the commissioner to waive the emissions test \$20 late fee when a vehicle changed ownership after its assigned emissions inspection or reinspection period expired and the new owner had it inspected within 30 days of registering it. The act instead requires the new owner to (1) have the vehicle inspected within 30 days of registering it and (2) pay the late fee after this 30-day period expires (apparently, only if the owner has not had it inspected during that time).

EFFECTIVE DATE: October 1, 2012

§ 46 — DRIVING SCHOOL RENEWAL FEES

Under prior law, the annual fee to renew a license to operate a driving school was \$350 and the annual renewal fee for each of the operator's additional places of business was \$88. The act makes these fees biennial, rather than annual, and adjusts them accordingly. It increases the late fee from \$350 to \$700.

EFFECTIVE DATE: October 1, 2012

§ 47 — INTERNET AUCTION OF LICENSE PLATES

The act requires DMV to study, and recommend ways to develop, a program to sell certain number plates by Internet auction. Its recommendations must address (1) establishing procedures for people to buy and sell the plates, (2) transferring plates, (3) issuing new

registrations, and (4) charging for participation in the program. DMV must report its findings and recommendations to the Transportation Committee by January 15, 2014.

EFFECTIVE DATE: Upon passage

§ 48 — TRANSMITTAL OF INFORMATION TO THE SELECTIVE SERVICE SYSTEM

The act deems that any person younger than age 26 who is required to register with the Selective Service System (system) consents, when applying for or renewing a driver's license, CDL, instruction permit (previously a learner's permit), or ID card, to DMV transmitting information necessary for such registration to the system. It requires the (1) DMV license and renewal applications to state that they constitute such consent and (2) commissioner to electronically transmit the necessary information to the system on receipt of the application. It authorizes the commissioner to accept payment from the system for the costs of implementing this provision.

EFFECTIVE DATE: July 1, 2013

§ 49 — CRIMINAL HISTORY RECORD CHECKS FOR SCHOOL BUS AND STUDENT TRANSPORTATION VEHICLE DRIVERS

By law, people applying for a license endorsement to drive school buses or student transportation vehicles must submit to checks of (1) state and national criminal history records and (2) the state child abuse and neglect registry. The act requires the emergency services and public protection commissioner to complete the state and national criminal history records check within 60 days of receiving a request for one. It also makes conforming changes.

EFFECTIVE DATE: July 1, 2012

§§ 50 & 51 — WRECKERS

Federal law generally establishes a weight limit of 80,000 pounds for vehicles using the national highway system, but allows states to issue special permits for certain overweight vehicles. State and federal law establish limits on a vehicle's gross (total) weight and the weight on any single axle.

The act expands the circumstances in which a wrecker can tow overweight vehicles from a highway, eliminates certain restrictions on where the vehicles can be towed, and specifies that the law applies to both divisible and nondivisible loads (see BACKGROUND). It allows wreckers to tow a vehicle or combination of vehicles that exceed (1) state axle weight limits (the law already allows tows that exceed vehicle gross combination weight limits) and (2) federal bridge formula requirements (see BACKGROUND).

Prior law established certain conditions under which a wrecker with an annual Department of Transportation (DOT) permit could tow or haul a vehicle or combination of vehicles from a highway when the combined gross weight of the wrecker and towed vehicle exceeded legal limits. A wrecker could exceed these limits if the towed vehicle (1) was in an accident, (2) became disabled and remained within the highway limits, or (3) was being towed to the nearest licensed repair facility or its truck terminal at the direction of a traffic or law enforcement authority.

Under the act, a wrecker with an annual permit (which the act calls an annual wrecker towing or transporting permit) may instead exceed these limits or requirements when towing from a highway if the towed vehicle (1) was in an accident; (2) became disabled and remains where it became disabled, instead of within the highway limits; or (3) is being towed or hauled at the direction of a traffic or law enforcement authority to any place, instead of to the nearest licensed repair facility or the trucking firm's terminal. It is not clear how the act comports with federal law or regulations (see, for example, 23 CFR 658.5 and 658.17(h) and 49 CFR 390.23(a)(3)), which are more restrictive).

The act also allows wreckers to tow or haul a vehicle or combination of vehicles (either divisible or nondivisible loads) regardless of the limits on length or distance in CGS § 14-262. (Under prior law, which did not refer to divisible or nondivisible loads, wreckers could already tow without regard to that statute's length limitations.) CGS § 14-262 allows vehicles up to certain maximum lengths to operate on (1) certain specified U.S. and state routes, interstates, and highways and (2) state and local roads for up to one mile from the specified routes and highways, for access to (a) terminals; (b) facilities for food, fuel, repair and rest; and (c) points of loading and unloading.

Under prior law, all towing operations, besides those meeting the above conditions for an annual permit, in which towed vehicles or loads exceeded statutory weight limits had to obtain a DOT single-trip permit. (By regulation, a single-trip permit is valid for three days and for one trip between designated points.) The act requires any towing operation greater than 160,000 pounds and in excess of axle, gross combination vehicle weight, or federal bridge formula requirements, to obtain both an annual and a single-trip permit. By law, a violation is an infraction. The act does not address the permits required for towing operations of between 80,000 and 160,000 pounds.

By law, the transportation commissioner must adopt regulations setting standards for permits for overweight vehicles with divisible or nondivisible loads. The act requires the regulations to provide for a "wrecker towing or transporting emergency permit." It

is not clear if this permit is the same as the annual wrecker towing or transporting permit under the act, or whether the act's provisions allowing wreckers to exceed the various weight limits apply to vehicles operating under this emergency permit.

A wrecker with such an emergency permit must comply with highway, bridge, and speed limits set by the DOT commissioner. Under the act, the annual fee for this emergency permit is \$125 for a wrecker with a manufacturer's gross vehicle weight rating (GVWR) of 26,000 pounds or less, and \$250 for wreckers with a GVWR of at least 26,001 pounds. (But PA 12-132, effective July 1, 2012, eliminates the annual fees of \$125 and \$250, thus apparently allowing the commissioner to determine the rates.) By law, the fee for the existing annual permit for vehicles transporting divisible loads or overweight, oversize, or oversize-overweight indivisible loads, is \$7 per 1,000 pounds or fraction thereof; the annual fee for a vehicle transporting an oversize indivisible load must be at least \$500.

EFFECTIVE DATE: Upon passage

§§ 52-54 — TAXI INDUSTRY

By law, people, associations, limited liability companies, and corporations seeking to operate a new taxi company must obtain a DOT certificate that public convenience and necessity require the operation of taxis in a specific territory. The act increases the application fee for such a certificate, from \$88 to \$2,000, and requires new applicants to operate at least three taxis.

It makes it a class A misdemeanor (see Table On Penalties) for anyone to (1) operate a taxi without obtaining either the DOT certificate or authority to drive a taxi from a certificate holder or (2) allow an unauthorized person to drive a taxi under his or her control.

The act allows DOT to impose a civil penalty of up to \$100 a day per violation on a taxi driver who violates laws or regulations pertaining to taxi fares, service, operation, or equipment. Prior law allowed imposition of this penalty on any person or an officer of any association, limited liability company, or corporation that violated these laws or regulations.

The act also (1) exempts taxis from the requirement that people who transport children of certain ages and sizes in motor vehicles use child restraint systems and (2) increases the fee to sell or transfer a taxi certificate from \$88 to \$1,000.

The act also eliminates a law barring DOT from considering the number of unregistered taxis as a reason to deny a request for additional taxis in a particular territory.

EFFECTIVE DATE: October 1, 2012, except for the provision making certain violations a class A misdemeanor, which is effective on passage.

§ 55 — TRANSPORTING MOBILE HOMES, MODULAR HOMES, HOUSE TRAILERS, OR SECTIONAL HOUSES

The act authorizes the DOT commissioner to grant a permit for vehicles transporting mobile homes, modular homes, house trailers, or sectional houses. He must adopt regulations to prescribe standards for issuing the permits. (The law, (CGS § 14-262b) already requires him to establish a program to issue permits, and adopt regulations, for the operation or towing of certain mobile homes on highways and bridges.) Under the act, the standards must require that:

1. the towing vehicle have a minimum manufacturer's gross weight rating of 10,000 pounds and dual wheels on the drive axle;
2. these vehicles travel only during daylight hours, weekdays, and favorable weather and road conditions;
3. vehicles wider than 12 feet be limited to traveling between 9 a.m. and 4 p.m., Tuesdays through Thursdays;
4. the maximum width of house trailers, including all roof overhangs, sills, knobs, and siding be 14 feet;
5. a safe passing distance be maintained between vehicles when the overall width is greater than 10 feet; and
6. the combined length of the unit when attached to the towing vehicle not exceed 85 feet except that 90 feet is permitted when the towed unit does not exceed 66 feet in length excluding the hitch and roof overhang.

Anyone who violates the provisions of any such permit, or fails to obtain such a permit, is subject to the applicable penalties for exceeding state motor vehicle size and weight limitations. The act does not specify a fee for the permit.

EFFECTIVE DATE: October 1, 2012

§ 57 — REPEALING A LAW ON CERTAIN LANDSCAPING VEHICLES

The act repeals a law requiring vehicles used for landscaping purposes with caged trailers to display an orange triangular caution sign on the rear of the trailer.

EFFECTIVE DATE: October 1, 2012

BACKGROUND

Intermediate Processors (§§ 10-12, 22-24 & 56)

According to DMV, only three intermediate processor licenses have been issued since 1990, the last of which expired in 1993.

Administrative Per Se (§ 19)

The law provides that a person who drives a motor vehicle has implicitly given consent to alcohol and drug testing. It establishes administrative license suspension procedures (“administrative *per se*”) for drivers who refuse to submit to a test or whose test results indicate an elevated blood alcohol content. This suspension operates independently of the procedures for prosecuting the accused.

Delaying License Issuance for People Under Age 21 (§ 30)

A Superior Court judge has found the statute (CGS § 14-111e) ambiguous on its face because the language could have more than one plausible meaning (*Cummings v. DMV*, Judge Mark H. Taylor, June 9, 2005). The judge found it was unclear whether, under § 14-111e, the DMV commissioner must delay issuance of a new driver’s license to a person under age 21 convicted of (1) either buying or possessing alcohol or (2) both buying and possessing it.

Second-Degree False Statement (§§ 32 & 35)

Second-degree false statement is punishable by up to one year in prison and a fine of up to \$2,000 (CGS 53a-157b).

Sale of Vehicle “As Is” (§ 35)

By law, a dealer may sell a used motor vehicle “as is” only if its cash purchase price is less than \$3,000 or it is at least seven years old. A specifically worded “as is” sales disclaimer must appear on the front page of the sale contract, and must be signed by the buyer. An “as is” used motor vehicle sale waives implied warranties but does not waive any express warranties, oral or written, or affect the dealer’s responsibility for any oral or written representations on which the buyer relied (CGS § 42-224).

Divisible and Indivisible (or Nondivisible) Loads (§§ 50 & 51)

An indivisible load is one that cannot be dismantled, disassembled or loaded to meet legal size or weight limits (e.g., a bridge beam); a divisible load includes bulk material and raw products that can be reduced in size or weight to meet these size or weight limits (e.g., sand, gravel, or asphalt) (Conn. Agencies Reg. § 14-270-1 (b) & (h)).

Federal Bridge Formula (§§ 50 & 51)

The federal bridge formula determines the maximum allowable weight for a vehicle based on the number of axles and the distance between axle groups (PA 80-71).

Weight Limits (§§ 50 & 51)

By law, the axle weight on any axle and the gross weight of any vehicle or combination of vehicle and trailer or vehicle and semitrailer or any other object, including its load, may not exceed the lesser of the manufacturer’s axle weight rating, the manufacturer’s GVWR, or specific axle and gross weight limits (CGS § 14-267a). In most cases, the law also provides an alternative for calculating the maximum allowable gross weight by means of the federal bridge formula.

Related Act

PA 12-2, June 12 Special Session, doubles, from one to two years, the duration of a license to operate a driving school, and correspondingly adjusts the initial license fee from \$350 to \$700 and the fee for each additional place of business from \$88 to \$176.

PA 12-121—sHB 5462

*Transportation Committee
Judiciary Committee*

AN ACT CONCERNING DEADLINES FOR PROGRAM PARTICIPATION AND REINSTATEMENT OF A MOTOR VEHICLE OPERATOR'S LICENSE UNDER THE ALCOHOL AND DRUG ADDICTION TREATMENT PROGRAM

SUMMARY: PA 11-48 and PA 11-51, effective January 1, 2012, eliminated an alcohol and drug addiction treatment program required for an individual whose (1) motor vehicle license or nonresident operating privilege was suspended for (a) a conviction of driving under the influence or (b) two or more administrative *per se* violations or (2) boating certificate was suspended or revoked for 2nd degree manslaughter with a vessel (which involves operating under the influence), operating a vessel while under the influence, or 1st or 2nd degree reckless operation of a vessel while under the influence. The motor vehicles commissioner could not reinstate the license, privilege, or certificate until the individual submitted evidence of participation in the program.

This act allows an individual (1) whose license, privilege, or certificate was suspended or revoked, as explained above, on or before December 31, 2011 and

(2) who was participating in, or eligible to participate in, the treatment program, to complete the program or an equivalent program the commissioner designates, and seek reinstatement of his or her license or privilege. (The act does not refer to reinstatement of a boating certificate.)

Such an individual can seek reinstatement if he or she (1) began participating in such a program by August 1, 2012; (2) submits evidence to the commissioner by June 30, 2014, that he or she has complied with the statutory requirements in effect on December 31, 2011; and (3) is otherwise eligible to have his or her license (or, presumably, driving privilege) reinstated.

EFFECTIVE DATE: Upon passage

PA 12-132—sHB 5170

Transportation Committee

AN ACT STREAMLINING TRAFFIC SAFETY EVALUATIONS

SUMMARY: This act eliminates the State Traffic Commission (STC), creates an Office of State Traffic Administration (OSTA) within the state Department of Transportation (DOT) as STC's successor, and transfers most of STC's duties and powers to OSTA.

Under prior law, STC, among other responsibilities, established a uniform system of traffic control signals, devices, signs, and markings for use on public highways, and cooperated with local traffic authorities on the use and operation of vehicles on state highways and roads.

The act gives the DOT commissioner sole authority over railroad crossings on private ways; eliminates a deadline for making decisions about certain developments affecting highway traffic; and makes conforming, minor, and technical changes.

The act also:

1. requires certain private schools to notify parents and guardians of children riding in a school bus if there may be an age difference among students on the bus of at least 10 years,
2. requires DOT and Metro North to provide automated renewal of monthly student passes,
3. adds certain snowplows to those vehicles that can operate on state roads or bridges without a special written DOT permit, and
4. eliminates specific fee amounts established in PA 12-81 for certain types of wrecker permits.

EFFECTIVE DATE: July 1, 2012, except the provisions affecting Metro North student passes, snowplows, and wrecker permits are effective on passage.

§§ 12-13 — RAILROAD CROSSINGS

§ 12 — *Private Crossings*

By law, the state and municipalities are responsible for traffic control at private crossings (at-grade railroad crossings on private ways used by people and vehicles). The state designates private crossings and prescribes the type of traffic control device or traffic control measure to be installed at the crossing and its approaches. Municipalities must either build and maintain these devices or require the person who owns or has the right to use the crossing to do so.

Under prior law, the state's responsibility was shared by STC and the DOT commissioner, which together prescribed the type of traffic control device or traffic control measure (see BACKGROUND) to be installed at each private crossing and its approaches. If they ordered the installation of devices at a private crossing, and a municipality did not comply within 180 days, STC and commissioner ordered the railroad to install them. By law, the cost of installation becomes a lien on the premises owned by the person, association, or corporation that owns the crossing or has the right to use it.

The act gives the commissioner sole authority to order the installation of these traffic devices or measures. It eliminates the 180-day period for the municipality to install the devices, instead requiring the municipality to erect them within the time the commissioner prescribes in the order. As under prior law, the commissioner must order the railroad to install them if the municipality fails to do so within the allotted time.

The act also imposes procedural requirements on the commissioner when ordering traffic control devices or traffic control measures to be installed. It requires him to (1) give notice of his intent to prescribe or order traffic control devices or measures, (2) afford anyone an opportunity to present evidence on the impact, (3) render findings of fact, and (4) issue a decision before prescribing the devices or measures. The commissioner's decision is not considered a final decision in a contested case and is not subject to appeal to Superior Court.

The act requires the commissioner to follow these same steps before ordering the permanent closing of a private crossing. As with the prescription of traffic control devices and measures, the commissioner's decision is not a final decision in a contested case and is not subject to appeal to Superior Court. By law, the commissioner may order the closing of a private crossing if he finds the crossing is no longer needed or that it poses a public safety hazard.

Under prior law, property owners ordered to install traffic control measures in addition to traffic control devices had to pay (1) one-half the cost, if \$1,000 or less, or (2) one-third the cost, if more than \$1,000. The act instead requires the property owner to pay the entire cost of the prescribed traffic control measures, regardless of cost.

The law imposes a maximum \$100 fine on anyone who fails to comply with traffic control measures installed at private crossings. The act imposes the same maximum fine on anyone who fails to comply with traffic control devices at such crossings.

§ 13 — *Grade Crossings*

The act requires the commissioner to (1) prescribe the nature of traffic control devices and traffic control measures where railroad tracks cross state highways at grade and (2) approve signs advising the public to call 911 when a grade crossing gate or signal malfunctions. Prior law required (1) STC to prescribe the traffic control devices and measures, and (2) either STC or the commissioner to approve the 911 signs.

§§ 1-47 & 52 — OFFICE OF STATE TRAFFIC ADMINISTRATION

§§ 36, 38 & 39 — *Developments Affecting Traffic*

Under prior law, a person, firm, corporation, or state or municipal agency building, expanding, establishing, or operating an open air theater, shopping center, or similar development generating a large volume of traffic that substantially affected state highway traffic had to, in most cases, first obtain from STC a certificate finding that the development would not endanger public safety.

The same requirement generally applied when these people or entities conducted these activities on a group of individual parcels of land that were separately owned but used for a single development purpose.

The act transfers to OSTA the authority to make decisions regarding traffic safety in such cases and imposes a procedural requirement.

An individual or entity, before applying to OSTA for a development generating large volumes of traffic, must attend a meeting with OSTA and other DOT staff. The individual or entity must present its proposed development at the meeting and receive feedback, including what additional information it needs to submit for the application to be considered complete. The act does not apply these mandatory meeting requirements to developments planned for separately-owned parcels.

Prior law generally required STC to issue a decision in these cases within 120 days. The act eliminates this deadline. By law and the act, the commissioner or OSTA (STC in prior law) must decide

within 60 days of receiving a completed permit application for an economic development project, regardless of other laws. Such an application is deemed approved if a decision is not made within 60 days (CGS § 14-311d).

The act eliminates a law requiring developments with STC certificates or in operation as of July 1, 1967 to obtain a new certificate when seeking to increase parking by at least 50 spaces (§ 52).

§ 48 — SCHOOL BUSES

The act requires supervisory agents for each private school that receives transportation services from the local or regional school board where it is located to develop and implement a policy to notify parents and guardians of students when there may be an age difference of at least 10 years among students riding the same school bus.

§ 49 — SNOW PLOWS

The act allows vehicles with attached snow plows with blades up to 12 feet wide to operate on state highways or bridges without a special written permit from the DOT commissioner, thus expanding the list of vehicles that can operate on highways or bridges without such a permit.

§ 50 — METRO NORTH STUDENT PASSES

The act requires DOT, in consultation with Metro North Railroad, to provide automated renewal of monthly student passes by December 1, 2012.

§ 51 — WRECKERS

PA 12-81, § 51, requires the commissioner to adopt regulations for a wrecker towing or transporting emergency permit, and sets the annual permit fees at \$125 and \$250, depending on gross vehicle weight. The act eliminates the specific fee amounts, thus apparently allowing the commissioner to determine them.

BACKGROUND

Traffic Control Devices and Traffic Control Measures

The federal *Manual of Uniform Traffic Control Devices* defines traffic control devices as signs, signals, markings, and other devices used to regulate, warn, or guide traffic placed on, over, or near roads, highways, or streets. It does not define traffic control measures, but DOT states that these may be fences, barriers, or other measures.

PA 12-38—sSB 198

*Select Committee on Veterans' Affairs
Judiciary Committee*

AN ACT CONCERNING DESECRATION OF WAR OR VETERANS' MEMORIALS

SUMMARY: This act establishes two crimes for desecrating memorials or monuments recognizing a war or honoring veterans and sets corresponding penalties for them.

Under the act, a person is guilty of interference with a war or veterans' memorial or monument if he or she, without authorization of the government body or veterans' organization responsible for the placement, control, or maintenance of the memorial or monument, (1) intentionally defaces, mutilates, or destroys it or (2) removes it, or any part of it, from its official location.

A person is guilty of unlawfully possessing, purchasing, or selling a war or veterans' memorial or monument if he or she, knowing that the memorial or monument has been unlawfully removed from its official location, (1) possesses, purchases, or attempts to purchase it; (2) sells, offers to sell, or attempts to sell it; or (3) transfers or disposes of it, or any part of it.

The act makes both crimes a class D felony (see Table on Penalties) and requires anyone found guilty of either crime to be fined \$5,000.

EFFECTIVE DATE: Upon passage

PA 12-42—sSB 114

*Select Committee on Veterans' Affairs
Judiciary Committee*

AN ACT CONCERNING SERVICES FOR VETERANS IN PRETRIAL DIVERSIONARY PROGRAMS

SUMMARY: This act (1) extends eligibility for the pretrial psychiatric disabilities diversionary program to veterans with mental health conditions amenable to treatment, even if they do not have a psychiatric disability, and (2) allows veterans to participate in accelerated rehabilitation (AR) twice, instead of only once as allowed by law for non-veterans.

The act also allows veterans participating in the pretrial drug education program to be referred to the state or U.S. department of veterans' affairs (DVA), instead of the Department of Mental Health and Addiction Services (DMHAS), for evaluation and subsequent program placement.

Under the act, a "veteran" is an individual:

1. honorably discharged or released under honorable conditions from active service in the U.S. Armed Forces, under state law or

2. eligible to receive certain U.S. DVA services, under federal law (i.e., a person who served in the active military, naval, or air service, and was discharged or released under conditions other than dishonorable, and his or her surviving spouse, child, or parents).

EFFECTIVE DATE: October 1, 2012

PRETRIAL DIVERSIONARY PROGRAMS

Under Connecticut's criminal justice system, criminal defendants may avoid prosecution and incarceration by successfully completing court-sanctioned community-based treatment programs (called diversionary programs) before the trial. Participants waive their right to a speedy trial and agree to a tolling of the statute of limitations. A defendant who does not complete or is ineligible for the program is brought to trial.

Psychiatric Disabilities Diversionary Program

By law, the Judicial Branch's Court Support Services Division (CSSD) administers a pretrial supervised diversionary program for criminal defendants with psychiatric disabilities who have been charged with relatively minor crimes and motor vehicle offenses. The law defines "psychiatric disability" as a mental or emotional condition, other than just substance abuse, that (1) has substantial adverse effects on the defendant's ability to function and (2) requires care and treatment. The act expands eligibility to veterans with mental health conditions amenable to treatment, even if they do not have a psychiatric disability.

By law, defendants are ineligible for the program if they (1) have participated twice before or (2) are ineligible for the accelerated rehabilitation program.

Under existing law, CSSD must confirm eligibility and assess the defendant's mental health condition. The act requires CSSD to determine whether appropriate community supervision is available and, if so, include it in the defendant's treatment plan. The law already requires CSSD to do this for available treatment and services.

The act allows, rather than requires, CSSD to collaborate with DMHAS to place the participant in a program providing appropriate community supervision, treatment, and services. It also includes the state or U.S. DVA in this collaborative process, when applicable.

Pretrial Drug Education Program

The pretrial drug education program provides 10- and 15-session drug intervention programs and substance abuse treatment programs to defendants charged with possession of drugs or drug paraphernalia.

A defendant is ineligible if he or she previously participated in the program or the community service labor program.

Under existing law, the court must refer approved applicants to (1) CSSD for eligibility confirmation and (2) DMHAS for evaluation. The act allows the court to instead refer veterans to the state or U.S. DVA for evaluation.

If eligibility is confirmed, the act allows CSSD to refer a veteran to the state or U.S. DVA, instead of DMHAS, for subsequent drug education program placement. Veterans receiving substance abuse treatment may do so at a state or U.S. DVA facility if:

1. services will be provided in a timely manner under standards substantially similar to, or higher than, those for services DMHAS provides under the program and
2. the state or U.S. DVA agrees to submit timely program participation and completion reports to CSSD in the manner it requires.

BACKGROUND

Accelerated Rehabilitation

The court places AR participants under the supervision of the Office of Adult Probation for up to two years. If they successfully complete the program, the court dismisses the charges and erases the record. If they violate a condition of the program, they are brought to trial on the original charges. A person is ineligible for AR if he or she is charged with any one of a number of crimes, including:

1. a class A felony;
2. a class B felony other than 1st degree larceny when the crime did not involve the use or threatened use of physical force against a person;
3. a class C felony other than when good cause is shown;
4. a drug paraphernalia or possession crime when he or she is eligible for the pretrial drug education program or has had that program invoked on his or her behalf;
5. a family violence crime when he or she is eligible for the pretrial family violence education program or has had that program invoked on his or her behalf before;
6. certain absentee ballot and false statement in absentee ballot crimes; or
7. certain other specified crimes.

Armed Forces

The law defines “armed forces” to mean the U.S. Army, Navy, Marine Corps, Coast Guard, Air Force,

their reserve components, and the state’s National Guard under federal service (CGS § 27-103).

PA 12-87—sHB 5299

*Select Committee on Veterans' Affairs
Public Safety and Security Committee*

AN ACT CONCERNING THE DISPOSITION OF REMAINS OF MILITARY PERSONNEL

SUMMARY: This act gives a U.S. Department of Defense DD Form 93, “Record of Emergency Data,” executed by a U.S. or state armed forces member, the same legal effect as a document authorized under existing law that directs the (1) disposition or (2) custody and control of the disposition of a signatory’s body at death.

By law, the state’s armed forces are the (1) National Guard; (2) organized militia (i.e., the governor’s guards, the State Guard, and other military forces the governor may designate as commander-in-chief); and (3) naval militia and marine corps branch of the naval militia, whenever organized (CGS § 27-2).

EFFECTIVE DATE: Upon passage

PA 12-90—sHB 5395

*Select Committee on Veterans' Affairs
Judiciary Committee*

AN ACT CONCERNING CUSTODY ORDERS FOR DEPLOYED MEMBERS OF THE ARMED FORCES AND CONFIDENTIAL COMMUNICATIONS MADE TO MEMBERS OF THE ARMED FORCES WHO ARE VICTIM ADVOCATES OR SEXUAL ASSAULT PREVENTION COORDINATORS

SUMMARY: This act establishes requirements and timeframes for (1) modifying court orders in child custody cases involving a parent who is in the military and deployed or mobilized for active duty, (2) hearing motions for permanent modifications of final custody orders after a deploying parent returns, and (3) establishing temporary parental rights when existing orders are pending or not in place.

It prohibits a court from entering a final order modifying a final custody or visitation order until 90 days after a deploying parent’s deployment or mobilization ends, unless he or she agrees to a modification, but specifies that it does not stop the court from hearing a motion, at least 90 days after a deploying parent returns, for permanent modification of final orders of custody and visitation. It also sets the requirements for temporary modification of orders

because of a deployment or mobilization.

The act adds armed forces members who have been trained and certified as victim advocates or sexual assault prevention coordinators under the military's sexual assault prevention and response program to the definition of "sexual assault counselor" for purposes of laws requiring:

1. communications between victim and counselor to generally be considered confidential and
2. mandated reporting for individuals who, in the ordinary course of their employment or profession, have reasonable cause to suspect or believe that any child under age 18 or person with an intellectual disability has been abused or neglected (CGS §§ 17a-101 and 46a-11b).

In expanding the definition, it also allows such trained armed forces members to act as professional counselors without a license (CGS § 20-195bb).

EFFECTIVE DATE: July 1, 2012, except for the provision expanding the definition of sexual assault counselor, which is effective upon passage.

PROHIBITION ON FINAL ORDER MODIFICATION

When a deploying parent must be separated from his or her child during a deployment or mobilization, the act prohibits a court from entering a final order of custody or visitation modifying a final order of custody or visitation until 90 days after the deployment or mobilization ends, unless the deploying parent agrees to the modification. It applies to final orders of custody or visitation related to custody, joint custody, or orders when parents live separately.

The act defines a "deploying parent" as an armed forces member notified by military leadership that he or she will deploy or mobilize with the armed forces. "Nondeploying parent" means a parent who has not been so notified.

The act defines:

1. "deploy" as military service in compliance with military orders that an armed forces member receives to report for combat, contingency, or peacekeeping operations; a remote tour of duty; or other active duty service, including a period during which the member remains subject to deployment orders and deployed on account of sickness, wounds, or other lawful cause;
2. "mobilize" as the call-up of National Guard or Reserve service members to extended active duty, but not National Guard or Reserve annual training, inactive duty days, drill weekends, temporary duty or state active duty; and

3. "armed forces" as the U.S. Army, Navy, Marine Corps, Coast Guard, Air Force, their reserve components, and the state's National Guard under federal service.

Post-Deployment or -Mobilization

The act specifies that it does not stop the court from hearing a motion for permanent modification of final orders of custody and visitation at least 90 days after a deploying parent returns. The nondeploying parent bears the burden of showing that reentry of a final order of custody or visitation that was in effect before the deployment is no longer in the child's best interest. The act further specifies that absence due to deployment or mobilization cannot be the sole basis for modifying orders.

TEMPORARY MODIFICATION ORDERS

Modification Request

Under the act, when an armed forces member receives notice of deployment or mobilization requiring separation from his or her child for whom he or she has sole or joint custody or court-ordered visitation, parental access, or parenting time, either the deploying or nondeploying parent may ask the court to modify any existing custody or visitation order. And the court may enter a temporary order of custody or visitation modifying final orders for the period of deployment or mobilization when certain conditions are met.

First, the court must find that the deployment or mobilization would have a material effect upon the deploying parent's ability to exercise parental rights, responsibilities, or parent-child contact as set in the existing final orders of custody or visitation. Second, it must find modification is in the child's best interests.

The act (1) specifies that when issuing temporary modification orders in this situation, existing custody and visitation law must guide the court and (2) requires the court to hear motions for temporary modification of such final orders due to deployment as quickly as possible and give them priority.

Modification Requirements

A temporary court order modifying final orders of custody or visitation must specify that deployment or mobilization is the basis for the order, and the court must enter it as a temporary order. The order must also require the nondeploying parent to provide the court and the deploying parent with 30 days advance written notice of any change of address and telephone number, unless a court has ordered that the deploying parent is not entitled to this information.

Under the act, temporary modification orders issued under the act must designate the parent's (1) parental rights; (2) responsibilities; and (3) parent-child contact during a period of leave granted to the deploying parent, in the best interests of the child.

The act specifies that changes in actual leave dates cannot be used by the nondeploying parent to limit parent-child contact.

A temporary court order modifying final orders of custody or visitation issued under the act must require that the:

1. nondeploying parent make the child available to the deploying parent, to the extent he or she requests it, when the deploying parent has military leave (i.e., scheduled time off during deployment), provided (a) the request for visitation is not inconsistent with the final orders of custody or visitation being modified by the temporary court order and (b) the child not be absent from school unless the court orders it and both parents agree in writing;
2. nondeploying parent facilitate opportunities for telephone, electronic mail, and other contact between the deploying parent and the child during deployment or mobilization; and
3. deploying parent provide timely information about his or her leave schedule to the nondeploying parent.

PENDING AND NONEXISTENT ORDERS

If *pendente lite* orders of custody or visitation are in place (i.e., orders while litigation is pending) or if there are no existing orders of custody or visitation establishing the terms of parental rights and responsibilities or parent-child contact and it appears that deployment or mobilization is imminent, then on either parent's motion, the court must expedite a hearing to establish temporary parental rights and responsibilities and parent-child contact. This is to (1) ensure the deploying parent has access to the child, provided it is in the child's best interest; (2) ensure disclosure of information; (3) grant other rights and duties; and (4) provide other appropriate relief.

Any initial pleading filed to establish parental rights and responsibilities or parent-child contact with a child of a deploying parent must be identified at the time of filing by stating in the text of the pleading the specific facts related to deployment.

PA 12-195—sHB 5298

Select Committee on Veterans' Affairs
Commerce Committee
Judiciary Committee

AN ACT CONCERNING FUNDRAISING BY VETERANS' ORGANIZATIONS

SUMMARY: This act makes it a class C misdemeanor (see Table on Penalties) for any person, firm, or corporation claiming to be a representative of a veterans' charitable organization, with intent to defraud, to solicit contributions for the organization that benefit or profit any person, firm, or corporation other than the organization. The act defines a "veterans' charitable organization" as a person, firm, or corporation that is or claims to be established for a benevolent, educational, philanthropic, humane, scientific, patriotic, social welfare, or advocacy purpose for or on behalf of veterans.

The act also requires the veterans' affairs commissioner to publish a list of qualified veterans' charitable organizations beginning on July 1, 2013. A listing is valid for three years. Under the act, a "qualified veterans' charitable organization" is one that has been a nonstock corporation for three or more years or a federal tax exempt organization for three or more consecutive years. As under existing law, a "veteran" means anyone honorably discharged or released under honorable conditions from active service in the U.S. Armed Forces.

EFFECTIVE DATE: Upon passage, except for the provision relating to soliciting charitable contributions for veterans' organizations, which is effective October 1, 2012.

QUALIFIED VETERANS' CHARITABLE ORGANIZATION LIST

The act allows qualified veterans' charitable organizations to apply and reapply to the commissioner for inclusion on the list by submitting on a form she prescribes information about their nonprofit activities and any other information she deems necessary to determine whether the organization is a qualified veterans' charitable organization. The commissioner must publish on the Department of Veterans' Affairs informational Internet website the list of qualified organizations, a link to each organization's Internet website, and qualifications for inclusion on the list along with the following disclaimer:

This list is prepared for the public solely for the purpose of information. The state of Connecticut provides no warranty about the content or accuracy of the content herein.

BACKGROUND

Related Laws

Charitable Funds Act. The Solicitation of Charitable Funds Act prohibits charities from engaging in financial transactions that (1) are not related to accomplishing the organization's charitable purpose or (2) jeopardize or interfere with their ability to accomplish the purpose (CGS § 21a-190h). It also prohibits a charity from, among other things:

1. inappropriately spending donations,
2. misrepresenting its purpose or the solicitation's beneficiary, and
3. spending an unreasonable amount for solicitation or management (CGS § 21a-190h).

Anyone who knowingly commits a violation is subject to a fine of up to \$5,000, imprisonment for up to one year, or both. Also, the consumer protection commissioner may, among other things, revoke or suspend the registration of a charity that violates any of these provisions (CGS § 21a-190i).

Criminal Impersonation. A person is guilty of criminal impersonation when, among other things, he or she pretends to represent a person or organization and performs an act in such pretended capacity intending to obtain a benefit or to injure or defraud someone (CGS § 53a-130). Criminal impersonation is a class A misdemeanor (see Table on Penalties).

Larceny. Larceny is intentionally and wrongfully taking, obtaining, or withholding property from an owner in order to appropriate it to oneself, or another. The penalties for larceny range from a class C misdemeanor to a class B felony (see Table on Penalties), based primarily on the value of the property taken (CGS § 53a-118 *et seq.*).

PA 12-200—sSB 116

Select Committee on Veterans' Affairs
Appropriations Committee

AN ACT CONCERNING A STATE MILITARY ACCOUNT FOR MORALE, WELFARE AND RECREATION PROGRAMS

SUMMARY: This act establishes a separate, nonlapsing "Army National Guard state morale, welfare and recreation account" in the General Fund to hold any money the law requires, including proceeds of state military morale, welfare, and recreation programs. The adjutant general must spend the funds to operate these programs.

EFFECTIVE DATE: July 1, 2012

PA 12-1, June 12, 2012 Special Session—HB 6001
Emergency Certification

**AN ACT IMPLEMENTING PROVISIONS OF
 THE STATE BUDGET FOR THE FISCAL YEAR
 BEGINNING JULY 1, 2012**

SUMMARY: This act makes changes to implement the revised state budget for FY 13 as well as many other unrelated statutory changes. Among its major provisions, the act:

1. establishes new job and small business development programs and expands others;
2. subjects roll-your-own cigarette businesses to additional state taxes, fees, and regulation;
3. changes how payments or reimbursements are made under the Underground Storage Tank (UST) Petroleum Clean-up program, prohibits new applications after certain dates, and phases out the program as a way for certain tank owners or operators to meet federal and state financial environmental responsibility requirements;
4. eliminates a statutory requirement that the state employ a minimum number of 1,248 sworn state police officers and, beginning July 1, 2013, requires the number to be set according to standards recommended by the Legislative Program Review and Investigations Committee (LPRIC);
5. expands the state’s “vaccine choice” pilot program by October 1, 2012, requires health providers to obtain vaccines for children from the Department of Public Health (DPH) beginning January 1, 2013, and changes the types of insurers who pay the fee to fund the program;
6. authorizes a three-year, \$3.5 million state loan to Bridgeport to cover its FY 12 educational expenses in return for allowing the state to approve its school superintendent or school district chief financial officer;
7. under certain conditions, allows the Department of Correction (DOC) commissioner to release qualifying inmates to nursing homes for palliative and end-of-life care;
8. eliminates the temporary suspension of police officers’ and police departments’ duty to collect certain traffic stop data until new collection methods are developed;
9. makes it easier to qualify for the state’s emergency mortgage assistance program (EMAP); and
10. establishes a separate state Department of Housing (DOH).

The act also makes numerous changes in the laws governing the Department of Social Services (DSS) and some human services programs. Of major significance, it (1) permits registered nurses to delegate the administration of non-injectable medications to homemaker-home health aides who become certified and (2) requires DSS to reimburse independent pharmacists at a higher rate than chain pharmacies for dispensing prescriptions to Medicaid recipients, with federal approval.

A section-by-section analysis of the act appears below.

EFFECTIVE DATE: July 1, 2012 unless noted below.

§ 1 — FY 13 GENERAL FUND BUDGET CHANGES

The act makes various adjustments in the General Fund budget for FY 13 adopted by PA 12-104. It transfers a total of \$13.58 million between agencies and accounts, increases funding for the HUSKY Performance Monitoring account, and makes other minor changes. The changes increase total General Fund appropriations for FY 13 by \$44,001 in the aggregate.

**§ 2 — DENTAL SERVICES FOR ADULT
 MEDICAID RECIPIENTS**

The law (1) subjects most nonemergency Medicaid dental services to prior authorization and (2) directs the DSS commissioner to limit nonemergency dental services provided to adult recipients. This latter provision includes allowing for one periodic dental exam, one dental cleaning, and one set of x-rays yearly for healthy adults. The act provides that these dental benefit limitations apply to each client regardless of how many providers serve the client.

DSS is in the process of establishing client-centered medical homes that include a dental home that coordinates a client’s dental care.

**§§ 3, 4 & 294 — MEDICAID INPATIENT HOSPITAL
 RATES, DISPROPORTIONATE SHARE
 PAYMENTS, AND HOSPITAL TAX**

The act eliminates the obsolete inpatient hospital rate-setting formula DSS previously used to calculate Medicaid payment amounts. That formula required setting a target for the amount to be paid each individual hospital per patient discharged. As authorized by PA 11-44, DSS intends to replace this formula with a blended inpatient hospital rate that includes services to all Medicaid recipients but excludes any diagnoses designated by the DSS commissioner.

The act extends, from October 1, 2012 to October 1, 2013, the period during which the DSS commissioner must use federal fiscal year (FFY) 09 data, which can be adjusted for accuracy, to make interim Medicaid

disproportionate share (DSH) payments to hospitals. Federal law requires states to make such payment adjustments for hospitals that serve a disproportionate share of low-income patients. Beginning on October 1, 2013, the act requires the commissioner to base these interim payments on the most recent, independent, certified DSH audit of federal fiscal year data. Under prior law, the commissioner, starting October 1, 2012, was to base interim payments on the most recent FFY data available. (The law prohibits DSH payments to Connecticut Children's Medical Center and John Dempsey Hospital.)

Beginning July 1, 2012 and for the following 15 months, the act leaves unchanged (1) the hospital tax rates, (2) the base year on which the tax is assessed, and (3) those hospitals exempt from the outpatient portion of the tax based on financial hardship that was in effect on January 1, 2012.

EFFECTIVE DATE: Upon passage

§§ 5-7 & 15 — DSS PAYMENTS TO SPECIFIED FACILITIES

The act requires DSS to reduce the amount it reimburses (1) private facilities operated by regional education service centers for individuals with intellectual disabilities and autism and (2) intermediate care facilities for persons with intellectual disabilities if these facilities experience a "significant" decrease in their land and building costs to reflect these cost reductions. (The act does not define significant.)

For FYs 12 and 13, PA 11-44 (1) froze the payments to these facilities unless they made a required capital improvement for resident safety and (2) allowed DSS to make lower payments over previous years to facilities for which it had issued interim rates. The act eliminates the freeze and lower interim rate-based payment authority for FY 2013.

The act provides that for FY 13, DSS, within available appropriations, can increase rates for a residential care home (RCH), but a facility that would have been issued a lower rate due to its interim rate status must be issued that lower rate. Under prior law, RCHs' rates had been frozen since FY 10, except in limited circumstances. The act also retroactively ends (rate year ending June 30, 2009) the additional 2% inflation adjustment applied to RCH rates. (But it continues to allow for an additional 1% inflation adjustment.)

The act provides that regardless of any other law to the contrary, the rates DSS pays to RCHs, community living arrangements (group homes), and community companion homes that received in FY 12 the flat rate for residential services provided for in state regulation remain in effect in FY 13. State regulations permit these facilities to have their rates determined on a flat rate

basis rather than individually on the basis of cost reports they submit to DSS (Conn. Agencies Reg. § 17-311-54).

In general, DSS sets reimbursement rates for various health care providers and residential facilities using a cost-based system that takes into account how efficiently the facility operates, among other things.

§ 8 — VETERANS REQUIRED TO APPLY FOR FEDERAL BENEFITS

The act requires veterans and their families who apply for or receive Medicaid benefits to apply for any benefits, including medical benefits, for which they might be eligible through the federal Veteran's Administration (VA) or Department of Defense. VA medical benefits are available to all veterans who served honorably for at least two years in any branch of the military.

The law defines "veterans" as individuals honorably discharged from, or released under honorable conditions from, active service in the armed forces.

§§ 9 & 10 — EXPANSION OF PRIVATE ASSISTED LIVING SERVICES PILOT

The act increases, from 75 to 125, the total number of people who can participate in DSS' two private assisted living pilot programs (one Medicaid- and one entirely state-funded). The programs help pay for assisted living services, but not room and board, for people living in private assisted living facilities who have used up their own resources. (Participants must use their own funds to pay their room and board costs.)

To qualify, applicants must:

1. be Connecticut residents at least age 65;
2. need help with one or more activities of daily living, such as bathing, dressing, eating, or taking medication; and
3. qualify functionally and financially for the Connecticut Home Care Program for Elders (CHCPE).

§ 11 — MEDICATION ADMINISTRATION BY UNLICENSED PERSONNEL

The act permits a registered nurse (RN) to delegate the administration of medications that are not injected into patients to homemaker-home health aides who obtain certification for medication administration. Administration may not be delegated when the prescribing physician specifies that a nurse must administer the medication.

The law already allows RCHs that admit residents requiring medication administration assistance to employ a sufficient number of certified, unlicensed personnel to perform this function in accordance with

DPH regulations (CGS § 19a-495a).

DPH Regulations

Home Health Care Agency. The act requires the DPH commissioner to adopt regulations to carry out the medication administration delegation provisions. The regulations must require each home health care agency that serves clients requiring help with medication administration to:

1. adopt practices that increase and encourage client choice, dignity, and independence;
2. establish policies and procedures to ensure that an RN may delegate allowed nursing care tasks, including medication administration, to a homemaker-home health aide when the RN determines that it is in the patient's best interest and the homemaker-home health aide is deemed competent to perform the task;
3. designate homemaker-home health aides to obtain certification for medication administration; and
4. ensure that the aides receive the certification.

Certification. The act requires the regulations to establish certification requirements for medication administration and the criteria that the agencies that serve clients will use in determining (1) the aides who must obtain certification and (2) education and skill training requirements, including on-going requirements. The education and skill training requirements must include initial orientation, residents' rights, identifying the types of medication that unlicensed personnel may administer, behavioral health management, personal care, nutrition and food safety, and health and safety in general.

The act requires home health care agencies to ensure that by January 1, 2013 they (1) are allowing for delegation of nursing care tasks in home care settings and (2) have adopted policies for employing homemaker-home health aides to perform these tasks.

Disciplinary Action Against Licensed Nurses

An RN who delegates the medication administration task cannot be subject to disciplinary action based on the aide's performance of the delegated tasks unless (1) the aide is acting under the RN's instructions or (2) the RN fails to leave instructions when he or she should have done so. Additionally, the RN must (1) document in the patient's care plan that the aide can properly and safely administer the medication; (2) provide initial direction to the aide; and (3) provide ongoing supervision to the aide, including periodically assessing and evaluating the patient's health and safety related to the medication administration.

The act prohibits suing an RN for damages for delegating medication administration to a homemaker-home health aide unless the (1) employee acts under the nurse's specific instructions or (2) nurse fails to leave instructions when he or she should have done so.

Coercion Prohibited and Related Protocols

The act prohibits anyone from coercing an RN into compromising patient safety by requiring the RN to delegate medication administration if the nurse's assessment of the patient (1) documents a need for a nurse to do the administration and (2) identifies why the need cannot be safely met by using assistive technology or a certified homemaker-home health aide to administer the medication. The act prohibits an RN who has made a reasonable determination, based on such assessment, that delegation may compromise patient safety from being subject to any employer reprisal or disciplinary action under the Public Health Code for refusing to delegate or provide the required training for delegation.

The act requires DSS, in consultation with DPH and home health care agencies, to develop protocols for documenting these provisions. DSS must notify all licensed home health care agencies of these protocols before any of the medication administration provisions can be implemented.

Implementation While Regulations Being Adopted

The act allows the DPH commissioner to implement policies and procedures necessary to administer these provisions while in the process of adopting them in regulation, provided she publishes notice of intent to adopt in the *Connecticut Law Journal* within 20 days of implementation. These policies and procedures are valid until final regulations are adopted.

§ 12 — PERSONAL CARE ASSISTANTS (PCA) PERMITTED TO ADMINISTER MEDICATION

The act provides that nothing in the Nurse Practice Act can be construed to prohibit a PCA employed by a registered homemaker-companion agency from administering medications to a competent adult who directs his or her own care and makes his or her own assessment, planning, and evaluation decisions.

§ 13 — REMOVAL OF SPECIFIC PRIOR AUTHORIZATION (PA) LIMITS

By law, the DSS commissioner must establish PA procedures under the Medicaid program for home health services. Previously, the law required PA for (1) more than two skilled nursing care visits a week and (2) more

than 14 hours of home health aide visits a week. The act eliminates the numerical criteria for PA. It also eliminates a provision that allows providers (presumably home health agencies) to submit just one PA request a month for the same client.

§ 14 — MEDICAID PCA WAIVER

The Medicaid Personal Care Assistance Waiver Program offers PCA services to adults age 18 and older with severe disabilities who meet the program's eligibility criteria (e.g., income no higher than \$2,094 per month). PCAs help clients perform activities of daily living, enabling them to remain in their communities and, when possible, work.

The act requires program participants, at age 65, to be transitioned to CHCPE to receive these services. CHCPE is a Medicaid- and state-funded program that provides home- and community-based services to frail individuals age 65 and older.

In 2006, the legislature removed the PCA Waiver program's upper age limit and directed DSS to amend the waiver to allow individuals to continue receiving benefits once they turned 65. The state's current waiver allows individuals to either stay on the PCA waiver program or transition to CHCPE.

§ 16 — NURSING HOME REIMBURSEMENT

The act permits the DSS commissioner, within available appropriations, to provide pro rata fair rent increases in FY 13 for nursing homes that have undergone material changes in circumstances related to fair rent additions placed in service in cost report periods 2008 to 2011 and not otherwise included in their issued rates.

EFFECTIVE DATE: January 1, 2013

§ 17 — COVERAGE OF CHIROPRACTOR SERVICES FOR MEDICAID RECIPIENTS

The act allows DSS to spend up to \$250,000 annually to "cover" chiropractor services for Medicaid recipients. These services can be coordinated with other initiatives under the Medicaid program.

The act requires the commissioner to implement policies and procedures to carry out this provision while in the process of adopting it in regulation provided he publishes notice of intent in the *Connecticut Law Journal* within 20 days of implementation. These policies and procedures are valid until the final regulations are adopted.

EFFECTIVE DATE: October 1, 2012

§ 18 — PHARMACY REIMBURSEMENT INCREASE FOR INDEPENDENTS

Contingent on federal approval, the act requires DSS, beginning October 1, 2012, to reimburse independent pharmacies for dispensing brand name drugs to Medicaid recipients a higher rate than it pays chain pharmacies. Specifically, it requires DSS to pay independent pharmacies the lower of (1) the rate the Centers for Medicare and Medicaid Services (CMS) establishes as the federal acquisition cost, (2) the average wholesale prices (AWP) minus 14%, or (3) an equivalent percentage as established under the Medicaid state plan. (The dispensing fee remains \$2 for independents and chains.)

The act defines an "independent pharmacy" as a privately owned community pharmacy that has five or fewer stores in the state.

Under prior law, DSS had to pay all pharmacies the lower of (1) the rate established by CMS as the federal acquisition cost, (2) the AWP minus 16%, or (3) an equivalent percentage as established under the Medicaid state plan. In practice, DSS currently pays the AWP minus 16%.

The act requires the DSS commissioner to submit a Medicaid state plan amendment by October 1, 2012 to establish the new rate for the independent pharmacies.

EFFECTIVE DATE: October 1, 2012

§ 19 — EARLIER START-DATE FOR DEPARTMENT ON AGING

The act advances the date for reestablishing the Aging Department to January 1, 2013 from July 1, 2013 and makes related date changes.

§ 20 — PUBLIC ASSISTANCE RECOVERIES

The act makes a minor change regarding public assistance recoveries.

EFFECTIVE DATE: Upon passage, and arising from any claim of the state arising on or after July 1, 2011.

§ 21 — REPORT ON MEDICAL ASSISTANCE FRAUD INVESTIGATIONS

The act requires the chief state's attorney to report by October 1, 2013 to the Appropriations Committee on its Division of Criminal Justice's monetary recoveries resulting from its investigations of fraud in DSS' medical assistance programs.

§ 22 — BEHAVIORAL HEALTH MANAGED CARE PROGRAM

The act continues the Department of Mental Health and Addiction Services (DMHAS) commissioner's

authority to operate and audit the behavioral health managed care program for recipients of the now-defunct State-Administered General Assistance program for claims for services provided through June 30, 2012. It keeps the program's regulations effective as they are necessary for DMHAS to conduct program audits, including audits of (1) prior authorizations, (2) service payments, and (3) medical records.

The act requires the commissioner to analyze the audit results and identify discrepancies and errors regarding services and payments and areas that involve program implementation and operation problems. It continues the commissioner's authority to (1) recover reimbursements made to providers based on the audit findings and (2) impose progressive sanctions as she deems appropriate for any provider she finds to be not in compliance with the standards established in regulation. Providers can appeal withheld reimbursements and sanctions in accordance with the Uniform Administrative Procedure Act.

EFFECTIVE DATE: Upon passage

§ 23 — SECURITY DEPOSIT GUARANTEE PROGRAM

The act expands the number of entities that can administer DSS' Security Deposit Guarantee program. Previously, only emergency shelters that contracted with DSS could help administer it. The act instead allows local or regional nonprofit corporations or social service organizations, under contract with DSS, to help.

Within available appropriations, this program provides security deposit guarantees (payment for any damages that occur) to landlords who rent to public assistance recipients or other people with a documented showing of need and who are living in emergency housing or have a government rental subsidy.

§ 24 — UNITED WE STAND

The act requires all the money in the "United We Stand commemorative account" to be transferred to the Office of Policy and Management (OPM) secretary. Under the act, as under prior law, the secretary must use the money to (1) reimburse boards of trustees or regents for the waiver of tuition and fees at the University of Connecticut (UConn), the state university system, and regional community-technical colleges for, among other people, surviving spouses and dependent children of Connecticut residents who were victims of terrorism; (2) provide financial support for civil preparedness and related training activities; and (3) purchase supplies and equipment to support emergency personnel.

Under prior law, half of the money in this account was distributed quarterly to the U.S. State Department's "Rewards for Justice" Fund to help catch terrorists and

bring them to trial, and half was transferred to OPM. Money for the account comes from the Department of Motor Vehicles' sale of "United We Stand" number plates (CGS § 14-210).

§ 25 — JOBS FIRST EMPLOYMENT SERVICES (JFES) PILOT

The law requires DSS and the Department of Labor (DOL) to implement a pilot program for JFES participants that includes (1) intensive case management; (2) support services; and (3) funding to facilitate participation in necessary adult basic education, skills training, postsecondary education, or subsidized employment. The act eliminates the requirement that all three be offered.

Under prior law, the commissioners jointly had to report on the program by October 1, 2012 and annually thereafter to the Appropriations and Human Services committees. The act requires just two reports, the first by October 1, 2012 and the last by October 1, 2013.

The law requires the report to include the number of program participants. The act specifies that this covers participants from the preceding fiscal year.

EFFECTIVE DATE: Upon passage

§ 26 — WAIVER FOR MEDICAID LOW-INCOME ADULTS (LIA)

The act directs the DSS commissioner to seek a Section 1115 Medicaid waiver to modify eligibility and coverage for LIA applicants and recipients. Specifically, the waiver would (1) establish a \$10,000 asset limit for the program, (2) count the income and assets of the parent of an applicant under age 26 if the applicant lives with that parent or is declared as a dependent for income tax purposes, and (3) limit nursing home coverage to 90 days.

Currently, there is no asset limit for the program and only the applicant's income is counted.

§ 27 — PRIOR AUTHORIZATION FOR PRESCRIPTION DRUGS

The act requires the DSS commissioner, by October 1, 2012, to issue a flyer to pharmacies to distribute to Medicaid recipients who receive a one-time, 14-day supply of their prescription when prior authorization is needed and the pharmacy has not yet received the authorization. The flyer must notify the recipients that (1) prior authorization is needed to fill the prescription, (2) the 14-day supply is a one-time supply, and (3) they must contact the prescriber to arrange for prior authorization for a full prescription to be filled.

In practice, Hewlett Packard (HP), on behalf of DSS, requests prior authorization from a medical practitioner who has prescribed (1) a brand name drug

when a chemically equivalent one is available; (2) an early refill; (3) a drug not on DSS' preferred drug list; or (4) a drug exceeding the optimal, instead of preferred, dosage. When this occurs, the point-of-sale system at the pharmacy will return a message to the pharmacist indicating that payment has been denied and why. DSS has notified pharmacists that they can contact the prescriber to initiate prior authorization with HP.

§§ 28-95 — BUREAU OF REHABILITATIVE SERVICES CHANGED TO DEPARTMENT OF REHABILITATION SERVICES

The act makes the Bureau of Rehabilitative Services, created by PA 11-44, a state department, headed by a commissioner. Under prior law, the bureau was within DSS for administrative purposes and was headed by an executive director. The act makes the Department of Rehabilitation Services, the successor authority to the bureau, thereby responsible for performing all the administrative and programmatic functions of the Board of Education and Services for the Blind, the Commission on the Deaf and Hearing Impaired, and other state rehabilitative services.

The act requires DSS to provide the department with administrative support services until (1) the department asks DSS to discontinue such services or (2) June 30, 2013, whichever is earlier.

The act makes numerous technical and conforming changes and removes obsolete language.

§ 96 — SCHOOL-BASED HEALTH CENTER (SBHC) COMMUNICATIONS AGREEMENT

The act requires, by July 1, 2013, each SBHC that receives operational funding from DPH to enter into an agreement with the school's local or regional board of education to establish minimum standards for the frequency and content of communications between the SBHC and the school's nurses or nurse practitioners.

The agreement must comply with state laws on municipal employees (CGS Chapter 113). It is not clear how the agreement would comply with this chapter, which covers a wide variety of municipal employee law.

The act also requires the person or entity operating the SBHC to submit a copy of the agreement to the public health commissioner.

EFFECTIVE DATE: Upon passage

§ 97 — OFA STATE EXPENDITURE DATABASE REPORT

By law, the Office of Fiscal Analysis (OFA) must maintain searchable Internet databases of the state's expenditures and report quarterly to the Appropriations Committee on their status and any recommendations for improvements. The act ends the requirement for

quarterly reports and instead requires OFA to issue annual reports with the first due by January 15, 2013.

EFFECTIVE DATE: Upon passage

§ 98 — PILOT GRANTS FOR TRIBAL LAND

The act expands the scope of a state payment in lieu of taxes (PILOT) to towns that contain land taken into trust by the federal government for tribal nations. By law, the state must pay a grant equal to 100% of the property taxes that would have been paid for land the federal government took into trust for the Mashantucket Pequot Tribal Nation on or before June 8, 1999 that was designated as being within the 1983 settlement boundary. The act additionally requires the state to pay a 45% PILOT grant for land the federal government took into trust for the (1) Mashantucket Pequots after this date that is within the boundary and (2) Mohegan Tribe of Connecticut at any time.

Under the act, the new grant applies only to the value of the land itself, not the assessed value of any structures, buildings, or other improvements on the land. The grant must be phased-in as follows, for the fiscal year beginning July 1:

1. 2012, 10% of the grant;
2. 2013, 35%;
3. 2014, 60%;
4. 2015, 85%; and
5. 2016, 100% of the grant.

Under prior law, PILOT grants had to be reduced proportionately if grant totals exceeded the amount appropriated in a given year. But, under the act, the above amounts cannot be reduced between July 1, 2012 and June 30, 2016.

§ 99 — CONNECTICUT HUMANITIES COUNCIL

The act eliminates the requirement that the Connecticut Humanities Council operate in conjunction with the Department of Economic and Community Development (DECD) for strategic planning and financial reporting purposes with respect to culture, history, the arts, and the tourism and digital media and motion picture industries in Connecticut. The Connecticut Trust for Historic Preservation must continue to work with DECD for these purposes.

The act also eliminates the requirement that (1) the council submit its proposals for projects requiring bonding to DECD and (2) DECD review these proposals and submit those with merit to the Finance, Revenue and Bonding Committee with its recommendations for funding.

EFFECTIVE DATE: Upon passage

§ 100 — COMMISSION ON MEDICOLEGAL INVESTIGATIONS

The act places the nine-member Commission on Medicolegal Investigations (COMLI) and the Office of the Chief Medical Examiner (which COMLI supervises and controls) within the UConn Health Center for administrative purposes only. Under prior law, COMLI was within the DPH for administrative purposes only.

§ 101 — COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES (CHRO)

For administrative purposes only, the act moves CHRO from the Department of Administrative Services (DAS) to DOL.

§ 102 — STATE PAYMENTS FOR RETIRED TEACHERS' HEALTH INSURANCE

Teachers' Retirement Board (TRB) Plan

By law, the TRB must offer one or more health plans to retired teachers and their spouses, surviving spouses, or disabled dependents, if they are participating in Medicare, Parts A and B. The state must pay one-third of the annual premiums for the basic TRB plan, while the retiree and the retired teachers' health insurance premium account, to which active teachers contribute 1.25% of their salary, split the remaining two-thirds. The retiree is also responsible for the difference between the premium cost of the basic plan and any optional plans he or she chooses. (PA 12-104, § 21 temporarily overrides this law for FY 13 to reduce the state's share to 25% and increase the share paid by the retired teachers' health insurance premium account to 42%.)

Starting July 1, 2012, this act requires the federal subsidies TRB receives for retiree drug coverage for TRB retirees under Medicare Part D to offset the state's share of the TRB basic plan premium cost.

Subsidy for Local Board Health Plans

Retired teachers not participating in Medicare Parts A and B can continue to participate in the health plan their last-employing board of education offers to its active teachers. The TRB provides a monthly subsidy to local school boards to offset retired teachers' local plan premiums. Retirees are responsible for paying the difference between the subsidy and the premium cost. The subsidy is \$110 per person, per month for most retirees, and \$220 for retirees over age 65 who pay at least \$220 per person, per month in premiums.

By law, the state General Fund pays one-third of the subsidy and the retired teachers' health insurance account pays two-thirds. For FY 13 only, this act

reduces the state's contribution to 25%, thus increasing the account's contribution to 75%, of the subsidy.
EFFECTIVE DATE: Upon passage

§ 103 — DOL WORKFORCE INVESTMENT ACT ACCOUNT

The act makes a technical change to a provision in PA 12-104 that carried forward \$2 million from the DOL's Workforce Investment Act account to Personal Services for FY 13.

§ 104 — INMATES RELEASED TO NURSING HOMES

The act generally gives the DOC commissioner the discretion to release certain inmates from custody for nursing home placement for palliative and end-of-life care, under certain conditions. DOC must supervise in the community any inmate released in this manner.

The placement must be in a licensed community-based nursing home under contract with the state. Before the commissioner can authorize such a placement, the DOC medical director must determine that the inmate is suffering from a terminal condition, disease, or syndrome or is so debilitated or incapacitated by it as to (1) need continuous palliative or end-of-life care or (2) be physically incapable of presenting a danger to society.

The act allows the DOC commissioner, as a condition of the nursing home placement, to require the medical director to periodically review and diagnose the inmate during his or her release. An inmate must be returned to DOC custody if the medical director determines that he or she no longer meets the criteria for release described above.

The act does not apply to inmates convicted of a capital felony, under the applicable law in effect before April 25, 2012, or murder with special circumstances under the law in effect on or after that date. (PA 12-5, which took effect April 25, 2012, eliminated the death penalty as a sentencing option for a capital felony committed on or after its effective date and renamed the crime of capital felony as "murder with special circumstances.")

By law, the Board of Pardons and Paroles can grant an inmate, other than one convicted of a capital felony or murder with special circumstances (as specified above), a release on medical parole or compassionate parole release. For a release on medical parole, the inmate must have a terminal condition, disease, or syndrome, and be so debilitated or incapacitated by it as to be physically incapable of presenting a danger to society. For a compassionate parole release, the inmate must:

1. be physically incapable of endangering society because he or she is physically or mentally debilitated, incapacitated, or infirm because of advanced age or a non-terminal condition, disease, or syndrome and
2. have served at least half of his or her sentence or half of the remaining sentence after the board commuted the original sentence.

§ 105 — MEDICAID AND MEDICARE SERVICES FOR VETERANS' SERVICES

The act conforms state law to current practice by requiring the administrative services commissioner to investigate, determine, bill, and collect all charges for Medicaid- or Medicare-covered services provided to people the Department of Veterans' Affairs helped, cared for, or treated.

§ 106 — COMPUTER-ASSISTED MASS APPRAISAL (CAMA) SYSTEM GRANTS

Under existing law, the CAMA program provides financial assistance to towns for costs associated with developing or modifying systems used for tax assessment and collection functions. The act prohibits the OPM secretary from accepting or approving any CAMA grant program applications after June 30, 2012.

§§ 107-109 — MILITARY ACCOUNTS ESTABLISHED

The act establishes the following three nonlapsing military-related General Fund accounts and specifies their purposes:

1. "chargeable transient quarters and billeting account" to hold proceeds of room service charges at Camp Niantic and to be used to house armed forces members there,
2. "Governor's Guards account" to hold proceeds from the Governor's Guards programs and to be used to facilitate operation of the Guards, and
3. "Governor's Guards horse account" to hold donations given to offset the cost of maintaining the horses and to be used to facilitate the operations of the Governor's Guards.

The accounts must also hold any other funds the law requires to be deposited into them.

§ 110 — DISPARITY STUDY

The act transfers, from CHRO to the Connecticut Academy of Science and Engineering (CASE), responsibility for conducting a disparity study to determine whether the state's set-aside program (now

called the supplier diversity program) is achieving the goal of helping small contractors and minority business enterprises (MBEs) obtain state contracts. It requires CASE to consult with CHRO and other state agencies as appropriate, in addition to consulting with DAS as under existing law.

In conducting the study, the act requires CASE to provide an analysis of existing statistical data of the supplier diversity program, rather than generate its own data. It also requires that the study review the state's current supplier diversity program practices and best practices of other states or government entities.

Prior law required the study to at least examine (1) whether there is significant evidence of past or continuing discrimination in the way that the state executes its contracting duties and (2) the number of small contractors or MBEs that qualify under the supplier diversity program and whether they are legitimate small contractors or legitimately owned by a minority. The act specifies that (1) these examinations must be based on available data and analysis; (2) the evidence of discrimination must be statistical; and (3) the examination of discrimination must concern the awarding of state contracts, rather than the way the state executes its contracting duties. Additionally, it removes the requirement to determine whether qualifying small contractors and MBEs are legitimate small contractors or legitimately owned by a minority.

The law also requires the study to examine state contracting processes to determine if they present any unintentional barriers that prevent full participation by small contractors or MBEs. The act makes a technical change to this requirement.

Lastly, the act delays, from January 1, 2013 until June 30, 2013, the date by which the study's findings and any recommendations for legislative action concerning the study must be submitted to the Government Administration and Elections Committee.

EFFECTIVE DATE: Upon passage

§ 111 — OPERATION FUEL ENERGY ASSISTANCE

The budget act, PA 12-104 (§ 111), transfers \$2 million from funds collected through the systems benefit charge on electric utility customers to the Department of Energy and Environmental Protection (DEEP) for energy assistance for FY 13 through Operation Fuel. This act reserves \$200,000 of the transferred funds for a grant to Operation Fuel for its administrative expenses for the energy assistance program.

§§ 112-114 & 121 — DEPARTMENT OF HOUSING

The act establishes a DOH headed by a commissioner, and makes it, instead of DECD, the lead agency responsible for all housing matters.

The act places DOH in DECD for administrative purposes only, making it DECD's successor with respect to housing-related functions, powers, and duties (including community development, redevelopment, and urban renewal). Any DOH or DECD order or regulation in force on January 1, 2013, continues in force and effect until amended, repealed, or superseded by law.

Under the act, the DOH commissioner is responsible for developing strategies to encourage housing provision in the state, including for very low-, low-, and moderate-income families. In consultation with the interagency council on affordable housing (see below), the commissioner must review the organization and delivery of state housing programs and report to the Housing and Appropriations committees by January 15, 2013 with their recommendations.

Interagency Council on Affordable Housing

Members and Chairperson. The act establishes an interagency council on affordable housing to advise and assist the DOH commissioner in the planning and implementation of the department. The governor must designate the chairperson from among the 13-member council, which consists of:

1. the Social Services, Mental Health and Addiction Services, Children and Families, Correction, and DECD commissioners, or their designees;
2. the OPM secretary, or his designee;
3. the Partnership for Strong Communities executive director, or his designee;
4. the Connecticut Housing Coalition executive director, or her designee;
5. the Connecticut Coalition to End Homelessness executive director, or her designee;
6. the Connecticut Housing Finance Authority (CHFA) executive director, or his designee;
7. two members, appointed by the 10 members listed above, who are tenants receiving state housing assistance; and
8. one member, appointed by the first 10 members listed above, who is a state resident eligible to receive housing assistance.

Duties. The council must convene by July 15, 2012 to develop strategies and recommendations for implementing DOH. It must:

1. assess the housing needs of low-income individuals and families,

2. review and analyze the effectiveness of existing state programs in meeting those needs,
3. identify barriers to effective housing delivery systems, and
4. develop strategies and recommendations to enhance the availability of safe and affordable housing in communities statewide through DOH.

Report and Recommendations. By January 15, 2013, the council must report to the governor and the Appropriations, Housing, and Human Services committees on the department's implementation. The report must include recommendations on:

1. transferring programs to DOH and an implementation timeline,
2. effective changes to the state's housing delivery systems,
3. prioritizing housing resources, and
4. enhanced coordination among housing systems.

After the committees receive the council's report, they must hold a public hearing within 15 days.

EFFECTIVE DATE: Upon passage

§ 115 — UCONN HEALTH CENTER (UCHC) FRINGE BENEFIT DIFFERENTIAL

Starting with FY 14, the act requires the state comptroller to pay the difference, up to \$13.5 million per fiscal year, between the state fringe benefit rate for UCHC employees and that for the state's private hospitals from the appropriations for State Comptroller – Fringe Benefits. Under the act, this difference is based on the (1) state fringe benefit rate calculated on the UCHC payroll and (2) average member fringe benefit rate at the state's acute care hospitals as listed in the annual reports the hospitals file with the Office of Health Care Access.

§ 116 — PROBATE FUND TRANSFERS

PA 12-104 (§ 17) increased, by approximately \$2.3 million, the amount of surplus funds that had to be transferred from the Probate Court Administration Fund on June 30, 2012 to various agencies for specified purposes instead of to the General Fund. The act modifies three of those transfers and adds four more transfers, for a net increase of approximately \$1.09 million in such transfers. It also makes technical changes to two transfers, and specifies that both the existing and new transfers are for FY 13.

Modified Transfers

The act increases, from \$100,000 to \$225,000, the amount that must be transferred from the probate surplus to the Judicial Department, for Children of

Incarcerated Parents, for a grant to the Greater Hartford Male Youth Leadership Program. Under PA 12-104, the director must report to the Judicial Department on the director's expenses and programs for FY 12.

Under PA 12-104, \$50,000 had to be transferred from the probate surplus to the Department of Education (SDE), Neighborhood Youth Centers for a grant to the Neighborhood Music School in New Haven to provide scholarships. Under the act, this transfer is to DECD, rather than SDE, for the same purpose.

PA 12-104 provided for the transfer of \$36,000 from the probate surplus to DPH, Other Expenses, for a grant to Yale University to study pediatric autoimmune neuropsychiatric disorder associated with streptococcal infections (PANDAS).

The act increases the amount of this transfer to \$40,000, and changes its purpose. The act makes the transfer to DPH, Other Expenses for a grant to PANDAS Resource Network for a comprehensive analysis, including (1) research in the diagnoses and treatment for pediatric autoimmune neuropsychiatric disorder in other states and countries; (2) an evaluation of the level and recognition of the disorder in the medical community, laboratory assessment and treatment evaluation, and insurance coverage issues; and (3) a retrospective study of PANDAS/PANS patients on antibiotics. The act also requires the DPH commissioner, by February 1, 2013, to transmit this analysis to the Public Health and Insurance and Real Estate committees.

Additional Transfers

As shown in Table 1, the act adds the following four transfers from the Probate Court Administration Fund surplus to specified agencies on June 30, 2012.

Table 1: Additional Transfers from Probate Court Administration Fund Surplus

<i>Agency</i>	<i>For</i>	<i>Amount</i>
DSS	Other Expenses - Grant to the Norwich/ New London Continuum of Care to facilitate rapid rehousing and homelessness prevention in southeastern Connecticut	\$250,000
SDE	After School Program – Grant to Bridgeport for the Lighthouse After School Program	150,000
SDE	Connecticut Writing Project	50,000
Judicial	Other Expenses – electronic monitoring under the family violence electronic monitoring pilot program	510,517

EFFECTIVE DATE: Upon passage

§ 117 — LOCAL THEATER GRANT

The act requires the \$500,000 appropriated in FY 13 under PA 12-104 to the DECD Local Theater Grant to be distributed equally among the following theaters:

Long Wharf Theatre of New Haven, Hartford Stage of Hartford, Eugene O'Neill Theater Center of Waterford, Goodspeed Opera House of East Haddam, Yale Repertory Theatre of New Haven, Warner Theatre of Torrington, and Westport Country Playhouse of Westport (i.e., each theater receives \$71,428).

§§ 118 & 119 — COLLEGE TRANSITION PILOT PROGRAMS

The act delays, from October 1, 2012 until October 1, 2013, the date by which the education commissioner and president of the Board of Regents for Higher Education (BOR) must report to the Education and Higher Education committees on the results of the two college transition pilot programs established by PA 11-48. (This act replaces the higher education commissioner with the president. The higher education commissioner position was eliminated by PA 11-48.) One of the programs must offer college preparatory classes to adults who (1) have a high school diploma or its equivalent and (2) require intensive postsecondary developmental education that will enable them to enroll directly, upon completing the pilot program, in a higher education institution program that awards college credit. The second program is the same except it is for high school students who have not yet earned a high school diploma or equivalent.

EFFECTIVE DATE: Upon passage

§ 120 — MILITARY FACILITIES

Definition of a Military Facility

The act makes substantive and technical changes affecting the funding, leasing, and use of military facilities. It redefines a "military facility" as any state-owned or -controlled military building, structure, or training site, instead of just a state-owned military building, to reflect the adjutant general's broader responsibility for armories, rifle ranges, reservations, and other military property.

Leasing or Unpaid Use of a Military Facility

Under prior law, if an organization that leased or used a military facility charged admission, it had to obtain insurance indemnifying the state against personal injuries and property damage. The act exempts government entities from this requirement.

By law, various organizations and entities may lease a military facility or use one without charge. Under existing law, the lease or use cannot conflict with the drill night of an active military organization or the facility's use for military purposes. Under the act, the lease or use also cannot conflict with federal military

regulations.

Application to Use a Military Facility

By law, each military facility is under the charge of a commissioned officer, who may lease it as prescribed by law. Under prior law, an application to use or lease the facility had to be submitted to the officer, who forwarded it to the adjutant general for approval or disapproval. The act removes the commissioned officer from the process. It instead requires applications to be made directly to the adjutant general and specifies that he is responsible for leasing the facilities.

Military Facilities Account

The act creates the “military facilities account” as a separate, nonlapsing General Fund account and requires the Military Department to use it to maintain and renovate military facilities.

The account must contain:

1. state appropriations or other state funds provided for the purposes of the account;
2. any money the law requires to be deposited into it; and
3. gifts, grants, donations, or bequests made for the purposes of the account.

By law, the adjutant general must send to the state treasurer any proceeds collected from leasing military facilities. The act requires the treasurer to deposit the amount in the military facilities account.

Reporting Requirement

The act eliminates the adjutant general’s duty to annually submit a report to the Military Department and Public Safety and Security Committee on proceeds received from leasing, and expenses for maintaining, military facilities. He must still submit the report to the Veterans’ Affairs Committee.

EFFECTIVE DATE: Upon passage

§§ 122 & 181-182 — HOUSING ZONE ADOPTION PAYMENTS

The act modifies how grants are determined under the Housing for Economic Growth Program. The program authorizes grants to municipalities that zone land to develop housing mainly where transit facilities, infrastructure, and complementary uses exist or are planned or proposed. A municipality may receive grants (1) to adopt incentive housing zone (IHZ) regulations and (2) for building permits issued for housing built in these zones.

Under prior law, a municipality that created an IHZ and met the other requirements of the law was entitled

to a grant of up to \$2,000 for each housing unit that could be built as of right (i.e., without getting further zoning approval) based on the definitions of developable land and densities specified in the law. Thus, if the zone allowed a developer to build 20 units in the zone, the maximum grant would be \$40,000; if the zone would allow 30 units, the grant would be \$60,000. The act instead entitles the municipality to a flat \$50,000 grant per zone.

The act also prohibits a municipality that receives a grant for creating a zone from receiving a grant for creating another zone until construction starts in the IHZ for which it received the previous grant.

It allows a municipality that applies for preliminary eligibility for the grant for creating a zone to subsequently waive its right to receive the payment by providing OPM its written notice of intent to do so. It must submit this notice when it submits the statement that its zoning commission adopted IHZ regulations and design standards.

The act eliminates the deadline by which OPM must make one-time building permit grant payments to municipalities for each building permit they issue in an incentive housing development. Under prior law, OPM had to pay these grants no later than 60 days after (1) a municipality submits proof that it issued the permits for the incentive housing developments within five years after it adopted the IHZ regulations and (2) it verifies that no one appealed or challenged the building permit.

The law allows the OPM secretary to give grants to municipalities under the Housing for Economic Growth Program to provide technical assistance for planning IHZs, drafting implementing regulations and design standards, and reviewing and revising applicable subdivision regulations. The act allows the secretary to also give grants under the program for IHZ predevelopment funds. Under prior law, the secretary had to provide these grants within available appropriations. The act instead requires him to provide the grants within available resources.

§ 123 — CIGARETTE ROLLING MACHINES AND TOBACCO PRODUCT MANUFACTURERS

The act makes anyone who has or allows someone to use a “cigarette rolling machine,” also known as a “roll-your-own” (RYO) machine, to make cigarettes at his or her retail or commercial premises a tobacco product manufacturer, subject to existing laws and restrictions governing such manufacturers who sell cigarettes in Connecticut.

It (1) requires the owner of such a business to get and maintain a cigarette manufacturer’s license; (2) requires those that intend to distribute any cigarettes they make in Connecticut to also have a cigarette distributor’s license; and (3) allows the Department of

Revenue Services (DRS), after a hearing, to suspend or revoke a cigarette dealer or cigarette or tobacco product distributor license and sales tax seller's permit held by the owner if he or she fails to get and maintain a manufacturer's license.

Cigarette Rolling (RYO) Machine

The act defines an RYO machine as one that allows someone to process tobacco or anything made or derived from tobacco into a roll or tube. To be covered by the act, the machine must be located, and the rolling process must take place, at a retail establishment or on commercial premises.

Expanded Definition of Tobacco Product Manufacturer

The act expands the definition of a tobacco product manufacturer to cover anyone who owns, leases, possesses, controls, operates, or otherwise uses an RYO machine at his or her commercial or retail premises, or permits someone else to operate or use the machine at those premises. Under prior law, with some exceptions, the definition covered any entity or its successor that directly and not exclusively through an affiliate (1) manufactured cigarettes intended for sale in the United States, including sale through an importer or (2) was the first purchaser anywhere of cigarettes for resale in the United States from a manufacturer that did not intend them for sale in the United States.

Tobacco Product Manufacturer Escrow Requirements

By defining RYO business owners as tobacco products manufacturers, the act requires them to certify annually to the DRS commissioner that they either (1) enter into, and perform financial obligations under, the 1998 master tobacco settlement agreement or (2) pay into a qualified escrow account a specified inflation-adjusted amount for each "unit" (cigarette or 0.09 ounces of roll-your-own tobacco) they sell in the state. (For sales in 2011, the escrow payment was 2.82 cents per unit.) The act also extends to any such business the existing ban on, and penalties for, selling, either directly or through distributors or dealers, cigarettes made by manufacturers not listed in the DRS directory of manufacturers and their cigarette brands that comply with the law.

Penalties for Violating Escrow Requirements

If an RYO business does not comply with the escrow payment requirements for tobacco product manufacturers, the act subjects it to existing penalties.

Manufacturers that violate the escrow payment requirements face a possible civil penalty of up to 5% of

the improperly withheld escrow amount for each day of violation up to 100% of that amount. For a knowing violation, the penalty may be up to 15% of the improperly withheld amount per day up to 300% of that amount. For a second knowing violation, a manufacturer is barred from selling cigarettes in the state, either directly or indirectly, for up to two years. Each failure to make the required annual deposit is a separate violation.

In addition, it is both a class A misdemeanor (see Table on Penalties) and an unfair and deceptive trade practice to sell, offer to sell, distribute, or possess for sale Connecticut cigarettes not listed in the DRS directory. Unlisted cigarettes sold or offered for sale are considered contraband and are subject to confiscation, search, and forfeiture. Seized contraband cigarettes must be destroyed. The attorney general, on the DRS commissioner's behalf, may ask for an injunction against actual or threatened violations of the sale prohibitions.

Finally, when it prevails in any action against a tobacco product manufacturer to enforce the payment law, the state is entitled to recover its costs for investigation, bringing the action, and expert witness and reasonable attorneys' fees. A violator must pay to the state any profits, gains, gross receipts, or other benefits it received from the violation. Unless expressly provided otherwise, these remedies and penalties are cumulative, both with each other and with those available under other state laws.

Licenses and Required

The law already requires anyone whose business includes selling cigarettes or tobacco products in Connecticut to have either a DRS cigarette dealer's or cigarette or tobacco product distributor's license. In order to be listed and have its brands listed in the DRS directory, a tobacco product manufacturer whose cigarettes are sold to consumers in Connecticut must also have a cigarette manufacturer's license. Finally, a person who sells cigarettes or tobacco products at retail must have a sales tax seller's permit, since cigarette and tobacco product sales are subject to both the sales and either the cigarette or tobacco products taxes.

The act requires an RYO business to obtain and maintain a cigarette manufacturer's license and, if it intends to distribute its cigarettes in Connecticut, a cigarette distributor's license as well. The annual manufacturer's license fee is \$5,250. The annual fee for a distributor's license is \$1,250, unless a distributor sells cigarettes only to stores the distributor operates. The annual fees for a distributor selling only to its own stores are: (1) \$315, for a distributor that operates fewer than 15 stores, (2) \$625 for one that operates between 15 and 24 stores, and (3) \$1,250 for one that operates 25

or more stores.

The act makes an RYO business' failure to get and maintain a manufacturer's license grounds for DRS, after a hearing, to suspend or revoke the person's dealer or distributor license and sales tax seller's permit.

Background - Related Court Case

In 2012, a state Superior Court judge ruled that merely owning and renting cigarette rolling machines was not enough to make a business a tobacco product manufacturer subject to a temporary injunction against selling cigarettes not listed in the DRS directory. Rather, to meet the definition, a business's employees had to participate directly in operating the machines "to make finished cigarettes for sale or for the benefit of customers" (*State of Connecticut v. Tracey's Smoke Shop and Tobacco, LLC.*, 2012 WL 953408, Feb. 24, 2012, Bright, J., unpublished).

EFFECTIVE DATE: October 1, 2012

§ 124 — SALES TAX EXEMPTION FOR PARTICIPANTS IN CERTAIN AIRCRAFT INDUSTRY JOINT VENTURES

By law, specified business services rendered between participants in certain kinds of joint ventures under a joint venture agreement are exempt from the sales tax. The act expands eligibility for, and extends the duration of, the exemption for certain kinds of joint ventures in the aircraft industry.

By law, the exemption applies to personnel; commercial or industrial marketing, development, testing, and research; and business analysis and management services rendered under a joint venture agreement. Under prior law, the company providing the service had to own at least 25% of the joint venture. The act allows a joint venture in the aircraft industry to qualify if each participant's ownership interest is equal to the aggregate ownership interest percentage of each related member participating in the venture.

By law, a related member is:

1. a stockholder who, individually or with his or her family or affiliated business entities, owns at least 50% of the value of the company's stock;
2. another corporation or entity that owns, or is considered to own under the Internal Revenue Code (IRC), at least 50% of the company's stock;
3. a "component member" under the IRC; or
4. an individual or entity to or from whom stock ownership is attributed under the IRC.

In addition, the act extends, from 30 to 40 consecutive years, the duration of the exemption for aircraft industry joint ventures that existed before January 1, 1986. By law, the exemption for all other

joint ventures is for 20 consecutive years from the date the joint venture is formed, incorporated, or organized.

By law, unchanged by the act, to qualify for the exemption, (1) a joint venture's purpose must relate directly to producing or developing new or experimental products or systems and supporting and marketing them; (2) one of its corporate participants must have been actively engaged in business in Connecticut for at least 10 years; and (3) the entity receiving services must be either a corporation, partnership, or limited liability company and the one giving services must be its corporate shareholder, partner, or member, respectively. EFFECTIVE DATE: July 1, 2012, and applicable to sales occurring on or after that date.

§§ 125-128 — EMAP

EMAP Eligibility (§ 127)

The act makes it easier for applicants to qualify for EMAP, which provides short-term loans to homeowners experiencing financial hardships beyond their control. The loans help them pay their mortgages. The program covers one-to-four-family owner-occupied homes, including single-family units in a condominium or planned unit development.

The act eliminates pensions and retirement funds valued at \$100,000 or less from the list of assets that an EMAP applicant must disclose to CHFA. The applicant must still report all household income, liabilities, and assets, including:

1. the sum of the household's savings and checking accounts;
2. market value of stocks, bonds, and securities;
3. other capital investments;
4. personal property and equity in real property, including the subject mortgage property;
5. pension and retirement funds valued at over \$100,000; and
6. lump-sum additions to family assets.

The act also allows applicants to include delinquent taxes; insurance; and condominium or common interest community charges, assessments, and fees, whether or not they are paid into escrow or impound accounts as reserves, in their applications as proof of EMAP eligibility. Under prior law, they could include delinquent taxes and insurance, but only if they were required to be paid into escrow or impound accounts as reserves.

The act eliminates a requirement for qualifying debts to be contractually delinquent. Thus, an applicant may qualify for EMAP whether or not there is a contractual obligation to pay an otherwise allowable debt. The act also makes mortgages insured by the Federal Housing Administration (FHA) eligible for EMAP.

The act specifies that CHFA may consider the length of time the mortgagor has lived in his or her home when determining the mortgagor's ability to repay EMAP within a reasonable time. Existing law allows CHFA to consider the mortgage's structure, its repayment schedules, and any other relevant factors or criteria it deems appropriate.

EMAP Recipient Litigation Rights (§ 126)

The act also allows EMAP recipients to file defenses, counterclaims, or set-offs against foreclosure on the assisted mortgage.

EMAP Payment Schedule (§ 128)

Under existing law, CHFA can make EMAP monthly payments to a mortgagee either consecutively or nonconsecutively for up to 60 months. The act specifies that the calculation of the maximum 60 months of EMAP payments begins with the first payment.

EFFECTIVE DATE: Upon passage

§ 129 — NOTICE OF COMMUNITY-BASED RESOURCES

The act requires:

1. each mortgagee to give a mortgagor the Judicial Branch's form on community-based resources for people involved in foreclosure mediation with any notice of intent to accelerate the mortgage loan;
2. municipalities to include the form with any statement sent to a homeowner about a public sewer, water service, or property tax arrearage; and
3. the Judicial Branch to provide copies of the form to public libraries, religious organizations, and community-based programs statewide to ensure that it is readily available to mortgagors.

The form must include a:

1. reference to both CHFA and Housing and Urban Development-approved counselors,
2. column in the approved housing counselor chart that indicates the counties in which each counselor serves, and
3. notification to mortgagors currently in foreclosure that they should contact the Department of Banking's foreclosure assistance hotline for assistance with time sensitive foreclosure concerns.

EFFECTIVE DATE: October 1, 2012

§ 130 — DISCLOSING SECURITY BREACHES OF COMPUTERIZED DATA

The law generally requires anyone who conducts business in Connecticut and who, in the ordinary course of business, owns, licenses, or maintains computerized data that includes personal information to disclose a security breach without unreasonable delay to state residents whose personal information has been, or is reasonably believed to have been, accessed by an unauthorized person. Failure to provide such notice constitutes a Connecticut Unfair Trade Practices Act (CUTPA) violation.

The act requires the person also to provide notice of the security breach to the attorney general no later than when the affected residents are notified. The act makes failure to do so a CUTPA violation.

The law also specifies that anyone maintaining computerized data that includes personal information he or she does not own must notify the owner or licensee of any breach of the data's security immediately following discovery, if the personal information was, or is reasonably believed to have been, accessed by an unauthorized user. The act specifies that this requirement applies only to personal information of state residents.

EFFECTIVE DATE: October 1, 2012

§ 131 — ELECTRONIC TRACKING OF HIGH-RISK FAMILY VIOLENCE PERPETRATORS

The act authorizes the Judicial Branch to resume and expand a family violence pilot program that was discontinued due to lack of funds. The program had allowed judges in Bridgeport, Danielson, and Hartford to order electronic monitoring when necessary to protect a family violence victim. Those subject to court-ordered monitoring must have been (1) charged with violating a family-violence-related restraining or protective order and (2) classified as a "high-risk offender" by the court's Family Violence Intervention Unit. Monitoring such individuals warned law enforcement agencies, a statewide information collection center, and the victim when the person being monitored was within a specified distance from the victim.

The act permits the branch to revive the pilot program beginning July 1, 2012, within available resources. It also permits one or more additional districts to participate.

§§ 132-140 — JUDGES' RETIREMENT SYSTEM

The act makes numerous changes to the retirement benefits and requirements for judges, family support magistrates, and workers' compensation commissioners ("officials"), whose retirement system is separate from the State Employees Retirement System (SERS). The

judges' retirement system has its own pension fund, is governed by statute, and is not subject to collective bargaining.

The act:

1. changes how retirement benefits are calculated for compensation commissioners who began serving on or after July 1, 2011;
2. changes how cost of living adjustments (COLAs) are calculated for retired officials and their surviving spouses;
3. increases retirement age requirements for certain officials with at least 10, but less than 25, years of service;
4. allows certain officials to maintain their current retirement requirements by increasing their contributions to the retirement system;
5. changes how retirement benefits are calculated for family support magistrates who began serving before July 1, 2011; and
6. makes various minor, technical, and conforming changes.

Compensation Commissioners (§ 136)

By law, a compensation commissioner's retirement benefit and the allowance paid to his or her surviving spouse are based on the commissioner's "salary." For those who began serving after January 1, 1981, these benefits are based on the annual salary the commissioner was receiving at the time of retirement or death. The act keeps this definition of salary for commissioners who began serving on or before June 30, 2011, but for those who began serving on or after July 1, 2011, the act replaces it with the commissioner's average annual salary over the five years immediately preceding retirement or death.

The law also provides a benefit increase for retired compensation commissioners who received longevity payments. For those who began serving after January 1, 1981, this increase is based on the amount of time served as a compensation commissioner. For those who began serving on or after July 1, 2011, the act broadens the service time used to calculate the increase to include the commissioner's total state service and service as an elected official.

Cost of Living Adjustments (§§ 133 & 134)

The law provides annual COLAs to the pensions received by retired officials. Under prior law, the COLA matched the previous year's increase, if any, in the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W), up to 3% for officials who retired on or before September 2, 2011. The act extends this retirement date threshold to October 1, 2011.

Prior law allowed a 2% maximum COLA for officials who were in service on or after September 1, 2011. The act removes this COLA limit and service date threshold and, for any official who retires after October 1, 2011, sets the COLA at the same rate as the COLA received by SERS members who retire after October 1, 2011. (Under their current contract, the COLA for these SERS employees must be between 2% and 7.5% and is calculated as 60% of the annual CPI-W increase, up to 6%, plus 75% of any annual CPI-W increase over 6%.)

The law also provides CPI-W-based COLAs to the surviving spouses of deceased officials eligible for retirement benefits. For the surviving spouses of those officials who began serving after January 1, 1981, prior law limited the COLAs to a maximum 2% increase after January 1, 2012. The act instead requires these COLAs to be the same as the COLAs for retired state employees in SERS who retire after October 1, 2011.

Service and Age Requirements (§ 137)

To qualify for a normal retirement benefit, prior law required officials who retire on or after July 1, 2022, to have either (1) 25 years of service and be at least 63 years old or (2) 10 years of service and be at least 62 years old. The act increases the age requirement, from 62 to 65, for those officials with at least 10, but less than 25, years of service.

By law, (1) the normal retirement benefit for officials is two-thirds of their "salary," as defined in various statutes and (2) the benefit for officials who retire with less than 10 years of service is reduced by the ratio an official's completed service years has to the lesser of either the number of service years the official would have had at age 70 or 10 years. The act explicitly states that these provisions also apply to officials retiring on or after July 1, 2022.

Option to Maintain Current Requirements (§139)

The act allows officials who were serving when it became effective (June 15, 2012) to make a one-time irrevocable decision to maintain their current normal retirement requirements, regardless of the changes scheduled to occur on July 1, 2022, by increasing their contributions to the retirement system. The amount of the increase must be the actuarial pension cost of maintaining eligibility in the existing plan, as determined by the retirement system's actuaries and provided to the officials by the Retirement Division of the Office of the State Comptroller.

The act requires the State Employees Retirement Commission to prescribe the form used to indicate an official's decision. Eligible officials must decide to participate by July 1, 2013. Officials who make a successful agency error claim to the retirement

commission must make payments according to the state's usual practice.

Family Support Magistrates (§ 138)

PA 11-61 changed the definition of the “salary” used to determine the retirement benefits paid to all family support magistrates and their surviving spouses from the annual salary payable at the time of retirement to the magistrate’s average annual salary over the five years preceding his or her retirement or death. The act returns magistrates who began serving before July 1, 2011 to the prior definition of salary (the annual salary payable at the time of retirement) and applies PA 11-61’s definition (average annual salary over the five years preceding retirement) only to those magistrates who began serving on or after July 1, 2011.

By law, unchanged by the act, retired family support magistrates who received longevity payments while they worked receive a benefit increase based on the amount of time served as a family support magistrate, regardless of when they began serving.

Reduced Benefits for Officials Who Resign (§ 132)

By law, judges, family support magistrates, and compensation commissioners who resign after serving for at least 10 years can receive a reduced retirement benefit if they do not otherwise meet normal retirement requirements. The act specifies that the reduced benefit for those officials who resign after October 1, 2011, is calculated as a fraction of the benefit they would have received if they had been eligible for normal retirement when they resigned. This fraction is the ratio between an official’s completed service years and the lesser of either the number of service years the official would have had at age 65 or 20 years. The act also makes minor and technical changes to these provisions.

EFFECTIVE DATE: Upon passage

§ 141 — SEXUAL ASSAULT EVIDENCE EXAMS

Existing law prohibits health care facilities and sexual assault victims from being charged, directly or indirectly, for examinations health care facilities incur in collecting evidence under the state’s regulatory protocol. The act extends the no-charge provisions to medical forensic assessment interviews conducted by (1) health care facilities; (2) providers; or (3) examiners working with a child advocacy center or multidisciplinary team involved with child abuse and neglect prevention, identification, and investigation. The act directs that charges for both the examinations and interviews be paid from the Judicial Branch’s Forensic Sex Evidence Exams account. Prior law required the evidence-gathering charges to be paid by the Judicial

Branch’s Office of Victim Services (OVS).

The act also adds an OVS member to the Commission on the Standardization of the Collection of Evidence in Sexual Assault Investigations.

EFFECTIVE DATE: October 1, 2012

§ 142 — COMPETENCY TO STAND TRIAL

By law, a court may order a defendant it finds incompetent to stand trial into the custody of the DMHAS, Department of Developmental Services (DDS), or Department of Children and Families’ (DCF) commissioners, as appropriate, for treatment to restore them to competency.

Defendants Placed in DMHAS Custody

The act expands the DMHAS commissioner’s authority to refuse to place certain defendants in DMHAS psychiatric facilities. Prior law authorized her to refuse to admit violent defendants when the department lacked trained staff, facilities, and security to accommodate them. The act removes the reference to “violent” defendants, instead allowing her to exclude defendants who present significant security, safety, or medical risks. It requires her to consult with the DOC commissioner, but makes DMHAS the final decision-maker.

When an admission is denied on these grounds, the act makes DOC responsible for the defendant’s custody and medical and psychiatric care. DMHAS is responsible for:

1. providing other services to restore his or her competency;
2. submitting progress reports to (a) courts, at various times and (b) the original psychiatrist or examining team when the court finds that a defendant has become competent or cannot attain competency within the placement period; and
3. providing testimony at any hearing to reconsider the defendant’s competency.

Defendants With Intellectual Disabilities: Release from Civil Commitment

If an incompetent defendant is a person with an intellectual disability and a court determines at any time that he or she is not likely to attain competency or is not competent at the end of the competency restoration period, the law allows a court to order him or her placed in the custody of the DDS commissioner for civil commitment. The act allows the court to order the commissioner to notify it if the department releases the defendant before the statute of limitations for prosecuting the crime has expired.

Periodic Examinations for Defendants in DDS Custody

The law authorizes courts to order periodic examinations of defendants who, after being charged with killing or seriously injuring another person, or with committing certain other crimes, are released from custody or placed into DMHAS custody because they are not competent to stand trial. The act specifies that this authority also applies to such defendants placed in DDS custody.

EFFECTIVE DATE: October 1, 2012

§ 143 — ADOPTIONS IN SUPERIOR COURT

PA 12-82 permits DCF to file adoption petitions in the Superior Court, instead of in the probate court, in certain circumstances. The act ensures this can occur by making an exception to the probate law's requirement that all adoption applications be filed in the probate court.

EFFECTIVE DATE: October 1, 2012

§ 144 — TRAFFIC STOP DATA

PA 12-74 suspends on July 1, 2012, the duty of municipal police departments and the Department of Emergency Services and Public Protection (DESPP) (which includes the State Police) to record and report traffic stop data. It requires them to resume (1) recording the data starting on July 1, 2013 and (2) annually reporting data summaries to OPM starting on October 1, 2013, if new standardized methods are developed.

Until standardized methods are developed, this act requires the departments and DESPP, using the form developed and promulgated in effect on January 1, 2012, to record and retain the following information:

1. the number of people stopped for traffic violations;
2. the race, color, ethnicity, gender, and age, provided these characteristics are based on the officer's observation and perception of the officer and not required to be provided by the person stopped;
3. the alleged violation resulting in the stop;
4. whether a warning or citation was issued, an arrest made or search conducted; and
5. any additional information the departments or DESPP deem appropriate, except any other identifying information about the person, such as his or her operator's license number, name, or address.

The act advances to October 1, 2013, from October 1, 2012, the first annual report DESPP and local police departments must provide OPM on traffic stop data summaries. It also makes technical and conforming

changes.

§ 145 — COUNCIL OF ADVISERS ON STRATEGIES FOR THE KNOWLEDGE ECONOMY

The act makes the OPM secretary, rather than the DECD commissioner, the chairman of the Council of Advisors on Strategies for the Knowledge Economy. Under the act, the DECD commissioner continues to serve as a council member. Under prior law, the OPM secretary served as a council member. By law, the council (1) promotes university-industry partnerships, (2) identifies benchmarks for technology-based workforce innovation and competitiveness, and (3) provides advice on grant awards under the Innovation Challenge Grant program and several DECD-administered grant programs preparing college students for careers in research and development and encouraging colleges and universities to collaborate with businesses on research projects.

The act also makes technical and conforming changes.

§ 146 — SMALL BUSINESS INNOVATION ASSISTANCE PROGRAM

The act requires UConn or any of its campuses to establish a program to help small and medium businesses develop innovative advanced manufacturing technologies. UConn must do this in concert with the Connecticut Center for Advanced Technology (CCAT), a nonprofit organization helping manufacturers, high technology firms, small businesses, and entrepreneurs operate more efficiently and improve their workforce.

The act requires UConn and CCAT to collaborate with the businesses participating in the program. This includes allowing businesses to use UConn's and CCAT's facilities and equipment and granting the businesses access to their respective staffs and, in UConn's case, its faculty and students. In FY 13, UConn must provide \$250,000 to CCAT from any funds appropriated to the program.

UConn and CCAT must establish eligibility criteria for participating in the program, including minimum contributions from participating businesses. The program is open to Connecticut-based businesses with 100 or fewer employees. The act divides these businesses into "small businesses" (50 or fewer employees) and "medium businesses" (51 to 100 employees).

§§ 147-180, 183-186 & 292 — CONNECTICUT DEVELOPMENT AUTHORITY (CDA) AND CONNECTICUT INNOVATIONS, INC., (CII) MERGER

Overview

The act merges CDA into CII, transferring CDA's statutory powers and duties, including the power to issue bonds, to CII and obligating it to meet CDA's financial commitments. Under prior law, CDA and CII were two separate quasi-public economic development agencies performing different functions. CDA made and guaranteed business loans and provided other forms of financing for business and infrastructure projects. CII invested capital in early stage technology-based businesses and provided other types of venture financing for individuals and businesses developing new products and techniques.

The act also expands CII's board of directors, changes its composition to reflect its expanded purpose, broadens CII's tax exemption, and makes many conforming changes.

Transfer of Powers and Assumption of Obligations (§ 148)

The act accomplishes the merger by transferring CDA's statutory powers and duties to CII and requiring CII to repay CDA's bonds and comply with their contractual requirements. It specifies that CII use these new powers to fulfill its existing and expanded purposes.

The act also specifies that CDA's notes, bonds, and other obligations are valid and binding on CII as CDA's successor, as well as the terms and conditions specified in the resolutions, contracts, and the other types of agreements under which CDA incurred these debts. This extension includes assets; real and personal property and rights in such property; and funds, money, revenue, and receipts. Further, the act makes or deems CDA's resolutions CII's resolutions and does the same with respect to any action CDA took to help finance a project, in both cases limited only by the agreements under which CDA issued the bonds or incurred the debt.

Lastly, the act requires CII to follow the procedures CDA adopted under the statutory procedure all quasi-public agencies must follow for notifying the public before adopting a proposed procedure (the equivalent of the procedure state agencies follow when adopting regulations). CII must do this with respect to any matter before it.

Subsidiaries (§§ 148, 150 & 175)

General. Existing law, unchanged by the act, allows CII to create affiliates. The act allows CII to form subsidiaries to fulfill its statutory duties and support them with money and property. It allows CII to do so under provisions similar to those under which CDA could form subsidiaries. Consequently, CII can form a subsidiary as a stock or nonstock corporation or a limited liability company and adopt resolutions specifying the subsidiary's purpose and powers. Like CII, the subsidiary is a quasi-public agency and enjoys the same privileges, immunities, tax exemptions, and other exemptions as CII. It also operates under conditions similar to those that governed CDA's subsidiaries, but it cannot borrow money without CII's approval. The subsidiary and CII can purchase and hold the bonds they issue.

The act gives CII subsidiaries powers needed to acquire and convey property. A subsidiary can assume or take title to property, subject to any lien, encumbrance, or mortgage. It can also issue bonds, notes, and other obligations by mortgaging, conveying, or disposing of its assets, but any debt it incurs is its special obligation, which it must secure and repay with its resources. CII may assign any rights, money, or other assets it has under any government program.

Brownfield Subsidiaries. The act makes a CDA subsidiary, the Connecticut Brownfield Redevelopment Authority, a CII subsidiary. But it also allows CII to form other subsidiaries to clean up contaminated property under similar conditions. The act exempts CII and its subsidiaries from paying the Department of Energy and Environmental Protection's fee for a covenant not to sue. Prior law exempted CDA and its subsidiaries from this fee.

Transfer Mechanism (§ 149)

The act allows CDA and CII to enter into agreements with each other and third parties to help CII assume CDA's rights and responsibilities. They may do so between June 15, 2012 and July 1, 2012 (i.e., the transfer period). But transfers occur regardless of whether (1) third parties consent to them or (2) CDA and CII enter into transfer agreements.

In addition, unrelated to the act's authorization to enter into agreements, the act requires CDA to help CII prepare for and complete the transfers. In doing so, CDA must give CII the necessary professional and clerical support facilities, equipment, and supplies during the transfer period.

State Assurances to CII Bond Holders and Contractors
(§ 168)

Besides transferring CDA's bonding and contracting powers to CII, the act also transfers an assurance to the parties purchasing CII's bonds or contracting with it. The assurance is a pledge that the state will not limit or change the rights until CII fulfills its obligations to them or adequately protects the parties.

CII Board of Directors (§§ 151 & 173)

The act increases CII's board of directors, from 15 to 17 members, and changes its composition to reflect CII's new powers and duties. Under prior law, the board consisted of three *ex officio* and 12 appointed members. The act adds the state treasurer as the fourth *ex officio* member. The others are the DECD commissioner (who is also the board's chairperson), the Board of Regents (BOR) of Higher Education's president, and the OPM secretary.

The act allows the governor to appoint an additional member, increasing his total appointments from eight to nine. Under prior law, the governor had to appoint at least six members known for their knowledge, skills, and experience in developing innovative technology and technological processes, including academic research, technology transfer and applications, and inventions and new enterprises. The act requires him to appoint six members with knowledge, skills, and experience in developing innovative start-up businesses and three with skill, knowledge, and experience in financial lending or developing trade, commerce, and business. By law, which the act does not change, the legislative leaders appoint four members.

The act also changes how CII's board must approve applications for equity investments and other assistance CII provides. Under prior law, the board's finance committee approved or denied applications the CII executive director submitted to it. The act requires the board or a committee it creates to perform this task. It also renames the executive director, the chief executive officer.

CII Tax Exemption (§§ 169 & 170)

General. The act broadens CII's tax exemption, reflecting its expanded powers under the act. Prior law exempted CII and CDA from most local and state taxes, but CDA's exemptions were broader, reflecting its statutory authority to develop property and issue bonds. For example, CDA paid no (1) local or state taxes on the projects it developed or (2) state taxes on its projects, property, money, and bonds and notes. Further, the parties holding CDA's bonds and notes were liable only

for estate and succession taxes on income or profit they earned from these investments. The act transfers CDA's exemption to CII.

Sales Tax Exemption for Economic Development Projects. The act allows CII to grant sales and use tax exemptions to developers undertaking economic development projects. The exemptions apply to tangible personal property and services purchased, stored, or consumed to develop, construct, rehabilitate, renovate, or repair projects that qualify for development financing under statutory authority the act transfers from CDA to CII. CDA provided a similar exemption under prior law.

The projects must be approved by CII's board of directors according to procedures it must adopt. In approving an exemption, the board may limit or condition its use and provide a certificate specifying the exempted property and services. CII must develop the certificate in consultation with the revenue services commissioner and it must be presented when purchasing an exempted item.

Equity Investments (§ 166)

Under prior law, CDA, CII, and DECD had to require the entities they funded to provide a lien, letter of credit, or other security for the funding. The requirement applied to equity investments, which could have been made by CII or CDA. The only exemptions were grants and loans that had to be repaid within a year. The act exempts equity investments and specifies that the security required for other forms of assistance must be appropriate and reasonable, based on the circumstances.

Relocation Penalty (§ 171)

Under prior law, businesses receiving CDA or DECD loans and loan guarantees had to immediately repay it plus a 5% penalty if they relocated out of the state within 10 years after receiving the assistance. The act extends this requirement to business receiving CII loans, loan guarantees, and other forms of business financing that CII provides under the act and any outstanding loans it made on or after June 23, 1993. But it exempts from the requirement equity and similar types of investments, which, under prior law, were mostly provided by CII.

Revenue Restrictions (§ 178)

In transferring CDA's powers and duties to CII, the act requires CII to receive revenue generated by the former CDA programs and activities. Consequently, the act specifies how CII must handle this revenue. Prior law specified how CII had to handle only application

fees, royalty payments, investment income, and loan repayments, the types of revenue generated by CII's traditional venture capital activities. The act expands the types of revenue CII must handle to include license fees; lease payments; proceeds from the sale and disposition of investments; and application, commitment, and financing fees.

Under prior law, much of this revenue was generated by bonds CDA issued under its own authority or by the state to fund CDA programs. The agreements under which both types of bonds were issued included provisions assuring that the bonds would be repaid. Some provisions pledge the revenue the programs generate to repaying the bonds or restrict it in other ways. The act requires CII to comply with bond agreements, including those under which it may issue bonds. It also requires CII to treat as unrestricted funds any unpledged revenue or revenue remaining after the bond agreements have been satisfied.

EFFECTIVE DATE: July 1, 2012, except for the provisions authorizing the steps CDA and CII can take to facilitate the transfer, which take effect upon passage.

§§ 187 & 188 — CAPITAL REGION DEVELOPMENT AUTHORITY (CRDA)

The act further expands the types of projects the Capital Region Development Authority (CRDA) may undertake. As the successor of the Capital City Economic Development Authority (CCEDA), CRDA can, among other things:

1. develop riverfront infrastructure and improvements anywhere in Hartford and East Hartford,
2. construct or rehabilitate up to 3,000 downtown housing units in the statutorily designated Capital City Economic Development District,
3. demolish or redevelop vacant buildings anywhere in Hartford or East Hartford,
4. construct new buildings and redevelop existing ones anywhere in Hartford, and
5. add downtown parking (PA 12-147).

This act also allows CRDA, in consultation with the Sports Advisory Board, to promote and attract in-state professional and amateur sports and sporting events anywhere in Connecticut.

As CCEDA's successor, CRDA can exercise a broad range of powers to plan and implement capital city projects, but, under PA 12-147, it can only do so in the Capital City Economic Development District. This act allows CRDA to exercise those powers to plan and implement projects authorized outside the district, such as riverfront infrastructure and improvement in East Hartford. The powers include:

1. acquiring and disposing of property;
2. acquiring property by eminent domain, in consultation with Hartford's mayor and according to the procedures redevelopment agencies use when taking property;
3. planning for, acquiring, financing, constructing, developing, owning, operating, marketing, promoting, and maintaining facilities;
4. entering into contracts;
5. marketing and promoting the region to attract national, regional, and local conventions, trade shows, and other events to increase the use of CRDA's exhibition, sporting, and entertainment facilities;
6. borrowing money, issuing bonds, and entering into credit and other agreements to make the bonds more marketable;
7. collecting fees and rents from the facilities it develops and adopting procedures for operating and occupying them;
8. engaging independent professionals, such as lawyers, accountants, and architects;
9. adopting and amending procurement procedures; and
10. receiving money, property, and labor from any source, including government sources.

§§ 189-191—PLANNING REGIONS

Designating Planning Regions

By law, the OPM secretary must divide the state into logical planning regions by designating and redesignating the regions' boundaries. Under prior law, starting by January 1, 2012, the secretary had to analyze the regional boundaries at least once every 20 years and redesignate them if necessary. The act extends this deadline by two years to January 1, 2014. It also requires the secretary to conduct this analysis in consultation with the (1) chairpersons and ranking members of the Planning and Development Committee, (2) Connecticut Conference of Municipalities, (3) Connecticut Council of Small Towns, and (4) regional planning organizations. Under prior law, the OPM secretary conducted the analysis alone.

Under prior law, as part of the analysis, the secretary had to develop criteria to evaluate how urban centers affect neighboring towns. At a minimum, the criteria had to evaluate trends in economic development and the environment, including trends in housing patterns, employment levels, commuting patterns for the most common types of jobs, traffic patterns on major roads, and changes in how people see social and historic ties.

The act eliminates the requirement that he develop these criteria and instead requires him to evaluate:

1. opportunities for coordinated planning and the regional delivery of state and local services;
2. economic regions, including regional economic development districts and the comprehensive economic development strategies they develop;
3. labor market areas and workforce investment regions;
4. natural boundaries, including watersheds, coastlines, ecosystems, and habitats;
5. relationships between urban, suburban, and rural areas, including central cities and areas outside of the state;
6. census and other demographic information;
7. political boundaries, including municipal boundaries and congressional, senate, and assembly districts;
8. transportation corridors, connectivity, and boundaries, including metropolitan planning agency boundaries;
9. current federal, state, and municipal service delivery regions, including emergency, health, transportation and human services regions; and
10. the current capacity of each regional planning organization (RPO) to deliver diverse state and local services.

As under prior law, the analysis must specify a minimum size for logical planning areas based on the number of municipalities, total population, and total square mileage. The act requires the secretary also to consider whether the proposed planning region will have the capacity to successfully deliver necessary regional services.

The act authorizes the secretary to enter into contracts as necessary to complete the analysis. It makes any changes to the regional boundaries effective January 1, 2015, rather than on July 1 following the date when the secretary finished analyzing or modifying the boundaries, as prior law required.

Voluntary Consolidation of Two or More Regions

The act exempts from redesignation any two or more contiguous planning regions that voluntarily consolidate to form a single regional council of governments (COG) or regional council of elected officials. The act requires the new planning region to encompass at least 14 municipalities, but allows the secretary to waive this requirement. The secretary must approve the redesignated region by January 1, 2014.

Notifying Municipal Officers of Planning Boundary Revisions

The law requires the secretary to notify municipalities about the planning region revisions he proposes and establishes a process by which municipalities can contest them. The act extends, from January 1, 2012 to January 1, 2014, the deadline for the secretary to notify municipalities about the revisions.

By law, if a municipality's legislative body objects to the revision, its chief executive officer (CEO) must petition the secretary to attend a meeting with the legislative body to hear its objections. The CEO must do so within 30 days after receiving the notice. The petition must specify the meeting's place, date, and time.

The act extends, from 45 to 60 days, the time the CEO has to propose holding the meeting after submitting the petition. By law, the secretary or his designee must make every reasonable effort to attend this meeting or a meeting held on another date, which must fall within this period. If the secretary cannot make this meeting, he and the CEO may schedule the meeting for another date and time, which must fall within 210, instead of 120, days of the secretary's notice to the CEO.

By law, the legislative body must use the meeting to inform the secretary about its objections and the secretary must consider them. Under the act, the secretary has 60, instead of 45, days to notify the CEO about his decision on the proposed boundary changes. By law, he must state his reasons for the decision.

Voluntary Regional Consolidation Bonus Pool Payments for Redesignation

By law, OPM must make temporary Voluntary Regional Consolidation Bonus Pool payments to any two or more RPOs that (1) vote to merge, forming a new regional COG or council of elected officials, within a proposed or newly redesignated planning region and (2) submit a redesignation request to the secretary. Under prior law, the bonuses were (1) for FY 12 and FY 13 and (2) awarded on a first-come, first-served basis from any appropriation available for them until exhausted for the fiscal year.

The act (1) designates the Regional Performance Incentive account as the funding source for the bonus payments; (2) retains the requirement that the funds be awarded on a first-come, first-served basis; and (3) specifies that the payments are to offset reasonable consolidation costs, as the secretary determines. The Regional Performance Incentive account is a separate, nonlapsing General Fund account that, under existing law, funds the regional performance incentive grant program.

For FY 13 through FY 15, the act also requires the secretary to make supplemental bonus payments, within available appropriations, to any regional COG or council of elected officials created during these fiscal years through the consolidation of two or more regional COGs, councils of elected officials, or regional planning agencies. The supplemental payment is equal to 50% of the bonus payment made to offset the reasonable costs of voluntary consolidation. To qualify, the act requires the consolidated regional entity to encompass at least 14 municipalities, but it allows the secretary to waive this requirement.

EFFECTIVE DATE: Upon passage, except the provisions concerning bonus payments are effective July 1, 2012.

§§ 192-196 — CALCULATING TAX LIABILITY FOR MANUFACTURING REINVESTMENT ACCOUNT DEPOSITS AND WITHDRAWALS

Eligible Uses of Deposited Funds

The act specifies the rules manufacturers must use to determine the corporate business or personal income tax they owe when depositing or withdrawing money in a manufacturing reinvestment account. Small manufacturers (50 or fewer employees) may establish these accounts and defer paying taxes on the money they deposit in them until they withdraw funds for a range of eligible uses, including purchasing machinery and equipment and manufacturing facilities. Under prior law, withdrawals were taxed at 3.5%, regardless of whether the manufacturer was organized as a corporation, or other type of business entity in which the partners pay personal income taxes on the income they derive from the business.

As discussed below, the act changes how withdrawals are taxed, but also specifies that a reduced tax rate applies to a withdrawal only if the funds will be used (1) to purchase machines and equipment that will be used in Connecticut or a manufacturing facility or (2) for training, developing, or expanding a workforce here.

The law allows manufacturers to establish an account for five years, after which they must pay taxes on the balance at the applicable tax rate. The act specifies that the five-year period starts when the account is established.

Tax Deferrals on Deposits

The law allows manufacturers to defer paying taxes on funds they deposit in a manufacturing reinvestment account, but limits the total amount each manufacturer may annually deposit to the lesser of \$100,000 or 100% of its domestic gross receipts. The act limits the tax deferral to that portion of the deposit the manufacturer

cannot deduct from federal taxes. As explained below, the manufacturer pays reduced taxes only on that portion when it is withdrawn from the account.

Determining Tax Liability on Distributions

The tax liability on an amount a manufacturer withdraws from an account for the current or preceding tax year depends on whether the manufacturer (1) excluded that amount from gross income when calculating its federal taxes and (2) used the amount withdrawn for an eligible purpose. If the amount was excluded from federal taxes, the manufacturer must adhere to these rules for determining its tax liability:

1. if the manufacturer withdraws the amount and uses it for an eligible purpose, it may exclude half of the amount from its calculation of net income for corporation business taxes or Connecticut adjusted gross income for income taxes for the applicable tax year;
2. if the manufacturer withdraws the amount and uses it for an ineligible purpose, it must add the entire amount to net income; or
3. if the manufacturer does not withdraw the amount and it remains in the account after the five-year period expires, it must add the amount to net income.

Interest Accrual

The act allows manufacturers to accumulate interest income on the funds they deposit in a manufacturing reinvestment account. By law, they can deposit up to \$100,000 per year or 100% of their domestic gross receipts, whichever is less, for up to five years. Under prior law, manufacturers had to pay taxes on interest income that exceeded the statutory limit. The act eliminates this requirement, thus allowing them to accumulate interest during the five-year period above the statutory limit without paying taxes on the increment. But, at end of this period, it requires any balance, including interest earnings, to be returned to the manufacturer and subject to tax, as described above. EFFECTIVE DATE: Effective upon passage, except for the rules for determining the tax liability on withdrawals take effect upon passage and apply to income years beginning on or after January 1, 2011

§ 197 — URBAN REVITALIZATION PILOT PROGRAM

The act requires the DECD commissioner, within DECD's existing resources, to establish a pilot program in one or more distressed municipalities to foster revitalization and stabilization in urban neighborhoods by facilitating the acquisition and renovation of one- to

four-family homes and prioritizing owner-occupancy.

The DECD commissioner must provide the Housing Committee (1) with a status report on the program by February 1, 2013; (2) an interim report by January 1, 2014; and (3) a final report by January 1, 2015.

Program Goals and Promoting Participation

The program's goal is to increase homeownership in targeted neighborhoods with high proportions of one- to four-family properties. In doing so, it must give priority to owner-occupancy in buildings that are for sale, vacant, deteriorated, in foreclosure, or bank- or investor-owned. To accomplish this goal, the act requires the program administrator, as necessary, to:

1. draw on diverse public and private funding sources and programs, including foundations, local loan funds, and programs administered by departments or agencies other than DECD, such as CHFA;
2. use public funds to leverage private resources;
3. provide financing or investment to support property purchase, rehabilitation, construction, demolition, energy efficiency, and aesthetic improvements, including financial products that promote homeownership (e.g., down payment assistance), and identify other financial resources to support such activities;
4. offer incentives to investors to develop tenants into owners, apply income restrictions to housing units to ensure affordability, and conduct energy efficiency improvements to meet weatherization goals;
5. identify and coordinate access for program participants to (a) rental assistance and foreclosure prevention resources and (b) other resources that will increase homeownership, stabilize or decrease occupancy costs, and stabilize neighborhoods;
6. provide assistance to (a) individuals who are or will become homeowners and (b) nonprofit and for-profit entities that will buy and rehabilitate properties for resale;
7. provide support services to program participants who are or will become homeowners to maximize the likelihood of their success in maintaining long-term homeownership, including (a) training in skills necessary to be an effective landlord and (b) assistance in resolving problems that may arise after closing on a home;
8. identify and structure incentives to encourage program participation by lenders, investors, and developers with a goal of promoting homeownership; and

9. help program participants to find purchase financing and counseling before and after any purchase and direct them to programs that provide deferred, low, or no-interest or forgivable loans, including the state Rental Housing Revolving Loan Fund.

Program Parameters and Administration

Under the act, the DECD commissioner must (1) by October 1, 2012, establish program parameters and (2) by January 1, 2013, designate at least one municipality to participate.

Anyone who receives program assistance to acquire or renovate must agree to occupy the home, or a unit in it, as his or her primary residence for at least five years or transfer it to someone who agrees to do so. The act does not specify what happens if someone receiving assistance stops complying with this requirement. The act authorizes the program to give priority to first-time home buyers and people living in a targeted neighborhood.

The act authorizes DECD to contract with at least one statewide nonprofit organization to administer the program and establishes requirements for the program administrator. It requires the program administrator to:

1. target neighborhoods where concentrated resources can have a substantial impact on revitalizing and stabilizing the surrounding community and
2. recruit community stakeholders to provide active support for the program, including local banks, local boards of realtors, neighborhood revitalization zone committees, community-based organizations, community development financial institutions, and similar entities.

EFFECTIVE DATE: Upon passage

§ 198 — EXTENSION OF JOB EXPANSION TAX CREDIT

The act extends the \$900 per month job expansion tax credit to employers hiring Connecticut residents who receive DMHAS services or participate in DSS-funded or –operated programs providing employment opportunities and day services. An employer qualifies for the credit if these new hires work at least 20 hour per week for at least 48 weeks in a calendar year. Under the act, the employer continues to qualify for the \$900 credit for hiring employees who meet this minimum work hour requirement and receive vocation rehabilitation services from the Bureau of Rehabilitation Services.

By law, an employer also qualifies for the \$900 credit or a \$500 per month credit for hiring other types of new employees. It qualifies for the \$900 credit if the

new employee (1) is a current armed forces member or was honorably discharged or released from active service or (2) receives unemployment compensation benefits or has not had a full-time job since exhausting those benefits. In either case, the employee must work at least 35 hours per week for at least 48 weeks in a calendar year. The employer also qualifies for the \$500 per month credit for all other new employees who meet this minimum work hour requirement and reside in Connecticut. It cannot claim credits for new employees hired to fill temporary or seasonal jobs.

The employer must meet the law's other criteria to claim the credits. It must create a minimum number of jobs depending on the number of people it employs when it applies for the credit. Businesses with 50 or fewer employees must create at least one new job; those with 51 to 100 employees must create at least five; and those with 100 or more employees must create at least 10. These employees must remain on the employer's payroll during the three-year period it is eligible for the credits.

Besides meeting the employee criteria, the employer must (1) have been in business for 12 consecutive months before applying for the credits and (2) be liable for insurance premium, corporation business, utility company, or personal income taxes. Further, the jobs for which the employer claims the credits must not have existed in Connecticut before it applied for them. The credits are available for jobs created between January 1, 2012, and January 1, 2014 and filled with eligible employees.

The credits are administered by the DECD commissioner. The act requires her to consult with the DMHAS or DDS commissioner, as applicable, about verifying whether a newly hired employee received such services.

EFFECTIVE DATE: July 1, 2012 and applicable to income or taxable years commencing on or after January 1, 2012.

§§ 199-201 — EXPRESS PROGRAM

The act expands and makes several programmatic changes to the Express Program, which consists of separate revolving loan, job incentive loan, and matching grant components. Some of the program's requirements apply to all of the components, some to specific ones. The act makes changes to both sets of requirements.

Eligible Businesses

The act opens the program's components to more businesses. Under prior law, a business qualified for assistance if it employed 50 or fewer people during at least half of its working days in the prior 12 months and

met other criteria. The business also had to be based in Connecticut, operate here, and registered to do business in Connecticut for at least 12 months.

The act extends Express assistance to businesses based in other states if they have been registered to do business here or in other states for at least 12 months and have operations in Connecticut (i.e., a subsidiary of a corporation). It also extends assistance to more small businesses by raising the employee threshold from 50 to 100.

By law, the business must be current on all state and local taxes and be in good standing with all state agencies.

Relocation Penalties

The act extends the time period during which a business receiving assistance under any component is subject to the statutory penalty for relocating out of state after receiving assistance (CGS § 32-5a). Under prior law, a business receiving Express assistance had to repay 100% of the assistance plus 5% if it relocated from Connecticut within five years after receiving the assistance. The act changes this period to five years or the loan's term, whichever is longer. As discussed below, the act sets the maximum repayment period for Express loans at 10 years.

Eligible Costs

The act expressly allows businesses to use revolving loan funds or matching grants to purchase machinery and equipment. Under existing law, revolving loans can already be used to acquire machinery and equipment, construct facilities or make leasehold improvements, cover moving expenses, or provide working capital. Matching grants can also be used for these activities and new and ongoing workforce training.

Loan Amounts and Terms

The act extends the maximum period for repaying a revolving loan from five to 10 years. Under existing law and the act, the commissioner can charge up to 4% interest on these loans.

The act increases the maximum job incentive loan from \$250,000 to \$300,000. Prior law authorized loan amounts ranging from \$10,000 to \$250,000, but set no interest rate or repayment term for them. The act (1) allows the commissioner to charge up to 4% on the loans and (2) sets the repayment period at up to 10 years. Under the act, as under prior law, the commissioner may forgive these loans or defer their repayment.

Administrative Changes

The act makes several administrative changes in the Express program. It allows the commissioner to run the program by partnering with lenders participating in the Connecticut Credit Consortium, a DECD-administered small business assistance revolving fund.

The act specifies how the commissioner must help Express program applicants obtain assistance from the Subsidized Training and Employment Program (STEP), which is administered by the Labor Department. Prior law required her to work with them to provide a package of assistance from STEP and other appropriate state programs. The act allows the DECD commissioner to refer applicants to STEP instead of providing an assistance package that includes STEP.

The act establishes a separate, nonlapsing General Fund account for Express that must contain any funds the law requires to be deposited there, principal and interest loan repayments, and any other funds DECD receives for Small Business Express assistance. DECD and its administrative partners can use the account to cover administrative expenses and other operating costs.

Bonding

The act changes the bond allocations for the Express program’s three components. PA 11-1, October Special Session, authorized \$100 million in bonds for the program, \$50 million in FY 12 and \$50 million in FY 13. It also divided the \$100 million authorization among the components. Specifically, it allocated \$40 million to the revolving loan component, \$20 million in FY 12 and \$20 million in FY 13. This act simultaneously (1) reduces this component’s allocation by \$20 million, \$10 million per year in FY 12 and FY 13 and (2) increases the total allocation for the job creation incentive component from \$20 million to \$40 million, \$20 million in FY 12 and \$20 million in FY 13. EFFECTIVE DATE: Upon passage

§§ 202-203—STEP

Eligible Businesses

The act expands and makes programmatic and administrative changes to STEP, which subsidizes the costs of training and compensating new employees during their first six months on the job. The subsidies are different for small manufacturers and other types of small businesses, but the eligibility criteria are mostly the same.

The act opens STEP to more small businesses and small manufacturers. Under prior law, a business qualified for STEP if it employed 50 or fewer people during at least half of its working days in the prior 12

months and:

1. was based and operated in Connecticut,
2. had been registered to do business in Connecticut for at least 12 months, and
3. was current on all state and local taxes.

The act extends STEP assistance to businesses based in other states if they have been registered to do business here or in other states for at least 12 months and have operations in Connecticut (e.g., the subsidiary of a corporation).

The act opens the program to businesses employing up to 100 people and to retailers, which prior law explicitly excluded. The act specifies that the subsidies are available only to retailers’ new permanent full-time and part-time employees, not former temporary or seasonal employees.

Subsidy Schedule

The act resets the schedule for making subsidy payments to non-manufacturing small businesses. By law, the subsidies cover a portion of the training and compensation cost of each new employee, up to \$20 per hour. Under prior law, the portion declined over each new employee’s first six calendar months on the job.

The act changes the subsidy period from calendar months to a 180-day period divided into four sub periods, but does not change the subsidy levels, which range from 100% to 25%, as Table 1 shows.

Table 2: STEP Subsidy Schedule for Non Manufacturing Small Businesses

<i>Period</i>	<i>Subsidy Level</i>
Days 1-30	100%
Days 31-90	75%
Days 91-150	50%
Days 151-180	20%

(The subsidy for small manufacturers, which the act does not change, is a grant that phases out over six months. The maximum grant ranges from \$2,500 for the first month to \$1,600 for the last.)

Administrative Costs

The act increases the share of STEP funds that can be used to cover administrative costs and creates separate set-asides for different entities involved in running the program.

Prior law provided one set-aside, which could not exceed 4% of the allocated funds and allowed DOL to use it to pay outside consultants retained to run the program. The act allows DOL to also use this set-aside to retain the workforce investment boards to run the program.

The act creates a separate set-aside for covering STEP's marketing and operations costs. It allows DOL, in FY 13, to use up to 4% of STEP funds for these costs.

Reporting Period

The act sets deadlines for submitting each biannual report. Under prior law, DOL had to submit the first report by June 30, 2012, and subsequent reports every six months thereafter. Under the act, the report for the January to June period is due July 15, starting in 2012, and annually thereafter. The report for the July to December period is due January 15, starting in 2013 and annually thereafter.

Bonds

The act extends the period during which bonds authorized for STEP's small business and manufacturing components are available. The law authorizes \$20 million for STEP, with \$10 million available in FY 12 and FY 13. Prior law divided the annual authorization between the two components, authorizing \$5 million for each in FY 12 and FY 13. The act keeps the \$10 million bond authorization for each component, but makes it available over a three-year period from FY 12 to FY 14 without apportioning a specified amount per year. EFFECTIVE DATE: Upon passage

§§ 204-205 — UNEMPLOYED ARMED FORCES MEMBER SUBSIDIZED TRAINING AND EMPLOYMENT PROGRAM

Purpose

The act establishes the Unemployed Armed Forces Member Subsidized Training and Employment program, which is similar to STEP. The program provides grants subsidizing businesses' costs of hiring unemployed veterans during their first 180 days on the job. The act authorizes \$10 million in bonds for the program, with \$5 million available July 1, 2012 and the balance available in FY 14. The act requires the DOL commissioner to run the program and allows him to adopt implementing regulations.

Eligibility

Business. The program is open to any business that has operations in Connecticut, has been registered to do business here or in other states for at least 12 months, and is in good standing regarding all state and local taxes.

Employee. The business qualifies for a training and employment grant depending on the new employees' prior employment and veteran status. A new employee

(1) must be unemployed before the business hired him or her, regardless of whether he or she received unemployment benefits, and (2) cannot have been employed by a related person in Connecticut at any time during the 12 months before he or she was hired.

A "related person" is a business associated with the business hiring the employee. It can be a corporation, limited liability company (LLC), partnership, association, or trust. It is related to the hiring business if (1) it controls that business or is controlled by it or (2) it and the hiring business belong to a group of businesses controlled by another business.

Control is based on ownership of (1) stock in a corporation; (2) capital or profit interest in a partnership, LLC, or association; or (3) a beneficial interest in a trust, all according to federal tax law. Under the act, a business has control of a corporation if it owns enough stock to control at least half of the combined voting power of all classes. It has control of a trust if it owns at least half of its beneficial interest. The business must determine ownership based on the federal Internal Revenue Code's rules for determining the constructive ownership of stock.

The business' eligibility for the grant also depends on the new employee's veteran status. He or she must have been:

1. a member of the U.S. Armed Forces or Reserves or a state National Guard;
2. called to active service in support of Operation Enduring Freedom (Afghanistan) or presidentially authorized military operations against Iraq; and
3. honorably discharged after serving at least 90 days in an area the president designated by executive order as a combat zone, or separated from service earlier due to a Veterans' Administration-rated service-connected disability.

Training and Employment Grants

Businesses may apply to DOL for a grant for each employee meeting the above criteria. In doing so, they must describe the on-the-job training the employee will receive. The DOL commissioner or his designee must review and approve the training when reviewing the business' grant application.

The grant covers a portion of the cost of compensating the employee, not counting benefits, during the first 180 days on the job, up to a maximum of \$20 per hour. As Table 3 shows, the grant amount phases out during this period.

Table 3: Subsidy Schedule

<i>Period</i>	<i>Grant Amount as Percent of Employee's Wages</i>
Day 1-30	100%
Day 31-90	75%
Day 91-150	50%
Day 151-180	25%

The grant payments immediately end if the employee leaves the business before the end of the six-month period. A business receiving a grant under this program cannot receive (1) a second grant for an employee who remains after this period or (2) a STEP grant.

Administrative Costs

The act allows a portion of the funds allocated for the program to cover administrative costs and creates two separate set-asides for different entities involved in running the program. It allows DOL to use up to 4% of the funds to cover the costs of retaining the workforce investment boards or outside consultants to run the program. In FY 13, the act also allows DOL to use up to 4% of the funds to cover the program's marketing and operations costs.

Reporting

The DOL commissioner must report biannually on the program to the Appropriations; Commerce; Finance, Revenue and Bonding; Labor; and Veterans committees. Each six-month report must include available data on the number and types of businesses that received training and employment grants and the number of unemployed veterans hired because of these grants.

The biannual report covering the January to June period is due July 15, starting in 2013, and annually thereafter; the report covering the July to December period is due January 15, starting in 2014, and annually thereafter.

EFFECTIVE DATE: Upon passage, except the bond authorization takes effect July 1, 2012.

§ 206 — "CONNECTICUT-MADE" MARKETING CAMPAIGN

Purpose

The act requires the DECD commissioner to encourage the development of the state's manufacturing and production sectors by establishing and administering a program that promotes the marketing of Connecticut-made products. The commissioner must

administer the program within available appropriations. She may also adopt implementing regulations.

Program Components

The act specifies the components the commissioner must include in the program. She must:

1. provide for the design, planning, and implementation of a multiyear, statewide marketing and advertising plan that includes television and radio advertisements showcasing Connecticut-made products and the advantages they offer;
2. establish and continuously update an associated website that lists Connecticut manufacturers, the products they make, and the retailers that sell them;
3. help Connecticut manufacturers and producers needing assistance access appropriate economic development organizations; and
4. foster contacts and relationships between businesses making or producing Connecticut products and retailers, marketers, chambers of commerce, regional tourism districts, and other potential institutional customers (i.e., program stakeholders).

The last component includes providing a feature on the DECD website linking Connecticut manufacturers and producers with potential buyers and staging statewide or regional promotional events where these groups can participate.

In addition to these required components, the act allows the commissioner to make grants, within available appropriations, to individuals and businesses that promote and market Connecticut-made products. Grant recipients must clearly incorporate the phrases, "CONNECTICUT-MADE" or "CT-Made" in their promotional and marketing activities.

Business Participation

The act requires the commissioner to engage the program's stakeholders in its activities. She must make her best efforts to solicit their cooperation and participation in advertising Connecticut products; developing the website; and planning events, including soliciting private funds to match state funds.

Annual Reports

Beginning January 1, 2013, the act requires the commissioner to submit annual status reports to the Commerce Committee. The reports must describe the program's activities and the amount of private matching funds DECD received and spent.

EFFECTIVE DATE: October 1, 2012

§ 207 — CONNECTICUT TREASURES

The act requires the DECD commissioner, by October 1, 2012, to develop a program to designate culturally, educationally, and historically significant locations as “Connecticut Treasures” and promote them or state-owned and -operated museums. The commissioner must do this in consultation with the Tourism Advisory Committee.

The program must also integrate DECD’s existing programs in promoting these locations and museums to adults and children. In doing so, it must offer a “Connecticut Treasures Passport,” which must provide free or reduced admission to the designated treasures and all state-owned and operated-museums for children under age 18 accompanied by an adult.

EFFECTIVE DATE: Upon passage

§ 208 — MAIN STREET INVESTMENT FUND PROGRAM

The act makes administrative changes to the Main Street Investment Fund program, which provides grants for developing and improving commercial centers in relatively small towns. The grants are administered by the OPM secretary. The act allows the secretary to contract with a nonprofit entity to administer the program and use the funds to cover its reasonable administrative expenses. Under prior law, he could use the funds only to make property improvement grants.

EFFECTIVE DATE: Upon passage

§ 209 — FIRST FIVE PLUS PROGRAM

The act makes a programmatic change to the First Five Plus program, which provides loans, tax incentives, and other forms of economic development assistance to businesses committing to create jobs and invest capital within existing law’s timeframes. It also allows the commissioner to give a preference for First Five assistance to proposed business projects that will relocate overseas jobs to Connecticut. This preference is in addition to those the law already authorizes for:

1. manufacturers from other states or countries relocating to Connecticut,
2. businesses relocating their corporate headquarters here, and
3. business “redevelopment projects” the commissioner believes can create jobs and invest capital sooner than the law requires.

By law, a business receiving First Five assistance must commit to:

1. create at least 200 jobs within 24 months after the commissioner approves the assistance or
2. invest at least \$25 million and create at least 200 new jobs within five years after she approves the assistance.

By law, the commissioner’s authority to provide First Five assistance expires June 30, 2013.

EFFECTIVE DATE: Upon passage

§ 210 — BONDS FOR BUSINESS DEVELOPMENT PROJECTS

Extension of Small Business Development Programs

The act temporarily allows more small businesses to qualify for assistance under existing small business development programs. PA 11-1, October Special Session, increased the bond authorization for DECD’s Manufacturing Assistance Act (MAA) program and reserved a portion of each year’s authorization to assist businesses with 50 or fewer employees, doing both in two steps. It increased:

1. the FY 12 authorization by \$100 million, reserving \$20 million for these businesses and
2. the FY 13 authorization by \$240 million, reserving \$40 million for them.

The act raises the employee threshold for programs funded with the bonds reserved for these businesses to those with 100 or fewer employees, thus allowing more small businesses to qualify under these programs. But, by law, each fiscal year’s reservation expires at the end of the fiscal year, and any remaining authorization may be used only to fund businesses under the MAA.

Bond Reservation for Businesses Relocating Overseas Jobs

The act reserves a portion of the increase in the MAA bond authorization for businesses bringing overseas jobs to Connecticut. As mentioned above, PA 11-1, October Special Session, increased MAA’s FY 13 bond authorization by \$240 million and reserved \$40 million for small businesses. The act reserves an additional \$20 million from that authorization for businesses committing to relocate at least 100 overseas jobs to Connecticut. This reservation also expires at the end of FY 13, and any remaining authorization may be used for funding MAA projects.

EFFECTIVE DATE: Upon passage

§ 211 — DPH VACCINE WASTAGE POLICY

By October 1, 2012, the act requires DPH to post its most current vaccine wastage policy on its website. The department must (1) include in this policy a statement of the factors it used to make the policy and (2) update it as necessary to reflect the most current policy in effect. The act requires DPH to make a form available to health care providers to report instances when they do not receive a full order of a requested vaccine. DPH must track, record, and investigate all reported instances and post aggregate findings and

reasons for these findings on its website. It must do this within available resources by January 1, 2013, and biannually thereafter.

EFFECTIVE DATE: Upon passage

§ 212—CHILDHOOD IMMUNIZATIONS

PA 11-242 created a pilot program for certain health care providers who administer vaccines to children under the federal Vaccines For Children (VFC) program to choose under the federal program any vaccine the federal Food and Drug Administration (FDA) licenses, including any combination vaccine and dosage form, if it is (1) recommended by the National Centers for Disease Control and Prevention (CDC) Advisory Committee on Immunization Practices and (2) CDC made it available to DPH, which operates the VFC program under federal authority. DPH must provide the vaccine.

By law, if the DPH commissioner's required evaluation of the pilot program does not show a significant reduction in child immunization rates or an increased risk to children's health and safety, the program must expand to include all VFC providers. The act changes the program expansion date from July 1, 2012 to October 1, 2012.

It also extends this choice over vaccine selection to health care providers who administer vaccines to children under the state childhood immunization program. For such providers, the act covers the same vaccines as specified above, but with two additional conditions. The act specifies that the vaccines' availability is subject to the vaccines being included in the state program due to available appropriations. Moreover, the commissioner must determine that the vaccine is equivalent to the cost for vaccine series completion of comparable available vaccines. For this purpose, vaccines are considered comparable if they (1) protect against the same infections, (2) have similar safety and efficacy profiles, (3) require the same number of doses, and (4) are recommended for similar populations by the CDC.

Starting January 1, 2013, the act requires all health care providers who administer vaccines to children to obtain vaccines from DPH (presumably through the state child immunization program) under the same conditions specified above regarding choice over vaccine selection.

By law, the provisions expanding vaccine choices do not apply in the event of a public health emergency, attack, major disaster, emergency, or disaster emergency as defined in law.

Exceptions

Under the act, health care providers participating in the VFC or state childhood immunization programs are not required to procure or administer a vaccine provided by DPH if:

1. DPH directs them to procure the vaccine from another source, including during a declared state or national vaccine shortage or
2. they determine, based on their medical judgment, that (a) administering the vaccine is medically inappropriate or (b) administering another vaccine not authorized or supplied by DPH is more medically appropriate.

The act prohibits health care providers from selling, seeking, or receiving remuneration for any vaccine provided by DPH. But, it allows them to bill or charge for administering the vaccine.

Report

The act requires DPH to report to the legislature by January 1, 2014 on the effectiveness of implementing expanded vaccine choice and universal health care provider participation.

EFFECTIVE DATE: October 1, 2012

§§ 213 & 214—CHILDHOOD IMMUNIZATION INSURANCE ASSESSMENT

Assessment Application

By law, DPH operates a state childhood immunization program, under which, and within available appropriations, it must provide vaccines at no cost to participating health care providers. The program is funded by a "health and welfare" assessment on the state's health and life insurers. Under prior law, the assessment applied to all domestic health insurers specified in law. The act applies the assessment only to those domestic health insurance companies and HMOs that cover (1) basic hospital expenses, (2) basic medical-surgical expenses, (3) major medical expenses, and (4) hospital or medical services. It also excludes life insurers from the assessment and extends the assessment to (1) licensed third-party administrators (TPA) that provide administrative services for self-insured health benefit plans and (2) domestic insurers exempt from TPA licensure who administer self-insured health benefit plans (hereafter called "exempt insurer"). TPAs and exempt insurers must pay the assessment on behalf of the health benefit plans they administer.

Reporting Requirement

The act requires each health insurer, HMO, TPA, and exempt insurer to report annually by September 1 to the insurance commissioner on the number of insured or enrolled lives (enrollees) in Connecticut, as of the immediately preceding May 1, for which they are providing health insurance or administering a self-insured health benefit plan that provides the types of coverage listed above. This number must exclude enrollees in (1) Medicare, (2) DSS medical assistance programs, (3) workers' compensation insurance, or (4) Medicare Part C plans.

Any individual or entity that fails to file this report must pay a late filing fee of \$100 per day. The insurance commissioner may require anyone to produce records in his or her possession that were used to prepare the report for examination by the commissioner or his designee. If the commissioner determines there is a discrepancy between the actual and reported number of people insured or enrolled that was not made in good faith, the individual or entity must pay a civil penalty of up to \$15,000 for each report filed with such a discrepancy.

Assessment Determinations

The act requires the insurance commissioner, by November 1 instead of October 1, to annually determine each entity's assessment for the following year. Under the act, the commissioner must calculate the assessment by multiplying the number of reported lives by a factor he determines annually to fully fund the program's appropriation. (OPM determines the appropriation annually in consultation with DPH.) To determine the factor, the commissioner must divide the appropriation by the total number of reported lives. Under prior law, the assessment was a percentage of the appropriation determined by each insurer's share of health and life insurance premiums and subscriber charges.

The act requires the insurance commissioner, by December 1 instead of November 1, to annually provide each assessed entity with a statement of its proposed assessment. The assessment must be paid to the department by February 1 annually. Under existing law, any insurance company or HMO aggrieved by the assessment can appeal to Superior Court. The act extends this right to TPAs and exempt insurers.

§§ 215 & 216 — CAPTIVE INSURERS

PA 11-1, October Special Session, revised and expanded the laws governing captive insurance companies (i.e., captives), which are wholly owned subsidiaries of other companies that formed the captives to insure all or part of the other companies' risks. It

created a separate, nonlapsing captive insurance regulatory and supervision account for depositing Insurance Department fees and assessments related to captives and 11% of captive premium taxes.

The act eliminates the account, requires the revenue to be deposited in the Insurance Fund instead, and makes conforming technical changes. It also limits the statutory limits on captives' risks to risk retention groups, a type of captive insurer formed under the federal Products Liability Risk Retention Act, instead of all captives.

EFFECTIVE DATE: July 1, 2012, with the provisions eliminating the captive insurance regulatory and supervision account applying to calendar years beginning on or after January 1, 2012.

§§ 217 & 218 — CONNECTICUT HEALTH INSURANCE EXCHANGE BOARD MEMBERS AND EMPLOYEES

The act makes the healthcare advocate a voting member of the Connecticut Health Insurance Exchange board. She was previously an *ex-officio* nonvoting board member. The act also:

1. increases, from six to seven, the number of board members that constitutes a quorum,
2. expands outside employment and affiliations restrictions applicable to exchange board members and staff,
3. lengthens the term of the House majority leader's health care economist board appointee from one year to two years,
4. allows exchange employees to enroll in the state employee health plan if the exchange pays the enrollment costs, and
5. makes technical changes.

Outside Employment and Affiliations Restrictions

The law subjects exchange board members and staff to certain restrictions relating to their employment and affiliations. The act expands upon these.

Specifically, under law, a board appointee cannot be employed by, serve as a consultant to, be a board member of, be affiliated with, or represent an insurer, insurance producer or broker, health care provider, health care facility, or health or medical clinic. The act extends this restriction to all board members and staff.

By law, board members and staff cannot be members, board members, or employees of a trade association of insurers, insurance producers or brokers, health care providers, health care facilities, or health or medical clinics. The act also prohibits them from being consultants to such trade associations.

In addition to the restrictions described above, the law prohibits board members and staff from being

health care providers unless they receive no compensation as providers and have no ownership interest in a professional health care practice. A staff member may also be a health care provider if the exchange's chief executive officer approves the hiring to fill an area of needed expertise.

Board members may engage in private employment or in a profession or business, subject to any federal or state laws, regulations, and rules regarding ethics and conflict of interest.

The law specifies that it does not constitute a conflict of interest for a trustee, director, partner, or officer of any person, firm, or corporation, or any individual having a financial interest in the person, firm, or corporation, to serve as a board member. But such a member must abstain from any deliberation, action, or vote relating to the person, firm, or corporation.

EFFECTIVE DATE: Upon passage

§ 219 — CONNECTICUT HEALTH INSURANCE EXCHANGE ADVANCED FUNDING

The act permits the Connecticut Health Insurance Exchange's chief executive officer (CEO) to ask the OPM secretary for a funding advance of up to \$5 million from the General Fund if the CEO determines that (1) the exchange's current expenses exceed the amount of available cash and (2) an advance of funds from federal grants awarded to the exchange is not available. The CEO's request must be in writing.

If the OPM secretary approves the request, OPM must notify the treasurer and comptroller of the amount approved, and the comptroller must draw a warrant for disbursing the amount. The act prohibits the OPM secretary from approving any funding advance (1) until all prior advances have been repaid, (2) if sufficient federal grant awards to repay an advance are unavailable, and (3) after December 31, 2014.

The act requires the exchange to (1) process draw-downs of federal grant funds as soon as practicable and (2) repay the comptroller the amount advanced from the General Fund within seven business days after receiving the advance. The exchange and OPM must provide reports on any approved advances as the comptroller requires.

§§ 220 & 221 — KIRKLYN M. KERR PROGRAM

The act transfers, from BOR to UConn, responsibility for administering the Kirklyn M. Kerr veterinary medicine grant program. The program allows up to five Connecticut residents per cohort to attend Iowa State University's College of Veterinary Medicine and pay reduced tuition.

§ 222 — LOAN FORGIVENESS FOR TEACHING BILINGUAL EDUCATION OR ENGLISH LANGUAGE LEARNERS

The act establishes, within available appropriations, a loan reimbursement program for up to 20 educators who teach bilingual education or English language learners. Under the act, recipients of federal or state education loans who meet the program's criteria may receive reimbursements of up to \$5,000 per person, per year for a maximum of five years.

To be eligible for the program, a person must, on or after May 1, 2012:

1. (a) graduate from an in-state teacher preparation program and complete the state's teaching certification requirements or (b) hold a teaching certificate and complete an in-state program to obtain an endorsement in bilingual education or teaching English to speakers of other languages;
2. obtain such an endorsement if he or she has not already done so;
3. be employed at a Connecticut public school in a teaching position that requires such an endorsement; and
4. make a written commitment to remain employed in such a position at a Connecticut public school for at least five years after receiving the endorsement.

The act requires the Office of Financial and Academic Affairs for Higher Education (OFAAHE) to administer the program and allows the office to adopt regulations for this purpose. It requires OFAAHE's executive director to seek repayment of the reimbursement from any recipient who does not fulfill the five-year employment requirement. Under the act, for each year that the person does not meet the employment requirement, he or she must repay at least 20% of the reimbursement (e.g., a recipient who teaches for only three years must repay at least 40% of the reimbursement). The executive director must determine the manner of repayment.

§ 223 — YOUTH EMPLOYMENT

The act requires the DOL commissioner, in consultation with the Connecticut Employment and Training Commission, to develop youth employment strategies to bolster youth employment and address youth and young adult unemployment. The strategies must include educating employers about the job expansion tax credit program and the ability to claim the credit for hiring a qualifying young adult.

Additionally, the strategies must reflect the (1) impact of an aging population on youth and young adult employment and (2) importance of urban centers as

youth employment hubs. The commissioner must report on such strategies to the Higher Education Committee by December 31, 2012.

§§ 224 & 225 — CURRICULAR ALIGNMENT AND PILOT PROGRAM

Curricular Alignment (§ 224)

The act requires local and regional boards of education, in collaboration with BOR and the UConn Board of Trustees, to develop a plan to align Connecticut's common core state standards with college-level programs at Connecticut public higher education institutions. The standards and programs must be aligned within one year of Connecticut's implementation of the standards.

Pilot Program (§ 225)

The act requires the State Department of Education (SDE), by July 1, 2013, in collaboration with BOR and the UConn Board of Trustees, to develop a pilot program to incorporate the common core standards into priority school district curricula. The program must also, for the 2013-2014 through the 2017-2018 school years, align the districts' curricula with college-level programs at Connecticut public and independent higher education institutions.

Under the pilot program, the local or regional board of education for a priority school district must partner with BOR, the UConn Board of Trustees, and independent institutions' governing boards, as appropriate, to:

1. evaluate and align curricula,
2. test grade 10 or grade 11 students using a college readiness assessment developed or adopted by SDE,
3. use the results to assess college readiness, and
4. offer a support plan for grade 12 students

found to be unready for college.

The local or regional board must annually report the test results to SDE, BOR, UConn, and OFAAHE. The act does not include a reporting deadline.

EFFECTIVE DATE: July 1, 2012 except the pilot program is effective upon passage.

§§ 226-229 — SCHOOL CONSTRUCTION PROJECTS

The act exempts specified school construction projects from various statutory and regulatory requirements to allow them to qualify for state grants. These exemptions are referred to as "notwithstanding" provisions. Table 4 summarizes each exemption and the applicable conditions.

Table 4: Notwithstanding Provisions for Local School Projects

§	District	Project	Exemption, Waiver, or Other Change
226	New Haven	Bowen Field new construction	Makes the athletic field project (cost of up to \$11 million) eligible for state reimbursement including field illumination (a separate item for a cost of up to \$600,000) provided the application is submitted before June 30, 2013
227	Brooklyn	Brooklyn Middle School extension and alteration	Waives standard space specifications for the project
228	Manchester	Elisabeth M. Bennet Academy off-site chiller system for air conditioning	<ul style="list-style-type: none"> • Waives deadline for change orders and other change directives to make the project eligible for reimbursement provided (1) the change orders have been approved by bureau of school facilities and (2) Manchester ensures that there will be no other connections to the off-site chiller system other than the Bennet Academy • Waives requirement for bureau of school facilities plan approval before bid, provided plans and specification have been approved
229	Wethersfield	Extension and alteration project at Wethersfield High School	Waives competitive bidding requirement for architect fees provided the project meets all other requirements

EFFECTIVE DATE: Upon passage

§ 230 — YOUTH SERVICE BUREAU GRANTS

The act expands eligibility for SDE grants to youth service bureaus (YSBs) by making a YSB eligible for a grant starting in FY 13 if it applied by June 30, 2012, rather than by June 30, 2007. By law, a YSB may apply for state grants only after receiving approval for its town's required matching contribution. The grants are \$14,000 each, with any excess funds distributed among YSBs that received grants of more than \$15,000 in FY 95.

EFFECTIVE DATE: Upon passage

§§ 231-234 — GRANTS FOR EDUCATIONAL REFORM DISTRICTS

The act establishes four grants, including two for pilot programs, for educational reform districts. SDE and the education commissioner must administer the grants.

Educational reform districts are the 10 districts with the lowest student performance on statewide mastery tests, according to a district performance index established in PA 12-116. They are Bridgeport, East Hartford, Hartford, Meriden, New Britain, New Haven, New London, Norwich, Waterbury, and Windham.

Coordinated School Health Pilot Program (§ 231)

For FY 13, the act requires SDE to establish a pilot program to provide grants to two educational reform districts the commissioner selects to coordinate school health, education, and wellness and reduce childhood

obesity. Pilot programs must enhance student health, promote academic achievement, and reduce childhood obesity by bringing together school staff, students, families, and community members to (1) assess health needs; (2) establish priorities; and (3) plan, implement, and evaluate school health activities. They must include at least the following:

1. school nutrition services,
2. physical education,
3. a healthy school environment,
4. staff health and wellness,
5. family and community involvement,
6. health education and services,
7. school counseling, and
8. school psychological and social services.

The commissioner must establish program implementation guidelines for the selected districts to use and provide technical assistance and resources to the districts on implementing the programs. He must make a final report on the program by October 1, 2013, to the governor and the Appropriations and Education committees.

Wraparound Services Grant Program (§ 232)

The act requires the education commissioner, within available appropriations, to establish a program to provide grants to educational reform districts for (1) social-emotional behavioral supports, (2) family involvement and support, (3) student engagement, (4) physical health and wellness, and (5) social work and case management. It allows an educational reform district's school board to apply for a grant when and how the commissioner prescribes.

Parent University Pilot Program (§ 233)

For FY 13, the act requires SDE to provide grants for a parent university pilot program in two educational reform districts the education commissioner selects. Each parent university must provide educational opportunities both for parents district-wide and parents whose children attend certain schools and who live in certain neighborhoods.

The act allows an educational reform district's school board, or the board's nonprofit organization partner, to apply for a grant when and how the commissioner prescribes. It also allows SDE to accept private donations for the program as long as they do not limit the scope of the grants.

Science Grant Program (§ 234)

The act requires the education commissioner to establish a grant program, within available appropriations, for educational reform districts to

improve the academic performance of students in kindergarten through 8th grade in science, reading, and numeracy. It allows an educational reform district's school board to apply for a grant when and how the commissioner prescribes. In awarding grants, the commissioner must prioritize (1) programs partnering with schools with a record of low science performance and (2) after-school elementary programs with a record of improving science performance.

§ 235 — ACHIEVEMENT GAP TASK FORCE REPORTING DEADLINES

The act postpones reporting deadlines for the Achievement Gap Task Force. By law, the 11-member task force must address academic achievement gaps between Connecticut students and consider effective approaches to closing those gaps in elementary, middle, and high schools.

The act delays, from July 1, 2012 until January 15, 2013, the deadline for the task force to submit a master plan to eliminate the academic achievement gaps. By law, it must submit the plan to the Education Committee and the Interagency Council for Ending the Achievement Gap. The act also changes the schedule for the task force's annual progress reports on the plan's implementation from annually starting January 1, 2013 to annually starting July 1, 2013, except it continues to require the final progress report to be submitted by the task force's January 1, 2020 termination date.

EFFECTIVE DATE: Upon passage

§ 236 — PER-STUDENT GRANT FOR VO-AG CENTERS

PA 12-116 increases the annual state grant for each student attending a regional agricultural science and technology ("vo-ag") center from \$1,355 to \$1,750. It also prohibits local and regional boards of education that operate centers from using any increase in state funding to supplant local education funding for FY 13 or any subsequent fiscal year.

For FY 13, this act allows a local or regional school board to spend its per-student grant increase for its vo-ag program even if doing so causes it to exceed the total budgeted amount for education for FY 13 approved by its municipality or regional school district. It thus temporarily overrides statutes limiting the total amount a local or regional board of education may spend without additional authorization to the total specified in the town's or region's approved budget for the year.

§ 237 — FOODCORPS IN CONNECTICUT FUND TRANSFER

The act transfers \$27,000 that the budget act (PA 12-104) appropriated for the Department of Education

for Other Expenses to UConn's Cooperative Extension Service to coordinate FoodCorps in Connecticut for FY 13. FoodCorps is a national organization that sponsors young adults for a year of public service focused on healthy food education and choices for school children.

§ 238 — SCHOOL NUTRITIONAL RATING PILOT GRANT PROGRAM

The act requires the education commissioner to establish a school nutritional rating system pilot grant program to be implemented in school districts for the school years beginning July 1, 2012 and July 1, 2013.

The program must provide grants of up to \$50,000 to eligible applicants the commissioner selects in accordance with the act to adopt and implement a nutritional rating system to be used in at least one elementary, one middle, and one high school in a school district that:

1. provides information on the nutritional value of school cafeteria food to guide student food choices and
2. assists local and regional boards of education in food procurement decisions.

Eligible Applicants

Under the act, an eligible applicant can apply to the commissioner for a grant when and how the commissioner prescribes (but the act also requires the program to be implemented starting with the school year beginning July 1, 2012). The act allows local or regional boards of education to apply individually or as a group. To be eligible, applicants must have at least one elementary, one middle, and one high school located in the school district or districts.

An eligible applicant receiving a grant must monitor and report to the commissioner on whether the development or adoption of the nutritional rating system affected student food-purchasing patterns.

Applicant Selection

The commissioner must select at least three but not more than five applications submitted by eligible applicants. He must select at least one eligible applicant from each of the following resident student population groups: (1) fewer than 1,000 students, (2) at least 1,000, but fewer than 10,000, and (3) at least 10,000.

Donations and Reporting

The commissioner may accept private donations for the grant program, provided the donations do not limit the scope of program grants.

He must submit a report by October 1, 2014, assessing the program and including any recommendations relating to its expansion to the Education Committee. He must consult with the participating school district food service directors in developing the report and recommendations.

§ 239 — STATEWIDE SCHOOL NUTRITIONAL FOOD PROCUREMENT GUIDE

The act requires the education commissioner to submit to the Education Committee, by July 1, 2013, a report and recommendations on establishing a statewide food procurement guide to be used by local and regional boards of education. He must consult with food service directors for school districts throughout the state in developing the report and recommendations. The guide must contain nutritional rating information for food that boards of education most commonly procure.

§ 240 — DIVISION OF SCIENTIFIC SERVICES HEAD

Prior law required the DESPP commissioner, or a deputy commissioner he designated, to serve as head of DESPP's Division of Scientific Services. Under the act, if the commissioner does not fill the role himself, he must appoint a director, rather than a deputy commissioner, to fill it. The act puts the director in the unclassified service and requires that he or she serve at the commissioner's pleasure.

EFFECTIVE DATE: Upon passage

§ 241 — E 9-1-1 TELECOMMUNICATIONS FUND

The act requires the Office of State-Wide Emergency Telecommunications (OSET), by January 1 annually, to prepare and submit the annual budget for the Enhanced 9-1-1 (E 9-1-1) Telecommunications Fund to the Office of Policy and Management secretary for review and approval. By January 15 annually, it requires the secretary to submit a report of the proposed use of the money in the fund to the Appropriations; Finance, Revenue and Bonding; and Public Safety and Security committees.

OSET administers the state's E 9-1-1 program, which provides dispatch services to people who call 9-1-1. By law, the Telecommunications Fund must be used exclusively for E 9-1-1 program expenses.

§ 242 — AMENDMENTS TO AGREEMENTS WITH TRIBES

The act deems approved the amendments to the state's settlement agreements with the Mohegan and Mashantucket Pequot tribes regarding promotional programs under which the tribes provide certain casino

customers with coupons, credits, or both to play slot machines for free, up to the face value of the coupons or credits.

Under the amendments, each tribe has agreed that whenever the coupons or credits used in any month exceed 11%, instead of 5.5%, of gross operating slot machine revenue, the tribe will contribute 25% of the excess amount to the state. The 25% contribution is based on a memorandum of understanding each tribe has with the state, giving the tribes the exclusive right to operate video slot machines in Connecticut in exchange for 25% of the gross operating revenue from slot machines.

EFFECTIVE DATE: Upon passage

§§ 243-247 & 291 — STATE POLICE STAFFING

From the date the act passes until July 1, 2013, the act eliminates the 1,248 minimum sworn police officer staffing requirement for the Division of State Police. It instead requires the DESPP commissioner to appoint and maintain the number that he judges and determines sufficient to efficiently maintain the division. Beginning July 1, 2013, it requires him to set the number in accordance with standards recommended by LPRIC and outlined below.

The act eliminates a requirement for the commissioner to report annually on troop projections to the Appropriations and Public Safety and Security committees and inform them of the need to authorize a trooper trainee class. Instead, biennially, beginning by February 1, 2013, it requires the commissioner to submit to the committees an assessment of the number of officers needed for the biennium beginning the following July 1. If he recommends fewer than 1,248, he must include an assessment of the impact on public safety and any potential negative impact specifically attributable to the lower number.

Program Review Study

The act requires LPRIC to conduct a study to develop standards that the commissioner must use in setting the state police officer staffing level for purposes of the biennial budget. It must submit the report, by January 9, 2013, to the Public Safety and Security Committee and send a copy to the DESPP commissioner.

In developing the standards, the LPRIC Committee must consider:

1. technological improvements,
2. federal mandates and funding,
3. statistical data on crime rates and type,
4. patrol staffing positions,
5. staffing of positions within the State Police and DESPP that do not require the exercise of

- police powers,
6. changes in municipal police policy and staffing, and
7. other criteria LPRIC deems relevant.

Auxiliary Officers

The act makes a conforming change as it relates to auxiliary officers. These officers mainly help disabled motorists, help with traffic control at accident scenes, and perform administrative functions.

The act also makes technical changes.

EFFECTIVE DATE: Upon passage, except one technical change is effective July 1, 2012 and one is effective October 1, 2012.

§ 248 — DAS MEMORANDUM OF UNDERSTANDING

The act requires DAS to enter into a memorandum of understanding (MOU) with each state agency for which it provides personnel, payroll, business office, and affirmative action functions. Each MOU must establish DAS's and the agency's responsibilities regarding these services, which DAS provides through its SmART Unit.

The act requires DAS and each agency to enter into the MOUs by October 1, 2012, or three months after DAS begins providing services to the agency, whichever is later. DAS must report on the status of each MOU by these same dates to the Appropriations Committee through the Office of Fiscal Analysis.

§ 249 — P-CARD LIMIT INCREASE

The act raises, from \$10,000 to \$250,000, the limit on state agency purchasing card (P-Card) transactions and purchases. It authorizes agencies to exceed this limit if they receive written approval from the comptroller and DAS commissioner. By law, the comptroller may allow budgeted state agencies to use P-Cards instead of separate purchase orders for approved state purchases.

The P-Card program is a credit card program that DAS and the State Comptroller's Office co-sponsor. Each agency and state employee receiving a P-Card is bound by the limits, policies, and procedures outlined in The State of Connecticut Purchasing Card Program Cardholder Work Rules and the Agency Purchasing Card Coordinator Manual. Under the program, individual agencies prescribe approved state purchases and are liable for all authorized charges made by their employees. Individuals are responsible for repaying improper charges and are personally liable for card misuse.

§ 250 — AIR EMISSIONS TESTING PAYMENTS

The act requires a resources recovery facility owner to pay the cost of all testing or any other activity eligible for payment. Prior law required an owner to pay for certain specified emissions testing, and other testing costs or activity eligible for payment were paid from the General Fund. It required resources recovery facility owners to pay for:

1. continuous meteorological and emissions monitoring testing and a proportionate share of DEEP's telemetry costs;
2. initial permit performance testing such as for dioxin and furan emissions and residue, but not ambient air and ambient environmental monitoring for dioxin;
3. facility modification performance testing for DEEP approval of a new or amended construction or operating permit; and
4. other special testing needed to show DEEP permit compliance.

§§ 251-263 — UNDERGROUND STORAGE TANK (UST) PETROLEUM CLEAN-UP PROGRAM

Board Elimination

The act eliminates the UST Petroleum Clean-Up Review Board and designates DEEP as its successor. It requires the DEEP commissioner to administer the UST Petroleum Clean-Up Program.

The program is a federally approved program that provides payment and reimbursement for costs incurred in environmental investigation and remediation of leaking commercial tanks and certain related claims. It also enables owners and operators of federally regulated petroleum USTs to demonstrate financial responsibility (see below).

The act specifies that:

1. any application received by, filed with, or submitted to the board is considered received by, filed with, or submitted to the commissioner on the date it was received by, filed with, or submitted to the board and
2. any application approval, determination, or decision by the board is considered made by the commissioner.

It also makes many conforming, minor, and technical changes to the underground storage tank petroleum clean-up program statutes.

Program Applicants

The act requires the DEEP commissioner to determine whether an applicant is a small, mid-size, or large station applicant or a municipal or other applicant.

It prohibits him from ordering payment or reimbursement to an applicant until he makes this determination.

For purposes of the program, the act defines an "applicant" as anyone who filed a request or application for payment or reimbursement from the program.

The act defines an applicant as one who, at the time the program received its first application, owned, operated, leased, used, or had an interest in in-or out-of-state parcels of land on which a UST system was or had been previously located, as follows:

1. small station applicant, five or fewer separate parcels;
2. mid-size station applicant, six to 99; and
3. large station applicant, 100 or more.

The commissioner must make one determination of each applicant's status, which applies to all applications the applicant submits, including those for which payment or reimbursement was ordered but has not been made. The act requires the determination to be based on an applicant's status (e.g., how many parcels with a UST system the applicant has or whether it is a municipal or other applicant) when the commissioner received such applicant's first application.

The act requires each applicant to submit to the commissioner (1) information about whether it is a municipal or other applicant, or a small, mid-size, or large station applicant on a form he prescribes and (2) any additional information he believes necessary to make the determination. When determining an applicant's status, the commissioner must (1) include all of the applicant's affiliates and (2) consider a UST system owned, operated, leased, or used by the applicant on another person's property to be an interest in a parcel. An "affiliate" is a person that directly or indirectly through at least one intermediary owns or controls, is owned or controlled by, or is under common control with an applicant.

The act requires assignees of approved applications to assume the applicant status of the assignor.

Payment or Reimbursement Application Deadline

Under the act, anyone who qualifies as a large station applicant must submit applications for payment or reimbursement before October 1, 2012.

The act allows anyone who qualifies as a mid-size station applicant to submit an application to the program by September 30, 2013, for a release reported to the DEEP commissioner before October 1, 2012, but not for a release reported on or after that date. It prohibits such applicants from submitting an application for payment or reimbursement beginning October 1, 2013.

The act allows anyone who qualifies as a municipal, other, or small station applicant to submit an application by September 30, 2014 for a release

reported to the commissioner before October 1, 2013, but not for a release reported on or after that date. Beginning October 1, 2014, these applicants may not submit an application for payment or reimbursement from the program.

Payment or Reimbursement from the Program

Funding Distribution to Applicant Groups. The act requires any amount available to the UST program for making payments or reimbursements to be equally distributed to the four applicant groups (municipal and other, and small, mid-size, and large station applicants), each receiving one-quarter of the funds. (PA 12-189 authorizes \$36 million in bonds for DEEP to provide payment or reimbursement under the program. It authorizes \$9 million in bonds for each of the four following fiscal years: FYs 13 - 16.)

The act creates a priority order for redistributing the remaining funds of any applicant group when the group has no (1) pending applications or (2) applications for which payment or reimbursement ordered by the DEEP commissioner has not been made. The remaining funds first go to paying or reimbursing municipal and other applicants. If funds remain after this redistribution they go to small station applicants. Any funds remaining after these redistributions go to mid-size station applicants. Any remaining funds go to large station applicants.

Procedure for Municipal, Other, and Small Station Applicants. The act prioritizes payment or reimbursement to municipal, other, and small station applicants by the date that the commissioner has ordered payment or reimbursement, beginning from the earliest order date. It specifies that if payment or reimbursement was ordered on the same day, the earliest application received by the commissioner is given priority. The payment priority applies to all submitted applications, including those for which payment or reimbursement has been ordered by the commissioner but not yet made.

Under the act, if there are insufficient funds to pay or reimburse these applicants, the priority order carries over to the next fiscal quarter and from year to year if necessary.

Procedure for Mid-Size and Large Station Applicants. The act requires mid-size and large station applicants to (1) accept a payment reduction or (2) wait until full payment or reimbursement is allowed under the act and all applicants accepting a payment reduction are paid. It creates a “reverse auction” system to make payments or reimbursements to mid-size and large station applicants, which applies to all submitted applications, including, those for which payment or reimbursement has been ordered but not yet made. (In a reverse auction, the lowest bids are accepted first.)

The act provides priority payment or reimbursement to the mid-size and large station applicants that agree to accept the greatest reduction in the amount ordered by the commissioner (the “reduced payment election”). If at least two applicants choose the same reduced payment election, priority is given to the application for which the commissioner first ordered payment or reimbursement. If he ordered payment or reimbursement on the same day, priority is given to the application received earliest.

Mid-size and large station applicants that do not accept a reduced payment do not get paid until (1) the fiscal year full payment is authorized and (2) all mid-size and large station applicants that made a reduced payment election receive the payments or reimbursements ordered by the commissioner (FY 19 and FY 28 or later, respectively, see below). Among these applicants, priority is determined by the date the commissioner ordered payment or reimbursement, beginning with the earliest date.

The act specifies that if there are insufficient funds to pay or reimburse mid-size and large station applicants, the priority carries over to the next fiscal quarter and from year to year, if needed. The priority order can change if an applicant makes a subsequent reduced payment election.

Mid-Size Station Applicant Payments. The act prohibits making payments to mid-size station applicants in the fiscal year beginning July 1, 2012, over 35 cents on each dollar the commissioner orders to be paid or reimbursed. This per dollar amount increases each subsequent fiscal year by 10 cents on each dollar but not to more than \$1, and no payment or reimbursement made can exceed the per dollar amount in effect for that fiscal year.

The act allows a mid-size station applicant to receive an additional 10 cents on each dollar of the amount the commissioner would pay if the applicant agrees in writing not to submit any applications for payment or reimbursement on and after October 1, 2012. But it prohibits an applicant from receiving more than \$1 on each dollar ordered to be paid or reimbursed. The act also prohibits using the additional funds to determine an applicant’s priority status for payment.

Large Station Applicant Payments. Beginning in the same fiscal year, payments made to large station applicants are capped at 20 cents on each dollar the commissioner orders to be paid or reimbursed. This per dollar amount increases each subsequent fiscal year by five cents on each dollar but not to more than one dollar. No payment or reimbursement can exceed the per dollar amount in effect for that fiscal year.

Reduced Payment Election. Under the act’s reverse auction system, annually between July 1 and August 1, mid-size and large station applicants must submit a payment election to the commissioner on a form he

prescribes indicating what reduced payment election the applicant accepts, if any. The commissioner can add time to submit the payment election.

An applicant does not need to submit this election if it (1) submits an application for the first time or (2) previously submitted a reduced payment election. First-time applicants must submit a payment election with their application.

The act requires an applicant's payment election to apply to all applications the applicant submits, including those for which the commissioner has ordered payment or reimbursement but not made. A payment election is effective no matter when the commissioner orders or makes the payment or reimbursement. The act (1) specifies that a payment election is final and (2) prohibits modifying an election unless an applicant agrees to a lower reduced payment election. An applicant may submit a new reduced payment election if agreeing to accept a lower payment election than in a previous submission.

Under the act, if an applicant accepts payment or reimbursement under a reduced payment election, the decision is final and constitutes full payment of all applications covered by the election. The act specifies that by accepting such payment or reimbursement, an applicant agrees it will not seek additional payment or reimbursement in an administrative or judicial proceeding for any cost, expense, or other obligation associated with the applications.

Financial Responsibility

By federal and state law, certain owners and operators of USTs must demonstrate the ability to pay for cleanup or third-party liability compensation from a tank release (40 CFR § 280.90 *et seq.* and Conn. Agencies Reg. § 22a-449(d)-109). Owners and operators can show financial responsibility through a state fund or other means such as insurance.

The act phases out the underground storage tank petroleum clean-up program as a financial assurance mechanism. Beginning October 1, 2012, it prohibits anyone required to meet the financial responsibility requirements who owns or operates at least one UST system on more than five separate parcels from demonstrating such responsibility through the program.

It prohibits (1) municipalities and (2) anyone who owns or operates at least one UST system on five or fewer separate parcels who must meet the financial responsibility requirements, from demonstrating such responsibility through the program starting on October 1, 2013.

The act requires UST owners or operators, within 30 days of a written request from the DEEP commissioner, to provide him with any information he believes is necessary to determine which deadline

applies to the owner or operator. All of an owner's or operator's UST systems in- and out-of-state must be included when making the determination.

Certification of Approval

By law, applicants seeking payment or reimbursement for UST investigation and remediation costs must show that the labor, equipment, and material provided and the services and activities undertaken in response to a release or suspected release are approved in writing. The DEEP commissioner or a licensed environmental professional (LEP) may approve total costs, expenses, or other obligations of \$250,000 or less. The commissioner must approve amounts over \$250,000, but he can allow an LEP to do so.

By law, an LEP must submit a specific certification for the approval, stating that the labor, equipment, material, services, and activities were (1) appropriate to abate an emergency or (2) performed under a plan to ensure that a release or suspected release is or was investigated and remediated. The act specifies that the certification must be executed. It also prohibits the commissioner from ordering or making payment or reimbursement from the program if an application that relies on LEP approval does not include such certification.

EFFECTIVE DATE: Upon passage

§§ 264 & 293 — EQUESTRIAN TRAIL USE IN STATE PARKS AND FORESTS

The act eliminates a requirement for the DEEP commissioner to (1) designate trails in state parks and forests for horseback riding and (2) preserve certain trails for equine use. It requires him instead to allow equestrian use on all, instead of designated, multi-use trails in state parks and forests, unless he specifically prohibits such use. It requires him to consult with the Equine Advisory Council before he decides to prohibit equestrians from a trail historically used for that purpose. This council was created by law in 2007 to help DEEP study the issue of preserving equine trails in Connecticut.

The act specifies that (1) it does not prohibit other public uses of the trails and (2) allowing equestrian use on multi-use trails is not to be considered an expansion of the trails. It also explicitly allows the commissioner to temporarily close a multi-use trail for safety reasons or to protect natural resources.

§§ 266-267 — JUVENILE COURTS AND FAMILIES WITH SERVICE NEEDS

The act specifies that children who were under age seven when they allegedly committed an otherwise-

qualifying act are ineligible for juvenile courts and Families with Service Needs (FWSN) services and programs. (Children are classified as FWSNs for such things as running away, skipping school, and defying parents or school authorities). These younger children qualify under existing law for behavioral health and related services under DCF's voluntary services program.

EFFECTIVE DATE: October 1, 2012

§ 268 — JUVENILE COMPETENCY

The act creates a court procedure for addressing questions about the competency of a child charged with a delinquent or FWSN offense. The procedure is similar to that used in adult court.

Under existing law and the act, children and youth (hereafter "children" or "child") are presumed to be competent. But if it appears at any time during a juvenile court delinquency, FWSN, or other court proceeding that the child may not be competent (i.e., cannot understand the proceedings or participate in his or her own defense), the law and act prohibit him or her from being tried, convicted, adjudicated, or subject to any court disposition. The act states that transfers from juvenile to adult court dockets are not dispositions and are therefore permissible, even if the child is not competent.

Court Hearing to Determine if Mental Examination is Warranted

Under the act, the child's attorney or the prosecutor may request a hearing to determine if a competency examination is warranted. The judge can also raise this question on his or her own motion. The act requires that the child be represented by an attorney whenever the court is considering a request for such an examination. (Existing law entitles children to legal representation throughout delinquency and FWSN proceedings.)

Under the act, the party raising the question of competency bears the burden of going forward with the evidence and proving, by a preponderance of the evidence, that the child is not competent. The prosecutor bears the burden of going forward with the evidence when the judge raises the issue. The judge may call his or her own witnesses and ask questions at this proceeding.

Competency Examinations

Under the act, the court must order a competency examination after the initial hearing if a preponderance of the evidence shows that (1) the examination is justified and (2) probable cause exists to believe that the child committed the offense with which he or she is

charged. The act requires that the examination be conducted, within available appropriations, by (1) a three-person clinical team constituted under policies and procedures established by the chief court administrator or (2) if the parties agree, a psychiatrist experienced in conducting forensic interviews and in child and adult psychiatry.

The act requires clinical teams to be composed of a clinical psychologist with experience in child and adolescent psychiatry and two of the following: a (1) licensed clinical social worker, (2) child psychiatric nurse clinical specialist holding a master's degree in nursing, or (3) physician specializing in psychiatry. At least one must have experience in conducting forensic interviews and at least one must have experience in child and adolescent psychiatry.

The act allows the child, at his or her own expense, to select a mental health professional with one of the above qualifications to observe the examination. If the child is represented by an attorney appointed through the Public Defender Services Commission, the Chief Public Defender's Office will provide an observer. In such cases, the act also allows a social worker employed by the commission to attend the examination.

Examinations must be completed within 15 business days of the date they were ordered, unless the court finds good cause for granting more time. The act directs the court to resume delinquency or FWSN matters whenever it finds the child competent.

Examination Reports. The act requires the clinical team or psychiatrist to prepare, sign, and file its report within 21 business days of the date of the court's examination order. The report need not be notarized, but must address the child's ability to (1) understand the proceedings or (2) assist in his or her own defense.

If, in the opinion of the clinical team or psychiatrist, the child does not meet one or both of the above criteria, the report must also include:

1. a determination if there is a substantial probability that the child will attain or regain competency within 90 days of a court-ordered intervention and
2. the nature and type of recommended intervention and the least restrictive setting possible for implementing it.

The act requires the court clerk to send the attorneys representing the state and child copies of the report at least 48 hours before the competency hearing.

Competency Hearing

The act requires the court to hold an evidentiary competency hearing within 10 business days of receipt of the clinical report. The child may waive his or her rights to this hearing if none of the examiners found the child incompetent.

At the hearing, either party can introduce the examination report or other evidence regarding a child's competency. If the report is introduced as evidence, the act requires at least one member of the clinical team or the psychiatrist, as appropriate, to be present to explain the basis for the report's determinations. The prosecutor and child can jointly waive this requirement.

Competency—Restoration Considerations

If the court finds that the child is incompetent, it must decide if (1) there is a substantial probability that competency will be restored within 90 days of a court-ordered intervention and (2) any proposed intervention is appropriate. To make the latter finding, the act allows the court to consider:

1. the nature and circumstances of the alleged offense,
2. how long the clinical team or psychiatrist estimates it will take to restore the child to competence,
3. if the child poses a substantial risk of reoffending, and
4. if he or she can receive community-based services or treatment that could prevent reoffending.

When Competency Restoration is Not Likely. If the court finds (1) there is not a substantial probability that the child will attain or regain competency within 90 days or (2) that the recommended intervention is not appropriate, it can order one of the following:

1. dismissal, if the child is charged with a delinquent act or FWSN offense;
2. that DCF assume temporary custody and notify the public defender's office, which must assign an attorney to serve as the child's guardian ad litem (representative of the child's best interest) and investigate whether an abuse and neglect petition should be filed on the child's behalf; or
3. that DCF or some other person, agency, mental health facility or treatment program, or the child's probation officer conduct or obtain an appropriate assessment and, where appropriate, propose a plan for services that appropriately address the child's needs in the least restrictive setting available and appropriate.

Under the act, any plan for services may include a provision allowing for interagency collaboration in order to transition the child to adult service providers when he or she reaches age 18.

When the court chooses to issue an order under options 2 or 3 above, it must hold a hearing within 10 business days to review the order of temporary custody or any recommendations made by DCF and the child's probation officer, attorney, and guardian ad litem.

When Competency Restoration is Likely. If the court finds a substantial probability that the child will attain or regain competency within 90 days if provided an appropriate intervention, the act requires it to schedule an intervention implementation hearing within five business days.

Under the act, such interventions must not exceed 90 days, unless extended for an additional 90 days under criteria the act establishes. Also, they must be provided by DCF, unless the child's parents agree to pay for these intervention services to be administered by another appropriate person, agency, mental health facility, or treatment program that agrees to provide appropriate intervention services in the least restrictive setting available and to comply with the act's competency provisions. (It is unclear to which provisions the act is referring.)

Before the hearing, the court must notify the DCF commissioner or her designee or the alternative service provider that it will be ordering an intervention at the hearing. It must provide the appropriate entity a copy of the clinical team's or psychiatrist's report. Before the hearing, the participating entity must inform the court how it proposes to implement the intervention plan.

At the hearing, the court must review the clinical report and order an appropriate intervention lasting no longer than 90 days and to be provided in the least restrictive setting available. The court must base its determination of "appropriateness" on the same criteria the act requires it to use in making this decision after the initial competency examination (see above). The court must also set a hearing date to reconsider the child's competency. The hearing cannot be held for at least 10 business days after the intervention period expires.

At least 10 business days before the scheduled hearing, the act requires the DCF commissioner or designee or the alternative treatment provider to file a report with the clinical team or psychiatrist regarding the progress of its intervention efforts. Under the act, the same clinical team or psychiatrist must then reassess the child. If one of these individuals is not available, the act authorizes the appointment of a new team that, where possible, includes at least one of the original members. The newly-appointed health care providers must have the same professional credentials as the original members, and must be given access to the intervention services provider's clinical information.

The act requires the team or psychiatrist to submit a court report reassessing the child's competency. The report must include:

1. the clinical findings of the intervention service provider and the facts upon which the findings are based;
2. the team's or examining physician's opinion as to whether the child has attained or regained competency or is making progress towards

restoration within the 90 days covered by the court's order; and

3. other information the court requests, including what method of intervention is being used and the type, dosage, and effect of any medication the child is being given.

The court must hold a hearing within two business days of the date on which the reassessment report was filed. The hearing's purpose is to determine if the child attained or regained competency during the intervention period. If the child remains incompetent, the court must determine whether further efforts are appropriate. It must consider the same criteria described above.

If the court finds that further efforts to attain or regain competency are appropriate, it must order a new competency restoration period lasting no more than 90 days. If it finds that further intervention is not appropriate or the child remains incompetent when the second period expires, it must enter an order meeting the same requirements as those the act requires in situations where competency restoration is not likely or appropriate (see above).

When DCF Finds the Child to Be Abused or Neglected

If DCF substantiates a claim of abuse or neglect or the court approves a new plan for services, the act permits the court to dismiss the delinquency or FWSN complaint or order that the prosecution be suspended for up to 18 months. It may also direct DCF to provide periodic reports while the prosecution is suspended to ensure that the child is receiving appropriate services. This option applies only to children (1) who have not been restored to competency and are unlikely to do so or (2) for whom the court has determined that no further intervention is appropriate.

If the child or his or her parent or guardian does not comply with the plan for services, the court may hold a hearing to decide whether to file its own DCF petition. Otherwise, it must dismiss the delinquency or FWSN matter on the earlier of the date on which (1) it finds that the suspension is no longer necessary or (2) the 18-month suspension period expires.

These provisions in the act apparently apply whether or not the child is competent.

EFFECTIVE DATE: October 1, 2012

§ 269 — ESTABLISHING PATERNITY IN ABUSE AND NEGLECT CASES

The act expands paternity testing requirements in certain DCF abuse and neglect proceedings. Under prior law, when a man named as the father of a DCF-involved child (a putative father) appeared at the department's initial hearing and denied paternity, the court had to advise him that he may be barred from

participating in further legal proceedings concerning the child and either (1) order genetic testing or (2) direct him to fill out and sign a court form used for denying paternity.

The act, instead, directs the court to order the testing. It creates a rebuttable presumption that the man is the child's father when (1) the test results indicate at least a 99% chance of paternity and (2) the court finds evidence that the child's mother and putative father engaged in sexual intercourse during the period in which the child was conceived. After the court gives the putative father the opportunity for a hearing, the act allows it to issue a judgment adjudicating paternity.

If the test results indicate that the person tested is not the child's father, the act requires, rather than allows, the court to issue a judgment to that effect.

Filing Paternity Documents

The act directs the court clerk to send a copy of the paternity judgment to DPH for inclusion in the department's paternity registry. It also directs him or her to do the same with paternity acknowledgment documents a man voluntarily signs at the initial court hearing. In the latter situation, the act requires the clerk to keep certified copies in the court file.

EFFECTIVE DATE: October 1, 2012

§ 270 — ROLE OF CHILD'S ATTORNEY IN ABUSE AND NEGLECT PROCEEDINGS

Existing law and the Rules of Professional Conduct specify that an attorney's primary role when representing a child is to advocate for his or her legal interests. The act creates an exception and requires attorneys to advocate for their clients' best interests if the child's age or other incapacity makes him or her incapable of expressing his or her wishes to the attorney.

§ 271 — LIMITING COURT DISPOSITIONS FOR DELINQUENT CHILDREN

The act eliminates the court's authority to order that a child it has adjudicated as delinquent be placed in the care of any institution or agency legally permitted to care for children. Instead, it must place the child in DCF custody and let DCF determine the appropriate placement. The court retains its authority to order all other dispositions permitted under existing law.

§ 272 — RELATIVES SEEKING GUARDIANSHIP

The law gives Superior Court judges discretion to grant relatives permission to intervene in proceedings involving children alleged or determined to have been abused or neglected once 90 days have passed since the

original court hearing. Prior law required that their intervention be for the purpose of obtaining permanent guardianship. The act substitutes the term “guardianship” for “permanent guardianship.” As neither term is defined in this context, the effect of this change is unclear.

EFFECTIVE DATE: October 1, 2012

§ 273 — CREATION OF “PERMANENT LEGAL GUARDIANSHIP” STATUS

The act expands the options open to Superior Court judges when they find a minor to be abused or neglected. It allows them to grant applicants the status of “permanent legal guardian,” which it defines as one (1) intended to last until the minor reaches age 18 and (2) that does not involve the termination of parental rights. It adds references to permanent legal guardians to most existing abuse and neglect laws that previously referred only to legal guardians. It creates a rebuttable presumption that relatives are suitable and worthy for permanent legal guardian appointments and makes permanent legal guardianship an optional permanent living arrangement for abused and neglected children.

Permanent legal guardians have the following rights and responsibilities, which are the same as those exercised by guardians appointed under the state Probate Code:

1. the obligation of care and control;
2. the authority to make major decisions affecting the minor's education and welfare, such as consent determinations regarding marriage; enlistment in the armed forces and major medical, psychiatric, or surgical treatment; and
3. upon the death of the minor, the authority to make decisions about funeral arrangements and the disposition of the body.

Appointing a Permanent Legal Guardian: Court Requirements

When the court determines a child has been abused, neglected, or uncared-for, existing law gives it discretion to commit the child to DCF's custody or grant legal guardianship to (1) an agency legally authorized to care for abused, neglected, and uncared-for minors or (2) any other “suitable and worthy” person, including one related to the child by blood or marriage. The law also allows the court to place the child in a parent or guardian's custody with protective supervision by DCF, subject to any conditions the court establishes.

The act additionally gives courts the option of appointing a permanent legal guardian. It requires the court to first notify the parents that they will not be able to petition the court to end this arrangement once the

court has made such an appointment. If the court is unable to provide this notice, the judge must explain on the record why its efforts failed.

The act authorizes courts to establish permanent legal guardianships when they find, by clear and convincing evidence, that this is in the child's best interests and:

1. one of the statutory grounds for termination of parental rights exists or the parents have voluntarily consented to the guardianship;
2. adoption is not possible or appropriate;
3. the child, if over age 12, consents to the appointment or, if he or she is younger, the proposed permanent legal guardian is (a) a relative or (b) already a sibling's or siblings' permanent legal guardian;
4. the child has lived with the applicant for at least a year; and
5. the person seeking this status is a suitable and worthy person, committed to remaining the child's permanent legal guardian and assuming the right and responsibilities for the child until he or she reaches age 18.

The act also makes conforming changes.

Reopening and Modifying a Permanent Legal Guardianship Appointment

The act allows the court to reopen and modify such an appointment and to remove a person serving as a child's permanent legal guardian when a motion is filed by someone other than the parent. The moving party must prove by a fair preponderance of the evidence that the guardian is no longer suitable and worthy. Under the act, the court must hold a hearing before terminating a permanent legal guardianship. It is authorized to appoint a successor to serve as the child's legal or permanent legal guardian using the same method described above.

EFFECTIVE DATE: October 1, 2012

§ 273 — HEARSAY EVIDENCE AT CONTESTED DCF HEARINGS

The act permits courts to admit credible hearsay evidence in proceedings held to decide on permanent living arrangements for abused and neglected children. “Hearsay” consists of statements made out of the court's presence that a party seeks to use to prove that a disputed fact is true. The act limits its use to disputes involving the adequacy of a parent's efforts to rehabilitate him- or herself in order to be reunified with his or her child.

EFFECTIVE DATE: October 1, 2012

§ 273 — PETITIONS TO REINSTATE
GUARDIANSHIP OF A PARENT OR OTHER
FORMER GUARDIAN

In cases in which the court has appointed a person to serve as an abused or neglected child's legal (not permanent legal) guardian, the act allows parents or others whose guardianship rights have been revoked to ask a Superior Court judge to reinstate them. When such requests are made, the court may order DCF to investigate and make recommendations based on the child's current home conditions and needs and the home conditions of the parent or former legal guardian seeking reinstatement.

The act authorizes courts to grant petitions if they find that the cause for revoking the guardianship no longer exists and reinstatement is in the child's best interests. Petitions must be filed at least six months apart and petitioners are generally not entitled to court-appointed counsel.

EFFECTIVE DATE: October 1, 2012

§ 274-279 — PERMANENT GUARDIANSHIP
APPOINTMENTS IN PROBATE COURT

The act allows probate court judges to appoint "permanent guardians" of a child's person, whose rights and responsibilities match those of permanent legal guardians appointed in Superior Court. Although the act adds procedures for such Superior Court appointments, the probate court rules already use them in guardianship cases.

The major differences between Probate and Superior court proceedings are that the Probate Court provisions:

1. allow the court to appoint permanent guardians at any time and
2. require it, when deciding on a prospective permanent guardian's appointment, to take into account (a) the person's ability to meet the child's daily needs, (b) the wishes of a child over age 12 (or younger if capable of forming an intelligent preference), and (c) whether the applicant has an established relationship with the child.

EFFECTIVE DATE: October 1, 2012

§ 280—CRIMINAL MATTERS TRANSFERRED
BETWEEN DELINQUENCY AND ADULT
DOCKETS

*Juvenile Court Cases Automatically Transferred to
Adult Docket*

The law requires juvenile courts presiding over delinquency matters to automatically transfer cases

involving children at least age 14 charged with certain crimes to the adult docket once an attorney has been appointed for the child. The crimes are class A or B felonies, arson murder, and capitol felonies (PA 12-5 eliminates the capitol felony classification for crimes committed after April 25, 2012, the date on which the state's death penalty was eliminated). Prosecutors can file motions asking to have cases involving class B or statutory rape charges returned to juvenile court. Under prior law, they had 10 working days to file their motions; the act allows them to do so at any time. The act also eliminates the requirement that the court (1) hold hearings and (2) issue rulings within 10 days. It also eliminates the requirement that court files involving cases transferred from the juvenile to adult docket be sealed.

*Motions to Transfer Lower-Level Felony Cases from
Juvenile to Adult Court*

Existing law permits prosecutors to file motions asking to transfer cases involving minors charged with class C, D, or unclassified felonies from the juvenile to adult criminal docket. Prior law permitted the court to grant these motions without holding a hearing. The act requires a hearing.

It also requires juvenile court judges to make additional findings before granting a transfer motion. Under prior law, they had to find that (1) the child was at least age 14 when the offense was committed and (2) there was probable cause to believe that the child committed the act with which he or she was charged. The judge made the second finding on an *ex parte* basis.

The act eliminates the requirement that probable cause determinations be made *ex parte*. It also prohibits the court from granting such motions unless it finds that the best interests of the child and public will not be served by maintaining the case on the juvenile docket. The act directs courts to consider:

1. the child's prior criminal or juvenile court convictions and their seriousness,
2. any evidence that the child has intellectual disability or mental illness, and
3. the availability of juvenile court services that can serve the child's needs.

It requires that motions filed under this provision seeking to transfer lower-level felony cases from juvenile to adult court be made, and any hearing held, within 30 days after the child's juvenile court arraignment.

The act also allows criminal court judges to return these cases to the juvenile docket at any time before a jury renders its verdict or the defendant enters a guilty plea. There was a 10-working-day deadline under prior law. The judge's decision must be based on a good cause showing.

Prior law required that arraignments and other court proceedings in cases transferred from juvenile to adult court take place on the next hearing date and in courtrooms separate from those where adult criminal proceedings were heard. The act eliminates both requirements. Finally, it specifies that proceedings concerning cases automatically transferred to the adult criminal docket are final from the date the child is arraigned until the court grants a prosecutor’s motion to transfer the case back to juvenile court. And proceedings involving cases discretionarily transferred to the criminal docket become final on the date the child is arraigned until the court orders the case returned to juvenile court.

EFFECTIVE DATE: October 1, 2012

§ 282 — SHEFF MAGNET SCHOOL SUPPLEMENTAL TRANSPORTATION GRANTS

Supplemental Grants for FY 12 Authorized

By law, magnet school operators that transport students to interdistrict magnet schools in towns other than where they live are eligible for a state grant for the cost of that transportation. For operators transporting such students to help meet *Sheff* goals, as determined by the education commissioner, the grant is \$2,000 per student.

This act authorizes the education commissioner, within available appropriations, to provide supplemental transportation grants for FY 12 to regional education service centers (RESCs) that transport students to *Sheff* interdistrict magnet schools. The state also provided such supplemental grants for FY 11. The act carries forward the unspent balance of an FY 12 appropriation for magnet schools to fund the grants (see next section).

Financial Review Requirement

By law, the supplemental grants are payable only after a comprehensive financial review of all transportation activities as prescribed by the education commissioner. In addition, the commissioner may require a RESC to provide an independent financial review, which can be paid for out of its supplemental grant. When the commissioner opts to require the latter review, the act also requires him to select an auditor to perform it.

Supplemental Grant Payments

The act changes the supplemental grant payment schedule to hold back more of the funds pending the financial review. For FY 11, up to 75% of the supplemental grant was payable by June 30, 2011 with the balance paid by September 1, 2011, on completion

of the comprehensive financial review. For FY 12, the act reduces the initial payment, payable by June 30, 2012, to a maximum of 50% of the grant. It requires the balance to be paid by September 1, 2012, on completion of the review.

§§ 283-285 — EDUCATION DEPARTMENT FUNDS CARRIED FORWARD

Instead of allowing them to lapse at the end of FY 12, the act carries forward the following SDE appropriations to FY 13 for the purposes specified.

Table 5: SDE Appropriations Carried Forward to FY 13

§	FY 12 Appropriation	Carried Forward For	Amount
283	Magnet Schools	<i>Sheff</i> programming, including paying supplemental magnet school transportation grants for RESCs, as described in § 282	Unspent balance
284	Magnet Schools Administration	Other expenses, for (1) litigation costs associated with the <i>Connecticut Coalition for Justice in Education Funding v. Rell</i> lawsuit and (2) school reform activities	Up to \$700,000
285	Interdistrict Cooperation	Other expenses, for technology initiatives with local and regional school boards	Up to \$200,000

EFFECTIVE DATE: Upon passage for the *Sheff* programming funds; July 1, 2012 for the other funds.

§ 286 — UNEXPENDED SCHOOL READINESS FUNDS

By law, the education commissioner may use up to \$500,000 in unexpended school readiness funds from each fiscal year in the following fiscal year to help early childhood education programs’ staff members meet the law’s qualification requirements.

The act expands the use of such funds to include providing staff with early childhood professional development offered by a professional development and program improvement system within the Connecticut State University System. It thus allows funds to go to staff who already meet the qualification requirements.

§§ 287 & 288 — MINIMUM LOCAL FUNDING REQUIREMENTS FOR ALLIANCE DISTRICTS

For FY 13, the act requires alliance districts to maintain a minimum level of annual local funding for education and establishes a separate minimum budget requirement (MBR) for such districts. Alliance districts are the 30 districts with the lowest student performance on statewide mastery tests, according to a district performance index established in PA 12-116.

The act requires each alliance district’s budgeted appropriation for education for FY 13 to at least (1) equal its budgeted appropriation for education for FY 12 and (2) meet the minimum local education funding

percentage for the year. Under the act, the minimum local funding percentage for FY 13 is 20%. The minimum percentage increases by one percentage point in each of the following four years, reaching 24% for FY 17.

The act allows the education commissioner to let an alliance district town reduce its FY 13 appropriation for education if it can demonstrate that its local contribution for education for FY 13 has increased compared to the local contribution used to determine its local funding percentage under the act. That percentage is determined by dividing, for the fiscal year two years prior to the ECS grant year, the district's:

1. total current education spending excluding (a) capital construction and debt service, private school health services, and adult education, (b) other state education grants, federal grants other than those for adult education and impact aid, and income from school meals and student activities, (c) income from private and other sources, and (d) tuition
2. by its total current education spending excluding only capital construction and debt service, private school health services, and adult education.

§ 289 — EDUCATION LOAN TO BRIDGEPORT

The act allows the education commissioner, with the OPM secretary's approval, to loan up to \$3.5 million to Bridgeport. The city must include the money in its budgeted appropriation for education for FY 12 and use it to cover education expenses incurred during that year.

The act carries forward a total of \$3.5 million from the following FY 12 appropriations to SDE and makes it available for the loan during FY 13: (1) \$2.3 million for Personal Services, (2) \$700,000 for *Sheff* Settlement, and (3) \$500,000 for the Open Choice Program.

As conditions of the loan, the education commissioner:

1. must require Bridgeport's board of education to select the school district's superintendent or chief financial officer from a pool of up to three candidates he approves and
2. may require the district to include additional process or outcome targets in its alliance district improvement plan required under PA 12-116.

The city must repay the loan by June 30, 2015, but the commissioner may:

1. allow repayment through reductions in Bridgeport's ECS grants in each year of the loan's three-year term and
2. with the OPM secretary's approval, forgive all or part of the loan if (a) the city complies with the loan conditions and (b) the commissioner

has approved its alliance district improvement plan.

§ 290 — INDIGENTS AND FRIVOLOUS LAWSUITS

The law requires the court to waive a court fee and the state to pay service of process costs for a party to a civil or criminal matter who is indigent and unable to pay. The act repeals a provision of PA 12-133 that required the court to determine that the matter was not frivolous before it waives a fee or the state pays for service of process.

EFFECTIVE DATE: Upon passage

§ 294 — REPEALERS

The act repeals:

1. obsolete provisions regarding the newly named Department of Rehabilitation Services (CGS §§ 17b-650b to -650d);
2. an obsolete two-year "reliable transportation" pilot program that sunsetted in 2000 to help workers and job seekers secure reliable transportation to travel to employment, educational programs, job training, and child care facilities (CGS § 17b-688j); and
3. a hospital rate-setting statute to conform with § 3 of the act (CGS § 19a-617c).

PA 12-2, June 12, 2012 Special Session—SB 501

Emergency Certification

AN ACT IMPLEMENTING CERTAIN PROVISIONS CONCERNING GOVERNMENT ADMINISTRATION

SUMMARY: This act makes many unrelated changes. Among other things, it:

1. allows certain taxpayers to receive property tax exemptions for particular grand list years even though they missed the statutory filing deadlines for them;
2. unless they receive a waiver, requires school districts to develop and implement teacher evaluation and support programs consistent with State Board of Education (SBE) guidelines by September 1, 2013 and makes other changes related to the education reform act;
3. allows the Office of Policy and Management (OPM) secretary or his designee to enter into an outcome-based performance contract with a social innovation investment enterprise in order to accept federal funding for demonstration projects promoting the reintegration of incarcerated or detained individuals into the

- community;
- 4. makes various changes to laws allowing municipalities to issue bonds to finance sewer projects;
- 5. exempts certain federally tax-exempt organizations that primarily provide insurance to veterans and their dependents from most Connecticut insurance laws;
- 6. authorizes conveyances of certain state property, amends two prior conveyances, and repeals four prior conveyances;
- 7. allows the OPM secretary, regardless of other state laws, to authorize state agencies to contract with private and nonprofit entities to facilitate the public’s electronic utilization of government programs and services;
- 8. modifies the charge for the home energy services audit program and temporarily suspends the cap on subsidies for audits for customers who heat with nonutility fuels;
- 9. requires electric companies to provide certain utility pole data to the geographic or geospatial information systems (GIS) analyst or coordinator, or other equivalent official, of any municipality, regional planning agency, regional council of elected officials, or regional council of governments who requests it;
- 10. requires the Clean Energy Finance and Investment Authority (CEFIA) to establish a separate property-assessed clean energy (PACE) program for qualifying commercial property (including multifamily buildings with five or more units) and allows municipalities to participate in the program under a written agreement approved by their legislative bodies;
- 11. allows CEFIA to (a) issue revenue bonds, (b) use the bond proceeds to promote renewable energy and the financing of energy efficiency projects, and (c) establish one or more special capital reserve funds for the bonds;
- 12. entitles CEFIA to part of the state’s annual private activity bond allocation; and
- 13. allows towns to phase in all or part of the decreases in real property assessments after a property revaluation.

EFFECTIVE DATE: Upon passage, unless otherwise noted below.

§ 1 — CHILD ADVOCATE

By law, the advisory committee to the Office of the Child Advocate must prepare and submit to the governor a list of candidates for child advocate, ranked in order of preference, within 60 days of a vacancy in the position. The act requires the committee to submit such a list to the governor by July 31, 2012 for a

vacancy occurring between January 2, 2012 and June 14, 2012 (such a vacancy did occur).

§ 2 — DEADLINES FOR CONSENSUS REVENUE ESTIMATES

The act extends the deadlines for:

- 1. the OPM secretary and the Office of Fiscal Analysis (OFA) director to issue the initial consensus revenue estimate for the current biennium and the three following fiscal years from October 15 to November 10 annually;
- 2. the comptroller to issue the initial estimate if the secretary and the director do not agree on a joint estimate, from October 25 to November 20 annually; and
- 3. issuing all consensus revenue estimates or revisions to the next business day when any statutory deadline falls on a weekend or legal holiday.

By law, the OPM secretary and the OFA director must issue (1) the first consensus revenue estimate by a specified date in the fall of each fiscal year and (2) any necessary consensus revisions of those estimates or a statement that no revision is needed by January 15 and April 30 annually. The law also specifies deadlines for the comptroller to issue an initial and any necessary revised revenue estimates if the OPM secretary and the OFA director cannot agree.

§§ 3-12 — FILING DEADLINES FOR CERTAIN PROPERTY TAX EXEMPTIONS

Manufacturing Machinery and Equipment (MME) and Commercial Vehicle Exemptions

The act allows certain taxpayers to receive property tax exemptions for particular grand list years, as shown in Table 1, even though they missed the statutory filing deadlines for them. The exemptions are for:

- 1. machinery and equipment used for manufacturing, biotechnology, or recycling (CGS § 12-81(72)) and
- 2. new and newly acquired commercial trucks (CGS § 12-81(74)).

Table 1: Exemption Application Deadline Waivers

§§	Town	Grand List	Type of Property
4,5	Windsor	2009 & 2010	MME
6	Seymour	2010	MME
8	Bridgeport	2010	MME
9	Waterbury	2010	MME
10	Hartford	2010 & 2011	Commercial trucks
12	Durham	2011	MME

By law, property owners must apply to local assessors for these exemptions by November 1 annually. The act waives this deadline for property owners in the towns and for the grand lists shown above, if they apply for the exemption by July 15, 2012 and pay the statutory late fee.

In each case, the local assessor must (1) verify eligibility for and approve the exemption and (2) refund any taxes paid on the property.

Request to Reconsider Denial or Modification of MME Exemption (§ 3)

The act allows a taxpayer in Danbury to file a written request with the OPM secretary to reconsider the secretary's modification or denial of the town assessor's decision to exempt certain MME, despite the taxpayers' failure to meet the 30-day deadline for filing the request. The request pertains to property on Danbury's grand list for the October 1, 2006 assessment year.

The taxpayer must file a request by July 15, 2012 together with all documentation and information the secretary requested in the original modification or denial letter. The secretary has 30 days from the request date to consider the information and make a decision.

If the taxpayer is aggrieved by the decision, he or she can ask for a hearing according to the regular statutory procedure. If the secretary finds that the taxpayer is eligible for the exemptions, the secretary must notify the taxpayer and Danbury's assessor. Danbury must reimburse the taxpayer for any taxes already paid on the exempt property.

Waiver of Penalty for Failing to File a Personal Property Tax Declaration (§ 7)

The act requires Brookfield's assessor to forgive the 25% penalty assessed for failing to file a personal property declaration for a taxpayer otherwise eligible to receive an MME exemption for the 2009 grand list, even though the taxpayer missed the deadlines for filing the declaration (November 1 annually) and appealing to Brookfield's board of assessment appeals. The taxpayer must (1) apply for the forgiveness by June 30, 2012, in the manner Brookfield's assessor determines, and (2) have paid all real and personal property taxes due to the town. Brookfield must reimburse the taxpayer for any penalty paid on the personal property.

Exemption for Nonprofit Organization Property (§ 11)

The act allows a nonprofit organization (i.e., an organization organized exclusively for scientific, educational, literary, historical, or charitable purposes or to preserve land for open space) to receive an exemption for real property on Middletown's 2010 grand list even

though it missed the deadline for filing the required property tax exemption statement (November 1 quadrennially). The organization must apply for the exemption by July 15, 2012 and pay the statutory late fee to be considered to have filed the statement in a timely manner.

It requires the Middletown assessor to approve the exemption after confirming the fee payment and the property's eligibility for the exemption. Middletown must refund any excess taxes, interest, and penalties the organization paid on the exempt property.

§ 13 — ODD FELLOWS' HOME OF CONNECTICUT

The act increases, from \$10 million to \$25 million, the maximum value of real and personal property that the Odd Fellows' Home of Connecticut, a long-term care facility in Groton, may hold at any one time and still retain its estate, property, and endowment fund exemption from state taxes.

§§ 14 & 15 — COMMISSIONER'S NETWORK OF SCHOOLS

The education reform act (PA 12-116) establishes (1) the education commissioner's network of schools to improve student academic achievement in low-performing schools and (2) steps the commissioner, district turnaround committees, and local and regional boards of education must take regarding the network, including creating turnaround plans for each school.

This act changes the definition of an "approved not-for-profit educational management organization," which under PA 12-116 can be chosen to manage a network school. It removes the requirement that a nonprofit organization with experience and a record of success in improving low-income or low-performing students' achievement must be located out of the state. It thus allows in-state organizations with the same record of success to be eligible to manage a network school.

The act allows the commissioner to assign the management, administration, or governance of two network schools, rather than one, to an educational management organization under a turnaround plan for the school year starting July 1, 2012. If the commissioner assigns a second school to such an organization for 2012, the act reduces, from five to four, the number of school turnaround plans for the 2013 and 2014 school years that can choose an educational management organization to manage a school. This means the total number of such assignments is six in either case.

It also makes technical changes.

§§ 16 & 17 — COLLECTIVE BARGAINING AND TURNAROUND PLANS

PA 12-116 requires the school board for a commissioner's network school and the teachers' or administrators' union for the school district to negotiate on any matters in an approved or commissioner-developed turnaround plan that conflict with provisions of an existing union contract. It sets out two detailed tracks for these negotiations, one for turnaround plans agreed to at the local level and approved by the SBE and another when (1) there is no consensus on the local plan, (2) the commissioner deems the local plan deficient, or (3) no local plan is developed. For the latter track, a bargaining referee must determine whether the matters that conflict with the existing agreement are to be negotiated under existing bargaining parameters or through impact bargaining. Under either scenario, the negotiations must be completed within 30 days.

This act specifies when the 30-day negotiation period begins. If the board of education and the teachers' or administrators' union agree on all or certain components of the turnaround plan, it begins when the turnaround plan is presented to the board and the union, rather than when the agreement is reached by the turnaround committee. If the board and the union do not agree and the components are put before the bargaining referee, the 30-day period begins when the referee determines the type of bargaining to be used in the negotiations, rather than when the turnaround committee reaches an agreement.

§ 18 — EDUCATIONAL MANAGEMENT ORGANIZATIONS

PA 12-116 bans any not-for-profit educational management organization chosen to manage a network school from employing the school's principal, administrators, and teachers. The act expands the ban to prohibit them from employing anyone who works at the school.

§§ 19-21 & 25-27—CHARTER SCHOOL GRANTS PAID THROUGH TOWNS

PA 12-116 requires the (1) state to pay certain grants for state and local charter schools to the town where the school is located as an addition to the town's Education Cost Sharing (ECS) grant and (2) towns to pay the amounts the state specifies to each charter school's fiscal authority.

This act delays the deadlines for the initial payment of the per-student grants for state and local charter schools. It requires the state to make the first payment to the towns by July 15, rather than July 1, and requires towns to pay the charter schools by July 20, rather than July 15. The first payment is 25% of the grant based on

the charter school's estimated enrollment on May 1. The payment deadline changes apply to annual per-student grants to (1) state charter schools of \$10,500 for FY 13, \$11,000 for FY 14, and \$11,500 for FY 15 and thereafter and (2) qualifying local charter schools of up to \$3,000 starting in FY 14.

The act eliminates a requirement in PA 12-116 that startup grants for new state charter schools that help the state meet the desegregation goals of the 2008 *Sheff* settlement agreement ("*Sheff* charters") also be paid through ECS grants to the towns where they are located. Instead, it maintains the existing requirement that the state pay such grants directly to the *Sheff* charter school governing authority.

EFFECTIVE DATE: July 1, 2012

§ 22 — ECS GRANT INCREASES FOR ALLIANCE DISTRICTS

PA 12-116 requires the state comptroller to hold back any ECS grant increase payable to an "alliance district" town in FY 13 or any subsequent fiscal year and transfer the money to the education commissioner. The commissioner pays the funds on condition that they are spent according to an approved district improvement plan and any guidelines the SBE adopts. This act specifies that any such funds the commissioner pays to an alliance district town must be transferred to its board of education to implement the improvement plan.

The alliance districts are the 30 districts with the lowest student performance on statewide mastery tests, according to a district performance index established in PA 12-116.

EFFECTIVE DATE: July 1, 2012

§§ 23 & 24 — TEACHER EVALUATION AND SUPPORT PROGRAM

Deadline to Implement District Evaluation Programs

Existing law required SBE to adopt guidelines for a model evaluation and support program for teachers and school administrators by July 1, 2012. PA 12-116 requires the evaluation programs used by local school districts to be consistent with the new guidelines, unless SBE waives the requirement for a district that already has a program that substantially complies.

Unless they receive a waiver, this act requires all school districts to develop and implement evaluation and support programs consistent with the guidelines by September 1, 2013.

Pilot Program Requirements

For the 2012-13 school year, PA 12-116 requires the education commissioner to (1) administer a pilot

teacher evaluation and support program based on new SBE guidelines adopted by July 1, 2012 and (2) select between eight and 10 districts to participate in the pilot. The act allows groups of districts to participate as consortia and requires the commissioner to count each such consortium as one district for purposes of the pilot program. It also requires the programs to provide orientation, rather than training, to teachers being evaluated.

§ 28 — TECHNICAL HIGH SCHOOL BUDGETS

PA 12-116 creates a new technical high school system board to govern regional technical high schools. It gives the board the authority to approve or disapprove system budgets without modification as proposed by the technical high school system superintendent.

This act authorizes the board to amend and approve the budget. It requires the board to submit the approved budget to the SBE and OPM following existing agency budget procedures. The act eliminates the provision requiring that if the technical system board disapproves the budget, it adopt an interim budget that remains in effect until the superintendent submits and the board approves a modified budget. Under the act, once the superintendent submits the proposed budget, she does not get to submit another budget if the board disapproves of her first submission.

EFFECTIVE DATE: July 1, 2012

§ 29 — CONNECTICUT AGRICULTURAL EXPERIMENT STATION BOARD

The act requires the board of the Connecticut Agricultural Experiment Station to annually choose a vice president from among its members. The law already requires the board to annually choose a president, secretary, and treasurer.

By law, the board must meet at least quarterly and a member is considered to have resigned if he or she fails to attend three consecutive meetings or half of all meetings in a calendar year. The act authorizes the president and vice president to excuse a member's absence from counting as such a failure to attend.

§§ 30-125 — MINOR AND TECHNICAL REVISIONS

Hurricane Deductible (§ 95)

The act amends PA 12-162, which, beginning October 1, 2012, specifies when insurers may impose a hurricane deductible under homeowners and certain other policies issued or renewed on or after July 1, 2012. The act allows insurers to apply this deductible to policies issued or renewed on or after October 1, 2012, thus preventing the provision's retroactive application.

Daylight Savings Time (§ 31)

The act also conforms the state's statutory duration of daylight savings time to a change in federal law that took effect in 2007 (15 USC § 260a, P. L. 109-58, Energy Policy Act of 2005). The act requires daylight savings time to begin on the second Sunday in March rather than the first Sunday in April and end on the first Sunday in November rather than the last Sunday in October.

Driving School License (§ 125)

The act doubles, from one to two years, the duration of a license to operate a driving school, and correspondingly adjusts the initial license fee from \$350 to \$700 and the fee for each additional place of business from \$88 to \$176. This conforms to changes PA 12-81, § 46 makes in the fees for renewing such a license and for each additional place of business.

Employment Information Disclosure (§ 119)

PA 12-192 allows the labor commissioner to disclose certain employment information that identifies individual employees or employers to the president of the Board of Regents for Higher Education (BOR) for use in his official duties to the extent necessary to evaluate programs at higher education institutions BOR governs. The act makes a conforming change by removing a reference to institutions of higher education and their governing boards from a provision establishing safeguards ensuring that only certain authorized people have access to disclosed information stored in computer systems.

"Juvenile" vs. "Child" (§ 80)

Under prior law, a "juvenile" could object to the entering of a nolle prosequi on a delinquency charge and demand either a trial or dismissal. The act allows a child, rather than a juvenile, to make such an objection. Since the term "juvenile" is not defined in statute, it is not clear if these terms are synonymous. In most circumstances, the law defines "child" as a person under age 18. But in certain delinquency matters, including the circumstances covered by the act, an older person may be treated as a child.

School Paraprofessionals and Family and Medical Leave (§ 117)

The act specifies that school paraprofessionals can begin accruing hours towards family and medical leave from the date that regulations take effect, rather than from the date that regulations are adopted.

Other Changes

The act makes minor, technical, conforming, and grammatical corrections in the general statutes; eliminates obsolete references; and corrects incorrect ones.

EFFECTIVE DATE: October 1, 2012; except for provisions correcting a definition reference in the sales and use tax exemption (§ 58), deleting an obsolete reference in the education statutes and correcting and updating references relating to education and higher education (§§ 103, 119 & 120), and correcting a reference to the Centers for Disease Control and Prevention (§ 121), which take effect July 1, 2012; and provisions updating references to the emergency services and public protection department (§§ 104-115) and concerning family and medical leave for school paraprofessionals (§ 117), which take effect upon passage.

§§ 126 & 173 — REGULATION OF INSURANCE COMPANIES

The act advances, from October 1, 2012 to July 1, 2012, the effective date of provisions of PA 12-103 (§ 6) that allow the insurance commissioner to initiate, be a member of, or participate in a supervisory college. A supervisory college is a temporary or permanent forum for communication between and cooperation among state, federal, and international regulatory officials.

EFFECTIVE DATE: July 1, 2012

§§ 127 & 173 – INSURANCE HOLDING COMPANIES

The act makes a minor change in PA 12-103's provisions regarding insurance holding companies. By law, each insurance company authorized to do business in Connecticut and a member of a holding company system must register with the insurance commissioner and file a registration statement containing specified information. PA 12-103 additionally requires the person controlling an insurance company subject to the registration requirement to file an annual statement regarding the risks within the holding company system that pose a risk to the company. The act requires that the first statement be filed by, rather than not before, June 1, 2013.

EFFECTIVE DATE: October 1, 2012

§ 128 — SOCIAL INNOVATION INVESTMENT FOR OFFENDER REENTRY

The act allows the OPM secretary or his designee to enter into an outcome-based performance contract with a social innovation investment enterprise for the purpose of accepting funding under the U.S.

Department of Justice's FY 12 Second Chance Act Adult Offender Reentry Program Demonstration Category 2 Implementation grant program. The program authorizes grants to state and local governments and federally recognized Indian tribes for demonstration projects promoting the safe and successful reintegration of incarcerated or detained individuals into the community.

Under the act, a social innovation investment enterprise is an entity created to coordinate nonprofit service providers' delivery of preventive social programs. The entity must have the capability to:

1. create a social investment vehicle (an investment product the enterprise establishes to raise private investment capital),
2. enter into outcome-based performance contracts (see below), and
3. contract with service providers.

The outcome-based performance contract must (1) establish outcome-based performance standards for nonprofit service providers' preventive social programs and (2) provide that investors in a social investment vehicle receive a return on their investment and earnings on it only if the enterprise meets such standards. The contract can provide for payments from the social innovation account established by the act to the enterprise, investors, or both.

Under the act, when the secretary enters such a contract with a social innovation investment enterprise, he must comply with the law's requirements regarding privatization contracts (e.g., he must conduct a cost-benefit analysis and a business case meeting specified criteria).

The act also establishes a separate, nonlapsing social innovation account in the General Fund. The account consists of any money the law requires to be deposited in it and any interest accruing to it. The act allows funds to be transferred from the General Fund to the social innovation account.

The act requires the OPM secretary to spend the account funds to facilitate moderate and high-risk offenders' reentry into the community. The secretary can apply for and accept public or private gifts, grants, or donations to allow the account to be a source of payments to investors in a social investment vehicle.

EFFECTIVE DATE: July 1, 2012

§ 129 — BERLIN MORATORIUM

The act extends by one year, in Berlin, the statutory four-year moratorium on the use of the affordable housing land use appeals procedure. But it also subtracts one year from any subsequent moratorium the town receives. A moratorium prevents developers from appealing planning and zoning commission decisions denying proposed affordable housing projects or

approving them with costly restrictions under rules that force the commission to defend its decision. As a result, during a moratorium, an aggrieved developer must bring a traditional zoning appeal and convince the court that the commission acted arbitrarily or illegally.

§§ 130-133 — MUNICIPAL SEWER BONDS

The act makes various changes to laws allowing municipalities to issue bonds to finance sewer projects. For these purposes, municipality means any (1) metropolitan district; (2) town, city, borough, consolidated town and city, or consolidated town and borough; and (3) village, fire, sewer, or combination fire and sewer district or other municipal organization authorized to levy and collect taxes.

Revenue Pledge

The law allows municipalities to issue bonds to acquire or build sewer systems that are secured by (1) the municipality's full faith and credit, (2) pledged revenues from sewer system use charges, or (3) both the municipality's full faith and credit and pledged revenues from sewer system connection or use charges or benefit assessments.

The act requires any such revenue pledge to be (1) valid and binding from the time it is made, (2) immediately subject to a lien without physical delivery of the money, and (3) valid and binding against all parties with claims against the municipality, regardless of whether the parties received specific notice of the lien. The resolution, trust indenture, or agreement that contains the pledge must be filed with the municipality's clerk, or district clerk in the case of a metropolitan district.

Refunding Bonds

The act allows municipalities to issue refunding bonds to pay off bonds previously issued under the municipal sewer system laws or any other statutory provision or special act.

Redemption Terms

The act allows the body authorizing the bonds, or a municipal officer, board, or commission authorized by such a body, to determine bond redemption terms. The law already allows the authorizing body or designated municipal officer, board, or commission, to determine other aspects of the bond issuance, including the form of the bonds, their date, and the dates of principal and interest payments.

Bonds Sold at a Premium

The act explicitly allows municipalities to issue sewer bonds that are sold at a premium or discount with accrued interest. Under prior law, they were limited to issuing bonds sold at par with accrued interest or at a discount.

Although prior law did not appear to allow municipalities to issue bonds at a premium, it required any premium received from bonds, notes, or other debt obligations, minus issuance costs, to be applied to the first principal payment. The act allows municipalities to also use the premium for project costs, including capitalized interest.

Bond Structures

The act allows municipalities to issue bonds that have the same maturity date but different interest rates. By law, they can also issue fixed-rate bonds and bonds with different rates for different maturities.

The law allows municipalities to issue term or serial sewer bonds. A term bond matures on a specific date; a serial bond matures at regular intervals each year over the life of the bond. The law (1) specifies how the debt service on serial bonds has to be structured and (2) requires a sinking fund for any term bonds issued. The act specifies that any sewer bond issuance is deemed to meet these requirements if they would have been met by the issue taken together with all of the previously issued bonds, notes, or other obligations the municipality declares to be part of a single financing plan.

Bondholder Agreements

The act explicitly allows municipalities to include provisions in their agreements with bondholders that specify:

1. how reserves derived from any revenue source will be created, maintained, managed, and used;
2. the conditions under which it issues refunding bonds;
3. the procedure, if any, for amending or repealing any contract with bondholders, including the number or percentage of bondholders that must consent to the amendment or repeal, the manner in which they must consent to it, and any restrictions on individual bondholder rights; and
4. how reimbursement or other similar agreements will be executed in connection with credit facilities, including letters of credit, bond insurance policies, remarketing agreements, and agreements to moderate interest rate fluctuations.

The act also explicitly allows the municipality's agreement with bondholders to take the form of a trust indenture between the municipality and a corporate trustee it approves.

EFFECTIVE DATE: October 1, 2012

§§ 134-137 — EXEMPTING CERTAIN ASSOCIATIONS FROM THE INSURANCE STATUTES

The act exempts federally tax-exempt organizations that primarily provide insurance to veterans and their dependents from most Connecticut insurance laws. To qualify for a federal tax exemption, such an organization must:

1. have a principal purpose of providing insurance and other benefits to veterans or their dependents,
2. have more than 75% of its members be past or present members of the U.S. armed forces, and
3. be an association organized before 1880 (Internal Revenue Code § 501(c)(23)).

The act requires such organizations to file financial statements with the insurance commissioner annually by May 1 and pay a \$10 filing fee for each. The commissioner, when he deems it necessary, may require the organizations to file statements quarterly or more frequently.

Under the act, if the commissioner determines that such an organization has not maintained qualified assets sufficient to meet its liabilities and minimum capital and surplus requirements as determined by the commissioner, he may order the organization to increase its capital and surplus. If the organization is unable to do so, the commissioner may order it to stop assuming additional liabilities in Connecticut until it can meet the capital and surplus requirements.

The act also makes technical changes.

EFFECTIVE DATE: July 1, 2012

§ 136 — FRATERNAL BENEFIT SOCIETIES' LATE FILING FEE

By law, fraternal benefit societies must file financial statements with the insurance commissioner annually by March 1. The act increases, from \$100 to \$175 per day, the fee a society must pay if it fails to file a complete statement on time. It allows the commissioner to waive the late filing fee if (1) the society cannot file on time because the governor of its domiciliary (home) state proclaims a state of emergency that prevents it from filing the statement or (2) the society's domiciliary state's insurance regulator has allowed it to file the statement late.

EFFECTIVE DATE: July 1, 2012

§ 138 — TEACHER PROFESSIONAL DEVELOPMENT AND INDIVIDUALIZED EDUCATION PROGRAMS (IEPS)

The act adds to the types of professional development that local and regional boards of education must offer their certified employees regarding special education students. It requires boards to offer professional development that includes training in (1) the implementation of student IEPs and (2) communicating IEP procedures to parents or guardians of students who require special education and related services. The training must be offered to certified employees with an endorsement in special education who hold a position requiring this endorsement.

State and federal special education laws require an IEP for each special education student to address his or her individual needs.

EFFECTIVE DATE: July 1, 2012

§ 139 — AMERICAN SCHOOL FOR THE DEAF

The act allows the state treasurer to execute a deed quitclaiming (i.e., renouncing) any right, title, and interest the state may have in any undischarged liens for money previously advanced to the American School for the Deaf for construction and development.

§§ 140-151 & 172 — CONVEYANCE OF STATE PROPERTY

The act (1) authorizes conveyances of state property (a) to the towns of Bloomfield, East Hartford, East Haven, New Britain, New Haven, Tolland, and Windsor and (b) in the town of Enfield to the Shaker Pines Fire District 5; (2) amends prior conveyances in Barkhamsted, New Hartford, and Greenwich; and (3) repeals prior conveyances in Bristol, Manchester, Marlborough, and Windsor Locks.

New Conveyances (§§ 140-146 & 149-151)

The act requires the state to convey property from the following agencies to the towns (and in one case, a fire district) named for the purpose specified:

1. the Department of Transportation (DOT) to East Hartford for open space (two parcels totaling .82 acres for administrative costs);
2. DOT to East Haven (.49 acres for fair market value, as determined by the average appraisals of two independent appraisers chosen by the commissioner, plus administrative costs);
3. the Department of Administrative Services (DAS), on behalf of the Judicial Department, to New Britain for economic development (.89 acres for \$60,000 plus administrative costs);

4. DAS, on behalf of the Department of Developmental Services, to Windsor (.73 acres for a negotiated price plus administrative costs);
5. the Department of Energy and Environmental Protection (DEEP) to Bloomfield for a golf course (36.05 acres for administrative costs);
6. the Department of Economic and Community Development (DECD) to New Haven for economic development (.52 acres for administrative costs);
7. DOT to Tolland for economic development (3.2 acres for administrative costs);
8. DECD to New Britain for a community park (.32 acres for administrative costs); and
9. the Department of Correction to Shaker Pines Fire District 5 in Enfield for firefighting education and training (10 acres plus any improvements on the property for administrative costs).

The New Haven conveyance also releases a deed restriction requiring the property to be used only for low- and moderate-income housing.

Each conveyance is subject to the State Properties Review Board's approval within 30 days. Conveyances with a specified purpose (other than the New Haven conveyance) revert to the state if the recipient sells, leases, or uses the parcel for any purpose other than that specified in the act, except that the act allows New Britain to sell the parcel conveyed by DAS on behalf of the Judicial Department. The East Hartford parcels also revert to the state if it needs them for transportation purposes, and the conveyance by DAS to New Britain reverts to the state if it is not used for economic development within two years of being conveyed.

The New Haven parcel reverts to the state only if the city sells or leases all or a portion of it for purposes other than economic development or business support. The act also requires New Haven to transfer to the state any consideration received for selling or leasing the parcel that is not otherwise allocated for public improvements.

For the Windsor conveyance, the act requires DAS and the town to negotiate the purchase price, which must be reduced by the amount the town pays for necessary improvements. If no price is agreed, the parcel will not be conveyed. If the parcel is conveyed and Windsor refuses to pay the amount owed, the land reverts to the state. The act does not specify a deadline for Windsor to pay or agree to pay the amount owed.

Amended Conveyances (§§ 147 & 148)

The act amends a 2008 conveyance of a .44 acre parcel in Greenwich from DOT to the Greenwich Historical Society by allowing the society to use the

land for purposes consistent with its mission. The property's use was previously restricted to parking.

The act amends a 2008 conveyance of a 3.2 acre parcel in Barkhamsted and New Hartford from DOT to Regional Refuse Disposal District One to allow the district to exchange a portion of the parcel with abutting property owners to construct a water well line on the abutting property. The conveyance's provisions require the property to be used for economic development and prohibit the district from selling, leasing, or otherwise exchanging the property.

Repealed Conveyances (§ 172)

The act repeals prior conveyances from DOT to the following towns:

1. Bristol (.11 acre in 2011),
2. Manchester for road alignment and traffic mitigation (1.517 acres in 2010),
3. Marlborough (.46 acre in 2010), and
4. Windsor Locks for municipal purposes (20,000 square feet in 2006).

§ 152—ELECTRONIC GOVERNMENT PROGRAMS AND SERVICES

The act allows the OPM secretary, regardless of other state laws, to authorize state agencies to contract with private and nonprofit entities to facilitate the public's electronic utilization of government programs and services. Before seeking authorization to enter into such an agreement, an agency must use competitive bidding or competitive negotiation to select entities to participate in the agreements. The agency must give notice of a bid solicitation or request for proposals in a form and manner that the secretary determines will maximize public participation in the bidding or negotiation process.

Under the act, the agreements may allow the private or nonprofit entity to collect applicable statutory or regulatory fees owed to the state and remit these amounts as defined in law. An agreement can allow the entity to charge an administrative fee, which must be deposited into the General Fund, but the Finance Advisory Committee must approve any administrative fee for electronically utilizing government programs or services.

The act requires agreements to comply with the Freedom of Information Act and ensure that the public can still use nonelectronic means to access government programs and services. It prohibits the OPM secretary from authorizing agreements that adversely affect people's ability to apply for or receive assistance or benefits from the Department of Social Services.

EFFECTIVE DATE: July 1, 2012

§ 153 — EAST HARTFORD REFERENDUM VALIDATION

The act validates an East Hartford bonding referendum held on November 8, 2011 that was otherwise valid but for the town's failure to properly publish notice in a newspaper with general circulation in the town. It also validates, as of the date taken, all otherwise valid acts, votes, and proceedings of East Hartford officers and officials pertaining to or relying on the referendum. In the referendum, voters approved a \$7 million appropriation and bond authorization for the town's flood control system.

§ 154 — ENERGY AUDITS FOR OIL-HEATED HOMES

Under prior law, the home energy services audit program subsidized customers who heat with oil or other nonutility fuels. Although the program is funded by charges on gas and electric bills, prior law required that the audit charge must be the same, regardless of how the property owner heats his or her home. The act instead requires that the charge reflect the contributions made to the Energy Efficiency Fund by each type of customer, subject to a \$99 cap.

Prior law limited the subsidy that customers who heat with gas or electricity provide to those who heat with oil or other nonutility fuels to \$500,000 per year. The act eliminates the subsidy cap until August 1, 2013.

§ 155 — GIS DATA SHARING

The act requires electric companies to provide certain utility pole data to the GIS analyst or coordinator, or other equivalent official, of any municipality, regional planning agency, regional council of elected officials, or regional council of governments who requests it. The companies must share GIS data for poles they own or jointly own that are located in the municipality or the area served by the regional organization. The data includes pole ownership, identification number, XY coordinate location, pole height and classification, and street or post light wattage size.

The act also allows the companies to provide the location of their medical hardship accounts to a municipality that requests this information for public safety reasons during an emergency.

Before receiving any of the above data, the requesting municipality or regional organization must demonstrate to the electric company that it has appropriate procedures to keep it confidential. The municipality or regional organization can use the data only internally and cannot publicly disclose it without the company's consent. The act exempts any data shared under the act from disclosure under the Freedom

of Information Act.

§ 156 — COMBINED HEAT AND POWER/ANAEROBIC DIGESTER PROGRAMS

By law, CEFIA must establish three-year pilot programs to provide financial incentives for installing (1) combined heat and power (CHP) systems and (2) anaerobic digesters. Under prior law, the maximum size of the CHP systems and anaerobic digesters were 2 and 1.5 megawatts, respectively. The act expands the maximum size to 5 megawatts for CHP systems and 3 megawatts for anaerobic digesters. The act requires CEFIA to examine the appropriate financial assistance for each CHP project and increases the maximum assistance for such systems from \$350 to \$450 per kilowatt. (There are 1,000 kilowatts in a megawatt.)

§ 157 — PROPERTY-ASSESSED CLEAN ENERGY (PACE) PROGRAMS

By law, municipalities may establish PACE programs under which they loan money to local residents and businesses for energy efficiency and renewable energy improvements. The loans are backed by a lien on the improved property that is treated like a property tax lien, other than not having priority over existing mortgages.

The act (1) requires CEFIA to establish a separate PACE program for qualifying commercial property (including multifamily buildings with five or more units) and (2) allows municipalities to participate in the program under a written agreement approved by their legislative bodies.

It requires CEFIA to:

1. develop guidelines governing the terms and conditions under which state financing may be made available to the commercial program, including, in consultation with representatives from the banking industry, municipalities, and property owners, developing the parameters for consent by existing mortgage holders;
2. establish the position of commercial sustainable energy program liaison within CEFIA;
3. establish a loan loss reserve or other credit enhancement program for qualifying commercial real property; and
4. adopt standards to ensure that the energy cost savings of the improvements over their useful life exceed their costs.

It allows CEFIA to:

1. serve as an aggregating entity to secure state or private third-party financing for the energy improvements and

2. use the services of one or more private, public, or quasi-public third-party administrators to administer, provide support, or obtain program financing.

The act allows CEFIA to make appropriations for and issue bonds, notes, or other obligations to finance the improvements. The bonds or other obligations must be issued in accordance with the law governing CEFIA bonds. They may be secured by pledged revenue derived from the commercial program, including revenues from benefit assessments on qualifying commercial real property.

The act's provisions regarding the program are generally similar to the law regarding municipal PACE programs, with CEFIA taking the place of the municipality. But the act:

1. requires the mandated energy audit or renewable energy feasibility analysis to assess the energy cost savings of the proposed project over its useful life;
2. gives the lien priority over existing mortgages, but requires that the property owner give existing mortgage holders at least 30 days' written notice of his or her intent to participate in the program before the lien is recorded;
3. authorizes variable interest loans; and
4. allows participating municipalities to assign the liens to CEFIA and allows CEFIA to sell or assign the liens.

Under the act, the notice that must be given to prospective participants in the commercial program is somewhat different than that required under the law for municipal PACE programs. Under that law, the municipality must give prospective participants a notice that encourages them to seek legal advice to understand the potential consequences of participating in the program. Under the act, CEFIA must disclose to the property owner the:

1. costs and risks associated with participating in the program, including risks related to the property owner's failure to pay the benefit assessment and
2. effective interest rate of the benefit assessment, including fees CEFIA charges to administer the program, and the risks associated with variable interest rate financing.

The act also requires CEFIA to notify the owner that he or she may rescind any financing agreement under the program within three business days after entering the agreement.

§ 158 — CLEAN ENERGY FINANCE AND INVESTMENT AUTHORITY

The act expands the types of technologies that CEFIA can promote through the Clean Energy Fund to

include all class I renewable resources. Most of these resources are already eligible for this support.

Under prior law, CEFIA was deemed to be a quasi-public entity for certain purposes. The act instead specifies that CEFIA is a political subdivision of the state, but not a state agency. It allows CEFIA to provide grants, loans, loan guarantees, or debt and equity investments in accordance with its procedures (the quasi-public authority equivalent to regulations.) The act allows CEFIA to use its own accountant, rather than that of Connecticut Innovations, to meet its Clean Energy Fund audit requirements

The act requires the authority's board members to elect the president of the authority (its CEO) and allows CEFIA to secure any bonds it issues with special capital reserve funds, discussed below.

§§ 159 & 160 — CEFIA BONDS

The act allows CEFIA to issue revenue bonds with terms of up to 20 years. The authority must use the bond proceeds for its purposes under existing law, which includes promoting renewable energy and financing of energy efficiency projects.

The act allows the:

1. authority to issue "clean energy" bonds backed by Clean Energy Fund revenues, including the existing renewable energy charge on electric bills;
2. bonds to be backed by the full faith and credit of any public or private body; and
3. authority to issue bonds that are federally taxable.

Under the act, the state pledges not to alter the renewable energy charge until (1) the bonds are paid off or (2) it makes adequate provisions to protect the bondholders. The clean energy bonds are not state obligations and only the authority is liable for them. They do not count towards the state's bond cap.

The act allows the authority to determine how it will issue and repay the bonds and specifies the kinds of terms and conditions it may include in its agreements with the bondholders. It makes the bonds securities in which governments and private entities may invest and allows the authority to sell them (1) at a public sale on sealed proposals at a price and time it chooses or (2) by negotiating with investors.

The act authorizes or requires several actions to assure bondholders that the authority will repay them. It specifies that the state will not limit or alter the authority's rights until it repays its outstanding bonds. The act also allows the authority to secure that pledge by entering into agreements with a trustee representing the bondholders' interests ("a trust of indenture" agreement). The act requires the authority to secure principal and interest payments by pledging its revenue,

which is also immediately subject to lien without any action on the bondholders' part.

The act allows the authority to issue bonds to refund its outstanding bonds and specifies conditions for doing so.

It exempts the principal and interest payments to the bondholders from all taxes except estate and succession taxes, but requires bondholders to include these payments when computing excise and franchise taxes.

EFFECTIVE DATE: July 1, 2012

§ 161 — SPECIAL CAPITAL RESERVE FUNDS (SCRFS) FOR CEFIA BONDS

The act allows CEFIA to establish one or more special SCRFS in connection with its bonds. The issuance of bonds backed by a SCRF requires approval of the OPM secretary or his deputy and the treasurer.

No bonds secured by a SCRF may be issued to pay project costs unless CEFIA determines that the revenue from the project is sufficient to pay the principal of and interest on the bonds issued to finance the project, among other things. The maximum amount of bonds backed by a SCRF CEFIA may issue is \$50 million.

Money credited to and held in the SCRF must be used solely to (1) buy, or pay interest or principal on, the bonds the fund secures or (2) pay redemption premiums on them if they are redeemed before maturity. Funding in the SCRF cannot fall below a minimum capital reserve level.

Although bonds secured by a SCRF are not backed by the state's full faith and credit, the state assumes a contingent liability for the bonds by allowing the authority to establish these funds. The state's liability is to maintain the minimum reserve on an annual basis and restore it to the minimum if it falls below the required amount in any particular year. If funding in the SCRF falls below the mandated level as of December 1 of any year, the shortfall is "deemed appropriated" from the General Fund. The shortfall must be repaid within one year, subject to bondholder agreements.

EFFECTIVE DATE: July 1, 2012

§ 162 — PRIVATE ACTIVITY BOND CAP

The act entitles CEFIA to part of the state's private activity bond cap by adding it to the following list of entities that share 27.5% of the total allocation: municipalities, the Connecticut Higher Education Supplemental Loan Authority, and the Connecticut Student Loan Foundation.

Private activity bonds are issued by quasi-public authorities and municipalities. They are backed by the credit of private borrowers or pools of borrowers, who pay the bond debt service. Federal law (1) caps the

annual amount of such bonds that can be issued in each state and (2) exempts the bonds from federal taxes if they are issued for specified purposes.

EFFECTIVE DATE: July 1, 2012

§§ 163 & 164 — CEFIA AND ETHICS LAWS

The act subjects the CEFIA staff and directors and people dealing with the authority to the same ethics laws that apply to other quasi-public authorities. It subjects CEFIA to the laws governing other quasi-public authorities regarding "procedures" (the equivalent of regulations), reporting, and audits.

EFFECTIVE DATE: July 1, 2012

§ 165 — STATE TREASURER APPROVAL OF SCRFS

The act expands the procedures for the state treasurer's approval of bonds backed by SCRFS to include bonds issued by CEFIA.

EFFECTIVE DATE: July 1, 2012

§ 166 — CEFIA - EXEMPTION FROM PERSONAL LIABILITY

The act exempts CEFIA directors and staff from personal liability for their actions, so long as they are not wanton, reckless, willful, or malicious.

EFFECTIVE DATE: July 1, 2012

§ 167 — LOW-INCOME ENERGY ADVISORY BOARD

The act:

1. requires the Low-Income Energy Advisory Board to elect its chairperson and vice-chairperson (under prior law the OPM secretary served as the chairperson);
2. removes the ability of the OPM secretary and the DSS commissioner or their designees to vote on board matters;
3. adds the DEEP commissioner or his designee as a nonvoting board member;
4. requires that the DEEP commissioner or his designee, rather than the OPM secretary, provide notice of meetings to board members and space for its meetings, maintain minutes, and publish the board's reports;
5. allows all, rather than just specified, board members to name designees to serve on the board; and
6. makes a technical change.

EFFECTIVE DATE: July 1, 2012

§§ 168-170—REVALUATION PHASE-IN

Existing law gives towns the option of phasing in all or part of the increases in real property assessments after a property revaluation. The act allows towns to similarly phase-in all or part of post-revaluation assessment decreases and establishes three phase-in methods comparable to the existing methods for assessment increases. It applies the same procedures for implementing a phase-in for assessment decreases that already apply to phase-ins for assessment increases, specifically those for determining a phase-in factor and approving and discontinuing the phase-in. New construction built during the phase-in period must be assessed according to standard assessment procedures (i.e., 70% of fair market value).

Although the act allows towns to adopt a phase-in for assessment decreases for up to five years, it authorizes the phase-in for only the 2012 assessment year (beginning October 1, 2012 for tax bills due July 1, 2013).

The act makes other conforming changes.

Implementation Options

The act establishes three phase-in methods for assessment decreases that are comparable to those under existing law for assessment increases.

Dollar Phase-In. Under the first method, each parcel's assessment in the revaluation year must be subtracted from the parcel's assessment for the assessment year before the one in which revaluation is effective. The annual amount of the parcel's assessment decrease is the result of the subtraction divided by the number of years of the phase-in term. Thus, if the parcel's pre-revaluation value is \$150,000 and its new value is \$100,000, and the town chooses a five year phase-in, the assessment would decrease by \$10,000 each year (\$50,000 divided by 5). But, if a town chooses to phase in only part of the assessment decrease, the amount of the decrease that is not subject to the phase-in is not reflected in this calculation.

Ratio Phase-In. Under the second method, the required 70% assessment rate must be subtracted from the ratio of the total assessed value of all taxable real property for the assessment year before the one in which revaluation is effective to the total fair market value of such property as determined from sales records in that year. The annual incremental rate of assessment decrease applicable to all real property is the result of the subtraction divided by the number of years of the phase-in term. Thus, if the total assessed value in the pre-revaluation year was 90% of fair market value, the 20% difference between this number and the 70% rate would be phased in over the number of years of the phase-in term (e.g., 4% per year over 5 years). Before

determining the annual rate of assessment decrease, a town that chooses to phase in part of the assessment decrease must multiply the result of this subtraction by the proportion of the decrease that is not subject to the phase-in, to determine the assessment rate that is not subject to the phase-in.

Ratio Phase-In by Property Class. The third method divides properties into classes and phases in the rate at which the assessment decreased for each class. The property classes are residential, commercial, and vacant land. Commercial property includes apartments containing at least five units, industrial property, and public utility property.

Under this method, the required 70% assessment rate must be subtracted from the ratio of the total assessed value of all taxable real property in each property class for the assessment year before the one in which the revaluation is effective to the total fair market value of such property in each class as determined from sales records in that year. The annual incremental rate of assessment decrease applicable to all real property in each class is the result of the subtraction divided by the number of years of the phase-in term.

If there are no sales records for a class or not enough sales within each class to extrapolate a rate of increase for the entire class, the assessor must use the second method to determine the phase-in for the affected property class.

Partial Phase-Ins

As under the existing revaluation phase-in law, a town that chooses to phase in a part of an assessment decrease must establish a phase-in factor, which cannot be less than 25%, and apply this factor to all parcels in town, regardless of their property classification. The town must multiply this factor by the total assessment decrease for the parcel to determine the amount of the decrease that will not be subject to the phase-in. For each parcel, the amount of the assessment decrease subject to the phase-in is either the (1) difference between the result of this multiplication and the total assessment decrease or (2) result derived from (a) dividing the parcel's assessment in the preceding assessment year by a number derived from subtracting the percentage by which the assessment decreased as a result of the revaluation and (b) multiplying this number by the parcel's total assessment decrease.

Approving the Phase-In

As under existing law, the municipality's legislative body must approve the phase-in, which cannot exceed five assessment years, including the revaluation year. Its chief elected official must notify the OPM secretary in writing within 30 business days after the legislative

body decides to implement or discontinue the phase-in. Failure to do so subjects the official to a \$100 fine.

Discontinuing the Phase-In

The legislative body may discontinue the phase-in, as under existing law. It may do so at any time before the phase-in is completed, so long as it is done by the assessment date for the assessment year in which the discontinuance is effective. In the following assessment year, assessments must reflect the values of real property established by the revaluation, subject to (1) additions for new construction and reductions for demolitions occurring after revaluation and by the date of its completion or discontinuance and (2) the rate of assessment applicable in that year.

EFFECTIVE DATE: July 1, 2012, and applicable to assessment years starting October 1, 2012, except for the conforming changes, which are effective July 1, 2012.

§ 171—PROJECT 150

By law, electric companies must enter into long-term contracts to buy the power produced at eligible renewable energy generation plants. Under prior law, the Public Utilities Regulatory Authority (PURA) could not extend the in-service date for the plants approved for this program beyond the deadlines specified in their contracts. The act creates an exception under which PURA must grant an extension, upon request, of the latest in-service date by 12 months for any project located in a distressed municipality, with a population of more than 125,000 (i.e., Bridgeport and New Haven, according to the 2010 census).

ABANDONED PROPERTY

See also Property and Real Estate

Abandoned/underutilized mills, identification
12-183 36

ABUSE

See Child Abuse; Domestic Violence

ACCOUNTANTS AND ACCOUNTING

"Certified Public Accountant" title use,
prohibition
12-194 145
Firms, permit to practice modifications
12-194 145
School district uniform accounting system,
SDE development
12-116 43

ADMINISTRATIVE REGULATIONS

*See also Buildings and Building Codes;
specific agencies*

Online format required
12-92 135
Regulation Modernization Task Force, created
12-92 135
Agriculture, animal control officer training
responsibilities
12-108 95
Agriculture, aquaculture licensure/inspection
12-176 98
Agriculture, phosphate restrictions
12-155 256
Consumer Protection, community association
manager training/testing requirements
12-113 226
Consumer Protection, controlled substance
schedules, marijuana reclassification
12-55 197
Consumer Protection, food manufacturing
establishment/bakery licensure/facility
regulation
12-95 120
Consumer Protection, heating fuel consumer
bill of rights
12-76 115
Consumer Protection, real estate brokers/
salespersons continuing education
curricula requirement
12-113 226
Consumer Protection, residential property
disclosure form updates
12-122 122
Energy and Environmental Protection,
animal permit exemption expanded
12-105 94

Energy and Environmental Protection,
camping site lease duration limits
12-98 90
Energy and Environmental Protection, reindeer
possession
12-127 96
Insurance, company divestiture of control
12-103 171
Labor, school paraprofessional family and
medical leave eligibility modifications
12-43 249
Policy and Management, all-payer claims
database program administration
12-166 270
Public Health, adverse determination
documents access
12-102 169
Public Health, lead poisoning prevention/
control program eliminated
12-202 280
Social Services, community health center
Medicaid rate capital cost adjustment
12-85 163
State Library, museum records/lender notices
12-171 72

ADMINISTRATIVE SERVICES, DEPT. OF

Computer-stored public records, FOIA fee
guidelines establishment
12-205 145
Estate representative, settlement fee
exemption
12-45 196
Judicial Branch facility lease negotiations
authority, delegation allowed
12-168 240
Leased property inventory responsibilities,
transferred to OPM
12-205 145
Riverview Hospital Medicaid payments,
nonlapsing fund deposit provision repealed
12-119 166

ADOPTION

DCF petitions, Superior Court filings
authorized
12-82 21

ADVERTISING

Commercial sexual exploitation of a minor,
felony created
12-141 238

Higher education contracts, print advertising requirement eliminated 12-129	154	Sales, Sundays allowed/hours expanded 12-17	111
Massage therapy, restrictions expanded 12-64	254	AMBULANCES <i>See Emergency Vehicles</i>	
"One free item" law, expanded 12-15	111	ANATOMICAL GIFTS <i>See Organ Donation</i>	
AGRICULTURE, DEPT. OF		ANIMALS <i>See also Fish and Game</i>	
Abused animals, seizure/placement modifications 12-20	87	Abused/neglected, seizure/placement modifications 12-20	87
Animal control officer training responsibilities, regulations 12-108	95	Animal cruelty, subsequent conviction penalties increased 12-86	223
Animal restraint orders, effective date 12-21	88	Control officers, training requirements established 12-108	95
Aquaculture producers, licensure/inspection 12-176	98	Permit exemptions, expanded 12-105	94
Pet shop/facility violations, fine imposition authorized 12-105	94	Pet lemon law, veterinary expense reimbursement modifications 12-105	94
Phosphate, use restriction regulations/consumer information 12-155	256	Pet shop/facility violations, fine imposition authorized 12-105	94
Reindeer possession, pilot permit program 12-127	96	Potentially dangerous, banned/exemption 12-105	94
AIRPORTS <i>See also Connecticut Airport Authority</i>		Reindeer, in-state captive herds allowed 12-127	96
Noise mitigation, program authorized 12-138	28	Restraint orders, effective date 12-21	88
ALCOHOL AND DRUG ABUSE		Sterilization/vaccination vouchers, pounds 12-108	95
Drivers' licensee reinstatement conditions, drug/alcohol program participation 12-121	305	APPROPRIATIONS <i>See State Budget</i>	
Pretrial drug education programs, veteran eligibility/US DVA referral 12-42	309	ARCHITECTS AND ARCHITECTURE	
ALCOHOLIC BEVERAGES <i>See also Driving While Intoxicated</i>		Architect license display, requirements modified 12-169	125
Beer/brew pub manufacturer permits, created/modified 12-17	111	ARTS	
Below cost sales authorized 12-17	111	Fine art secured lending license, created 12-131	122
Competitive Alcohol Liquor Pricing Task Force, established 12-17	111	ASSESSMENT <i>See Property Taxes</i>	
Package stores, number per permittee increased 12-17	111	ATTORNEY GENERAL	
Possession by minors on private property, prohibition expanded/penalty increased 12-199	125	Service of process on the state, inmate lawsuit procedure 12-133	234

ATTORNEYS

See also Attorney General; Chief State's Attorney, Office of

DCF, certain court fees exemption
12-82 21

File inventory appointees, indemnification
12-133 234

Intellectually disabled guardianship review,
report modifications
12-66 203

AUDITS AND AUDITORS

Higher education, annual faculty policy audits
12-129 154

Home energy services audit program,
changes/subsidies modified
12-2 June 12 SS 359

UConn Health Center, collectable accounts
receivable verification eliminated
12-129 154

AUTHORITIES

See Housing Authorities; specific authorities

AUTOMOBILES

See Motor Vehicles

BAIL

Bond termination, psychiatric disabilities
supervised diversionary program admission
12-133 234

Determination/conditions of release, defendant
videoconference interview use allowed
12-133 234

BANKRUPTCY

Nursing/long-term care facilities, financial
stability notice requirement
12-6 1

BANKS AND BANKING

See also Interest; Mortgages

Escrow accounts, minimum interest rate
eliminated
12-106 18

Investigatory powers/enforcement action
authority, increased
12-96 11

"Limited branch" definition, loan production
office removed
12-96 11

Mortgage loan review responsibilities
12-96 11

Out-of-state de novo branches, reciprocity
requirement eliminated
12-96 11

Public depository collateral determination,
changes
12-96 11

Public depository letters of credit, federal
home loan banks authorized
12-96 11

Robbery in the 2nd degree, bank/credit union
larceny using intimidation
12-186 242

BEER

See Alcoholic Beverages

BIDS AND BIDDING

See also Contracts and Contractors; Government Purchasing

Higher education contracts, print advertising
requirement eliminated
12-129 154

BIRTH CERTIFICATES

Delayed registration, process changed
12-163 269

BOARDS AND COMMISSIONS

See also Education, State Board of; Higher Education, Board of Regents for

All-Payer Claims Database Advisory Group,
created
12-166 270

Bond, DECD general obligation bond use
timeframe extended
12-147 28

Brownfields Remediation Liability Working
Group, extended
12-183 36

Capital City Economic Development Authority,
replaced
12-147 28

Capital Region Development Authority, created
12-147 28

Children and Families Advisory Council,
appointments/membership changes
12-82 21

Children's Behavioral Health Advisory,
appointment authority modifications
12-82 21

Codes and Standards, technical statute
corrections
12-204 293

Compensation, judicial salary
recommendations responsibility removed
12-93 224

Competitive Alcoholic Liquor Pricing Task
Force, established
12-17 111

Connecticut Higher Education Supplemental Loan Authority Directors, reconstituted 12-149	155	Police Officer Standards and Training Council, technical statute corrections 12-204	293
Connecticut Technical High School System Governing, created 12-116	43	Police Officer Standards and Training Council, uniform eyewitness identification policies/guidelines development 12-111	225
Elections Enforcement, Election Day/online voter registration system responsibilities 12-56	129	Racial Profiling Prohibition Project Advisory, created 12-74	206
Elections Enforcement, report filing violations penalty waiver 12-117 (VETOED).....	137	Regulation Modernization Task Force, created 12-92	135
Emergency Services and Public Protection Coordinating Advisory, membership increased 12-9	283	Retirement, probate retiree dispute authority 12-66	203
Enhanced 9-1-1, public safety data network responsibilities enumerated 12-68	286	Sexual Assault Forensic Examiners Advisory, extended 12-133	234
Eyewitness Identification Task Force, functions redefined 12-111	225	Special Education Advisory Council, membership 12-120	68
Family Violence Model Policy Governing Council, created 12-114	228	State Traffic, eliminated/duties transferred to State Traffic Administration Office 12-132	306
Head Start Advisory Council, membership 12-120	68	Waterford-East Lyme shellfish, daily limit decrease authority 12-176	98
Judicial Compensation, created 12-93	224	Zoning, shoreline flood/erosion alternate proposal requirements 12-101	92
Land use, site improvement financial guarantee/maintenance requirements 12-182	259		
Marijuana palliative use board of physicians, DCP creation 12-55	197	BOATS AND BOATING	
Medical Examining, membership increased 12-62	266	Aquatic invasive species, vessel/trailer inspection requirement 12-167	97
Medical hearing panels, pool increased/required specialties modified 12-62	266	Operators under marine dealer registrations, expanded/sunset provision removed 12-174	98
Municipal charter, revision authority limited 12-34 (VETOED).....	253	Vessel storage sales tax exemptions, extended 12-175 (VETOED).....	105
Nursing Board of Examiners, nurse appointee qualifications modified 12-62	266		
Organ and Tissue Donation Education Awareness Advisory Council, created 12-197	273	BONDS	
Personal Care Attendant Workforce Council, created 12-33	245	Authorized/increased/repealed 12-189	105
Planning and zoning, site improvement maintenance requirements 12-182	259	CEFIA authority, revenue/activity bonds 12-2 June 12 SS	359
Planning and zoning, surety bond acceptance 12-182	259	Commission, DECD general obligation bond use timeframe extended 12-147	28
		Financial guarantees, land use commission requirements 12-182	259
		Municipal sewer project financing, bonds authorized 12-2 June 12 SS	359

Steel Point Special Taxing District, economic development assistance time period extended 12-144	103	Telephone solicitors, inaccurate/misleading caller identification transmittal 12-79	119
BREW PUBS <i>See Alcoholic Beverages</i>		CAMPAIGN CONTRIBUTIONS AND EXPENDITURES	
BRIDGES		Campaign finance report filing violations, SEEC penalty waiver allowed 12-117 (VETOED)	137
Repair/improvement, bonds authorized 12-189	105	Citizens' Election Program, surplus fund payments to campaign treasurer 12-117 (VETOED)	137
BROWN FIELDS <i>See Hazardous Substances</i>		Contribution limits raised/expenditure definition expanded 12-117 (VETOED)	137
BUDGET <i>See State Budget</i>		Independent expenditures, requirements/exemptions 12-117 (VETOED)	137
BUILDINGS AND BUILDING CODES		Political action committees, contribution limits/reporting modifications 12-117 (VETOED)	137
Fire prevention code, implementation delay 12-60	285	Surplus funds, veteran charitable donations 12-117 (VETOED)	137
Foamed-in-place insulating materials, changes 12-164 (VETOED)	291	CAPITAL CITY ECONOMIC DEVELOPMENT AUTHORITY	
Renovations, smoke/carbon monoxide detector requirements 12-184	292	Renamed Capital Region Development Authority 12-147	28
BUSES <i>See also School Buses</i>		CAPITAL PUNISHMENT	
Fare increase prohibition, services to disabled 12-104	3	Eliminated prospectively 12-5	187
BUSINESS <i>See also Economic Development; Manufacturers; Restaurants; Retail Trade; Small Business</i>		CAPITAL REGION DEVELOPMENT AUTHORITY	
Bioscience Enterprise Corridor Zone, Bristol census designations corrected 12-65	27	Named 12-147	28
Business Corporation Act, changes 12-32	9	CELLULAR TELEPHONES <i>See Telephones</i>	
Eviction process changed 12-133	234	CEMETERIES	
Fine art secured lenders, license requirement 12-131	122	Erosion mitigation structures allowed 12-100	91
Mechanical contractors, employee licensing requirement 12-18	113	12-101	92
Model Entity Transaction Act, exempted transactions modified 12-32	9	CERTIFICATE OF NEED	
Roll-your-own cigarettes, tax/fee/regulation applicability 12-1 June 12 SS	315	Applications, evaluation/timeframe 12-170	272
		New long-term care beds, moratorium extended 12-118	165

CHARITABLE ORGANIZATIONS*See also Nonprofit Organizations*

- Qualified veterans' charitable organizations,
DVA list creation required
12-195 312
- Veterans' organization fundraising with intent
to defraud, misdemeanor
12-195 312

CHIEF COURT ADMINISTRATOR*See also Judicial Branch*

- Fee increase revenue, distribution
requirements
12-89 223
- Judicial Branch facilities, lease negotiation
authority
12-168 240
- Judicial Compensation Commission
recommendations, implementation cost
estimate required
12-93 224

CHIEF STATE'S ATTORNEY, OFFICE OF

- False child abuse/neglect report investigations,
responsibilities
12-82 21

CHILD ABUSE

- False reports, criminal investigation
requirement
12-82 21

CHILD CARE*See Day Care***CHILDREN AND FAMILIES, DEPT. OF**

- Adoption petitions, Superior Court filings
authorized
12-82 21
- Child care facility placements, maximum
age raised
12-201 25
- Children and Families Advisory Council,
appointments/membership changes
12-82 21
- Children in custody, sibling visitation
requirements established
12-71 20
- Children's Behavioral Health Advisory
Committee, appointment authority
12-82 21
- Connecticut Children's Place, renamed Albert J.
Solnit Children's Center-North Campus
12-82 21

- Foster family special requests, form approval
procedures
12-58 20
- Foster home visits, minimum frequency
requirement/behavioral needs assessment
12-58 20
- Permanency plans, requirements increased
12-53 19
- Records, disclosure modifications
12-82 21
- Records, employee access restrictions
12-35 19
- Riverview Hospital for Children and Youth,
renamed Albert J. Solnit Children's
Center-South Campus
12-82 21
- Riverview Hospital Medicaid payments,
nonlapsing fund deposit provision repealed
12-119 166
- "Sibling Bill of Rights" development/
dissemination
12-71 20
- Social security transition plan, representative
payee determination
12-53 19
- SSI application responsibilities
12-53 19

CHILDREN AND MINORS*See also Adoption; Child Abuse; Day Care; Foster Care; Special Education*

- Alcohol possession, prohibition expanded/
penalty increased
12-199 125
- Birth-to-Three, health insurance coverage
requirements changed
12-44 169
- Commercial sexual exploitation of a minor,
felony created
12-141 238
- Custody orders, deployed military parents
12-90 310
- DCF adoption petitions, procedure
12-82 21
- DCF child care facility placements, maximum
age raised
12-201 25
- DCF custody, permanency/transition plan
requirements modified
12-53 19
- DCF custody, sibling visitation requirements
established
12-71 20
- Diabetes, self-testing/school personnel
administration modifications
12-198 78

Failure to report missing child, misdemeanor established 12-112	226	Communications to victims, admission of liability prohibited 12-124	233
Grandparent/third party visitation, parent-like relationship determination 12-137	1	Crane/hoisting operator violations, maximum fine increased 12-99	287
Guardian ad litem appointments, uniform standards/discretion limited 12-25	195	Deliberations, alternate juror service allowed 12-133	234
Juvenile delinquency records, access expanded 12-133	234	Electric/gas company emergency preparedness/service restoration violations, penalties 12-148	81
Manufacturing/mechanical internships, hazardous job participation allowed 12-154	156	Marijuana palliative users/caregivers/dispensaries, exemption 12-55	197
Newborns, congenital heart disease screening 12-13	263	Personal injury/wrongful death, economic damages calculation 12-142	239
Probate matters, transfers/court officer assignment 12-66	203	Service of process, nonresident fiduciary procedure 12-66	203
Sexual assault/injury to a minor, victim compensation authorized 12-133	234	Service of process on the state, inmate lawsuit procedure 12-133	234
"Vaccine choice" pilot program, DPH expansion 12-1 June 12 SS	315	Traffic stop data reports, noncompliance penalties 12-74	206
Youth service bureaus, grants 12-120	68	Voter registration, Election Day/online registration violations/fines 12-56	129
CIGARETTES		CIVIL RIGHTS	
Roll-your-own businesses, tax/fee/regulation applicability 12-1 June 12 SS	315	Marijuana palliative users 12-55	197
CIVIL PREPAREDNESS		CIVIL UNIONS	
<i>See also Emergency Services and Public Protection, Dept. of</i>		Foreign jurisdiction, court orders allowed 12-133	234
Utilities, emergency preparedness/service restoration guidelines 12-148	81	CLEAN ENERGY FINANCE AND INVESTMENT AUTHORITY	
CIVIL PROCEDURE		Commercial Property Assessed Clean Energy (PACE) program 12-2 June 12 SS	359
<i>See also Courts; Crimes and Offenses; Criminal Procedure; Evidence; Juries; Landlord and Tenant</i>		Revenue/activity bonds, authority 12-2 June 12 SS	359
All-payer claims database program reporting violations, penalties 12-166	270	COLLECTIVE BARGAINING	
Blight ordinance violation liens, conforming change 12-146	255	Child care providers/personal care attendants, allowed 12-33	245
Campaign finance report filing violations, SEEC penalty waiver allowed 12-117 (VETOED).....	137	COLLEGES AND UNIVERSITIES	
Children's probate matters, transfers 12-66	203	<i>See also Connecticut State University; Higher Education; University of Connecticut</i>	

CSU/CTC curricula alignment with secondary schools 12-40	149	Address disclosure prohibition narrowed, certain public employees 12-3	127
Financial aid, certain scholarship/grant recipient data reported to OFAAHE 12-94	153	Agreements, DOL employment record sharing with Board of Regents 12-192	158
General education core courses, CSU/CTC cooperative development 12-31	149	All-payer claims database, information protections required 12-166	270
Marijuana palliative use, certain discrimination/disciplinary actions prohibited 12-55	197	Alternative sentencing/community release plans, access limited 12-133	234
Remedial support/college readiness programs required 12-40	149	DCF record disclosure, modifications 12-82	21
Sexual assault/intimate partner violence policies, required 12-78	152	DCF records, employee access restrictions 12-35	19
State, test bed authority expanded 12-97	27	Firearm permit/certificate data, federal probation officer access authorized 12-177	240
State retirement plan, CTC faculty waiver allowed 12-52	152	Handgun sales records, law enforcement access 12-191	292
Three Rivers Community College, magnet school operation authorized 12-120	68	Insurance holding company system regulatory act, requirements expanded 12-103	171
COMMISSIONS		Juvenile delinquency records, access expanded 12-133	234
<i>See Boards and Commissions</i>		Patient-identifiable data, OHCA disclosure authority expanded 12-170	272
COMMON INTEREST COMMUNITIES		Telemedicine data/records, requirement 12-109	165
Common Interest Ownership Act, modifications 12-180 (VETOED).....	241	CONNECTICUT AIRPORT AUTHORITY	
Community association manager, background checks required 12-113	226	Hazardous Waste Establishment Transfer Act, DOT conveyances to CAA exemption 12-196	
Religious object display, ban prohibited 12-113	226	41	
COMPACTS		CONNECTICUT HEALTH AND EDUCATIONAL FACILITIES AUTHORITY	
Indian gaming, change implementation allocation 12-104	3	Merged with CHESLA 12-149	
COMPUTERS		155	
<i>See Electronic Communications</i>		CONNECTICUT HOUSING FINANCE AUTHORITY	
CONDOMINIUMS		Emergency Mortgage Assistance Program, eligibility modifications 12-1 June 12 SS	
<i>See Common Interest Communities</i>		315	
CONFIDENTIALITY		PRIME program, modifications 12-161	
<i>See also Freedom of Information</i>		32	
9-1-1 subscriber information disclosure, telecommunications provider immunity 12-153	103		

CONNECTICUT INNOVATIONS

Steel Point Special Taxing District, economic development assistance time period extended
12-144 103

CONNECTICUT LOTTERY CORPORATION

Lottery agents, financial security requirements expanded
12-23 9

CONNECTICUT STATE UNIVERSITY

See also Colleges and Universities; Higher Education

Curricula alignment with secondary schools
12-40 149
General education core courses, CTC cooperative development
12-31 149
Remedial support/college readiness programs required
12-40 149

CONNECTICUT SUPPLEMENTAL LOAN AUTHORITY

Merged into CHEFA
12-149 155

CONNECTICUT UNFAIR TRADE PRACTICES

See also Consumer Protection

Abnormal market disruption violations, energy prices
12-4 101
Home heating fuel contract violations
12-76 115
Petroleum products gross earnings tax, billing prohibitions
12-4 101
Telephone solicitors, inaccurate/misleading caller identification transmittal
12-79 119

CONSERVATION

See Energy Conservation

CONSTITUTIONAL AMENDMENT

Absentee voting restrictions, eliminated
2012 sHJ 2 127
Election Day gathering requirement, eliminated
2012 sHJ 2 127
Election moderator returns, SOTS/town clerk delivery deadline eliminated
2012 sHJ 2 127

CONSTRUCTION

See also Contracts and Contractors; School Construction

Building renovations, smoke/carbon monoxide detector requirements
12-184 292
Crane/hoisting equipment operators, OSHA crane definition adopted
12-99 287
Partially completed structures, property tax assessments authorized
12-157 258
Site improvement financial guarantees, modifications
12-182 259

CONSTRUCTION SERVICES, DEPT. OF

Crane/hoisting equipment operators, OSHA crane definition adopted
12-99 287
Foamed-in-place insulating materials, changes
12-164 (VETOED) 291
Smoke/carbon monoxide detectors installation, public awareness campaign authorized
12-184 292

CONSUMER COUNSEL, OFFICE OF

Scope expanded
12-148 81

CONSUMER PROTECTION

See also Connecticut Unfair Trade Practices; Lemon Law

Foamed-in-place insulating materials, changes
12-164 (VETOED) 291
Heading fuel consumer bill of rights, DCP regulations
12-76 115
Influence residential real estate appraisals, definition modified
12-96 11
Mercury thermostat collection/recycling program established
12-54 88
Nursing/long-term care facilities, financial stability notice requirement
12-6 1
"One free item" law, expanded
12-15 111
Real estate disclosure form, updates/nondisclosure credit increased
12-122 122

Telephone solicitors, inaccurate/misleading caller identification transmittal prohibited 12-79	119	Insurance claims repair, written estimate requirement modified 12-162	184
CONSUMER PROTECTION, DEPT. OF <i>See also Connecticut Unfair Trade Practices; Occupational Licensing</i>		Mechanical contractor registration violations, penalty established 12-18	113
Architect license display, requirements modified 12-169	125	State, private entity service contracts appropriation increase 12-104	3
Community association managers, training/testing requirements regulations 12-113	226	Vocational-technical student service, state bidding procedure development 12-206	147
Food manufacturing establishment license, created 12-95	120	War veteran set-aside program, airport noise mitigation contracts 12-138	28
Heating fuel consumer bill of rights, regulations 12-76	115	CONTROLLED SUBSTANCES <i>See Drugs and Medicine</i>	
Home heating fuel sales documents, subpoena power 12-76	115	CORPORATIONS <i>See Business; Economic Development</i>	
Interior designers, registration certificate display requirements modified 12-169	125	CORRECTION, DEPT. OF <i>See also Prisons and Prisoners</i>	
Marijuana dispensaries/producers, responsibilities 12-55	197	Confinement conditions, annual review required 12-5	187
Marijuana palliative use, duties/responsibilities 12-55	197	High security status, death sentence commutation/murder with special circumstances inmates 12-5	187
Marijuana palliative use board of physicians, creation 12-55	197	Inmate palliative/end-of-life care, release to nursing home allowed 12-1 June 12 SS	315
"One free item" law expansion, disciplinary powers 12-15	111	Prisoner drivers' license renewal, procedure development 12-81	297
Petroleum product gross earnings tax liability complaint investigations 12-4	101	CORRECTIONAL FACILITIES <i>See Prisons and Prisoners</i>	
Real estate brokers/salespersons, continuing education curricula requirement 12-113	226	COURTS <i>See also Civil Procedure; Criminal Procedure; Judges; Judicial Branch; Juries; Probate Courts; Superior Courts</i>	
Real estate disclosure form, updates/nondisclosure credit increased 12-122	122	Alternative sentencing/community release plans, access limited 12-133	234
CONTRACTS AND CONTRACTORS <i>See also Bids and Bidding; Government Purchasing</i>		Appellate decision appeals, rules altered 12-133	234
Funeral service, modifications 12-36	263	Attorney files inventory, appointee indemnification 12-133	234
Home heating fuels, contract requirement 12-76	115	Certain fees, DCF attorney exemption 12-82	21
		Deployed military, child custody orders 12-90	310

Electronic documents/communications, use expanded 12-133	234	participation fee increased 12-178	241
Family violence, victim support increased/ procedures modified 12-114	228		
Fee waivers for indigents, frivolous determination required 12-133	234		
Fees, increased/established 12-89	223		
Foreign jurisdiction civil unions, court orders allowed 12-133	234		
Grandparent/third party visitation, parent-like relationship determination 12-137	1		
Habeas corpus petitions, good cause/rebuttable presumption limitations 12-115	232		
Habeas corpus petitions, guardian ad litem appointments prohibited 12-25	195		
Not guilty pleas, infraction fine agreements allowed 12-133	234		
Pretrial diversionary programs, veteran eligibility expanded 12-42	309		
Victim impact program, maximum participation fee increased 12-178	241		
CREDIT UNIONS			
Robbery in the 2nd degree, bank/credit union larceny using intimidation 12-186	242		
CREMATION			
<i>See Funerals</i>			
CRIME VICTIMS			
<i>See also Victim Services, Office of</i>			
Compensation, deductible eliminated 12-133	234		
Family violence, court/advocates/law enforcement support expanded 12-114	228		
Office of Victim Services reimbursement liens, expanded 12-133	234		
Sexual assault/risk of injury to a minor, compensation authorization 12-133	234		
Victim impact program, maximum			
		CRIMES AND OFFENSES	
		<i>See also Capital Punishment; Civil Procedure; Courts; Criminal Procedure; Domestic Violence; Driving While Intoxicated; Sex Crimes; Traffic Rules and Regulations</i>	
		Abnormal energy resources market disruption violations, fine established 12-4	101
		Animal cruelty, subsequent conviction penalties increased 12-86	223
		Bakery license violations, penalty 12-95	120
		Blight ordinance violations, state fine imposition 12-146	255
		Capital felony renamed "murder with special circumstances" 12-5	187
		Driving without a license reissuance penalty, second offense 12-81	297
		Electronic pricing violations, penalty modified 12-15	111
		Failure to report missing child, misdemeanor established 12-112	226
		False child abuse/neglect reports, investigations 12-82	21
		Fine art secured lending without a license, penalties 12-131	122
		Food manufacturing establishment license violations, penalty 12-95	120
		Home heating fuel contract violations, penalties increased/created 12-76	115
		Influence residential real estate appraisals, definition modified 12-96	11
		Law enforcement access to handgun sales records, violation penalty 12-191	292
		Marijuana palliative users/caregivers/ dispensaries, penalties exemption 12-55	197
		Mechanical contractor registration violations, penalty established 12-18	113
		Minors, alcohol possession on private	

property, prohibition expanded/penalty increased	12-199	125	required	12-133	234
Misdemeanor classification/penalty adjustments	12-80	208	Defendant videoconference interviews, allowed	12-133	234
Motor carrier violations, certain criminal penalties eliminated	12-81	297	Habeas corpus petitions, good cause/rebuttable presumption limitations	12-115	232
Phosphorus fertilizer restriction violations, penalty established	12-155	256	Ignition interlock devices, restrictions/use modifications	12-178	241
Poaching, penalty increased	12-84	90	Infractions, not guilty plea fine agreements allowed	12-133	234
Robbery in the 2nd degree, bank/credit union larceny using intimidation inclusion	12-186	242	Murder with special circumstances, life imprisonment	12-5	187
Septic system installer/cleaner violations, maximum penalty increased	12-197	273	Police lineup identification procedures, refined	12-111	225
Telephone solicitor inaccurate/misleading caller identification transmittal, established	12-79	119	Pre-sentencing communications to victim, admissibility rules	12-124	233
Unclassified misdemeanors, classified/penalties adjusted/repealed	12-80	208	Pretrial drug education program, veteran referral to US DVA allowed	12-42	309
Unlicensed massage therapy practice, employer penalties	12-64	254	Psychiatric disabilities diversion program, veteran eligibility expanded	12-42	309
Veterans' charitable organization fundraising with intent to defraud, misdemeanor	12-195	312	Psychiatric disabilities supervised diversionary program admission, bail bond termination	12-133	234
Voter influencing/intimidation, penalties increased	12-193	144	Seized property, value threshold increased	12-72	286
Voting/registration fraud, perjury penalties	12-56	129	Victim impact program, maximum DUI offender participation fee increased	12-178	241
War/veteran memorial desecration, felony established	12-38	309			
Zapper/phantom-ware purchase/use, penalties established	12-135	103			
CRIMINAL PROCEDURE			CUTPA		
<i>See also Civil Procedure; Crimes and Offenses; Driving While Intoxicated; Evidence; Juries</i>			<i>See Connecticut Unfair Trade Practices</i>		
Accelerated rehabilitation programs, veteran eligibility expanded	12-42	309	DAY CARE		
Capital punishment, prospective elimination	12-5	187	Care-4-Kids provider list, DSS compilation/maintenance	12-33	245
			Collective bargaining rights, certain Care-4-Kids providers	12-33	245
			School readiness programs, development/funding	12-116	43
			School readiness unexpended funds, applications	12-50	150

Criminal records erasure, nolle motions

DEAF AND HEARING IMPAIRED PERSONS

Students, individualized education program requirements
12-173 74

DEATH

See also Cemeteries; Funerals

Certificate filings, deadline modified
12-36 263
Disposition of military remains, "Records of Emergency Data" form
12-87 310

DEATH PENALTY

Eliminated prospectively
12-5 187

DISABILITIES, PERSONS WITH

See also Deaf and Hearing Impaired Persons

Bus/paratransit fares, increase prohibited
12-104 3
Community Choices program, established
12-119 166
Guardianship review, attorney report modifications
12-66 203
Intellectual disability definition, updated
12-136 267
"Katie Beckett" waiver, modifications
12-119 166
Mental retardation definition, updated
12-136 267
Mentally disabled, eviction protections
12-41 161
Permanent absentee ballot status, procedures modified
12-57 133
Public housing, security deposit interest rate lowered
12-24 161
Rental rebate program, application period extended
12-69 255
Silver Alert System, DMHAS officer report filing authority
12-48 284

DISASTERS

See Civil Preparedness

DISCRIMINATION

Marijuana palliative users, prohibitions
12-55 197
Racial Profiling Prohibition Project Advisory Board, created
12-74 206

Traffic stop data, reporting/collection modifications
12-74 206
Traffic stop data, reporting/collection suspension eliminated
12-1 June 12 SS 315

DISEASES

See also Immunizations

Colorectal cancer screening, insurance deductible charge prohibited
12-190 185
Colorectal cancer screening insurance coverage, American Cancer Society recommendations
12-61 169
Congenital heart disease, newborn screening
12-13 263
Debilitating, marijuana palliative use allowed
12-55 197
Diabetes, school monitoring/medication administration modifications
12-198 78

DIVESTITURE

Domestic insurance company control, regulations
12-103 171
Northern Ireland investments, state treasurer divestiture authority expanded
12-203 7

DIVORCE

Child custody orders modification, deployed military parents
12-90 310
Grandparent/third party visitation, parent-like relationship determination
12-137 1

DOMESTIC VIOLENCE

College/university policies, sexual assault/intimate partner violence
12-78 152
Family violence crimes, expanded
12-114 228
Family Violence Model Policy Governing Council, created
12-114 228
Victims, court/advocates/law enforcement support expanded
12-114 228

DRIVERS' LICENSES

"Activity vehicle" endorsement, continued
12-81 297

Learner's permits, renamed instruction permits/applicability to people over age 18 12-81	297	Prescription drug formulary system, nursing home protocol establishment allowed 12-30	263
Noncommercial, four year license eliminated 12-81	297	Prescriptions, flavoring agents authorized 12-12	111
Permanent revocation, DUI offender restoration procedure modified 12-178	241	Schedule II controlled substance, marijuana reclassification 12-55	197
Reinstatement conditions, drug/alcohol program participation 12-121	305	Telepharmacy pilot program, permanence 12-28	114
Renewals, DOC prisoner procedure development 12-81	297		
Renewals, photograph frequency 12-81	297		
DRIVING WHILE INTOXICATED		DRUNK DRIVING	
Ignition interlock devices restrictions/use modifications 12-178	241	<i>See Driving While Intoxicated</i>	
License reinstatement, drug/alcohol program participation 12-121	305	ECONOMIC AND COMMUNITY DEVELOPMENT, DEPT. OF	
License restoration procedures, modified 12-178	241	Bond Commission, DECD general obligation bond use timeframe extended 12-147	28
Offenders, CSSD alcohol/drug abuse assessment 12-178	241	Brownfield Remediation and Development Office, abandoned/underutilized mill identification 12-183	36
Victim impact program, maximum participation fee increased 12-178	241	Brownfield remediation programs, modifications 12-183	36
		CCEDA administrative duties 12-147	28
		Housing, department established/duties transferred 12-1 June 12 SS	315
		Live Here Learn Here Program, expanded 12-75	27
		Municipal redevelopment agency dissolution, approval requirement 12-161	32
		PRIME program, modifications 12-161	32
		Steel Point Special Taxing District, economic development assistance time period extended 12-144	103
DRUG ABUSE		ECONOMIC DEVELOPMENT	
<i>See Alcohol and Drug Abuse</i>		<i>See also Business; Manufacturers</i>	
DRUGS AND MEDICINE		Small business/job development programs, established 12-1 June 12 SS	315
<i>See also Alcohol and Drug Abuse; Immunizations; Marijuana; Pharmacies and Pharmacists</i>		Steel Point Special Taxing District, assistance/bond issuance time period extended 12-144	103
Marijuana, palliative use 12-55	197		
Medicaid prescription reimbursement rate, independent pharmacy increase 12-1 June 12 SS	315		
Non-injectable medicine administration, nurse delegation to homemaker-home health aides 12-1 June 12 SS	315		
Opioid antagonist prescriptions, health practitioner liability exemption 12-159	268		
Physician assistant prescriptive authority, delegation agreements 12-37	264		

EDUCATION

See also Colleges and Universities; Education, State Board of; Education, State Dept. of; Higher Education; Magnet Schools; School Buses; School Construction; School Personnel; Schools and School Districts; Special Education; Students; Teachers

Early childhood educator grants, unexpended school readiness funds
 12-50 150

Elementary, physical exercise requirement
 12-116 43
 12-198 78

Even Start Family Literacy Program, SDE administration
 12-120 68

Head Start Advisory Council, membership
 12-120 68

Kindergarten/elementary teacher certification modifications
 12-63 152

Reform act
 12-116 43

Regional education service centers, fingerprint retention
 12-120 68

School choice programs, state financial support increased
 12-116 43

School readiness programs, development/funding
 12-116 43

Secondary school curricula alignment with CSU/CTC
 12-40 149

Statutes, minor revisions
 12-120 68

Statutes, technical revisions
 12-59 43

EDUCATION, BOARDS OF

See Schools and School Districts

EDUCATION, STATE BOARD OF

Restraint/seclusion of special education students, review/report
 12-88 24

EDUCATION, STATE DEPT. OF

CPR/AED curriculum, availability
 12-198 78

Even Start Family Literacy Program, administration
 12-120 68

Glycogen storage disease, school treatment guidelines issuance

12-198 78

School district uniform accounting system, development
 12-116 43

ELDERLY PERSONS

See also Home Health Care; Medicaid; Nursing Homes

Community Choices program, established
 12-119 166

Municipal agent for the elderly, appointment/duties
 12-119 166

Personal care assistance home-care pilot program, repealed
 12-119 166

Public housing, security deposit interest rate lowered
 12-24 161

Rental rebate program, application period extended
 12-69 255

Silver Alert System, DMHAS officer report filing authority
 12-48 284

ELECTIONS

See also Campaign Contributions and Expenditures; Primaries; Voters and Voting

Absentee ballot use, primary/election/ referendum officials
 12-193 144

Campaign finance report filing violations, SEEC penalty waiver allowed
 12-117 (VETOED) 137

Citizens' Election Program, surplus fund payments to campaign treasurer
 12-117 (VETOED) 137

Election Day gathering requirement eliminated, constitutional amendment
 2012 sHJ 2 127

Election moderator returns delivery deadline eliminated, constitutional amendment
 2012 sHJ 2 127

Permanent absentee ballots for disabled, procedures modified
 12-57 133

Presidential ballots eliminated, in-state resident
 12-56 129

SEEC registration statement, PAC treasurer reporting authority
 12-117 (VETOED) 137

- Treasurer titles, technical changes
12-117 (VETOED)..... 137
- ELECTRIC COMPANIES**
Emergency preparedness/service restoration,
minimum performance guidelines
12-148 81
Micro-grid infrastructure pilot program created
12-148 81
Power plant applications, consideration factors
12-165 85
Tree trimming, PURA review required
12-148 81
- ELECTRONIC COMMUNICATIONS**
Absentee ballots, military/overseas returns
by email/fax allowed
12-117 (VETOED)..... 137
Connecticut Uniform Electronic Transaction
Act, electronic record/security procedure
redefined
12-185 144
Courts, electronic documents/communications
use expanded
12-133 234
Defendant videoconference interviews,
allowed
12-133 234
Electronic mail, electronic delivery service
inclusion
12-185 144
Proposed subdivisions, regional planning
agency electronic notification allowed
12-27 253
State agency correspondence, electronic
transmission requirement amended
12-185 144
State programs/services, electronic utilization
contracts authorized
12-2 June 12 SS 359
Town clerks, voting district returns/map
submission
12-73 (VETOED)..... 133
- ELECTRONIC RECORDS**
See Records and Recordkeeping
- EMERGENCIES**
See also Civil Preparedness
Utilities, emergency preparedness/service
restoration guidelines
12-148 81
- EMERGENCY SERVICES**
*See also Firefighters and Fire Officials;
Law Enforcement Officers*
Ambulance service costs, patient
responsibility
12-142 239
Enhanced 9-1-1 Commission, public safety
data network responsibilities enumerated
12-68 286
Enhanced 9-1-1 redesign study, text message/
mobile device communications
12-114 228
Enhanced 9-1-1 surcharge, maximum amount
12-134 290
Enhanced 9-1-1 surcharge, prepaid wireless
subscribers
12-153 103
Public safety data network, created
12-68 286
- EMERGENCY SERVICES AND PUBLIC
PROTECTION, DEPT. OF**
Emergency Services and Public Protection
Coordinating Advisory Board, membership
increased
12-9 283
Firearms databank, changes
12-16 283
Public safety data network, established/funding
determination
12-68 286
School bus driver applicants, criminal history
check timeframe
12-81 297
Silver Alert System, report filing authority
expanded
12-48 284
State police minimum staffing, eliminated/
PRI standards recommendation
12-1 June 12 SS 315
Traffic stop data reporting requirement,
suspended
12-74 206
Traffic stop data reporting requirement,
suspension eliminated
12-1 June 12 SS 315
Uniform eyewitness identification
policies/guidelines, POST/State Police
development
12-111 225
- EMERGENCY VEHICLES**
Ambulance service costs, patient responsibility
12-142 239
"Move over" law modified
12-19 284

EMPLOYMENT

See Labor and Employment

ENERGY

See also Energy Conservation; Utilities

Energy resources, abnormal market disruption modifications
12-4 101

ENERGY AND ENVIRONMENTAL PROTECTION, DEPT. OF

Animal permit exemption, regulations
12-105 94

Aquatic invasive species, vessel/trailer inspections instruction
12-167 97

Camp site lease duration increase, pilot program
12-98 90

Expedited road clearing after emergencies, procedure established
12-148 81

Out-of-state solid waste disposal, authorized conditions
12-188 260

Phosphorus reduction, state-wide strategy development
12-155 256

Reindeer possession, regulations
12-127 96

Reports, brownfield remediation/hazardous waste spill response
12-196 41

Sewage spill/overflow, website postings required
12-11 87

Shoreline flood/erosion control application denials, alternate proposal requirement
12-101 92

State open space plan, required inclusions/frequency specified
12-152 97

State-owned land, open space preservation plan
12-152 97

Stormwater/waste water discharge permitting process, streamlining
12-172 34

Temporary authorizations, scope of activities expanded
12-148 81

Tidal/coastal water activities appeals, hearing required
12-100 91

Water quality certification appeals, hearing required
12-100 91

ENERGY ASSISTANCE

Low-income assistance, allocation
12-104 3

Renewable energy and efficient energy generation grant program, expanded
12-189 105

ENERGY CONSERVATION

Home energy service audit program, charges/subsidies modified
12-2 June 12 SS 359

Property Assessed Clean Energy (PACE) program established, commercial property
12-2 June 12 SS 359

ENTERPRISE ZONES

Bioscience Enterprise Corridor Zone, Bristol census designations corrected
12-65 27

ENVIRONMENTAL PROTECTION

See also Energy and Environmental Protection, Dept. of; Fish and Game; Hazardous Substances; Pollution; Solid Waste Management; Water and Related Resources; Wetlands

Aquatic invasive species, vessel/trailer inspections instruction
12-167 97

Brownfield remediation programs, modifications
12-183 36

Cemetery erosion mitigation structures allowed
12-100 91
12-101 92

Coastal Management Act, changes
12-101 92

Mercury thermostat collection/recycling program established
12-54 88

Phosphorus fertilizers, use restrictions/best practices distribution
12-155 256

State open space plan, required
12-152 97

Stormwater/waste water discharge permitting process, requirements
12-172 34

Underground storage tank program, modifications
12-1 June 12 SS 315

ESTATES AND TRUSTS

Conservators, Uniform Adult Protective Proceedings Jurisdiction Act adopted	
12-22	189
Decedent estate examiners defined	
12-66	203
Estate settlement cost determination, domiciled out-of-state death	
12-66	203
Fiduciaries, licensure requirements	
12-96	11
Probate fees, modified	
12-45	196

EVICITION*See also Landlord and Tenant*

Mentally disabled tenants, protections	
12-41	161

EVIDENCE

Business entry, medical provider bills	
12-142	239
Firearms databank, changes	
12-16	283
Motor vehicle operation resulting in death/serious injury, pre-sentencing communications to victim admissibility rules	
12-124	233
Personal injury/wrongful death litigation, collateral source payments	
12-142	239
Police lineup identification procedures, refined	
12-111	225
Seized property, value threshold increased	
12-72	286

FAMILY AND MEDICAL LEAVE*See Labor and Employment***FAMILY VIOLENCE***See Domestic Violence***FIRE SAFETY**

Building renovations, smoke/carbon monoxide detector requirements	
12-184	292
Fire prevention code, implementation delay	
12-60	285

FIREARMS*See Weapons***FIREFIGHTERS AND FIRE OFFICIALS**

Workers' compensation eligibility, PTSD diagnosis	
12-126	250

FISH AND GAME*See also Animals*

Aquaculture producers, DoAG licensure/inspection	
12-176	98
Aquatic invasive species, vessel/trailer inspection requirement	
12-167	97
Charter fishing guide service, marine dealer registrations allowed	
12-174	98
Constables, POST certification exemption	
12-181 (VETOED).....	99
DEEP animal permit exemptions, expanded/regulations	
12-105	94
Niantic River scallops, minimum size increased	
12-176	98
Poaching, penalty increased	
12-84	90
Waterford-East Lyme shellfish commission, daily limit decrease authority	
12-176	98

FOOD PRODUCTS

Food manufacturing establishments, licensing/regulation	
12-95	120

FORESTS*See State Parks and Forests***FOSTER CARE**

DCF custody, sibling visitation requirements established	
12-71	20
DCF home visits, minimum frequency requirement/behavioral needs assessment	
12-58	20
Special requests, DCF form approval procedures	
12-58	20

FREEDOM OF INFORMATION*See also Confidentiality; Records and Recordkeeping*

Address disclosure prohibition narrowed, certain public employees	
12-3	127
Fee guidelines, computer-stored public records	
12-205	145

FUEL*See Oil and Gas*

FUNERALS

See also Cemeteries; Death

Cremation authorization form, funeral home retention schedule modified
 12-36 263

Service contract modifications
 12-36 263

GAMBLING

See also Connecticut Lottery Corporation

Indian gaming compact change implementation, budget reserve fund allocation
 12-104 3

Lottery agents, financial security requirements expanded
 12-23 9

OTB simulcasting facilities, increased
 12-160 291

GASOLINE

See Oil and Gas

GENERAL ASSEMBLY

See also Program Review and Investigations Committee

Housing committee, statutory references updated
 12-8 161

Judiciary Committee, judge trial referee evaluation access
 12-133 234

State agency sunset reviews, committee responsibilities
 12-143 262

GOVERNMENT PURCHASING

See also Contracts and Contractors

Electronic facilitation of state programs/ services, OPM contracts authorized
 12-2 June 12 SS 359

Higher education contracts, print advertising requirement eliminated
 12-129 154

Highway construction/maintenance, contract bidding methods
 12-70 295

Private entity service contracts, 1% increase appropriated
 12-104 3

Public works projects, "project labor agreements" authorized
 12-70 295

State colleges/universities, test bed authority expanded
 12-97 27

GRANTS

See State Aid

GROUP HOMES

DCF maximum age raised
 12-201 25

GUNS

See Weapons

HANDICAPPED PERSONS

See Disabilities, Persons With

HAZARDOUS SUBSTANCES

Brownfield remediation programs, modifications
 12-183 36

Foamed-in-place insulating materials, changes
 12-164 (VETOED) 291

Hazardous Waste Establishment Transfer Act, DOT conveyances to CAA exemption
 12-196 41

Lead poisoning prevention funding, local health department eligibility criteria
 12-202 280

Mercury thermostat collection/recycling program established
 12-54 88

Transfer Act, brownfields exemptions modified
 12-32 9

Underground storage tank program, modifications
 12-1 June 12 SS 315

HEALTH CARE

See Medical Care; Mental Health

HEALTH CARE ACCESS, OFFICE OF

Certificate of need, application evaluation/ timeframe
 12-170 272

Patient-identifiable data, disclosure authority expanded
 12-170 272

Rate review audit requirement, authority eliminated
 12-170 272

Statewide health care facility utilization study, frequency modified
 12-170 272

HEALTH CARE FACILITIES

See also Certificate of Need; Home Health Care; Hospice; Hospitals; Humane Institutions; Nursing Homes

Community health center Medicaid rate, capital cost adjustment 12-85	163
Federally qualified health centers, productivity standards/maximum reimbursement rate repealed 12-119	166
Federally qualified health centers, telemedicine coverage under Medicaid 12-109	165
Newborns, congenital heart disease screening 12-13	263
Statewide health care facility utilization study, frequency modified 12-170	272

HEALTH INSURANCE

See also Medicaid

Adverse determination information, patient access expanded 12-102	169
All-Payer Claims, database/advisory group created 12-166	270
Birth-to-Three services, coverage requirements changed 12-44	169
Breast MRI coverage, American Cancer Society guidelines 12-150	184
Colorectal cancer screening, deductible charge prohibited 12-190	185
Colorectal cancer screening coverage, American Cancer Society recommendations 12-61	169
Companies, DPH "vaccine choice" pilot program fee modification 12-1 June 12 SS	315
Mandates, applicability expanded 12-145	183
Marijuana, palliative use coverage permitted 12-55	197
Medicare Savings Program income disregard increase, date modified 12-1	163
Retired teacher premiums, state contributions temporarily reduced 12-104	3
Statutes, minor/technical changes 12-145	183
Third party administrators, Medicaid recipient dual health insurance disclosure to DSS 12-119	166

HEALTH PROFESSIONS

See also Occupational Licensing;

Pharmacies and Pharmacists; Physicians

Acupuncturists, training/certification examination requirements modified 12-39	265
Collective bargaining rights, certain personal care attendants allowed 12-33	245
Homemaker-home health aids, non-injectible medicine administration permitted 12-1 June 12 SS	315
Medical Examining Board, membership increased 12-62	266
Medical hearing panels, membership pool increased/required specialties modified 12-62	266
Opioid antagonist prescriptions, liability exemption 12-159	268
Personal injury/wrongful death litigation, evidence/collateral source rule changes 12-142	239
Physical therapist/physician, letters of protection required for personal injury patients 12-14	189
Physician assistants, supervision requirements revised 12-37	264
Therapists, ventilator-dependent home care pilot program, DSS reimbursement 12-91	164

HEATING OIL

See Oil and Gas

HIGHER EDUCATION

See also Colleges and Universities;

Connecticut State University; University of Connecticut

Athletic departments, automatic external defibrillator availability/trained personnel 12-197	273
Capital project financing, CHESLA expansion 12-149	155
Capitol Scholarship Grant Program, moratorium eliminated 12-128	154
Contracts, print advertising requirement eliminated 12-129	154
Faculty consulting, annual policy audits 12-129	154

Statutes, revised		
12-156	157	
Teaching faculty, general education core		
courses development/implementation		
12-31	149	
HIGHER EDUCATION, BOARD OF		
REGENTS FOR		
Employment records, DOL information		
sharing allowed		
12-192	158	
Faculty advisory committee membership		
increased		
12-7	149	
UConn oversight authority reduced		
12-129	154	
HIGHER EDUCATION, OFFICE OF		
Capitol Scholarship Grant Program,		
moratorium eliminated		
12-128	154	
Named/functions authorized		
12-156	157	
HIGHER EDUCATION, OFFICE OF		
FINANCIAL AND ACADEMIC		
AFFAIRS FOR		
Financial aid, certain grant/scholarship		
recipient data reported to General		
Assembly		
12-94	153	
Higher education trends, annual report		
required		
12-10	149	
Renamed Higher Education Office		
12-156	157	
HIGHWAYS AND ROADS		
Construction/maintenance, contract bidding		
methods		
12-70	295	
"Move over" law modified		
12-19	284	
Road clearing, government/utility coordination		
12-148	81	
Special DOT operation permits, snowplow		
exemption		
12-132	306	
Town-aid road grant program, bonds		
authorized		
12-189	105	
Traffic volume impact decisions, DOT		
deadline eliminated		
12-132	306	
HISTORIC PRESERVATION		
Abandoned/underutilized mills, identification		
12-183	36	
HOME HEALTH CARE		
Hospice facilities, authorized operators		
12-140	267	
"Katie Beckett" waiver, modifications		
12-119	166	
Personal care assistance home-care pilot		
program, repealed		
12-119	166	
Ventilator-dependent pilot program, DSS		
reimbursement rates		
12-91	164	
HOSPICE		
Residences/facilities, authorized operators		
12-140	267	
HOSPITALS		
Connecticut Children's Place, renamed		
12-82	21	
Rate review, OHCA requirement authority		
eliminated		
12-170	272	
Riverview Hospital for Children and Youth,		
renamed		
12-82	21	
Riverview Hospital Medicaid payments,		
nonlapsing fund deposit provision repealed		
12-119	166	
Telepharmacy pilot program, permanence		
12-28	114	
Uncompensated care reports, deadline		
extended		
12-170	272	
HOUSING		
<i>See also Housing, Dept. of</i>		
Blight, state fine imposition		
12-146	255	
Blight ordinances, implementing regulations		
12-146	255	
Legislative housing committee, statutory		
references updated		
12-8	161	
Live Here Learn Here Program, expanded		
12-75	27	
PRIME program, modifications		
12-161	32	
HOUSING, DEPT. OF		
Established		
12-1 June 12 SS	315	

HOUSING AUTHORITIES

Commissioners/certain employees, conflict of interest limitation 12-161	32
Public, security deposit interest rate lowered 12-24	161

HUMANE INSTITUTIONS

Mentally ill acquittee commitment costs, recovery provision repealed 12-158	268
---	-----

HUNTING

See Fish and Game

IDENTIFICATION

DMV non-driver ID renewals, photograph frequency 12-81	297
Non-driver identity cards for master juror list, DMV inclusion 12-133	234

IMMUNITY

See Liability

IMMUNIZATIONS

Pharmacists, vaccine administration authority expanded 12-207	281
"Vaccine choice" pilot program, DPH expansion 12-1 June 12 SS	315

INDIANS

Indian gaming compact, change implementation allocation 12-104	3
--	---

INLAND WETLANDS

Permits, validity period/timeframe restrictions 12-151	256
---	-----

INSURANCE

Adjuster fees, calculation/collection timeframe 12-162	184
Ceding insurers, reinsurance credits 12-139	179
Claims, written estimate requirement modified 12-162	184
Commercial risk, perishable food donations to temporary emergency shelters 12-123	178

Exemptions, federally tax-exempt providers to veterans/dependents 12-2 June 12 SS	359
Fire, requirements extended 12-162	184
Hurricane deductible imposition, conditions specified 12-162	184
Insurance holding company system regulatory act, modified 12-103	171

INSURANCE DEPARTMENT

Commissioner, supervisory college membership required 12-103	171
Domestic insurer, pre-acquisition notification/ review requirements 12-103	171
Insurance company divestiture of control, regulations 12-103	171
Reinsurer certification/accreditation, evaluation/revocation allowed 12-139	179

INTEREST

Escrow accounts, minimum rate eliminated 12-106	18
Security deposits, minimum rate clarification 12-96	11
Security deposits, public housing rate lowered 12-24	161

INVESTMENTS

See Divestiture

JOB TRAINING

Animal control officer, training requirements established 12-108	95
Audiologists, hearing aid fitting/sales training/licensing exemption 12-110	261
Crane/hoisting equipment apprentices, training supervision standards 12-99	287
Hearing instrument specialist, continuing education/licensure requirements 12-110	261
Job development programs, established/ expanded 12-1 June 12 SS	315

JUDGES

Court messenger appointments, authority repealed
12-133 234

Guardian ad litem appointments, uniform standards/discretion limited
12-25 195

Judge trial referee evaluations, Judiciary Committee availability
12-133 234

Judicial Compensation Commission, created
12-93 224

Probate retiree claims, State Retirement Commission authority modified
12-66 203

JUDICIAL BRANCH

See also Chief Court Administrator

Court messengers, compensation/assignments
12-133 234

Court Support Services Division, defendant videoconference interviews allowed
12-133 234

Court Support Services Division, DUI offender alcohol/drug abuse assessment
12-178 241

Intake, assessment and referral specialists, duties/responsibilities/protections expanded
12-133 234

Jury administrator, breastfeeding/discrete issues staff training requirement
12-51 19

Security agreements with state agencies, authorized scope expanded
12-133 234

Website, breastfeeding accommodations/postponement information
12-51 19

JURIES

Deliberations, alternate juror service allowed
12-133 234

Jury duty, breastfeeding accommodations/postponement
12-51 19

Master list, non-driver identity card holders inclusion
12-133 234

LABOR, DEPT. OF

Address confidentiality guide, public employees
12-3 127

Employment records, information sharing with Board of Regents
12-192 158

School paraprofessional family and medical leave eligibility modifications, regulations
12-43 249

Unemployment Compensation Act appeals hearings, discretion limited
12-125 250

LABOR AND EMPLOYMENT

See also Collective Bargaining; Job Training; Judges; Municipal Officers and Employees; Occupational Licensing; Retirement and Pensions; Schools and School Districts; State Officers and Employees; Unemployment Compensation; Wages; Workers' Compensation

Family and medical leave, school paraprofessional eligibility modified
12-43 249

Job development programs, established
12-1 June 12 SS 315

Manufacturing/mechanical internships, participation by minors allowed
12-154 156

Marijuana palliative use, certain discrimination/disciplinary actions prohibited
12-55 197

Second Injury, noncompliant employer property seizure
12-77 208

State-aided institutions, wage payment schedule exception expanded
12-83 250

LAND USE

See Open Space

LANDLORD AND TENANT

Marijuana palliative use, certain discrimination/disciplinary actions prohibited
12-55 197

Mentally disabled, eviction protections
12-41 161

Nonresidential evictions, process changed
12-133 234

Rental rebate program, application period extended
12-69 255

Security deposits, minimum interest rate clarification
12-96 11

Security deposits, public housing interest rate lowered 12-24	161	LEMON LAW	
LAW ENFORCEMENT OFFICERS		Pet, veterinary expense reimbursement modifications 12-105	94
DMHAS, Silver Alert System report filing authority 12-48	284	LIABILITY	
Eyewitness identification procedures, techniques refined 12-111	225	9-1-1 subscriber information disclosure, telecommunications provider immunity 12-153	103
Family violence model policies adopted 12-114	228	Ambulance service costs, patient responsibility 12-142	239
Federal probation, firearm permit/ certificate data access 12-177	240	Attorney files inventory, appointee indemnification 12-133	234
Firearms databank, changes 12-16	283	Connecticut Airport Authority, hold harmless protection 12-196	41
Fish and game protection constables, POST certification exemption 12-181 (VETOED).....	99	Failure to stop minor alcohol possession, liability extended 12-199	125
Handgun sales records, access authorized 12-191	292	Health practitioner immunity, opioid antagonist prescriptions 12-159	268
Motor vehicle accidents, driver urine sample requirement 12-81	297	Perishable food donation to emergency shelter, exemption 12-123	178
Police Officer Standards and Training Council, technical statute corrections 12-204	293	Pre-sentencing communications to victim, admissibility rules 12-124	233
Public safety data network, established 12-68	286	Prepaid wireless subscribers, enhanced 9-1-1 surcharge 12-153	103
Seized property inventory, value threshold increased 12-72	286	State, collective bargaining child care providers/personal care attendants 12-33	245
State police minimum staffing, eliminated/ PRI standards recommendation 12-1 June 12 SS	315	Zoning enforcement officials, triple damages penalty eliminated 12-47	253
Traffic stop data, reporting/collection modifications 12-74	206	LIBRARIES	
Traffic stop data, reporting/collection suspension eliminated 12-1 June 12 SS	315	State, probate records responsibilities shifted 12-66	203
Uniform eyewitness identification policies/guidelines, POST/State Police development 12-111	225	State Librarian, loaned property/museum records regulations 12-171	72
LEASES AND LEASING		LICENSING	
Judicial Branch facilities, chief court administrator negotiation authority 12-168	240	<i>See Drivers' Licenses</i>	
		LIENS AND ENCUMBRANCES	
		Blight ordinance violation liens, conforming change 12-146	255

Victim Services Office reimbursement liens, expanded 12-133	234	MANUFACTURERS	Food manufacturing establishment license, created 12-95	120
LIEUTENANT GOVERNOR'S OFFICE		Hazardous job internships, participation by minors allowed 12-154	156	
Health Reform and Innovation Office, all-payer claims database program created 12-166	270	MARIJUANA	Palliative use, allowed/regulation 12-55	197
LIFE INSURANCE		Palliative use board of physicians, created 12-55	197	
Beneficiary, funeral service contract allowed 12-36	263	MARRIAGE	Foreign jurisdiction, court orders allowed 12-133	234
LIQUOR		MASS TRANSIT	Fare increase prohibition, services to disabled 12-104	3
<i>See Alcoholic Beverages</i>		Student Metro North passes, automatic renewal requirement 12-132	306	
LITIGATION		MEDICAID	<i>See also Health Insurance</i>	
<i>See also Civil Procedure</i>		Community health center rate, capital cost adjustment 12-85	163	
Fee waivers for indigents, frivolous determination required 12-133	234	Nursing homes in receivership, DSS advance payments 12-130	168	
Personal injury, physician/physical therapist letters of protection required 12-14	189	Prescriptions, independent pharmacy reimbursement rate increased 12-1 June 12 SS	315	
Personal injury/wrongful death, collateral source payments 12-142	239	Riverview Hospital payments, nonlapsing fund deposit provision repealed 12-119	166	
LOANS		Services, telemedicine demonstration project 12-109	165	
<i>See also Mortgages</i>		Ventilator-dependent recipients, home care pilot program established/reimbursement rate 12-91	164	
Property Assessed Clean Energy (PACE) program, commercial property 12-2 June 12 SS	359	MEDICAL CARE	<i>See also Diseases; Home Health Care; Hospice; Immunizations; Long-Term Care</i>	
LONG-TERM CARE		All-payer claims database program, created 12-166	270	
<i>See also Nursing Homes</i>		Colorectal cancer screening, insurance deductible charge prohibited 12-190	185	
Community Choices program, established 12-119	166			
Facilities, financial stability notice requirement 12-6	1			
Hospitals, license issuance/renewal moratorium 12-118	165			
LOTTERY				
<i>See Connecticut Lottery Corporation; Gambling</i>				
MAGNET SCHOOLS				
Great Path Academy, operating grants/tuition authority 12-120	68			
Interdistrict, Three Rivers Community College operation authorized 12-120	68			

- Colorectal cancer screening coverage,
American Cancer Society
recommendations
12-61 169
- Congenital heart disease, newborn screening
12-13 263
- Family violence trauma-informed care,
definition expanded
12-114 228
- Marijuana, palliative use
12-55 197
- Non-injectible medicine administration, nurse
delegation to homemaker-home health aides
permitted
12-1 June 12 SS 315
- Opioid antagonist prescriptions, health
practitioner liability exemption
12-159 268
- Personal injury patients, letters of protection
required
12-14 189
- Prescription drug formulary system, protocol
establishment allowed
12-30 263
- "Vaccine choice" pilot program, DPH
expansion
12-1 June 12 SS 315
- MEDICAL PROFESSIONS**
See Health Professions
- MEDICAL RECORDS**
See Records and Recordkeeping
- MEDICAL RESEARCH**
Bioscience Enterprise Corridor Zone, Bristol
census designations corrected
12-65 27
- MEDICARE**
See Health Insurance
- MEDICINE**
See Drugs and Medicine
- MENTAL HEALTH**
Connecticut Children's Place, renamed
12-82 21
- DCF custody, home visitation requirement/behavioral
needs assessment
12-58 20
- Intellectual disability definition, updated
12-136 267
- Mental retardation definition, updated
12-136 267
- Mentally disabled, eviction protections
12-41 161
- Mentally ill acquittee commitment costs,
recovery provision repealed
12-158 268
- Psychiatric disabilities diversion program,
veteran eligibility expanded
12-42 309
- Psychiatric disabilities supervised diversionary
program admission, bail bond termination
12-133 234
- Psychiatric patient medication administration,
guardian ad litem appointments
12-25 195
- Riverview Hospital for Children and Youth,
renamed
12-82 21
- MENTAL HEALTH AND ADDICTION
SERVICES, DEPT. OF**
Officers, Silver Alert System report filing
authority
12-48 284
- Opioid antagonist prescriptions, report
required
12-159 268
- MILITARY**
See also Veterans
- Absentee ballots returns, email/fax allowed
12-117 (VETOED)..... 137
- Army National Guard state morale, welfare
and recreation account, established
12-200 313
- Deployed, child custody orders
12-90 310
- Disposition of remains, "Records of
Emergency Data" form
12-87 310
- Victim advocates/sexual assault prevention
coordinators, sexual assault counselors
definition inclusion
12-90 310
- War memorial desecration, felony
established
12-38 309
- MINORITIES**
Racial Profiling Prohibition Project Advisory
Board, created
12-74 206
- MINORS**
See Children and Minors

MOBILE HOMES AND MOBILE HOME

PARKS

Mentally disabled tenants, eviction protections
12-41 161

MOBILE TELEPHONES

See Telephones

MORTGAGES

Emergency mortgage assistance program,
eligibility modifications
12-1 June 12 SS 315
Escrow accounts, minimum interest rate
eliminated
12-106 18
Land records, mortgage assignments per
document/recording fees increased
12-187 260
Lender licensing/continuing education
provisions, changed
12-96 11
Loan review, bank responsibilities
12-96 11
PRIME program, modifications
12-161 32

MOTOR CARRIERS

See Trucks and Trucking

**MOTOR VEHICLE DEALERS AND
REPAIRERS**

Used vehicles, safety inspections required
12-81 297

MOTOR VEHICLES

*See also Buses; Drivers' Licenses; Emergency
Vehicles; Highways and Roads;
Mass Transit; Motor Vehicles, Dept. of;
School Buses; Traffic Rules and
Regulations; Trucks and Trucking*

Dealers, safety inspections required
12-81 297
Low number license plate registration, fee
increased
12-81 297
Mobile phone use while driving prohibition,
ham operator exemption
12-67 285
Paratransit fare increase prohibited
12-104 3
Snowplows, DOT permit exemption
12-132 306
Taxi companies, application fee increased/
child safety seat exemption
12-81 297

Wreckers, certain fees eliminated
12-132 306
Wreckers, weight limit/travel distances with
disabled vehicles increased
12-81 297

MOTOR VEHICLES, DEPT. OF

Driving without a license reissuance penalty,
second offense
12-81 297
Juror master list, non-driver identity card
holder inclusion
12-133 234
License/identity card holders, six-month
extension authorized
12-81 297
License plates, Internet auction study
12-81 297
Motor vehicle accidents, driver urine sample
results submission
12-81 297
Prisoner license renewal, procedure
development
12-81 297
Selective Service System, required
information transmission
12-81 297
Vehicle registration, six-month courtesy
renewal
12-81 297

MUNICIPAL OFFICERS AND EMPLOYEES

*See also Firefighters and Fire Officials; Law
Enforcement Officers; School Personnel;
Schools and School Districts; Teachers*

Address confidentiality modifications,
certain
public employees
12-3 127
Agent for the elderly, appointment/duties
12-119 166
Animal control officers, abused/neglected
animal seizure/placement modifications
12-20 87
Animal control officers, animal restraining
order effective date
12-21 88
Animal control officers, training requirements
established
12-108 95
Bridgeport, educational loan offer/conditions
12-1 June 12 SS 315
Election moderators, constitutional amendment
to eliminate election returns delivery
deadline
2012 sHJ 2 127

Primary/election/referendum officials, absentee ballot use authorized 12-193	144	Bridgeport, Steel Point Special Taxing District economic development, assistance time period extended 12-144	103
Primary polling place officials, residency/ party affiliation requirements modified 12-49	129	Building permits on lots abutting unaccepted streets, ordinance prohibitions 12-182	259
Registrars of voters, Election Day registration responsibilities 12-56	129	Burial permit issuance, death certificate filing deadline modified 12-36	263
Registrars of voters, felon disenfranchisement notification procedures 12-73 (VETOED).....	133	Capital Region Development Authority, district coverage increased 12-147	28
Registrars of voters, permanent absentee ballot procedures modified 12-57	133	Charter commissions, revision authority limited 12-34 (VETOED).....	253
Registrars of voters, primary polling place official training requirement 12-49	129	Education, state funding increased 12-116	43
Registrars of voters, removal process established 12-73 (VETOED).....	133	Expedited road clearing after emergencies, procedure established 12-148	81
Supervised absentee balloting designees, service prohibition 12-73 (VETOED).....	133	Fine art secured lending license, created 12-131	122
Tax collectors, jeopardy collection process changed 12-26	253	Food manufacturing establishments, zoning approval/sanitary conditions enforcement 12-95	120
Town clerks, electronic voting district returns/ map submission 12-73 (VETOED).....	133	Health departments, lead poisoning prevention/control funding changes 12-202	280
Town clerks, mortgage record copy fees 12-187	260	Inland wetland permits, validity period/timeframe restrictions 12-151	256
Vital statistics registrar, delayed birth certificate responsibilities modified 12-163	269	Local capital projects/grant programs, bonds authorized 12-189	105
Zoning enforcement, triple damages penalty eliminated 12-47	253	Mercury thermostat recycling program, participation allowed 12-54	88
MUNICIPALITIES		Mortgage records, maximum assignments per document/fees increased 12-187	260
<i>See also Government Purchasing; Municipal Officers and Employees; Planning and Zoning; Property Taxes; Schools and School Districts; Special Districts</i>		Municipal sewer project financing, bonds authorized 12-2 June 12 SS	359
Abandoned/underutilized mills, identification 12-183	36	Out-of-state solid waste disposal, DEEP authorized conditions 12-188	260
Address confidentiality requirement, modified 12-3	127	Partially completed structures, property tax assessments authorized 12-157	258
Bioscience Enterprise Corridor Zone, Bristol census designations corrected 12-65	27	Police lineup identification procedures, refined 12-111	225
Blight ordinances, implementing regulations 12-146	255		

Property Assessed Clean Energy (PACE) program, commercial property 12-2 June 12 SS	359	NATIVE AMERICANS Indian gaming compact, change implementation allocation 12-104	3
Property tax exemptions, certain filing deadlines waived 12-2 June 12 SS	359	NOISE POLLUTION Airports, mitigation programs authorized 12-138	28
Proposed subdivisions, regional planning agency electronic notification allowed 12-27	253	NONPROFIT ORGANIZATIONS <i>See also Charitable Organizations</i> Affordable housing/homeownership promotion, mortgage licensure exemption 12-96	11
Real property assessment decreases, phase-in allowed 12-2 June 12 SS	359	NOTARIES PUBLIC Copy certification allowed 12-29	196
Redevelopment agency dissolution, DECD approval required 12-161	32	NURSES AND NURSING <i>See also Health Professions</i> APRNs, certification of medical information 12-197	273
Renewable energy and efficient energy generation grant program, replaced 12-189	105	Non-injectible medicine administration, delegation to homemaker-home health aides permitted 12-1 June 12 SS	315
Site improvements, developer financial guarantee modifications 12-182	259	Nursing Board of Examiners, nurse appointee qualifications modified 12-62	266
Siting council proceedings, participation reimbursement modified 12-165	85	Ventilator-dependent home care pilot program, DSS reimbursement rates 12-91	164
Telecommunications towers, developer installation consultation requirements 12-165	85	NURSING HOMES Financial stability notice requirement 12-6	1
Town-aid road grant program, bonds authorized 12-189	105	Inmate palliative/end-of-life care, release to nursing home allowed 12-1 June 12 SS	315
Traffic stop data, reporting requirements/noncompliance penalties 12-74	206	New long-term care beds, moratorium extended 12-118	165
Traffic stop data, reporting requirements suspension eliminated 12-1 June 12 SS	315	Prescription drug formulary system, protocol establishment allowed 12-30	263
Utility pole data sharing, GIS analysts 12-2 June 12 SS	359	Receivership, Medicaid advance payments 12-130	168
Waterford-East Lyme shellfish commission, daily limit decrease authority 12-176	98	OCCUPATIONAL LICENSING <i>See also Accountants and Accounting; Health Professions; Pharmacies and Pharmacists; Teachers</i> Acupuncturists, training/certification examination requirements modified 12-39	265
Zoning commission, coastal site plan approval required 12-101	92		
MUSEUMS Loaned property, conservation measures/ ownership process 12-171	72		
NATIONAL GUARD <i>See Military</i>			

Aquaculture producers, licensing requirements 12-176	98	OPEN SPACE	
Architects, license display requirements modified 12-169	125	State plan, required inclusions/frequency specified 12-152	97
Audiologists, hearing aid fitting/sales licensing/training exemption 12-110	261	ORGAN DONATION	
Certified public accountants, licensing requirements modified 12-194	145	Organ and Tissue Donation Education Awareness Advisory Council, created 12-197	273
Community association managers, background checks/training requirements 12-113	226	PARENTAL RIGHTS	
Crane/hoisting equipment operators, exemption narrowed 12-99	287	Deployed military, child custody orders 12-90	310
Fine art secured lending, created 12-131	122	PARKS AND FORESTS	
Hearing instrument specialist, continuing education/licensure requirements 12-110	261	<i>See State Parks and Forests</i>	
Interior designers, registration certificate display requirements modified 12-169	125	PATIENT'S RIGHTS	
Massage therapy, unlicensed practitioner employer penalties 12-64	254	Health insurer adverse determination, information access expanded 12-102	169
Mechanical contractors, registration violations penalty established 12-18	113	Marijuana palliative use, discrimination/disciplinary actions prohibited 12-55	197
Mortgage license modifications 12-96	11	Patient-identifiable data, OHCA disclosure authority expanded 12-170	272
Professional counselors, military sexual assault licensing exemption 12-90	310	Personal injury patients, letters of protection required 12-14	189
OFFICE OF POLICY AND MANAGEMENT		PAWNBROKERS	
<i>See Policy and Management, Office of</i>		Fine art secured lending license, created 12-131	122
OIL AND GAS		Precious metals/stones dealers, payment records requirements 12-72	286
Emergency preparedness/service restoration, minimum performance guidelines 12-148	81	PHARMACIES AND PHARMACISTS	
Gasohol/home heating oil, abnormal market disruption inclusion 12-4	101	<i>See also Drugs and Medicine</i>	
Home heating fuels, contract requirement 12-76	115	Marijuana dispensaries, licensing requirements 12-55	197
Petroleum products, gross earnings tax modifications 12-4	101	Medicaid prescriptions, independent pharmacy reimbursement rate increased 12-1 June 12 SS	315
Underground storage tank program, modifications 12-1 June 12 SS	315	Prescription flavoring agents authorized 12-12	111
		Vaccine administration authority, expanded 12-207	281
		PHYSICIANS	
		Continuing medical education hours, Medical Examining Board/DPH service waiver 12-62	266

Marijuana, patient palliative use certification 12-55	197	State programs/services, electronic utilization contracts authorized 12-2 June 12 SS	359
Personal injury patients, letters of protection required 12-14	189	State property inventory responsibilities, assignment 12-205	145
Physician assistant supervision modifications 12-37	264	Traffic stop data report standardization, development/implementation 12-74	206
PLANNING AND ZONING			
Bakery/food manufacturing establishment license applicants, approval required 12-95	120	POLLUTION	
Commissions, surety bond acceptance 12-182	259	<i>See also Noise Pollution; Water Pollution</i>	
Enforcement officials, triple damage penalty eliminated 12-47	253	Sewage spill/overflow, DEEP website postings required 12-11	
Inland wetland permits, planning/zoning timeframe conformance 12-151	256	87	
Land use appeals, abutting property owner restrictions 12-146	255	POPULAR NAMES	
Proposed subdivisions, regional planning agency electronic notification allowed 12-27	253	Caylee's law, established 12-112	
Shoreline flood/erosion control application denials, alternate proposal requirement 12-101	92	"Katie Beckett" waiver, modifications 12-119	
Solid waste facility land use regulation, allowed/restrictions 12-2	87	"Move over" law modified 12-19	
POLICE		Pet lemon law, veterinary expense reimbursement modifications 12-105	
<i>See Law Enforcement Officers</i>		Silver Alert System, DMHAS officer report filing authority 12-48	
POLICY AND MANAGEMENT, OFFICE OF		284	
All-payer claims database program administration, regulations 12-166		226	
CCEDA administrative duties, shifted to DECD 12-147		166	
Conservation and development plan, coastal erosion considerations 12-101		284	
Municipal traffic stop data report noncompliance, penalty imposition 12-74		94	
Prisoner reintegration projects, outcome-based performance contract authorized 12-2 June 12 SS		284	
State agency regulations, third party licensing agreement posting 12-92		284	
135		POWER PLANTS	
		<i>See Electric Companies</i>	
		PRESCRIPTION MEDICINES	
		<i>See Drugs and Medicine</i>	
		PRIMARIES	
		<i>See also Campaign Contributions and Expenditures; Elections</i>	
		Polling place officials, requirements/ designation deadline modified 12-49	
		129	
		Polling place reduction, registrar of voters' authority 12-73 (VETOED)	
		133	
		PRISONS AND PRISONERS	
		<i>See also Correction, Dept. of</i>	
		Alternative sentencing/community release plans, access limited 12-133	
		234	
		Confinement conditions, DOC annual review required 12-5	
		187	
		Drivers' license renewal, procedure development 12-81	
		297	

Felon disenfranchisement notification, procedures modified 12-73 (VETOED).....	133	PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE State police minimum staffing standards, recommendation 12-1 June 12 SS 315 Sunset law reviews, responsibility transferred 12-143 262
High security status, death sentence commutation/murder with special circumstances inmates 12-5	187	
Inmate lawsuit service of process on the state, procedure 12-133	234	
Inmate palliative/end-of-life care, release to nursing home allowed 12-1 June 12 SS	315	
Reintegration projects, outcome-based performance contract authorized 12-2 June 12 SS	359	
PRIVACY <i>See Confidentiality</i>		
PROBATE COURTS <i>See also Estates And Trusts</i> Annual report, frequency reduced 12-66	203	
Delayed birth certificate proceedings, changes 12-163	269	
Fees, modified 12-45	196	
Guardian ad litem appointments, uniform standards/discretion limited 12-25	195	
Judges, retirement benefit calculations/ spousal entitlement 12-66	203	
Operations, modifications 12-66	203	
Retiree claims, State Retirement Commission authority modified 12-66	203	
Uniform Adult Protective Proceedings Jurisdiction Act adopted 12-22	189	
PROBATION Alternative sentencing/community release plans, access limited 12-133	234	PROPERTY AND REAL ESTATE <i>See also Common Interest Communities; Open Space; Planning and Zoning; Real Estate Brokers and Salespersons; State Property</i> Blighted housing, state fine imposition 12-146 255 Brownfields Remediation Liability Working Group, extended 12-183 36 Disclosure form, updates/nondisclosure credit increased 12-122 122 Hazardous Waste Establishment Transfer Act, DOT conveyances to CAA exemption 12-196 41 Influence residential real estate appraisals, definition modified 12-96 11 Insurance claims repair, written estimate requirement modified 12-162 184 Judicial Branch facility leases, chief court administrator negotiation authority 12-168 240 Mortgage records, maximum assignments per document/recording fees increased 12-187 260 Seizure, Second Injury Fund employer noncompliance 12-77 208 Transfer Act, brownfields exemptions modified 12-32 9
Federal officers, firearm permit/certificate data access authorized 12-177	240	
PROPERTY TAXES Assessment decrease phase-in, allowed 12-2 June 12 SS	359	
Exemptions, certain filing deadlines waived 12-2 June 12 SS	359	
Jeopardy tax collection, process changed 12-26	253	
Partially completed structures, assessments authorized 12-157	258	

PUBLIC EMPLOYEES

See Municipal Officers and Employees; State Officers and Employees

PUBLIC HEALTH, DEPT. OF

Delayed birth certificate, responsibilities
12-163 269

Glycogen storage disease, school treatment
guidelines issuance
12-198 78

Lead poisoning prevention funding, local
health department eligibility criteria
12-202 280

Long-term care hospital license, issuance/
renewal moratorium
12-118 165

Massage therapists, unlicensed practitioner
complaint investigations
12-64 254

Medical hearing panels, membership pool
increased/required specialties modified
12-62 266

Physician continuing education hours, waiver
allowed
12-62 266

Statutes, substantive/technical changes
12-197 273

"Vaccine choice" pilot program, expanded
12-1 June 12 SS 315

PUBLIC RECORDS

See Freedom of Information; Records and Recordkeeping

PUBLIC UTILITIES REGULATORY

AUTHORITY

Cellular phone monthly fee prohibition,
progressive wire line inclusion schedule
12-153 103

Emergency preparedness/service restoration,
oversight/investigatory responsibilities
modified
12-148 81

Enhanced 9-1-1 surcharge, maximum amount
12-134 290

Enhanced 9-1-1 surcharge, prepaid wireless
subscribers
12-153 103

Intrastate telecommunications restoration after
emergency, study
12-148 81

Power outage, food/medication loss
reimbursement study
12-148 81

Tree trimming, electric utility policy
review required
12-148 81

PUBLIC WORKS

See Government Purchasing

QUASI-PUBLIC AGENCIES

See Capital Region Development Authority; specific agencies

RAILROADS

Crossings/private ways, DOT authority
12-132 306

Metro North student passes, DOT automatic
renewals required
12-132 306

RAPE

See Sex Crimes

REAL ESTATE

See Property and Real Estate

REAL ESTATE BROKERS AND SALESPERSONS

Continuing education, condominium
curricula requirement
12-113 226

RECORDS AND RECORDKEEPING

See also Birth Certificates

Community association manager, background
checks required
12-113 226

Computer-stored public records, FOIA fee
guidelines
12-205 145

Connecticut Uniform Electronic Transaction
Act, electronic record/security procedure
redefined
12-185 144

Copy certification, notaries public
12-29 196

Cremation authorization form, retention
schedule modified
12-36 263

Criminal, nolle motions required for erasure
12-133 234

DCF, disclosure modifications
12-82 21

DCF, employee access restrictions
12-35 19

Death certificates, filing deadline modified
12-36 263

Employment, DOL information sharing with Board of Regents 12-192	158	UConn intellectual property, ownership modifications 12-129	154
Handgun sales, recording method/law enforcement access 12-191	292		
Juvenile delinquency, access expanded 12-133	234		
Medical, APRN certification allowed 12-197	273		
Patient-identifiable data, OHCA disclosure authority expanded 12-170	272		
Pawnbroker precious metals/stones dealers, payment records requirements 12-72	286		
Probate, management/security modifications 12-66	203		
School bus driver applicants, criminal history check timeframe 12-81	297		
School personnel fingerprints, Regional Education Service Centers retention schedule 12-120	68		
Telemedicine data/records, confidentiality 12-109	165		
RECREATION <i>See Sports and Recreation</i>			
RECYCLING <i>See Solid Waste Management</i>			
REGIONAL PLANNING Abandoned/underutilized mills, identification 12-183	36		
Agencies, electronic notification of proposed subdivisions allowed 12-27	253		
Agencies, utility pole data access 12-2 June 12 SS	359		
Capital Region Development Authority, geographic jurisdiction 12-147	28		
RELIGION Condominium religious object display, ban prohibited 12-113	226		
RESEARCH AND DEVELOPMENT Public colleges/universities, test bed authority expanded 12-97	27		
		RESTAURANTS <i>See also Business</i> Perishable food donations, commercial risk insurance coverage requirement 12-123	178
		RETAIL TRADE <i>See also Business; Pawnbrokers</i> Foamed-in-place insulating materials, sale restrictions 12-164 (VETOED).....	291
		Handgun sales records, method/law enforcement access 12-191	292
		Home heating fuel, contract requirement 12-76	115
		Liquor, below cost sales authorized 12-17	111
		Liquor, Sunday sales allowed/hours expanded 12-17	111
		Mercury thermostat collection/recycling program noncompliance, sale prohibited 12-54	88
		"One free item" law, expanded 12-15	111
		Package stores, merchandise expanded 12-17	111
		Pawnbroker precious metals/stones dealers, payment records requirements 12-72	286
		Perishable food donations, commercial risk insurance coverage 12-123	178
		Pet lemon law, veterinary expense reimbursement modifications 12-105	94
		Precious metal/stone dealers, technical statutory corrections 12-204	293
		Prepaid wireless subscribers, enhanced 9-1-1 surcharge 12-153	103
		PRIME program, uses expanded 12-161	32
		Zapper/phantom-ware sale/use, penalties established/tax liability 12-135	103

RETIREMENT AND PENSIONS

See also Teacher Retirement

Adjunct CTC faculty, state retirement plan
waiver allowed
12-52 152

Probate judges, retirement benefit
calculations/spousal entitlement
12-66 203

Probate retiree claims, State Retirement
Commission authority modified
12-66 203

REVENUE SERVICES, DIVISION OF

Enhanced 9-1-1 Telecommunications Fund,
administrative deduction allowed
12-153 103

Zapper/phantom-ware, confiscation allowed
12-135 103

RIVERS

See also Water and Related Resources

Niantic, minimum scallop size increased
12-176 98

ROADS

See Highways and Roads

SALES AND USE TAXES

Vessel storage exemptions, extended
12-175 (VETOED)..... 105

Zapper/phantom-ware violations, tax liability
12-135 103

SCHOOL BOARDS

Paraprofessional family and medical leave,
federal FMLA conformance required
12-43 249

SCHOOL BUSES

Drivers, criminal history check timeframe
12-81 297

Parental notification, student age range over
ten years
12-132 306

SCHOOL CONSTRUCTION

Grant commitments authorized/amended
12-179 76

SCHOOL PERSONNEL

See also Teachers

Diabetes glucagon injection administration,
authorization requirements
12-198 78

Fingerprints, Regional Education Service
Centers retention schedule
12-120 68

Medical advisors, duties modified
12-120 68
12-198 78

Paraprofessionals, family and medical leave
eligibility modified
12-43 249

Special education evaluations, parent meeting
prior to PPT
12-173 74

SCHOOLS AND SCHOOL DISTRICTS

See also Education; Magnet Schools; School Personnel; Students; Teacher Retirement; Teachers

Bridgeport, education loan offer/conditions
12-1 June 12 SS 315

Choice programs, financial support increased
12-116 43

Connecticut Technical High School System
Governing Board, created
12-116 43

Diabetes, student self-testing modifications/
glucagon injection administration authority
12-198 78

Education funding increased
12-116 43

Elementary, physical exercise requirement
12-116 43
12-198 78

Family and medical leave benefits, federal
conformance required
12-43 249

Financial audits/uniform accounting system
use
12-116 43

Glycogen storage disease, individualized health
care action plan development
12-198 78

Hartford, Great Path Academy tuition/operating
grants authority
12-120 68

Low academic performing schools,
identification/intervention
12-116 43

Marijuana palliative use, certain
discrimination/disciplinary actions
prohibited
12-55 197

Restraints/seclusion use, report
requirements
12-88 24

School readiness programs, development/ funding 12-116	43	Higher education institutions, sexual assault/ intimate partner violence policies required 12-78	152
School readiness unexpended funds, applications 12-50	150	Sexual assault counselors definition, military victim advocates/sexual assault prevention coordinator inclusion 12-90	310
Special education excess cost grant eligibility, out-of-district placement 12-173	74	Sexual Assault Forensic Examiners Advisory Committee, extended 12-133	234
Teacher evaluation/support programs, implementation required 12-2 June 12 SS	359		
Vocational-technical student service contracts, state bidding procedure exemption/review 12-206	147		
SCIENCE AND TECHNOLOGY		SHELLFISH	
UConn intellectual property, ownership modifications 12-129	154	<i>See Fish and Game</i>	
SECRETARY OF THE STATE		SITING COUNCIL	
Administrative regulations, online format required 12-92	135	Siting applications, process/considerations modified 12-165	85
Centralized voter registration system, maintenance agreement authorized 12-56	129	SMALL BUSINESS	
Election Day/online voter registration, administration/responsibilities 12-56	129	Development programs, established/expanded 12-1 June 12 SS	315
SENTENCING		SOCIAL SERVICES, DEPT. OF	
<i>See Criminal Procedure</i>		Care-4-Kids child care provider list, compilation/maintenance 12-33	245
SERVICE OF PROCESS		Community Choices program, established 12-119	166
<i>See Civil Procedure</i>		Community health center Medicaid rate, capital cost adjustment 12-85	163
SEWERS AND SEWAGE		"Katie Beckett" waiver, modifications 12-119	166
Municipal project financing, bonds authorized 12-2 June 12 SS	359	Medicare Savings Program income disregard increase, date modified 12-1	163
Septic system installer/cleaner violations, maximum penalty increased 12-197	273	New long-term care beds, moratorium extended 12-118	165
Sewage spill/overflow, DEEP website postings required 12-11	87	Nursing homes in receivership, Medicaid advance payments 12-130	168
SEX CRIMES		Personal care assistance home-care pilot program, repealed 12-119	166
Commercial sexual exploitation of a minor, felony created 12-141	238	Personal care attendant registry list, compilation/maintenance 12-33	245
Compensation authorization, sexual assault/ risk of injury to a minor 12-133	234	Recoveries, third-party beneficiary payments 12-119	166
		State supplement/TFA eligibility, burial funds exclusion modifications 12-36	263

Telemedicine services, federally qualified health centers demonstration project established
 12-109 165

Ventilator-dependent home care, pilot program established
 12-91 164

Veteran's means-tested assistance programs, federal Aid and Attendance Pension benefits disregard
 12-208 168

SOLID WASTE MANAGEMENT
See also Sewers and Sewage

Facility land use, zoning regulations allowed/restrictions
 12-2 87

Mercury thermostat collection/recycling program established
 12-54 88

Out-of-state solid waste disposal, DEEP authorized conditions
 12-188 260

SPECIAL DISTRICTS

Steel Point taxing district, economic development assistance time period extended
 12-144 103

SPECIAL EDUCATION

Deaf/hearing impaired, individualized education program requirements
 12-173 74

Excess cost grant eligibility, out-of-district placement
 12-173 74

Parent meetings prior to PPT, required
 12-173 74

Restraints/seclusion, report requirements
 12-88 24

Special Education Advisory Council, membership
 12-120 68

SPORTS AND RECREATION

College athletics, automatic external defibrillators availability/trained personnel
 12-197 273

State park campsites, lease duration modified
 12-98 90

STATE AGENCIES
See also State Officers and Employees; specific state agencies

Address disclosure prohibition modifications, certain public employees
 12-3 127

Administrative regulations, online format required
 12-92 135

Contracting, private entity services funding increase
 12-104 3

Correspondence, electronic transmission requirement amended
 12-185 144

Electronic facilitation of state programs/ services, OPM contracts authorized
 12-2 June 12 SS 359

Judicial Branch security agreements, authorized scope expanded
 12-133 234

State property ownership/use changes, OPM responsibilities
 12-205 145

Sunset law reviews/termination schedule, modified
 12-143 262

STATE AID
See also School Construction; State Funds

Bridgeport educational loan, offer/conditions
 12-1 June 12 SS 315

Brownfield remediation programs, modifications
 12-183 36

Capitol Scholarship Grant Program, moratorium eliminated
 12-128 154

Education, funding increased
 12-116 43

Higher education grant recipient data, report requirement
 12-94 153

Lead poisoning prevention funding, local health department eligibility criteria
 12-202 280

Renewable energy and efficient energy generation grant program, expanded
 12-189 105

School construction grant commitments, authorized/amended
 12-179 76

Special education excess cost grant eligibility, out-of-district placement 12-173	74	School readiness unexpended funds, early childhood educator grants allowed 12-50	150
Steel Point Special Taxing District, economic development assistance time period extended 12-144	103	Second Injury, noncompliant employer property seizure 12-77	208
Town-aid road grant program, bonds authorized 12-189	105	Unemployment Compensation Trust, maximum balance calculation method modified 12-46	249
Veteran's means-tested assistance programs, federal Aid and Attendance Pension benefits disregard 12-208	168	STATE OFFICERS AND EMPLOYEES <i>See also specific state agency or office</i> Address confidentiality modifications, certain employees 12-3	127
Youth service bureaus, grants 12-120	68	Adjunct CTC faculty, retirement plan waiver allowed 12-52	152
STATE BUDGET		Higher education, annual faculty consulting policy audits 12-129	154
Appropriations, FY13 increased 12-104	3	State Librarian, loaned property/museum records regulations 12-171	72
Appropriations, FY13 revisions 12-1 June 12 SS	315	Vocational-technical service contracts, state bidding procedure exemption 12-206	147
Debt retirement funds, redirected to Budget Reserve Fund 12-104	3	STATE PARKS AND FORESTS Campsites, lease duration modified 12-98	90
Deficiency transfers, FY12 12-104	3	STATE POLICE <i>See Law Enforcement Officers</i>	
STATE BUILDINGS <i>See also Buildings and Building Codes</i> Repairs/improvements, bonds authorized 12-189	105	STATE PROPERTY <i>See also Property and Real Estate; State Buildings; State Parks and Forests</i> Conveyances authorized/amended/repealed 12-2 June 12 SS	359
STATE FUNDS <i>See also State Aid; State Budget</i> Army National Guard state morale, welfare and recreation account, established 12-200	313	Judicial Branch leases, negotiation authority 12-168	240
Budget Reserve, allocation/general fund surplus deposit 12-104	3	Leased inventory maintenance, OPM responsibilities 12-205	145
Enhanced 9-1-1 Telecommunications, administrative deduction allowed 12-153	103	State-owned land, open space preservation plan 12-152	97
General, FY13 appropriations increased 12-104	3	STATE PURCHASING <i>See Government Purchasing</i>	
Judicial Data Processing Revolving, established/administration 12-89	223	STATE TREASURER Northern Ireland investments, divestiture authority expanded 12-203	7
Palliative marijuana administration account, created 12-55	197		
Riverview Hospital Medicaid payments, nonlapsing fund deposit provision repealed 12-119	166		

Second Injury Fund, payment authority expanded 12-77	208	Marijuana palliative use, certain discrimination/disciplinary actions prohibited 12-55	197
STATE-WIDE EMERGENCY		Metro North passes, DOT automatic renewal required 12-132	306
TELECOMMUNICATIONS, OFFICE OF		Remedial support/college readiness programs required, CSU/CTC 12-40	149
Enhanced 9-1-1 redesign study, text message/mobile device communications 12-114	228	Restraints/seclusion on special education students, district report requirements 12-88	24
Public safety data network, technical/operational standards creation 12-68	286		
STATUTES		SUBSTANCE ABUSE	
<i>See also Uniform and Model Laws</i>		<i>See Alcohol and Drug Abuse</i>	
Children/youth, technical revisions 12-35	19	SUNSET LAW	
Education, minor revisions 12-120	68	State agency termination review, modified 12-143	262
Education, revisions 12-59	43	SUPERIOR COURTS	
Higher education, technical changes/obsolete language repealed 12-156	157	<i>See also Courts</i>	
Housing, legislative committee references updated 12-8	161	DCF adoption petitions, authorization/procedure 12-82	21
Insurance, minor/technical changes 12-145	183	SUPREME COURT	
Motor vehicle, revisions 12-81	297	<i>See Courts</i>	
Public health, substantive/technical changes 12-197	273	TAXATION	
Public safety, technical changes 12-204	293	<i>See also Oil and Gas; Property Taxes; Sales and Use Taxes</i>	
STUDENTS		Cigarette, roll-your-own cigarette business applicability 12-1 June 12 SS	315
Busing, parental notification of age range over ten years 12-132	306	Food donation credit prohibition, insurance reimbursement 12-123	178
Capitol Scholarship Grant Program, moratorium eliminated 12-128	154	Petroleum products gross earnings, modifications 12-4	101
Deaf/hearing impaired, individualized education program requirements 12-173	74	TEACHER RETIREMENT	
Diabetes, self-testing/school personnel administration modifications 12-198	78	Surviving spouse benefit options, expanded 12-107	6
Elementary, physical exercise requirement 12-116	43	TEACHERS	
12-198	78	Certification, kindergarten/elementary endorsement modifications 12-63	152
Live Here Learn Here Program, expanded 12-75	27	Early childhood, requirements modified 12-50	150
		Evaluation/support programs, implementation required 12-2 June 12 SS	359

Tenure requirements/termination grounds, modifications 12-116	43	TOBACCO PRODUCTS	
Training, individualized education program implementation required 12-173	74	Roll-your-own businesses, tax/fee/regulation applicability 12-1 June 12 SS	315
Training/qualifications/evaluation systems, modifications 12-116	43	TRAFFIC RULES AND REGULATIONS	
TECHNOLOGY		Certain motor vehicle violations, unclassified penalty designation 12-133	234
Public colleges/universities, test bed authority expanded 12-97	27	Mobile phone use while driving prohibition, ham operator exemption 12-67	285
TELECOMMUNICATIONS		"Move over" law modified 12-19	284
<i>See also Utilities</i>		State Traffic Commission, eliminated/duties transferred to State Traffic Administration Office 12-132	306
9-1-1 subscriber information release, service provider immunity 12-153	103	Wreckers, weight limit/travel distances with disabled vehicles increased 12-81	297
Customer credit, loss of service after emergency 12-148	81	TRANSPORTATION	
Emergency planning/oversight, modifications 12-148	81	<i>See also Airports; Highways and Roads; Motor Vehicles; Railroads; Traffic Rules and Regulations; Trucks and Trucking</i>	
Enhanced 9-1-1 redesign study, text message/ mobile device communications 12-114	228	Fare increase prohibition, services to disabled 12-104	3
Tower siting, municipal consultation timeframe/scope expanded 12-165	85	Repair/improvement, bonds authorized 12-189	105
TELEPHONE COMPANIES		TRANSPORTATION, DEPT. OF	
<i>See Utilities</i>		Airport noise mitigation programs, war veteran set-aside 12-138	28
TELEPHONES		Development/inspection work, consultant use reduction 12-70	295
<i>See also Utilities</i>		Hazardous Waste Establishment Transfer Act, DOT conveyances to CAA exemption 12-196	41
Emergency planning/oversight, modifications 12-148	81	Highway construction/maintenance projects, contract bidding methods 12-70	295
Enhanced 9-1-1, maximum surcharge increased 12-134	290	Metro North student passes, automatic renewal requirement 12-132	306
Enhanced 9-1-1 redesign study, text message/mobile device communications 12-114	228	Railroad crossing/private ways, authority 12-132	306
Enhanced 9-1-1 surcharge, prepaid wireless subscribers 12-153	103	Special DOT operation permits, snowplow exemption 12-132	306
Mobile phone use while driving prohibition, ham operator exemption 12-67	285	State Traffic Administration Office, created 12-132	306
TEMPORARY FAMILY ASSISTANCE			
Eligibility, burial funds exclusion modifications 12-36	263		

TRUCKS AND TRUCKING

- Motor carrier violations, certain criminal penalties eliminated
12-81 297

TRUSTS

See Estates and Trusts

UNEMPLOYMENT COMPENSATION

See also Labor and Employment

- Administrator, employment information sharing with Board of Regents
12-192 158
- Eligibility appeals/in-person hearing discretion limited
12-125 250
- Trust fund, maximum balance calculation method modified
12-46 249

UNFAIR TRADE PRACTICES

See Connecticut Unfair Trade Practices

UNIFORM AND MODEL LAWS

- Adult Protective Proceedings Jurisdiction Act, adoption
12-22 189
- Common Interest Ownership Act, modifications
12-180 (VETOED)..... 241
- Connecticut Uniform Electronic Transaction Act, electronic record/security procedure redefined
12-185 144
- Model Entity Transaction Act, exempted transactions modified
12-32 9

UNIVERSITY OF CONNECTICUT

See also Colleges and Universities; Higher Education

- Board of Regents, oversight authority reduced
12-129 154
- Health Center audit, collectible accounts receivable verification eliminated
12-129 154
- Intellectual property ownership, changes
12-129 154

UTILITIES

See also Electric Companies; Energy; Oil and Gas; Telecommunications

- Emergency preparedness/service restoration, minimum performance guidelines
12-148 81

- Utility pole data, municipal GIS analyst access
12-2 June 12 SS 359

VETERANS

See also Military

- Charitable organization fundraising with intent to defraud, misdemeanor
12-195 312
- Means-tested assistance programs, federal Aid and Attendance Pension benefits disregard
12-208 168
- Pretrial diversionary programs, eligibility modifications
12-42 309
- War/veteran memorials desecration, felonies established
12-38 309
- War veteran set-aside, airport noise mitigation programs
12-138 28

VETERANS' AFFAIRS, DEPT. OF

- Qualified veterans' charitable organizations, list creation required
12-195 312

VICTIM SERVICES, OFFICE OF

- Reimbursement liens expanded
12-133 234

VITAL RECORDS

See Birth Certificates; Death; Records and Recordkeeping

VOCATIONAL EDUCATION

- Connecticut Technical High School System Governing Board, created
12-116 43

VOTERS AND VOTING

See also Elections; Primaries

- Absentee ballot restrictions eliminated, constitutional amendment
2012 sHJ 2 127
- Absentee ballot use, primary/election/ referendum officials
12-193 144
- Absentee ballots, military/overseas returns by email/fax allowed
12-117 (VETOED) 137
- Centralized voter registration system, SOTS maintenance agreement authorized
12-56 129
- Election Day/online registration, permitted
12-56 129

Felon voting rights, disenfranchisement notification procedures modified 12-73 (VETOED).....	133	Handgun sales records, method/law enforcement access 12-191	292
Permanent absentee ballots for disabled, procedures modified 12-57	133	WELFARE <i>See also Social Services, Dept. of</i>	
Registration transfer, new voter application requirement 12-73 (VETOED).....	133	WETLANDS Permits, validity period/timeframe restrictions 12-151	256
Supervised absentee ballot designees, service prohibition 12-73 (VETOED).....	133	WILDLIFE <i>See Fish and Game</i>	
Voter influencing/intimidation, penalties increased 12-193	144	WILLS <i>See Estates and Trusts</i>	
Voting/registration fraud, perjury penalties 12-56	129	WOMEN Breast MRI coverage, American Cancer Society guidelines 12-150	184
WAGES <i>See also Labor and Employment</i>		WORKERS' COMPENSATION Firefighter PTSD diagnosis, eligibility/limitations 12-126	250
Judicial Compensation Commission, created 12-93	224	Second Injury Fund, noncompliant employer property seizure 12-77	208
Payment schedule, authorized exception expanded 12-83	250	WORKFORCE DEVELOPMENT <i>See Job Training</i>	
WATER AND RELATED RESOURCES <i>See also Rivers; Water Pollution</i>		ZONING <i>See Planning and Zoning</i>	
Coastal jurisdiction line, defined 12-101	92		
Coastal Management Act, changes 12-101	92		
Tidal/coastal water activities appeals, DEEP hearing required 12-100	91		
WATER POLLUTION			
Clean Water Fund financing project eligibility, expanded 12-155	256		
Phosphorus fertilizers, restrictions 12-155	256		
Stormwater/wastewater discharge permitting process, requirements 12-172	34		
Water quality certification appeals, DEEP hearing required 12-100	91		
WEAPONS			
Firearm permit/certificate data, federal probation officer access authorized 12-177	240		
Firearms databank, changes 12-16	283		

INDEX BY PA NUMBER

12-1 163	12-57 133	12-113 226
12-2 87	12-58 20	12-114 228
12-3 127	12-59 43	12-115 232
12-4 101	12-60 285	12-116 43
12-5 187	12-61 169	12-117 (VETOED) 137
12-6 1	12-62 266	12-118 165
12-7 149	12-63 152	12-119 166
12-8 161	12-64 254	12-120 68
12-9 283	12-65 27	12-121 305
12-10 149	12-66 203	12-122 122
12-11 87	12-67 285	12-123 178
12-12 111	12-68 286	12-124 233
12-13 263	12-69 255	12-125 250
12-14 189	12-70 295	12-126 250
12-15 111	12-71 20	12-127 96
12-16 283	12-72 286	12-128 154
12-17 111	12-73 (VETOED) 133	12-129 154
12-18 113	12-74 206	12-130 168
12-19 284	12-75 27	12-131 122
12-20 87	12-76 115	12-132 306
12-21 88	12-77 208	12-133 234
12-22 189	12-78 152	12-134 290
12-23 9	12-79 119	12-135 103
12-24 161	12-80 208	12-136 267
12-25 195	12-81 297	12-137 1
12-26 253	12-82 21	12-138 28
12-27 253	12-83 250	12-139 179
12-28 114	12-84 90	12-140 267
12-29 196	12-85 163	12-141 238
12-30 263	12-86 223	12-142 239
12-31 149	12-87 310	12-143 262
12-32 9	12-88 24	12-144 103
12-33 245	12-89 223	12-145 183
12-34 (VETOED) 253	12-90 310	12-146 255
12-35 19	12-91 164	12-147 28
12-36 263	12-92 135	12-148 81
12-37 264	12-93 224	12-149 155
12-38 309	12-94 153	12-150 184
12-39 265	12-95 120	12-151 256
12-40 149	12-96 11	12-152 97
12-41 161	12-97 27	12-153 103
12-42 309	12-98 90	12-154 156
12-43 249	12-99 287	12-155 256
12-44 169	12-100 91	12-156 157
12-45 196	12-101 92	12-157 258
12-46 249	12-102 169	12-158 268
12-47 253	12-103 171	12-159 268
12-48 284	12-104 3	12-160 291
12-49 129	12-105 94	12-161 32
12-50 150	12-106 18	12-162 184
12-51 19	12-107 6	12-163 269
12-52 152	12-108 95	12-164 (VETOED) 291
12-53 19	12-109 165	12-165 85
12-54 88	12-110 261	12-166 270
12-55 197	12-111 225	12-167 97
12-56 129	12-112 226	12-168 240

12-169	125
12-170	272
12-171	72
12-172	34
12-173	74
12-174	98
12-175 (VETOED).....	105
12-176	98
12-177	240
12-178	241
12-179	76
12-180 (VETOED).....	241
12-181 (VETOED).....	99
12-182	259
12-183	36
12-184	292
12-185	144
12-186	242
12-187	260
12-188	260
12-189	105
12-190	185
12-191	292
12-192	158
12-193	144
12-194	145
12-195	312
12-196	41
12-197	273
12-198	78
12-199	125
12-200	313
12-201	25
12-202	280
12-203	7
12-204	293
12-205	145
12-206	147
12-207	281
12-208	168
12-1 June 12 SS	315
12-2 June 12 SS	359
2012 sHJ 2.....	127